

VOLUME 116

MARCH 2003

NUMBER 5

# HARVARD LAW REVIEW

## SYMPOSIUM: PUBLIC VALUES IN AN ERA OF PRIVATIZATION

*John J. DiJulio, Jr.*

*Jody Freeman*

*Martha Minow*

*Mark H. Moore*

*David Saperstein*

*Kathleen M. Sullivan*

*Michael J. Trebilcock & Edward M. Iacobucci*

## NOTES

Privatization of Federal Indian Schools:  
A Legal Uncertainty

When Hope Falls Short: HOPE VI, Accountability,  
and the Privatization of Public Housing

Examining Senate Procedure Through Narrative

## RECENT CASES

## RECENT PUBLICATIONS

Copyright © 2003 by

THE HARVARD LAW REVIEW ASSOCIATION

# HARVARD LAW REVIEW

© 2003 by The Harvard Law Review Association

## CONTENTS

### SYMPOSIUM: PUBLIC VALUES IN AN ERA OF PRIVATIZATION

|  |      |
|--|------|
| Table of Contents .....  | 1211 |
| Introduction ..... <i>Mark H. Moore</i> .....  | 1212 |
| Public and Private Partnerships:   |      |
| Accounting for the<br>New Religion ..... <i>Martha Minow</i> .....                       | 1229 |
| Response:  |      |
| Government by Proxy:<br>A Faithful Overview ..... <i>John J. DiJulio, Jr.</i> .....      | 1271 |
| Extending Public Law Norms   |      |
| Through Privatization ..... <i>Jody Freeman</i> .....                                    | 1285 |
| Public Accountability and  |      |
| Faith-Based Organizations:<br>A Problem Best Avoided ..... <i>David Saperstein</i> ..... | 1353 |
| The New Religion   |      |
| and the Constitution ..... <i>Kathleen M. Sullivan</i> .....                             | 1397 |
| Privatization and Accountability .....   |      |
| <i>Michael J. Trebilcock</i><br>and <i>Edward M.</i><br><i>Iacobucci</i> .....           | 1422 |

*CONTENTS*

NOTES

- Privatization of Federal Indian Schools:  
        A Legal Uncertainty ..... 1455

- When Hope Falls Short:  
    HOPE VI, Accountability, and the  
        Privatization of Public Housing ..... 1477

- Examining Senate Procedure Through Narrative ..... 1499

RECENT CASES

- Civil Procedure — Personal  
    Jurisdiction — D.C. Circuit  
        Holds That a Foreign State Is  
        Not a "Person" Under the Due  
        Process Clause. — *Price v. Socialist  
            People's Libyan Arab Jamahiriya*,  
        294 F.3d 82 (D.C. Cir. 2002) ..... 1517

- Civil Procedure — Choice of  
    Law — Ninth Circuit Uses  
        International Law To Decide  
        Applicable Substantive Law  
        Under Alien Tort Claims Act. —  
        *John Doe I v. Unocal Corp.*,  
        Nos. 00-56603, 00-57197, 00-56628,  
        00-57195, 2002 WL 31063976  
        (9th Cir. Sept. 18, 2002) ..... 1525

- ADEA — Reverse Discrimination  
    Suits — Sixth Circuit Permits  
        Reverse Age Discrimination Suit  
        To Proceed. — *Cline v. General  
            Dynamics Land Systems, Inc.*,  
        296 F.3d 466 (6th Cir. 2002) ..... 1533

*C O N T E N T S*

|  |      |
|--|------|
| Local Government Law —   |      |
| Affordable Housing — Refining<br>Municipal Obligations Under<br><i>Mount Laurel</i> , the New Jersey<br>Supreme Court Hints at a New<br>Conception of Regional<br>Responsibility. — <i>Bi-County</i><br><i>Development of Clinton, Inc. v.</i><br><i>High Bridge</i> , 805 A.2d 433 (N.J. 2002)..... | 1541 |
| RECENT PUBLICATIONS.....   | 1548 |