

DEPARTMENT

Law and Society: A Selective Bibliography

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BOOKS

JOURNALS SEARCHED

AUTHOR'S NOTE: The compiling editors wish to express their gratitude to Michael Weiden for aiding in compiling this bibliography.

ARTICLES

(1) Response to Judicial Decisions

DOLBEARE, K. M. and P. E. HAMMOND (1968) "The political party basis of attitudes toward the Supreme Court." *Public Opinion Q.* 32 (Spring).

Using poll data, concludes that the main determinants of public attitudes toward the Supreme Court stem from political identification, especially whether one's political party controls the Presidency.

(2) Judicial Administration, Selection and Education

HENDERSON, B. H. and T. C. SINCLAIR (1968) "The selection of judges in Texas." *Houston Law Rev.* 5 (January).

Most Texas judges are initially appointed to the bench despite the constitutional provision that judges shall be elected. Article examines the formal and informal rules which are involved in selection. Examines the status, background and characteristics of the official and unofficial selectors as well as of the judges selected.

HURLBURT, W. H. (1968) "Appointment of judges." *Alberta Law Rev.* 6, 2.

Criticizes current methods of selecting judges because of importance of partisan political factors; rejects Canadian Bar Association proposal and offers alternative.

LAWSON, R. G. (1967-68) "Order of presentation as a factor in jury persuasion." *Kentucky Law J.* 56 (Spring).

A study to determine whether the deliberation process of jurors is frustrated as a consequence of the order of presentation of arguments to them.

REARDON, P. C. (1968) "The fair trial-free press standards." *Amer. Bar Assn. J.* 54 (April).

Argues that the legal profession has a right to restrict its own contribution to pretrial publicity and to require that the press not deliberately jeopardize fair trial.

SHELDON, C. H. (1968) "Perceptions of the judicial roles in Nevada." *Utah Law Rev.* (September).

Through the use of questionnaires, tries to discover how judges view their roles and what they feel to be the best methods of recruitment into judgeships.

SINGER, R. G. (1968) "Forensic misconduct by federal prosecutors—and how it grew." *Alabama Law Rev.* 20 (Summer).

Discusses various doctrines concerning forensic misconduct, their limitations and uses. Brings prosecutor misconduct in the federal courts to attention.

ZEISEL, H. (1968) "Court delay caused by the Bar." *Amer. Bar Assn. J.* 54 (September).

Shows that delay for the individual litigant in the trial of his suit has no connection with the general delay in litigation in a given court. The method of proof is statistical. Concludes that courts should cease blaming delays on lawyers with too many cases.

(3) Judicial Process and Behavior

BEISER, E. N. (1968) "A comparative analysis of state and federal judicial behavior: the reapportionment cases." *Amer. Pol. Sci. Rev.* 62 (September).

Compares state and federal judicial behavior, using judicial reactions to Supreme Court decisions. Findings are compared to the speculative studies hinging on tenure and appointment and finds that these speculative studies may be wanting.

GREY, D. L. (1968) "The Supreme Court as a communicator." *Houston Law Rev.* 5 (January).

Focuses primarily on how the specific communications setting provided by the court may markedly affect what is transmitted to the news media and ultimately to the listening and reading public. Communication may ultimately affect how the law will be interpreted by public officials and private citizens.

HOWARD, J. W., Jr. (1968) "On the fluidity of judicial choice." *Amer. Pol. Sci. Rev.* 62 (March).

Presents empirical findings as a basis to critique current research techniques in hopes of contributing to the analytical synthesis which must come if political science is to make a concerted advance in understanding judicial behavior.

TATE, A., Jr. (1968) "The law-making function of the judges." *Louisiana Law Rev.* 28 (February).

Argues that judges play a functionally important role in law-making, a role which the legislature cannot play. Judges should not shirk the responsibility of this value-choosing role.

"With love in their hearts but reform on their minds: how trial judges view the civil jury." (1968) *Columbia J. of Law and Social Problems* 4 (July).

Results of a survey of trial judges indicate that judges want to retain the civil jury. However, judges also want reforms such as smaller juries, majority verdicts and abolition of jury trials in automobile and personal injury cases.

(4) Jurimetrics and Controlled Experiments

CALDWELL, M. E. (1967) "Legislative record keeping in a computer-journal." *Harvard J. on Legislation* 5 (November).

Examines the uses and impacts of computers in the legislature.

LOZOWICK, A. W., P. O. STEINER, and R. MILLER (1968) "Law and quantitative multivariate analysis: an encounter." *Michigan Law Rev.* 66 (June).

Describes the essential features of quantitative multivariate analysis as applied to a legal problem. The authors state that this is the counterpart in the social sciences of the controlled experiment in the natural sciences and conclude it can be used for preparing cases as well as improving the law.

WEYRAUCH, W. O. (1968) "Law in isolation—the penthouse astronauts." *Trans-action* 5 (June).

An experimental group cut off from the world makes its own rules.

(5) Lawyers, Legal Education, Legal Profession

DAVIS, J. C. (1968) "The organized bar's responsibility to improve inter-racial relations." *Amer. Bar Assn. J.* 54 (June).

Argues the legal profession is best suited by education and experience to lead blacks and whites into the changes necessary for equal opportunities for Negroes. The organized bar has the responsibility for directing the profession's effort.

