

# ARIZONA LAW REVIEW

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| <p>The right to privacy was first articulated as a legal theory in a law review article published in 1890 by Samuel Warren and Louis Brandeis. In this article, the author places in historical perspective the inventors' original conception of the right.</p> |                            |

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| THE RIGHT OF PRIVACY AND HEROIN USE FOR<br>PAINKILLING PURPOSES BY THE TERMINALLY<br>ILL CANCER PATIENT ..... | <i>Eugene L. Shapiro</i> 41 |
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The use of heroin to alleviate intractable pain for terminal cancer patients is an accepted clinical practice in Great Britain. The author discusses the advantages of heroin over other analgesics for use by the terminally ill and sets out the constitutional theory supporting its use in the United States.

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Lawyers participating in litigation concerning controversial issues are often the public's most accurate and informed source of information about those issues. Many jurisdictions, however, permit suppression of attorney comment when it poses a reasonable likelihood of trial prejudice. The author tests this restriction against the first amendment and concludes that the present standard should be abandoned for one that protects attorneys' freedom of expression while ensuring the fairness of pending litigation.

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| STATE JURISDICTION OVER INDIANS AS A SUBJECT OF<br>FEDERAL COMMON LAW: THE INFRINGEMENT-PREEMPTION<br>TEST ..... | <i>Steven Paul Sherick</i> 85 |
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Recent Supreme Court decisions have left unclear in what situations state courts may exercise civil jurisdiction over cases involving Indians. The author suggests that the appropriate balance between state and tribal court jurisdiction can be struck if the state courts properly apply the preemption-infringement test with due regard to the federal policy underlying that test.

STATE ENFORCEMENT OF FEDERAL OIL AND GAS LEASES ISSUED  
PURSUANT TO THE MINERAL LANDS LEASING ACT OF 1920:  
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Private leasing of federal land is a significant source of oil and gas, and federal leases contain express conditions requiring development of these resources in the public interest. Because the federal government has not been able to adequately enforce these lease provisions, the author suggests two theories justifying enforcement by the states.

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