

ARIZONA LAW REVIEW

VOLUME 31

1989

NUMBER 1

CONTENTS

Page

Essay

- THE ROLE AND PERFORMANCE OF THE
UNITED STATES SUPREME COURT IN
PROTECTING CIVIL LIBERTIES *Norman Dorsen* 1

In this Essay Professor Dorsen evaluates how well the Supreme Court has protected civil liberties over the years. He analyzes this important subject by focusing on the Framers' intent, the Supreme Court's central role in the process, and the ACLU's involvement as an enforcing agent.

Articles

- EXCHANGE, CONTRACT AND LAW
IN THE STONE AGE *Joseph M. Perillo* 17

Professor Perillo discusses early contracts and exchange in primitive, "stateless" societies. He examines reciprocal gifts, business-like exchanges, forms of contract, debt collection methods and dispute resolution. The Article concludes with theories on the enforceability of contracts in stateless societies.

- A RE-EVALUATION OF *MATHEWS V. ELDRIDGE* IN
LIGHT OF ADMINISTRATIVE SHORTCOMINGS AND
SOCIAL SECURITY NONACQUIESCENCE *Carolyn A. Kubitschek* 53

Professor Kubitschek probes the area of Social Security law as governed by *Mathews v. Eldridge*. In disagreeing with the outcome of that case, she asserts that recipients of Social Security benefits are constitutionally entitled to notice and an opportunity to be heard prior to the termination of those benefits.

- THOSE INDISPENSABLE ARTICLES OF
CONFEDERATION—STAGE IN CONSTITUTIONALISM,
PASSAGE FOR THE FRAMERS, AND CLUE TO THE
NATURE OF THE CONSTITUTION *Arthur R. Landever* 79

Professor Landever analyzes the Articles of Confederation, the first national written constitution, discussing their grounding in republicanism, federalism, and pragmatism. He describes the impact of the Articles' lessons on the Framers of the Constitution. Finally, the author advocates an open-textured constitution, one that enables its interpreters to draw on their own, individual values.

Notes

- DOUBLE JEOPARDY AND ITS APPLICATION TO
BROKEN PLEA AGREEMENTS *Eric S. Baker* 127

AFTER CALIFORNIA FEDERAL SAVINGS & LOAN ASSOCIATION V. GUERRA: THE PARAMETERS OF THE PREGNANCY DISCRIMINATION ACT	<i>Melissa Feinberg</i>	141
VOLUNTARY PAYMENT OF TRUST FUND TAXES UNDER A BANKRUPTCY PLAN OF REORGANIZATION	<i>Gary L. Fletcher</i>	159
TORT REFORM: ENSURING THE MOST EQUITABLE RESULTS FOR PLAINTIFFS AND DEFENDANTS?	<i>Marie D. Mendelson</i>	171