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## Articles

### Legislative Term Limitation Under A "Limited" Popular Initiative Provision?

Lawrence Schlam ..... 1

*This article addresses the need for change in a seniority-based political system which fosters and is dominated by self-serving career politicians who rarely appear to serve the public interest. Campaign finance reforms and other remedial approaches show no signs of abating this situation. Term limitations, however, offer a reasonable check on the evil inherent in prolonged legislative power. Even though the constitutionality of state-enacted limitations on federal legislators is debatable, state enacted limitations on state legislative terms are constitutional. The "limited" popular constitutional initiative provided for in the 1970 Illinois Constitution—and the Illinois Supreme Court decisions interpreting that provision—appear to allow for legislative term limits in Illinois. Thus, Illinois may soon participate in the national term limitation movement.*

### Providing Creative Remedies to Bystander Emotional Distress Victims: A Feminist Perspective

Deborah K. Hepler ..... 71

*This article discusses the tort of bystander emotional distress from a feminist perspective. The Article concentrates on emotional distress which flows from witnessing the physical injury or death of a loved one. The article begins with an examination of the difficulties courts have in dealing with such cases. It proceeds to a discussion regarding Stanley Ingber's theory for dealing with such harms. Finally, the article argues for a more creative approach to a resolution of emotional distress claims in order to expose the underlying biases that are inherent in emotional distress claims, and concludes that a more flexible approach would effectuate many societal goals.*

### The Untimely Demise of the Involuntary Confession Material Witness Rule in Illinois

Stephanie Rae Williams ..... 105

*This article examines the recent elimination of the material witness rule, which governed the admissibility of confessions in criminal cases. The article first traces the evolution and Fifth Amendment background of the rule. Next, the article discusses the rash action taken by the Illinois Supreme Court when it rejected the rule. Finally, the article concludes by showing that the rule was a necessary Fifth Amendment protection and has been reasonably applied.*

**Characterization and Assignment of Corporate and Shareholder Income**

**Daniel M. Schneider** ..... 133

*A fertile group for the development of differentials arises in dividend distributions made by corporations to their shareholders. Professor, Schneider analyzes the way in which differentials in dividend income have been exploited: whose income it is; is it ordinary income or capital gain; and has a dividend been disguised as proceeds from the sale of stock, or a sales proceed as a dividend (the Waterman Steamship problem). He concludes that differentials between various types of statutes—who is the taxpayer, at what rate is the income taxed—inevitably leads to taxpayers trying to meet favorable characterizations and to avoid negative characterizations. The present method of taxing corporations and their shareholders separately, and at differing rates, involves several differentials. As a consequence, the history of characterizing dividend income and assigning it to the appropriate taxpayer, is a rich one.*

**Comments**

**The Cents of it: Dischargeability and Environmental Claims Under the Bankruptcy Code**

**Denise M. Schuh** ..... 191

*Courts have been unable to develop a consistent body of precedent as to the point at which a CERCLA claim arises under the Bankruptcy Code due to the competing policy interests involved. This comment analyzes the current approaches employed by the courts and concludes that the current approaches are inadequate to provide a compromise between the policy objectives of both CERCLA and the Bankruptcy Code. This comment proposes a judicial actual notice standard in conjunction with legislative action to enact an environmental liability exception to the dischargeability provisions of the Bankruptcy Code.*

**An Equitable Approach to Products Liability Statutes of Repose**

**Mark W. Peacock** ..... 223

*This comment addresses the applicability of the doctrine of equitable estoppel to products liability statutes of repose. The comment specifically focuses upon the situation where the injury caused by the defective product occurs after the repose period has ended and it is alleged that the manufacturer concealed from the customer its knowledge of the defect. The author concludes that the principles of equitable estoppel should be applied to bar the manufacturer from asserting the statute of repose as a defense where the manufacturer intentionally withheld its knowledge of the unreasonably dangerous defects of its product from the consumer.*

**United States v. Nixon, Twenty Years After: The Good, the Bad and the Ugly—an Exploration of Executive Privilege**

**K.A. McNeely-Johnson** ..... 251

*The following article attempts to conceptualize United States v. Nixon and the strengthened doctrine of Executive Privilege it beget. This is accomplished through the examination of Executive Privilege's historic roots, the events surrounding the Nixon case, the hallmark ruling itself, the shadowy impact upon subsequent administrations, and the tension of secrecy and accountability necessitated by the doctrine. Finally, it concludes with alternatives that would minimize the dangerous potential that exists under the current permutation of the doctrine.*

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