

# 28 FURIOUS GEORGE

The belligerence of the Bush Administration in pursuing expansive power has a long Republican pedigree.

BY NEIL KINKOPF

# 32 THE MISSING LINK

Congress has shirked its constitutional duties and floundered in the war on terror.

MICHAEL GREENBERGER

## **MONKEY WRENCH**

The Supreme Court has always thwarted presidents who demand unlimited legal power in wartime.

BY CASS R. SUNSTEIN

# 42 DISARMING AND DANGEROUS

Meet the affable, consensus-building solicitor general, and learn why liberals should fear him.

BY CHRIS SUELLENTROP

# 46 LESSONS FROM THE SWISS-CHEESE MAP

Why have Israeli-Palestinian peace talks ignored the importance of good mapmaking?

BY SHARI MOTRO

# 52 KING JAMES I, OF MICHIGAN

In 1851, James Strang declared himself king of a tract of Northern Michigan. President Millard Fillmore took the king to court and the president lost.

BY GEOFFREY GAGNON

## REVIEWS

#### PRACTICE

56 Point-Blank Verse A school of poetry says the words of judges provide a vivid record of what we see and feel. BY DAVID SKEEL

#### PRACTICE

61 Windier City, Bigger Apple Would expanding the boundaries of Chicago and New York to include their suburbs make them greater cities? BY MINOR MYERS III

#### ELSEWHERE

66 Tenure-track law students and other characters from the nation's law reviews.

## PRACTICE

69 Trial of the 5th Century B.C. The first madame foreperson was Pallas Athena. A history of trials, from

the "Oresteia" to the O.J. saga. BY ADAM COHEN

## EXHIBIT

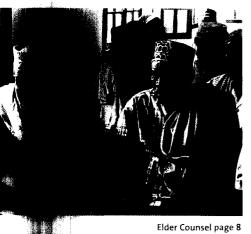
72 Homage to Catalonia

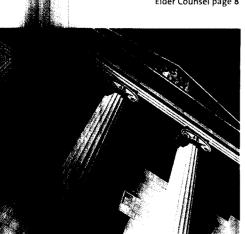


cover art by BRIAN STAUFFER

# CO FIFTS

September | October 2005





An Uncivil Division page 20

1 Commander in Chief BY LINCOLN CAPLAN

#### SCENES

- **6 Evil Twins** And how DNA evidence is useless against them. BY JOHN WOLFSON
- **8 Elder Counsel** How Somalia's aged tribal justice system keeps the peace in a country known for chaos.

  BY LOUISA LOMBARD
- **10 U-Hell** Reserving a truck can be a devilish business. BY NICHOLAS HENGEN
- **Torture, Inc.** Susan Burke wants two American corporations to be held liable for the abuse that took place at Abu Ghraib.
- **Was the Plant a Plant?** An endangered flower sprouts mysteriously in the path of a planned development.

  BY DEMIAN BULWA

## THE PRUDENT JURIST

When do jurors have the right not to remain silent?
BY WILLIAM H. SIMON

## TERMS OF ART

**18** The Shoe Still Fits The white buck is gone from elite law firms, but the snobbery it represented lives on.

BY ELIZABETH CHAMBLISS

## NUMBERS

The Nth Degree Want to be a law professor? Where'd you get your Ph.D.?

BY DAVID FONTANA AND MARGOT SANGER-KATZ

### ARGUMENTS

- **An Uncivil Division** Political appointees at Justice's civil rights division are driving career lawyers to retirement—then skipping the retirement parties. BY WILLIAM R. YEOMANS
- **Left to Their Own Devices** By helping to shield manufacturers from lawsuits, the FDA is pushing tort reform by fiat—and leaving potentially flawed devices on the market.

BY THEODORE RUGER

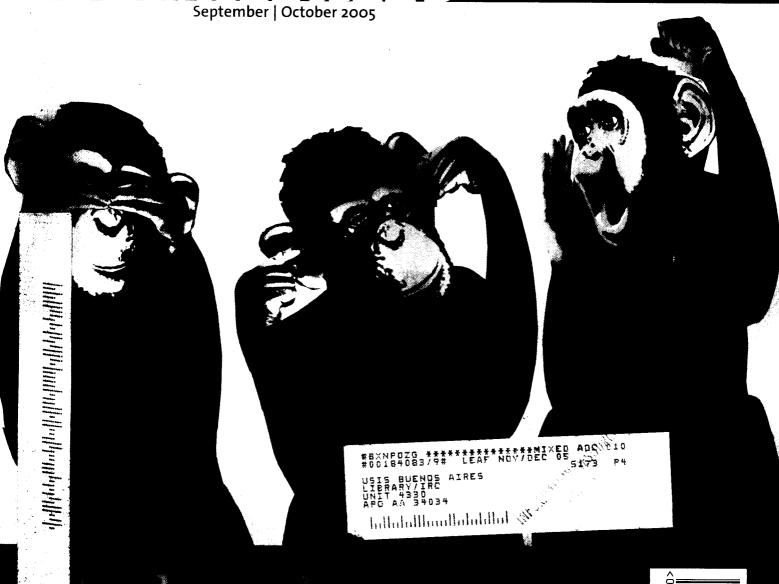
September | October 2005

ADAM COHEN The Trial, from Orestes to O.J.

ELIZABETH CHAMBLISS Where the White Shoe Still Fits

The Poetry of Judicial Opinions

Egalatians September | October 2005



Neil Kinkopf on the president's belligerent overreach for wartime power

Michael Greenberger on Congress's deplorable failure to respond

lass R. Sunstein on the Supreme Court's surprisingly staunch pushback



www legalaffairs.org