



UNC  
SCHOOL OF LAW

## NORTH CAROLINA LAW REVIEW

---

Volume 86  
Number 6 *North Carolina Issue*

Article 11

---

9-1-2008

### Articles

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

---

#### Recommended Citation

North Carolina Law Review, *Articles*, 86 N.C. L. REV. 1803 (2008).

Available at: <http://scholarship.law.unc.edu/nclr/vol86/iss6/11>

This Article is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact [law\\_repository@unc.edu](mailto:law_repository@unc.edu).

# INDEX TO VOLUME 86, NOS. 1–6, 2007–2008

## ARTICLES

|   |      |
|---|------|
| Between War and Peace: Exploring the Constitutionality of Subjecting Private Civilian Contractors to the Uniform Code of Military Justice During “Contingency Operations”.....        | 1047 |
| Chief Justice Roberts and Precedent: A Preliminary Study .....  | 1251 |
| Clear Notice for Conditions on Spending, Unclear Implications for States in Federal Healthcare Programs.....  | 441  |
| Constitutional Precedent Viewed Through the Lens of Hartian Positivist Jurisprudence.....   | 1107 |
| Creating Ecclesiastical Immunity: How the Supreme Court of North Carolina Stripped Civil Protections from Religious Bodies in <i>Harris v. Matthews</i> .....                         | 1743 |
| Discomfort at Work: Workplace Assimilation Demands and the Contact Hypothesis.....  | 379  |
| Distress Exploitation Contracts in the Shadow of No Duty To Rescue.....   | 315  |
| Does the Supreme Court’s Current Doctrine of Stare Decisis Require Adherence to the Supreme Court’s Current Doctrine of Stare Decisis.....  | 1165 |
| Double-Edged Scissor: Legal Protection for Fashion Design .....   | 237  |
| The Embodiment of Academic Freedom.....   | 311  |
| Empirically Evaluating Claims About Investment Treaty Arbitration.....  | 1    |
| Failing to Serve and Protect: A Proposal for an Amendment to a Juvenile’s Right to a Parent, Guardian, or Custodian During a Police Interrogation After <i>State v. Oglesby</i> ..... | 1685 |
| The Failure of Title VII as a Rights-Claiming System.....   | 859  |
| From Judge to Justice: Social Background Theory and the Supreme Court.....  | 1333 |
| Hiding Behind Precedent: Why <i>Panetti v. Quarterman</i> Will Create Confusion for Incompetent Death Row Inmates.....  | 1068 |
| The Historical (In)Accuracy of the Brandeis Dichotomy: An Assessment of the Two-Tiered Standard of Stare Decisis for Supreme Court Precedents .....                                   | 969  |
| The Homeland Security Safe-Harbor Procedure for Social Security No-Match Letters: A Mismatched Immigration Enforcement Tool.....  | 493  |
| Ideological Cohesion and Precedent (or Why the Court Only Cares About Precedent When Most Justices Agree With Each Other) .....   | 1399 |
| The Illusion of Substance: Why <i>Rapanos v. United States</i> and Its Resulting Regulatory Guidance Do Not Significantly Limit Federal Regulation of Wetlands.....                   | 1032 |
| Integrating Conservation Uses into Takings Law: Why Courts Should View Conservation as a Possible Highest and Best Use .....  | 274  |
| Introduction: A Tribute to John Calmore’s Work .....  | 615  |

|  |      |
|--|------|
| The Irrepressibility of Precedent .....  | 1279 |
| John Calmore’s America .....   | 739  |
| The Law of Small Numbers: <i>Gonzales v. Carhart, Parents Involved in<br/>Community Schools</i> , and Some Themes from the First Full Term of the<br>Roberts Court ..... | 1369 |
| Local Enforcement of Federal Immigration Law: Should North Carolina<br>Communities Implement 287(g) Authority .....  | 1710 |
| A Localist Reading of Local Immigration Regulations.....   | 1619 |
| Messin’ with Texas: How the Fifth Circuit’s Decision in <i>Oscar Private Equity</i><br>Misinterprets the Fraud-on-the-Market Theory .....                                | 1086 |
| Modesty, Of a Sort, in the Setting of Precedents.....  | 1213 |
| Mother Nature as Muse: Copyright Protection for Works of Art and<br>Photographs Inspired by, Based on, or Depicting Nature.....  | 572  |
| North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform .....  | 1443 |
| On the Capacity of the Roberts Court To Generate Consequential Precedent .....   | 1299 |
| Party Over? The Politics of North Carolina’s “Nonpartisan” Judicial Elections.....   | 1762 |
| Predatory Lending, Passive Judicial Activism, and the Duty to Decide.....  | 1501 |
| Racism as the Ultimate Deception .....   | 621  |
| Regulating Listings in a Global Market .....   | 89   |
| Removed Cases and Uninvoked Jurisdictional Grounds.....  | 937  |
| The Right To Remain: Common Law Protections for Security of Tenure: An<br>Essay in Honor of John Otis Calmore .....  | 817  |
| States of Confusion: The Rise of State and Local Power Over Immigration .....  | 1557 |
| Structural Racism: Building upon the Insights of John Calmore.....   | 791  |
| Taking Terrorism to Court: A Legal Examination of the New Front in the War<br>on Terrorism.....  | 526  |
| Teaching Race/Teaching Whiteness: Transforming Colorblindness to Color<br>Insight.....   | 635  |
| Turning Stones of Hope into Boulders of Resistance: The First and Last Task<br>of Social Justice Curriculum, Scholarship, and Practice .....                             | 673  |
| What If John Calmore Had a Latino/a Sibling?.....  | 769  |
| William P. Murphy: In Memoriam.....  | 305  |
| Wrongful Convictions and Forensic Science: The Need to Regulate Crime<br>Labs.....   | 163  |