# TULANE LAW REVIEW

VOLUME 75

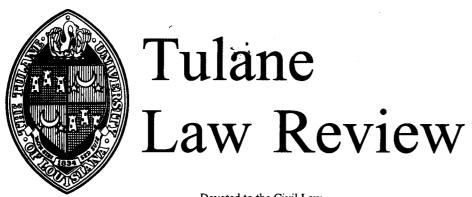
DECEMBER 2000

No. 2

# **CONTENTS**

### **ARTICLES**

Common Ground: Robert Jackson,	
Antonin Scalia, and a Power Theory	
OF THE FIRST AMENDMENT	251
In Defense of Unpopular	
Virtues: Personification	
AND RATIFICATION Martin Davies	337
THE CHAOS AND CONFUSION	
OF MODERN COLLATION:	
A Critical Look into an	
Institution of Louisiana	
SUCCESSION LAW Ronald J. Scalise, Jr.	411
ESSAY	
Ivinovania i Milamon on	
JUDGMENT AS A MATTER OF	450
LAW ON PUNITIVE DAMAGES Colleen P. Murphy	459
COMMENTS	
THE PERFECT TEXTUALIST	
STATUTE: INTERPRETING THE	
Permanent Resident Alien	
PROVISION OF 28 U.S.C. § 1332 Stephen M. Gill	481
Trouble at the Sausage	
FACTORY: HAS THE UNIFORM	
COMPUTER INFORMATION	
Transactions Act Been	
UNJUSTLY STIGMATIZED? Erika E. Schinler	507



Devoted to the Civil Law, Comparative Law, and Admiralty Law

#### **ARTICLES**

COMMON GROUND: ROBERT JACKSON, ANTONIN SCALIA, AND A POWER THEORY OF THE FIRST AMENDMENT

Jay S. Bybee

IN DEFENSE OF UNPOPULAR VIRTUES: PERSONIFICATION AND RATIFICATION

Martin Davies

THE CHAOS AND CONFUSION OF MODERN COLLATION: A CRITICAL LOOK INTO AN INSTITUTION OF

LOUISIANA SUCCESSION LAW

Ronald J. Scalise, Jr.

#### **ESSAY**

JUDGMENT AS A MATTER OF LAW ON **PUNITIVE DAMAGES** 

Colleen P. Murphy

#### **COMMENTS**

THE PERFECT TEXTUALIST STATUTE:

INTERPRETING THE PERMANENT RESIDENT ALIEN

Provision of 28 U.S.C. § 1332

Stephen M. Gill

TROUBLE AT THE SAUSAGE FACTORY: HAS THE

Uniform Computer Information Transactions

ACT BEEN UNJUSTLY STIGMATIZED?

Erika E. Schinler

#### RECENT DEVELOPMENTS

FREILER V. TANGIPAHOA PARISH BOARD OF

**EDUCATION:** THE FIFTH CIRCUIT LEAVES WILLIAM JENNINGS BRYAN CRUCIFIED ON

AN ESTABLISHMENT CLAUSE CROSS

Winston R. Kitchingham

LELEUX V. UNITED STATES: THE FIFTH CIRCUIT TAKES A LOOK AT FEDERAL TORT CLAIMS

IN THE CONTEXT OF SEXUAL BATTERY

Timothy S. Mehok

**VOLUME 75** 

**NUMBER 2** 

**DECEMBER 2000** 

## RECENT DEVELOPMENTS

Freiler v. Tangipahoa Parish	
BOARD OF EDUCATION: THE	
FIFTH CIRCUIT LEAVES	
WILLIAM JENNINGS BRYAN	
CRUCIFIED ON AN ESTABLISHMENT	
CLAUSE CROSS Winston R. Kitchingham	533
LELEUX V. UNITED STATES:	
THE FIFTH CIRCUIT TAKES	
a Look at Federal Tort	
CLAIMS IN THE CONTEXT	
OF SEXUAL BATTERY Timothy S. Mehok	549