SYMPHONY
"THE EXCLUSIONARY RULE: IS IT ON ITS WAY OUT? SHOULD IT BE?"
Guest Editor: Christopher Slobogin

The Exclusionary Rule: Is It on Its Way Out? Should It Be?
Christopher Slobogin .......................................................... 341

The Fourth Amendment’s Exclusionary Rule as a Constitutional Right
Thomas K. Clancy .................................................................. 357

Everyman’s Exclusionary Rule: The Exclusionary Rule and the Rule of Law (or Why Conservatives Should Embrace the Exclusionary Rule)
Scott E. Sundby ..................................................................... 393

Hypocrisy, Corruption, and Illegitimacy: Why Judicial Integrity Justifies the Exclusionary Rule
Andrew E. Taslitz ..................................................................... 419

A Conservative House United: How the Post-Warren Court Dismantled the Exclusionary Rule
Morgan Cloud ........................................................................ 477

Seven Theses in Grudging Defense of the Exclusionary Rule
Lawrence Rosenthal ................................................................. 525

Fourth Amendment Small Claims Court
Richard E. Myers II .................................................................. 571

COMMENTARY SYMPOSIUM
"CRIMINAL LAW PEDAGOGY"
Guest Editor: Ellen S. Podgor

Introduction
Ellen S. Podgor ......................................................................... 601

The First Day of Criminal Law: Forgetting Everything You Thought You Already Knew
Kami Chavis Simmons ............................................................ 605

“I AM Ronald Cotton”: Teaching Wrongful Convictions in a Criminal Law Class
Cynthia E. Jones ................................................................. 609

An Exercise Exploring the Rationales for Punishment
Sanjay K. Chhablani ................................................................. 613

Teaching Mens Rea with Flores-Figueroa: Using the Oral Argument to Unwrap the Case
Catherine Hancock ............................................................... 617

Law and Order in the Emerald City: Using The Wizard of Oz to Illustrate Homicide Principles
Judith M. Barger .............................................................. 629

Teaching Rape Under Cover
Susan D. Rozelle ................................................................. 633
<table>
<thead>
<tr>
<th>Title</th>
<th>Author/Editor</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Law Pedagogy: Making Things Clear</td>
<td>Cynthia Lee</td>
<td>637</td>
</tr>
<tr>
<td>A Criminal Law Atheist Teaching in the Seminary</td>
<td>Ronald F. Wright</td>
<td>639</td>
</tr>
<tr>
<td>Making a Deal in Criminal Law</td>
<td>Cynthia Alkon</td>
<td>643</td>
</tr>
<tr>
<td>Teaching to the Test</td>
<td>Janet C. Hoeffel</td>
<td>647</td>
</tr>
<tr>
<td>Role Reversal: Letting Students Ask the Questions in a Criminal Law Class</td>
<td>Steven I. Friedland</td>
<td>651</td>
</tr>
<tr>
<td>From Philly to Fayetteville: Reflections on Teaching Criminal Law in the First Year . . Four Years Later</td>
<td>Brian R. Gallini</td>
<td>657</td>
</tr>
<tr>
<td>Why I Authored a Criminal Law Casebook</td>
<td>Arnold H. Loewy</td>
<td>661</td>
</tr>
<tr>
<td>Challenges and Choices in Criminal Law Course Design</td>
<td>Roger A. Fairfax, Jr.</td>
<td>665</td>
</tr>
<tr>
<td>Criminal Confusion: Addressing the Tension Between Bar Preparation &amp; Practical Skills</td>
<td>Anders Walker</td>
<td>669</td>
</tr>
<tr>
<td><strong>COMMENTARY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Learning from Crack</td>
<td>Mark Osler</td>
<td>671</td>
</tr>
<tr>
<td><strong>REVIEWS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prevention, Wrongdoing, and the Harm Principle’s Breaking Point</td>
<td>Kimberly Kessler Ferzan</td>
<td>685</td>
</tr>
<tr>
<td>Prosecution (is) Complex</td>
<td>Alafair Burke</td>
<td>703</td>
</tr>
</tbody>
</table>
Ohio State Journal of Criminal Law Board of Advisors

Lawrence A. Alexander  
University of San Diego School of Law

Tracey Louise Meares  
Yale Law School

Sara Sun Beale  
Duke University School of Law

Marc L. Miller  
University of Arizona College of Law

Paul Butler  
The George Washington University  
Law School

Herbert Morris  
University of California at Los Angeles School of Law

Deborah W. Denno  
Fordham University School of Law

Stephen J. Morse  
University of Pennsylvania Law School

Claire L. Heureux-Dubé  
Supreme Court of Canada (retired)  
Judge in Residence, Laval University

