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This Article discusses attempts by religiously motivated killers to justify their actions on the basis that they acted in defense of others. It first explores the assassination of Israeli Prime Minister Yitzhak Rabin by Yigal Amir. Amir argued the *rodef* defense—in other words, that he acted in defense of Israeli Jews who were endangered by the Middle East peace process. The Article then discusses the American defense-of-others justification; it compares Amir with Americans who kill those working at abortion clinics and then claim the same defense. The Article concludes with an explanation of why such defenses should not and do not succeed.

WARN: JUDICIAL TREATMENT OF
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The underlying objective of the Worker Adjustment and Retraining Notification Act (“WARN”) is to provide workers with advance notice of plant closings and mass layoffs, so that they may have time to adjust and to seek retraining or new employment. Concerns about WARN’s impact on businesses, however, prompted inclusion of provisions exempting employers from the notice requirement or reducing or eliminating any monetary liability. This Article examines the case law interpreting and applying these limitations to determine how courts have resolved the competing concerns embodied in the statute.

ROMER V. EVANS AND THE PERMISSIBILITY
OF MORALITY LEGISLATION..... *S.I. Strong* 1259

This Article reviews the Scalia dissent in *Romer v. Evans* in the context of the continuing jurisprudential debate about the proper role of morality in law, and analyzes the legitimacy of various historical and contemporary theories supporting the enactment of morality legislation. Although the law at issue in *Romer* is used as a primary example of

morality legislation, this Article explores the legitimacy of such laws in other contexts as well.

TEACHING AN OLD LAW NEW TRICKS:

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Section 16 of the Securities Exchange Act of 1934, enacted to combat insider trading, requires insiders to report their trades and to disgorge profits realized from trades on a security that occur within a six-month period. This Article concludes that disgorgement is ineffective at preventing illegal insider trading and should be repealed, but concludes that the reporting obligations should be strengthened to require insiders to file reports concurrent with their trades. This will permit securities prices to react more quickly and will assist the SEC in detecting illegal trading.

Notes

THE DIGITAL PERFORMANCE RIGHT IN SOUND

RECORDINGS ACT AND ITS FAILURE TO
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NEW FORM OF DISTRIBUTION..... *June Chung* 1361

This Note takes a close look at the Digital Performance Right in Sound Recordings Act. Although the Act was a step in the right direction, it fails to address certain key issues surrounding copyrighted music on the Internet. Questions about who will monitor and enforce copyright infringement on the Internet and who will be held liable for such violations still need to be resolved. Since affordable technology necessary for individuals to download copyrighted music off of the Internet with relative ease currently exists, this Note recommends that Congress quickly enact legislation to resolve the issues. Otherwise, the record industry as we know it will either face extinction or have to learn to adapt in this new era of technology.

BANKING ON DISCORD: PROPERTY CONFLICTS IN
THE TRANSPLANTATION OF UMBILICAL

CORD STEM CELLS..... *Sheila R. Kirschenbaum* 1391

Recent developments in medical technology permit storage of umbilical cord blood, which contains potentially valuable hematopoietic stem cells. Commercial enterprises offer parents the opportunity to bank their child's cord blood at birth in the event that those cells are later required by the child or another family member for a stem cell transplant. This Note takes a prospective look at what kinds of property disputes may arise concerning the stored umbilical cord blood and how these disputes might be resolved. Since courts are reluctant to define body parts

as property, they may instead focus on the interests of the parties as a means to determine which party is entitled to the cord blood. The author proposes an alternative to private ownership of cord blood that may better utilize the technology and serve the needs of society.

CROSSING THE BORDER OF PLENARY POWER:
THE VIABILITY OF AN EQUAL PROTECTION
CHALLENGE TO TITLE IV OF THE

WELFARE LAW*Stacy Sulman Kahana* 1421

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, modified by the 1997 Balanced Budget Act, places significant restrictions on legal aliens' access to public benefits. This Note examines three arguments available to challenge Title IV as a violation of equal protection, and concludes that if a litigant can persuade a court to employ heightened scrutiny, it may hold at least some of Title IV's provisions unconstitutional.

