CONTENTS

ARTICLES

Policing, Danger Narratives, and Routine Traffic Stops. ................. Jordan Blair Woods 635

The New Impartial Jury Mandate ........ Richard Lorren Jolly 713

NOTES

Shots Fired: Digging the Uniformed Services Employment and Reemployment Rights Act out of the Trenches of Arbitration ................. Lisa Limb 761

More than Birds: Developing a New Environmental Jurisprudence Through the Migratory Bird Treaty Act ............... Patrick G. Maroun 789
Except where otherwise expressly provided, the author of each Article, Essay, and Note in this issue has granted permission for copies of that Article, Essay, or Note to be made for educational use, provided that (i) copies are distributed at or below cost; (ii) copies identify the author, the *Michigan Law Review*, the volume, the number of the first page, and the year of the publication; and (iii) proper notice of copyright is affixed to each copy, attributing copyright to the author.

*Michigan Law Review* (ISSN 0026-2234) is published in October, November, December, February, March, April, May, and June. Subscriptions: United States, $60 per year in advance, eight numbers; Foreign, $70. Editorial and Business Offices: University of Michigan Law Library, 801 Monroe St., Ann Arbor, Michigan 48109-1210; MLR-business@umich.edu (Business); 734/647-5817 (Fax). Website: http://www.michiganlawreview.org. Periodicals postage paid at Ann Arbor, Michigan and additional mailing offices. POSTMASTER: send address changes to University of Michigan Law Library, 801 Monroe St., Ann Arbor, Michigan 48109-1210.

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


Volumes 1 through 112, as well as single issues in those volumes, are available in print and microform from William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, New York 14068.

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 via Scholastica. Citations in manuscripts should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (20th ed. 2015) and *The Chicago Manual of Style* (17th ed. 2017). Please see our website for submission instructions.
Call for Submissions

The editors of the *Michigan Law Review* invite essay submissions on current areas of legal thought and research for the *Michigan Law Review Online*.

*Michigan Law Review Online* publishes short articles and op-ed style pieces by academics, judges, practitioners, and law students, as well as timely responses to articles in the print journal of the *Michigan Law Review*. Our online companion quickly disseminates the legal community’s initial impressions of important judicial decisions and legislative developments.

*Michigan Law Review Online* prefers submissions under 6,000 words inclusive of footnotes and can only very rarely accept longer pieces. Submissions should be written in a style accessible to a general audience of practitioners and policymakers. Pieces will be published on an expedited production schedule.


Please send questions and comments to the Executive Online Editors at mlr.online@umich.edu
The editors of the *Michigan Law Review* are pleased to announce

2019 SURVEY OF BOOKS RELATING TO THE LAW published April 2019


Please address inquiries to:

Michigan Law Review
University of Michigan Law School
Attn: Book Review Editors
625 S. State St.
Ann Arbor, MI 48109-1215

Visit our website at
UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

Mark Schlissel, B.A., M.D., Ph.D., President of the University
Martin A. Philbert, B.Sc., Ph.D., Provost and Executive Vice President for Academic Affairs
Mark D. West, B.A., J.D., Nippon Life Professor of Law, Dean
Bridge Carr, B.A., J.D., Clinical Professor of Law, Associate Dean for Strategic Initiatives
Daniel Halberstam, B.A., J.D., Eric Stein Collegiate Professor of Law, Associate Dean for Faculty and Research, Director of European Legal Studies Program
Debra Chopp, B.A., J.D., Clinical Professor of Law, Associate Dean for Experiential Education
David Santacroce, B.A., J.D., LL.M., Clinical Professor of Law, Associate Dean for Experiential Education
Gil Seinfeld, A.B., J.D., Professor of Law, Associate Dean for Academic Programming
Michael Dubin, B.S., M.A., Assistant Dean for Development and Alumni Relations
Theresa Kaiser-Jarvis, B.A., B.S.J., Ed.M, J.D., Assistant Dean for International Affairs
Ramji Kaul, B.A., J.D., Assistant Dean for Career Planning
Bayrex Marti, B.A., J.D., Assistant Dean for Student Life
Lindsey Stetson, B.A., J.D., Assistant Dean for Financial Aid
Sarah C. Zearfoss, B.A., J.D., Senior Assistant Dean for Admissions, Financial Aid, and Career Planning

Professors Emeriti of Law

Layman E. Allen, A.B., M.P.A., LL.B.
David L. Chambers, A.B., LL.B., Wade H. McCree, Jr. Collegiate Professor of Law
Edward H. Cooper, A.B., LL.B., Thomas M. Cooley Professor of Law
Donald N. Duquette, B.A., J.D., Clinical Professor of Law
Philip M. Frost, B.A., J.D., Clinical Professor of Law
Thomas A. Green, B.A., Ph.D., J.D., John Philip Davson Collegiate Professor of Law
Samuel R. Gross, A.B., J.D., Thomas G. and Mabel Long Professor of Law
Jerald H. Israel, B.B.A., LL.B., Aline and Allan F. Smith Professor of Law
Douglas A. Kahn, B.A., J.D., Paul G. Kauper Professor of Law
Yale Kamisar, A.B., LL.B., LL.D., Clarence Darrow Distinguished University Professor of Law
Thomas E. Kauper, A.B., J.D., Henry M. Butzel Professor of Law

