

Volume 25, Issue 1

Winter 1995

DEDICATION

Edmund O. Belsheim

James L. Huffman & Douglas K. Newell

ARTICLES

International Environmental Standards for Transnational Corporations

Robert Fowler

Professor Fowler explains the challenges inherent in applying environmental standards to transnational corporations, analyzes the various methods that could be used to regulate TNCs, and concludes by arguing for extraterritorial applications of disclosure statutes as a means of imposing stricter self-regulation.

The Political Implications of the Enforcement Provisions of the NAFTA Environmental Side Agreement: The CEC as a Model for Future Accords

Kal Raustiala

According to Professor Raustiala, a powerful and effective Commission for Environmental Cooperation (CEC) could use the enforcement provisions of NAFTA's environmental side agreement against the United States in a way that would reduce agency and technology-forcing statutes and lessen the substantive scope of environmental legislation.

Congress, the Courts, and Solid Waste Transport: Good Fences Don't Always Make Good Neighbors

Philip Weinberg

After summarizing current Supreme Court jurisprudence holding most state laws that regulate interstate transfer of garbage unconstitutional under the Dormant Commerce Clause, Professor Weinberg reviews current federal legislation that attempts to authorize states to pass such laws, but concludes that such state laws, even if authorized by the federal government, would violate the Equal Protection Clause.

The Self Critical Analysis Privilege and Environmental Audit Reports

Peter A. Gish

Mr. Gish reviews the self-critical analysis privilege, which precludes certain self-audits from being discovered or admitted in court and concludes that this privilege will probably not protect environmental self-audits.

Making Sense Out of Secondary Sources in Environmental Law: A Research Primer

Nancy Perkins Spyke

Professor Spyke provides an in-depth bibliography of secondary sources that are useful for environmental law research. She explains how to use each source, discusses its coverage, and outlines the benefits and drawbacks of different sources that cover the same ground.

COLLOQUIUM ON *Dolan v. City of Tigard*

***Dolan v. City of Tigard*: Introduction and Decision**

Larry Watters

Mr. Watters introduces the colloquium by providing an in-depth summary of all states of Mrs. Dolan's Takings Clause claim against the City of Tigard.

Reading *Dolan v. City of Tigard*

William Funk

Professor Funk explains why the Court accepted the landowner's version of the *Dolan* story over the city's version and concludes that the case will not significantly affect land use planning.

Dolan v. City of Tigard: Another Step in the Right Direction

James L. Huffman

Dean Huffman argues that balancing tests are a disturbing trend in Supreme Court jurisprudence, especially in Takings Clause cases, but concludes that *Dolan's* dicta promise greater protection of property rights.

Substantive Due Process Resurrected Through the Takings Clause: *Nollan, Dolan* and *Ehrlich*

Edward Sullivan

Mr. Sullivan asserts that *Dolan's* proportionality test resurrects substantive due process through the Takings Clause and will result in courts imposing their own values over those of local governments.

Takings Law and Appellate Decision Making

Jay Plager

Circuit Judge Plager explains how the dynamics of appellate decision making prevents courts from creating a cohesive takings jurisprudence and then summarizes Takings Clause issues, indicating which are settled and which remain open.

The End of Environmental Law? Libertarian Property, Natural Law, and the Just Compensation Clause in the Federal Circuit

Michael C. Blumm

Professor Blumm argues that *Florida Rock Industries* and *Loveladies Harbor*, two recent cases from the Federal Circuit, represent a radical, libertarian view of property and are not supported by either Supreme Court opinions or the history of American property law.

The Takings Clause and the Future of Environmental and Land Use Regulation

Panel of Speakers Moderated by Larry Watters

NOTE

South Dakota v. Bourland: Another Supreme Court Move Away from Recognition of Tribal Sovereignty

Janis Searles

This recent case continues the Supreme Court's trend of eroding Indian sovereignty, but Ms. Searles suggests ways that the Army Corps of Engineers can protect tribal interests within its current statutory framework.

BOOK REVIEW

A New World Order in Environmental Policy Making? A Review of *The State and Social Power in Global Environmental Politics*

Matthew Werner

Mr. Werner finds this new book to be an impressive treatment of complex issues and concludes that although it doesn't provide solutions to the problems it raises, it adds fuel to the fire of the public debate and should help spur successful solutions to global environmental problems.

CLEAR THE AIR

FRCP Rule 8 and Rule 11 Sanctions
Carl Tobias