

# ARIZONA LAW REVIEW

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### Articles

DEVELOPMENT OF CRIMINAL JURISDICTION OVER  
INDIAN LANDS: THE HISTORICAL  
PERSPECTIVE

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As the first of a three-part series reviewing the complexities of criminal jurisdiction over Indians and Indian lands, this Article surveys the historical development of such jurisdiction. To provide an understanding of the complex interrelationships between the sources of jurisdictional law the author examines the early treaty arrangements, subsequent congressional legislation superseding the treaty provisions, and early Supreme Court decisions which shaped the contours of criminal jurisdiction over Indian lands.

ENTERING JUDGMENT ON A PLEA OF NOLO CONTENDERE:  
A REEXAMINATION OF *North Carolina v. Alford* AND  
SOME THOUGHTS ON THE RELATIONSHIP BETWEEN  
PROOF AND PUNISHMENT

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The author reviews the English common law evolution of the plea of nolo contendere to illustrate the historical concern for certainty of proof in the context of plea offerings. A discussion of *North Carolina v. Alford* against this common law background reaches the conclusion that this concern has been substantially diluted.

### Notes

ARIZONA PIT MINE SAFETY INSPECTIONS: AN ANALYSIS  
OF LEGAL INCENTIVES

John H. Harrington 1024

Each year many miners in the Arizona pit mine industry are injured or killed because hazards are not discovered and corrected. The writer examines the safety inspection program of each member of the industry with special emphasis on the law's role in shaping such programs. Changes in existing state and federal safety laws are suggested which would provide proper legal incentives for the kind of safety inspections necessary to reduce the high death and injury rate.

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Parental interest in the custody of minor children has long been deemed a fundamental right invoking constitutional protections. Such a right, however, is not unconditional but may be forfeited upon a finding of neglect. This Note discusses the procedures involved in child neglect proceedings, analyzing the requirements necessary to afford both parents and children procedural due process.

PROTECTION FOLLOWING COMMITMENT: ENFORCING THE RIGHTS OF PERSONS CONFINED IN ARIZONA MENTAL HEALTH FACILITIES .....	Mary E. White	1090
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Under the Arizona Mental Health Services Act, institutionalized mental patients are granted a number of statutory rights. The writer examines obstacles to enforcement of these rights and explores possible avenues of legal relief for violations of such rights.

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The Uniform Probate Code was adopted in Arizona absent the provision requiring equitable apportionment. This Note explores the subject of allocation of federal estate tax and the alternative methods available for such allocation. Arizona law is analyzed, and the writer proposes a model statute for apportionment.

### *Book Review*

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