

INDIANA LAW REVIEW

TRIBUTES

Jeffrey W. Grove Tribute
Gerald L. Bepko

Tribute to Jeff Grove
James W. Torke

Tribute to Jeffrey W. Grove
Lawrence P. Wilkins

INDIANA STATE BAR ASSOCIATION CONFERENCE ON RELATIONS BETWEEN CONGRESS AND THE FEDERAL COURTS

Improving Relations Between Congress and the Federal Courts: An Introduction
Tim A. Baker

The Chief Justice on Capitol Hill: Extending the Humphrey-Hawkins Model
Gerard N. Magliocca

Conference on Relations Between Congress and the Federal Courts
A Stenographic Record

NOTES

Finding Rest in Peace and Not in Speech: The Government's Interest in Privacy
Protection in and Around Funerals
Amanda Asbury

Global Warming: A Questionable Use of the Political Question Doctrine
Erin Casper Borissov

When Policies Collide: Citizenship Documentation Requirements and Barriers to
Obtaining Photo Identification—The New Medicaid Citizenship Requirement
as a Case Illustration
Meredith A. Devlin

Employers Beware: *Burlington Northern v. White* and the New Title VII
Anti-Retaliation Standard
Christopher J. Eckhart



INDIANA UNIVERSITY

SCHOOL OF LAW-INDIANAPOLIS
IUPUI



BNA's Law School Program

Multiple platforms, more choices
—for staff and students.

Delivery of timely information is one of the cornerstones of BNA's success. Now, BNA delivers services electronically, through IP authentication, to all law school faculty staff and their students.

By subscribing to any of four law school-wide electronic packages or building your own custom package, you can give your students access to the same valuable information as practicing attorneys. They'll conduct research and follow changes in the law in the same way senior partners do. Your students will not only be prepared for internships and clerkships, they'll be better equipped for any job.

To learn more about BNA's law school program, call BNA Customer Service at **800-572-3374** or visit us at **www.bna.com/lawschool**.



BNA[®]

Essential information. Expert analysis.

Indiana Law Review

Volume 41

2007-2008

Editor-in-Chief

Keith Berlin

Executive Managing Editor

Amanda Asbury

Senior Executive Editor

Scott Gotshall

Symposium Editor

Elizabeth Ellis

Articles Editors

Erin Casper Borissov

Fred Cline

Meredith Devlin

Audra Ferguson-Allen

Holly Handlin

Kristin Lamb

Holly Moore

Marcus Selig

Executive Notes Editor

Kate Shelby

Executive Articles Editors

Oni Harton

Christopher Koschnitzky

Note Development Editors

Rasha Alzahabi

Christopher Eckhart

Art Fisher

Melissa Neely

David Pryzbylski

Christopher Purnell

Daniel Robertson

Valery Slosman

Associate Editors

Tony Gibbens

Jacqueline Haydock

Nathan Lundquist

Michael Sowers

Members

Samuel Adams

Kyle Baltes

Corrie Bilke

Eric Brauer

J. Alex Bruggenschmidt

Victoria Calhoon

Michael Eddy

Matt Ehinger

Steven Frank

Rozlyn Fulgoni-Britton

Ashleigh Hall

Ryan Hall

Nicholas Heiny

Jonathan Hughes

Ashley Humphries

Ellen Hurley

Jeremiah Kline

Erik Long

Amanda Maxwell

Andrew McCoy

Trent Meltzer

Jessica Mitchell

Jessica Moland

Paul Musser

Michele Mynatt

Kathryn Olivier

Matt Phillips

James Piatt

Robert Sahr

Annchyi Tan

David Thompson

Tabitha Truax-Haynes

Eric Williams

Jonathon Wright

Editorial Specialist

Chris Paynter

Faculty Advisors

Andrew R. Klein

R. George Wright

INDIANA LAW REVIEW

(ISSN 0090-4198)

Published four times a year by Indiana University. Editorial and Business Offices are located at:

Indiana Law Review
Lawrence W. Inlow Hall
530 W. New York Street
Indianapolis, IN 46202-3225
(317) 274-4440

Subscriptions. Current subscription rates for an academic year are \$30.00 (domestic mailing) and \$35.00 (foreign mailing) for four issues. Unless the Business Office receives notice to the contrary, all subscriptions will be renewed automatically. ***Address changes must be received at least one month prior to publication to ensure prompt delivery and must include old and new address and the proper zip code.***

