Volume 101 | Issue 7

2003

Front Matter

Michigan Law Review

Follow this and additional works at: https://repository.law.umich.edu/mlr

Recommended Citation

Michigan Law Review, *Front Matter*, 101 MICH. L. REV. i (2003). Available at: https://repository.law.umich.edu/mlr/vol101/iss7/1

This Front Matter is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

VOLUME 101 2002-2003

The University of Michigan Law School

Michigan Law Review Ann Arbor, Michigan 48109-1215

Vol. 101, No. 7

June 2003

CONTENTS

ARTICLES

THE NEW IMPERIALISM: VIOLENCE,	
NORMS, AND THE "RULE OF LAW" Rosa Ehrenreich Brooks	2275

NOTE

GOVERNMENT RESPONSIBILITY FOR THE	
Acts of Jailhouse Informants	
UNDER THE SIXTH AMENDMENT Maia Goodell	2525

RECENT BOOKS

Воокs Received 25	553
-------------------	-----

Copyright © 2003 by The Michigan Law Review Association

Copyright © 2003 by the Michigan Law Review Association. Except where otherwise expressly provided, the author of each article and Note in this issue has granted permission for copies of that article or Note to be made for educational use, provided that (i) copies are distributed at or below cost; (ii) the author and the *Michigan Law Review* are identified; (iii) prior written notice of the use is given to the Michigan Law Review Association; and (iv) proper notice of copyright is affixed to each copy.

Michigan Law Review (ISSN 0026-2234) is published monthly in October, November, December, February, March, May, June, and August. Subscriptions: United States, \$50 per year in advance, eight numbers; Foreign, \$60. Editorial and Business Offices: Hutchins Hall, 625 S. State St., Ann Arbor, Michigan 48109-1215; 734/764-0542 (Editorial); 734/763-5870 (Business); 734/647-5817 (Fax). Internet Address: <http://www.law.umich.edu/JournalsandOrgs/mlr/>. Periodicals postage paid at Ann Arbor, Michigan, and additional mailing offices. POSTMASTER: send address changes to Michigan Law Review, Hutchins Hall, 625 S. State St., Ann Arbor, Michigan 48109-1215.

Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521.

Recent Volumes: Single Issues \$8, Book Review \$14, and Special Issues \$10, postpaid, at Editorial and Business Offices.

Volumes 1 through 95, as well as single issues in those volumes, are available in printed and microform from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. We must therefore ask that subscribers report the nonreceipt of copies within six months of the mailing date.

We gladly consider unsolicited manuscripts for publication. Citations in manuscripts should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (17th ed. 2000) and *The Chicago Manual of Style* (14th ed. 1993). We regret that we can return only those manuscripts for which we receive postage and handling fees of \$3.50 for first-class and \$1.50 for special fourth-class mail.

UNIVERSITY OF MICHIGAN LAW SCHOOL

Winter 2003

Administrative Officers

MARY SUE COLEMAN, B.A., PH.D., President of the University PAUL N. COURANT, B.A., M.A., PH.D., Provost and Executive Vice-President for Academic Affairs

Academic Ajjairs JEFFREY S. LEHMAN, A.B., M.P.P., J.D., Dean EVAN H. CAMINKER, B.A., J.D., Associate Dean for Academic Affairs VIRGINIA B. GORDAN, B.A., J.D., Assistant Dean for International Programs SARAH C. ZEARFOSS, A.B., J.D., Assistant Dean and Director of Admissions

DAVID H. BAUM, B.A., J.D., Assistant Dean of Students CHARLOTTE H. JOHNSON, B.A., J.D., Assistant Dean of Students

KATHERINE B. GOTTSCHALK, B.A., Assistant Dean for Financial Aid

SUSAN M. GUINDI, B.A., J.D., Assistant Dean for Career Services

GEORGE L. FOLLANSBEE, JR., A.B., J.D., Assistant Dean for Development and Alumni Relations

ROBERT E. PRECHT, B.A., J.D., Assistant Dean of Public Service

Professors Emeriti of Law

of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D., Edson R. Sunderland Professor of Law

OLIN L. BROWDER, A.B., LL.B., S.J.D., James V. Campbell Professor of Law ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D., LL.D., Henry M. Parter Professor of Law

Henry M. Butzel Professor of Law Luke K. Cooperrider, B.S., J.D. Samuel D. Estep, A.B., J.D. Robben W. Fleming, B.A., LL.B., LL.D.

WHITMORE GRAY, A.B., J.D., LL.D., JEROLD H. ISRAEL, B.B.A., LL.B.,

Alene and Allan F. Smith Professor of Law JOHN H. JACKSON, B.A., J.D.,

Hessel E. Yntema Professor of Law

CHARLES W. JOINER, A.B., J.D.

