

ARIZONA LAW REVIEW

VOLUME 34

1992

NUMBER 1

CONTENTS

Page

Essays

EXAMINING THE JUDICIAL NOMINATION

PROCESS: THE POLITICS OF

ADVICE AND CONSENT *Senator Dennis DeConcini* 1

Senator DeConcini reflects upon his experience as a member of the Senate Judiciary Committee in exercising his Advice and Consent duty with respect to the confirmation of Supreme Court nominees. He examines the political elements of the nomination and confirmation process and addresses some of the suggested reforms.

LEX TALIONIS *Jeremy Waldron* 25

The principle of punishment known as *lex talionis* — “An eye for an eye, a tooth for a tooth” — is defended against some common misunderstandings. The application of the principle depends on our choice of those features of the crime which we think it appropriate to reproduce in the punishment. On this ground, Professor Waldron argues, among other things, that acceptance of *lex talionis* is quite compatible with a rejection of capital punishment for the crime of murder.

Articles

PAYING FOR SINS OF THE MASTER:

AN ANALYSIS OF THE TAX EFFECTS

OF PENSION PLAN DISQUALIFICATION

AND A PROPOSAL FOR REFORM..... *John D. Colombo* 53

This Article describes the tax effects that occur when the Internal Revenue Service disqualifies a pension or profit sharing plan, and suggests that disqualification is an inappropriate sanction both from a retirement policy and tax administration standpoint. Professor Colombo proposes replacing disqualification in its current form with an excise tax sanction system, supplemented by a much narrower form of disqualification in certain cases.

RUNNING THE ASYLUM: GOVERNANCE

PROBLEMS IN BANKRUPTCY

REORGANIZATIONS..... *Christopher W. Frost* 89

Professor Frost examines the problem of decisionmaking in bankruptcy reorganizations in light of the economic principles informing the non-bankruptcy corporate governance structure. He concludes with a recommendation that Bankruptcy Courts include such economic principles in their analyses of significant business decisions.

Notes

APPELLATE REVIEW OF DEATH SENTENCES:

AN ANALYSIS OF THE IMPACT OF

CLEMONS V. MISSISSIPPI IN ARIZONA *Karen L. Hinse* 141

COLLECTING CHILD SUPPORT FROM DELINQUENT

PARENTS: A CONSTITUTIONAL ANALYSIS

OF ARIZONA ENFORCEMENT MECHANISM *Susan Nicholas* 163

THERE ARE SKELETONS IN THE CLOSET:

THE REPATRIATION OF NATIVE AMERICAN

HUMAN REMAINS AND BURIAL OBJECTS..... *John B. Winski* 187