Single and Back Issues. Current single regular issues may be obtained from the *Indiana Law Review* Business Office for \$10.00. Current Survey issues may be purchased for \$20.00. The Symposium Issue may be purchased for \$15.00. Please enclose payment with order. Claims for nonreceipt of current year's issues must be made within six months of the mailing date. Back issues may be ordered from: William S. Hein & Co., Inc., 1285 Main St., Buffalo, NY 14209-1987, (800) 828-7571, (716) 883-8100 fax, mail@wshein.com (e-mail for orders). Back issues are also available in an image-based format through HeinOnline, www.heinonline.org.

Manuscripts. The *Indiana Law Review* invites submission of unsolicited manuscripts. All citations should conform to *The Bluebook A Uniform System of Citation* (18th ed. 2005). Manuscripts should be double-spaced with standard one-inch margins. The *Indiana Law Review*, as a matter of policy, promotes the use of gender-neutral language, and alternate use of the female or male pronoun is intended to refer to both female and male.

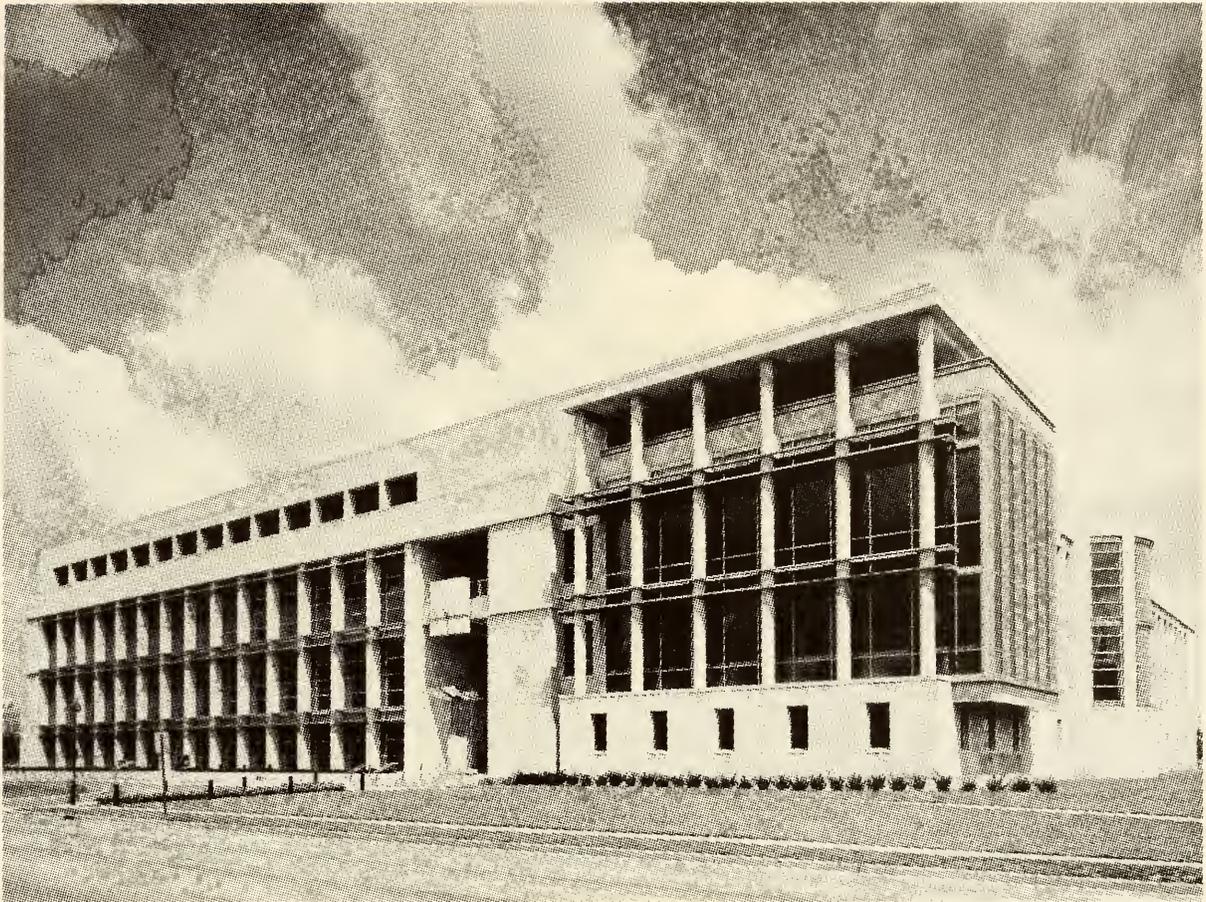
Copyright: Copyright 2008. The Trustees of Indiana University. Except as may be expressly provided elsewhere in this publication, permission is hereby granted to produce and distribute copies of individual works from this publication for nonprofit education purposes, provided that copies are distributed at or below cost, and that the author, source, and copyright notice are included on each copy. This permission is in addition to rights of reproduction granted under Sections 107, 108, and other provisions of the U.S. Copyright Act.

