

WEST'S
ENCYCLOPEDIA
of
AMERICAN
LAW

2ND EDITION

VOLUME 7



MC TO PL

WEST'S ENCYCLOPEDIA *of* AMERICAN LAW

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West's Encyclopedia of American Law, 2nd Edition

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WEST'S
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2ND EDITION

DEDICATION

West's Encyclopedia of American Law
(WEAL) is dedicated to librarians
and library patrons throughout the
United States and beyond. Your
interest in the American legal system
helps to expand and fuel the frame-
work of our Republic.



PREFACE

The U.S. legal system is admired around the world for the freedoms it allows the individual and the fairness with which it attempts to treat all persons. On the surface, it may seem simple, yet those who have delved into it know that this system of federal and state constitutions, statutes, regulations, and common-law decisions is elaborate and complex. It derives from the English common law, but includes principles older than England, along with some principles from other lands. The U.S. legal system, like many others, has a language all its own, but too often it is an unfamiliar language: many concepts are still phrased in Latin. The second edition of *West's Encyclopedia of American Law (WEAL)* explains legal terms and concepts in everyday language, however. It covers a wide variety of persons, entities, and events that have shaped the U.S. legal system and influenced public perceptions of it.

MAIN FEATURES OF THIS SET

Entries

This encyclopedia contains nearly 5,000 entries devoted to terms, concepts, events, movements, cases, and persons significant to U.S. law. Entries on legal terms contain a definition of the term, followed by explanatory text if necessary. Entries are arranged alphabetically in standard encyclopedia format for ease of use. A wide variety of additional features, listed later in this preface, provide interesting background and supplemental information.

Definitions Every entry on a legal term is followed by a definition, which appears at the beginning of the entry and is italicized. The Dictionary and Indexes volume includes a glossary containing all the definitions from *WEAL*.

Further Readings To facilitate further research, a list of Further Readings is included at the end of a majority of the main entries.

Cross-References *WEAL* provides two types of cross-references, within and following entries. Within the entries, terms are set in small capital letters—for example, *LIEN*—to indicate that they have their own entry in the encyclopedia. At the end of the entries, related entries the reader may wish to explore are listed alphabetically by title.

Blind cross-reference entries are also included to direct the user to other entries throughout the set.

In Focus Essays

In Focus essays accompany related entries and provide additional facts, details, and arguments on particularly interesting, important, or controversial issues raised by those entries. The subjects covered include hotly contested issues, such as abortion, capital punishment, and gay rights; detailed processes, such as the Food and Drug Administration's approval process for new drugs; and important historical or social issues, such as debates over the formation of the U.S. Constitution.

Sidebars

Sidebars provide brief highlights of some interesting facet of accompanying entries. They

complement regular entries and In Focus essays by adding informative details. Sidebar topics include the Million Man March and the branches of the U.S. armed services. Sidebars appear at the top of a text page and are set in a box.

Biographies

WEAL profiles a wide variety of interesting and influential people—including lawyers, judges, government and civic leaders, and historical and modern figures—who have played a part in creating or shaping U.S. law. Each biography includes a timeline, which shows important moments in the subject's life as well as important historical events of the period. Biographies appear alphabetically by the subject's last name.

ADDITIONAL FEATURES OF THIS SET

Enhancements Throughout WEAL, readers will find a broad array of photographs, charts, graphs, manuscripts, legal forms, and other visual aids enhancing the ideas presented in the text.

Indexes WEAL features a cases index and a cumulative index in a separate volume.

Appendixes

Three appendix volumes are included with WEAL, containing hundreds of pages of docu-

ments, laws, manuscripts, and forms fundamental to and characteristic of U.S. law.

Milestone Cases in the Law

A special Appendix volume entitled *Milestones in the Law*, allows readers to take a close look at landmark cases in U.S. law. Readers can explore the reasoning of the judges and the arguments of the attorneys that produced major decisions on important legal and social issues. Included in each Milestone are the opinions of the lower courts; the briefs presented by the parties to the U.S. Supreme Court; and the decision of the Supreme Court, including the majority opinion and all concurring and dissenting opinions for each case.

Primary Documents

There is also an Appendix volume containing more than 60 primary documents, such as the English Bill of Rights, Martin Luther King Jr.'s Letter from Birmingham Jail, and several presidential speeches.

