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Article

THE COMPULSORY PROCESS CLAUSE AND THE "SPORTING THEORY OF JUSTICE": THE SUPREME COURT EVENS THE SCORE

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This article explores the implications of the United States Supreme Court's decision in *Taylor v. Illinois* within the context of Roscoe Pound's "sporting theory" of justice. The author contends that the Court elevated procedure over substantive justice in *Taylor* by excluding the exculpatory, material, and relevant testimony of a defense witness as a sanction for the violation of a discovery rule. A major premise of the article is that the Court relied on integrity and reliability as justifications for upholding the exclusion of testimony though it has discarded the integrity rationale of the exclusionary rule and has devalued reliability as not worthy of constitutional concern. Further, the author maintains that the Court has decried the costs exacted by the exclusionary rule because of its adverse effects on the prosecution but did not seem concerned with the rule as far as it denied the defendant in *Taylor* the crucial constitutional right to compulsory process.

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