The INDIANA LAW REVIEW (ISSN 0090-4198) is the property of Indiana University and is published quarterly by the Indiana University School of Law—Indianapolis, which assumes complete editorial responsibility thereof. Current subscription rates for an academic year are: one year domestic \$30.00; foreign \$35.00. Send all correspondence to Editorial Specialist, *Indiana Law Review*, Indiana University School of Law—Indianapolis, Lawrence W. Inlow Hall, 530 W. New York Street, Indianapolis, Indiana 46202-3225. Publication office: 530 W. New York Street, Indianapolis, Indiana 46202-3225. Periodicals postage paid at Indianapolis, Indiana 46201.

POSTMASTER: Send address changes to INDIANA LAW REVIEW, Lawrence W. Inlow Hall, 530 W. New York Street, Indianapolis, Indiana 46202-3225.



The entire text of this Law Review is printed on recycled paper.



**Please enter my subscription
to the
*INDIANA LAW REVIEW***

Name _____

Address _____

Enclosed is \$_____ for _____ subscription(s)

Mail to: ATTN: Editorial Specialist
 at

INDIANA LAW REVIEW

INDIANA UNIVERSITY SCHOOL OF LAW—INDIANAPOLIS

Lawrence W. Inlow Hall

530 West New York Street

Indianapolis, Indiana 46202-3225

For an *academic* year, the subscription rate for four issues is:

Domestic, \$30; Foreign, \$35; Student, \$20

Single Issue, \$10; Survey Issue \$20

Symposium Issue, \$15



Digitized by the Internet Archive
in 2011 with funding from
LYRASIS Members and Sloan Foundation

In 2003, Indiana University School of Law - Indianapolis established a specialty law review focused specifically on health care law and policy:

INDIANA HEALTH LAW REVIEW

The scope of the INDIANA HEALTH LAW REVIEW includes bioethics, malpractice liability, managed care, anti-trust, health care organizations, medical-legal research, legal medicine, food and drug, and other current health-related topics.

Detach and mail this subscription form today to receive future issues

Subscription Price: \$20.00

- Two (2) Issues
- Automatic Renewal
- Foreign Mailing Is Extra

Mail form to:

Indiana Health Law Review
Indiana University School of Law – Indianapolis
Attn: Executive Business Editor
Lawrence W. Inlow Hall, Room 136C
530 W. New York Street
Indianapolis, IN 46202-3225

Questions?

Email: ihlr@iupui.edu
Phone: (317) 278-9519
www.indylaw.indiana.edu/~ihlr

Mailing Address:

Name/Title _____
Company/School _____
Address _____
City _____ State ___ ZIP _____
Email _____

Payment Method: Enclosed
(Make Check Payable to
INDIANA HEALTH LAW REVIEW)

Bill Me Later

Indiana Law Review Symposium

The Fair Housing Act After 40 Years: Continuing the Mission to Eliminate Housing Discrimination and Segregation

April 3-4, 2008

The *Indiana Law Review* is pleased to host a Symposium in celebration of the 40th anniversary of the passage of the Federal Fair Housing Act. The event will commence with a keynote address on the evening of April 3, 2008, by Theodore M. Shaw, Esq., Director-Counsel and President of the NAACP Legal Defense and Educational Fund, Inc. A reception will follow the keynote address. The *Indiana Law Review* anticipates that free tickets will be required to attend the keynote address.