Citations

Wherever possible, WEAL entries include citations for cases and statutes mentioned in the text. These allow readers wishing to do additional research to find the opinions and statutes cited. Two sample citations, with explanations of common citation terms, can be seen below and opposite.

Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 2d 694 (1966)

1 2 3 4 5 6 7

1. *Case title*. The title of the case is set in i and indicates the names of the parties. The suit in this sample citation was between Ernesto A. Miranda and the state of Arizona.
2. *Reporter volume number*. The number preceding the reporter name indicates the reporter volume containing the case. (The volume number appears on the spine of the reporter, along with the reporter name).
3. *Reporter name*. The reporter name is abbreviated. The suit in the sample citation is from the reporter, or series of books, called *U.S. Reports*, which contains cases from the U.S. Supreme Court. (Numerous reporters publish cases from the federal and state courts.)
4. *Reporter page*. The number following the reporter name indicates the reporter page on which the case begins.
5. *Additional reporter page*. Many cases may be found in more than one reporter. The suit in the sample citation also appears in volume 86 of the *Supreme Court Reporter*, beginning on page 1602.
6. *Additional reporter citation*. The suit in the sample citation is also reported in volume 16 of the *Lawyer's Edition*, second series, beginning on page 694.
7. *Year of decision*. The year the court issued its decision in the case appears in parentheses at the end of the cite.

<i>Brady Handgun Violence Prevention Act,</i>	Pub. L. No.	103–159,	107	Stat. 1536	(18	U.S.C.A.	§§ 921–925A)
1	2	3	4	5	6	7	8

1. *Statute title.*
2. *Public law number.* In the sample citation, the number 103 indicates this law was passed by the 103d Congress, and the number 159 indicates it was the 159th law passed by that Congress.
3. *Reporter volume number.* The number preceding the reporter abbreviation indicates the reporter volume containing the statute.
4. *Reporter name.* The reporter name is abbreviated. The statute in the sample citation is from *Statutes at Large*.
5. *Reporter page.* The number following the reporter abbreviation indicates the reporter page on which the statute begins.
6. *Title number.* Federal laws are divided into major sections with specific titles. The number preceding a reference to the U.S. Code stands for the section called Crimes and Criminal Procedure.
7. *Additional reporter.* The statute in the sample citation may also be found in the *U.S. Code Annotated*.
8. *Section numbers.* The section numbers following a reference to the *U.S. Code Annotated* indicate where the statute appears in that reporter.

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M (cont.)

❖ MCCAIN, JOHN SIDNEY

Senator John McCain spent 22 years in the U.S. Navy before becoming a Republican congressman, and then a senator, from Arizona. He did not have a typical military career, however. McCain endured five-and-a-half years as a prisoner of war in Vietnam. He, nevertheless, prefers to be known for what he has accomplished as an elected official. In 1998, he won credit as an anti-tobacco crusader. McCain's name became synonymous with a drive to sharply decrease smoking in America by raising taxes and halting tobacco companies' ability to shield themselves from lawsuits. That bill eventually lost support, and the senator redirected his energy into other issues, such as campaign-finance reform and TELECOMMUNICATIONS legislation.

John Sidney McCain was born on August 29, 1936, in the Panama Canal Zone, to John Sidney McCain Jr. and Roberta (Wright) McCain. He grew up on naval bases in the United States and overseas. The elder McCain was an admiral who served as commander of American forces in the Pacific during the VIETNAM WAR. In fact, the family has a long lineage in the U.S. military. McCain's paternal grandfather, John S. McCain Sr. was also an admiral, as well as commander of all aircraft carriers in the Pacific during WORLD WAR II. He and McCain's father were the first father-and-son admirals in the history of the U.S. Navy.