ELLINGHAUS, M. P. (1968) "Some aspects of Australian legal education." *Alabama Law Rev.* 20 (Summer).

Discusses curriculum, educational scope, teaching methods, etc.

LORINCZI, G. G. (1968) "When does the computer engage in unauthorized practice?" *Amer. Bar Assn. J.* 54 (April).

Discusses the fact that while computerized legal research has been hailed as a revolutionary innovation for lawyers, questions have been raised as to whether making all of these data available to the general public would encourage substitution of computer analysis for the necessary advice of the lawyer.

Roundtable on Curriculum Reform (1968). *J. of Legal Education* 20, 4.

JOHNSTONE, Q. "Introduction."

MOONEY, E. F. "The media is the message."

GOLDSTEIN, A. S. "Educational planning at Yale."

KELSO, C. D. "Curricular reform for law school needs of the future."

Comments: DILLARD, H. C.

GELLHORN, W.

MORRIS, C. R.

SHAPO, M. S. (1968) "An internship seminar for law students: a test of theory, a critique of practice." *Texas Law Rev.* 46 (March).

Describes a multipurpose seminar held at University of Texas. Concludes that the seminar, which included field work, brought substantial advantages to the student, teacher, and society.

Symposium on the Teaching Process in Legal Education (1968) *Univ. of Cincinnati Law Rev.* 37 (Winter).

CAVERS, D. F. "Introduction."

RUTTER, I. C. "Designing and teaching the first degree law curriculum."

WATSON, A. S. "The quest for professional competence: psychological aspects of legal education."

TUCKER, E. W. (1967) "A call to realism in legal ethics revisited." *J. of Public Law* 16, 2.

Claims that in the near future the canons of professional ethics will have to be rewritten so as to permit the members of the bar to accommodate and respond to mores and institutional changes that will take place in our society.

WHITE, J. J. (1967) "Women in the law." *Michigan Law Rev.* 65 (April).

Explores the place of women in American law—their positions, effectiveness and the problem of discrimination against them.

WILLISTON, W. B. (1968) "The contingent fee in Canada." *Alberta Law Rev.* 6, 2.

Discusses approaches to contingent fees in various jurisdictions and the benefits and drawbacks of the different systems. Asserts that the historical abhorrence of contingent fees is obsolete in the face of modern social conditions. Concludes that a controlled contingent fee would be a positive step.

(6) Penology and Crime Prevention

BARKER, B. M. (1968) "An introductory discussion of criminology and some of its components." *Alberta Law Rev.* 6, 2.

Discusses the development of criminological thought, the constitutional factors in crime, the mental aspects of crime, and some sociological factors in crime in an attempt to explain the phenomenon.

BECKER, G. S. (1968) "Crime and punishment: an economic approach." *J. of Pol. Economy* 76 (March-April).

Uses economic analysis to develop optimal public and private policies to combat illegal behavior. Demonstrates that optimal policies to combat illegal behavior are part of an optimal allocation of resources. Since economics has been developed to handle resource allocation, an economic framework becomes applicable to the analysis of illegal behavior.

DEAN, C. W. and T. J. DUGGAN (1968) "Problems in parole prediction: a historical analysis." *Social Problems* 15 (Spring).

Concludes that the success of future efforts of parole prediction depends on whether parole prediction research conforms to the basic requirements of scientific investigation which include utilizing theoretical guidelines and selecting variables on the basis of their theoretical relevance instead of on their availability in prison files.

DRIVER, E. D. (1968) "A critique of typologies in criminology." *Sociological Q.* 9 (Summer).

Specifies the many problems involved in creating typologies in criminology. Presents a general framework for analyzing criminality.

EVANS, R., Jr. (1968) "The labor market and parole success." *J. of Human Resources* 3 (Spring).

Discusses the influence of success in the labor market on subsequent criminal activity of parolees.

KIRBENS, S. M. (1968) "Chronic alcohol addiction and criminal responsibility." *Amer. Bar Assn. J.* 54 (September).

Concludes that the legal and medical professions must join their talents and efforts to make the punishment for crimes resulting from drunkenness and alcoholism fit the crime and to make rehabilitation fit the disease.

MORRIS, N. (1968) "Politics and pragmatism in crime control." *Federal Probation* 32 (June).

Commentary on the general problem of crime, criminal behavior, attitudes towards crime, the criminal justice system in the United States, and the report of the President's crime commission.

ROTTENBERG, S. (1968) "The clandestine distribution of heroin, its discovery and suppression." *J. of Pol. Economy* 76 (January-February).

Authorities charged with the enforcement of narcotics laws are faced with a set of alternative strategies among which they exercise options. Article touches on some of the variables that affect optimizing behavior by those authorities.

SCHULMAN, R. E. (1968) "Suicide and suicide prevention: a legal analysis." *Amer. Bar Assn. J.* 54 (September).

The relationship of law to the problem of suicide, whenever a relationship has existed, has been penal. Suggests that law should attempt prevention rather than penalization.

Symposium on the Concept of Cause in Criminology (1968) *Issues in Criminology* 3 (Spring).

McDONALD, W. F. "The concept of cause."

WILKINS, J. T. "The concept of cause in criminology."

CARR-HILL, R. A. "The concept of cause in criminology: a comment."

