# Articles

Talking About Speech or Debate: Revisiting Legislative Immunity

*Michael L. Shenkman*

Missing Inaction: Internalizing Beneficial Omissions

*Adi Libson*

# Notes

Running Out of Options: Expiring Detention Authority and the Viability of Prosecutions in the Military Commissions under *Hamdan II*

*Reema Shah and Sam Kleiner*

The Statement and Account Clause: A Forgotten Constitutional Mandate for Federal Reporting

*Katherine Clark Harris*

# Policy Essays

If We Only Knew What We Know: Open Regulatory Review at the FDA

*Beth Simone Noveck*

Federalism from the Neighborhood Up: Los Angeles's Neighborhood Councils, Minority Representation, and Democratic Legitimacy

*Erwin Chemerinsky and Sam Kleiner*

The Trickle-Down War

*Rosa Brooks*
The Yale Law & Policy Review is published twice each year by students of the Yale Law School. Third-class postage is paid at New Haven, Connecticut, and other mailing offices.

PUBLICATION POLICY
The Review provides a forum for the discussion of a range of contemporary legal and policy issues. Views expressed in the Review are those of the authors and do not reflect the views of the Editorial Members.

The Review publishes solicited and unsolicited articles, book reviews, and student-written pieces. Please submit unsolicited manuscripts to the Submissions Editors according to the procedures described on the Review’s website. Due to the large volume of submissions that we receive, the Review does not accept submissions in hard copy or via facsimile.

SUBSCRIPTIONS AND SPECIAL ISSUES
The subscription rate for institutions is $30.00 domestic and $40.00 foreign. The subscription rate for individuals is $20.00 domestic and $30.00 foreign. Payments received by institution checks will be billed at institution rates. Subscriptions are automatically renewed unless the Review receives a request for cancellation. Issues not received will be supplied free of charge only if a claim for nonreceipt is made within one year after the scheduled mailing date. All requests concerning subscriptions and special issues should be addressed to the Subscriptions Department, Yale Law & Policy Review, at the above address. Back issues for Volume 1 to the current issue are available from the Review, at the above address, for $20.00 domestic and $25.00 foreign, including postage.

COPYRIGHT AND REPRODUCTION
Articles published in the Review may be duplicated for classroom use provided that the author and the Yale Law & Policy Review are identified, each copy is distributed at or below cost with proper notice of the copyright affixed, and written notice of the use is given to the Managing Editor, Yale Law & Policy Review, at the above address or via e-mail.
<table>
<thead>
<tr>
<th>Role</th>
<th>Editors/Editors-in-Chief</th>
</tr>
</thead>
<tbody>
<tr>
<td>Editors-in-Chief</td>
<td>James Dawson, Rachel Wiener</td>
</tr>
<tr>
<td>Managing Editors</td>
<td>Allison Davido, Christopher J.F. Galiardo</td>
</tr>
<tr>
<td>Articles &amp; Essays Editors</td>
<td>Ryan Cooper, Ben Moskowitz, Julie Veroff</td>
</tr>
<tr>
<td>Comments &amp; Book Reviews Editors</td>
<td>Courtney Dixon, James Anglin Flynn</td>
</tr>
<tr>
<td>Executive Editors</td>
<td>Emily Alden, Thomas N. Brown, Conor Clarke, Courtney Dixon, Michael Taunton, Josh Weiss</td>
</tr>
<tr>
<td>Notes Editors</td>
<td>Emily J. Barnet, Eric A. Van Nostrand</td>
</tr>
<tr>
<td>Submissions Editors</td>
<td>Nicholas Handler, Meg Houlihan, Kirstin Maguire, Matt Mellem, Amanda Parsons, Devon Porter, Lise Rahdert, Daniella Rohr, Joseph M. Sanderson, Alexander Tabloff</td>
</tr>
<tr>
<td>Executive Citations Editor</td>
<td>Elisé Kraft</td>
</tr>
<tr>
<td>Production Editors</td>
<td>Hana Bajramovic, Emily Schofield</td>
</tr>
<tr>
<td>Executive Technical Editor</td>
<td>Zachary C.M. Arnold</td>
</tr>
<tr>
<td>Policy Editors</td>
<td>Michele Golabek-Goldman, Raph Graybill, Mark Kelley</td>
</tr>
<tr>
<td>YLPR Inter Alia Editors</td>
<td>Elizabeth Chao, Rachel Judd, Devon Porter, Mordechai Treiger</td>
</tr>
</tbody>
</table>
SENIOR EDITORS