McCain graduated from Episcopal High School in Alexandria, Virginia, in 1954 and then

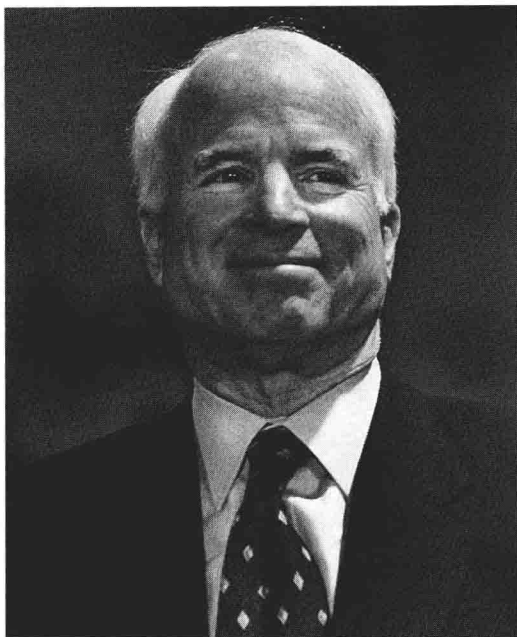
attended the U.S. Naval Academy in Annapolis, Maryland, where he took courses in electrical engineering. There, he was known as a rowdy and insubordinate student, whose demerits for his antics detracted from his otherwise respectable grades. He graduated in 1958, toward the bottom of his class (790 out of 795), but nevertheless was accepted to train as a naval aviator.

On October 26, 1967, the lieutenant commander lifted off from the carrier Oriskany in an A-4E Skyhawk on a mission over the Vietnamese capital, Hanoi. Above the city, an anti-aircraft missile sliced off the plane's right wing, forcing McCain to eject. With both arms broken, a shattered knee, and a broken shoulder, he landed in a lake where a Vietnamese man extracted him. Subsequently, a crowd beat him, stabbed him with a bayonet, and took him into custody. He did not receive care for his wounds for nine days. When officials learned of his father's high rank, they admitted him to a hospital and later placed him with an American cellmate, who helped to nurse him back to health. Because of his father's status, McCain was offered an early release after just seven months. He denied it, insisting on following the U.S. prisoner-of-war code of conduct, which holds that prisoners should only accept release in the order in which they were captured.

After five-and-a-half years as a prisoner of war in Vietnam, McCain and the rest of the men in Hanoi were released on March 17, 1973. McCain was given a hero's welcome upon his

"GLORY IS NOT A
CONCEIT. IT IS NOT
A DECORATION
FOR VALOR.
GLORY BELONGS
TO THE ACT OF
BEING CONSTANT
TO SOMETHING
GREATER THAN
YOURSELF, TO A
CAUSE, TO YOUR
PRINCIPLES, TO
THE PEOPLE ON
WHOM YOU RELY
AND WHO RELY ON
YOU IN RETURN."
—JOHN MCCAIN

John McCain.
AP/WIDE WORLD
PHOTOS



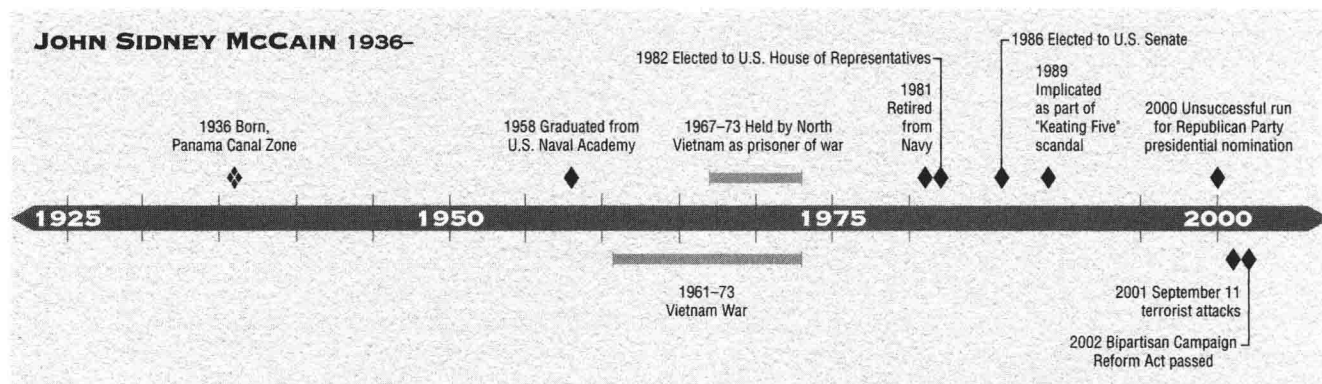
return to the United States, meeting President **RICHARD NIXON** and California Governor **RONALD REAGAN** and receiving the Silver Star, Bronze Star, Legion of Merit, Purple Heart, and Distinguished Flying Cross. He went to the National War College in Washington, D.C., in 1973 and 1974, but he missed flying. After returning to the skies as a training-squadron commander, he was promoted to the rank of captain in 1977.