Irwin I. Cohn Professor of Law Omri Ben-Shahar,* B.A., LL.B., LL.M.,

EVAN H. CAMINKER, B.A., J.D.

J.D.

PH.D.

of Law

Law

Law

LAYMAN E. ALLEN, A.B., M.P.A., LL.B. REUVEN S. AVI-YONAH, B.A., A.M., PH.D.,

DAVID L. CHAMBERS,* A.B., LL.B., Wade H. McCree, Jr. Collegiate Professor

SHERMAN J. CLARK, B.S., J.D. EDWARD H. COOPER,* A.B., LL.B., Thomas M. Cooley Professor of Law STEVEN P. CROLEY, A.B., J.D., M.A. REBECCA S. EISENBERG, B.A., J.D.,

PHOEBE C. ELLSWORTH, A.B., PH.D.,

Kirkland and Ellis Professorship in Law MERRITT B. FOX, B.A., J.D., PH.D.,

Alene and Allan F. Smith Professor of Law RICHARD D. FRIEDMAN, B.A., J.D., D.PHIL.,

Ralph W. Aigler Collegiate Professor of Law BRUCE W. FRIER, B.A., PH.D., Henry King Ransom Professor of Law THOMAS A. GREEN, B.A., PH.D., J.D., Lehr Dillin Durger Collegiate Defenses

John Philip Dawson Collegiate Professor of

PETER O. STEINER, A.B., M.A., PH.D. Professors of Law

ERIC STEIN, J.U.D., J.D., DR.H.C., Hessel E. Yntema Professor of Law

FRANK R. KENNEDY, A.B., LL.B., J.S.D., Thomas M. Cooley Professor of Law MARVIN L. NIEHUSS, A.B., LL.B.

WILLIAM J. PIERCE, A.B., J.D. Roy F. Proffitt, B.S., J.D., LL.M. John W. Reed, A.B., LL.B., LL.M., LL.D.,

JUR.S.C.D., Thomas M. Cooley Professor of Law TERRANCE SANDALOW, A.B., J.D., Edson R. Sunderland Professor of Law

THEODORE J. ST. ANTOINE, A.B., J.D., James E. and Sarah A. Degan Professor

RODERICK M. HILLS, JR., B.A., J.D. ROBERT L. HOWSE,* B.A., LL.B., LL.M. DOUGLAS A. KAHN, B.A., J.D.,

Clarence Darrow Distinguished University Professor of Law THOMAS E. KAUPER, A.B., J.D.

KYLE D. LOGUE, B.A., J.D.

CATHARINE A. MACKINNON,* B.A., J.D., PH.D.

Elizabeth A. Long Professor of Law

DEBORAH C. MALAMUD,* B.A., J.D. James E. and Sarah A. Degan Professor of

Рн.D.,

William W. Bishop, Jr. Collegiate

- Professor of Law Mathias W. REIMANN, DR. IUR., LL.M., Hessel E. Yntema Professor of Law
- JAMES C. HATHAWAY, LL.B., LL.M., J.S.D. DONALD J. HERZOG, A.B., A.M., PH.D.,

SAMUEL R. GROSS, A.B., J.D. Thomas G. and Mabel Long Professor of

Edson R. Sunderland Professor of Law

Paul G. Kauper Professor of Law YALE KAMISAR,* A.B., LL.B., LL.D.,

Henry M. Butzel Professor of Law JAMES E. KRIER, B.S., J.D.,

Earl Warren DeLano Professor of Law

RICHARD O. LEMPAN, A.B., M.P.P., J.D., RICHARD O. LEMPERT,* A.B., J.D., PH.D., Eric Stein Distinguished University Professor

of Law Robert and Barbara Luciano Professor of

- - Law
 - RONALD J. MANN,* B.A., J.D.

MULLIAM I. MILLER, B.A., PH.D., J.D. Thomas G. Long Professor of Law SALLYANNE PAYTON, A.B., LL.B. DONALD H. REGAN, A.B., LL.B., B.PHIL.,

CARL E. SCHNEIDER,* A.B., J.D., Chauncey Stillman Professorship for Ethics,

Morality, and the Practice of Law REBECCA J. SCOTT, A.B., M.PHIL., PH.D.

A.W. BRIAN SIMPSON, B.A., M.A., D.C.L., Charles F. and Edith J. Clyne Professor

of Law E. PHILIP SOPER, B.A., M.A., J.D., PH.D., James V. Campbell Professor of Law JOSEPH VINING, B.A., M.A., J.D., Harry Burns Hutchins Collegiate Professor of Law

LAWRENCE W. WAGGONER, B.B.A., J.D., D.PHIL.,

Lewis M. Simes Professor of Law PETER K. WESTEN,* B.A., J.D., Frank G. Millard Professor of Law

JAMES BOYD WHITE, A.B., A.M., LL.B.

