VERMONT LAW REVIEW

VOLUME 28 NUMBER 1 FALL 2003

ESSAY

Law, Literature, and History ..... *Harold P. Southerland* 1

ARTICLES

Passing Beyond Identity on the Internet:
Espionage & Counterespionage in the Internet Age..... *Marcy Peek* 91

The Logic of Standards of Review in Constitutional Cases:
A Deontic Analysis..... *Eric Heinze* 121

Interpretation of Problematic
Federal Criminal Appeal Waivers..... *Michael Zachary* 149

NOTES

The Extraterritorial Reach of NEPA and the Creation
of a Foreign Policy Exemption..... *Sara E. Baynard* 173

Clearer, but Still Toxic Skies: A Comparison of the Clear Skies Act,
Congressional Bills, and the Proposed Rule to Control
Mercury Emissions from Coal-Fired Power Plants..... *David W. Rugh* 201

Vermont Law Review is published four times each academic year: Fall, Winter, Spring, and Summer. The *Vermont Law Review* mailing address is: *Vermont Law Review,* Vermont Law School, P.O. Box 96, South Royalton, Vermont 05068. The *Vermont Law Review* can be found on the web at http://www.vermontlawreview.org. E-mail at lawreview@vermontlaw.edu.

Subscriptions: Subscriptions are $32.00 (domestic) and $36.00 (foreign) per year, payable in advance. All subscriptions will be renewed automatically unless the subscriber provides timely notice of cancellation. Address changes must be made at least one month before the publication date to ensure proper delivery. Please provide the account number, the old address, and the new address (include zip codes). Please address all correspondence regarding address changes or other requests for subscription information to the Business Manager.

Single and Back Issues: Current volumes can be purchased for $10.00 from *Vermont Law Review.* For back issues, contact *Vermont Law Review* or William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987. For an inclusive index of prior volumes, please contact the *Vermont Law Review.*

Manuscripts: *Vermont Law Review* welcomes the submission of unsolicited articles, comments, essays, and book reviews. Submissions may be submitted through the mail or electronically. Manuscripts cannot be returned unless accompanied by a self-addressed, stamped, postage-paid envelope.

Copyright: © Copyright 2003 by Vermont Law School. All rights reserved. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed at or below cost; (2) the author and *Vermont Law Review* are identified on the copied materials; (3) each copy bears the proper notice of copyright; and (4) *Vermont Law Review* is notified in writing of the use of the material(s).

Production: *Vermont Law Review* is printed in Times New Roman scalable font by Western Newspaper Publishing Co., 537 East Ohio Street, Indianapolis, Indiana 46204.