In 1977, the Navy named McCain its liaison to the U.S. Senate, marking the beginning of his political aspirations. He retired from the Navy in 1981 and moved to Phoenix to work for his wife's father, a beer distributor. In 1982, despite his newcomer status in the state, he ran for the House of Representatives from Arizona's First Congressional District—a Republican-

dominated area taking up much of Phoenix—and won. Unopposed in the 1984 primary, he was re-elected by a large majority over his Democratic opponent. His conservative voting record followed the party line rather faithfully during the Reagan years. He supported prayer in public schools, the Gramm-Rudman deficit-reduction bill, the use of lie-detector tests in certain forms of employment, and the reintroduction of certain handgun sales. He voted against the **EQUAL RIGHTS AMENDMENT** and against budgeting extra funds for the Clean Air Act. Understandably hawkish in his views on the military, he opposed the 1983 nuclear-freeze resolution and supported more funding for MX missile development and other programs.

McCain showed in many ways that he was not afraid to voice his own opinion. He approved of sanctions in the apartheid-era South Africa, voting to override President Reagan's **VETO**, and also spoke out against a maneuver to cut millions of dollars from a program that provided food to poor persons in order to give raises to administrators. He also stood against direct U.S. intervention in Central America.

In 1986, McCain ran unopposed in the primary for the U.S. Senate seat that was to be vacated when Arizona's political icon **BARRY GOLDWATER** retired. He won the general election and was appointed to the Armed Services Committee and its subcommittees on readiness, personnel, and seapower; the Indian Affairs Committee; and the Senate Commerce, Science, and Transportation Committee. He also lobbied for the rights of veterans and pushed to normalize relations with Vietnam, a goal that he realized on July 11, 1995. His early record was punctuated by the passage of the line-item veto, a power that was given to the president in order to erase certain elements of a bill, usually



inserted by representatives who were trying to add special-interest or narrow-constituent issues on to a larger, unrelated bill. Although the federal courts eventually struck down the line-item veto in 1997, McCain became known as the champion fighting against "pork-barrel politics," even hiring a staff member to sit in the Senate Gallery and to spot any instances of such dealings at all hours.

McCain also rankled fellow Republicans when he took up the issue of campaign-finance reform. Wanting to make sweeping changes to the way fund raising is handled, he joined forces with Democrat Russell Feingold around 1995. They sought to draft a bill that would limit private donations to campaigns for public office, as well as to even the balance between lavishly funded incumbents and their opponents. The unpopular measure was not taken seriously at first. "We were like the guys who introduced the metric system," McCain told Michael Lewis in the *New York Times Magazine*. Although Democrats have come out heavily in support of the idea, Lewis observed, "Their enthusiasm derives from their certainty that Republicans will find a way to kill it." The bill's most lofty intention was to close the loophole that allows parties to accept general donations and then re-route them to specific candidates; these funds are called "soft money." The House of Representatives passed a version of the bill in August 1998, but the Senate blocked it.

The lowest point in McCain's career was in 1989. He was counted as one of the notorious "Keating Five," along with Senators John Glenn, Donald Riegle, Dennis DeConcini, and Alan Cranston. They were implicated in a scandal to protect Charles Keating, the owner of Lincoln Savings and Loan. Keating gave generously to the senators and, in return, he expected them to shelter him from federal bank regulators after his dealings had ruined his financial institution and cost taxpayers more than \$3 billion to bail out. The Senate Ethics Committee investigated the matter and found that although McCain had exercised "poor judgment," he was not guilty of any wrongdoing. The affair hurt his reputation in the short term, but not fatally, and he was re-elected in 1992. McCain's later efforts, in addition to campaign-finance reform, included an attention-getting \$516 billion proposed bill that made tobacco companies more vulnerable to lawsuits filed by smokers and their families. He further proposed to sharply increase taxes on the sub-

stance. The measure made headlines for much of the first half of 1998, until it was voted down, generally due to its emphasis on raising taxes for those who buy tobacco products. In addition, McCain was involved in a telecommunications-reform measure, pushing to install INTERNET connections in schools, to cut satellite- and cable-television costs, and to introduce local telephone competition.

