



**ARTICLES**

Seeing the State: Transparency as Metaphor.....Mark Fenster 617

A History of the Military Authority Exception in the  
Administrative Procedure Act ..... Kathryn E. Kovacs 673

“Your Results May Vary”: Protecting Students and  
Taxpayers Through Tighter Regulation of  
Proprietary School Representations..... Aaron N. Taylor 729

New Governance, Financial Regulation, and Challenges  
to Legitimacy: The Example of the Internal Models  
Approach to Capital Adequacy Regulation ..... Robert F. Weber 783

**COMMENT**

In Name Only: Employee Participation Programs  
and Delegated Managerial Authority  
after *Crown Cork & Seal*.....Joseph D. Richardson 871

**RECENT DEVELOPMENTS**

Congress and the Courts Close Their Eyes:  
The Continuing Abdication of the Duty to Review  
Agencies’ Noncompliance with the  
Congressional Review Act.....Sean D. Croston 907

The Economics of Railroad  
“Captive Shipper” Legislation..... Russell Pittman 919