BURNHAM, R. W. "Further thoughts on the concept of cause."

SMITH, G. W. "Determinism, freedom and responsibility."

Symposium on Criminal Law (1968) *Notre Dame Lawyer* 43, 6.

ROTH, H. S., Jr. "To dust shall ye return."

OHLIN, L. E. "The effect of social change on crime and law enforcement."

LANG, I. "The President's crime commission task force report on narcotics and drug abuse: a critique of the apologia."

HUTT, P. B. "Perspectives on the report of the President's crime commission—the problem of drunkenness."

REMINGTON, F. J. "The limits and possibilities of the criminal law."

ABRAMS, N. "Federal aid to state and local law enforcement—implications of a new federal grant program."

LUMBARD, E. H. "State and local government crime control."

O'MEARA, D. J. "Introductory remarks: riot."

Symposium on the Habitual Criminal (1967) *McGill Law J.* 13, 4.

MORRIS, N. "Introduction."

BUCKMAN, H., S. PRICE, and M. VINEBERG "The legislative intention."

KEITNER, L. and M. KENNEDY "The persistent offender and his family."

LYNCH, M. L. "Parole and the habitual criminal."

SPRINGATE, G. P. "A police officer's view of the habitual criminal."

GLASSMAN, H. P. "The Maine habitual offender statute."

MURRAY, J. F. T. "Recidivist punishment in Georgia."

HUNVALD, E. H., Jr. "Missouri habitual criminal statute."

SMALL, G. E. "The state of Washington's habitual criminal statutes."

ARTHUR, J. L. and H. K. BRANSON "Summary of California habitual criminal law."

FURGESON, W. R. "The law of recidivism in Texas."

BLEI, H. "Germany and the habitual criminal."

CHAPPELL, D. "Australian habitual offender legislation."

MENON, N. R. M. "A note on the law and practice relating to habitual criminals in India."

GALPERIN, R. I. N. "Responsibility of recidivists under the penal legislation of the USSR and Union Republics."

HARRINGTON, S. and D. DEVINE "The habitual criminal—a review of jurisprudence."

THOMAS, D. A. (1968) "Appellate review of sentences and the development of sentencing policy: the English experience." *Alabama Law Rev.* 20 (Summer).

Compares sentencing policy instituted by statute with sentencing policy developed through case law. Concludes case method is more desirable.

(7) Police Administration and Criminal Justice

CRAIG, J. R. (1968) "The right to adequate representation in the criminal process: some observations." *Southwestern Law J.* 22 (Spring).

Explores the growth of doctrine favoring the right to representation by counsel and its effect on the adversary model of trials.

DERBYSHIRE, R. L. (1968) "Children's perception of the police: a comparative study of attitudes and attitude change." *J. of Criminal Law, Criminology and Police Sci.* 59 (June).

Article is based on a public relations project between police and second- and third-grade children. Concludes that program reduced antipathy towards the police and should be continued.

GELBER, S. (1968) "Who defends the prosecutor?" *Crime and Delinquency* 14 (October).

Turnover in prosecutors' offices far exceeds that in any other government office dealing with the administration of justice. Article tells why and compares the pattern of prosecution in the United States with the systems in Britain and Europe, stressing their strengths and pitfalls.

GOLDSTEIN, H. (1967) "Police policy formulation: a proposal for improving performance." *Michigan Law Rev.* 65 (April).

Argues that the potential of current programs aimed at improving police performance would be vastly increased if those programs were related to the need for the police to develop their own capacity to formulate and implement law enforcement policies.

JOBSON, K. B. (1968) "Work release: a case for intermittent sentences." *Criminology Law Q.* 10 (May).

Discusses day parole or work release not only as a rehabilitative instrument in the hands of parole boards but as a possible sentencing power in the hands of the judge.

LEWIN, T. H. (1968) "A tale of two districts: a comparative study of the operations of the Criminal Justice Act of 1964 in the United States District Courts of the eastern district of Michigan and the district of South Dakota." *Wayne Law Rev.* 14 (Spring).

Concludes from cases that despite lack of experience in administration of the act, the effect generally has been to improve the quality of representation in both districts.

McBROOM, D. D. (1968) "Enforcement of the common law rules of arrest: a handcuffing of police." *Duquesne Law Rev.* 6 (Summer).

States that the switch in focus from the guilt of the arrested to the methods of arrest has undermined the police, leading to greater polarization between police and various groups.

McINTYRE, J. (1968) "Public attitudes toward crime and law enforcement." *Amer. Criminal Law Q.* 6 (Winter).

Concludes, through the use of polls and surveys, that people are worried about crime both as a national problem and in terms of public safety, which is causing restricted activities and a general lessening of mutual trust in society. There is a willingness to give police considerable latitude in their efforts to capture and convict criminals.

MURPHY, J. J. (1967) "State control of the operation of professional bail bondsmen." *Univ. of Cincinnati Law Rev.* 36 (Summer).

Discusses ways to reform the present role of the bail bondsman through state regulation.

PRINGLE, E. E. and E. GARFIELD (1968) "The expanding power of police to search and seize: effect of recent United States Supreme Court decisions on criminal investigation." *Univ. of Colorado Law Rev.* 40 (Summer).

Concludes that the Supreme Court has given the police wide discretion in the area of search and seizure.