In 1999, McCain published his memoir *Faith of My Fathers*; the book hit the best-seller list and was in its 12th printing one year later. In 2000, McCain ran for president but lost the Republican nomination to GEORGE W. BUSH. That year, McCain underwent surgery to remove a cancerous lesion after a recurrence of the melanoma that he had experienced in 1993. McCain returned to the Senate, where he continued his maverick ways to the point where some analysts began to speculate that he might switch parties. McCain made it clear that he had no intention of leaving the REPUBLICAN PARTY, taking as his model the "trust-busting" president THEODORE ROOSEVELT who campaigned vigorously against corporate financial FRAUD and misfeasance.

In the new millennium, McCain continued to take stands that left him at odds with his own party. He continued to fight for campaign-finance reform. He also voted against President Bush's tax cuts, and sponsored legislation to raise automobile-emissions standards. McCain also joined with Democrats to propose background checks for persons buying firearms at gun shows, a ban on college-sports gambling, and financial-statement disclosure for corporations that deduct executives' stock options.

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MCCARRAN-FERGUSON ACT OF 1945

The McCarran-Ferguson Act of 1945 (15 U.S.C.A. § 1011 et seq.) gives states the authority to regulate the "business of insurance" without interference from federal regulation, unless federal law specifically provides otherwise.

The act provides that the "business of insurance, and every person engaged therein, shall be subject to the laws of the several States which relate to the regulation or taxation of such business." Congress passed the McCarran-Ferguson Act primarily in response to the Supreme Court case of *United States v. South-Eastern Underwriters Ass'n*, 322 U.S. 533, 64 S. Ct. 1162, 88 L. Ed. 1440 (1944). Before the *South-Eastern Underwriters* case, the issuing of an insurance policy was not thought to be a transaction in commerce, which would subject the insurance industry to federal regulation under the COMMERCE CLAUSE. In *South-Eastern Underwriters*, the Court held that an insurance company that conducted substantial business across state lines was engaged in interstate commerce and thus was subject to federal antitrust regulations. Within a year of *South-Eastern Underwriters*, Congress enacted the McCarran-Ferguson Act in response to states' concerns that they no longer had broad authority to regulate the insurance industry in their boundaries.

The McCarran-Ferguson Act provides that state law shall govern the regulation of insurance and that no act of Congress shall invalidate any state law unless the federal law specifically relates to insurance. The act thus mandates that a federal law that does not specifically regulate the business of insurance will not PREEMPT a state law enacted for that purpose. A state law has the purpose of regulating the insurance industry if it has the "end, intention or aim of adjusting, managing, or controlling the business of insurance" (*U.S. Dept. of Treasury v. Fabe*, 508 U.S. 491, 113 S. Ct. 2202, 124 L. Ed. 2d 449 [1993]).

The act does not define the key phrase "business of insurance." Courts, however, analyze three factors when determining whether a particular commercial practice constitutes the business of insurance: whether the practice has the effect of transferring or spreading a policyholder's risk, whether the practice is an integral part of the policy relationship between the insurer and the insured, and whether the practice is limited to entities within the insurance industry (*Union Labor Life Insurance Co. v. Pireno*, 458 U.S. 119, 102 S. Ct. 3002, 73 L. Ed. 2d 647 [1982]).

The McCarran-Ferguson Act does not prevent the federal government from regulating the insurance industry. It provides only that states have broad authority to regulate the insurance industry unless the federal government enacts

legislation specifically intended to regulate insurance and to displace state law. The McCarran-Ferguson Act also provides that the SHERMAN ANTI-TRUST ACT OF 1890, 15 U.S.C.A. § 1 et seq., the CLAYTON ACT OF 1914, 15 U.S.C.A. § 12 et seq., and the Federal Trade Commission Act of 1914, 15 U.S.C.A. §§ 41–51, apply to the business of insurance to the extent that such business is not regulated by state law.

