

1998

1998-1999 Supreme Court Preview: Contents

Institute of Bill of Rights Law at the William & Mary Law School

Repository Citation

Institute of Bill of Rights Law at the William & Mary Law School, "1998-1999 Supreme Court Preview: Contents" (1998). *Supreme Court Preview*. 120.

<https://scholarship.law.wm.edu/preview/120>

Copyright c 1998 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

<https://scholarship.law.wm.edu/preview>

1998-99 Supreme Court Preview

Table of Contents

SECTION 1:	MOOT COURT ARGUMENT <i>Chicago v. Morales, Docket Number 97-1121</i>	
	NARRATIVE SUMMARY, Darren Welch	1
	Synopsis and Questions Presented	3
	<i>Chicago v. Morales, Supreme Court of Illinois opinion</i>	4
	<i>U.S. Supreme Court Plea Pits City Against Rights Group, Steve Lash</i>	10
	<i>Court to Rule on Loitering Law Aimed at Ganges, Joan Biskupic</i>	13
	<i>High Court Studies Loitering Law, Linda Greenhouse</i>	15
	<i>Prosecutors are Turning to Powerful Federal Statutes and Some Handy Local Ordinances to Stop Gangs in Their Tracks, John Gibeaut</i>	17
	<i>Social Organization and Drug Law Enforcement, Tracey L. Meares</i>	20
SECTION 2:	THE DIRECTION OF THE COURT <i>Reflections on the Recent Past and Implications for the Future</i>	
	NARRATIVE SUMMARY, <i>The Direction of the Court: Reflections on the Recent Past and Implications for the Future</i> , Troy R. Rackham	23
	<i>Supreme Court Acts Boldly, Reveals Evolving Alliances; Conservatives Part Ways on Some Close Decisions, Lyle Denniston</i>	25
	<i>A Supreme Court That Suburbia Could Love, Robert Marquand</i>	29
	<i>Supreme Court Weaves Legal Principles From a Tangle of Litigation, Linda Greenhouse</i>	32
	<i>Top 10 Rulings the Biggest Cases from this Supreme Court Term, Linda Greenhouse</i>	40
	<i>This Term, the Supreme Court Ruled to the Nations Beat, Joan Biskupic</i>	42
	<i>Nine Supreme Individualists: A Guide to the Conversation, Joan Biskupic</i>	48
	<i>Kennedy's Vote Key in Close Cases, Associated Press</i>	52
	<i>High Court's Colorful Man in Black Justice Scalia, Robert Marquand</i>	53
	<i>Arguing Thomas' Case Again; An Invitation To Speak Raises Anew The</i>	

<i>Controversy Surrounding Supreme Court Justice Clarence Thomas, Lyle Denniston</i>	58
<i>Justice Thomas Defends Viewpoints, Richard Carelli</i>	61
<i>Clinton's Justices Pave Supreme Court's Middle Road, Robert Marquand</i>	63
<i>Retirement Could Be On the Docket, Tony Mauro</i>	65
<i>Supreme Politics: Who'd Replace Justice Stevens? Paul Gigot</i>	67

SECTION 3: BUSINESS, COMMERCE & PROPERTY

◆	LAST TERM:FUNDING SOURCE FOR LEGAL AID ORGANIZATIONS CALLED INTO QUESTION THE ILLEGALITY OF IOLTA FUNDING	
	<i>Justices Deal Serback to Method of Funding Legal Aid to the Poor, Edward Felsenthal</i>	69
	<i>\$100 Million in Legal Services Funding Is Placed In Doubt by a Supreme Court Ruling, Linda Greenhouse</i>	71
◆	LAST TERM:ANTITRUST-- "MAXIMUM PRICE FIXING" NOW LEGAL	
	<i>High Court Approves Retail Price Ceilings; Decision to Overturn Precedent Allows Manufacturers to Set Limits on What Sellers Charge for Goods, David G. Savage</i>	74
	<i>High Court Says Price Ceilings and Some 'Fixing' Are Allowed, Linda Greenhouse</i>	77
◆	LAST TERM:CREDIT UNIONS' POSSIBLE MEMBERSHIP LIMITED BY SUPREME COURT	
	<i>High Court Limits Credit Unions' Membership Range, Joan Biskupic</i>	80
	<i>Credit Unions Lose to Banks in High Court, Linda Greenhouse</i>	82
◆	NEW CASE:THE TELECOMMUNICATIONS ACT OF 1996 AND THE F.E.C. AUTHORITY TO REGULATE PRICES FOR LOCAL PHONE SERVICE CONVERSION	
	NARRATIVE SUMMARY, <i>AT&T Corp. v. Iowa Utilities Board</i> , Troy R. Rackham	85
	<i>Supreme Court Accepts Phone Rivalry Case, Joan Biskupic and Mike Mills</i>	87
	<i>Supreme Court Emboldens FCC, New CLECs, But Interconnection Ruling Unlikely Before 1999, Telecommunications Reports</i>	90
	<i>Court to Speed Review of Ruling in Local Phone Competition Case, Edward Felsenthal</i>	93

