Constitutional Law—Medicaid Funding
Restriction does not Unconstitutionally
Burden the Right to Terminate a
Pregnancy Olivia W. Martin 435
REVIEW
Ely: Democracy and Distrust: A Theory of
Judicial Review J. Michael Veron 447

### TULANE LAW REVIEW

(ISSN: 0041-3992) Current Prices Subscription \$17.00 a Year Foreign Subscription \$19.50 a Year Single Copy \$6.50; Admiralty issue \$7.00 Plus postage and handling

Published by Tulane Law Review Association in December, February, April, and June

Total paid circulation—2,349

Second-class postage paid at New Orleans, Louisiana and additional mailing offices

Copyright 1981 by: Tulane Law Review Association

Joseph Merrick Jones Hall

Joseph Merrick Jones Hall Tulane University Station New Orleans, Louisiana 70118

Postmaster: Send address changes to: Tulane Law Review Association

Joseph Merrick Jones Hall Tulane University Station New Orleans, Louisiana 70118

# Tulane Law Review



Vol. 56, No. 1 December 1981

Devoted to the Civil Law, Comparative Law and Codification

MARKETS OVERT, VOIDABLE TITLES, AND FECKLESS

AGENTS: JUDGES AND EFFICIENCY IN THE

ANTEBELLUM DOCTRINE OF GOOD FAITH PURCHASE

Harold R. Weinberg

**DEFERRED EXCHANGES: NONRECOGNITION** 

TRANSACTIONS AFTER STARKER

James D. Bryce

A THEORY OF TRIAL ADVOCACY

Richard M. Markus

SYMPOSIUM: INTERNATIONAL HUMAN RIGHTS

**HUMAN RIGHTS AND UNITED STATES** 

FOREIGN POLICY: THE CARTER YEARS

S. Frederick Starr

THE BILL OF RIGHTS AND THE COURTS: IMPERFECT AND INCOMPLETE PROTECTION OF HUMAN RIGHTS

IN CRIMINAL CASES

**Robert Force** 

INDIVIDUAL RESPONSIBILITY FOR TORTURE

**UNDER INTERNATIONAL LAW** 

William T. D'Zurilla

THE THEORIES AND REALITIES OF THE PROTECTION OF HUMAN RIGHTS UNDER

SOUTH AFRICAN LAW

Sydney Kentridge

SOVIET HUMAN RIGHTS LAW UNDER THE USSR CONSTITUTION OF 1977: THEORIES, REALITIES

AND TRENDS

**Christopher Osakwe** 

**HUMAN RIGHTS AND EUROPEAN COMMUNITY** 

LAW

P.D. Dagtoglou

### TULANE LAW REVIEW

VOLUME 56 DECEMBER 1981 a compared a CONTENTS BIBLISTECK SE LA CONTE SUFREMA ARTICLES NA DE SABEM MARKETS OVERT, VOIDABLE TITLES, AND FECKLESS AGENTS: JUDGES AND BICACION Efficiency in the Antebellum Doctrine of Good Faith Purchase ..... Harold R. Weinberg DEFERRED EXCHANGES: NONRECOGNITION Transactions after Starker ..... James D. Bryce 42 A THEORY OF TRIAL ADVOCACY ...... Richard M. Markus 95 SYMPOSIUM: INTERNATIONAL HUMAN RIGHTS HUMAN RIGHTS AND UNITED STATES THE BILL OF RIGHTS AND THE COURTS: IMPERFECT AND INCOMPLETE PROTECTION OF HUMAN RIGHTS IN INDIVIDUAL RESPONSIBILITY FOR TORTURE UNDER INTERNATIONAL LAW ...... William T. D'Zurilla 186 THE THEORIES AND REALITIES OF THE PROTECTION OF HUMAN RIGHTS UNDER SOVIET HUMAN RIGHTS LAW UNDER THE USSR Constitution of 1977: Theories. HUMAN RIGHTS AND EUROPEAN COMMENTS IDENTIFYING, VALUING, AND DIVIDING PROFESSIONAL GOODWILL AS COMMUNITY PROPERTY AT DISSOLUTION OF THE MARITAL COMMUNITY..... Bryan Mauldin 313 A REASONED SEIZIN AND PROHIBITED Substitutions ...... Dorothy Singer Jacobs THE CIVIL CODE ARTICLES ON ESTABLISHMENT of Boundary ...... Andrew Rinker, Jr. 370 NOTES CONSTITUTIONAL LAW-Fifth and Sixth Amendments—Definitions of "Custodial Interrogation" under Miranda v. Arizona and of "Deliberate Elicitation" under Massiah v. United States ...... Peter S. Julian 399 CONSTITUTIONAL LAW-Jurisdiction: The 

