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This paper presents the current land regime and nature of economic development found on most Native American reservations, drawing predominantly from the Navajo Nation. It then considers the situation according to (1) neo-classical economics and (2) New Institutional Economics (NIE). The paper begins with the paired assumptions that economic growth can and should reach reservations and that the U.S. and tribal governments can improve upon past performance and institutional arrangements. Policy solutions to reservation commercial and light industrial underdevelopment, corresponding to each economic perspective in turn, are then discussed. The paper broadens the range of policy options available to tribes considering their land use policies and development priorities. The paper is a mixture of law, economic theory, and land use planning.

Current U.S. citizenship-by-descent law produces many anomalies. A foreign-born child raised by his American father may not be a citizen, while any child conceived from an American egg donor likely will be. An American-born woman who moves overseas between her first and sixteenth birthdays can only transmit citizenship to her child by a foreign father if she is unmarried, while an American woman raised in an overseas military household often must marry to transmit citizenship—and even marriage may not suffice if her child's father is from American Samoa. The law capriciously penalizes those who overlook its details, and is so complex that this occurred even in the landmark Supreme Court case of *Nguyen v. INS*: Tuan Nguyen probably could have successfully claimed citizenship with the right approach, but was deported. This Article explains how these problems, and others, arise, and proposes new statutory language that would eliminate them.

On June 28, 2004, the Court decided *Missouri v. Seibert*, 124 S. Ct. 2601 (2004). At first glance, *Seibert* may look like a *Miranda* victory, but this is an illusion. Although Justice Souter's plurality decision condemns question-first police practices designed to circumvent *Miranda*, the case is governed by Justice Kennedy's concurrence, which requires that the defendant prove that the police officer acted in bad faith. *Seibert* shifts an impossible and inappropriate burden onto the defendant. The problem with *Seibert* is not that the new rule will ignore some epidemic of inadvertent *Miranda* violations; these are presumably rare. The real danger is that opportunistic *Miranda* foes will persuade judges to ignore *Miranda* violations whenever the defendant cannot prove that the police acted in bad faith or whenever the police have taken (what Justice Kennedy has described) as "curative measures."

This Article suggests an alternative future. If the police bad faith test is abandoned, *Seibert's* ban on unwarned pre-interrogation questioning could help transform *Miranda* into a more effective deterrent. *Seibert* implicitly supports the adoption of additional enforcement mechanisms, such as rules requiring the videotaping of custodial interrogations, because the Court has begun to acknowledge that *Miranda* alone does not work. More specifically, *Seibert's* explicit condemnation of pre-warnings questioning would make videotaping requirements a more potent deterrent by barring police from engaging in preliminary (off-camera) questioning. With more than fifteen states currently contemplating new videotaping requirements, the time is ripe for *Seibert* to play this important role.

Appellate lawyers and judges typically have the time and temperament to deliberate at length on legal problems. In contrast, trial lawyers and trial judges often need immediate answers. When an unpublished appellate decision supplies or suggests an answer, a rule barring its citation or consideration frustrates counsel and, sometimes, the trial court. Like the parent's admonition to the child not to grab a cookie from the jar, the no-citation rule may invite violation, subterfuge, and, occasionally, outright defiance.

This Article explores the problem of the cookies "locked" in the jar and proposes a rule that would give uniformity to citation within jurisdictions and would "unlock" the cookie jar when justice demands. Part I reviews the national trends in the increasing use of unpublished opinions and limitations imposed by no-citation rules. Part II addresses the ethical, professional and constitutional conflicts created by no-citation rules. Part III examines trial court reliance on unpublished opinions, including disposition of cases in which that reliance has been an issue on appeal. And, Part IV proposes a series of formal rules governing the use of unpublished opinions at the trial court level and for interlocutory appellate review in significant cases.

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