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Professor of law Harry I. Subin argues that greater responsibility should be placed on lawyers not to pervert the truth to help their clients. Attorney John B. Mitchell disputes the contention that the goal of the criminal justice process is to seek the truth and argues that it is essential that there be independent defense attorneys to provide protection against government oppression.	
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Penelope E. Bryan, a professor in the School of Law at the University of Denver, asserts that the process of mediation in divorce cases works more to the benefit of men than women. Stephen K. Erickson, a practicing divorce mediator, argues that all parties benefit from a process that is less adversarial, namely, mediation, and which is not controlled by lawyers.	
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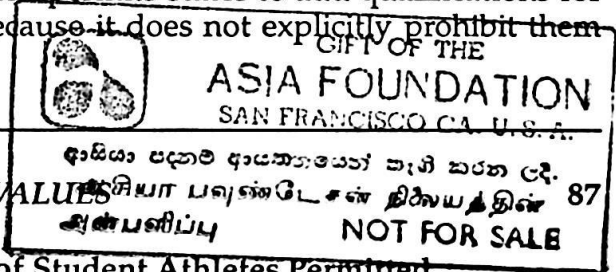
Professor of philosophy Kenneth Kipnis argues that plea bargaining often subverts the cause of justice. District Attorney Nick Schweitzer finds that plea bargaining is fair, useful, desirable, necessary, and practical.

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Supreme Court justice John Paul Stevens argues that the Framers intended the Constitution to establish fixed qualifications for members of Congress and that the power to add qualifications, such as term limits, is not reserved to the states by the Tenth Amendment. Supreme Court justice Clarence Thomas argues that the federal Constitution permits states to add qualifications for electing members of Congress because it does not explicitly prohibit them from doing so.



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Supreme Court justice Antonin Scalia finds that nothing in the Constitution bars a random urinalysis requirement for students participating in interscholastic athletics. Supreme Court justice Sandra Day O'Connor asserts that such a requirement weakens the Fourth Amendment.

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Supreme Court justice Antonin Scalia finds that the St. Paul ordinance punishing "hate speech" cannot be constitutional because it regulates speech depending on the subject the speech addresses. Justice John Paul Stevens argues that this particular ordinance is perhaps simply overbroad.

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Supreme Court justice William J. Brennan, Jr., argues that burning the American flag to express displeasure at the government is behavior that is protected by the First Amendment. Supreme Court chief justice William H. Rehnquist argues that a congressional prohibition against flag burning is justified.

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Supreme Court justice David H. Souter maintains that a New York statute that established a school serving only a single religious community violates the establishment clause of the First Amendment. Justice Antonin Scalia argues that the school is secular in nature and does not violate the First Amendment.

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NO: William H. Rehnquist, from Dissenting Opinion, *Planned Parenthood of Southeastern Pennsylvania et al. v. Robert P. Casey et al.*, U.S. Supreme Court 182

Supreme Court justice Sandra Day O'Connor upholds a woman's constitutional right to abortion under most circumstances. Chief Justice William

H. Rehnquist argues that Pennsylvania regulations on abortion should be upheld and that it is appropriate to overrule *Roe v. Wade*.

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Judge Dolores K. Sloviter argues that the Communications Decency Act (CDA) violates the First Amendment rights of all people by restricting access to material on the Internet. The U.S. Department of Justice contends that limitations on minors' access to indecent materials in cyberspace are no different from constitutionally upheld limitations in other communications media.

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NO: Wm. Bradford Reynolds, from "Affirmative Action and Its Negative Repercussions," *The Annals of the American Academy of Political and Social Science* 218

William L. Taylor, a lawyer, and Susan M. Liss, the deputy assistant attorney general of the U.S. Department of Justice, believe that affirmative action policies have been very effective in providing new opportunities for education and economic advancement. Wm. Bradford Reynolds, a senior litigation partner, argues that any preference provided on the basis of race, gender, religion, or national origin is inconsistent with the ideal of equality.