## Tulane Law Review



Vol. 56, No. 1 December 1981

Devoted to the Civil Law, Comparative Law and Codification

MARKETS OVERT, VOIDABLE TITLES, AND FECKLESS

AGENTS: JUDGES AND EFFICIENCY IN THE

ANTEBELLUM DOCTRINE OF GOOD FAITH PURCHASE

**DEFERRED EXCHANGES: NONRECOGNITION** 

TRANSACTIONS AFTER STARKER

James D. Bryce

A THEORY OF TRIAL ADVOCACY

Richard M. Markus

Harold R. Weinberg

SYMPOSIUM: INTERNATIONAL HUMAN RIGHTS

**HUMAN RIGHTS AND UNITED STATES** 

**FOREIGN POLICY: THE CARTER YEARS** 

S. Frederick Starr

THE BILL OF RIGHTS AND THE COURTS: IMPERFECT

AND INCOMPLETE PROTECTION OF HUMAN RIGHTS

IN CRIMINAL CASES

Robert Force

INDIVIDUAL RESPONSIBILITY FOR TORTURE

**UNDER INTERNATIONAL LAW** 

William T. D'Zurilla

THE THEORIES AND REALITIES OF THE PROTECTION OF HUMAN RIGHTS UNDER

**SOUTH AFRICAN LAW** 

**Sydney Kentridge** 

**SOVIET HUMAN RIGHTS LAW UNDER THE USSR CONSTITUTION OF 1977: THEORIES, REALITIES** 

AND TRENDS

Christopher Osakwe

**HUMAN RIGHTS AND EUROPEAN COMMUNITY** 

LAW

P.D. Dagtoglou

### TULANE LAW REVIEW

VOLUME 56

DECEMBER 1981

Number 1

### CONTENTS

A	R	T	C	LES	

MARKETS OVERT, VOIDABLE TITLES, AND FECKLESS AGENTS: JUDGES AND Efficiency in the Antebellum Doctrine OF GOOD FAITH PURCHASE. Harold R. Weinberg DEFERRED EXCHANGES: NONRECOGNITION Transactions after Starker James D. Bryce 42 A THEORY OF TRIAL ADVOCACY Richard M. Markus SYMPOSIUM: INTERNATIONAL HUMAN RIGHTS HUMAN RIGHTS AND UNITED STATES Foreign Policy: The Carter Years S. Frederick Starr 132 THE BILL OF RIGHTS AND THE COURTS: IMPERFECT AND INCOMPLETE PROTECTION OF HUMAN RIGHTS IN CRIMINAL CASES INDIVIDUAL RESPONSIBILITY FOR TORTURE UNDER INTERNATIONAL LAW William T. D'Zurilla 186 THE THEORIES AND REALITIES OF THE PROTECTION OF HUMAN RIGHTS UNDER South African Law Sydney Kentridge 227 SOVIET HUMAN RIGHTS LAW UNDER THE USSR Constitution of 1977: Theories, REALITIES AND TRENDS Christopher Osakwe 249 HUMAN RIGHTS AND EUROPEAN COMMUNITY LAW P.D. Dagtoglou 294 COMMENTS IDENTIFYING, VALUING, AND DIVIDING PROFESSIONAL GOODWILL AS COMMUNITY PROPERTY AT DISSOLUTION OF THE MARITAL COMMUNITY ..... Bryan Mauldin 313 A REASONED SEIZIN AND PROHIBITED Dorothy Singer Jacobs 350 THE CIVIL CODE ARTICLES ON ESTABLISHMENT OF BOUNDARY Andrew Rinker, Jr. 370 NOTES CONSTITUTIONAL LAW-Fifth and Sixth Amendments—Definitions of "Custodial Interrogation" under Miranda v. Arizona and of "Deliberate Elicitation" under Massiah v. United States Peter S. Julian 399 CONSTITUTIONAL LAW-Jurisdiction: The

Seider Action Violates Due Process. Jo Ann Ellison 419

CONSTITUTIONAL LAW—Medicaid Funding Restriction does not Unconstitutionally Burden the Right to Terminate a			
Pregnancy.	. Olivia	W. Martin	435
REVIEW			
Ely: Democracy and Distrust: A Theory of Judicial Review	J. Mic	chael Veron	447

### TULANE LAW REVIEW

(ISSN: 0041-3992) Current Prices Subscription \$17.00 a Year Foreign Subscription \$19.50 a Year Single Copy \$6.50; Admiralty issue \$7.00 Plus postage and handling

Published by Tulane Law Review Association in December, February, April, and June

Total paid circulation-2,349

Second-class postage paid at

New Orleans, Louisiana and additional mailing offices

Copyright 1981 by: Tulane Law Review Association Joseph Merrick Jones Hall Tulane University Station New Orleans, Louisiana 70118

Postmaster: Send address changes to: Tulane Law Review Association

Joseph Merrick Jones Hall Tulane University Station New Orleans, Louisiana 70118