L. Hart Wright Collegiate Professor of Law JAMES J. WHITE, B.A., J.D., Robert A. Sullivan Professor of Law CHRISTINA B. WHITMAN,* A.B., M.A., J.D. Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

MICHAEL S. BARR, B.A., M.PHIL., J.D. SUSANNA L. BLUMENTHAL, A.B., M.A., J.D., M.PHIL. DANIEL HALBERSTAM, B.A., J.D. PETER J. HAMMER, B.S., B.A., J.D., PH.D. DAVID HASEN, B,A., PH.D., J.D.

ELLEN D. KATZ,* B.A., J.D. NINA A. MENDELSON, B.A., J.D. RICHARD A. PRIMUS, A.B., D.PHIL., J.D. ADAM C. PRITCHARD,* B.A., M.P.P., J.D. MOLLY S. VAN HOUWELING, B.A., J.D. MARK D. WEST, B.A., J.D.

Clinical Professors of Law NICHOLAS J. RINE,* B.A., J.D. GRACE C. TONNER, B.A., J.D.

DONALD N. DUQUETTE, B.A., J.D. ROCHELLE E. LENTO, B.A., J.D. PAUL D. REINGOLD, B.A., J.D.

Clinical Assistant Professors of Law

EDWARD R. BECKER, B.A., J.D. KENNETH D. CHESTEK, B.A., J.D. LAURENCE D. CONNOR, A.B., J.D. Sacha M. Coupet, A.B., Ph.D., J.D. Rachel Croskery-Roberts, B.A., J.D. PHILIP M. FROST, B.A., J.D. PAUL HOLLAND, B.A., J.D., LL.M.

BRIDGET M. MCCORMACK, B.A., J.D. MARK K. OSBECK, A.B., M.A., J.D. DAVID A. SANTACROCE, B.A., J.D., LL.M. ANNE N. SCHROTH, B.A., J.D. THOMAS H. SEYMOUR, B.A., M.A., J.D. NANCY E. VETTORELLO, B.A., M.U.P., J.D.

Affiliated Overseas Professors

HANOCH DAGAN, LL.B., LL.M., J.S.D.

Visiting Professors of Law

LAN CAO, B.A., J.D. MARIAN CRAIN, B.S., J.D. DAVID H. GETCHES, A.B., J.D. Rodger Haines, B.A., LL.B. Kyron J. Huigens, A.B., J.D. Sherman Jackson, B.A., M.A., Ph.D. ORIT KAMIR, LL.B., M.A., LL.M., J.S.D. DINO KRITSIOTIS, LL.B., LL.M. SCOTT E. MASTEN, M.A., PH.D. LEONARD L. RISKIN, B.S., J.D., LL.M. William W. Van Alstyne, B.A., J.D. FRANK H. WU, B.A., J.D.

Adjunct Professors of Law

UZMA AHMAD, A.B., J.D. JONATHAN ALGER, B.A., J.D. JOHN E. BOS, B.A., J.D. ELENA BRUNTSEVA, J.D., LL.M. TIMOTHY L. DICKINSON, A.B., J.D., LL.M. James Forman, B.A., J.D. Saul A. Green, B.A., J.D. Alison E. Hirschel, B.A., J.D. Marvin Krislov, M.A., J.D.

KARL LUTZ, B.A., J.D. ROBERTA J. MORRIS, A.B., J.D. CYRIL MOSCOW, B.S., J.D. LEONARD NIEHOFF, A.B., J.D. TERRY PERRIS, B.A., J.D. STEVEN W. RHODES, B.S., J.D. MARK D. ROSENBAUM, B.A., J.D. JOEL SAMUELS, B.A., J.D. EDWARD R. STEIN, B.A., J.D.

Adjunct Clinical Assistant Professors of Law

VALERIE R. NEWMAN, B.A., J.D. Stevie Swanson, B.A., J.D.

Adjunct Instructor

MARGARET LEARY, B.A., M.A., J.D.

CHARI GROVE, B.A., J.D. NEIL S. KAGAN, B.S., M.S., J.D.

