

Seton Hall Law School
**CONSTITUTIONAL
 LAW JOURNAL**

IN THIS ISSUE
Fall 1991



DEDICATION

- Tribute to the Former United States Attorney General
 Richard H. Thornburgh by President George H. W. Bush 1

ARTICLES

- Vicarious Liability for Punitive Damages: The Effort to
 Constitutionalize "Tort Reform" 5
- Prenatal Drug Exposure: The Constitutional Implications
 of Three Governmental Approaches 53
- The Preamble in Constitutional Interpretation 127

CROSSFIRE

- "Son of Sam" Law v. A *Wiseguy's* Freedom of Speech: A
 Constitutional Exploration of *Simon and Schuster, Inc. v.*
Members of the New York State Crime Victims Board 211

COMMENTS

- Copyright and Patent Clause of the Constitution: Does
 Congress have the Authority to Abrogate State Eleventh
 Amendment Sovereign Immunity after *Pennsylvania v.*
Union Gas? 297
- Replacing Confusion with Compromise: The Supreme
 Court's New Standard for Dissolving Desegregation
 Decrees in *Board of Education v. Dowell* 337

CASENOTES

- FEDERAL RULES OF CIVIL PROCEDURE—RULE 11 SANCTIONS
 The Objective Standard of Rule 11 Applies to Represented
 Parties Who File Pleadings, Motions or Other Papers in
 Federal Court—*Business Guides, Inc. v. Chromatic*
Communications Enterprises, Inc., 111 S. Ct. 922 (1991) 373
- EIGHTH AMENDMENT—CRUEL AND UNUSUAL PUNISHMENT
 Sentence of Life Imprisonment Without Parole for the Crime
 of Possessing More than 650 Grams of Cocaine is not Cruel
 and Unusual in Violation of the Eighth Amendment—
Harmelin v. Michigan, 111 S. Ct. 2680 (1991) 409

ARTICLE III—CASE AND CONTROVERSY CLAUSE In Determining an Environmental Organization's Standing to Challenge Government Actions Under the Land Withdrawal Review Program, the Use of Lands in the Vicinity of Lands Adversely Affected by Order of the Bureau of Land Management Does Not Constitute Direct Injury— <i>Lujan v. National Wildlife Federation</i> , 110 S. Ct. 3177 (1990)	445
--	-----

SURVEYS

FIRST & FIFTH AMENDMENTS—ABORTION Regulations Which Prohibit Title X Projects from Engaging in Abortion Counseling, Referral, and Activities Advocating Abortion as a Method of Family Planning are Not Violative of the First or Fifth Amendments— <i>Rust v. Sullivan</i> , 111 S. Ct. 1759 (1991)	489
---	-----

FIFTH & FOURTEENTH AMENDMENTS—DUE PROCESS CLAUSE The Harmless-Error Rule Applies to Cases Involving the Coerced Confessions of a Criminal Defendant— <i>Arizona v. Fulminante</i> , 111 S. Ct. 1246 (1991)	499
--	-----

FIRST AMENDMENT—FREEDOM OF EXPRESSION Requiring Professional Dancers to Wear Pasties and G-Strings Pursuant to a State Statute Proscribing Public Indecency Does Not Violate the First Amendment— <i>Barnes v. Glen Theatre, Inc.</i> , 111 S. Ct. 2456 (1991)	507
--	-----

THE CONSTITUTION OF THE UNITED STATES	519
---------------------------------------	-----