

VOLUME 118

NOVEMBER 2004

NUMBER 1

HARVARD LAW REVIEW

IN MEMORIAM: ARCHIBALD COX

Justice Stephen G. Breyer

Derek C. Bok

Clark Byse

Ken Gormley

Philip B. Heymann

Charles J. Ogletree

Fred Wertheimer

THE SUPREME COURT, 2003 TERM

FOREWORD:

THE CONSTITUTIONALIZATION OF
DEMOCRATIC POLITICS

Richard H. Pildes

COMMENT:

THEOLOGY SCHOLARSHIPS, THE PLEDGE OF
ALLEGIANCE, AND RELIGIOUS LIBERTY:
AVOIDING THE EXTREMES BUT
MISSING THE LIBERTY

Douglas Laycock

LEADING CASES

THE STATISTICS

NINE JUSTICES, TEN YEARS:
A STATISTICAL RETROSPECTIVE

RECENT PUBLICATIONS

Copyright © 2004 by

THE HARVARD LAW REVIEW ASSOCIATION

HARVARD LAW REVIEW

© 2004 by The Harvard Law Review Association

CONTENTS

IN MEMORIAM: ARCHIBALD COX

<i>Justice Stephen G. Breyer</i>	1
<i>Derek C. Bok</i>	3
<i>Clark Byse</i>	6
<i>Ken Gormley</i>	8
<i>Philip B. Heymann</i>	11
<i>Charles J. Ogletree</i>	14
<i>Fred Wertheimer</i>	19

THE SUPREME COURT, 2003 TERM

Table of Contents	25
Table of Cases	27

Foreword:

The Constitutionalization of Democratic Politics	<i>Richard H. Pildes</i>	28
---	--------------------------------	----

Comment:

Theology Scholarships, the Pledge of Allegiance, and Religious Liberty: Avoiding the Extremes but Missing the Liberty	<i>Douglas Laycock</i>	155
---	------------------------------	-----

Leading Cases	248
---------------------	-----

I. Constitutional Law	248
A. Constitutional Structure	248
B. Criminal Law and Procedure	268
C. Equal Protection	343

C O N T E N T S

D. Freedom of Speech and Expression.....	353
E. Spending Clause.....	376
II. Federal Jurisdiction and Procedure.....	386
A. Diversity Jurisdiction.....	386
B. Habeas Corpus.....	396
C. Standing.....	426
III. Federal Statutes and Regulations.....	436
A. Age Discrimination in Employment Act.....	436
B. Alien Tort Statute.....	446
C. ERISA.....	456
D. Foreign Sovereign Immunities Act.....	466
E. Foreign Trade Antitrust Improvement Act.....	476
F. Tax Injunction Act.....	486
The Statistics	497
Nine Justices, Ten Years: A Statistical Retrospective.....	510
RECENT PUBLICATIONS.....	524