5-1-1980

Table of Contents
STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION
(Act of August 12, 1970: Section 3685, Title 39, United States Code)

1. Title of Publication
   Brigham Young University Law Review

2. Date of Filing
   September 26, 1980

3. Frequency of Issue
   Quarterly

4. Location of Known Office of Publication
   453 JRCB
   Provo, Utah 84602

5. Location of the Headquarters or General Business Offices of the Publishers
   453 JRCB
   Provo, Utah 84602

6. Names and Complete Addresses of Publisher, Editor, and Managing Editor
   Publisher:
   Brigham Young University Law Review
   453 JRCB
   Provo, Utah 84602

   Editor:
   John A. Adams
   453 JRCB
   Provo, Utah 84602

   Managing Editor:
   Douglas M. Monson
   453 JRCB
   Brigham Young University
   Provo, Utah 84602

7. Owner
   Brigham Young University, Provo, Utah, 84602.
   A nonprofit organization incorporated under the laws of the State of Utah.

8. There are no known bondholders, mortgagees, or other security holders owning or
   holding 1 percent or more of total amount of bonds, mortgages or other securities.

9. The purpose, function, and nonprofit status of this organization and the exempt status
   for federal income tax purposes have not changed during the preceding 12 months.

<table>
<thead>
<tr>
<th>Average No. Copies Each Issue During Preceding 12 Months</th>
<th>Single Issue Nearest to Filing Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Total No. Copies Printed</td>
<td>1,500</td>
</tr>
<tr>
<td>B. Paid Circulation</td>
<td></td>
</tr>
<tr>
<td>1. Sales through Dealers and Carriers, Street sales</td>
<td>10</td>
</tr>
<tr>
<td>2. Mail Subscriptions</td>
<td>772</td>
</tr>
<tr>
<td>C. Total Paid Circulation</td>
<td>782</td>
</tr>
<tr>
<td>D. Free Distribution (including samples) by Mail, Carriers or Other Means</td>
<td>70</td>
</tr>
<tr>
<td>E. Total Distribution</td>
<td>852</td>
</tr>
<tr>
<td>F. Copies Not Distributed</td>
<td></td>
</tr>
<tr>
<td>1. Office use, Left-Over, Unaccounted, Spoiled after Printing</td>
<td>648</td>
</tr>
<tr>
<td>2. Returns from News Agents</td>
<td>0</td>
</tr>
<tr>
<td>G. Total</td>
<td>1,500</td>
</tr>
</tbody>
</table>

0
BARBER, DAVID H. (1976), Professor of Law. B.S., 1964, Brigham Young University; J.D., 1968, Stanford Law School.
DEEM, WOODRUFF J. (1973), Professor of Law. B.S., 1936, Occidental College; LL.B., 1940, Georgetown University.
DURHAM, W. COLE, JR. (1976), Associate Professor of Law. A.B., 1972, Harvard College; J.D., 1975, Harvard University.
FARMER, LARRY C. (1977), Associate Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.
FLOYD, C. DOUGLAS (1980), Visiting Associate Professor of Law. B.S., 1964, Massachusetts Institute of Technology; LL.B., 1967, Stanford University.
FULLER, STEPHEN M. (1976), Associate Professor of Law (on leave). B.A., 1966, Arizona State University; M.A., 1967, Arizona State University; Ph.D., 1974, University of New Mexico; J.D., 1975, University of Tulsa; LL.M., 1976, University of Virginia.
HANSEN, H. REESE (1974), Associate Dean of the Law School and Professor of Law. B.S., 1964, Utah State University; J.D., 1972, University of Utah.
HAWKINS, CARL S. (1973), Guy Anderson Professor of Law. B.A., 1948, Brigham Young University; J.D., 1951, Northwestern University.
LEE, REX E. (1973), Dean of the Law School and Professor of Law. B.A., 1960, Brigham Young University; J.D., 1963, University of Chicago.
OAKS, DALLIN H. (1973), Professor of Law. B.A., 1954, Brigham Young University; J.D., 1957, University of Chicago.
SABINE, JAMES E. (1976), Visiting Professor of Law. B.A., 1930, University of Utah; J.D., 1937, University of California, Berkeley.
WILLIAMS, GERALD R. (1973), Professor of Law. B.A., 1966, Brigham Young University; J.D., 1969, University of Utah.

PART-TIME FACULTY

ANDERSON, THOMAS C., J.D.
DETON, DAVID K., J.D.
DIXON, MARDEN, J.D.
FLETCHER, STEPHEN H., J.D.
FOSTER, LYNN G., J.D.
HOLTZMANN, JAMES A., J.D.
JARDINE, JAMES S., J.D.
KIMBALL, DALE, J.D.
McKAY, JUDGE MONROE, J.D.
OWEN, STANFORD, J.D.
PARRY, DOUGLAS, J.D.
QUINN, THOMAS A., J.D.
ROOKER, C. KEITH, J.D.
TABLE OF CONTENTS

ARTICLES

Contribution Among Antitrust Violators: A Question of Legal Process

C. Douglas Floyd 183

Can the Federal Courts Keep Order in Their Own House? Appellate Supervision Through Mandamus and Orders of Judicial Councils

Brent D. Ward 233

Teacher Dismissal: A View from Mount Healthy

E. Gordon Gee 255

The Fuller Court and State Criminal Process: Threshold of Modern Limitations on Government

William F. Duker 275

COMMENTS

The Supreme Court's Interpretation of the Civil Rights Act of 1964: Liberty, Equality, and the Limitation of Judicial Power

295

Substantive Due Process Analysis of Nonlegislative State Action: A Case Study

347

Interstate Extradition: Should the Asylum State Governor Have Unbridled Discretion

376

CASENOTES


403

Wage and Price Controls—Government Contracts—Executive Use of the Federal Procurement Act to Disbar Private Firms from Government Contracts if Wage and Price Standards are

Constitutional Law—Defamation—The Supreme Court Places Further Limitations on Designation as a “Public Figure” in Libel Actions—Wolston v. Reader's Digest Association, 443 U.S. 147 (1979)

Constitutional Law—Free Exercise of Religion—State May Require a Photograph on a Drivers License Though the Licensee’s Religious Beliefs Prohibits Photographs of Any Type—Johnson v. Motor Vehicle Division, 593 P.2d 1363 (Colo. 1979)