CONTENTS

ARTICLES

THE DELEGATION DOCTRINE: COULD THE COURT GIVE IT SUBSTANCE? ................ David Schoenbrod 1223

THE RISE OF THE SUPREME COURT REPORTER: AN INSTITUTIONAL PERSPECTIVE ON MARSHALL COURT ASCENDANCY .......................... Craig Joyce 1291

NOTES

ON THE THRESHOLD OF WAINWRIGHT V. SYKES: FEDERAL HABEAS COURT SCRUTINY OF STATE PROCEDURAL RULES AND RULINGS ........................ 1393

DOES CHARITY BEGIN AT HOME? THE TAX STATUS OF A PAYMENT TO AN INDIVIDUAL AS A CHARITABLE DEDUCTION ........................................ 1428
The design on the cover is taken from an etching of The University of Michigan Legal Research Building.

Published monthly October, November, December, February, April, May, June, and August at Lincoln, Nebraska. Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521. Second-class postage paid at Ann Arbor, Michigan, and additional mailing offices. (ISSN 0026-2234).

Subscriptions: United States, $32 per year in advance, eight numbers; Foreign, $34.


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

Editorial and Business Offices:
Michigan Law Review
Hutchins Hall
Ann Arbor, Michigan 48109-1215

We gladly consider unsolicited manuscripts for publication. Citations in manuscripts should follow the form prescribed in A Uniform System of Citation (13th ed.). 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

Administrative Officers

HAROLD T. SHAPIRO, B.A., M.A., PH.D., President of the University
BILLY E. FRYE, M.S., PH.D., Vice President for Academic Affairs and Provost
TERRANCE SANDALOW, A.B., J.D., Dean
EDWARD H. COOPER, A.B., LL.B., Associate Dean for Academic Affairs
SUZANNE M. EKLUND, A.B., J.D., Associate Dean for Student Affairs and Operations
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., Associate Dean for the Law Library
VIRGINIA B. GORDAN, B.A., J.D., Assistant Dean for Student Affairs
ALLAN T. STILLWAGON, A.B., M.A., Assistant Dean and Admissions Officer

Professors Emeriti of Law

WILLIAM W. BISHOP, JR., A.B., LL.B., Edwin D. Dickinson Distinguished University Professor of Law
OLIN L. BROWDER, JR., A.B., LL.B., S.J.D., James V. Campbell Professor of Law
FRANK R. KENNEDY, A.B., LL.B., J.S.D., Thomas M. Cooley Professor of Law
MARVIN L. NIEHUIS, A.B., LL.B., S. CHESTERFIELD OPPENHEIM, A.B., A.M., J.D., S.J.D.
ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D., Henry M. Butzel Professor of Law
GEORGE E. PALMER, A.B., J.D., ALLAN F. SMITH, A.B., ED., LL.B., LL.M., S.J.D.
LUKE K. COOPER, B.S., J.D.

Unitarian Professors of Law

WILLIAM I. MILLER, B.A., PH.D., J.D.
JOHN E. NOWAK, A.B., J.D.
SALLY ANNE PAYTON, A.B., J.D., WILLIAM J. PIERCE, A.B., J.D.
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
ROY F. PROFFITT, B.S., B.S., A.D., J.D., LL.M.
THOMAS M. COOLEY, J.D.
DONALD H. REGAN, A.B., LL.B., B.PHIL.
THEODORE J. ST. ANTOINE, A.B., J.D.

Visiting Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.
WENDY J. GORDON, B.A., J.D.

Adjunct Professors of Law

REBECCA S. EISENBERG, B.A., J.D.
MARTIN A. GEER, B.A., J.D.
JUDITH A. LACHMAN, B.A., M.A., PH.D., J.D.
JESSICA D. LITMAN, B.A., M.A., J.D.

Clinical Professors of Law

SCOTT G. BASSET, B.A., J.D.
LISA E. D'AUSSON, A.B., J.D.

Instructes in Law

MATHIAS W. REIMANN, B.A., LL.B., M.A., PH.D., J.D.
KATHERINE E. WARD, B.A., M.A., J.D.

Lecturers in Law

EDWARD R. STEIN, B.A., J.D.

Visiting Professors Emeriti of Law

LAURENCE W. MCMICHEL, JR., B.A., LL.B.

Teaching Professors Emeriti of Law

WILLIAM I. MILLER, B.A., PH.D., J.D.
JOHN E. NOWAK, A.B., J.D.
SALLY ANNE PAYTON, A.B., J.D.
WILLIAM J. PIERCE, A.B., J.D.
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
ROY F. PROFFITT, B.S., B.S., A.D., J.D., LL.M.
THOMAS M. COOLEY, J.D.
DONALD H. REGAN, A.B., LL.B., B.PHIL.
THEODORE J. ST. ANTOINE, A.B., J.D.

Associate Professors of Law

MICHAEL ROSENZWEIG, B.A., J.D.
CARL E. SCHNEIDER, B.A., J.D.
PATRICIA D. WHITE, B.A., M.A., J.D.

Assistant Professors of Law

PAUL D. REINGOLD, B.A., J.D.
DENNIS E. ROSS, B.A., J.D.
MARK C. VAN PUTTEN, B.A., J.D.

Instructors in Law

MATHIAS W. REIMANN, B.A., LL.B., M.A., PH.D.
KATHERINE E. WARD, B.A., M.A., J.D.

Lecturers in Law

EDWARD R. STEIN, B.A., J.D.

Adjunct Professors of Law

REBECCA S. EISENBERG, B.A., J.D.
MARTIN A. GEER, B.A., J.D.
JUDITH A. LACHMAN, B.A., M.A., PH.D., J.D.
JESSICA D. LITMAN, B.A., M.A., J.D.

Clinical Professors of Law

SCOTT G. BASSET, B.A., J.D.
LISA E. D'AUSSON, A.B., J.D.

Instructes in Law

MATHIAS W. REIMANN, B.A., LL.B., M.A., PH.D., J.D.
KATHERINE E. WARD, B.A., M.A., J.D.

Lecturers in Law

EDWARD R. STEIN, B.A., J.D.

Adjunct Professors of Law

REBECCA S. EISENBERG, B.A., J.D.
MARTIN A. GEER, B.A., J.D.
JUDITH A. LACHMAN, B.A., M.A., PH.D., J.D.
JESSICA D. LITMAN, B.A., M.A., J.D.

Clinical Professors of Law

SCOTT G. BASSET, B.A., J.D.
LISA E. D'AUSSON, A.B., J.D.

Instructes in Law

MATHIAS W. REIMANN, B.A., LL.B., M.A., PH.D., J.D.
KATHERINE E. WARD, B.A., M.A., J.D.

Lecturers in Law

EDWARD R. STEIN, B.A., J.D.