Professors of Law

Kate Andrias, B.A., J.D.
Reuven S. Avi-Yonah, B.A., A.M., Ph.D., J.D., Irwin I. Cohn Professor of Law
Samuel Bagenstos, B.A., J.D.
Frank G. Millard Professor of Law
Nicholas Bagley, B.A., J.D., J.D.
Michael S. Barr, B.A., M.Phil., J.D., Roy F. and Jean Humphrey Proffitt Professor of Law
Laura N. Beny, B.A., M.A., J.D., Ph.D.
Evan H. Caminker, B.A., J.D., Branch Rickey Collegiate Professor of Law
Sherman J. Clark, B.S., J.D.
Kirkland and Ellis Professor of Law
Daniel Crane, B.A., J.D.
Frederick Paul Furth, Sr. Professor of Law
Steven P. Crotey, A.B., J.D., M.A., Ph.D., Harry Burns Hutchins Collegiate Professor of Law
Kristina Daugirdas, A.B., J.D.
Rebecca S. Eisenberg, B.A., B.A., Robert and Barbara Luciano Professor of Law

Richard O. Lempert, A.B., J.D., Ph.D., Eric Stein Distinguished University Professor of Law and Sociology
Sallyanne Payton, B.A., LL.B., William W. Cook Professor of Law
Margaret Jane Radin, A.B., M.F.A., J.D., LL.D., Henry King Ransom Professor of Law
Terrance Sandalow, A.B., J.D., Edson R. Sunderland Professor of Law
E. Philip Soper, B.A., M.A., J.D., Ph.D., James V. Campbell Professor of Law
Theodore J. St. Antoine, A.B., J.D., James E. and Sarah A. Degan 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

Phoebe C. Ellsworth, A.B., Ph.D., Frank Murphy Distinguished Professor of Law and Psychology
Richard D. Friedman, B.A., J.D., D.Phil., Aline and Allan F. Smith Professor of Law
Bruce W. Frier, B.A., Ph.D., John and Teresa D’Arms Distinguished University Professor of Classics and Roman Law
Monica R. Hakimi, B.A., J.D.
Daniel Halberstam, B.A., J.D., Eric Stein Collegiate Professor of Law
James C. Hathaway, LL.B., LL.M., J.S.D., James E. and Sarah A. Degan Professor of Law
Scott Hershovitz, A.B., M.A., D.Phil., J.D.
Donald J. Herzog, A.B., A.M., Ph.D., Edson R. Sunderland Professor of Law
James Hines Jr., B.A., M.A., Ph.D., L. Hart Wright Collegiate Professor of Law
Nicholas C. Howson, B.A., J.D.
Ellen D. Katz, B.A., J.D., Ralph W. Aigler Professor of Law
Vikramaditya S. Khanna, B.C.A., LL.B., S.J.D., William W. Cook Professor of Law
James E. Krier, B.S., J.D.,  
Earl Warren DeLano Professor of Law  
Jessica D. Litman, B.A., M.F.A., J.D.,  
John F. Nickoll Professor of Law  
Kyle D. Logue, B.A., J.D.,  
Wade H. and Doree M. McCree Collegiate Professor of Law  
Catharine A. MacKinnon, B.A., J.D., Ph.D.,  
Elizabeth A. Long Professor of Law  
Nina A. Mendelson, A.B., J.D.  
Joseph L. Sax Collegiate Professor of Law  
William Novak, B.A., M.A., Ph.D.  
Charles F. and Edith J. Clyne Professor of Law  
John A.E. Pottow, A.B., J.D.  
John Philip Dawson Collegiate Professor of Law  
Maureen Carroll, B.S., J.D.  
Nicolas Cornell, A.B, Ph.D., J.D.  
Edward Fox, B.A., J.D., Ph.D.  
W. Nicholson Price, II, A.B., J.D., Ph.D.  
Gabriel Rauterberg, B.S., J.D.  
Robert Wirthensohn, A.B., J.D.

Alicia Alvarez, B.A., J.D.  
Nicole Appleberry, A.B., J.D., LL.M.  
Edward R. Becker, B.A., J.D.  
Howard Bromberg, B.A., J.D., J.S.M.  
David A. Moran, B.S., B.A., M.A., M.S., J.D.  
Mark K. Osbeck, A.B., M.A., J.D.  
Paul D. Reingold, B.A., J.D.  
Nicholas J. Rine, B.A., J.D.

Clinical Professors of Law

Vivek Sankaran, B.A., J.D.  
Suelynn Scarnecchia, B.A., J.D.  
Kimberly A. Thomas, B.S., J.D.  
Dana Thompson, B.S., J.D.  
Frank E. Vandervort, B.A., J.D.  
Nancy Vettorello, B.A., M.U.P., J.D.  
Beth H. Wilensky, B.A., J.D.