Courts have distinguished between the general regulatory exemption of the McCarran-Ferguson Act and the separate exemption provided for the Sherman Act, which is the federal ANTITRUST LAW. Cases involving the applicability of the Sherman Act to state-regulated insurance practices take a narrower approach to the phrase "business of insurance" and apply the three criteria set forth in the *Pireno* case. In other cases that do not involve the federal antitrust exemption of the McCarran-Ferguson Act, the Supreme Court takes a broader approach. It has thus defined laws enacted for the purpose of regulating the business of insurance to include laws "aimed at protecting or regulating the performance of an insurance contract" (*Fabe*). Insurance activities that fall within this broader definition of the business of insurance include those that involve the relationship between insurer and insured, the type of policies issued, and the policies' reliability, interpretation, and enforcement (*Securities & Exchange Commission v. National Securities*, 393 U.S. 453, 89 S. Ct. 564, 21 L. Ed. 2d 668 [1969]).

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MCCARRAN INTERNAL SECURITY ACT

Legislation proposed by Senator PATRICK ANTHONY MCCARRAN and enacted by Congress in 1950 that subjected alleged members of designated Communist-action organizations to regulation by the federal government.

The McCarran Internal Security Act, also known as the Subversive Activities Control Act of 1950 (50 U.S.C.A. § 781 et seq.), was part of a legislative package that was designated as the

Internal Security Act of 1950. Congress passed such statutes in response to the post-World War II COLD WAR during which many public officials perceived a threat of violent and forcible overthrow of the U.S. government by U.S. Communist groups that advocated this objective. Among other things, the legislation required members of the Communist party to register with the attorney general, and the named organizations had to provide certain information, such as lists of their members. It established the Subversive Activities Control Board to determine which individuals and organizations had to comply with the law and the procedures to be followed. Failure to satisfy the statutory requirements subjected the individual or organization to criminal prosecution and stiff fines.

Congress repealed the registration requirements of the law in 1968 as a result of a number of decisions by the U.S. Supreme Court that declared certain aspects of the law unconstitutional.

CROSS-REFERENCES

Communism.

❖ MCCARRAN, PATRICK ANTHONY

Patrick Anthony McCarran was born August 8, 1876, in Reno, Nevada. He graduated from the University of Nevada in 1901 and took up farming for a few years before his admission to the Nevada bar in 1905.

McCarran's career as a jurist was centered in Nevada. He practiced law from 1905 to 1907 in Tonopah and Goldfield, two areas that experienced prosperity due to mining successes. He served as district attorney of Nye County for the

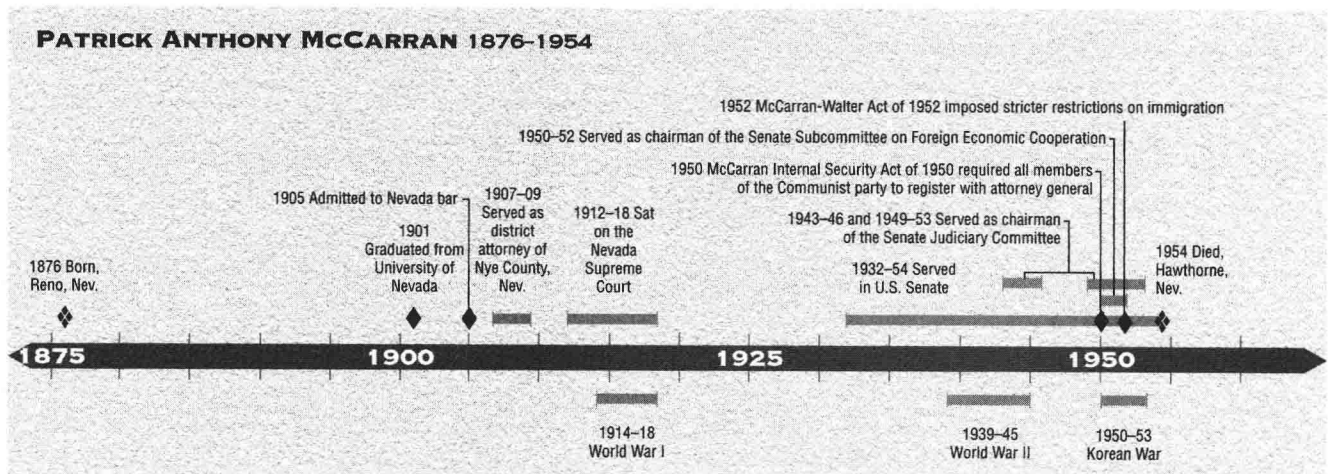


Patrick A. McCarran.
AP/WIDE WORLD
PHOTOS

next two years before establishing a law practice in Reno. He entered the judiciary in 1912, presiding as associate justice of the Nevada Supreme Court; he rendered decisions as chief justice during 1917 and 1918. He subsequently practiced law until 1926, when he was defeated in an attempt to win election to the U.S. Senate.

