

Chicago-Kent Law Review

Volume 67

Issue 1 *Symposium on the Seventh Circuit as a
Criminal Court*

Article 1

April 1991

Table of Contents - Issue 1

Chicago-Kent Law Review

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>

 Part of the [Law Commons](#)

Recommended Citation

Chicago-Kent Law Review, *Table of Contents - Issue 1*, 67 Chi.-Kent L. Rev. i (1991).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol67/iss1/1>

This Front Matter is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

CHICAGO-KENT LAW REVIEW

VOLUME 67

1991

NUMBER 1

CONTENTS

SYMPOSIUM ON THE SEVENTH CIRCUIT AS A CRIMINAL COURT

ADAM H. KURLAND
SYMPOSIUM EDITOR

FOREWORD: THE SEVENTH CIRCUIT AS A
CRIMINAL COURT: THE ROLE OF A
FEDERAL APPELLATE COURT
IN THE NINETIES

Adam H. Kurland 3

In his Foreword to this Symposium, editor Adam H. Kurland highlights the lead articles and the general themes of the Seventh Circuit as a Criminal Law Court. He also observes that a growing tension exists within the Circuit over what standard of review should apply to many types of constitutional and criminal law issues. This debate goes to the heart of the fundamental issue of defining the proper role of an intermediate federal appellate court in the nineties.

LIMITING PUBLIC CORRUPTION
PROSECUTIONS UNDER THE HOBBS ACT:
WILL *UNITED STATES V. EVANS*
BE THE NEXT *MCNALLY*?

Dan K. Webb 29
Steven F. Molo
James F. Hurst

This Article examines the propriety of federal bribery prosecutions of local public officials under the Hobbs Act, which on its face proscribes only extortion and robbery. The article concludes that the Hobbs Act does not proscribe the passive receipt of bribes by public officials and that Hobbs Act prosecutions should be limited accordingly.

THE SEVENTH CIRCUIT AND DEPARTURES
FROM THE SENTENCING GUIDELINES:
SENTENCING BY NUMBERS

Terence F. MacCarthy 51
Nancy B. Murnighan

Much of the controversy surrounding the federal sentencing guidelines stems from their failure to incorporate the human element in sentencing. The authors examine the statutes and the guidelines that make up the federal sentencing system, concluding that though both leave ample room for individualized justice through departures from the guidelines, the Seventh Circuit has unnecessarily factored the human element out of its "sentencing equation."

**DEATH FOR DRUG RELATED
KILLINGS: REVIVAL OF THE FEDERAL
DEATH PENALTY**

Sandra D. Jordan 79

Escalating illegal drug trafficking has alarmed our nation. To further strengthen the war on drugs, Congress has resurrected the federal death penalty for drug related killings. This Article examines the purpose and legislative goals of this law and the government's early prosecutorial theories.

**THE FOURTH AMENDMENT: ELUSIVE
STANDARDS; ELUSIVE REVIEW**

Anne Bowen Poulin 127

In *United States v. Chaidez*, the Court of Appeals for the Seventh Circuit has moved to a more flexible standard for judging the constitutionality of seizures which are more intrusive than a *Terry* stop yet not equivalent to an arrest. *Chaidez* provides a flexible, sliding scale test of the constitutionality of intermediate seizures of the person. The court would evaluate the interest of the individual in avoiding governmental intrusion, against the interests of the state in fighting crime. The *Chaidez* test has some advantages, especially the ability to consider the acts of a particular case. However, the test's flexibility carries the disadvantages of reduced consistency in results, fewer guidelines for police, increased opportunities for errors and abuse, and less judicial supervision, especially if a deferential standard of review is used. In trying to avoid the problems of a bright line rule for seizure cases, the *Chaidez* court developed a Constitutional standard with its own problems. Therefore, in order to protect Fourth Amendment interests and purposes and to provide more guidance to police, the Court of Appeals for the Seventh Circuit should return to the Constitutional tests on seizures as established by the Supreme Court.