	Synopsis and Questions Presented: <i>AT&T Corp. v. Iowa Utilities Board # 97-826</i>	94
	IOWA UTILITIES BOARD v. FEDERAL COMMUNICATIONS COMMISSION, 120 F.3d 753 (8 th Cir.)	95
◆	NEW CASE: CLASS ACTION SUITS	
	NARRATIVE SUMMARY, <i>Ortiz v. Fibreboard Corp.</i> , Darren Welch	113
	<i>High Court Rejects Class Formed For Asbestos Deal</i> , Mark A. Hoffman	114
	<i>Court Again Looks at Asbestos</i> , Michael Kirkland	118
	<i>Sup. Ct. Vacates Order Approving Fibreboard Settlement, Remands</i> , ANDREWS TOBACCO INDUSTRY LITIGATION REPORTER	119
	<i>Maritime Claimants, Ortiz Objectors Seek Sup. Ct. Review of Ahearn</i> , ANDREWS ASBESTOS LITIGATION REPORTER	121
	Synopsis and Questions Presented: <i>Ortiz v. Fibreboard Corp #97-1704</i>	125
	FLANAGAN v. AHEARN, 134 F.3d 668 (5 th Cir. 1998)	126
◆	NEW CASE: OBSERVATION BASED EXPERT TESTIMONY	
	NARRATIVE SUMMARY, <i>Kumho Tire Co. v. Carmichael</i> , Darren Welch	128
	<i>Expert Witnesses Under Court Scrutiny</i> , Miles Moore	130
	<i>Supreme Court to Review Use of Scientific Experts</i> , NEW ORLEANS TIMES-PICAYUNE	132
	<i>The Daubert Decision: Gatekeeper or Executioner?</i> , Larry E. Cohen	134
	Synopsis and Questions Presented, <i>Kumho Tire Co. v. Carmichael #97-1709</i>	138
	CARMICHAEL v. SAMYANG TIRE, INC., 131 F.3d 1433 (1997)	139
◆	NEW CASE: ARBITRATION AND FEDERAL CIVIL RIGHTS	
	NARRATIVE SUMMARY, <i>Wright v. Universal Maritime Service Corp.</i> , Troy R. Rackham	143
	<i>Supreme Court Will Consider Arbitration's Role at Work</i> , Linda Greenhouse	144
	<i>Arbitrating Discrimination Cases Under Union Contracts</i> , Charles A. Edwards, Esq.	146
	<i>Mandatory Arbitration: A Pill Many Are Forced to Swallow</i> , Stephanie Armour	148

	Synopsis and Questions Presented: <i>Wright v. Universal Maritime Service Corp.</i> #97-889	153
	WRIGHT v. UNIVERSAL MARITIME SERVICE CORP., 121 F.3d 702 (4 th Cir. 1998)	154
SECTION 4:	CRIMINAL LAW & PROCEDURE	
◆	LAST TERM: EXCESSIVE FINES	
	<i>A Check on Excess: Court Puts Rare Harness on Fines</i> , James Kilpatrick	156
	<i>Forfeiture of Cash at LAX Struck Down</i> , David G. Savage	158
◆	LAST TERM: NO-KNOCK SEARCHES	
	<i>United States v. Ramirez</i> , Paul Butler	161
	<i>Police Get Broader Search Leeway</i> , Laurie Asseo	165
◆	NEW CASE: BLANKET AUTHORITY TO SEARCH VEHICLE AND DRIVER IN TRAFFIC STOP	
	NARRATIVE SUMMARY, <i>Knowles v. Iowa</i> , Darren Welch	167
	<i>National Association of Police Organizations Files Amicus Curiae Brief To U.S. Supreme Court</i> , U.S. Newswire	169
	<i>Seat-Belt Crackdown: More Police Searches?</i> Editorial, THE DES MOINES REGISTER	172
	<i>Beyond Privacy, Beyond Probable Cause, Beyond The Fourth Amendment</i> , Timothy O'Neill	173
	Synopsis and Questions Presented, <i>Iowa v. Knowles</i> #97-7597	177
	KNOWLES v. IOWA, 569 N.W.2d 601 (Iowa 1997)	178
◆	NEW CASE: VISUAL SEARCHES	
	NARRATIVE SUMMARY, <i>Minnesota v. Carter</i> , Darren Welch	180
	<i>Connecticut Search and Seizure Law</i> (Summary of Federal Search and Seizure Law, eds.), Bruce R. Lockwood	181
	<i>Glimpse of Drugs Held to Justify Warrantless Search</i> , Deborah Pines	183
	Synopsis and Questions Presented: <i>Minnesota v. Carter</i> #97-1147	185
	STATE v. CARTER, 569 N.W. 2d 169 (Minn. 1997)	186

◆	NEW CASE: SELF-INCRIMINATION IN SENTENCING PROCEEDINGS	
	NARRATIVE SUMMARY, <i>Mitchell v. U.S.</i> , Darren Welch	193
	<i>Top Court To Review Right to Remain Silent Drug Sentencing Hearing at Issue</i> , Glen Elasser	195
	<i>Third Circuit Denies Self-Incrimination Privilege at Sentencing Hearing</i> , HARVARD LAW REVIEW	197
	<i>Third Circuit Refuses to Apply Fifth Amendment to Sentencing Proceedings</i> , David S. Rudolf and Thomas K. Maher	199
	Synopsis and Questions Presented: <i>Mitchell v. U.S.</i> #97-7541	201
	MITCHELL v. U.S. 61 CrL 1552 (1997)	202
◆	NEW CASE: THE FEDERAL CARJACKING STATUTE-“SERIOUS BODILY INJURY” CLAUSE	
	NARRATIVE SUMMARY, <i>Jones v. U.S.</i> , Darren Welch	204
	<i>Court to Hear Carjacking Arguments</i> , THE LEGAL INTELLIGENCER	206
	<i>Putting the Brakes on Carjacking or Accelerating It?</i> , F. Georgann Wing	208
	<i>The Federal Carjacking Statute: To Be or Not To Be?</i> , Mary C. Michenfelder	210
	Synopsis and Questions Presented: <i>Jones v. U.S.</i> #97-6203	212
	UNITED STATES v. OLIVER, 60 F.3d 547 (9 th Cir. 1995)	213
◆	NEW CASE: THE FEDERAL CARJACKING STATUTE-CONDITIONAL OR SPECIFIC INTENT	
	NARRATIVE SUMMARY, <i>Holloway v. U.S.</i> , Darren Welch	218
	<i>High Court to Weigh Statute on Intent to Harm in Carjackings</i> , Richard Carelli	220
	<i>Judge Defines Intent Element in Carjack Law</i> , Bill Alden	221
	Synopsis and Questions Presented: <i>Holloway v. U.S.</i> #97-7164	223
	U.S. v. ARNOLD, 126 F.3d 82 (2 nd Cir. 1997)	224