REISS, A. J., Jr. (1968) "Police brutality—answers to key questions." *Transaction* 5 (July-August).

Results of a study in three large cities lead to the conclusion that police brutality is far from rare, and that the most likely victim is a lower-class man of either race.

ROBINSON, C. D. (1968) "Police and prosecutor practices and attitudes relating to interrogation as revealed by pre- and post-Miranda questionnaires: a construct of police capacity to comply." *Duke Law J.* (June).

Concludes that judicial adoption of specific rules to govern police procedures is not likely to promote the creation of a rational system of criminal justice.

STODDARD, E. R. (1968) "The informal 'code' of police deviancy: a group approach to 'blue-coat crime.'" *J. of Criminal Law, Criminology and Police Sci.* 59 (June).

Explores the processes of recruit socialization into unlawful "code" practices, preservation of code secrecy; group acceptance for practitioners is clearly documented. Difficulties in breaking the code without destroying police professionalism are discussed.

Symposium on Police in a Democratic Society (1968) *Public Administration Rev.* 28 (September-October).

DOIG, J. W. "Police problems, proposals, and strategies for change."

WILSON, J. Q. "Dilemmas of police administration."

GOLDSTEIN, H. "Police response to urban crisis."

BERKLEY, G. "The European police: challenge and change."

(8) Law and the Disadvantaged

DeBOOYER, J. G. (1968) "The role of court appointed counsel in the District of Columbia: some observations." *Amer. Univ. Law Rev.* 17 (March).

Examines some procedural aspects of the appointment of counsel in the District of Columbia, and possible ethical problems which may be encountered, particularly in connection with the appointment of counsel on appeal.

FRIEDMAN, L. M. and J. E. KRIER (1968) "A new lease on life: Section 23, housing and the poor." *Univ. of Pennsylvania Law Rev.* 116 (February).

Concludes that Section 23 could yield a vital program, avoiding excessive paternalism and making possible a real betterment of life for many poor.

GELLHORN, W. (1967) "Poverty and legality: the law's slow awakening." *William and Mary Law Rev.* 9 (Winter).

Discusses the law's recognition that poor people's interests are worthy of recognition. Expresses doubt about the efficacy of frequent resorting to formal legal processes and raises the alternative of an ombudsman type of grievance office.

SCHMERTZ, J. R., Jr. (1968) "Oral depositions: the low income litigant and the federal rules." *Virginia Law Rev.* 54 (April).

Argues that, just as progress is being made on behalf of the indigent criminal defendant, progress should be made also on behalf of the indigent civil litigant. Concludes best approach would be a combined attack based upon procedural reform plus outside public or private financial aids.

SHAMBERG, S. C. (1968) "The utilization of volunteer attorneys to provide effective legal services for the poor." *Northwestern Law Rev.* 63 (May-June).

Concludes that the manner in which legal services are rendered on behalf of poor clients may be determinative of the benefits derived from legal representation not only by the clients but also by those expending resources to serve the poor.

(9) Juveniles and the Law

BOCHES, R. E. (1967) "Juvenile justice in California: a re-evaluation." *Hastings Law J.* 19 (November).

Concludes that, unless appropriate due process of law is followed, even the juvenile who has violated the law may not feel that he is being fairly treated and may therefore resist the rehabilitative efforts of court personnel.

Contemporary Studies Project: Juvenile Delinquency in Iowa. (1968) *Iowa Law Rev.* 53 (April).

Analyzes the methods of handling delinquency in Iowa with some suggestions for reform.

GEORGE, B. J., Jr. (1968) "Juvenile delinquency proceedings: the due process model." *Univ. of Colorado Law Rev.* 40 (Spring).

Warns that the Gault decision may prove to be a Pyrrhic victory. Concludes that a concentration on the details of the due process model of juvenile delinquency proceedings may encourage the regrettable tendency on the part of lawyers to confuse verbal statements regarding controls with effective control itself.

GOUGH, A. R. (1967) "Referees in California's juvenile courts: a study in sub-judicial adjudication." *Hastings Law J.* 19 (November).

Concludes that serious attention needs to be given to reforming the law governing the qualifications of referees in the future and to restructuring the referee's present operation.

IRVING, J. F. X. (1968) "Juvenile justice—one year later." *J. of Family Law* 8 (Spring).

An examination and analysis since the Gault decision and the effects it will have on present juvenile justice philosophy.

PLATT, A. and R. FRIEDMAN (1968) "The limits of advocacy: occupational hazards in juvenile court." *Univ. of Pennsylvania Law Rev.* 106 (May).

Concludes private lawyers will not enhance the bargaining power or rights of young offenders, but will help to consolidate their dependent status.

"Representation in child neglect cases: are parents neglected?" (1968) *Columbia J. of Law and Social Problems* 4 (July).

Argues that procedures available for parents to secure counsel are inadequate, and consequently many parents lose custody of their children without the aid of an attorney. Trial court judges want representation to be compulsory in neglect cases.

SNYDER, P. R. and A. F. MANGANO (1968) "Effect of law guardian representation on the treatment of delinquent children." *Social Work* 13 (July).

Describes the problems created by New York State's system of law guardian representation of delinquent children in juvenile court proceedings.

Symposium on Juvenile Problems (1968) *Indiana Law J.* 43 (Spring).

