

Northern Illinois University Law Review

Volume 18 | Issue 1

Article 7

11-1-1997

Vol. 18, no. 1, Fall 1997: Table of Contents

Northern Illinois University Law Review

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Recommended Citation

Northern Illinois University Law Review (1997) "Vol. 18, no. 1, Fall 1997: Table of Contents," *Northern Illinois University Law Review*. Vol. 18: Iss. 1, Article 7.

Available at: <https://huskiecommons.lib.niu.edu/niulr/vol18/iss1/7>

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Volume 18

Fall 1997

Number 1

Articles

The Quicksands of The Poor Law: Poor Relief Legislation in a Growing Nation, 1790-1820

William P. Quigley 1

This articles reviews the development of poor relief laws from 1790 to 1820. The scope of the article will survey the laws affecting the poor people developed by the states as they joined the union and by the federal government. The author also sketches out common themes that developed through the legislation during this time period. Moreover, the articles tracks the influence of English poor laws and early legislative experiences in this area of the law.

Defamation in an Age of Political Correctness: Should a False Public Statement that a Person is Gay be Defamatory?

Patrice S. Arend 99

This articles reviews the important public policy decision that individuals should be free to protect their reputations from false and derogatory remarks. Most notably, the article explores the issues of whether a public statement that a person is gay is or should be defamatory, if it proves to be false. The author presents an overview of the problems presented to the various courts. The author then discusses the probable causes of actions and the most appropriate solution to defamation in an age of political correctness.

The Trust Doctrine in Federal Indian Law: A Look at Its Development and How Its Analysis Under Social Contract Theory Might Expand Its Scope

Janice Aitken 115

This article explores the continuing legal relationship between American Indians and the federal government of the United States. Namely, the battle over controlling internal tribal affairs. The history of that relationship has developed out of tensions over two doctrines the "plenary" power doctrine and the "trust" doctrine. The author reviews the possibility of expanding the scope of the trust doctrine based upon the application of a Social Contract Theory. Finally, the implications of such a theory are also discussed.

**Toward Fairness in Compensation of Management and Labor:
Compensation Ratios, A Proposal for Disclosure**

James A. Cotton 157

This article will discuss the general history of executive compensation and the concept of "excessive compensation" as it has developed in corporate America. The article advocates a change in current SEC disclosure requirements which are set out in Appendix A of this article. The development of ratios as a tool of financial analysis is discussed to establish the legitimacy of their use. The author then offers an example of a stockholder proposal to make use of compensation ratios.

Casenotes

***Smith v. Fair Employment and Housing Commission:*
Religious Freedom and Anti-discrimination Laws
Square Off in the Landlord/Tenant Setting**

David S. Goles 197

This casenote examines the California Supreme Court decision of Smith v. Fair Employment and Housing Commission and determines that the analysis applied by the court was improper and not in conformance with precedential law. The note begins by providing a historical overview of the various approaches the United States Supreme Court has taken in analyzing the right to freely exercise religion. After determining what the current analysis is, the author examines the Smith decision and determines the California Supreme Court misapplied the third part of that analysis, the substantial burden test. The author argues that had the California Supreme Court properly applied the test, the court would have found a substantial burden to have been present and, ultimately, decided the case differently. The note ends with a brief discussion of the practical impact and implications of the Smith decision.

***BMW of North America v. Gore:* A Misplaced Guide for
Punitive Damage Awards**

Michelle J. Carey 219

This casenote examines the Supreme Court's landmark ruling in BMW v. Gore, in which the Court struck down a jury award of punitive damages as being unreasonably large in violation of substantive due process. This Note traces the history of challenges to punitive damage awards through Supreme Court cases, including BMW v. Gore. It then analyzes BMW v. Gore, particularly the Court's misguided attempt at providing a guide for punitive damage awards and the dismal implications from the Court's actions. It concludes that the better approach for the Court to have taken would have been to focus on procedural due process concerns.