George Mousourakis  
University of Auckland, Faculty of Law

R.A. Duff  
University of Stirling  
University of Minnesota

Stephen Shute  
University of Sussex

Douglas Husak  
Rutgers University at New Brunswick

Christopher Slobogin  
Vanderbilt University Law School

Sanford H. Kadish  
University of California at Berkeley  
School of Law

Carol S. Steiker  
Harvard Law School

Susan R. Klein  
The University of Texas School of Law

Kate Stith  
Yale Law School

Gerard E. Lynch  
United States Court of Appeals, Second Circuit

George C. Thomas III  
Rutgers (Newark) University School of Law

Tracey Maclin  
Boston University School of Law

Andrew von Hirsch  
Law Faculty, Goethe-University Frankfurt

Holly Maguigan  
New York University School of Law

Ronald F. Wright  
Wake Forest University School of Law
OFFICERS OF ADMINISTRATION

E. Gordon Gee, B.A., J.D., Ed.D., President of the University and Prof of Law
Joseph M. Alutto, B.A., M.A., Ph.D., Executive Vice President and Provost of the University
Alan C. Michaels, A.B., J.D., Dean of the College and Edwin M. Coopperman Prof of Law
Gary W. Jenkins, B.A., M.P.P., J.D., Assoc. Dean for Academic Affairs and Prof of Law
Bruce S. Johnson, B.A., J.D., M.L.S., Assoc. Dean for Information Services and Thomas J. and Mary E. Heck and Leo H. Faust Memorial Designated Prof of Law
Kathy S. Northen, B.A., J.D., Assoc Dean for Admissions and Assoc. Prof of Law
Donald B. Tobin, B.A., J.D., Assoc. Dean for Faculty and Frank E. & Virginia H. Bazeier Designated Prof in Business Law

Jessica Richman Dworkin, B.S., J.D., LL.M., Assist. Dean for International and Graduate Affairs and Adjunct Prof.
Merritt Smith, B.A., J.D., Assoc. Dean for Academic Affairs and Adjunct Prof.
Robert L. Solomon, II, B.A., J.D., Assist. Dean for Admissions and Financial Aid, Director of Minority Affairs and Adjunct Prof.

FACULTY EMERITI

Francis X. Beytagh, B.A., J.D.
Michael Braunstein, B.A., J.D.
Albert L. Clovis, B.A., M.A., LL.B.
Howard P. Fink, B.A., J.D.
David A. Goldberger, B.A., J.D.
Sheldon W. Halpern, B.A., LL.B.
Lawrence R. Herman, A.B., A.B., LL.B.
Louis A. Jacobs, A.B., J.D., LL.M.
Michael Kindred, B.A., J.D., M.C.L., D.E.S.
Joan M. Krauskopf, B.A., J.D.

Stanley K. Laughlin, Jr., B.A., J.D.
James E. Meeks, A.B., J.D.
Rhonda B. Rivera, B.A., M.P.A., J.D.
Nancy H. Rudolph, A.B., J.D.
Michael D. Rose, B.A., J.D., LL.M.
Allan J. Samansky, B.A., M.A., J.D.
Philip C. Sorensen, B.S., J.D.
Gregory M. Travalo, B.A., J.D., LL.M.
Douglas J. Whaley, B.A., J.D.

FACULTY

Anna Akbar, B.A., J.D., Visiting Assist. Prof of Law
Michelle Alexander, B.A., J.D., Assoc. Prof. of Law
Erin Archard, B.A., J.D., Langdon Fellow in Dispute Resolution
Mary Beth Bazley, B.A., J.D., Assoc. Prof. of Law and Director of Legal Writing
Douglas A. Berman, A.B., J.D., Robert J. Watkins/Procter & Gamble Prof of Law
Gregory A. Caldeira, B.A., J.D., Prof of Law
Cinnamon Carlarne, B.A., B.C.L., M.S., J.D., Assoc. Prof of Law
Sanford N. Caust-Ellenbogen, B.A., M.C.R.P., J.D., Assoc. Prof. of Law
Martha Chamallas, B.A., J.D., Robert D. Lynn Chair in Law
Daniel C.K. Chow, B.A., J.D., Joseph S. Platt-Porter Wright & Chandler Prof of Law
Amy J. Cohen, B.A., J.D., Assoc. Prof. of Law
Sarah Rudolph Cole, B.A., J.D., John W. Bricker Prof of Law and Director of Prof on Dispute Resolution
Ruth Colker, A.B., J.D., Distinguished Univ. Prof. and Grace Fern Heck Faust Chair in Constitutional Law
Elizabeth Llweg G. Cooke, B.A., J.D., Clinical Prof of Law
Richard C. Daley, B.A., J.D., Senior Lecturer in Law
Steven M. Daviddoff, B.A., M.S., J.D., Assoc. Prof of Law
Sharon L. Davies, B.A., J.D., John C. Elam/VanSar Prof of Law and Executive Director of the William E. Kirwan Institute for the Study of Race and Ethnicity
Ellen E. Deason, B.A., J.D., Joanne W. Murphy/Classes of 1965 and 1972 Prof of Law
Joseph Diner, B.A., B.T., Frank R. Strong Chair in Law
Terri L. Enna, B.A., J.D., Clinical Prof of Law
Christopher M. Fairman, B.A., J.D., Alumni Society Designated Prof. of Law
Katherine Hunt Federle, B.A., J.D., LL.M., Prof of Law and Director of the Center for Interdisciplinary Law and Policy Studies
Edward B. Foley, B.A., J.D., Chief Justice Thomas J. Moyer Professor for the Administration of Justice and the Rule of Law