The Symposium will be held on April 4, 2008, at the Indiana University School of Law - Indianapolis in the John and Barbara Wynne Courtroom. This date marks the passage of four decades since the tragic assassination of Dr. Martin Luther King, Jr. Dr. King's inspiring message of equal opportunity for every person and his commitment to changing views and attitudes are embodied in the Fair Housing Act. The Symposium will pay a special tribute to Dr. King and will honor his legacy through collaborative efforts to continue the eradication of housing discrimination and segregation.

CLE Certification (Pending Approval)

The *Indiana Law Review* is currently seeking CLE certification for this event and will post registration information for the Symposium as soon as it is available at <http://www.indylaw.indiana.edu/ilr/symposium.htm>.

The *Indiana Law Review* is honored to host this Symposium event and to publish a Symposium issue dedicated to a topic of such vital importance. For additional information regarding this event, including a list of guest speakers, please visit the Symposium website at <http://www.indylaw.indiana.edu/ilr/symposium.htm> or contact Elizabeth Ellis, Symposium Editor, at ilrevent@iupui.edu.

Indiana University School of Law—Indianapolis

2007-2008 ADMINISTRATIVE OFFICERS AND FACULTY

Administrative Officers

- MICHAEL A. MCROBBIE, *President of the University*. Ph.D., Australian National University.
- CHARLES R. BANTZ, *Chancellor, Indiana University-Purdue University—Indianapolis*. B.A., M.A., University of Minnesota; Ph.D., The Ohio State University.
- GARY R. ROBERTS, *Dean and Gerald L. Bepko Professor of Law*. B.A., Bradley University; J.D., Stanford University.
- PAUL N. COX, *Vice Dean and Centennial Professor of Law*. B.S., Utah State University; J.D., University of Utah; LL.M., University of Virginia.
- ANGELA M. ESPADA, *Associate Dean for Student Services*. B.A., Indiana Central University; M.A., Indiana University; J.D., Indiana University School of Law—Bloomington.
- JONNA KANE MACDOUGALL, *Assistant Dean for Institutional Advancement*. B.S., M.A., Indiana University; J.D., Indiana University School of Law—Indianapolis.
- CLAIRE GROVE, *Assistant Dean for Graduate Studies*. B.A., Indiana University; J.D., Indiana University School of Law—Indianapolis.
- TERESA (TERRI) J. CUELLAR, *Director of Technology Services*. B.S., St. Bonaventure University, New York.
- ELIZABETH ALLINGTON, *Director of External Affairs*. B.A., Indiana University; M.A., M. Phil., New York University.
- JOYCE M. HERTKO, *Director of Major Gifts*. B.A., Knox College; M.S., Western Illinois University; Ph.D., Indiana University.
- PATRICIA KIMBERLY KINNEY, *Director of Admissions*. B.S., Purdue University; J.D., Indiana University School of Law—Indianapolis.
- AMANDA KAMMAN, *Director of Development*. B.A., Indiana University.
- VIRGINIA MARSCHAND, *Director of Administrative and Fiscal Affairs*. B.A., M.P.A., Indiana University; J.D., Indiana University School of Law—Indianapolis.
- HEATHER MCCABE, *Director, Public Health Law Program, William S. and Christine S. Hall Center for Law and Health*. B.A., M.S.W., Indiana University; J.D., Indiana University School of Law—Indianapolis.
- CHASTITY THOMPSON, *Director of Professional Development*. A.S., B.A., Alabama State University; M.B.A., Auburn University; J.D., Indiana University School of Law—Indianapolis.
- LAWANDA W. WARD, *Director of Pro Bono Program and Public Interest*. B.A., Murray State University; M.A., Illinois State University; M.S., Old Dominion University; J.D., Indiana University School of Law—Indianapolis.

