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ARTICLES

This paper addresses the propensity of large donors to make financial contributions to competing candidates or party organizations during the same election cycle—for example, giving money to both Bush and Kerry during the 2004 presidential race. This practice, here termed "bet-hedging," is analyzed in strategic and game-theoretic terms. The paper explores the prevalence of bet-hedging, the possible motivations behind the practice, and the informational concerns surrounding it. Bet-hedging, above all other donation practices, carries a unique implication of ex post favor-seeking. A donor who prefers one side over the other at least partially cancels out its own contribution by hedging its bets. The generosity of a donor who has no preference can only be motivated by a desire for increased influence over the winning party or, at a minimum, the hope of escaping retaliation for failing to support the eventual victor. The paper thus contends that bet-hedging can (constitutionally) and, though it is a tougher question, should (normatively) be regulated under the Buckley v. Valeo *and* McConnell v. FEC *frameworks.*

This article discusses the Supreme Court's controversial Rasul v. Bush *decision—a case dealing with the ability of the federal courts to entertain the habeas petitions filed by terrorist suspects detained at Guantanamo Bay, Cuba. The article seeks to make four contributions. First, it argues that the Supreme Court has misinterpreted its own precedent in its interpretation of the territorial reach of the habeas corpus statute. Secondly, it argues that the Court misread the historical record pertaining to the territorial reach of the writ of habeas corpus—which antedated the adoption of the Constitution and was explicitly engrafted into the text of the Constitution. Thirdly, it argues that the implications of the decision are to impede unnecessarily the ability of the military to prosecute the war on terrorism, and promote forum shopping. Lastly, it proffers several statutory "fixes" to ameliorate the consequences of the* Rasul *decision. The principal thesis of the work is that federal courts must strictly construe the limits of their jurisdiction and that the province of expanding (or contracting) that jurisdiction lies with Congress. In addition, the article also criticizes the court for its implicit reliance upon*

COMMENTS