

H A R V A R D  
L A W R E V I E W

**ARTICLES**

INTRATEXTUALISM

*Akhil Reed Amar*

CONSTITUTIONAL INNOCENCE

*Alan C. Michaels*

**NOTES**

A Public Accommodations Challenge to the Use of Indian  
Team Names and Mascots in Professional Sports

Intergovernmental Compacts in Native American Law:  
Models for Expanded Usage

The Constitutionality of Race-Conscious Admissions Programs  
in Public Elementary and Secondary Schools

**BOOK NOTE**

**RECENT CASES**

**RECENT PUBLICATIONS**

HARVARD LAW REVIEW
--------------------

© 1999 by The Harvard Law Review Association

## CONTENTS

## ARTICLES

- Intratextualism . . . . . *Akhil Reed Amar* . . . . . 747
- Constitutional Innocence . . . . . *Alan C. Michaels* . . . . . 828

## NOTES

- A Public Accommodations Challenge to the  
Use of Indian Team Names and Mascots  
in Professional Sports . . . . . 904
- Intergovernmental Compacts in Native  
American Law: Models for Expanded Usage . . . . . 922
- The Constitutionality of Race-Conscious  
Admissions Programs in Public Elementary  
and Secondary Schools . . . . . 940

## BOOK NOTE

- Let Us Reason Together  
(Review of SCHLAG: *The Enchantment of Reason*) . . . . . 958

## RECENT CASES

- Copyright — Joint Authorship — Second Circuit  
Holds That Dramaturg's Contributions to the  
Musical *RENT* Did Not Establish Joint Authorship  
with Playwright-Composer. — *Thomson v. Larson*,  
147 F.3d 195 (2d Cir. 1998) . . . . . 964
- Statutory Interpretation — Family and Medical  
Leave Act of 1993 — First Circuit Holds That the  
FMLA Includes a Private Right of Action for  
Prospective and Former Employees. — *Duckworth v.*  
*Pratt & Whitney, Inc.*, 152 F.3d 1 (1st Cir.), *reh'g and*  
*suggestion for reh'g en banc denied* (1998) . . . . . 970

CONTENTS

Federal Civil Procedure — Sixth Circuit Holds That Federal Court Should Abstain From Deciding a Nonparty's First Amendment Challenge to a State Court Injunction. — <i>Gottfried v. Medical Planning Services, Inc.</i> , 142 F.3d 326 (6th Cir. 1998) . . . . .	976
Constitutional Law — First Amendment — Fourth Circuit Rules That a Teacher's Selection of School Curriculum Is Not Protected Speech. — <i>Boring v. Buncombe County Board of Education</i> , 136 F.3d 364 (4th Cir.) (en banc), <i>cert. denied</i> , 119 S. Ct. 47 (1998) . . . . .	982
Constitutional Law — Equal Protection — D.C. Circuit Finds FCC's Equal Employment Opportunity Regulations Unconstitutional. — <i>Lutheran Church-Missouri Synod v. FCC</i> , 141 F.3d 344 (D.C. Cir.), <i>reh'g en banc denied</i> , 154 F.3d 487 (D.C. Cir. 1998) . . . . .	988
RECENT PUBLICATIONS . . . . .	994

---