ARIZONA LAW REVIEW

VOLUME 35 1993 NUMBER 4

CONTENTS

discusses the most significant policies behind the separation of powers doctrine—the trepidation about government's tendency to lead toward tyranny and oppression. Professor Ronner proposes that the separation between legislative and judicial power is just as essential to liberty today as it was to the Framers. Professor Ronner suggests an atavistic, but modified version of the *Klein* test, which can be used to determine when Congress has impermissibly intruded upon judicial power.

Notes

This Note examines the function and operation of presumptions under Arizona law. Despite considerable scholarly discussion, there remains a conspicuous lack of consensus regarding their effect. The Note considers presumptions as procedural devices and explores the treatment of presumptions in the Arizona courts. Notwithstanding attempts to clarify the issue by the Arizona Supreme Court, the effect of presumptions remains a source of confusion. The author argues that, by considering the rationale underlying presumptions, we can better understand their use and construct a useful and meaningful framework for their application.

This Note examines provisions in section 3142 of the Bail Reform Act of 1984 that allow for pretrial detention predicated upon a determination by a judge or magistrate that the defendant constitutes a danger to the community. The author argues that the procedural safeguards afforded by section 3142 have been so eroded that particular applications may be violative of due process.

In 1986, agents of the Iranian government kidnapped United States citizen Joseph Cicippio and held him hostage in an attempt to force the release of Iranian assets frozen in U.S. banks. The Iranian government's acts constitute commercial terrorism—terrorism undertaken for financial gain. Under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605 (a)(2), Iran's commercial acts caused a direct effect on the United States. Consequently, Iran waived its foreign sovereign immunity and is subject to jurisdiction in the United States federal courts.

COLLEGE OF LAW HONOR ROLL

ARIZONA LAW REVIEW AWARDS (1992-93)

Greatest Contribution by an Editor
Jacqueline M. Moen

Snell & Wilmer Award for the Outstanding Second Year Writer
Russell Mancuso

Snell & Wilmer Award for Best Note
William J. Kirchner

Greatest Contribution by a Second Year Writer
Karen T. Rigberg

Most Distinguished Editor Award
Tracy M. Lorenz
Jacqueline M. Moen

MOOT COURT BOARD (1994)

Stephen M. Barkley
Edward A. Baruch
Jonathan Bass
Tamara Beatty
Scott B. Bernstein
Wendy Gerhart
Ann Lyons-Cabrera
Craig A. Marquiz
Jason B. Morris

JESSUP INTERNATIONAL MOOT COURT TEAM (1993)

Captain
Craig A. Marquiz

Kenneth S. Cronin
Murali Madhav Menon
Douglas T. Francis
Graham G. Phalen

AMERICAN BAR ASSOCIATION NEGOTIATION COMPETITION REGION 8 CHAMPIONS • NATIONAL FINALISTS (1993)

Perry C. Rogers
Jeff Posin

JENCKES COMPETITION WINNERS (1992)

Samuel A. Donaldson
George J. Milstein

STUDENT BAR ASSOCIATION OFFICERS (1993-94)

President
Murali Madhav Menon

Vice-President
Christine L. Swanick

Treasurer
Mark D. Chernoff

Recording Secretary
Lynn Kirsch

Corresponding Secretary
Jacqueline Rohr

SUPREME COURT FOR THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF ARIZONA (1992-93)

Chief Justice
Cassandra L. Rice

Justices
Scott B. Bernstein
Wendy Gerhardt
Anna Maria Chavez
David E. Wheeler

INTENTIONAL
BLANK