Constitutional Sex Discrimination
Lee Epstein, Andrew D. Martin, Lisa Baldez, & Tasina Nitschke Nihiser

On the Freedom to Associate or Not to Associate with Others
Thomas Kleven

The Sullivan Decision
Anthony Lewis

The Writ of Habeas Corpus After Cone v. State
Nicole M. Grida
2004-2005 EDITORIAL BOARD

LEONARD O. EVANS III
Editor-In-Chief

RICHARD S. GREENE IV
Managing Editor

GIANNA MAIO
Publications Editor

TAMMI T. GAULDIN
Research Editor

DAVID DOTHARD
Articles Editor

AMY M. LIGHTER STEILL
Deputy Research Editor

MELODY S. SMITH
Deputy Research Editor

Editors-At-Large
MARK CASTLEBERRY
L. NICHOLE CUNNINGHAM
MATTHEW F. MILLER

Editors
MAHA M. AYESH
LAURA E. BROWN
NICOLE M. GRIDDA

JOSEPH P. HYDER
W. DEREK MALCOLM
GEORGE EDWARD S. PETTIGREW
ANGELA J. WILLIAMS

Published by Trace: Tennessee Research and Creative Exchange, 2004
THE TENNESSEE JOURNAL OF LAW & POLICY

FACULTY ADVISORS

PENNY J. WHITE
Associate Professor, College of Law

OTIS H. STEPHENS, PH.D.
Alumni Distinguished Service Professor of Political Science and Resident Scholar of Constitutional Law

UNIVERSITY OF TENNESSEE COLLEGE OF LAW ADMINISTRATION

THOMAS C. GALLIGAN, JR.
Dean and Alvin E. Overton Distinguished Professor of Law

JOHN L. SOBIESKI, JR.
Lindsay Young Distinguished Professor of Law and Associate Dean for Academic Affairs

RACHEL E. INMAN
Assistant Dean for Student Affairs

Publication of contributions does not signify adoption of the views expressed therein by the TENNESSEE JOURNAL OF LAW & POLICY, its editors, or the University of Tennessee College of Law.
CONTENTS

Constitutional Sex Discrimination
Lee Epstein, Andrew D. Martin, Lisa Baldez, & Tasina Nitschke Nihiser 11

On the Freedom to Associate or Not to Associate with Others
Thomas Kleven 69

The Sullivan Decision
Anthony Lewis 135

The Writ of Habeas Corpus After Cone v. State
Nicole M. Grida 153
TENNESSEE JOURNAL OF LAW & POLICY [VOL. I, 1]
More than a year ago, a small group of law students founded a new organization at the University of Tennessee College of Law that would devote itself to publishing a journal that explores the issues at the intersection of law and public policy. With this Inaugural Issue, those students, whose names are listed at the front of this publication, have established that journal, the TENNESSEE JOURNAL OF LAW & POLICY.

Like other law journals, the TENNESSEE JOURNAL OF LAW & POLICY will publish leading articles on timely subjects by lawyers, judges, journalists, and scholars. Notes and comments on important legal cases and public policies, based upon careful research, will also be published. Perhaps unlike traditional law journals, however, the JOURNAL will look beyond traditional legal scholarship and publish significant essays, commentaries and addresses by leading news and policy makers.

A student editorial board will be responsible for managing the JOURNAL’s affairs. The editing and preparation of materials for publication will be done by student editors who are selected on the basis of scholarship and general ability. The Comments and Notes will be written by student editors. Two members of the Law Faculty, Penny J. White, Associate Professor of Law, and Otis H. Stephens, Alumni Distinguished Service Professor of Political Science and Resident Scholar of Constitutional Law, will serve in an advisory capacity.

Professors White and Stephens already deserve extraordinary praise for their patience and enthusiasm. Future editorial boards and student editors will be guided, as we have been, by their wise counsel.
The JOURNAL could not have been established without the support of Thomas C. Galligan, Jr., the College of Law Dean and Elvin E. Overton Distinguished Professor of Law. His generosity and continued commitment to the TENNESSEE JOURNAL OF LAW & POLICY will ensure its continued success. Also deserving of our thanks is George W. Kuney, Associate Professor of Law and Director of the Clayton Center for Entrepreneurial Law, whose guidance in the early stages was, and continues to be, invaluable.

With each Issue, the TENNESSEE JOURNAL OF LAW & POLICY endeavors to enhance the public’s understanding of questions of law and public policy. We hope this Inaugural Issue is only the first step.

LEONARD EVANS,
Editor-in-Chief

RICHARD GREENE,
Managing Editor