* On Leave

Vol. 101, No. 7

EDITORIAL BOARD

Editor-in-Chief NADIA I. SHIHATA, of Washington, D.C. Managing Editor THOMAS E. HOGAN, of Connecticut

Book Review Editors SEAN J. HARTIGAN, of Florida Ashlie C. WARNICK, of Virginia

Executive Article Editor DAVID A. PETERS, of Virginia

Executive Note Editor STEFANIE A. DOEBLER, of Pennsylvania

Executive Editors ANN H. CHEN, of Illinois SARAH S. KEAST, of Michigan JEFFREY R. VESEL, of Minnesota

JOHN T. ADAMS, of Arkansas AAMRA S. AHMAD, of Idaho DEMIAN S. AHN, of Washington, D.C. SANTOSH S. ARAVIND, of Michigan DAVID AZCUE, of New York MARSHALL T. BELL, of Alabama MICHAEL W. BOWLING, of Oklahoma JOSCELYN R. CEKOLA, of Michigan TRENT B. COLLIER, of Ohio BRADLEY M. CONNERS, of Wisconsin JAY C. COPPOLETTA, of Illinois CLAIRE LOEBS DAVIS, of Idaho BRIAN R. GORMLEY, of Virginia JEFFREY D. KLINGMAN, of Virginia ELIZABETH A. KRONK, of Michigan

SELIA M. ACEVEDO, of California MICHAEL D. ADAMSKI, of Michigan JOSH A. AGEN, of Wisconsin AMNA A. AKBAR, of Michigan JOEL D. ANDERSEN, of Iowa JENELLE M. BEAVERS, of Missouri GARTH T. BEAVON, of Michigan TIMOTHY W. BUCKNELL, of California ERIC J. CARSTEN, of California OMAR N. CHAUDHARY, of Ohio BENJAMIN C. COATS, of Michigan PETER J. CUNNIFFE, of Michigan R. WESTON DONEHOWER, of Vermont JOSHUA J. ELLISON, of Pennsylvania ERIC B. EVANS, of Ohio ADAM M. FLAKE, of Ulah ANDREW L. FOSTER, of Texas JEREMY A. GORDON, of Michigan BRIAN C. HACERTY, of Minnesota JOHANNA K. HARTWIG, of California THOMAS J. HUGHES, of Michigan BENJAMIN H. JACOBS, of California ANNE E. KANYUSKI, of Minnesota ROBERT A. KIBURZ, of Wisconsin UNA A. KIM, of Connecticut

> BUSINESS MANAGER DOROTHY A. KELLY

Article Editors MADELEINE V. FINDLEY, of Ohio WADE B. GENTZ, of Texas ANDREW P. LYCANS, of Ohio ANNA-ROSE MATHIESON, of Oregon ERIN L. SHENCOPP, of Indiana

June 2003

Note Editors

JOSHUA A. DOAN, of New York KRISTIN N. JOHNSON, of Texas ELIZABETH A. LEIFEL, of Illinois SEAN M. LEWIS, of Vermont LUMEN N. MULLIGAN, of Kansas JAGAN NICHOLAS RANJAN, of Indiana

Contributing Editors

Editors NEHA LALL, of Michigan DOUGLAS S. LLOYD, of Washington SARAH A. MCKUNE, of Michigan CHAD B. MEAD, of Utah ADAM S. NADELHAFT, of New York DAMON D. PERRY, of Illinois EFRAT RIFF, of Michigan JACOB T. RISNER, of Indiana JENNIFER L. SCHELLER, of Pennsylvania RACHEL E. SCHNELLER, of Massachusetts ERICA R. SEYBURN, of Michigan ALEX E. SPIUTE, of California MARLA H. SWARTZ, of Michigan SKANTHAN VIVEKAANDAMORTHY, of California SARAH A. ZUMWALT, of New York

Associate Editors

BRENDA L. KLEIDOSTY, of California
BENJAMIN H. KLEIN, of Pennsylvania
JEANNIE LEE, of California
DANIEL A. LOEFFLER, of Oklahoma
ANDREW C. MALONE, of Wisconsin
JOHN M. MCNICHOLS, of Idaho
DARREN T. NAKATA, of Oregon
ELIZABETH M. NORMAN, of New York
EMILY S. PALMER, of Ohio
TROY D. PETERSON, of Utah
MACKENZIE K. PHILLIPS, of Illinois
BROOKE J. REID, of Virginia
JEAN Y. RHEE, of Michigan
BENJAMIN J. ROESCH, of Wisconsin
LOUIS M. SEGRETI, of Illinois
MARK J. SHUBITZ, of Illinois
KEVIN A. SMITH, of Michigan
TYLER J. SMITH, of New York
TRACEY L. THOMAS, of New Jersey
LAURA E. WARD, of Florida
JONNICHEAL A. WHEAT, of Texas
JENNIFER R. WHITE, of New York
DANIEL A. ZIBEL, of Massachusetts

EDITORIAL ASSISTANT MELANIE D. EHLER