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Articles

For years, American libel law has been soundly criticized as inefficient and overly complicated. Although a number of libel reform proposals have been advanced, none have received significant support. While we await reform, jury awards, including punitive damages, continue to increase. Punitive damages reward plaintiffs beyond compensation for injury, ostensibly to punish and deter reprehensible conduct. Can punitive damages be justified in libel actions, where the objectionable behavior is protected by the First Amendment? This article examines the arguments for and against punitive damage awards in defamation actions and concludes that they should be eliminated in public plaintiff libel and related communication tort cases.

Operation Rescue and other anti-abortion groups have effectively denied women of their constitutional right to seek abortions. This article demonstrates that these groups have formed a national conspiracy aimed at eliminating the right to abortion. The author argues that a federal remedy is required to protect this right. The author disagrees with the Supreme Court's decision that 42 U.S.C. § 1985(3) cannot be used to prevent blockades of abortion clinics, and suggests that § 1985 was intended to protect against conspiracies like that of Operation Rescue.

Constitutional law is to the legal community what economics is to liberal arts: the queen mother of all other studies. But, then again, is it? Have we been reverent for too long? Isn't there a need to reduce constitutional law to a summary that offers the appropriate level of disrespect for everything from *sua sponte* to justiciability? Herein lies the first no-holds-barred look at the hallowed world of free exercise and strict scrutiny. The author should be bootstrapped to death, following, of course, appropriate due process.

Comments

Recent Decisions

CONSTITUTIONAL LAW—EQUAL PROTECTION—VOTING RIGHTS ACT OF 1965—RACIAL REDISTRICTING AND GERRYMANDERING—ELECTION DISCRIMINATION—The Supreme Court of the United States held that the allegation that a North Carolina General Assembly redistricting scheme was so irrational on its face that it could only be understood as an effort to segregate voters into separate voting districts because of their race without sufficient justification, was adequate to state a claim for which relief may be granted under the Equal Protection Clause of the Fourteenth Amendment.

CONSTITUTIONAL LAW—FOURTH AMENDMENT—SEARCH AND SEIZURE—STANDING—CO-CONSPIRATOR EXCEPTION—The United States Supreme Court held that the Fourth Amendment contains no co-conspirator exception and maintained that the proper determination is whether each respondent had either a property interest or a reasonable expectation of privacy which was invaded by the search and seizure.

CONSTITUTIONAL LAW—FIRST AMENDMENT—FREE EXERCISE OF RELIGION—The United States Supreme Court held that when a law that is neither neutral nor generally applicable burdens religious practices that law must be justified by a compelling state interest.

CONSTITUTIONAL LAW—FIRST AMENDMENT—OVERBREADTH DOCTRINE—HATE CRIMES—PENALTY ENHANCEMENT—The United States Supreme Court held that a Wisconsin statute, which, in increasing a defendant's sentence because the defendant chose his victim solely on the basis of the victim's race, ethnicity, religion or sexual orientation, takes into consideration a defendant's speech and beliefs that evidence prejudice based on race, ethnicity, religion and sexual orientation, was not overbroad and did not violate the defendant's First Amendment rights of free speech.