BOOK REVIEW

Shlomo Slonim


ARTICLES

Robert G. Natelson

What the Constitution Means by “Duties, Imposts, and Excises”—and “Taxes” (Direct or Otherwise)

Kevin M. Clermont

Trial by Traditional Probability, Relative Plausibility, or Belief Function?

Brian Gallini

The Unlikely Meeting Between Dzhokhar Tsarnaev and Benjamin Quarles

Bidish J. Sarma & Sophie Cull

The Emerging Eighth Amendment Consensus Against Life Without Parole Sentences for Nonviolent Offenses

NOTES

McDaniel M. Kelly

Rehabilitation Through Empowerment: Adopting the Consumer-Participation Model for Treatment Planning in Mental Health Courts

Mitchell Prentis

Digital Metal: Regulating Bitcoin as a Commodity

COMMENT

Zachary J. LaFleur

Case Western Reserve University
School of Law Faculty

Administrative Officers

Deans
Jessica Wilen Berg, B.A., J.D., M.P.H.
Michael P. Scharf, A.B., J.D.

Associate Dean for Academic Affairs
B. Jessie Hill, A.B., J.D.

Interim Associate Dean for Experiential Education
Judith P. Lipton, B.S., M.S.S.W., J.D.

Associate Dean for Enrollment Planning and Strategic Initiatives
Alyson S. Alber, B.S., J.D.

Associate Dean for Student Services
Sarah McFarlane Polly, B.A., J.D.

Assistant Dean of Admissions
Kelli C. Curtis, B.A., J.D.

Assistant Dean of Career Development
Mary Beth Moore, B.A., J.D.

Associate Dean of Institutional Diversity and Inclusiveness
Raqaijah A. Yearby, B.S., M.P.H, J.D.
Professors of Law

Jonathan H. Adler, B.A., J.D.
Johan Verheij Memorial Professor and Director, Center for Business Law and Regulation

Jessica Wilen Berg, B.A., J.D., M.P.H.
Tom J.E. and Bette Lou Walker Professor; Professor of Bioethics and Public Health

David J. Carney, B.A., J.D.

Juscelino F. Colares, LL.B., M.A., Ph.D., J.D.
Schott-van den Eynden Professor and Associate Director, Frederick K. Cox International Law Center

George W. Dent, Jr., B.A., J.D., LL.M.
Associate Director, Center for Business Law and Regulation

Jonathan L. Entin, A.B., J.D.
David L. Brennan Professor and Professor of Political Science

Shannon E. French, B.A., Ph.D.
Inamori Professor of Ethics; Professor of Law; and Director, Inamori International Center for Ethics and Excellence

Peter M. Gerhart, B.A., J.D.

Paul C. Giannelli, B.A., M.S.F.S., J.D., LL.M.
Distinguished University Professor and Albert J. Weatherhead III & Richard W. Weatherhead Professor

Jonathan C. Gordon, B.A., J.D.

Richard K. Gordon, B.A., J.D.
Director of Financial Integrity Programs; Associate Director, Frederick K. Cox International Law Center

B. Jessie Hill, A.B., J.D.
Judge Ben C. Green Professor

Sharona Hoffman, B.A., J.D., LL.M.
Edgar A. Hahn Professor; Professor of Bioethics; and Co-Director, Law-Medicine Center

Daniel A. Jaffe, B.A., J.D.

Erik M. Jensen, S.B., M.A., J.D.
Coleman P. Burke Professor

Lewis R. Katz, A.B., J.D.
John C. Hutchins Professor and Director, Graduate Legal Studies

Maureen Sheridan Kenny, B.A., J.D.

Juliet P. Kostritsky, A.B., J.D.
Everett D. & Eugenia S. McCurdy Professor

Raymond Shih Ray Ku, A.B., J.D.
Director, Center for Cyberspace Law and Policy
Associate Professors of Law

AVIDAN Y. COVER, B.A., J.D.
Director, Institute for Global Security Law and Policy

JOSEPH A. CUSTER, B.A., J.D., M.B.A., M.L.S.
Director, Law Library

BRIAN K. GRAN, B.A., J.D., Ph.D.
Associate Professor of Sociology and Law

CHARLES R. KORSMO, S.B., J.D.

