

H A R V A R D
L A W R E V I E W

ARTICLE

PUNITIVE DAMAGES:
AN ECONOMIC ANALYSIS

*A. Mitchell Polinsky
and Steven Shavell*

COMMENTARY

THE CANONS OF CONSTITUTIONAL LAW

*J.M. Balkin
and Sanford Levinson*

BOOK REVIEW

A BOOK OF LAUGHTER AND
FORGETTING: KALMAN'S "STRANGE
CAREER" AND THE MARKETING
OF CIVIC REPUBLICANISM

Nomi Maya Stolzenberg

NOTE

Privacy, Photography, and the Press

**RECENT CASES: CRIMINAL LAW
AND CRIMINAL PROCEDURE**

RECENT PUBLICATIONS

Copyright © 1998 by

THE HARVARD LAW REVIEW ASSOCIATION

HARVARD LAW REVIEW

CARDX	✓
COPIES	
RE DATCS	
OK	
2/1998	

© 1998 by The Harvard Law Review Association

CONTENTS

ARTICLE

Punitive Damages:
 An Economic Analysis *A. Mitchell Polinsky
 and Steven Shavell.* . . . 869

COMMENTARY

The Canons of
 Constitutional Law. *J.M. Balkin
 and Sanford Levinson.* . . . 963

BOOK REVIEW

A Book of Laughter and
 Forgetting: Kalman's "Strange
 Career" and the Marketing of
 Civic Republicanism (*Review
 of KALMAN: The Strange
 Career of Legal Liberalism*). . . *Nomi Maya
 Stolzenberg.* 1025

NOTE

Privacy, Photography, and the Press. 1086

RECENT CASES: CRIMINAL LAW AND CRIMINAL PROCEDURE

Criminal Law — Sentencing Guidelines — Ninth Circuit
 Holds That Trafficking in Child Pornography Does
 Not Constitute a Pattern of Sexual Exploitation of
 Minors. — *United States v. Kemmish*, 120 F.3d 937
 (9th Cir. 1997) 1104

Criminal Law — First Amendment — First Circuit
 Defines Threat in the Context of Federal Threat
 Statutes. — *United States v. Fulmer*, 108 F.3d 1486
 (1st Cir. 1997). 1110

CONTENTS

Criminal Law — Plea Agreements — Second Circuit Upholds Plea Provision That Waives Appeal Without Fixed Sentence Range. — *United States v. Rosa*, 123 F.3d 94 (2d Cir. 1997). 1116

Criminal Law — Federal Sentencing Guidelines — Third Circuit Holds That Volitional Impairments Can Support a Claim of Diminished Mental Capacity. — *United States v. McBroom*, 124 F.3d 533 (3d Cir. 1997) 1122

Criminal Procedure — Fifth Amendment — Eleventh Circuit Holds That the Privilege Against Self-Incrimination Does Not Apply to the Possibility of Foreign Prosecution. — *United States v. Gecas*, 120 F.3d 1419 (11th Cir. 1997) (en banc), *petition for cert. filed*, 66 U.S.L.W. 3399 (U.S. Dec. 9, 1997) (No. 97-884) 1128

Criminal Procedure — Venue — Third Circuit Finds Venue for Firearms Charge Improper in District Where Only Predicate Offense Occurred. — *United States v. Palma-Ruedas*, 121 F.3d 841 (3d Cir. 1997), *cert. denied*, 66 U.S.L.W. 3456 (U.S. Jan. 12, 1998) (No. 97-6888) . . 1134

Criminal Procedure — Fifth Amendment — Third Circuit Denies Self-Incrimination Privilege at Sentencing Hearing. — *United States v. Mitchell*, 122 F.3d 185 (3d Cir. 1997) 1140

RECENT PUBLICATIONS 1146