HOPSON, D., Jr. "In re Gault: Introduction"

PAULSON, M. G. "Juvenile courts and the legacy of '67."

SKOLER, D. L. "The right to counsel and the role of counsel in juvenile court proceedings."

SCHORNHORST, F. T. "The waiver of juvenile court jurisdiction: Kent revisited."

COHEN, A. K. "An evaluation of *Gault* by a sociologist."

PLATT, A., H. SCHECHTER, and P. TIFFANY "In defense of youth: a case study of the public defender in juvenile court."

REED, A. E. "Gault and the juvenile training school."

SHERIDAN, W. H. "The Gault decision and probation services."

TEITELBAUM, L. (1967) "The use of social reports in juvenile court adjudications." *J. of Family Law* 7 (Fall).

Presents the pros and cons of social reports prepared for use by the court in adjudication of juveniles. Concludes that reports, with reliance on hearsay evidence coupled with lack of opportunity to cross-examine witnesses used in preparing the report, may be unconstitutional.

WALSH, J. F. (1968) "An urban riot—a juvenile court meets the challenge." *Crime and Delinquency* 14 (October).

Discusses the reaction of one juvenile court to the threat and realization of an urban riot.

(10) Law and the Medical Sciences

Institute on Modern Trends in Handling the Chronic Alcoholic Offender (1967) *South Carolina Law Rev.* 19, 3.

HUTT, P. B. "The challenge of the courts."

MYERSON, D. J. "The treatment of alcoholism, a physician's view."

STARRS, J. E. "The disease concept of alcoholism and traditional criminal law theory."

SWARTZ, L. H. "Mental disease and alcoholism."

MAHONEY, D. M. (1968) "Therapeutic abortion—the psychiatric indication—a double-edged sword?" *Dickinson Law Rev.* 72 (Winter).

Concludes that the psychic effects of the abortion may be as harmful as allowing an unwanted child to be born.

Roundtable on Law and Medicine (1968) *J. of Legal Education* 20, 4.

SPIES, F. K. "Introduction."

SMITH, J. C. "Medicine for lawyers."

SHARPE, D. "Professional responsibility and interprofessional relations."

GOODRICH, W. W. "Pure food and drug law."

WADLINGTON, W. J. "Medicare."

Symposium on Legal Problems in Medical Treatment and Research. (1968) *Fordham Law Rev.* 36 (May).

RITTS, R. E. "A physician's view of informed consent in human experimentation."

PLANTE, M. L. "An analysis of informed consent."

RATNOFF, M. F. and J. C. SMITH "Human laboratory animals: martyrs for medicine."

SHARPE, D. and R. F. HARGEST III "Lifesaving treatment for unwilling patients."

Symposium on the Medical, Moral, and Legal Implications of Recent Medical Advances (1968) *Villanova Law Rev.* 13 (Summer).

DOWD, D. W. "Introduction."

LIKOFF, W. "A perspective for considering the moral, legal, and ethical problems arising from advances in medical science."

ELKINTON, J. R. "The dying patient, the doctor and the law."

BERMAN, E. Z. "The legal problems of organ transplantation."

WASSMER, T. A. "Between life and death: ethical and moral issues involved in recent medical advances."

POTTER, R. B., Jr. "The paradoxical preservation of a principle."

(11) Civil Liberties, Civil Rights, Race Relations

CLARK, L. D., and W. H. BURNS (1968) "The *real politik* of racial segregation in Northern public schools: some pragmatic approaches." *Howard Law J.* 14 (Summer).

Concludes that although Northern school desegregation is a political problem, the courts can give rational direction to its resolution. Legal aid attorney can increase the power of his clients to get quality schools through litigation with limited, circumscribed goals.

DEVOL, K. S. (1968) "The Ginzburg decision: reactions in California." *Journalism Q.* (Summer).

Finds evidence to support those who predicted increasing legal activity aimed at obscene publications following the Supreme Court action.

GEORGE, B. J., Jr. (1968) "Due process in protective activities." *Santa Clara Lawyer* 8 (Spring).

Explores existing procedural protections in civil commitment, school, and public assistance proceedings, with the Gault decision as the basis for suggested procedural reforms in each area.

JENKINS, T. L. (1968) "Study of federal effort to end job bias: a history, a status report, and a prognosis." *Howard Law J.* 14 (Summer).

Concludes that federal efforts have up to now rested on the assumption of righting individual wrongs and have not focused on institutionalized discriminatory practices which are the larger evils.

KALVEN, H., Jr. (1967) "Broadcasting, public policy and the First Amendment." *J. of Law and Economics* 10 (October).

Explores the relationships between broadcasting and the traditions of the First Amendment, in the hope of inducing a wider confrontation of the anomaly of two traditions of freedom of the press—that of the written word and that of the broadcasted word.

KUHN, R. (1968) "Jury discrimination: the next phase." *Southern California Law Rev.* 41 (Winter).

Exclusion of Negroes and other minority groups from jury service continues. Argues that new, more subtle forms of discrimination are harder to fight through litigation. Concludes the courts should recognize a constitutional right to a jury that is representative of the community.

LASOK, D. (1967) "Some legal aspects of race relations in the United Kingdom and the United States." *J. of Public Law* 16, 2.

Raises the question of whether government can legislate morality, but concludes that the law has set out to educate individuals and to remold the patterns of society through a change in moral standards.

