

Washington University Law Review

Volume 68

Issue 3 *Federalist Society Symposium: The Presidency and Congress—Constitutionally Separated and Shared Powers*

January 1990

Table of Contents

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview

Recommended Citation

Table of Contents, 68 WASH. U. L. Q. (1990).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol68/iss3/1

This Table of Contents is brought to you for free and open access by Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

Washington University Law Quarterly

VOLUME 68

NUMBER 3

FALL 1990

© 1990 by Washington University

CONTENTS

A FEDERALIST SOCIETY SYMPOSIUM THE PRESIDENCY AND CONGRESS: CONSTITUTIONALLY SEPARATED AND SHARED POWERS

OPENING ADDRESS: THE SEPARATION OF POWERS: AN EXEMPLAR OF THE RULE OF LAW

Dick Thornburgh 485

PANEL I: AGENCY AUTONOMY AND THE UNITARY EXECUTIVE

Stephen Breyer, Moderator 495

Laurence Silberman 500

E. Donald Elliott 505

Terry Eastland 509

Discussion 512

Questions and Answers 517

ADDRESS: THE IMPACT OF SEPARATION OF POWERS ON NATIONAL SECURITY

T. Kenneth Cribb, Jr., Introduction 525

Richard Cheney 526

PANEL II: PRESIDENTIAL LAWMAKING POWERS: VETOES, LINE ITEM VETOES, SIGNING STATEMENTS, EXECUTIVE ORDERS, AND DELEGATIONS OF RULEMAKING AUTHORITY

David Schoenbrod 533

Frank Easterbrook 536

Steven Ross 540

Theodore Olson 543

<i>Discussion</i>	548
<i>Questions and Answers</i>	551
DEBATE: TOWARD A STRICTER SEPARATION OF POWERS? TOWARD A PARLIAMENTARY MODEL? OR DOES IT MATTER?	
<i>Timothy Muris, Moderator</i>	561
WHAT IS WRONG WITH DIVIDED GOVERNMENT?	
<i>Lloyd Cutler</i>	563
IN PRAISE OF DIVIDED GOVERNMENT	
<i>Richard Epstein</i>	567
UNIFIED OR DIVIDED GOVERNMENT?	
<i>Rebuttal</i>	
<i>Lloyd Cutler</i>	575
<i>Richard Epstein</i>	576
<i>Questions and Answers</i>	578
ADDRESS: THOUGHTS ON RESTRUCTURING GOVERNMENT	
<i>Allen Weinstein, Introduction</i>	589
<i>Charles Robb</i>	590
PANEL III: CONGRESSIONAL CONTROL OF THE ADMINISTRATION OF GOVERNMENT: HEARINGS, INVESTIGATIONS, OVERSIGHT, AND LEGISLATIVE HISTORY	
<i>Stephen Williams, Moderator</i>	595
<i>Griffin Bell</i>	595
<i>L. Gordon Crovitz</i>	598
<i>Peter Strauss</i>	603
<i>Michael Davidson</i>	609
<i>Discussion</i>	612
<i>Questions and Answers</i>	616
PANEL IV: THE APPROPRIATIONS POWER AND THE NECESSARY AND PROPER CLAUSE	
<i>Edwin Meese III, Moderator</i>	623
<i>William Barr</i>	626
<i>Louis Fisher</i>	632
<i>Geoffrey Miller</i>	640
<i>Kate Stith</i>	644
<i>Questions and Answers</i>	651

ADDRESS: THE NEUTRAL APPLICATION OF RULES TO EACH OF THE THREE BRANCHES <i>C. Boyden Gray</i>	659
PANEL V: THE ROLE OF THE COURTS IN SEPARATION OF POWERS DISPUTES <i>Kenneth Starr, Moderator</i>	667
<i>Stephen Carter</i>	669
<i>Kenneth Culp Davis</i>	676
<i>Discussion</i>	681
<i>Questions and Answers</i>	683
ADDRESS: EROSION OF THE PRESIDENT'S POWER IN FOREIGN AFFAIRS <i>Erwin Glikes, Introduction</i>	693
<i>Robert H. Bork</i>	695
<i>Questions and Answers</i>	701
NOTES	
LANHAM ACT REVISION PROVIDES RELIEF FOR MISLEADING COMPARATIVE ADVERTISEMENTS: DOES IT GO TOO FAR?	<i>Sherry L. Gunn</i> 707
TO PIERCE OR NOT TO PIERCE? <i>WHEN</i> IS THE QUESTION. DEVELOPING A FEDERAL RULE OF DECISION FOR PIERCING THE CORPORATE VEIL UNDER CERCLA	<i>Elizabeth A. Noonan</i> 733
TRADEMARK LAW REVISION ACT OF 1988 AND THE GATEKEEPER ROLE OF THE PTO: HEADING ABUSE OFF AT THE PASS	<i>Tammy J. Snyder</i> 753
RECENT DEVELOPMENTS IN CORPORATE AND WHITE COLLAR CRIME	779

The WASHINGTON UNIVERSITY LAW QUARTERLY (ISSN 0043-0862) is published quarterly by students of the Washington University School of Law. Address: LAW QUARTERLY, School of Law, Campus Box 1120, One Brookings Drive, Washington University, St. Louis, Missouri 63130. Unsolicited manuscripts will be considered for publication, and should be sent to the Articles Editors at this address. We regret that such manuscripts cannot be returned except upon receipt of postage and handling fees of \$1.00 or \$3.50 for first-class mail.

Subscription rates: United States and possessions, \$20.00 per year; single issue, \$5.50. All other countries, \$24.00 per year; single issue, \$6.50. A subscriber who wishes to discontinue his subscription at its expiration should send notice to that effect to the LAW QUARTERLY offices; otherwise, the subscription will be renewed. Requests for missing issues of the LAW QUARTERLY received six months after publication will not be honored. For all back issues not from the current volume, inquire of William S. Hein & Co., Inc., 1285 Main Street, Buffalo, N.Y. 14209 or Fred B. Rothman & Co., 10368 West Centennial Road, Littleton, Colorado 80127. Address all other business communications to the LAW QUARTERLY offices.

Except where the author has reserved the copyright, the LAW QUARTERLY grants permission for reproduction of articles and student works for classroom use in nonprofit educational institutions, provided that (1) copies are distributed at or below cost, (2) author and journal are identified, (3) proper notice of copyright is affixed to each copy, and (4) notice of use is sent to the LAW QUARTERLY.

Text and footnotes conform to *Texas Law Review Manual on Style* (5th ed. 1987); *U.S. Government Printing Office Style Manual* (rev. ed. 1984); and *A Uniform System of Citation* (14th ed. 1986).

Second-class postage paid at St. Louis, Missouri, and additional mailing offices. Printed in the United States of America. POSTMASTER: Send address changes to the WASHINGTON UNIVERSITY LAW QUARTERLY, Washington University School of Law, Campus Box 1120, One Brookings Drive, St. Louis, MO 63130.