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NO: Robert Beeser, from Dissenting Opinion, *Compassion in Dying v. State of Washington*, U.S. Court of Appeals for the Ninth Circuit 241

Judge Stephen Reinhardt argues that forbidding physician-assisted suicide in the case of competent, terminally ill patients violates the due process clause

of the Constitution. Judge Robert Beeser maintains that although patients have the right to refuse life-sustaining treatment, physician-assisted suicide is not constitutionally protected.

ISSUE 13. Are Laws Restricting Gay Rights Legislation Unconstitutional? 248

YES: Anthony Kennedy, from Majority Opinion, *Roy Romer et al. v. Richard G. Evans et al.*, U.S. Supreme Court 250

NO: Antonin Scalia, from Dissenting Opinion, *Roy Romer et al. v. Richard G. Evans et al.*, U.S. Supreme Court 257

Supreme Court justice Anthony Kennedy argues that a Colorado amendment denying certain legal protections for homosexuals violates the Constitution. Supreme Court justice Antonin Scalia asserts that the Colorado amendment denies homosexuals special treatment on the basis of their sexual orientation and that there is no constitutional reason to prohibit such a law.

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ISSUE 14. Should the Death Penalty Be Abolished? 268

YES: Harry A. Blackmun, from Dissenting Opinion, *Bruce Edwin Callins v. James A. Collins*, U.S. Supreme Court 270

NO: James C. Anders, from Statement Before the Committee on the Judiciary, U.S. Senate 280

Former Supreme Court justice Harry A. Blackmun argues that the application of the death penalty has been arbitrary and discriminatory. Attorney James C. Anders argues that the death penalty is the appropriate punishment for some crimes and that it should not be abolished.

ISSUE 15. Should the Exclusionary Rule Be Abolished? 286

YES: Malcolm Richard Wilkey, from "The Exclusionary Rule: Why Suppress Valid Evidence?" *Judicature* 288

NO: Yale Kamisar, from "The Exclusionary Rule in Historical Perspective: The Struggle to Make the Fourth Amendment More Than 'an Empty Blessing,'" *Judicature* 300

U.S. Court of Appeals judge Malcolm Richard Wilkey raises objections to the exclusionary rule on the grounds that it may suppress evidence and allow the guilty to go free. Professor of law Yale Kamisar argues that the exclusionary rule is necessary to prevent abuses by police and to protect citizens' rights.

ISSUE 16. Will Waiting Periods Control Gun Purchases? 312

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NO: James Jay Baker, from Statement Before the Subcommittee on Crime and Criminal Justice, Committee on the Judiciary, U.S. House of Representatives 318

Sarah Brady, head of a citizens' lobby for gun control, argues that a waiting period for purchasing a weapon does not change who is lawfully allowed to buy a gun and that it would prevent many crimes. James Jay Baker, director of federal affairs for the National Rifle Association, claims that waiting periods do not work and that criminals would still be able to obtain weapons.

ISSUE 17. Should the Insanity Defense Be Abolished? 328

YES: Jonathan Rowe, from "Why Liberals Should Hate the Insanity Defense," *The Washington Monthly* 330

NO: Richard Bonnie, from Statement Before the Committee on the Judiciary, U.S. Senate 340

Editor Jonathan Rowe examines the insanity defense as it is now administered and finds that its application is unfair and leads to unjust results. Professor of law Richard Bonnie argues that the abolition of the insanity defense would be immoral and would leave no alternative for those who are not responsible for their actions.

ISSUE 18. Should Drug Use Be Legalized? 348

YES: Steven B. Duke, from "Drug Prohibition: An Unnatural Disaster," *Connecticut Law Review* 350

NO: Gregory A. Loken, from "The Importance of Being More Than Earnest: Why the Case for Drug Legalization Remains Unproven," *Connecticut Law Review* 360

Steven B. Duke, a professor of law of science and technology, contends that the war on drugs has led to an increase in criminal behavior and that the costs of drug prohibition are enormous. Therefore, he recommends decriminalization and government regulation of drugs. Associate professor Gregory A. Loken asserts that the war on drugs has successfully reduced crime and that legalization would have devastating consequences, particularly for children.

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