RAPHAEL, S. M. (1968) "'Stop and frisk' in a nutshell: some last editorial thrusts and parries before it all becomes history." *Alabama Law Rev.* 20 (Summer).

Concludes that stop and frisk laws are interpreted very broadly in practice and that they should be abandoned for the sake of liberty.

SMITH, D. D. (1968) "The legitimacy of civil disobedience as a legal concept." *Fordham Law Rev.* 36 (May).

Views civil disobedience as essential coercive alternative form of power within a political system and attempts to formulate the outside limits of its acceptability.

SMITH, G. P., II (1967) "The development of the right of assembly—a current socio-legal investigation." *William and Mary Law Rev.* 9 (Winter).

Assays the development of the right of assembly. Concludes such a right is vitally important and should be balanced only against public order.

Symposium in Memory of Dr. Martin Luther King, Jr. (1968) *Columbia Law Rev.* 68 (June).

BAZELON, D. L.
BLACK, L., Jr.
FULD, S. H.
GOGGET, W. T.
JOHNSON, E., Jr.
LUSKY, L.
ROGERS, W. D.
ROSENTHAL, A. J.
WRIGHT, S. J.

Symposium on Human Rights. (1968) *Univ. of Pennsylvania Law Rev.* 116 (April).

FORDHAM, J. B. "Introduction."
EMERSON, T. I. "Freedom of expression in wartime."
HENKIN, L. "The Constitution, treaties, and international human rights."
JAFFEE, L. L. "The citizen as litigant in public actions: the non-Hohfeldian or ideological plaintiff."
RATNER, L. G. "The function of the due process clause."

Symposium on One Man-One Vote and Local Government (1968) *George Washington Law Rev.* 36 (May).

CLARK, T. C. "Introduction."
DIXON, R. G. "Local representation: constitutional mandates and apportionment options."
McKAY, R. B. "Reapportionment and local government."
JONES, V. "Metropolitan detente: is it politically and constitutionally possible?"
GRANT, D. R. and R. E. McARTHUR " 'One man-one vote' and county government: rural, urban, and metropolitan implications."
HAGENSICK, H. C. " 'One-man-one vote' and county government."
JEWELL, M. E. "Local systems of representation: political consequences and judicial choices."

VAN LOAN, E. M., III (1968) "Natural rights and the Ninth Amendment." *Boston Univ. Law Rev.* 48 (Winter).

Traces the history of the Ninth Amendment up to the *Griswold* case and its use in cementing a right to privacy. Concludes the amendment can be used for many rights which the court wishes to protect, but that it should be very cautiously used since the problem of unenumerated rights strikes at the heart of the nature of judicial review.

(12) Social Welfare and Related Community Problems

ADRIAN, C. R. (1968) "Trends in state constitutions." *Harvard J. on Legislation* 5 (March).

Recent changes in state constitutions have led to some improvement but the reforms show little recognition of the major problems of the decade: civil rights, civil liberties, the ghettos, and the nation's poor.

CHAPPELL, D. and P. R. WILSON (1968) "Public attitudes to the reform of the law relating to abortion and homosexuality." *Australian Law J.* 42 (August-September).

Deals with current laws and proposed reforms. Using survey findings as support, concludes that reforms should at least be discussed as an educating device for the public.

"Compulsory work for welfare recipients under the social security amendments of 1967." (1968) *Columbia J. of Law and Social Problems* 4 (July).

The article concludes that work incentive programs are in fact compulsory work programs which are oppressive, expensive and usually unsuccessful.

ECKHARDT, K. W. (1968) "Deviance, visibility, and legal action: the duty to support." *Social Problems* 15 (Spring).

Examines record data for the relationship between normative law expressed in the duty to support statutes, and law in action as reflected in the activities of law enforcement bodies.

FOSTER, H. H., Jr. (1968) "Marriage: a 'basic civil right of man.'" *Fordham Law Rev.* 37 (October).

Concludes that a modern marriage code is urgently needed in order to eliminate laws and regulations which are no longer in accord with social values.

GRAHAM, J. J. (1968) "Public assistance: the right to receive; the obligation to repay." *New York Univ. Law Rev.* 43 (May).

Suggests that with the advent of more litigation in the area, welfare recipients will be accorded greater rights and will thereby be protected from arbitrary and discriminatory treatment.

Inaugural Seminar of the Centre for Urban and Community Studies. (1968) *Univ. of Toronto Law J.* 18, 3.

MILLNER, J. B. "Introduction."

PICKETT, S. H. "An appraisal of the urban renewal programme in Canada."

- WALLACE, D. A. "The conceptualizing of urban renewal."
WOODBURY, C. "Allocation of the costs of urban renewal among the three levels of government and private enterprise."
BEECROFT, E. "Allocating the costs of urban renewal: a comment."
TAYLOR, H. R. "The renewal programme: promise or chimera."
MANSUR, D. B. "The renewal program: promise or chimera—a comment."
SPIEGEL, H. B. C. "Human considerations in urban renewal."
ROSE, A. "The individual, the family, and the community in the process of urban renewal."

Roundtable on Family Law (1968) *J. of Legal Education* 20, 4.

