A Tribute to Chief Justice Ronald D. Castille
and State Constitutional Law

Forewords

TRIBUTE TO THE HONORABLE RONALD D. CASTILLE
Chief Justice Thomas G. Saylor ................................................................. 301

INTRODUCTION: THE LEGACY OF CHIEF JUSTICE RONALD D. CASTILLE
Dean Ken Gormley ................................................................................... 305

Articles

CHIEF JUSTICE RONALD CASTILLE, THE PENNSYLVANIA SUPREME COURT
AND STATE CONSTITUTIONAL LAW
Robert F. Williams .................................................................................... 311

RECOGNITION OF ENVIRONMENTAL RIGHTS FOR PENNSYLVANIA CITIZENS:
A TRIBUTE TO CHIEF JUSTICE CASTILLE
John C. Dernbach & Marc Prokopchak .................................................... 335

BEYOND EDMUNDS: THE STATE CONSTITUTIONAL LEGACY
OF CHIEF JUSTICE RONALD D. CASTILLE
Bruce Ledewitz .......................................................................................... 371

STANDING IN STATE COURTS, STATE LAW, AND FEDERAL REVIEW
Calvin Massey .......................................................................................... 401

FOREIGN PRECEDENT IN STATE CONSTITUTIONAL INTERPRETATION
Jonathan L. Marshfield ........................................................................... 413

TESTING THE LIMITS: JUDICIAL ENFORCEMENT OF POSITIVE STATE CONSTITUTIONAL RIGHTS
Lawrence Friedman .................................................................................... 437

HUMAN LIBERTY, PROPERTY IN HUMAN BEINGS, AND THE PENNSYLVANIA SUPREME COURT
Paul Finkelman .......................................................................................... 453
THIRTY YEARS TOO LONG: WHY THE MICHIGAN V. LONG PRESUMPTION SHOULD BE REJECTED, AND WHAT CAN BE DONE TO REPLACE IT
Lauren Gailey .......................................................................................................................... 483

AN ADDENDUM IN LIGHT OF RECENT DEVELOPMENTS
Bruce Ledewitz .......................................................................................................................... 561

Comments

UNRAVELING THE UNCERTAINTIES OF THE SEPARATION OF POWERS BETWEEN PENNSYLVANIA'S GENERAL ASSEMBLY AND THE JUDICIARY IN THE FIELD OF CRIMINAL CONTEMPT: THE CONSTITUTIONALITY OF PENNSYLVANIA'S CRIMINAL CONTEMPT STATUTES AFTER COMMONWEALTH V. MCMULLEN
Daniel P. Sodroski .................................................................................................................. 567

UNCONSTITUTIONAL KILLING: THE DEADLY DILEMMA SURROUNDING OKLAHOMA'S LETHAL INJECTION SECRECY STATUTE
Martin McKown .......................................................................................................................... 611

Emma E. Schoedel .................................................................................................................. 629
Duquesne Law Review is published in Pittsburgh, Pennsylvania. Correspondence may be addressed to: Duquesne Law Review, Duquesne University School of Law, 600 Forbes Avenue, Pittsburgh, Pennsylvania 15282.

The subscription price is $30.00 per volume. Subscription inquiries should be addressed to the attention of the Business Manager. Subscriptions will be cancelled only after the entire volume for which the subscription has been entered is printed and delivered. Subscriptions are automatically renewed unless otherwise stipulated. Subscribers should report non-receipt of an issue within six months of its mailing. After six months, replacement issues will not be provided free of charge.

This issue is available from Duquesne Law Review at $10.00 per copy for three years from its initial printing. Archived issues are available through William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, New York 14068, at $18.00 per copy. Back issues can also be found in electronic format on HeinOnline, http://heinonline.org/.

Citations conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 19th ed. 2010). Unless otherwise requested by an author, legal style conforms to BRYAN A. GARNER, THE REDBOOK: A MANUAL ON LEGAL STYLE (Thomson/West 2d ed. 2006). Readers are invited to submit manuscripts for possible publication. Manuscripts should be addressed to the attention of the Executive Articles Editors. Readers are also invited to submit letters to the Editor in response to the works contained herein. Letters to the Editor should be addressed to the attention of the Editor-in-Chief.

Views expressed in writings published in Duquesne Law Review are to be attributed solely to the authors thereof and not to Duquesne Law Review, its editors, Duquesne University School of Law, or Duquesne University.

