Michigan Law Review

Volume 115 | Issue 4

2017

Front Matter

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

Part of the Law Commons

Recommended Citation

Front Matter, 115 MICH. L. REV. (2017). Available at: https://repository.law.umich.edu/mlr/vol115/iss4/4

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.

(i)

(iii)

. (iv)

MICHIGAN LAW REVIEW

Vol. 115, No. 4

February 2017

CONTENTS

ARTICLES

PRECEDENT AND SPEECH. Randy J. Kozel 439

Complexity's Shadow: American Indian Property, Sovereignty, and the Future...... Jessica A. Shoemaker 487

NOTES

Reconciling Expectations with Reality:	
The REAL ID Act's Corroboration	
Exception for Otherwise Credible	
ASYLUM APPLICANTS Alexandra Lane Reed	553

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) 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, 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 School, 625 S. State St., Ann Arbor, Michigan 48109-1215; 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 Michigan Law Review, 625 S. State St., Ann Arbor, Michigan 48109-1215.

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

Recent Volumes: Single Issues \$10, Book Review \$16, and Special Issues \$12, postpaid, at Editorial and Business Offices.

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* (16th ed. 2010). Please see our website for submission instructions.

MICHIGAN LAW REVIEW ONLINE

The Online Companion of the Michigan Law Review

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.

Visit *Michigan Law Review Online* at www.michiganlawreview.org.

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

2016 SURVEY OF BOOKS RELATING TO THE LAW published April 2016

The 2016 Survey presents reviews of law-related books published in 2013, 2014, and 2015.

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 www.michiganlawreview.org.

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

MARK SCHLISSEL, B.A., M.D., Ph.D., President of the University

MARTHA E. POLLACK, A.B., M.S.E., Ph.D., Provost and Executive Vice President for Academic Affairs MARK D. WEST, B.A., J.D., Nippon Life Professor of Law, Dean

ALICIA DAVIS, B.S., M.B.A., J.D., 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

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

DAVID H. BAUM, B.A., J.D., Assistant Dean for Student Life and Special Counsel to the Dean

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, A.B., 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

WHITMORE GRAY, A.B., J.D., LL.D.

THOMAS A. GREEN, B.A., Ph.D., J.D.,

John Philip Dawson Collegiate Professor of Law JEROLD H. ISRAEL, B.B.A., LL.B.,

Alene and Allan F. Smith Professor of Law CHARLES W. JOINER, A.B., J.D.

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 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 JOHN W. REED, A.B., LL.B., LL.M., Jur.Sc.D., LL.D., Thomas M. Cooley 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

Professors of Law

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. 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 EDWARD H. COOPER, A.B., LL.B., Thomas M. Cooley 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 KRISTINA DAUGIRDAS, A.B., J.D.

ALICIA DAVIS, B.S., J.D., M.B.A. REBECCA S. EISENBERG, B.A., J.D., Robert and Barbara Luciano 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., 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 SAMUEL R. GROSS, A.B., J.D., Thomas G. and Mabel Long Professor of 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. DOUGLAS A. KAHN, B.A., J.D., Paul G. Kauper Professor of Law 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 Dores 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 I. MILLER, B.A., Ph.D., J.D., Thomas G. Long Professor of Law -JULIAN DAVIS MORTENSON, A.B., J.D. 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

JAMES J. PRESCOTT, B.A., J.D., Ph.D. EVE BRENSIKE PRIMUS, B.A., J.D. RICHARD A. PRIMUS, A.B., D.Phil., J.D., Theodore J. St. Antoine Collegiate Professor of Law ADAM C. PRITCHARD, B.A., M.P.P., J.D., Frances and George Skestos Professor of Law STEVEN R. RATNER, A.B., M.A., J.D., Bruno Simma Collegiate Professor of Law DONALD H. REGAN, A.B., LL.B., B.Phil., Ph.D., William W. Bishop, Jr. Collegiate Professor of Law MATHIAS W. REIMANN, Dr.Iur., LL.M., Hessel E. Yntema Professor of Law MARGO SCHLANGER, B.A., J.D., Henry M. Butzel Professor of Law CARL E. SCHNEIDER, A.B., J.D., Chauncev Stillman Professorship for Ethics, Morality, and the Practice of Law REBECCA J. SCOTT, A.B., M.Phil., Ph.D., Charles Gibson Distinguished University Professor of History GIL SEINFELD, A.B., J.D. BRUNO SIMMA, Doctorate of Law SONJA B. STARR, A.B., J.D. MARK D. WEST. B.A., J.D., Nippon Life Professor of Law CHRISTINA B. WHITMAN, A.B., M.A., J.D., Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

KATE ANDRIAS, B.A., J.D. MAUREEN CARROLL, B.S., J.D. GABRIEL MENDLOW, A.B., Ph.D., J.D. W. NICHOLSON PRICE, II, A.B., J.D., Ph.D. GABRIEL RAUTERGERG, B.S., J.D. VERONICA SANTAROSA, LL.B., B.A., M.A., LL.M., Ph.D.

Clinical Professors of Law

ALICIA ALVAREZ, B.A., J.D. EDWARD R. BECKER, B.A., J.D. HOWARD BROMBERG, B.A., J.D., J.S.M. BRIDGETTE CARR, B.A., J.D. 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. VIVEK SANKARAN, B.A., J.D. DAVID A. SANTACROCE, B.A., J.D., LL.M. SUELLYN 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.

