CONTENTS

ARTICLES

A Constitutional Wealth Tax. . . . . . . . . . . . . . Ari Glogower 717

For Cause: Rethinking Racial Exclusion and the American Jury . . . . Thomas Ward Frampton 785

ESSAY

Thoughts, Crimes, and Thought Crimes . . . . . . . . . . . . . . . . . . . . . . . . . . Gabriel S. Mendlow 841

NOTE

The NCAA’s Special Relationship with Student-Athletes as a Theory of Liability for Concussion-Related Injuries . . . . . . Tezira Abe 877

COMMENT

The Title IX Contract Quagmire . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Bryce Freeman 909
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 by Sheridan, Hanover, PA 17331.


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

**2020 SURVEY OF BOOKS RELATING TO THE LAW**

published April 2020


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
Bridgette Carr, B.A., J.D., Clinical Professor of Law, Associate Dean for Strategic Initiatives
Debra Chopp, B.A., J.D., Clinical Professor of Law, Associate Dean for Experiential Education
Daniel Halberstam, B.A., J.D., Eric Stein Collegiate Professor of Law, Associate Dean for Faculty and Research, Director of European Legal Studies Program
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
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
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
Phoebe C. Ellsworth, A.B., Ph.D., Frank Murphy Distinguished Professor of Law and Psychology
Philip M. Frost, B.A., J.D., Clinical Professor of Law
Thomas A. Green, B.A., Ph.D., J.D., John Philip Dawson Collegiate Professor of Law
Samuel R. Gross, A.B., J.D., Thomas G. and Mabel Long Professor of Law
Jerold H. Israel, B.B.A., LL.B., Alene 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
James E. Krier, B.S., J.D., Earl Warren DeLano 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
Nicholas J. Rine, B.A., J.D., Clinical Professor of Law
Terrance Sandalow, A.B., J.D., Edwin R. Sunderland Professor of Law
Suellen Scarneccia, B.A., J.D., Clinical 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., Harry Burns Hutchins Collegiate 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

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 Bagstos, B.A., J.D., Frank G. Millard Professor of Law
Nicholas Bagley, B.A., J.D., Michael S. Barr, B.A., M.Phil., J.D., Roy F. and Jean Humphrey Profitt 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
Albert Choi, B.A., J.D., Ph.D., 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. Croley, A.B., J.D., M.A., Ph.D., Harry Burns Hutchins Collegiate Professor of Law
Alicia Davis, B.S., M.B.A., J.D., Kristina Daugirdas, A.B., J.D., Rebecca S. Eisenberg, B.A., J.D., Robert and Barbara Luciano Professor of Law
Richard D. Friedman, B.A., J.D., D.Phil., Alene 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., L. Hart Wright Collegiate Professor of Law