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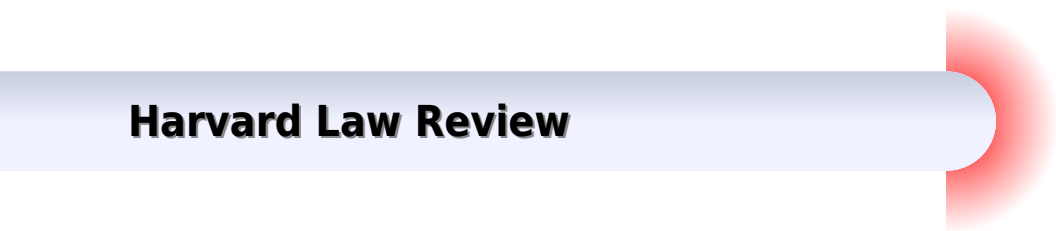
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# Harvard Law Review Volume 129 Number 1 November 2015

**Harvard Law Review**



## **Harvard Law Review Volume 129 Number 1 November 2015:**

Harvard Law Review: Volume 129, Number 1 - November 2015 Harvard Law Review, 2015-11-10 The November issue of the Harvard Law Review is the special annual review of the U S Supreme Court's previous Term. Each year the issue is introduced by noteworthy and extensive contributions from recognized scholars. In this issue for the 2014 Term, articles include: Foreword, Does the Constitution Mean What It Says, by David A. Strauss; Comment, Imperfect Statutes, Imperfect Courts: Understanding Congress's Plan in the Era of Unorthodox Lawmaking, by Abbe R. Gluck; Comment, Zivotofsky II as Precedent in the Executive Branch, by Jack Goldsmith; Comment, A New Birth of Freedom: Obergefell v. Hodges, by Kenji Yoshino. In addition, the first issue of each new volume provides an extensive summary of the important cases of the previous Supreme Court docket covering a wide range of legal, political, and constitutional subjects. Student commentary on Leading Cases of the 2014 Term includes recent cases on private rights of action and Medicaid government speech under the First Amendment; judicial campaign speech; Fourth Amendment standing; reasonable mistakes of law for searches and seizure; regulatory takings under the Fifth Amendment; preliminary injunctions in death penalty cases; separation of powers in bankruptcy jurisdiction; legislative control of redistricting; racial gerrymandering under the Fourteenth Amendment; dormant commerce clause and personal income tax; changing interpretive rules in administrative law; residual clause of the Armed Career Criminal Act; cost-benefit analysis under the Clean Air Act; mens rea for violating federal threats law; disparate impact and racial equality in fair housing law; nondelegation doctrine in the context of railroad passenger law; religious liberty and land use; Sherman Act; state action immunity and destruction of evidence under Sarbanes-Oxley. Complete statistical graphs and tables of the Court's actions and results during the Term are included. These summaries and statistics, including voting patterns of individual justices, have been considered very useful to scholars of the Court in law and political science. The issue includes a linked Table of Cases and citations for the opinions. Finally, the issue features two summaries of Recent Publications. The Harvard Law Review is offered in a quality digital edition featuring active Contents, linked footnotes, active URLs, legible tables, and proper ebook and Bluebook formatting. This current issue of the Review is November 2015, the first issue of academic year 2015-2016. **Volume 129**

## **Harvard Law Review: Volume 129, Number 4 - February 2016**

Harvard Law Review, 2016-02-09 The February 2016 issue, Number 4, features these contents: Article, Constitutional Bad Faith, by David E. Pozen; Book Review, No Immunity: Race, Class, and Civil Liberties in Times of Health Crisis, by Michele Goodwin; FTC regulation of data security; voting rights; disparate impact and the Texas voter ID law; and fair labor primary beneficiary and unpaid interns. The issue includes analysis of Recent Regulations on Dodd-Frank and mandatory pay disclosure and on Clean Air Act regulation of carbon emissions from existing power plants. Also included are a Recent Event comment on the killing of a non-university affiliate by campus police and a Recent Book comment on Richard McAdams' 2015 book, The Expressive Powers of Law. Finally, the issue includes several brief comments on Recent Publications. The Harvard Law Review

is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the fourth issue of academic year 2015 2016 **Harvard Law Review:**