- KATZ, S. N. "Introduction."
GEORGE, B. J., Jr. "New directions in family law teaching."
KATZ, J. "Family law and psychoanalysis—some observations on interdisciplinary collaboration."
KETCHAM, O. J. "The need for law and order in the juvenile courts: some unanswered questions."

Symposium on Income Redistribution and the Labor Supply (1968) *J. of Human Resources* 3 (Summer).

- "Introduction,"
GREEN, C. "Negative taxes and monetary incentives to work: the static theory."
PERLMAN, R. "A negative income tax plan for maintaining work incentives."
ALBIN, R. S. and B. STEIN "The constrained demand for public assistance."
LEUTHOLD, J. H. "An empirical study of formula income transfers and the work decision of the poor."
CONLISK, J. "Simple dynamic effects in work-leisure choice: a skeptical comment on the static theory."

Symposium on Sex and the Law in Contemporary Perspective (1968) *Univ. of Colorado Law Rev.* 40 (Winter).

- CLARK, H. H., Jr. "Law as an instrument of population control."
HEFNER, H. M. "The legal enforcement of morality."
SLOVENKO, R. "Sexual deviation: response to an adaptational crisis."
FISHER, R. G. "The legacy of Freud—a dilemma for handling offenders in general and sex offenders in particular."
STIMMEL, D. P. "Criminality of voluntary sexual acts in Colorado."
HOLLOWAY, J. P. "Transsexuals—their legal sex."

(13) Social Conflict and Social Control

BEAN, D. H. N. (1968) "Plainfield: a study in law and violence." *Amer. Criminal Law Q.* 6 (Summer).

Examines the massive search of the black ghetto in Plainfield, New Jersey, in the summer of 1967 and discusses its implications.

Symposium on the Causes and Effects of Riots (1968) *J. of Urban Law* 45 (Spring-Summer).

- HARBRECHT, P. P. "Introduction."
- SMITH, J. and L. SMITH "First Amendment freedoms and the politics of mass participation."
- FREILICH, R. H. "The emerging general theory of civil disobedience within the legal order."
- KOMISARUK, R. and C. PEARSON "Children of the Detroit Riots."
- HUNDLEY, J., Jr. "The dynamics of recent ghetto riots."
- CORSI, J. R. "Racial violence or class warfare."
- SENGSTOCK, M. C. "The corporation and the ghetto: an analysis of the effects of corporate retail grocery sales on ghetto life."
- GLICKSMAN, E. B. and U. M. JONES "Consumer legislation and the ghetto."
- DUCHARME, G. D. "State riot laws: a proposal."
- SOLOMON, K. and S. YATES "Riots, Congress and interstate commerce: the history of the commerce clause and its relation to the Cranes amendment."
- RINELLA, V., Jr. "Police brutality and racial prejudice: a first close look."
- LOCKE, H. G. "Riot response: the police and the courts."
- COLISTA, F. P. and M. DOMONKOS "Bail and civil disorder."
- CROCKETT, G. W., Jr. "Recorder's court and the 1967 civil disturbance."
- SULTAN, A. and R. HOWARD "The efficient use of military forces to control riots: some proposals for congressional action."
- CRUM, L. J. "The National Guard and riot control: the need for revision."
- GARTLAND, R. and R. CHOKOTA "When will the troops come marching in: a comment on the historical use of federal troops to quell domestic violence."

(14) Jurisprudence, Legal Process, Behavioral Science Theory

CHRISTIE, G. C. (1968) "The model of principles." *Duke Law J.* (August).

Attacks the argument that judges do not possess discretion; claims the judicial application of legal rules is controlled by legal principles.

CULLISON, A. D. (1968) "Logical systems of legal doctrine: the normative structure of positive law." *Iowa Law Rev.* 53 (June).

Presents for nonlogicians an explanation of the role that the Hohfeldian and the more modern deontic systems can play in the analysis of norms and sanctions in a single normative system.

DANELSKI, D. J. (1966) "A behavioral conception of human rights." *Civil and Military Law J.* 3, 3-4.

The author tries to set up a scheme of human rights which can be specified empirically.

DIAMOND, B. L. (1967) "The scientific method and the law." *Hastings Law J.* 19 (November).

Expresses optimism about the possible applications of the behavioral sciences to the law. Hopes, however, that the law will develop its own

scientists who will be able to apply the scientific method to their own discipline.

LASSWELL, H. D. (1967) "Toward continuing appraisal of the impact of law on society." *Rutgers Law Rev.* 21 (Summer).

Argues that the task of providing for a continuing appraisal of the impact of law on society is an essential, feasible and urgent component of the decision-making process of a civilization dedicated to popular government.

NELSON, W. E. (1967) "Emerging notions of modern criminal law in the revolutionary era: an historical perspective." *New York Univ. Law Rev.* 42 (May).

Analyzes the court records of a typical Massachusetts county in the pre- and post-revolutionary period. Contrasts the earlier notion of the role of criminal law as a protector of morals to that of a protector of property, and with this change the concomitant change in the role of the government from arbiter to prosecutor.

O'CONNELL, J. (1968) "Industry and the academic researcher." *Iowa Law Rev.* 53 (June).

Author calls upon his own experiences with the auto industry to describe and analyze the barriers and benefits of the "law in action" orientation to research.

PROBERT, W. (1968) "Law through the looking glass of language and communicative behavior." *J. of Legal Education* 20, 3.

