INTRODUCTION

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What a barnburner of a volume we are able to offer this season. We include some posts that are noteworthy not just for their analysis, but also for their timeliness: one on drones and the problem of setting precedent through the administration's "kill list" procedure; another on ethics, consent, and data privacy in the study of brain injuries (pro athletes among them); and a third on how upholding the health care mandate required a gestalt shift in order to avoid a tectonic shift. We'll chew on that one for a bit.

Also timely is a series of posts on a case – *Bond v. United States* – that the Supreme Court has agreed to hear not once, but twice (the second time on whether international treaties can authorize Congress to legislate on things that would otherwise be under the exclusive control of the states). In proposing to republish all 24 posts in the series, I feared that I would be testing the outer limit of our *Journal of Law* editor-in-chief's otherwise indefatigable patience, but he agreed that the Treaty Debate demonstrated the full potential of legal blogging at its finest: real-time parsing of important ideas and observations in a way that's much harder to do (at least in a span of two weeks) in a more traditional law review format. Now that cert has been granted for the second hearing, we hope law clerks are reading.[1] And it's always fun to read about a case in which Scalia

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[1] "Most law professors want their law review articles to influence courts . . . . Yet law clerks, I'm told, often read blogs." Eugene Volokh, *Scholarship, Blogging and Trade-Offs: On Discovering, Disseminating, and Doing* (April 2006). Berkman Center for Internet & Society – Bloggership: How Blogs are Transforming Legal Scholarship Conference Paper; UCLA School of Law Research Paper No. 06-17, at 6. Available at SSRN: http://ssrn.com/abstract=898172.

busts out a reference to Zimbabwe. Will the Supreme Court use *Bond* to limit *Missouri v. Holland*? We're staying tuned.

We also love this zeitgeist-y, post-apocalyptic hypo in the Treaty Debate:

> Imagine that the United States is defeated in a disastrous war, and the victorious country requires, as a term of a peace treaty, a concession that would violate the Bill of Rights. . . . Can the United States agree to the term and end the war?

If that isn't enough to pique the interest of the Walking Dead crowd, the Treaty Debate also serves as a reminder to law school applicants why the skills tested in the much-cursed logic puzzles and reading passages on the LSAT actually matter to legal thinking. Under the Constitution, how does the Treaty Power fit together with the Offenses Power and the Foreign Commerce Power and the Necessary and Proper Clause and the Supremacy Clause? Is there a "magical on-off switch" for Congress's powers? How does the use of the infinitive mood of a verb in a key sentence affect its meaning? And how LSAT-like does this look:

> [A]ssume that (1) X alone is within Congress's power; (2) Y alone is not; and (3) Y is necessary to carry X into execution. It may be that a single act of Congress X+Y is constitutional, because X+Y may fairly be described as a law regulating interstate commerce. It does not follow, however, that Y could ever be enacted alone, even after the enactment of X, because Y alone could never be described as a law regulating interstate commerce.

LSAT students, we invite you to go to town on this series and find inspiration. Words do matter, and logic does matter. This exercise isn't some whacky thought experiment; it's a real case pending before our highest court. (Or maybe not our highest court, depending on the validity of certain treaties. But I digress.) The skills you're practicing for the test are skills that actually matter for legal thinking and the interpretation of laws. Watch these marvelous gymnastics in action in the Treaty Debate.

Other posts jump out as us for their data. One we are including here on the *Fisher* case collects some eye-popping statistics that, we would argue, any honest discussion of affirmative action and diversity goals needs to acknowledge and weigh.

And finally, the last post – on litigation against law schools for allegedly deceptive practices – shows us that one brutal and succinct sentence can stop us in our tracks. For anyone who cares (or whose job it is to care) about the future of law students, legal education, and the profession, what do we make of this? "The students we welcome in our doors are being warned by state and federal judges that they cannot take at face value the employment information we supply." What does that mean for law schools, "which have always held themselves out as honorable institutions of learning and professionalism?" Word.

Are you inspired to celebrate more legal blog posts that can sometimes get buried in the avalanche of life on the internet? We welcome submissions from astute readers who know good legal blog posts when they see them. (Our parameters: (1) The blog post should be about law or laws; (2) it should be written by legally trained people for legally trained people or aspiring lawyers rather than for a general audience; and (3) it deserves to transcend the 15 nanoseconds of fame that blog posts typically enjoy.) Please send links you'd like to nominate to *post@annaivey.com*. //