**Volume 129, Number 8 - June 2016** Harvard Law Review, 2016-06-10 The June 2016 issue Number 8 features these contents Article Systemic Facts Toward Institutional Awareness in Criminal Courts by Andrew Manuel Crespo Book Review Fixing Statutory Interpretation by Brett M Kavanaugh Book Review Knowledge and Politics in International Law by Samuel Moyn Note Major Question Objections Note Chinese Common Law Guiding Cases and Judicial Reform Note OSHA's Feasibility Policy The Implications of the Infeasibility of Respirators Furthermore student commentary analyzes Recent Cases on sex discrimination implications of gender normed FBI fitness requirements trademark law and the antidisparagement rule as a constitutional problem practical elimination of the adverse interest exception as a defense to fraud on the market claims deference to administrative agency's amicus brief's interpretation of student loan regulations parties analysis of fair use before issuing copyright violation takedown notice causation standards for penalty enhancement in Controlled Substances Act cases and admiralty jurisdiction and removal to federal court after a 2011 amendment to 28 USC 1441 Finally the issue includes several brief comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible graphics from the original and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the eighth and final issue of academic year 2015 2016 **Harvard Law Review:**

**Volume 129, Number 3 - January 2016** Harvard Law Review, 2016-01-10 The January 2016 issue Number 3 features these contents Article Presidential Intelligence by Samuel J Rascoff Book Review The Struggle for Administrative Legitimacy by Jeremy K Kessler on Daniel Ernst's book about the administrative state Note Existence Value Standing Note Rethinking Closely Regulated Industries In addition student commentary analyzes Recent Cases on compelled disclosures in commercial speech due process notice of procedures to challenge a local ordinance standing after liquidation actions taken under Dodd Frank exaction and takings by acquiring equity shares in AIG religious liberty after Hobby Lobby bias intimidation laws and mens rea and whether document production is the practice of law under labor law The issue includes analysis of a Recent Court Filing by the DOJ supporting a meaningful juvenile right to counsel Finally the issue includes comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500

pages per volume Student editors make all editorial and organizational decisions This is the third issue of academic year 2015 2016 *Harvard Law Review: Volume 131, Number 1 - November 2017* Harvard Law Review, 2017-11-07 The November issue is the special annual review of the U S Supreme Court s previous Term Each year the Supreme Court issue is introduced by noteworthy and extensive contributions from recognized scholars In this issue for the 2016 Term articles include Foreword 1930s Redux The Administrative State Under Siege by Gillian E Metzger Essay Unprecedented Judicial Confirmation Battles and the Search for a Usable Past by Josh Chafetz Comment Churches Playgrounds Government Dollars and Schools by Douglas Laycock Comment Equality Sovereignty and the Family in Morales Santana by Kristin A Collins In addition the first issue of each new volume provides an extensive summary of the important cases of the previous Supreme Court docket covering a wide range of legal political and constitutional subjects Student commentary is thus provided on eighteen of the Leading Cases of the 2016 Term including such subjects as racial gerrymandering freedom of speech regulatory takings right to effective counsel equal protection appellate jurisdiction fair housing immigration law insider trading venue in patent cases and remedies for constitutional violations Complete statistical graphs and tables of the Court s actions and results during the Term are included these summaries and statistics including voting patterns of individual Justices have long been considered very useful to scholars of the Court in law and political science Finally the issue includes a linked Index of Cases and citations for the discussed opinions The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting This current issue of the Review is November 2017 the first issue of academic year 2017 2018 Volume 131 The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions **Harvard Law Review: Volume 129, Number 5 - March 2016** Harvard Law Review, 2016-03-09 The March 2016 issue No 5 features these contents Article Marriage Equality and the New Parenthood by Douglas NeJaime Essay Horizontal Shareholding by Einer Elhauge Book Review Keeping Track Surveillance Control and the Expansion of the Carceral State by Kathryn M Young and Joan Petersilia Note Constitutional Courts and International Law Revisiting the Transatlantic Divide Note Defining the Press Exemption from Campaign Finance Restrictions Note Let the End Be Legitimate Questioning the Value of Heightened Scrutiny s Compelling and Important Interest Inquiries In addition student commentary analyzes Recent Cases on state abortion laws and precedent expectation of privacy in pocket dial tax deductions for medical marijuana dispensary appointments clause test for executive branch reassignments takings by residential inclusionary zoning and statutory interpretation using corpus linguistics A commentary focuses on the Recent Court Filing by the DOJ arguing that a city ordinance prohibiting camping and sleeping outdoors violates the Eighth Amendment Finally the issue includes two brief comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents

linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the fifth issue of academic year 2015 2016     **Harvard Law Review: Volume 128, Number 8 - June 2015** Harvard Law Review,2015-06-10 The Harvard Law Review June 2015 is offered in a digital edition Contents include Article Active Avoidance The Modern Supreme Court and Legal Change by Neal Kumar Katyal and Thomas P Schmidt Article The Invention of Low Value Speech by Genevieve Lakier Book Review Crown and Constitution by Tara Helfman Note Causation in Environmental Law Lessons from Toxic Torts In addition the issue features extensive student commentary on Recent Cases and policy positions including such subjects as corporate board of directors duties in mergers under the Revlon doctrine the propriety of a Delaware corporation s bylaws designating a non Delaware exclusive forum availability of habeas corpus review for sentencing error as to career offender enhancement whether remand orders can be vacated under Federal Rule of Civil Procedure 60 b 3 whether housing providers can delay review of reasonable accommodations under fair housing law by requesting extraneous information and as to immigration law analysis of the opinion by the Office of Legal Counsel endorsing President Obama s Executive Order on deferred action for parental accountability Finally the issue features summaries of Recent Publications as well as a detailed and cumulative Index for all eight issues of Volume 128 The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review comes out monthly from November through June and has roughly 2300 pages per volume The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is June 2015 the eighth and final issue of academic year 2014 2015 Volume 128 This quality digital edition from Quid Pro Books features active Contents linked notes active URLs in notes and proper ebook and Bluebook formatting     Harvard Law Review: Volume 130, Number 1 - November 2016 Harvard Law Review,2016-11-10     **Harvard Law Review: Volume 129, Number 7 - May 2016** Harvard Law Review,2016-05-10 The May 2016 issue Number 7 features these contents Article The Positive Law Model of the Fourth Amendment by William Baude and James Y Stern Essay Deference and Due Process by Adrian Vermeule Book Review How to Explain Things with Force by Mark Greenberg Note Free Speech Doctrine After Reed v Town of Gilbert Furthermore student commentary analyzes Recent Cases on the Affordable Care Act and the origination clause statutory interpretation and the Video Privacy Protection Act and commercial speech doctrine and the FDA s power to prosecute non misleading statements after modifying text Other commentary examines South Carolina s legislative effort to to disqualify companies who support BDS from receiving state contracts and the NLRB s adjudicative ruling to classify canvassers as employees not independent contractors Finally the issue includes several brief comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active

URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the seventh issue of academic year 2015 2016 [Harvard Law Review: Volume 131, Number 8 - June 2018](#) Harvard Law Review,2018-06-07 **Harvard Law Review: Volume 130, Number 8 - June 2017** Harvard Law Review,2017-06-01 Contents of Harvard Law Review Volume 130 Number 8 June 2017 include Article The Judicial Presumption of Police Expertise by Anna Lvovsky Essay The Debate That Never Was by Nicos Stavropoulos Essay Hart s Posthumous Reply by Ronald Dworkin Book Review Cooperative and Uncooperative Foreign Affairs Federalism by Jean Galbraith Note Rethinking Actual Causation in Tort Law Note The Justiciability of Servicemember Suits Note The Substantive Waiver Doctrine in Employment Arbitration Law Furthermore student commentary analyzes Recent Cases on requiring proof of administrative feasibility to satisfy class action Rule 23 whether prison gerrymandering violates the Equal Protection Clause justiciability of suit against the government for military sexual assaults whether criminal procedure requires retroactive application of *Hurst v Florida* to pre Ring cases whether statutory interpretation s rule of lenity requires fixing cocaine possession penalties by total drug weight and in international law the UN s Security Council asserting Israel s settlement activities to be illegal Finally the issue includes several summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2300 pages per volume Student editors make all editorial and organizational decisions This is the final issue of academic year 2016 2017 **Harvard Law Review: Volume 130, Number 3 - January 2017** Harvard Law Review,2017-01-11 [Harvard Law Review: Volume 130, Number 4 - February 2017](#) Harvard Law Review,2017-02-08