Faculty

- CYNTHIA M. ADAMS, *Clinical Associate Professor of Law*. B.A., Kentucky Wesleyan College; J.D., Indiana University School of Law—Indianapolis.
- JUDITH FORD ANSPACH, *Professor of Law and Director, Ruth Lilly Law Library*. B.S., M.L.S., Kent State University; J.D., Mississippi College School of Law.
- CYNTHIA BAKER, *Clinical Associate Professor of Law and Director, Program on Law and State Government*. B.A., J.D., Valparaiso University.
- GERALD L. BEPKO, *Indiana University-Purdue University—Indianapolis Chancellor Emeritus, Indiana University Trustee Professor and Professor of Law*. B.S., Northern Illinois University; J.D., ITT/Chicago-Kent College of Law; LL.M., Yale Law School.
- KAREN E. BRAVO, *Assistant Professor Law*. B.A., The University of the West Indies; J.D., Columbia University School of Law; LL.M., New York University School of Law.
- ROBERT BROOKINS, *Professor of Law*. B.S., University of South Florida; J.D., Ph.D., Cornell University.
- KENNETH D. CHESTEK, *Clinical Associate Professor of Law*. B.A., Pennsylvania State University; J.D., University of Pittsburgh School of Law.
- DANIEL H. COLE, *R. Bruce Townsend Professor of Law*. A.B., Occidental College; A.M., University of Chicago; J.D., Lewis and Clark Law School; J.S.M., J.S.D., Stanford Law School.
- JEFFREY O. COOPER, *Associate Professor of Law*. A.B., Harvard University; J.D., University of Pennsylvania Law School.
- PAUL N. COX, *Vice Dean and Centennial Professor of Law*. B.S., Utah State University; J.D., University of Utah College of Law; LL.M., University of Virginia School of Law.

ERIC DANNENMAIER, *Associate Professor of Law*. B.A., Drury College; J.D., Boston University; LL.M., Columbia University; M. St., Oxford University (cand.).

JAMES D. DIMITRI, *Clinical Associate Professor of Law*. B.S., Indiana University; J.D., Valparaiso University School of Law.

JENNIFER ANN DROBAC, *Professor of Law*. B.A., M.A., Stanford University; J.D., J.S.D., Stanford Law School.

GEORGE E. EDWARDS, *Carl M. Gray Professor of Law and Director, Program in International Human Rights Law*. B.A., North Carolina State University; J.D., Harvard Law School.

FRANK EMMERT, *John S. Grimes Professor of Law and Executive Director, Center for International and Comparative Law*. Erstes Juristisches Staatsexamen (J.D.), University of Munich Law School; LL.M., The University of Michigan Law School; Ph.D., University of Maastricht; Diploma, European University Institute.

NICHOLAS GEORGAKOPOULOS, *Harold R. Woodard Professor of Law*. Ptyhion Nomikis, Athens University School of Law; LL.M., S.J.D., Harvard Law School.

FRANCES WATSON HARDY, *Clinical Associate Professor of Law*. B.S., Ball State University; J.D., Indiana University School of Law—Indianapolis.

JOHN LAWRENCE HILL, *Professor of Law*. B.A., Northern Illinois University; J.D., Ph.D., Georgetown University.

LINDA KELLY HILL, *M. Dale Palmer Professor of Law*. B.A., J.D., University of Virginia.

LAWRENCE A. JEGEN, III, *Thomas F. Sheehan Professor of Tax Law and Policy*. A.B., Beloit College; J.D., M.B.A., The University of Michigan; LL.M., New York University School of Law.

HENRY C. KARLSON, *Professor of Law*. A.B., J.D., LL.M., University of Illinois College of Law.

ROBERT A. KATZ, *Professor of Law*. A.B., Harvard College; J.D., University of Chicago Law School.

ELEANOR D. KINNEY, *Hall Render Professor of Law, Co-Director of the William S. and Christine S. Hall Center for Law and Health and Executive Director, Latin American Law Program*. B.A., Duke University; M.A., University of Chicago; J.D., Duke University School of Law; M.P.H., University of North Carolina.

ANDREW R. KLEIN, *Paul E. Beam Professor of Law*. B.A., University of Wisconsin; J.D., Emory University School of Law.

ROBERT E. LANCASTER, *Clinical Professor of Law, Director, Chinese Law Summer Program*. B.A., Millsaps College; J.D., Tulane Law School.

NORMAN LEFSTEIN, *Professor of Law and Dean Emeritus*. LL.B., University of Illinois College of Law; LL.M., Georgetown University Law School.

MARÍA PABÓN LÓPEZ, *Associate Professor of Law and Director, Latin American Law Program*. B.A., Princeton University; J.D., University of Pennsylvania Law School.

GERARD N. MAGLIOCCA, *Professor of Law*. B.A., Stanford University; J.D., Yale Law School.

ALLISON MARTIN, *Clinical Associate Professor Law*. B.S., J.D., University of Illinois.