In 1932, McCarran again sought a Senate seat and was successful. He represented Nevada until 1954, serving as chairman of the Judiciary Committee, from 1943 to 1946 and from 1949 to 1953, and of the Subcommittee on Foreign Economic Cooperation from 1950 to 1952.

During his lengthy participation in the Senate, McCarran was known for his outspoken



beliefs. Most notable was his support of two pieces of controversial legislation that were passed despite the opposition of President HARRY S. TRUMAN. The MCCARRAN INTERNAL SECURITY ACT of 1950 (50 U.S.C.A. § 781 et seq.) declared that all members of the Communist party must register with the attorney general; it also prohibited anyone with Communist connections to become involved in the government. The McCarran-Walter Act of 1952 (8 U.S.C.A. § 1101 et seq.) imposed stricter restrictions on immigration.

McCarran died September 28, 1954, in Hawthorne, Nevada.

CROSS-REFERENCES

Communism.

❖ MCCARTHY, EUGENE JOSEPH

Eugene Joseph McCarthy served as a member of the U.S. House of Representatives from 1949 to 1959 and as a U.S. senator from 1959 to 1971. He was a liberal Democrat who served in the shadow of his fellow Minnesota senator, HUBERT H. HUMPHREY. His opposition to the VIETNAM WAR led to his candidacy for the Democratic presidential nomination in 1968. Although ultimately unsuccessful, his candidacy galvanized the anti-war constituency and helped persuade President LYNDON B. JOHNSON not to seek re-election.

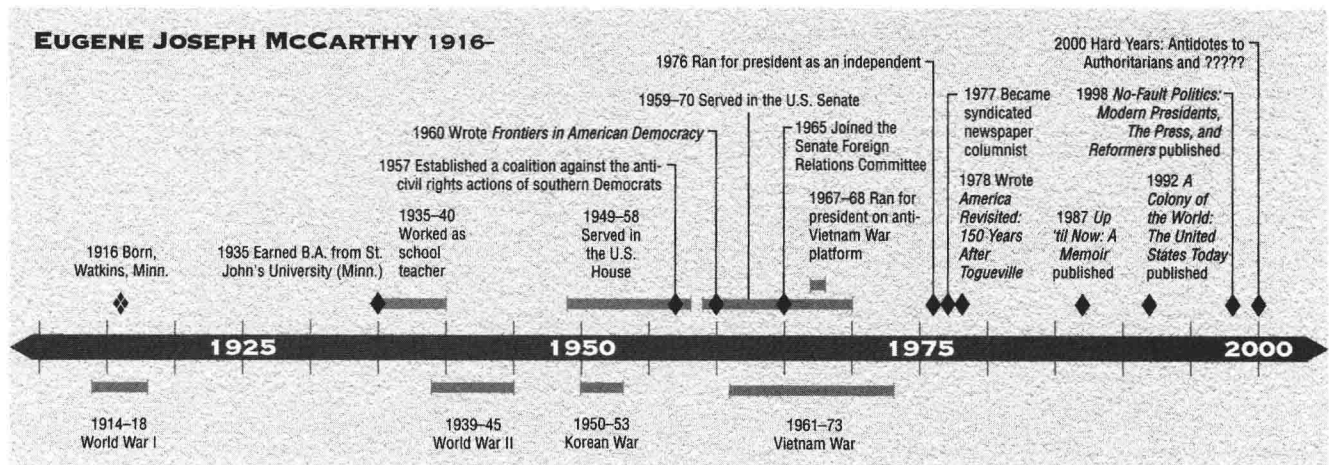
McCarthy was born March 29, 1916, in Watkins, Minnesota, the son of a livestock buyer. He graduated from Saint John's University, in Collegeville, Minnesota, in 1935, and worked on a master's degree at the University of Minnesota during the late 1930s while he was a high-school teacher in Mandan, North Dakota. McCarthy

returned to Saint John's in 1940 to teach economics. After deciding not to join the priesthood, he left Saint John's in 1943 and served in the War Department's Intelligence Division until the close of WORLD WAR II in 1945.

