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- THE SUPREME COURT, CAPITAL PUNISHMENT
AND THE SUBSTANTIVE CRIMINAL LAW:
THE RISE AND FALL OF MANDATORY
CAPITAL PUNISHMENT..... *John W. Poulos* 143

After briefly tracing the development of the law of American capital punishment from pre-revolutionary to modern times, Professor Poulos discusses the 1972 United States Supreme Court decisions in *Furman v. Georgia* and *McGautha v. California*. Professor Poulos then analyzes mandatory death penalty statutes enacted by twenty-two states in response to *Furman* and discusses the reasons why the Court struck down such statutes in the 1976 death penalty cases.

- A RACE BY ANY OTHER NAME: THE
INTERPLAY BETWEEN ETHNICITY, NATIONAL
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Using sociological and anthropological studies, the original debates in Congress, and treatment of the question in prior judicial decisions, Professor Kaufman examines the issue of whether ethnic or national origin discrimination constitute racial discrimination within the meaning of Section 1981 of the civil rights statutes. Professor Kaufman concludes that an expansive definition of the word race best meets the original intention of the statute and the needs of contemporary society. Adopting such a definition would assist the resolution of conflicting cases, including two cases presently before the United States Supreme Court.

Essay

- THE FORGOTTEN MOTTO OF *OBSTA PRINCIPIS* IN
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Recent United States Supreme Court decisions reflect major changes in the application of the exclusionary rule. Even if the technical advances in law enforcement investigation need not be subject to the same constitutional restraints as more extensive searches, the Court should still exercise caution to insure that the original purpose of the fourth amendment is preserved.

Comments

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