SECTION 5: CIVIL RIGHTS

◆	LAST TERM: SEXUAL HARASSMENT	
	<i>Court Term Concentrated on Harassment, Individual</i> , Aaron Epstein	231
	<i>The Supreme Court: The Workplace; Court Spells Out Rules for Finding</i>	

	<i>Sex Harassment</i> , Linda Greenhouse	234
	<i>High Court Draws Line on Sexual Harassment; Employers Held Liable; Suit Threshold Eased</i> , Joan Biskupic	238
	<i>Sex Harassment and Double Standards</i> , Marcia D. Greenberger and Verna L. Williams	241
◆	LAST TERM: THE AMERICANS WITH DISABILITIES ACT	
	<i>Disability Law Covers HIV, Justices Hold; 5-4 Ruling Gives Protection Before AIDS Develops</i> , Joan Biskupic and Amy Goldstein	243
	<i>Disability of Logic</i> , Chai Feldblum	246
◆	LAST TERM: CIVIL LIABILITY FOR HIGH-SPEED POLICE CHASES	
	<i>To Incur Liability, Actions Must 'Shock the Conscience,'</i> The National Law Journal	251
	<i>Scalia Mocks Inconsistent High Court</i> , James Kilpatrick	252
◆	LAST TERM: THE NEA'S GENERAL STANDARD OF DECENCY	
	<i>More of O'Connor's Muddled Moderation; Majority Opinion on Endowment for Arts Placates Both Sides</i> , Stuart Taylor Jr.	254
	<i>NEA Law on Decency is Upheld</i> , Patti Hartigan	258
◆	NEW CASE: THE ILLEGAL IMMIGRATION REFORM AND RESPONSIBILITY ACT OF 1996 AND FEDERAL COURT JURISDICTION OVER THE VALID CONSTITUTIONAL CLAIMS OF ILLEGAL IMMIGRANTS	
	NARRATIVE SUMMARY, <i>Reno v. American-Arab Anti-Discrimination Committee</i> , Troy R. Rackham	261
	<i>High Court To Review Immigration Law of '96</i> , Joan Biskupic	263
	<i>Court to Review Deportation Case of Activists</i> , David G. Savage	265
	<i>Court to Test Immigration Law</i> , Laurie Asseo	267
	Synopsis and Questions Presented: <i>Reno v. American-Arab Anti-Discrimination Committee #97-1252</i>	269
	AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE v. RENO, 119 F.3d 1367 (9 th Cir.)	270
◆	NEW CASE: STATES' INITIATIVE ELECTION REGULATIONS AND THE FIRST AMENDMENT	

NARRATIVE SUMMARY, <i>Buckley v. American Constitutional Law Foundation</i> , Troy R. Rackham	278
<i>Court Agrees to Colorado Ballot Petition Rules</i> , Richard Carelli	280
<i>High Court to Review Colorado's Petition Limits</i> , Michael Romano	282
Synopsis and Questions Presented: <i>Buckley v. American Constitutional Law Foundation #97-930</i>	283
AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC. v. MEYER, 120 F.3d 1092 (11 th Cir.)	284

◆ NEW CASE: THE INDIVIDUALS WITH DISABILITIES ACT AND NURSES IN PUBLIC SCHOOLS

NARRATIVE SUMMARY, <i>Cedar Rapids Community School District v. Garret F.</i> , Troy R. Rackham	293
<i>Court to Decide School-Nurses Case</i> , Richard Carelli	294
<i>Supreme Court Review Sought in Health Care Ruling</i> , The Special Educator	296
Synopsis and Questions Presented: <i>Cedar Rapids Community School District v. Garret F. #96-1793</i>	297
CEDAR RAPIDS COMMUNITY SCHOOL DISTRICT v. GARRET F., 106 F.3d. 822 (8 th Cir. 1996)	298

SECTION 6: THE COURT AND THE PUBLIC
How the Media Covers the Court

NARRATIVE SUMMARY, The Supreme Court and the Public, Darren Welch	301
<i>The Mysterious Supreme Court: Only the Supreme Court is Closed to Television</i> , Nat Hentoff	302
<i>Justice at the High Court: Not Blind Enough?</i> , Lawrence R. Velvel	305
<i>Betraying a Trust</i> , Gretchen Craft Rubin	307
<i>The Supreme Court Must Bear Scrutiny</i> , Edward Lazarus	309
<i>Supreme Court's Greatest Hits</i> , William Safire	311
<i>Justices Unamused By Insider Look at Court</i> , Tony Perry	313
<i>Fair Play: 'Free Speech' Justices Shouldn't Fight Airing of Argument Tapes</i> , Gideon Kanner	315
<i>Marshall's Papers Create Supreme Stir</i> , Tony Mauro	318
<i>High Court Displays Obsessive Concern, Anguish Over Privacy</i> , Linda	