KENNETH F. LEDFORD, B.A., J.D., M.A., Ph.D.
Associate Professor of History and Law

ANDREW S. POLLIS, A.B., J.D.

Assistant Professors of Law

JAIME BOUVIER, B.A., J.D.

JEAN M. MCQUILLAN, B.A., J.D.

JACK TURNER II, B.A., J.D.
Associate Director, Foreign Graduate LL.M. Program

TIMOTHY WEBSTER, B.A., M.A., J.D., LL.M.
Director, East Asian Legal Studies

LISA M. WOOD, B.A., J.D.

Senior Instructors in Law

MICHAEL J. BENZA, B.A., M.A., J.D.

CAROL T. FOX, B.A., M.A., Ph.D., J.D.

CARMEN NASO, B.A., J.D.

Visiting Faculty

TIMOTHY J. DUFF, B.A., J.D.

AYESHA B. HARDAWAY, B.A., J.D.

DALINDYBOE B. SHABALALA, B.A., J.D., P.H.D.
Professors Emeriti

ARTHUR D. AUSTIN II, B.A., J.D.
Edgar A. Hahn Professor Emeritus

RONALD J. COFFEY, A.B., LL.B., LL.M.

MELVYN R. DURCHSLAG, B.S., J.D.

LEON GABINET, PH.B., J.D.
Coleman P. Burke Professor Emeritus

ROBERT P. LAWRY, B.A., J.D., DIP, LAW
Director, Center for Professional Ethics

WILBUR C. LEATHERBERRY, A.B., J.D.

JAMES W. McELHANEY, A.B., LL.B.
Joseph C. Hostetler Professor Emeritus of Trial Practice and Advocacy

LOUISE W. MCKINNEY, B.A., J.D.

SPENCER NETH, B.A., J.D., LL.M.

SIDNEY I. PICKER, JR., A.B., LL.B., LL.M.

MORRIS G. SHANKER, B.S.E.E., M.B.A., J.D.
John Homer Kapp Professor Emeritus

CALVIN WILLIAM SHARPE, B.A., M.A., J.D.
Galen J. Roush Professor Emeritus
LECTURE

2016 Sumner Canary Memorial Lecture: Of Lions and Bears, Judges and Legislators, and the Legacy of Justice Scalia

Honorable Neil M. Gorsuch

SYMPOSIUM

WHREN AT TWENTY: SYSTEMIC RACIAL BIAS AND THE CRIMINAL JUSTICE SYSTEM

Introduction
Lewis R. Katz

Thin Blue Lies: How Pretextual Stops Undermine Police Legitimacy
Jonathan Blanks

Whren's Flawed Assumptions Regarding Race, History, and Unconscious Bias
William M. Carter, Jr.

Racial Profiling: A Persistent Civil Rights Challenge Even in the Twenty-First Century
Ronnie A. Dunn

Doubling Down on Racial Discrimination: The Racially Disparate Impacts of Crime-Based Removals
Kevin R. Johnson

State Responses to the Whren Decision
Margaret M. Lawton

Arbitrary Law Enforcement is Unreasonable: Whren's Failure to Hold Police Accountable for Traffic Enforcement Policies
Jonathan Witmer-Rich

NOTES

Interrupting the Blight Cycle: Managing the Future of Properties in Tax Foreclosure Sales Through Pre- and Post-Sale Initiatives
Ellen Kirtner

A Proposal to Eliminate a Black Market for Children
Sean McIntyre

COMMENT

The Wall that AEDPA Built: Revisiting the Suspension Clause Challenge to the Antiterrorism and Effective Death Penalty Act
Nathan Nasrallah