

01-1229 PIERCE COUNTY, WASHINGTON v. GUILLEN

Ruling below: Washington Supreme Court, 31 P.3d 628.

QUESTIONS PRESENTED FOR REVIEW

1. Whether 23 U.S.C. §409, which protects certain documents "compiled or collected" in connection with certain federal highway safety programs from being discovered or admitted in federal or state trials, is a valid exercise of Congress' power under the Supremacy, Spending, Commerce or Necessary and Proper Clauses of the United States Constitution.
2. Whether private plaintiffs have standing to assert "states' rights" under the Tenth Amendment where their State's Legislative and Executive branches expressly approve and accept the benefits and terms of the federal statute in question.

CERT. GRANTED: 4/29/02