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Articles

Perjury! — The Charges and the Defenses
Richard H. Underwood

Perjury is the most hotly debated topic in America today. In this witty and instructive article, the author explains what constitutes the crime of perjury, provides examples of how defendants have sometimes avoided conviction, and discusses the impact of federal and state statutes on prosecutors, defendants, witnesses, the judiciary, the legislature, and society.

Age Discrimination in Employment Act: Life After St. Mary's Honor Center v. Hicks — Rolling the Dice Against a Stacked Deck
David Culp

The Supreme Court of the United States’ 5-4 decision in St. Mary’s Honor Center v. Hicks has created uncertainty and confusion for both courts and parties involved in age discrimination cases. The Court noted in its decision that if Congress was displeased with the result, “[it] remains free to alter what we have done.” In this article, the author strongly urges Congress to accept the Court’s invitation and enact legislation to force courts to abandon the St. Mary’s approach, which has effectively rewarded discriminatory practices by employers.

Private Enforcement of the Social Contract: Deshaney and the Second Amendment Right to Own Firearms
David E. Murley

What is the meaning of the phrase “the right to bear arms”? The United States Supreme Court has not granted certio-
rari to a Second Amendment case since 1939. The author suggests that the Court's ruling in *DeShaney v. Winnebago County Dep't of Social Svcs.* provides an important insight into Second Amendment issues that should be considered by citizens, legislators, and the Court in resolving the gun control controversy.

Comments

**ERISA Preemption of Medical Malpractice Claims Against Managed Care Organizations**
*Julie K. Freeman* 863

**Does "Puff" Create an Express Warranty of Merchantability? Where the Hornbooks Go Wrong**
*Charles Pierson* 887

**Nexus on the Net: A Taxing Question**
*Brian G. Ritz* 921

Recent Decisions

**Constitutional Law — Procedural Due Process — Employment — Suspension — State Employees** — The Supreme Court of the United States held that a state university employee suspended without pay due to his arrest on drug-related charges was not entitled under the Due Process Clause to notice and a hearing prior to his suspension.


*Matthew Q. Ammon* 951

**Constitutional Law — Standing — Separation of Powers** — The Supreme Court of the United States refused to rule on whether the Line Item Veto Act of 1996 violated the Constitutional separation of powers by impermissibly delegating legislative powers to the President because the Congressmen who brought the suit did not have standing to maintain the action.


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*Melissa M. Furrer* 981

EMPLOYMENT LAW — FEDERAL EMPLOYERS’ LIABILITY ACT — The Supreme Court held that an employee who suffered prolonged asbestos exposure could not recover under FELA for negligently inflicted emotional distress unless, and until, the employee had manifested physical symptoms of disease. *Metro-North Commuter R.R. Co. v. Buckley*, 117 S. Ct. 2113 (1997).

*Anthony Lamanna* 993

CONSTITUTIONAL LAW — CRIMINAL PROCEDURE — FOURTH AMENDMENT — ORDERING PASSENGERS OUT OF VEHICLE DURING TRAFFIC STOP — The Supreme Court of the United States held that a police officer who orders passengers to exit a vehicle until completion of a traffic stop does not violate the Fourth Amendment to the United States Constitution because the public interest in the safety of law enforcement personal outweighs an individual’s right to be free from arbitrary interference. *Maryland v. Wilson*, 117 S. Ct. 882 (1997).

*Brian M. Silver* 1011

CONSTITUTIONAL LAW — CRIMINAL PROCEDURE — FOURTH AMENDMENT — “KNOCK AND ANNOUNCE” RULE — The Supreme Court of the United States held that the common law “knock and announce” rule was an indispensable component of the Fourth Amendment’s “reasonableness” requirement, and therefore, should not be subject to a per se blanket exception. *Richards v. Wisconsin*, 117 S. Ct. 1416 (1997).

*Brian Simmons* 1025

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