

Northern Illinois University Law Review

Volume 17 | Issue 1

Article 7

11-1-1996

Vol. 17, no. 1, Fall 1996: Table of Contents

Northern Illinois University Law Review

Follow this and additional works at: <https://huskiecommons.lib.niu.edu/niulr>



Part of the [Law Commons](#)

Recommended Citation

Northern Illinois University Law Review (1996) "Vol. 17, no. 1, Fall 1996: Table of Contents," *Northern Illinois University Law Review*. Vol. 17: Iss. 1, Article 7.

Available at: <https://huskiecommons.lib.niu.edu/niulr/vol17/iss1/7>

This Other/Newsletter is brought to you for free and open access by the College of Law at Huskie Commons. It has been accepted for inclusion in Northern Illinois University Law Review by an authorized editor of Huskie Commons. For more information, please contact jschumacher@niu.edu.

Northern Illinois University Law Review

Volume 17

Fall 1996

Number 1

Articles

Restoring Free Exercise Protections by Limiting Them: Preventing a Repeat of *Smith*

James M. Donovan 1

This article addresses the concerns involved with the recently enacted Religious Freedom Restoration Act and how this sets the stage for a revisiting of Employment Division, Department of Human Resources of Oregon v. Smith. This article suggests that full Free Exercise protections can be extended to most contexts if they are withdrawn from others. The goal is to accomplish a principled approach that does not contravene the spirit of the First Amendment. The proposed limiting principles argue collectively that full protections should be reserved for personal, central beliefs and actions about personal conduct whose accommodation does not raise Establishment issues, and which are threatened by new governmental dictates.

Should an Illinois Tenant Get the Benefit of the Landlord's Insurance?

John Dwight Ingram 51

This article examines whether a landlord's insurance coverage should extend to cover his or her tenant's personal property from loss or damage caused by the tenant's negligence. Although the courts are divided on whether to allow the landlord's insurer to recover from the tenant through the insurance contract's subrogation clause, the author argues careful and thoughtful lease drafting can avoid or eliminate liability issues between the landlord and tenant. Such drafting gives the courts a clearer picture of the exact relationship between the parties and who should bear the risks involved under a given set of circumstances.

Business Standing Under the Illinois Consumer Fraud Act: An Attempt to Resolve the Confusion

Edward X. Clinton, Jr. 71

This article analyzes the standard for when a business has standing to pursue an action under the Illinois Consumer Fraud Act. The article contends that several decisions addressing this issue are in conflict. The article proposes a new test to resolve the conflicts in the decisions. Under that test, which is used in other states, a business has standing to raise a claim under the Act when the business is acting in a manner similar to an ordinary consumer.

Casenotes

A Lopez Legacy?: The Federalism Debate Renewed, But Not Resolved

Debbie Ellis 85

This casenote examines the Supreme Court's landmark ruling in United States v. Lopez, in which the Court struck down a Congressional enactment under the Commerce Clause for the first time in modern history. The note traces Commerce Clause jurisprudence back to the days of the Founding Fathers and analyzes the Lopez opinion in an historic context. It also provides an overview of how the lower federal courts have dealt with appeals based on the Lopez ruling and concludes that the federalism debate, which underlies the Court's 5-4 decision, has been renewed but not resolved.

Life Without Lemon: The Status of Establishment Clause Jurisprudence After Rosenberger v. Rector & Visitors of the University of Virginia

Julie Madison Angus 123

This casenote analyzes Rosenberger v. Rector & Visitors of the University of Virginia and determines that the Court misapplied Establishment Clause precedent and erroneously rejected the three-prong Lemon test. In examining the decision, the note provides a brief historical overview of the development of the numerous tests surrounding the Establishment Clause, focusing primarily on the past fifty years. The note concludes that in failing to mention the Lemon test, Rosenberger merely adds more confusion to the already bewildering area of Establishment Clause jurisprudence.

Miller v. Johnson: Drawing the Line on Racial Gerrymandering

Darin R. Doak 155

By rejecting the Georgia State Legislature's attempt to redraw its political districts to ensure election of black representatives, the Supreme Court in Miller v. Johnson exposed a fallacy that served as the foundation for eighteenth-, nineteenth-, and twentieth-century barriers to minority franchise rights: the idea that minority groups act and vote similarly. Treading lightly through the political thicket of redistricting, the Miller Court eliminated this threat by prohibiting political districts drawn with substantial reliance upon race. This article discusses the merits of the Miller decision and its place in the evolution of minority voting rights. The article also suggests that the Miller Court should have extended its decision to prohibit political as well as racial gerrymandering. Nonetheless, the article concludes that the Court's eradication of racial gerrymandering has finally answered the cry of civil rights activists for total equality.