DEBORAH MCGREGOR, *Clinical Associate Professor of Law and Assistant Director of Legal Analysis, Research and Communication*. B.A., University of Evansville; J.D., Georgetown University Law School.

SUSANAH M. MEAD, *Professor of Law*. B.A., Smith College; J.D., Indiana University School of Law—Indianapolis.

MARY H. MITCHELL, *Alan H. Cohen Professor of Law*. A.B., Butler University; J.D., Cornell Law School.

NOVELLA NEDEFF, *Clinical Associate Professor of Law*. B.A., J.D., Indiana University.

JAMES P. NEHF, *Cleon H. Foust Fellow and Professor of Law*. B.A., Knox College; J.D., University of North Carolina Law School.

DAVID ORENTLICHER, *Samuel R. Rosen Professor of Law and Co-Director of the William S. and Christine S. Hall Center for Law and Health*. A.B., Brandeis University; J.D., M.D., Harvard College.

JOANNE ORR, *Clinical Professor of Law*. B.S., Indiana State University; J.D., California Western School of Law.

ANTONY PAGE, *Associate Professor of Law*. B. Comm., McGill University; M.B.A., Simon Fraser University; J.D., Stanford Law School.

H. KATHLEEN PATCHEL, *Associate Professor of Law*. A.B., Huntington College; J.D., University of North Carolina Law School; LL.M., Yale Law School.

MICHAEL J. PITTS, *Associate Professor of Law*. B.S.J., Northwestern University; J.D., Georgetown University Law Center.

- FLORENCE WAGMAN ROISMAN, *William F. Harvey Professor of Law*. B.A., University of Connecticut; LL.B., Harvard Law School.
- JOAN M. RUHTENBERG, *Clinical Professor of Law and Director of Legal Analysis, Research and Communication*. B.A., Mississippi University for Women; J.D., Indiana University School of Law—Indianapolis.
- JOEL M. SCHUMM, *Clinical Associate Professor of Law*. B.A., Ohio Wesleyan University; M.A., University of Cincinnati; J.D., Indiana University School of Law—Indianapolis.
- LAWRENCE P. WILKINS, *William R. Neale Professor of Law*. B.A., The Ohio State University; J.D., Capital University Law School; LL.M., University of Texas School of Law.
- LLOYD T. WILSON, JR., *Associate Professor of Law and Director, Central and Eastern European Law Program*. B.A., Wabash College; M.A., Duke University; J.D., Indiana University School of Law—Bloomington.
- MARY T. WOLF, *Clinical Professor of Law and Director of Clinical Programs*. B.A., Saint Xavier College; J.D., University of Iowa College of Law.
- R. GEORGE WRIGHT, *Lawrence A. Jegen III Professor of Law*. A.B., University of Virginia; Ph.D., Indiana University; J.D., Indiana University School of Law—Indianapolis.

Emeriti Faculty

- THOMAS B. ALLINGTON, *Professor of Law Emeritus*. B.S., J.D., University of Nebraska; LL.M., New York University School of Law.
- EDWARD P. ARCHER, *Professor of Law Emeritus*. B.M.E., Rensselaer Polytechnic Institute; J.D., LL.M., Georgetown University Law School.
- JAMES F. BAILEY, III, *Professor of Law Emeritus*. A.B., J.D., M.A.L.S., The University of Michigan.
- AGNES P. BARRETT, *Associate Professor of Law Emerita*. B.S., J.D., Indiana University.
- CLYDE HARRISON CROCKETT, *Professor of Law Emeritus*. A.B., J.D., University of Texas; LL.M., University of London (The London School of Economics and Political Science).
- DEBRA A. FALENDER, *Professor of Law Emerita*. A.B., Mount Holyoke College; J.D., Indiana University School of Law—Indianapolis.
- DAVID A. FUNK, *Professor of Law Emeritus*. A.B., College of Wooster; J.D., Case Western Reserve University School of Law; M.A., The Ohio State University; LL.M., Case Western Reserve University; LL.M., Columbia Law School.
- PAUL J. GALANTI, *Professor of Law Emeritus*. A.B., Bowdoin College; J.D., University of Chicago Law School.
- HELEN P. GARFIELD, *Professor of Law Emerita*. B.S.J., Northwestern University; J.D., University of Colorado School of Law.
- HAROLD GREENBERG, *Professor of Law Emeritus*. A.B., Temple University; J.D., University of Pennsylvania Law School.
- JEFFREY W. GROVE, *Professor of Law Emeritus*. A.B., Juniata College; J.D., George Washington University Law School.
- WILLIAM F. HARVEY, *Carl M. Gray Professor of Law & Advocacy Emeritus*. A.B., University of Missouri; J.D., LL.M., Georgetown University Law School.
- W. WILLIAM HODES, *Professor of Law Emeritus*. A.B., Harvard College; J.D., Rutgers University School of Law—Newark.
- WILLIAM ANDREW KERR, *Professor of Law Emeritus*. A.B., West University; B.S., Duke University; J.D., LL.M., Harvard Law School.
- WILLIAM E. MARSH, *Professor of Law Emeritus*. B.S., J.D., University of Nebraska.
- RONALD W. POLSTON, *Professor of Law Emeritus*. B.S., Eastern Illinois University; LL.B., University of Illinois College of Law.
- KENNETH M. STROUD, *Professor of Law Emeritus*. A.B., J.D., Indiana University—Bloomington.
- JAMES W. TORKE, *Carl M. Gray Professor of Law Emeritus*. B.S., J.D., University of Wisconsin.
- JAMES PATRICK WHITE, *Professor of Law Emeritus*. A.B., University of Iowa; J.D., LL.M., George Washington University Law School.