	Greenhouse	321
	<i>What the Nation Needs is Supreme Court TV</i> , Tom Brazaitis	324
	<i>Souter Signals He's Not Ready For Prime Time</i> , Tony Mauro	326
	<i>News Media Coverage of the United States Supreme Court</i> , Stephen J. Wermeil	329
	<i>The Supreme Court of Canada and the Media</i> , James W. O'Reilly	344
SECTION 7:	LOOKING AHEAD:	
	<i>Upcoming Issues in the Court</i>	
◆	INVESTIGATING THE PRESIDENT	
	NARRATIVE SUMMARY, Protective Function Privilege and Attorney-Client Privilege in the Kenneth Starr Investigation, Darren Welch	354
	<i>Court Rejects Privilege Claim; White House Loses Appeal on Shielding Attorney-Client Talks</i> , Ruth Marcus	356
	<i>Executive Privilege: Lindsey Must Testify</i> , THE HOTLINE	359
	<i>Court Rulings Against Clinton Squeeze Presidential Powers</i> , Francine Kiefer	361
	<i>President's Bodyguards Are Ordered to Testify</i> , Brian McGrory	363
	<i>Appeals Court Orders Clinton Guards to Testify</i> , Lyle Denniston	367
◆	ANTI-GAY ORDINANCES AFTER ROMER	
	NARRATIVE SUMMARY, <i>Anti-Gay Ordinances After Romer, Equality Foundation of Greater Cincinnati Inc., v. City of Cincinnati</i> , Darren Welch	370
	<i>City Urges New Gay Rights Fight at High Court</i> , Rinat Fried	372
	<i>Gay Groups Are Angry at Sexual Preference Ruling</i> , David E. Rovella	374
	<i>Appeals Court Upholds Anti-Gay Rights Measure</i> , Joan Biskupic	377
◆	DOES THE F.D.A. HAVE THE AUTHORITY TO REGULATE TOBACCO?	
	NARRATIVE SUMMARY, <i>The FDA's Authority to Regulate Tobacco</i> , Darren Welch	379
	<i>FDA Lacks Power to Regulate Tobacco: Appeals-Court Ruling Shifts Debate on Teen Smoking to a Reluctant Congress</i> , Milo Geyelin and Greg Hitt	380
◆	GAYS IN THE MILITARY	

	NARRATIVE SUMMARY, <i>Constitutionality of the “Don’t Ask, Don’t Tell” Policy, Able, et al. v. Cohen</i> , Darren Welch	383
	<i>Pentagon Issues Changes to Policy on Gays</i> , Paul Richter	384
	<i>“Don’t Ask, Don’t Tell” Policy on Gays in Military is Upheld</i> , Richard Carelli	386
	<i>Appeals Court Backs Military Policy, Upholds Discharge of Two Gay Men</i> , Henry Weinstein	388
◆	SCHOOL VOUCHERS	
	NARRATIVE SUMMARY, <i>School Vouchers and the Establishment Clause</i> , Troy R. Rackham	390
	<i>School Choice and the Supreme Court</i> , Clint Bolick	392
	<i>Wisconsin Wins School Voucher Case: State Ruling, Allowing Tax Money for Religious Education, Could Be Test Case</i> , Joan Biskupic	395
	<i>Breaching the Church-State Wall</i> , Editorial, NEW YORK TIMES	398
	<i>The Nation: Church, State and SchoolC Squeezing Through the Holes in the Wall of Separation</i> , Ethan Bronner	400
◆	PARTIAL-BIRTH ABORTION BANS	
	NARRATIVE SUMMARY, <i>The Constitutionality of Partial-Birth Abortions</i> , Troy R. Rackham	403
	<i>Block Law on Abortions, Center Asks; Three Judge Panel Requested to Act</i> , Pamela Stallsmith	405
	<i>Judge Backs Virginia Limits on Abortions</i> , Michael Janofsky	407
	<i>Appeals Judge Lets Va. Limit Late Abortions; Injunction Overturned; Statute Goes Into Effect</i> , Spencer S. Hsu	409
◆	IS THE RELIGIOUS FREEDOM RESTORATION ACT STILL ALIVE?	
	NARRATIVE SUMMARY, <i>The Religious Freedom Restoration Act’s Vitality as to Federal Law</i> , Troy R. Rackham	413
	<i>Free Exercise Gives Courts A Workout: Appeals Panel Protects Bankrupts’ Tithes and Bankrupts’ Tithes and Resurrects Religious Freedom Act</i> , Steve France	415
	<i>Religious Freedom Act is Alive</i> , Frank Jossi	419
◆	THE COMMERCE CLAUSE AFTER LOPEZ: IS THE VIOLENCE AGAINST WOMEN ACT AN UNCONSTITUTIONAL USE OF THE	

COMMERCE POWER

NARRATIVE SUMMARY, *The Violence Against Women Act and Lopez*,
Troy R. Rackham 421

Civil Rights Law Withstands Early Constitutional Test, Margo L. Ely 423

Rape As 'Commerce' Constitutes A Reach, James J. Kilpatrick 427

CENSUS TAKING

NARRATIVE SUMMARY, *Census Methodology: Head Counting or Sampling?*,
Darren Welch 429

Court Avoids Plan to Use Sampling for 2000 Census, Steven A. Holmes 430

SECTION 8: ALSO THIS TERM 434

SECTION 9: DEATH OF LEWIS POWELL

Lewis Powell, Crucial Centrist Justice, Dies at 90, Linda Greenhouse 443

Retired Justice Lewis Powell Dies at 90, Joan Biskupic and Fred Barbash 452

1998-99 Supreme Court Preview

Acknowledgments

The Advocate

Joel Gyan Jr., *States Get Edge From Tobacco Ruling, Ieyoub Says*. The Advocate, Copyright 8 1998 Capital City Press; Reprinted with permission.

The American Bar Association Journal

Steve France, *Free Exercise Gives Courts A Workout: Appeals Panel Protects Bankrupts' Tithes and Bankrupts' Tithes and Resurrects Religious Freedom Act*. AMERICAN BAR ASSOCIATION JOURNAL, July 1998, Volume 84, page 18. Copyright 8 1998 The American Bar Journal; Reprinted with permission.