**Harvard Law Review: Volume 131, Number 6 - April 2018** Harvard Law Review,2018-04-08 *Harvard Law Review: Volume 131, Number 2 - December 2017* Harvard Law Review,2017-12-13 **The Influence of the United States of America on Reaffirming the Principle of Equality in Portuguese** Guilherme Machado Dray,2017-03-01 The principle of equality and non discrimination is part of the democratic ideal and is currently accepted as a minimum standard throughout the mainstream Western culture This book tends to highlight something that is often forgotten the role played by the United States of America in the universal reaffirmation of the principle of equality The struggle for equal rights is part of the United States history From the 1776 Declaration of Independence to the 1964 Civil Rights Act the path taken was always progressive and evolutionary so much so that it can be said that equality and non discrimination on one hand and social mobility on the other hand are part of the American Way of Life and the American Dream The present book also contains a description of the legal framework regarding equality in access to employment in Portuguese speaking countries The author

concludes that despite the differences that typically exist between the legal systems of Common Law in which the United States of America are included and the Roman Germanic systems in which the Portuguese speaking countries are included in some areas they intersect and said differences are blurred namely regarding equality and non discrimination in accessing employment This book is useful both to law and legal markers lawyers and law students from the two legal systems For the Portuguese it is an opportunity to understand the role played by U S case law in addressing this subject for the Americans it can provide knowledge about the principle of equal access to employment applied in Portuguese speaking countries across four different continents including Portugal Europe Brazil South America Angola Africa and East Timor Asia [Harvard Law Review: Volume 130, Number 6 - April 2017](#) Harvard Law Review,2017-04-10 [Harvard Law Review](#) Harvard Law Review,2018-05-08 *Lex Petrolea and International Investment Law* Nima Mersadi Tabari,2016-09-01 *Lex Petrolea and International Investment Law* Law and Practice in the Persian Gulf offers readers a detailed analysis of jurisprudence on the settlement of upstream petroleum disputes between host states in the Persian Gulf and foreign investors Dr Nima Mersadi Tabari considers the historical political and socio economic roots of the existing frameworks and levels of protection offered to foreign investors With particular focus on petroleum related disputes he initially delivers a comprehensive survey of the jurisprudence of international investment law and investment treaty arbitration Following on from this in three dedicated chapters the author provides in depth analysis of the legal regimes governing the matter in the major producers of the region Saudi Arabia Iraq and Iran A key resource for all professionals working on legal issues arising from foreign direct investments in natural resources this book draws a detailed picture of the legal regime governing the upstream sector in the most important geographical region for the international oil and gas sector *Colonial Racial Capitalism* Susan Koshy,Lisa Marie Cacho,Jodi Byrd,Brian Jordan Jefferson,2022-08-29 The contributors to *Colonial Racial Capitalism* consider anti Blackness human commodification and slave labor alongside the history of Indigenous dispossession and the uneven development of colonized lands across the globe They demonstrate the co constitution and entanglement of slavery and colonialism from the conquest of the New World through industrial capitalism to contemporary financial capitalism Among other topics the essays explore the historical suturing of Blackness and Black people to debt the violence of uranium mining on Indigenous lands in Canada and the Belgian Congo how municipal property assessment and waste management software encodes and produces racial difference how Puerto Rican police crackdowns on protestors in 2010 and 2011 drew on decades of policing racially and economically marginalized people and how historic sites in Los Angeles County narrate the Mexican American War in ways that occlude the war s imperialist groundings The volume s analytic of colonial racial capitalism opens new frameworks for understanding the persistence of violence precarity and inequality in modern society Contributors Joanne Barker Jodi A Byrd Lisa Marie Cacho Michael Dawson Iyko Day Ruth Wilson Gilmore Alyosha Goldstein Cheryl I Harris Kimberly Kay Hoang Brian Jordan Jefferson Susan Koshy Marisol LeBr n Jodi Melamed Laura Pulido

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