Law Library Faculty

- JUDITH FORD ANSPACH, *Professor of Law and Director, Ruth Lilly Law Library*. B.S., M.L.S., Kent State University; J.D., Mississippi College School of Law.
- DEBRA DENSLAW, *Reference Librarian*. B.A., Franklin College; M.S., University of Illinois, Urbana-Champaign; J.D., Valparaiso School of Law.

- RICHARD HUMPHREY, *Reference Librarian*. A.A., Brewton-Parker Junior College; B.A., Georgia Southwestern College; M.L.S., University of Kentucky.
- WENDELL E. JOHNTING, *Assistant Director for Technical Services*. A.B., Taylor University; M.L.S., Indiana University.
- CHRIS E. LONG, *Catalog Librarian*. B.A., Indiana University; M.A., Indiana University; M.L.S., Indiana University.
- STEVEN R. MILLER, *Reference Librarian*. B.S., Lebanon Valley College of Pennsylvania; M.A., Dominican University; M.S., Northwestern University; J.D., The John Marshall Law School.
- MAHNAZ K. MOSHFEGH, *Acquisition/Serials Librarian*. B.A., National University of Iran; M.S., Tehran University; M.A., Ball State University; M.L.S., Ph.D., Indiana University.
- MIRIAM A. MURPHY, *Associate Director of Law Library*. B.A., Purdue University; J.D., M.L.S., Indiana University—Bloomington.
- KIYOSHI OTSU, *Automated and Media Services Librarian*. A.A., Parkland College; A.B., M.S., C.A.S., University of Illinois.

Indiana Law Review

Volume 41

2008

Number 2

Copyright © 2008 by the Trustees of Indiana University

TABLE OF CONTENTS

TRIBUTES

- Jeffrey W. Grove Tribute *Gerald L. Bepko* 273
- Tribute to Jeff Grove *James W. Torke* 279
- Tribute to Jeffrey W. Grove *Lawrence P. Wilkins* 285

INDIANA STATE BAR ASSOCIATION CONFERENCE ON RELATIONS BETWEEN CONGRESS AND THE FEDERAL COURTS

- Improving Relations Between Congress and the Federal Courts:
An Introduction *Tim A. Baker* 291
- The Chief Justice on Capitol Hill: Extending the
Humphrey-Hawkins Model *Gerard N. Magliocca* 299
- Conference on Relations Between Congress and the Federal Courts
A Stenographic Record 305

NOTES

- Finding Rest in Peace and Not in Speech: The Government's
Interest in Privacy Protection in
and Around Funerals *Amanda Asbury* 383
- Global Warming: A Questionable Use of the
Political Question Doctrine *Erin Casper Borissov* 415
- When Policies Collide: Citizenship Documentation Requirements
and Barriers to Obtaining Photo Identification—
The New Medicaid Citizenship Requirement as
a Case Illustration *Meredith A. Devlin* 451
- Employers Beware: *Burlington Northern v. White* and the New
Title VII Anti-Retaliation Standard *Christopher J. Eckhart* 479