When the authors of writings published herein are known by Duquesne Law Review to have other than a scholarly interest in their writings, that fact will be noted in a footnote at the beginning of the article.
DUQUESNE UNIVERSITY
SCHOOL OF LAW
2014–2015

Administration
KENNETH G. GORMLEY, B.A., J.D.
Dean and Professor of Law
JANE CAMPBELL MORIARTY
Associate Dean for Faculty Scholarship
RICHARD GAFFNEY, B.A., M.B.A., J.D.
Interim Associate Dean for Administration and Director of Bar Services
BRUCE S. LEDEWITZ, B.S.F.S., J.D.
Interim Associate Dean of Academic Affairs
FRANK Y. LIU, LL.B., M.C.J., M.L.S.
Associate Dean for Legal Programs
JAN M. LEVINE, B.A., J.D.
Associate Dean of Teaching Excellence
HEATHER ADAMIC
Assistant Registrar
SARAH ARIMOTO-MERCER
Assistant Dean of Admissions and Executive Director of Enrollment Management
GINA B. CECCHETTI
Associate Director of Admissions
JILL S. CHADWICK
Assistant to the Dean
MARIA D. COMAS, B.S., J.D., M.S.Ed.
Director of Career Services
ROBIN CONNORS, B.A.
Student Organizations Coordinator
JEANINE DEBOR, B.A., J.D.
Director of Law Alumni Relations
COLLEEN DERDA
Director of Communications
VALERIE HARPER, B.S., M.Ed.
Registrar
KIRK W. JUNKER, B.A., J.D., Ph.D.
Coordinator of International Programs
PETER GIGLIONE, B.A., J.D.
Director of Trial Advocacy Program
ERIN R. KARSMAN, B.A., J.D.
Director of Appellate Moot Court Program
CATHY MELLICK, B.S.
Business Manager
ELLA A. KWISNEK, B.A., J.D., M.S.Ed.
Vice Dean of the Evening Division and Assistant Dean of Students
LAURIE SERAFINO, B.A., J.D.
Director of Clinical Legal Education
KIRSHA WEYANDT TRYCHTA, B.S., J.D.
Director of Academic Excellence
MARLENE R. VATTER, B.S.
Assistant to Associate Deans and Coordinator of Academic Affairs

Full-Time Faculty
STEVEN BAICKER-McKEE, B.A., J.D.
Assistant Professor of Law
ROBERT S. BARKER, B.A., M.A., J.D.
Distinguished Professor of Law
VALARIE K. BLAKE, B.S., M.A., J.D.
Visiting Assistant Professor
NICHOLAS P. CAFARDI, Ph.D., M.A., J.D., J.C.L., J.C.D.
Dean Emeritus and Professor of Law
NICK S. FISFIS, A.B., J.D.
Professor of Law
RICHARD GAFFNEY, B.A., M.B.A., J.D.
Assistant Professor of Legal Skills
Interim Associate Dean for Administration and Director of Bar Services
JULIA M. GLENCER, B.A., J.D.
Assistant Professor of Legal Research and Writing
KENNETH G. GORMLEY, B.A., J.D.
Dean and Professor of Law
KENNETH E. GRAY, B.A., J.D., M.P.A
Professor of Law
SUSAN C. HASCALL, B.A., M.A., J.D.
Assistant Professor of Law
MARTHA W. JORDAN, B.S., J.D., LL.M.
Associate Professor of Law
RONA KAUFMAN KITCHEN, B.A., J.D., LL.M.
Assistant Professor of Law
BRUCE S. LEDGWITZ, B.S.F.S., J.D.
Professor of Law
Interim Associate Dean of Academic Affairs
JAN M. LEVINE, B.A., J.D.
Associate Professor of Law and Director of Legal Research and Writing
Associate Dean of Teaching Excellence
FRANK Y. LIU, LL.B., M.C.J., M.L.S.
Professor of Law and Director of the Center for Legal Information
Associate Dean for Legal Programs
TRACEY MCCANTS LEWIS, B.A., J.D.
Assistant Clinical Professor of Law
JOSEPH SABINO MISTICK, B.A., J.D.
Associate Professor of Law
JANE CAMPBELL MORIARTY, B.A., J.D.
Carol Los Mansmann Chair in Faculty Scholarship and Professor of Law
Associate Dean for Faculty Scholarship

JOHN E. MURRAY, JR., B.S., J.D., S.J.D.
University Chancellor and Professor of Law

KATHERINE NORTON, B.S., J.D.
Assistant Clinical Professor of Law and Externship Coordinator

WESLEY OLIVER, B.A., J.D., LL.M., J.S.D.
Associate Professor of Law and Director of Criminal Justice Program

