EDITOR’S OBSERVATIONS
Nora V. Demleitner, Constitutional Challenges, Risk-based Analysis, and Criminal History Databases: More Demands on the U.S. Sentencing Commission 159

ARTICLES
Linda Drazga Maxfield, Measuring Recidivism under the Federal Sentencing Guidelines 166
Julian V. Roberts, Impact of Criminal History on Sentencing: Recent Developments in England and Wales 171
Colleen P. Murphy, Prior Convictions, Jury Trial, and the Burden of Proof 175
Sigmund G. Popko, Through the Looking Glass: Reflecting on Prior Crimes of Violence 180
Michael Edmund O’Neill, Reconceptualizing Criminal History for First Time Offenders 191
Andrew J. Ashworth, Criminal History in England: The Search for the Snark 207
Kevin Washburn, Reconsidering the Commission’s Treatment of Tribal Courts 209
Jon M. Sands & Jane L. McClellan, Commentary: Policy Meets Practice: Why Tribal Court Convictions Should Not Be Counted 215
Bruce D. Black, Commentary on Reconsidering the Commission’s Treatment of Tribal Courts 218
William C. Canby, Jr., Commentary: Treatment of Tribal Court Convictions 220
Charles Kornmann, Commentary on Reconsidering the Commission’s Treatment of Tribal Courts 222
Frederic L. Kirgis, The Avena Case in the International Court of Justice and the U.S. Response 223
Robert Heiner, The Growth of Incarceration in The Netherlands 227