Steve France, *A Constitutional Seesaw*. AMERICAN BAR ASSOCIATION JOURNAL, July 1998, Volume 84, page 18. Copyright 8 1998 The American Bar Journal; Reprinted with permission.

John Gibeaut, *Prosecutors are Turning to Powerful Federal statutes and Some Handy Local Ordinances to Stop Criminal Street Gangs in Their Tracks*. ABA Journal, Copyright 8 1998 American Bar Association; John Gibeaut; Reprinted with permission.

American Criminal Law Review

Tracy L. Meares, *Social Organization and Drug Law Enforcement*. American Criminal Law Review, Copyright 8 1998 Georgetown University Law Center; Tracey L. Meares; Reprinted with permission.

American Law Reports

Russell G. Donaldson, J.D., *Validity, Construction, and Application of Anti-Car Theft Act 18 U.S.C.A. s 2119*. American Law Reports. Copyright 8 1997 Lawyers Cooperative Publishing, a division of Thomson Information Services Inc.; Reprinted with permission.

Andrews Asbestos Litigation Reporter

Andrews Asbestos Litigation Reporter, *Maritime Claimants, Ortiz Objectors Seek Supreme Court Review of Ahearn*. Copyright 8 1998 Andrews Publications; Reprinted with permission.

Andrews Employment Litigation Reporter

Andrews Employment Litigation Reporter, *Supreme Court Vacates Order Approving Fibreboard Settlement, Remands*. Copyright 8 1997 Andrews Publications; Reprinted with permission.

Andrews Tobacco Industry Litigation Reporter

Andrews Tobacco Industry Litigation Reporter, *Supreme Court Will Decide Affect of CBA Terms on Federal Claims*. Copyright 8 1998 Andrews Litigation Reporter; Reprinted with permission.

The Arizona Republic

Aaron Epstein, *Court Term Concentrated on Harassment, Individual*. THE ARIZONA REPUBLIC, June 28, 1998. The Arizona Republic, Copyright 8 1998 Phoenix Newspapers, Inc. Print permission originally granted by Knight-Ridder News Service, reprinted with permission of Tribune Media Services.

Associated Press

Laurie Asseo, *Court to Test Immigration Law*. AP ONLINE, June 1, 1998. Copyright 8 1998. The Associated Press. All rights reserved.

Associated Press, *Kennedy's Vote Key in Close Cases*. THE SAN DIEGO UNION-TRIBUNE, June 19, 1998. Copyright 8 1998 The San Diego Union-Tribune, reprinted with permission of The Associated Press, Copyright 8 1998. All rights reserved.

Richard Carelli, *Court Agrees to Colorado Ballot Petition Rules*. ASSOCIATED PRESS, Feb. 23, 1998. Copyright 8 1998. The Associated Press. All rights reserved.

Richard Carelli, *Court to Decide School-Nurses Case*. THE ASSOCIATED PRESS, May 18, 1998. Copyright 8 1998. The Associated Press. All rights reserved.

Richard Carelli, *Justice Thomas Defends Viewpoints*. THE ASSOCIATED PRESS, July 29, 1998. Copyright 8 1998 The Associated Press. All rights Reserved.

The Baltimore Sun

Lyle Denniston, *Supreme Court Acts Boldly, Reveals Evolving Alliances; Conservatives Part Ways on Some Close Decisions*. THE BALTIMORE SUN, June 28, 1998. Reprinted with permission, The Baltimore Sun; Copyright 1998.

Lyle Denniston, *Supreme Court Acts Boldly, Reveals Evolving Alliances; Conservatives Part Ways on Some Close Decisions*. Reprinted with permission, The Baltimore Sun; Copyright 1998.

Lyle Denniston, *Arguing Thomas' Case Again; An Invitation To Speak Raises Anew The Controversy Surrounding Supreme Court Justice Clarence Thomas*. THE BALTIMORE SUN, July 28, 1998, page A1. Reprinted with permission, The Baltimore Sun; Copyright 1998.

The Boston Globe

Patti Hartigan, *NEA Law on Decency is Upheld*. The Boston Globe, Copyright 8 1998 Globe Newspaper Co.; Reprinted with permission.

Brian McGrory, *President's Bodyguards are Ordered to Testify*. The Boston Globe, Copyright 8 1998 Globe Newspaper Company. Reprinted with permission.

Bridgeport Law Review

Bruce R. Lockwood, *Connecticut Search & Seizure Law: The Connecticut Supreme Court Should Adopt a Good Faith Exception to the Exclusionary Rule to Article First, Section 7, of the Connecticut Constitution*. Copyright 8 1993 Bridgeport Law Review Association; Bruce R. Lockwood; Reprinted with permission.

The Buffalo News

Richard Carelli, *High Court to Weigh Statute on Intent to Harm in Carjackings*. Copyright 8 1998 The Buffalo News; Reprinted with permission.

Business Insurance

Mark A. Hoffmann, *High Court Rejects Class Formed for Asbestos Deal*. Business Insurance. Copyright 8 1997 Crain Communications Inc.; Reprinted with permission.

Champion

David S. Rudolf and Thomas K. Maher, *Third Circuit Refuses to Apply Fifth Amendment to Sentencing Proceedings*. Champion, Copyright 8 1998 National Association of Criminal Defense Lawyers, Inc., David S. Rudolf, Thomas K.

Maher; Reprinted with permission.

Chicago Law Bulletin

Margo L. Ely, *Civil Rights Law Withstands Early Constitutional Test*. CHICAGO LAW BULLETIN, Feb. 9, 1998, volume 144, number 27. Copyright © 1998 by Law Bulletin Publishing Company. Reprinted with permission.

Steve Lash, *U.S. Supreme Court Plea Pits City Against Rights Group*. Chicago Daily Law Bulletin, Copyright © 1998 Law Bulletin Publishing Co.; Reprinted with permission.

