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Foreword

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FOREWORD

It was a bright, cold day in March and the clocks were striking one o'clock when I bounced the idea of an issue based on the seminal Supreme Court decisions of 1984. Nineteen eighty-four was a significant year in the United States. The federal government mandated the divesture of Ma Bell ending the telecommunications monopoly. The Portland Trail Blazers passed on drafting a shooting guard out of the University of North Carolina, relegating instead Sam Bowie to a career of infamy. Then President Ronald Reagan outlawed Soviet Russia, promising imminent annihilation of the Communist superpower. He was joking, of course. Supposedly. But more than monopolies, basketball, and the lightheartedness of mutually assured destruction, the Supreme Court decisions of 1984 hold a lasting impact. Twenty-five years have passed since 1984, but the decisions of the Court shape and affect our lives still.

This issue of the *Public Law Review* sets out to examine more closely three of the most important decisions from 1984 as they affect criminal procedure. Our goal in this issue was to ask if the decisions made twenty-five years ago are still pertinent to the realities of criminal justice today. Should these decisions be modified? Were they the right decisions then? Are they correct decisions now? In order to enhance this discourse, we brought together three of the leading minds in criminal procedure.

William F. Jung, a law clerk to the Hon. William H. Rehnquist in the Supreme Court's October Term 1984, examines the road that *Miranda* has traveled in its five decades. He focuses on two cases impacting the Supreme Court in 1984: *New York v. Quarles* and *Oregon v. Elstad*. Mr. Jung also critiques a recent thesis of Professor Yale Kamisar and suggests improvements to Fifth Amendment interrogation procedures.

Professor Tom N. McInnis thoroughly examines the facts of *Nix v. Williams* where the Court recognized the inevitable discovery exception to the exclusionary rule. He pieces the record together in arguing that the Supreme Court had a "legal safety net" to insure guilty defendants go to jail. This legal safety net, the professor believes, is the reason why the Court has not clarified the inevitable discovery exception doctrine since its inception in *Nix*.

Professor Sanjay K. Chhablani presents a history of the Court's effective assistance of counsel jurisprudence leading to *Strickland v. Washington* and *United States v. Cronic*. Then, the professor illustrates the continuing problems in representation and quality of counsel. He concludes with

proposals for revitalizing the Court's effective assistance of counsel jurisprudence.

The *Public Law Review* would like to thank all of the people who helped in publishing this issue. First, thank you to each of the authors for bringing your insights and talents to this issue. Next, we would like to thank the *Public Law Review* board and staff for their efforts throughout the publication process. Greg would personally like to thank his wife, Rebekah, for all her love and support during law school as well as this publication. Finally, thank you to Susie Lee and Lauren Rose for your constant attention to detail.

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