Clinical Assistant Professors of Law

NICOLE APPLEBERRY, A.B., J.D., LL.M. PATRICK BARRY, B.A., J.D., Ph.D. MICHAEL BLOOM, B.A., J.D. ELIZABETH CAMPBELL, B.A., J.D. DEBRA CHOPP, 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. Amy Sankaran, B.A., J.D. Imran Syed, A.B., J.D. Nancy Vettorello, B.A., M.U.P., J.D. Nancy Wang, B.S.E., J.D. Beth H. Wilensky, B.A., J.D.

Affiliated LS&A Faculty

MARTHA S. JONES, B.A., J.D.

Professors from Practice

J. PHILLIP ADAMS, B.A., J.D., LL.M TIMOTHY L. DICKINSON, B.A., J.D., LL.M. ROBERT HIRSHON, B.A., J.D., Frank G. Millard Professor from Practice LEONARD NIEHOFF, A.B., J.D. DAVID UHLMANN, B.A., J.D., Jeffrey F. Liss Faculty Development Professor from Practice

William W. Cook Global Law Professors

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

MICHIGAN LAW REVIEW

Vol. 115, No. 4

EDITORIAL BOARD

Editor-in-Chief Erin R. Chapman, of Ohio

Managing Editor JOSEPH M. PILIGIAN, of California

Executive Articles Editor MARIEL A. EBEN, of Michigan

Articles Editors Evan J. Ballan, of New York Addele A. Daniel, of Kansas Erika L. Giroux, of Michigan Stephen J. Houck, of Virginia Jonathan A. Huberman, of New York

Executive Editors Katherine Stallings Bailey, of Illinois Claire M. Lally, of Illinois Andrea L. Scanlan, of Idaho Sarah R. Scheinman, of New York Sachi Schuricht, of California Julie T. Siegel, of Japan

Executive Development Editor ALYSHA M. NAIK, of New York Executive Notes Editor MATTHEW M. WALLACE, of California

Notes Editors ANDREA AMULIC, of New York ANDREW T. KRAMER, of California EVAN C. LUM, of Hawai'i THOMAS F. MARTECCHINI, of Connecticut ALEXANDRA PEACOCK, of California

Book Review Editors Alexis M. Bailey, of Michigan EMMA EllMAN-GOLAN, of New York GREG MARGOLIS, of North Carolina

Executive Online Editors RICHARD S. HUBER, of Florida KATIE M. HURRELBRINK, of North Carolina

Executive Production Editor Daniel R. Whitman, of New York

Contributing Editors

DON W. BLEVINS, of Michigan FACUNDO BOUZAT, of Ohio MADELINE E. L. BUCK, of Minnesota CORY M. CARONE, of Michigan DANNY S. CHAMI, of Michigan DAVID J. CHO, of New York KEVIN J. ELLIS, of Michigan ASHLEY P. GROLIG, of Maryland RACHEL L. HAMPTON, of Michigan EMILY HANTVERK, of New York CHRISTIAN HOKANS, of Michigan AVERY M. JOHNSON, of Minnesota ELIZABETH H. JONES, of California KATE F. LAMBERT, of Michigan ERICA J. LEE, of California MATTHEW B. G. LINDGREN, of Minnesota JENNA N. NEUMANN, of Michigan MARISSA K. PERRY, of Michigan ALEXANDRA M. PETERSON, of Illinois ALEXANDRA L. REED, of Illinois HALLAM STANTON, of England BROOKE THEODORA, of California CYNTHIA P. WEAVER, of California

Associate Editors

MELODY E. ALVARADO LATINO, of Washington MORGAN S. AVENI, of Alabama HELEN MARIE S. BERG, of Michigan KATHRYN M. BROWN, of Ohio EMERSON M. BURSIS, of Pennsylvania KAMIE CASCHETTE, of Nevada MELISSA C. CASSEL, of California MICHAEL A. CHRYSSOS, of Ohio LAURA BETH COHEN, of Michigan ALEXANDRA M. FEDORAK, of Michigan GARY M. FOX, of New Jersey NATHAN T. FROST, of New Jersey SALLY Z. GU, of California PHILIP W. HAMMERSLEY, of Michigan JOHN C. HE, of California Allison M. Hight, of Ohio DANIEL K. HOFMAN, of Michigan PAUL A. HOVERSTEN, of Colorado AMELIA K. HUCKINS, of Mississippi SAMANTHA JAFFE, of California MICHAEL L. JESPERSEN, of Wyoming RACHEL A. JUNE-GRABER, of Oregon SPENCER W. KLEIN, of New Jersey ADAM R. KLEVEN, of Michigan ERIC HUANG KOENIGSBERG, of New York

CAROLINE F. KOTILA, of New York SHIRIN MAKHKAMOVA, of New Jersey REED J. MCCALIB, of Minnesota CONOR P. MCNAMARA, of Illinois JAMES R. S. MESTICHELLI, of Pennsylvania MATTHEW G. MILLER, of Illinois CALEB L. NAGEL, of Indiana DAVID J. PARK, of Massachusetts ROSA PARMOSE, of Italy ELIZABETH G. PETERKORT, of Oregon ANDREW PODRYGULA, of North Dakota JOHN D. RAMER, of Michigan AMANDA L. RAUH-BIERI, of Michigan MARIA N. RICAURTE, of Ohio ADAM N. ROSENBERG, of Minnesota EMMA F. E. SHOUCAIR, of Pennsylvania MATTHEW E. SIERAWSKI, of Michigan CHRIS STACKHOUSE, of Minnesota ETHAN C. STERN, of New York CHARLES D. STEWART, of Ohio JOHN TURQUET BRAVARD, of Colorado CAROLYN J. WELTMAN, of Ohio JENNY A. WHALEN, of Michigan Z. ZHENG, of Indiana

Manager Jessica L. Hanes Editorial Assistants Catherine T. Leggieri Barbara I. Vibbert

February 2017

(viii)