

VOLUME 119

NOVEMBER 2005

NUMBER 1

HARVARD LAW REVIEW

IN MEMORIAM: WILLIAM H. REHNQUIST

Chief Justice John G. Roberts, Jr.

Justice Sandra Day O'Connor

Justice Ruth Bader Ginsburg

R. Ted Cruz

James C. Duff

David G. Leitch

Maureen E. Mahoney

THE SUPREME COURT, 2004 TERM

FOREWORD:

A POLITICAL COURT

Judge Richard A. Posner

COMMENT:

THE DEBATE OVER FOREIGN LAW IN
ROPER V. SIMMONS

CONSTITUTIONAL COMPARISONS:
CONVERGENCE, RESISTANCE, ENGAGEMENT

Vicki C. Jackson

FOREIGN LAW AND THE
MODERN *IUS GENTIUM*

Jeremy Waldron

FOREIGN LAW AND THE
DENOMINATOR PROBLEM

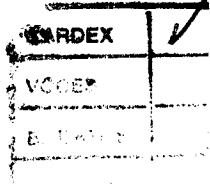
Ernest A. Young

LEADING CASES

THE STATISTICS

Copyright © 2005 by

THE HARVARD LAW REVIEW ASSOCIATION



VOLUME 119

NOVEMBER 2005

NUMBER 1

HARVARD LAW REVIEW

© 2005 by The Harvard Law Review Association

CONTENTS

IN MEMORIAM: WILLIAM H. REHNQUIST

<i>Chief Justice John G. Roberts, Jr.</i>	1
<i>Justice Sandra Day O'Connor</i>	3
<i>Justice Ruth Bader Ginsburg</i>	6
<i>R. Ted Cruz</i>	10
<i>James C. Duff</i>	16
<i>David G. Leitch</i>	20
<i>Maureen E. Mahoney</i>	25

THE SUPREME COURT, 2004 TERM

Table of Contents	28
-------------------------	----

Table of Cases	30
----------------------	----

Foreword:

A Political Court	<i>Judge Richard A. Posner</i>	31
-------------------------	--------------------------------------	----

Comment:

The Debate over Foreign Law in <i>Roper v. Simmons</i>	103
---	-----

Constitutional Comparisons:

Convergence, Resistance, Engagement	<i>Vicki C. Jackson</i>	109
--	-------------------------------	-----

Foreign Law and the

Modern <i>Ius Gentium</i>	<i>Jeremy Waldron</i>	129
---------------------------------	-----------------------------	-----

Foreign Law and the

Denominator Problem	<i>Ernest A. Young</i>	148
---------------------------	------------------------------	-----

CONTENTS

Leading Cases.....	169
I. Constitutional Law.....	169
A. Commerce Clause	169
B. Criminal Law and Procedure	179
C. Due Process	208
D. Equal Protection	218
E. Establishment Clause.....	238
F. Freedom of Association.....	268
G. Freedom of Speech and Expression	277
H. Takings Clause	287
I. Twenty-first Amendment.....	307
II. Federal Jurisdiction and Procedure	317
A. Diversity Jurisdiction	317
B. Status of International Law	327
III. Federal Statutes and Regulations	337
A. Age Discrimination in Employment Act	337
B. American Indian Statutes	347
C. Civil Rights Act, Title IX.....	357
D. Copyright.....	366
E. Federal Preemption of State Law.....	376
F. Immigration Act.....	386
G. Review of Administrative Action	395
H. Witness Tampering Statute.....	404
The Statistics.....	415