

# NEW YORK UNIVERSITY LAW REVIEW

The "Marriage Gap":  
A Case for Strengthening Marriage in the 21st Century  
*The Honorable Leah Ward Sears*

---

Neuroimaging and the "Complexity" of Capital Punishment  
*O. Carter Snead*

Judicial Decisions as Legislation:  
Congressional Oversight of Supreme Court Tax Cases, 1954–2005  
*Nancy C. Staudt, René Lindstädt & Jason O'Connor*

---

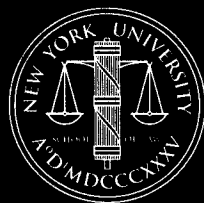
Constitutional Default Rules and Interbranch Cooperation  
*Tara Mikkilineni*

Imposing Limits on Prosecutorial Discretion in Corporate  
Prosecution Agreements  
*Erik Paulsen*

Selective Entrenchment Against State Constitutional Change:  
Subject Matter Restrictions and the Threat of Differential  
Amendability  
*Russell Patrick Plato*

Learning the Language:  
An Examination of the Use of Voter Initiatives  
To Make Language Education Policy  
*Lisa B. Ross*

Volume 82



Number 5

November 2007

# NEW YORK UNIVERSITY LAW REVIEW

---

VOLUME 82

NOVEMBER 2007

NUMBER 5

---

## CONTENTS

### BRENNAN LECTURE

- THE "MARRIAGE GAP": A CASE FOR STRENGTHENING  
MARRIAGE IN THE 21ST CENTURY  
*The Honorable Leah Ward Sears* 1243

### ARTICLES

- NEUROIMAGING AND THE "COMPLEXITY" OF CAPITAL  
PUNISHMENT  
*O. Carter Snead* 1265
- JUDICIAL DECISIONS AS LEGISLATION:  
CONGRESSIONAL OVERSIGHT OF SUPREME COURT TAX  
CASES, 1954-2005  
*Nancy C. Staudt, René Lindstädt & Jason O'Connor* 1340

### NOTES

- CONSTITUTIONAL DEFAULT RULES AND INTERBRANCH  
COOPERATION  
*Tara Mikkilineni* 1403
- IMPOSING LIMITS ON PROSECUTORIAL DISCRETION IN  
CORPORATE PROSECUTION AGREEMENTS  
*Erik Paulsen* 1434
- SELECTIVE ENTRENCHMENT AGAINST STATE  
CONSTITUTIONAL CHANGE: SUBJECT MATTER  
RESTRICTIONS AND THE THREAT OF DIFFERENTIAL  
AMENDABILITY  
*Russell Patrick Plato* 1470
- LEARNING THE LANGUAGE: AN EXAMINATION OF THE USE  
OF VOTER INITIATIVES TO MAKE LANGUAGE EDUCATION  
POLICY  
*Lisa B. Ross* 1510