THE KENNETH M. PIPER LECTURE

IN DEFENSE OF EMPLOYEE OWNERSHIP

Alan Hyde 159

Employee ownership became more popular, and more flexible, in the United States in the 1980's. There are now employee-owned businesses that are quite large, complex operations with multiple job titles; businesses that are partially employee-owned with publicly-traded stock held by other investors or with heavy financing from lenders; businesses that were much more successful under employee ownership than under conventional ownership. The success of these enterprises should occasion a fresh look at the existing economic literature on employee ownership. The firmest conclusion is that theories of employee ownership must be firm-specific, explaining why employee ownership will be successful in some firms but not others. One proposed synthesis of the existing literature is that employee ownership will be positive for firm productivity. Low trust is most commonly caused by the division of the work force into managers and employees and historic opportunism by managers. It may also reflect professional or political workers who do not trust management other than themselves. In these circumstances, employee ownership will permit the adoption of flexible compensation arrangements that lessen the likelihood of layoffs. Modest public subsidization of employee ownership is helpful in permitting firms to identify when partial or majority employee ownership will be valuable for them.

THE CHARLES GREEN LECTURE

**DISCOVERY IN MODERN TIMES:
A VOYAGE AROUND THE COMMON
LAW WORLD**

Colin Tapper 217

This Article explores the evolving tensions between the adversary system and discovery in today's computer-assisted litigation, comparing changes in the law in the United Kingdom and the United States. In addition, the Article provides insight to the law's response to advances in litigation technology as well as approaches for the trial lawyer in adapting to these changes in the law.

BOOK REVIEW

**JUST WHEN YOU THOUGHT IT WAS SAFE TO
GO BACK INTO THE BLUEBOOK: NOTES ON THE
FIFTEENTH EDITION**

David E.B. Smith 275

CHICAGO-KENT LAW REVIEW

Chicago-Kent College of Law
Illinois Institute of Technology

PUBLISHED BY THE STUDENTS OF
CHICAGO-KENT COLLEGE OF LAW
ILLINOIS INSTITUTE OF TECHNOLOGY
565 WEST ADAMS STREET, CHICAGO, ILLINOIS 60661

1991-92 BOARD OF EDITORS

MARY N. CAMELI
Editor in Chief

SHERYL L. COHEN
Managing Editor

NANCY A. BERTÉ
Executive Articles Editor

MARK M. BURDEN
Executive Articles Editor

GARY M. HOLIHAN
Executive Articles Editor
Survey Editor

DIANNE L. HICKLEN
Executive Articles Editor

CAROLYN L. NULL
Executive Articles Editor

ELLEN BEATTIE
Notes & Comments Editor

CARRIE FISCHER
Notes & Comments Editor

MICHELE FULLETT-WILK
Notes & Comments Editor

MARY E. GOOTJES
Notes & Comments Editor

J. RUSSELL MCFARLANE
Notes & Comments Editor

RICHARD SAKS
Notes & Comments Editor

STEPHEN N. SHER
Notes & Comments Editor

PHILIP SHAWN WOOD
Notes & Comments Editor

STAFF

MELISSA L. BECKER
NICHOLAS B. CLIFFORD, JR.
JOAN D. EGGERT
THOMAS HESTER
SHAWN S. MAGEE
I. JACK NAHMOD
CHRISTOPHER G. SABLICH
DAVID E.B. SMITH
CHRISTOPHER E. TRACY

JACK H. BRODY
RACHEL B. COWEN
ANA M. FLYNN
LESA M. INGRAHAM
MELISSA A. MANUEL
MARK A. NIEDS
BRIAN L. SEDLACEK
RICHARD N. STEINER
TRACY L. TREGER
JOLEEN WILLIS

KEVIN M. BROWN
STEVEN N. DUPONT
GARY GRANT
MARK K. JOHNSON
ALBERT MICHALIK
BENJAMIN E. PATTERSON
BONNIE SINGER
CRAIG A. SUMMERFIELD
MARY A.M. WALTERS

PROFESSOR STEVEN HEYMAN, *Faculty Advisor*

ADA L. JENKINS, *Administrative Assistant*

DEAN RICHARD MATASAR

Member, National Conference of Law Reviews

Chicago-Kent College of Law
Illinois Institute of Technology
assumes no responsibility for any statement appearing in the
columns of this publication.