Zachary Blau
Charles Bridge
Dustin Brockner
Emily Brown
Andrew Burt
Elizabeth David
Jaclyn Delligatti
Josh Divine
Jon Endean
Berit G. Fitzsimmons*
Grace Hart
Jillian Hewitt
Maya Hodis
Michael Hogan
Tamar Holoshitz

Jonathan T. Hurley
Elizabeth Ingriselli
Jaunita John
Tanya Kapoor
Carly Levenson
Steven A. Levy
Colson Lin*
Noah B. Lindell
Kathryn Loomis
Joshua McLaurin
Alexa T. Milton
Nicolas Molina, Jr.
Divya Musinipally
Max Nardini

Erika Nyborg-Burch
Abigail Rich
Emily A. Rosenberg
Matthew Rubenstein
Avinash Samarth
Michael Showalter
Shai M.S. Silverman
Matthew Specht
Seguin L. Strohmeier
Devorah Toren
Alice A. Wang
Adrien A. Weibgen
Kathryn Wynbrandt*
Jennifer Yun
Linda Zang

EDITORS

Dena Adler
Lisa W. Bohl
Lindsay Brewer
Trinity Brown
Michael Clemente
Elizabeth Burnat Deutsch*
Dan Driscoll
Nathan Gadd
Jenny Gu
Sathya Henderson
Katie Jones
Robert Klipper
Stephanie Krent
Melissa Legge

Jamee Lewis
Rebecca Loomis
Lunar Mai
Eric Margulies
Joseph Masterman*
Cara McClellan
Samson Mesele
Hava Mirell
Aaron E. Nathan
Mitchell Nobel
Jane Ostrager
Chris Pagliarella
Celia Rhoads

Yenisey Rodriguez
Will Rush
Adam Saltzman
Joel Schumacher
Christina Seda
David Simins*
John R. Stokes
Jay Sykes
Adam Toporovsky
Jonathan Vogeler
Jonas Wang*
Graham White*
Ted Wojcik
Mary Yanik

* Lead Editor
<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne L. Alstott</td>
<td>Jacquin D. Bierman Professor in Taxation, Yale Law School</td>
</tr>
<tr>
<td>Jack M. Balkin</td>
<td>Knight Professor of Constitutional Law and the First Amendment, Yale Law School</td>
</tr>
<tr>
<td>Rosa Brooks</td>
<td>Professor, Georgetown University Law Center</td>
</tr>
<tr>
<td>The Honorable José A. Cabranes</td>
<td>U.S. Court of Appeals, Second Circuit</td>
</tr>
<tr>
<td>Owen M. Fiss</td>
<td>Sterling Professor of Law, Yale Law School</td>
</tr>
<tr>
<td>Paul Gewirtz</td>
<td>Potter Stewart Professor of Constitutional Law and Director, The China Center, Yale Law School</td>
</tr>
<tr>
<td>Jacob S. Hacker</td>
<td>Stanley B. Resor Professor of Political Science and Director, Institution for Social and Policy Studies, Yale University</td>
</tr>
<tr>
<td>Pamela Harris</td>
<td>Visiting Professor of Law, Georgetown University Law Center</td>
</tr>
<tr>
<td>Dan M. Kahan</td>
<td>Elizabeth K. Dollard Professor of Law, Yale Law School</td>
</tr>
<tr>
<td>Douglas Kysar</td>
<td>Deputy Dean and Joseph M. Field '55 Professor of Law, Yale Law School</td>
</tr>
<tr>
<td>Jonathan R. Macey</td>
<td>Sam Harris Professor of Corporate Law, Corporate Finance, and Securities Law, Yale Law School</td>
</tr>
<tr>
<td>Jerry L. Mashaw</td>
<td>Sterling Professor of Law, Yale Law School</td>
</tr>
<tr>
<td>William H. Pryor</td>
<td>U.S. Court of Appeals, Eleventh Circuit</td>
</tr>
<tr>
<td>Peter H. Schuck</td>
<td>Simeon E. Baldwin Professor Emeritus of Law, Yale Law School</td>
</tr>
<tr>
<td>The Honorable Myron H. Thompson</td>
<td>U.S. District Court, Middle District of Alabama</td>
</tr>
</tbody>
</table>