After the war, McCarthy joined the faculty at the College of St. Thomas, in St. Paul, where he taught sociology. In 1948, he was elected to the U.S. House of Representatives, beginning a 22-year political career in Washington, D.C. During the 1950s McCarthy worked on labor and agricultural issues and maintained a liberal Democratic voting record. In 1957, he established an informal coalition of members of Congress, later formally organized as the House Democratic Study Group, to counter anti-civil rights actions of southern Democrats.

McCarthy was elected to the U.S. Senate in 1958 and became a respected member of the body. His wit and scholarly, understated manner became recognized nationally, but his demeanor was no match for that of Humphrey, his energetic and voluble colleague. In 1964, President Johnson generated publicity during the Democratic National Convention by floating both senators' names for the vice presidential slot on his re-election ticket. In the end, he chose Humphrey.

In 1965, McCarthy joined the Senate Foreign Relations Committee, which was to become the center of congressional opposition to the Vietnam War. Although in 1964 McCarthy had voted for the TONKIN GULF RESOLUTION (78 Stat. 384), which had given President Johnson the power to wage war in Vietnam, he soon had doubts about the wisdom of U.S. involvement. In January 1966, McCarthy and 14 other senators signed a public letter urging Johnson not to



resume bombing of North Vietnam after a brief holiday truce. From that first public criticism of the Vietnam War, McCarthy became a consistent, vocal opponent, making speeches against the war in 1966 and 1967.

In November 1967, McCarthy announced his candidacy for president, based specifically on Johnson's Vietnam policies. Although McCarthy's campaign was not taken seriously at first, an outpouring of support by largely unpaid, politically inexperienced student volunteers on college campuses across the country captured national attention and gave his candidacy political momentum. This momentum was demonstrated when McCarthy won 20 of the 24 New Hampshire delegates in the state's March 1968 primary. President Johnson narrowly won the popular vote in New Hampshire, but the delegates' response was a devastating blow for an incumbent president.

Encouraged by McCarthy's success, Senator ROBERT F. KENNEDY, of New York, joined the race. McCarthy was embittered by Kennedy's decision because McCarthy had wanted Kennedy to run all along, but because Kennedy had refused, McCarthy ran instead. Kennedy had refused to contest Johnson's re-election when the odds appeared in the president's favor. Johnson, sensing the difficulty of his re-election, dropped out of the race in March 1968. Vice President Humphrey entered the race after Johnson's withdrawal.

From April to June 1968, McCarthy and Kennedy waged a series of primary battles. McCarthy won the first three, then lost four of the next five to Kennedy. Humphrey refused to run in the primaries, collecting his delegates through state political conventions and the cooperation of local party leaders.

Kennedy was assassinated in June 1968, and the race then centered on McCarthy and Humphrey. Humphrey won the nomination, but unprecedented violence at the Democratic National Convention in Chicago helped to doom his candidacy against RICHARD M. NIXON. McCarthy refused to campaign for Humphrey, largely because Humphrey was reluctant to articulate a proposal to end the Vietnam War. Humphrey lost the November election to Nixon by a smaller margin than had been predicted, leading some Democratic leaders to complain that McCarthy's unwillingness to campaign for the ticket had cost Humphrey the election.

McCarthy declined to run for re-election to the Senate in 1970. Humphrey ran successfully



Eugene J. McCarthy.
LIBRARY OF CONGRESS

in his place. McCarthy ran a lackluster presidential campaign in 1972 and a better-organized independent presidential campaign in 1976. He lost both races and subsequently retired from the political arena.

McCarthy endorsed RONALD REAGAN in 1980 over incumbent president JIMMY CARTER and his running mate, Minnesotan Walter Mondale. In 1982, McCarthy ran for senator in Minnesota but was defeated in the Democratic primary by Mark Dayton.

After leaving active politics, McCarthy concentrated on teaching, political commentary, and poetry writing. In 1998, he published *No-Fault Politics: Modern Presidents, the Press, and Reformers*. In 2001, a documentary film titled, *I'm Sorry I Was Right: Eugene McCarthy* was released. In the film, McCarthy discusses his past experiences, extrapolates on lessons learned from the Vietnam War, warns against the growing power of the military-industrial complex, and recites some of his poetry. In 2003, McCarthy continued to write, to travel the country, and to speak out against the war in Iraq.

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"THE WAR IN
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—EUGENE
MCCARTHY