Larry T. Garvin, B.A., B.S., M.S., J.D., Lawrence D. Stanley Prof of Law

John B. Quigley, A.B., M.A., LL.B., President’s Club Prof of Law
Anne Ralph, B.A., J.D., Assist. Clinical Prof of Law
Guy A. Rub, LL.B., M.A., LL.M., Assist. Prof of Law
Paul Rose, B.A., J.D., Assist. Prof of Law
Peter M. Shule, A.B., J.D., Jacob E. Davis & Jacob E. Davis Ii Chair in Law
Ric Simmons, B.A., M.A., J.D., Prof of Law
Marc S. Spindelman, B.A., J.D., Isadore and Ida Topper Prof of Law
Tod A. Starker, B.A., J.D., M.B.A., J.D., Assist. Clinical Prof of Law

Arthur F. Greenbaum, B.A., J.D., James W. Shocknessy Prof. of Law
L. Camille Hébert, B.A., J.D., Carter C. Kissell Prof of Law
Stephanie R. Hoffer, B.S., J.D., LL.M., Assoc. Prof of Law
Steven F. Knuth, B.A., J.D., Prof. of Law and Director of Clinical Prof.
Katharine S. Kelly, B.A., M.A., J.D., Assist. Clinical Prof of Law
Creola Johnson, B.S., J.D., Assoc. Prof of Law
Kimberly Jordan, B.S., J.D., Assist. Clinical Prof of Law
Robert M. Krivosheyn, B.A., M.A., Ph.D., J.D., Clinical Prof. of Law
Kimning J. Lee, B.A., J.D., Assist. Clinical Prof of Law
Deborah Jones Merritt, A.B., J.D., John Deaver Drinko-Baker and Hostetter Chair in Law
Dale A. Oesterle, B.A., M.P.P., J.D., J. Gilbert Reese Chair in Contract Law

FACULTY EMERITI

Arthur F. Greenbaum, B.A., J.D., James W. Shocknessy Prof. of Law
L. Camille Hébert, B.A., J.D., Carter C. Kissell Prof of Law
Stephanie R. Hoffer, B.S., J.D., LL.M., Assoc. Prof of Law
Steven F. Knuth, B.A., J.D., Prof. of Law and Director of Clinical Prof.
Katharine S. Kelly, B.A., M.A., J.D., Assist. Clinical Prof of Law
Creola Johnson, B.S., J.D., Assoc. Prof of Law
Kimberly Jordan, B.S., J.D., Assist. Clinical Prof of Law
Robert M. Krivosheyn, B.A., M.A., Ph.D., J.D., Clinical Prof. of Law
Kimning J. Lee, B.A., J.D., Assist. Clinical Prof of Law
Deborah Jones Merritt, A.B., J.D., John Deaver Drinko-Baker and Hostetter Chair in Law
Dale A. Oesterle, B.A., M.P.P., J.D., J. Gilbert Reese Chair in Contract Law

ADJUNCT FACULTY

Sandra J. Anderson
Elizabeth L. Arrastia
Susan Azynar
David Ball
David S. Bloomfield
Joseph M. Caliguri
Hon. William B. Chandler
Douglas Cole
Hon. R. Guay Cole
Matt Cooper
Jasmin E. Coughlan
James E. Davidson
April Orper Davis
Anita DiPasquale
Hon. Gregory Frost
Tod G. Cuttman
Gail Block Harris
Patricia Hatler
Kimberly Weber Herhly
Hon. John E. Hoffman Jr.
Barton Hubbard
James Johnson
Shawn Judge
Hon. Terrence P. Kemp
Hon. Norah McCunn King
Greg Kirstein
Marya C. Kolman
James K.L. Lawrence

Sherri B. Lazear
Hon. Algonen Marley
Ingrid Munro
Hon. Stephen McNltchon
Richard M. Mescher
Robert J. Miller
Samuel H. Porter
Tanya J. Poteet
Len T. Ramirez
Frank A. Ray
Douglas R. Rogers
Dan D. Sandman
Hon. Edmund A. Sargus
Hon. Jennifer Sargus
Edward M. Segelken
Elizabeth Sherowski
Kimberly Shimuate
Scott V. Simpson
Douglas Squares
Hon. Jeffrey S. Sutton
Mark R. Weaver
Robert Weiler
James Wilson
Riind Wilson
Stephanie Ziegler