Matthew Andres, B.A., J.D.  
Patrick Barry, B.A., J.D., Ph.D.  
Elizabeth Campbell, B.A., J.D.  
Paul H. Falon, B.A., M.A., J.D.  
Steve Gray, B.A., J.D.  
David Guenther, B.A., M.A., J.D.  
Margaret Hannon, B.A., J.D.  
Joshua Kay, B.A., M.A., Ph.D., J.D.  
Sammy Mansour, B.A., J.D.  
Timothy Pinto, B.A., J.D.  
Oday Salim, B.A., J.D., LL.M.  
Amy Sankaran, B.A., J.D.  
Imran Syed, A.B., J.D.

Profsessors from Practice

J. Phillip Adams, B.A., J.D., LL.M  
Timothy L. Dickinson, B.A., J.D., LL.M.  
Jennifer Haverkamp, B.A., M.A., J.D.  
Robert Hirshon, B.A., J.D.  
Frank G. Millard Professor from Practice  
Barbara McQuade, B.A., J.D.  
Leonard Niehoff, A.B., J.D.  
David Uhlmann, B.A., J.D.  
Jeffrey F. Liss Faculty Development Professor from Practice, Director of Environmental Law and Policy Program

William W. Cook Global Law Professors

Susanne Baer, LL.M.  
Paul Brand, B.A., M.A., D.Phil  
Christine Chinkin, LL.B., LL.M., Ph.D.  
John G. H. Hudson, M.A., D.Phil  
Haw-Jin Kim, B.S., Dr. Jur., LL.M.  
J. Christopher McCrudden, LL.B., LL.M., D.Phil  
Anne Peters, LL.M.
Michigan Law Review
Vol. 117, No. 4
February 2019

EDITORIAL BOARD
Editor-in-Chief
Megan L. Brown, of Georgia
Managing Editor
Kristin L. Froehle, of Indiana

Executive Articles Editor
Abigail E. DeHart, of Michigan

Articles Editors
Alison A. Doyle, of California
Caroline H. Howe, of Massachusetts
Salvatore M. Mancina, of Michigan
Jamila A. Odeh, of Michigan
Hailey L. Suggs, of Texas

Executive Editors
Arianna M. Demas, of New York
Patrick Kennedy, of Massachusetts
Stephen M. Rees, of Illinois
Michael S. Smith, of Illinois
Jonathan I. Tietz, of Ohio

Executive Development Editor
Hanna T. Ali, of North Carolina

Executive Notes Editor
Michael R. Abrams, of Maryland

Notes Editors
Aviv S. Halpern, of California
Ryan M. Maroyn, of New Jersey
Sarah A. Mezera, of Wisconsin
Jun Ha Park, of California
Carolina I. Velarde, of Panama

Book Review Editors
Eva Richardson, of Maryland
Neil K. Tiwari, of Alabama

Executive Online Editors
Joshua M. Goldman, of Massachusetts
Jorge E. Mancillas, of Arizona
Joseph D. Moses, of Michigan

Executive Production Editor
M Devon Moore, of New Jersey

Senior Editors
Max Lubin, of New York
Hunter McWinn, of Texas
Travis R. Miller, of Washington
Emily A. Minton-Mattson, of Washington
Akash Patel, of Oklahoma

Notes Editors
Nicholas I. Perry, of Massachusetts
Christopher R. Schwartz, of Michigan
Thomas I. Standifer, of California
Micah I. Telegen, of Massachusetts
Hinh D. Tran, of California
Edna R. Turay, of Virginia
Annemarie C. Taldo, of Michigan

Associate Editors
Stacia Lee, of Washington
Matthew S. Liscovitz, of Maine
Nicholas J. Loftus, of Virginia
David N. Louison, of New York
Elena Malik, of Pennsylvania

Notes Editors
Kaleb T. Martin, of Idaho
Aidan D. McCarthy, of California
Sarah M. McDonald, of Wyoming
Gillian McGann, of New York

Editing Assistant
Sean P. Mulloy, of Arizona
Tara F. Ogunde, of Pennsylvania
Mark C. Prieb, of Wisconsin

Notes Editors
Christopher I. Prybyl, of Georgia
Chelsea I. Rinning, of California
Alessandra N. Rosales, of Florida

Notes Editors
Lauren Schusterman, of Colorado
Faraz Shahidpour, of Illinois
Claire A. Shimberg, of Florida

Notes Editors
Adam B. Shinderman, of Texas
Jonathan B. Soaveley, of Michigan
Angela I. Theodoropoulos, of Illinois

Notes Editors
Maggie M. Turner, of North Carolina
Curtis W. Victor, of Maryland

Notes Editors
Adam J. Wallestein, of Vermont
Hayato Watanabe, of Massachusetts

Notes Editors
Tommy Zaino, of Ohio

Manager
Jessica L. Pasquale

Editorial Assistants
Jessica Keeler
Connie M. Swindle