ALFRED S. PELAEZ, B.A., J.D., LL.M.
Distinguished Professor of Law

NANCY D. PERKINS, B.A., J.D.
Professor of Law

JOHN T. RAGO, B.A., J.D.
Associate Professor of Law

RONALD J. RICCI, B.S.B.A., J.D.
Professor of Law

JACOB H. ROOKSBY, A.B., M.Ed., J.D., Ph.D.
Assistant Professor of Law

ANN L. SCHIAVONE, B.A., J.D.
Assistant Professor of Law

LAURIE SERAFINO, B.A., J.D.
Associate Professor of Law and Director of Clinical Legal Education

S. MICHAEL STREIB, B.A., M.B.A., J.D., C.P.A.
Professor of Law

KIRSHA WEYANDT TRYCHTA, B.S., J.D.
Assistant Professor of Clinical Legal Skills and Director of Academic Excellence

TARA WILLKE, B.A., J.D.
Assistant Professor of Legal Research and Writing

MARK D. YOCHEM, B.A., J.D.
Professor of Law

Law Librarian Faculty

TSEGAYE BERU, B.A., M.L.I.S., J.D.
Assistant Director for Public Services

JOEL FISHMAN, B.A., M.A., M.L.S., Ph.D.
Assistant Director for Lawyer Services

PATRICIA HORVATH, B.S., M.L.S.
Assistant Director for Technical Services

AMY LOVELL, B.A., M.L.I.S.
Manager of Database Systems

DITTAKAVI RAO, B.S., M.A., M.L.S.
Associate Director

PAUL RECHT, B.A., M.L.S., J.D.
Reference Librarian/Circulation Supervisor

CHARLES SPROWSYS, B.S., M.L.I.S.
Circulation Systems and Reference Librarian

Adjunct Faculty

SHERRI ADELKOFF, B.A., J.D.
JEFFREY P. BAUMAN, B.S., J.D.
DAVID BELCZYK, B.S., J.D.
MARK BERGSTROM, B.A., M.P.A., J.D.
LAWSON BERNSTEIN, M.D.
DAVID BORKOVIC, B.S., M.S., J.D.
WILLIAM J. BROWN, B.A., J.D., LL.M.
STEPHANIE BURT, B.A., J.D.
MICHAEL CALDER, B.A., J.D.
BARBARA CARLIN, B.A., M.A., J.D.
ALEXANDER R. CASTRODALE, B.A., J.D.
ROBERT CREO, B.A., J.D.
JOSEPH DECKER, B.S., J.D.
DANIEL DELISIO, B.A., J.D.
JENNIFER DiGIOVANNI, B.A., J.D.
JAMES DILMORE, B.S., M.S., Ph.D., J.D.
JAMES FRANKS, B.S., M.S., J.D.
STEVEN FRANKHAUSER, B.A., J.D.
KEVIN J. GARBER, B.S., M.S., Ph.D., J.D.
ANTHONY GIANNANTONIO, B.A., J.D.
PETER GIGLIONE, B.A., J.D.
    Director of Trial Advocacy Program

JAMES F. (JAY) GLUNT, B.S., J.D.
WILSON HUHN, B.A., J.D.
Honorable THOMAS M. HARDIMAN, B.A., J.D.
RHONDA GAY HARTMAN, B.A., J.D.
Honorable JOSEPH M. JAMES, B.S., J.D.
DAVID JAMISON, B.A., M.A., J.D.
TURHAN JENKINS, J.D.
ERIN KARSMA, B.A., J.D.
EDWARD KRUG, B.A., J.D.
DANIEL KUNZ, J.D.
ELLA A. KWIENK, B.A., J.D., M.S.Ed.
    Vice Dean of the Evening Division and Assistant Dean of Students

Honorable MAUREEN E. LALLY-GREEN, B.S., J.D.

JOHN LEWIS, B.A., J.D.
LYNN E. MacBETH, J.D.
JOSEPH MACK III, B.A., J.D.
Honorable JEFFREY A. MANNING, B.A., J.D.
LISA MARCUS, B.A., J.D.
MOSHIE MARVIN, B.A., M.A., J.D.
JENNIFER MASON, J.D.
BROCK MccAmylo, J.D.
LISSETT M. McCormick, B.S., J.D.
APRIL L. MILBURN-KNIZNER, B.A., J.D.
JEAN MONTES, J.D.
PATRICK W. MURRAY, B.A., J.D.
JACULYN OBARA, J.D.
MANNING J. O’CONNOR, B.A., J.D.
KIRAN K. PATEL, LL.M., J.D.
PETER Phipps, B.S., J.D.
MARLA N. PRESLEY, J.D.

||