

Volume 28, Issue 2
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ARTICLES

How a Mandate Came From Hell: The Makings of the Federal Employee Trip Reduction Plan

Craig N. Oren

Professor Oren completes a three-part series of articles on the federal employee trip reduction program, a controversial provision of the Clean Air Act that Congress has since repealed. Professor Oren suggests that the trip reduction program is evidence that Congress should change its approach to environmental regulation.

Borrowing Instead of Taking: How the Seemingly Opposite Threads of Indian Treaty Rights and Property Rights Activism Could Intertwine to Restore Salmon to the Rivers

Starla Kay Roels

Ms. Roels explores the relationship between Indians' treaty rights to fish and the Fifth Amendment protections against takings, and how the two may result in the increased protection of dwindling northwest salmon.

Natural Resources and the Ninth Circuit Split

Carl Tobias

Professor Tobias discusses the current debate regarding the proposed split of the Ninth Circuit and the potential ramifications of such a split on natural resource issues in the Ninth Circuit.

COMMENTS

Technical Advisors Deserve Equal Billing with Court Appointed Experts in Novel and Complex Scientific Cases: Does the Federal Judicial Center Agree?

Samuel H. Jackson

Mr. Jackson explores the proper roles of technical advisors and scientific expert witnesses as resources available for judges seeking to fulfill their new responsibilities as "gatekeepers" of good science in the wake of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* After examining these new judicial resources, Mr. Jackson is critical of the conservative position taken by the Federal Judicial Committee. Mr. Jackson suggests that technical advisors should play a more vital role in assisting courts in resolving complex scientific issues in product liability, toxic tort, environmental, and other related cases.

Not in My Backyard *Pash v. HPC*: The Clash Between Native Hawaiian Gathering Rights and Western Concepts of Property in Hawaii.

Samuel J. Panarella

Mr. Panarella discusses the competing ideas of native gathering rights and western principles in the Hawaiian property system. Mr. Panarella concludes that the reintroduction of native gathering rights must take place within Hawaii's present land tenure system.