The Chicago Tribune

Glen Elasser, *Top Court to Review Right to Remain Silent; Drug Sentencing Hearing at Issue*. Copyright © 1998 Chicago Tribune; Reprinted with permission.

The Christian Science Monitor

Francine Kiefer, *Court Rulings Against Clinton Squeeze Presidential Powers*. The Christian Science Monitor, Copyright © 1998 The Christian Science Publishing Society.

Robert Marquand, *Clinton's Justices Pave Supreme Court's Middle Road*. THE CHRISTIAN SCIENCE MONITOR, July 9, 1998. Copyright © 1998 The Christian Science Monitor; Reprinted with permission.

Robert Marquand, *A Supreme Court That Suburbia Could Love*. THE CHRISTIAN SCIENCE MONITOR, June 29, 1998. Copyright © 1998 The Christian Science Monitor; Reprinted with permission.

Robert Marquand, *High Court's Colorful Man in Black Justice Scalia*. THE CHRISTIAN SCIENCE MONITOR, March 3, 1998. Copyright © 1998 The Christian Science Monitor; Reprinted with permission.

The Commercial Appeal

David G. Savage, *Attorney-Client Privilege Prevails in Foster Case*. The Commercial Appeal, Copyright © 1998 Southeastern Newspapers Corporation; Reprinted with permission.

The Dallas Morning News

Tony Perry, *Justices Unamused by Insider Look at Court: Lawyer Releases Audiotapes Found in Archives*. Copyright © 1993, The Dallas Morning News.

The Des Moines Editorial

The Des Moines Editorial, *Seat-belt Crackdown: More Police Searches?* Copyright © 1998 The Des Moines Register; Reprinted with permission.

Fulton County Daily Report

Stuart Taylor Jr., *More of O'Connor's Muddled Moderation; Majority Opinion on Endowment for Arts Placates Both Sides*. Fulton County Daily Report, Copyright © 1998 American Lawyer Media, L.P.

Harvard Law Review

Harvard Law Review, *Criminal Procedure- Fifth Amendment- Third Circuit Denies Self-Incrimination Privilege at Sentencing Hearing- United States v. Mitchell, 122 F.3d 185 (3d Cir. 1997)*. Copyright © 1998 Harvard Law Review Association; Reprinted with permission.

The Hotline

The Hotline, *Executive Privilege: Lindsey Must Testify*. Copyright © 1998 The American Political Network, Inc.; Reprinted with permission.

The Houston Chronicle

Linda Greenhouse, *High Court Displays Obsessive Concern, Anguish Over Privacy*. Copyright © 1993 The Houston Chronicle Publishing Co.; Reprinted with permission.

L.A. Times

David G. Savage, *High Court Approves Retail Price Ceilings; Decision to Overturn Precedent Allows Manufacturers to Set Limits on What Sellers Charge for Goods*. L.A. TIMES, Nov. 5, 1997, page A1. Copyright © 1998 The Times Mirror Company; Reprinted with permission.

David G. Savage, *Court to Review Deportation Case of Activists*. L.A. TIMES, June 2, 1998. Copyright © 1998 The Times Mirror Company; Reprinted with permission.

David G. Savage, *Forfeiture of Cash at LAX Struck Down*. Los Angeles Times, Copyright © 1998 The Times Mirror Company; Reprinted with permission.

David G. Savage, *Ruling Threatens Legal Aid Funding; Interest from Lawyers Trust Accounts Is Used to Help Retain Counsel. Supreme Court Says Money is Property of Clients, Not Government*. Copyright © 1998 The Times Mirror Company; Reprinted with permission.

The Legal Intelligencer

Laurie Asseo, *Police Get Broader Search Leeway*. The Legal Intelligencer, Copyright © 1998 Legal Communications, Ltd. Reprinted with permission.

The Legal Intelligencer, *Court to Hear Carjacking Arguments*. Copyright © 1998 Legal Communications, Ltd; Reprinted with permission.

Legal Times

Paul Butler, *United States v. Ramirez*. Legal Times, Copyright © 1998 American Lawyer Newspapers Group Inc.; Reprinted with permission

Gerald H. Yamada, *A Race-Based Waste Case*. LEGAL TIMES, June 1, 1998, page S35. Legal Times, Copyright © 1998 American Lawyer Newspapers Group, Inc.; Reprinted with permission.

The Montgomery Advertiser

James J. Kilpatrick, *Scalia Mocks Inconsistent High Court*. THE MONTGOMERY ADVERTISER, June 20, 1998, page 10A. The Montgomery Advertiser Copyright © 1998. Taken from a James J. Kilpatrick column by James J. Kilpatrick. Dist. by Universal Press Syndicate. Reprinted with permission. All rights reserved.

The National Law Journal

John Chambers, *Environmental Law*. THE NATIONAL LAW JOURNAL, June 22, 1998, page B6. The National Law Journal, Copyright © 1998 New York Law Publishing, Inc.; Reprinted with permission.

Julie R. Domike and Arthur W. Ray, *EPA, Courts Focus on Title VI Issues in Locating Industrial Plants in Low-Income Areas*. THE NATIONAL LAW JOURNAL, Dec. 1, 1997. The National Law Journal, Copyright © 1998 New York Law Publishing, Inc.; Reprinted with permission.

Charles A. Edwards, Esq., *Arbitrating Discrimination Cases Under Union Contracts*. THE NATIONAL LAW JOURNAL, May 4, 1998, Volume 20, number 36. Copyright © 1998 New York Law Publishing, Inc.; Reprinted with permission.

Frank Jossi, *Religious Freedom Act is Alive*. THE NATIONAL LAW JOURNAL, April 27, 1998, pg. A8. The National Law Journal, Copyright 8 1998 New York Law Publishing, Inc.; Reprinted with permission.

