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Supra Synopses

Ryan W. Dumm

Laura Turczanski

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Ryan W. Dumm & Laura Turczanski[*]

Volume thirty-six begins with *Misappropriating Women's History in the Law and Politics of Abortion*.[1] In this article, Professor Tracy Thomas examines prolife organizations' use of feminist icons to promote an antiabortion agenda.[2] She focuses on Feminists for Life, a group that touted Elizabeth Cady Stanton as a feminist against abortion.[3] Professor Thomas's research into historical archives containing Stanton's original writing and speeches shows there is little evidence Stanton opposed abortion.[4] Thus, the article concludes that groups like Feminists for Life not only distorted Stanton's work to support a partisan message, but also misattributed other authors' writing to Stanton.[5]

In *Maritime Piracy: Changes in U.S. Law Needed to Combat This Critical National Security Concern*, Daniel Pines explores the threat that maritime piracy poses to U.S. national security and commerce.[6] Though Americans may be familiar with incidents that have captivated the national media, such as the hostile takeover and subsequent Navy SEAL rescue of the MV *Maersk Alabama*, Pines emphasizes the disconcerting regularity of piracy in the Gulf of Aden.[7] He then examines both international[8] and U.S. law[9] to determine whether the United States has ade-

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* Ryan W. Dumm is the Executive Editor for Lead Articles at the *Seattle University Law Review*; Laura Turczanski is the Executive Editor for Notes and Comments at the *Seattle University Law Review*.

1. Tracy A. Thomas, *Misappropriating Women's History in the Law and Politics of Abortion*, 36 SEATTLE U. L. REV. 1 (2012). This article augments Professor Thomas's forthcoming scholarship on Elizabeth Cady Stanton, a heroine of the American feminist movement. *See*, *e.g.*, TRACY A. THOMAS, ELIZABETH CADY STANTON AND THE FEMINIST FOUNDATIONS OF FAMILY LAW (forthcoming NYU Press).

2. Thomas, *supra* note 1, at 7–16.

3. *See id*. at 2.

4. *See id*. at 30–53.

5. *Id.* at 54–63.

6. Daniel Pines, *Maritime Piracy: Changes in U.S. Law Needed to Combat This Critical National Security Concern*, 36 SEATTLE U. L. REV. 69 (2012).

7. *Id.* at 1–2, 80–83.

8. *Id.* at 88–99.

9. *Id.* at 99–106.

quate legal mechanisms to combat piracy. Although he finds that avenues for prosecuting maritime pirates exist, changes in U.S. law are needed to better combat this threat.[10] In addition to advocating for increased prosecutions of pirates, Pines argues for reduced legal impediments on U.S.-flagged vessels' ability to defend themselves, and an expansion of the military's authority to pursue and interdict pirates on the open seas.[11]

Professor Ann Tweedy's article, *Unjustifiable Expectations: Laying to Rest the Ghosts of Allotment-Era Settlers*, challenges courts' rationales for permitting encroachment on tribal lands.[12] Specifically, she argues that supposed "justifiable expectations" of settlers fail to substantiate present-day claims of the settlers' successors to Indian lands.[13] She examines newspaper articles from the allotment era and concludes that many settlers were on notice that the tribes rightfully objected to the opening of reservation lands.[14] Further, the articles show that settlers were often complicit in seizing these lands, even urging the government to abrogate the tribes' treaty rights.[15] Accordingly, Tweedy argues that courts must abandon the theory of "justifiable expectations" when adjudicating modern tribal property claims.[16]

Professor Nancy Zisk writes on the Patient Protection and Affordable Care Act and its ability to protect patients from physicians with a direct financial interest in medical procedures and services.[17] Her article, *Investing in Healthcare: What Happens When Physicians Invest and Why the Recent Changes in the Patient Protection and Affordable Care Act Fail to Protect Patients from Their Physicians' Self Interest*, notes that the recent healthcare legislation strengthens disclosure rules.[18] But, she concludes, the Act ultimately fails to protect patients, who actually feel more pressured to aid physicians if they are aware of the physicians'

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10. *Id.* at 106–118.

