ARTICLES

Public Lands and the Federal Government’s Compact-Based “Duty to Dispose”: A Case Study of Utah’s H.B. 148–The Transfer of Public Lands Act

Donald J. Kochan ................................................................. 1133

Trans-Substantivity and the Processes of American Law

David Marcus ........................................................................ 1191

What Lies Beneath: Interpretive Methodology, Constitutional Authority, and the Case of Originalism

Christopher J. Peters ............................................................. 1251

COMMENTS

Unfair and Unintended: The Tax-Exempt Organization Blocker Loophole

Andrew M. Dougherty .............................................................. 1341

An Unreasonable Expectation? Warrantless Searches of Cell Phones

Michael V. Hinckley ................................................................. 1363

Is the Clean Water Act’s Diligent Prosecution Bar Jurisdictional? A Journey into Discovering Congressional Intent

Szonja Ludvig ....................................................................... 1395
SUBSCRIPTIONS: The subscription rate for subscribers in the United States is $36 for one year, $65 for two years, and $90 for three years. Foreign subscriptions are $44 for one year, $81 for two years, and $114 for three years. All claims on issues not received must be made within three months of publication if within the United States, or within six months for foreign subscriptions. Subscriptions are entered for an entire year only and are payable in advance. All subscriptions are renewed automatically unless timely notice of cancellation is given. Please send all correspondence regarding subscriptions to Accounting Office, 368 JRCB, Provo, Utah 84602-8000.

SUBMISSIONS: The Law Review is pleased to accept electronic submissions for publication through ExpressO or by email to lawrev@lawgate.byu.edu. The Law Review no longer accepts hardcopy submissions for publication. All other communications pertaining to articles should be sent to the attention of the Managing Editor of Administration: 471F JRCB, Brigham Young University, Provo, Utah 84602-8000.

CONTENT: All citations conform to The Bluebook: A Uniform System of Citation (19th ed. 2010) and the Chicago Manual of Style (16th ed. 2010). Views expressed herein are to be attributed to their authors and not to the Brigham Young University Law Review or Brigham Young University, unless otherwise indicated.

COPYRIGHT: Except as otherwise noted, the Law Review is pleased to grant permission for copies of articles to be made for noncommercial classroom use, provided that (1) a proper notice of copyright is affixed to each copy, (2) the author and source are identified, (3) copies are distributed at or below cost, and (4) the Brigham Young University Law Review is notified of the use.

Copyright © 2013 Brigham Young University Law Review
BRIGHAM YOUNG UNIVERSITY  
J. REUBEN CLARK LAW SCHOOL FACULTY


DOMINGUEZ, DAVID (1989), Professor of Law. B.A., 1977, Yale University; J.D., 1980, University of California, Berkeley.


DURHAM, W. COLE JR. (1976), Gates University Professor of Law and Director of International Center for Law and Religion Studies. B.A., 1972, J.D., 1975, Harvard University.

FARMER, LARRY C. (1974), Marion G. Romney Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.


GEDICKS, FREDERICK M. (1990), Guy Anderson Chair and Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of Southern California.


GORDON, JAMES D. III (1984), University Assistant to the President for Planning and Assessment, and Marion B. and Rulon A. Earl Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of California, Berkeley.


JONES, RONNELL ANDERSEN (2008), Associate Professor of Law. B.S., 1995, Utah State University; J.D., 2000, The Ohio State University.


SMITH, D. GORDON (2007), Associate Dean and Glen L. Farr Professor of Law. B.S., 1986, Brigham Young University; J.D., 1990, University of Chicago Law School.


WORTHEN, KEVIN J (1987), University Advancement Vice President, and Hugh W. Colton Professor of Law. B.A., 1979, J.D., 1982, Brigham Young University.

**ADJUNCT FACULTY**

AFFLECK, ADAM S.  
AVERY, ROBERT C.  
BARLOW, MATTHEW A.  
BENSON, DEE V.  
BURDSAL, NATHAN  
BURT, JASON R.  
CLARK, ELIZABETH  
CLEMES, KAREN M.  
COOK, BENJAMIN J.  
CUNDICK, TED  
DAVIS, MARK D.  
FALE, HUTCH U.  
FERRIN, SCOTT E.  
GGLADE, LEEANN  
GRIFFITH, SUSAN W.  
GRIFFITH, THOMAS B.  
HAMILTON, KEITH  
HANSEN, DALE T.  
JANIS, BLAIR E.  
JENSEN, MARY O.  
JOHNSON, JONATHAN E. III  
KIMBALL, DALE A.  
KIRKHAM, DAVID M.  
LAMBERT, SAMUEL A.  
LEE, THOMAS R.  
LEHNHOF, LANCE S.  
LINDSAY, KAY A.  
LINTON, MORRIS D.  
LORIMER, BRENT P.  
LYMAN, PAUL D.  
MANDARINO, CHASE  
MATS, GREGORY J.  
MCCLEVE, SHEILA K.  
MCCULLOUGH, LEE S.  
MCMURRAY, BENJAMIN C.  
MOURITSEN, STEPHEN C.  
MURRAY, KEVIN R.  
NEELEMAN, STANLEY D.  
NIELSON, HOWARD C. JR.  
NUFFER, DAVID

NYDEGGER, CHAD E.  
OWEN, STANFORD B.  
PREAD, DUSTIN B.  
PEARSON, JOI GARDNER  
PETERSON, JANET G.  
PHILLIPS, GREGORY  
PINIGAR, KEVIN  
SANDBERG, STEVE  
SOPER, STANLEY E.  
TENNEY, RYAN  
TIPPELT, RUST  
TOIDD, DAVID R.  
WALKER, JEFFREY N.  
WARNER, PAUL M.  
WELCH, MEGAN  
WILLIAMS, DWIGHT B.  
WISE, JANE H.