David E. Rovella, *Gay Groups are Angry at Sexual Preference Ruling*. The National Law Journal, Copyright 8 1997 The New York Law Publishing Co.; Reprinted with permission.

The National Law Journal, *To Incur Liability, Actions Must 'Shock the Conscience.'* THE NATIONAL LAW JOURNAL, June 8, 1998. Copyright 8 1998 New York Law Publishing, Inc.; Reprinted with permission.

The New Orleans Times-Picayune

The New Orleans Times-Picayune, *Supreme Court To Review Use of Scientific Experts*. Copyright 8 1998 The New Orleans Times-Picayune; Reprinted with Permission.

The New York Law Journal

Bill Alden, *Judge Defines Intent Element in Carjack Law; Congress's 'Carelessness' in Drafting Criticized*. New York Law Journal. Copyright 8 1996 New York Law Publishing Co.; Reprinted with permission.

Deborah Pines, *Glimpse of Drugs Held to Justify Warrantless Search*. New York Law Journal, Copyright 8 1997 New York Law Publishing Co.; Reprinted with permission.

The New York Times

Ethan Bronner, *The Nation: Church, State and School C Squeezing Through the Holes in the Wall of Separation*. THE NEW YORK TIMES, June 28, 1998, page 3, section 4, column 1. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Marcia D. Greenberger and Verna L. Williams, *Sex Harassment and Double Standards*. THE NEW YORK TIMES, June 30, 1998, Page A23, column 1. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *Supreme Court Will Consider Arbitration's Role at Work*. THE NEW YORK TIMES, Page A14, column 1. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *Supreme Court Weaves Legal Principles From a Tangle of Litigation*. THE NEW YORK TIMES, June 30, 1998, page A20, column 1. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *Top 10 Rulings C the Biggest Cases from this Supreme Court Term*. THE NEW YORK TIMES, June 30, 1998, page A20, column 1. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *High Court Says Price Ceilings and Some 'Fixing' Are Allowed*. THE NEW YORK TIMES, Nov. 5, 1997, page A1. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *The Supreme Court: The Workplace; Court Spells Out Rules for Finding Sex Harassment*. THE NEW YORK TIMES, June 22, 1998, Page A1, column 5. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *Credit Unions Lose to Banks in High Court*. THE NEW YORK TIMES, Feb. 26, 1998. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Linda Greenhouse, *\$100 Million in Legal Services Funding Is Placed In Doubt by a Supreme Court Ruling*. THE NEW YORK TIMES, June 16, 1998, page A18. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

Michael Janofsky, *Judge Backs Virginia Limits on Abortions*. THE NEW YORK TIMES, July 2, 1998, Page A12, column 6. Copyright 8 1998 by The New York Times Company; Reprinted with permission.

New York Times Editorial, *Breaching the Church-State Wall*. THE NEW YORK TIMES, June 12, 1998, Page A20, column 1. Copyright © 1998 The New York Times Company; Reprinted with permission.

Pennsylvania Law Journal

Gideon Kanner, *Fair Play; 'Free Speech' Justices Shouldn't Fight Airing of Argument Tapes*. Pennsylvania Law Journal, Copyright © 1993 Legal Communications, LTD.

The Plain Dealer

Tom Brazaitis, *What the Nation Needs is Supreme Court TV*. Copyright © 1997 Plain Dealer Publishing Co.; Reprinted with permission.

The Post and Courier

James J. Kilpatrick, *A Check on Excess: Court Puts Rare Harness on Fines*. Copyright © 1998 The Post and Courier (Charleston, S.C.); Reprinted with permission.

The Recorder

Chai Feldblum, *Disability of Logic*. THE RECORDER, July 15, 1998, page 15. Copyright © 1998 American Lawyer Media, L.P.; Reprinted with permission.

Rinat Fried, *City Urges New Gay Rights Fight at High Court*. Copyright © 1998 The Recorder; Reprinted with permission.

The Richmond Times-Dispatch

Tom Campbell, *Appeals Court Orders Another Hearing in Tobacco Lawsuit*. Copyright © The Richmond Times Dispatch; Reprinted with permission.

Pamela Stallsmith, *Block Law on Abortions, Center Asks; Three Judge Panel Requested to Act*. RICHMOND TIMES-DISPATCH, July 8, 1998. Richmond Times-Dispatch. Copyright © 1998. Reprinted with permission.

The Rocky Mountain News

Michael Romano, *High Court to Review Colorado's Petition Limits*. THE ROCKY MOUNTAIN NEWS, Feb. 24, 1998, page 9A. Rocky Mountain News, Copyright © 1998 Denver Publishing Co.; Reprinted with permission.

Rubber and Plastics News

Miles Moore, *Expert Witnesses Under Court Scrutiny*. Rubber & Plastics News. Copyright © 1998 Crain Communications, Inc.; Reprinted with permission.

The Sacramento Bee

William Safire, *Supreme Court's Greatest Hits*. The Sacramento Bee, Copyright © 1993 McClatchy Newspapers, Inc.; Reprinted with permission.

Saint Louis University Law Review

Mary C. Michenfelder, *The Federal Carjacking Statute: To Be or Not to Be? An Analysis of the Propriety of 18 U.S.C. § 2119*. Saint Louis University Law Journal. Copyright © 1995 St. Louis University School of Law: Mary C. Michenfelder, Reprinted with permission.

The Special Educator

The Special Educator, *Supreme Court Review Sought in Health Care Ruling*. THE SPECIAL EDUCATOR, Mar. 28, 1997, volume 12, number 16. Copyright © 1998 LRP Publications, Inc.; Reprinted with permission.