11. *Id.* at 118–26.

12. Ann E. Tweedy, *Unjustifiable Expectations: Laying to Rest the Ghosts of Allotment-Era Settlers*, 36 SEATTLE U. L. REV. 129 (2012).

13. *Id*. at 130.

14. *See id. passim.*

15. *Id*. at 149.

16. *Id.* at 187–88.

17. Nancy L. Zisk, *Investing in Healthcare: What Happens When Physicians Invest and Why the Recent Changes in the Patient Protection and Affordable Care Act Fail to Protect Patients from Their Physicians' Self Interest*, 36 SEATTLE U. L. REV. 189 (2012). Professor Zisk previously authored an article examining statutory damages caps in medical malpractice actions and proposing alternatives to control the costs of malpractice suits. *See* Nancy L. Zisk, *The Limitations of Legislatively Imposed Damages Caps: Proposing a Better Way to Control the Costs of Medical Malpractice*, 30 SEATTLE U. L. REV. 119 (2006).

18. *Id*. at 188.

conflicting financial interests.[19] Professor Zisk suggests a flat-fee billing model to eliminate any incentive a physician may have to prescribe or recommend treatments using diagnostic tools for the physician's own financial benefit.[20]

In a case note, Aubrey Hicks argues for the Washington legislature to protect the continuation of publicity rights after death.[21] In *The Right to Publicity after Death: Post-Mortem Personality Rights in Washington in the Wake of* Experience Hendrix v. HendrixLicensing.com, Hicks traces a district court's 2011 decision that the Washington Personality Rights Act (WPRA) was unconstitutional under the dormant Commerce Clause and Due Process Clause.[22] She proposes an amendment to WPRA that would require a significant nexus between the commercial use of a celebrity's likeness and the State of Washington.[23] Hicks argues that such an amendment would sufficiently narrow the scope of the WPRA to avoid a constitutional violation.[24]

The two student comments in volume thirty-six focus on social justice topics in immigration law. First, Kiran Griffith discusses the current circuit split in the application of the fugitive disentitlement doctrine to immigration cases.[25] In *Fugitives in Immigration: A Call for Legislative Guidelines on Disentitlement*, she argues that Congress should enact a disentitlement provision that addresses the unique issues arising in the immigration context.[26] Specifically, Griffith calls for Congress to amend the Immigration and Nationality Act to include a disentitlement provision limiting the situations under which an alien petitioner will be subject to disentitlement.[27]

Finally, Elliot Watson argues that principles of fairness militate against courts applying a law retroactively in immigration cases.[28] In *The Revival of Reliance and Prospectivity:* Chevron Oil *in the Immigration Context*, Watson addresses immigrants' substantial reliance interests

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19. *Id.* at 204.

20. *Id.* at 208.

21. Aubrie Hicks, Note, *The Right to Publicity after Death: Post-Mortem Personality Rights in Washington in the Wake of* Experience Hendrix v. HendrixLicensing.com, 36 SEATTLE U. L. REV. 275 (2012).

22. *Id*. at 291.

23. *Id.* at 294–97.

24. *Id*. at 297.

25. Kiran Griffith, Comment, *Fugitives in Immigration: A Call for Legislative Guidelines on Disentitlement*, 36 SEATTLE U. L. REV. 209 (2012).

26. *Id.* at 212.

27. *Id.* at 237–42.

28. Elliot Watson, Comment, *The Revival of Reliance and Prospectivity:* Chevron Oil *in the Immigration Context*, 36 SEATTLE U. L. REV. 245 (2012).

in long-standing rules.[29] He concludes that retroactive application of a new rule should be limited in the immigration context as it could result in harsh civil sanctions including deportation.[30]

29. *Id*. at 248, 261–64.
30. *Id.* at 246–47.