The Tampa Tribune

James J. Kilpatrick, *Rape As 'Commerce' Constitutes A Reach*. THE TAMPA TRIBUNE, Jan. 1, 1997. The Tampa Tribune Copyright 8 1998. Taken from a James J. Kilpatrick column by James J. Kilpatrick. Dist. by Universal Press Syndicate. Reprinted with permission. All rights reserved.

Telecommunications Reports

Telecommunications Reports, *Supreme Court Emboldens FCC, New CLECs, But Interconnection Ruling Unlikely Before 1999*. TELECOMMUNICATIONS REPORTS, Feb. 2, 1998, volume 64, page 5. Copyright 8 1998 Telecommunications Reports International, Inc.; Reprinted with permission.

Trial

Larry E. Cohen, *The Daubert Decision: Gatekeeper or Executioner*. Trial, Copyright 8 1996 Association of Trial Lawyers of America; Reprinted with permission.

University of Colorado Law Review

Timothy P. O'Neill, *Beyond Privacy, Beyond Probable Cause, Beyond the Fourth Amendment: New Strategies for Fighting Pretext Arrests*. Copyright 8 1998 University of Colorado Law Review, Inc.; Timothy P O'neill; Reprinted with permission.

U.S. Newswire

U.S. Newswire, *National Association of Police Organizations Files Amicus Brief to U.S. Supreme Court*. Copyright 8 1998 U.S. Newswire; Reprinted with Permission.

USA TODAY

Stephanie Armour, *Mandatory Arbitration: A Pill Many Are Forced to Swallow*. USA TODAY, July 9, 1998. Copyright 8 1998. USA TODAY. Reprinted with permission.

Tony Mauro, *Retirement Could Be On the Docket*. USA TODAY, June 26, 1998. Copyright 8 1998. USA TODAY; Reprinted with permission.

Nat Hentoff, *The Mysterious Supreme Court: Only the Supreme Court is Closed to Television*. The Village Voice, Copyright 8 1997 VV Publishing Corp. Reprinted with permission.

Universal Press Syndicate

Michael Kirkland, *Court Again Looks at Asbestos*. Copyright 8 1998 United Press International. Reprinted with permission. All rights reserved.

University of Richmond Law Review

F. Georgann Wing, *Putting the Brakes on Carjacking or Accelerating it? The Anti Car Theft Act of 1992*. Copyright 8 1994 University of Richmond Law Review Association; F. Georgann Wing; Reprinted with permission.

Wall Street Journal

Clint Bolick, *School Choice and the Supreme Court*. THE WALL STREET JOURNAL, June 15, 1998. The Wall Street Journal, Copyright 8 1998 Dow Jones & Co., Inc.; Reprinted with permission.

Edward Felsenthal, *Justices Deal Setback to Method of Funding Legal Aid to the Poor*. THE WALL STREET JOURNAL,

June 16, 1998. The Wall Street Journal, Copyright 8 1998 Dow Jones & Co., Inc.; published with permission via The Copyright Clearance Center, Inc.

Edward Felsenthal, *Court to Speed Review of Ruling in Local Phone Competition Case*. THE WALL STREET JOURNAL, January 13, 1998. The Wall Street Journal, Copyright 8 1998 Dow Jones & Co., Inc.; printed with permission via The Copyright Clearance Center, Inc.

Paul Gigot, *Supreme Politics: Who'd Replace Justice Stevens?* THE WALL STREET JOURNAL, May 29, 1998. The Wall Street Journal, Copyright 8 1998 Dow Jones & Co., Inc.; Published with permission via The Copyright Clearance Center, Inc.

Washington Post

Joan Biskupic, *Appeals Court Upholds Anti-Gay Rights Measure, 1993 Cincinnati Initiative Restricts Actions By City*. Copyright 8 1997 The Washington Post; Reprinted with permission.

Joan Biskupic, *Court to Rule on Loitering Law Aimed at Ganges; Chicago Officials Say Ordinance Deters Presence; Rights Groups Call it Unconstitutional*. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *High Court Draws Line on Sexual Harassment; Employers Held Liable; Suit Threshold Eased*. THE WASHINGTON POST, June 22, 1998. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *High Court Limits Credit Unions' Membership Range*. THE WASHINGTON POST, Feb. 26, 1998, page A6. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *Nine Supreme Individualists: A Guide to the Conversation*. THE WASHINGTON POST, April 28, 1998, pg. A15. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *Supreme Court Accepts Phone Rivalry Case*. THE WASHINGTON POST, Jan. 27, 1998. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *This Term, the Supreme Court Ruled to the Nations Beat*. THE WASHINGTON POST, June 28, 1998. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *High Court To Review Immigration Law of '96*. THE WASHINGTON POST, June 2, 1998. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic, *Wisconsin Wins School Voucher Case: State Ruling, Allowing Tax Money for Religious Education, Could Be Test Case*. THE WASHINGTON POST, June 11, 1998. Copyright 8 1998 The Washington Post; Reprinted with permission.

Joan Biskupic and Amy Goldstein, *Disability Law Covers HIV, Justices Hold; 5-4 Ruling Gives Protection Before AIDS Develops*. THE WASHINGTON POST, June 16, 1998, page A1. Copyright 8 1998 The Washington Post; Reprinted with permission.

Spencer S. Hsu, *Appeals Judge Lets Va. Limit Late Abortions; Injunction Overturned; Statute Goes Into Effect*. THE WASHINGTON POST, July 1, 1998, pg. A01. Copyright 8 1998 The Washington Post; Reprinted with permission.

Lawrence R. Velvel, *Justice at the High Court: Not Blind Enough?* Copyright 8 1998 The Washington Post; Reprinted with permission.

Washington Post Editorial, *The Supreme Court Must Bear Scrutiny*. Copyright 8 1998 The Washington Post; Reprinted with permission.