Explores some of the important implications which flow from law's involvement with general patterns of communication behavior.

ROSE, A. M. (1968) "Law and the causation of social problems." *Social Problems* 16 (Summer).

Examines how law-innovators and law-enforcers, in seeking to cope with one set of social problems, create another set.

SMITH, J. C. (1968) "Law, language, and philosophy." *Univ. of British Columbia Law Rev.* 3 (May).

Concludes that neither traditional natural law nor legal positivism is an adequate philosophical basis for a legal system which will meet the requirements of the twentieth century. Recommends a legal philosophy based on a theory of legal languages consistent with the latest developments in the various fields of language study, such as philosophy, linguistics, and communication theory.

(15) Administrative Law, Planning and Politics

Air Pollution Symposium (1968) *Arizona Law Rev.* 10 (Summer).

KENNEDY, H. W. "Introduction—some legal ramifications of air pollution control and a review of current control of automotive emission."

KNEESE, A. V. "Pollution and a better environment."

MUSKIE, E. S. "The role of the federal government in air pollution control."

MIDDLETON, J. T. "Summary of Air Quality Act of 1967."

EDELMAN, S. "Air pollution abatement procedures under the clean air act."

HILL, G. "The politics of air pollution: public interest and pressure groups."

COONS, J. "Air pollution and government structure."

LUCE, C. "Utility responsibility for protection of the environment."

BEHLE, C. A. "Industry—the views of the regulated."

WALKER, M. S. "Enforcement of performance requirements with injunctive procedure."

MIX, D. D. "The misdemeanor approach to pollution control."

EDLES, G. J. (1967) "Does the public go along for the ride?" *J. of Public Law* 16, 2.

Concludes that the Civil Aeronautics Board should reevaluate the inter-relationship among carrier, agent, government, and the consumer from the point of view of industry and traveler, and hopefully more fully develop the consumer interest.

KADEN, L. B. (1968) "The people: no. 1. Some observations on the 1967 New York constitutional convention." *Harvard J. on Legislation* 5 (March).

The author concludes that if the convention did little else, it served as an educational tool for the people.

KURLAND, P. B. (1968) "The impotence of reticence." *Duke Law J.* 1968 (August).

Reviews the gravitation of power from the legislative to the executive branch; expresses need for a rejuvenation of legislative power.

MICHAEL, D. N. (1968) "On coping with complexity: planning and politics." *Daedalus* (Fall).

Discusses the need for planning, the utilization of computers and advanced techniques, and the problem of access into the decision-making system for those not familiar with such sophisticated techniques.

SALMON, C. (1967) "Tribunals of inquiry." *Israel Law Rev.* 2 (July).

Discusses some of the dangers and benefits of investigatory tribunals.

Symposium on Environmental Policy: New Directions in Federal Action (1968) *Public Administration Rev.* 28 (July-August).

CALDWELL, L. K. "Restructuring for coordinative policy and action."
JACKSON, H. M. "Environmental policy and the Congress."
CAULFIELD, H. P., Jr. "Environmental management: water and related land."
WENK, E., Jr. "Federal policy planning for the marine environment."
CAIN, S. A. "Environmental management and the Department of the Interior."
HAHN, W. A. "Providing environmental science services."
WOOD, R. C. "Federal role in the urban environment."

"Traffic court reform." (1968) *Columbia J. of Law and Social Problems* 4 (July).

Argues that traffic courts should be supplanted by administrative agencies similar to the one now under consideration in New York.

ZEISEL, H. and P. BOSCHAN (1968) "The simple truth-in-lending." *Univ. of Pennsylvania Law Rev.* 116 (March).

Suggests the factors which should be clearly stated for truth in lending. Concludes that the ultimate function of proper disclosure is to restore the fungible character of credit which is now hidden.

(16) Law, the Economy and Technology

CAIRL, J. G. and P. R. GALLAGHER, Jr. (1968) "Government, science and technology: a bibliographical essay." *Public Administration Rev.* 28 (July-August).

Concerned with materials about the United States written in the last ten years.

DUNNING, H. C. (1968) "Law and economic development in Africa: the law of eminent domain." *Columbia Law Rev.* 68 (November).

Traces the evolution of eminent domain legislation in selected African countries to consider how such legislation is or could be tied to the economic development objectives of these countries.

GALENSON, W. (1968) "Social security and economic development: a quantitative approach." *Industrial and Labor Relations Rev.* 21 (July).

Argues that some social security programs represent investment rather than consumption, and that social security programs can promote rather than limit economic development.

LUCAS, J. D. (1968) "Constitutional law and economic liberty." *J. of Law and Economics* 11 (April).

Raises the issue of whether judicial abstention from interference with legislative decisions concerning private economic activity stems from (1) a faith in the democratic process, or (2) a shift from judicial concern for

protecting the individual's opportunity to seek his level in a competitive world, to a concern for achieving economic leveling.

PLAGER, S. and F. E. MALONEY (1968) "Emerging patterns for regulation of consumptive use of water in the eastern United States." *Indiana Law J.* 43 (Winter).

Explains that the East will have to face the problems of conserving water in the near future. Concludes there is a strong movement in the eastern states, evidenced by the increasing number of permit systems, toward a modification of the riparian doctrine in favor of certain elements of appropriation.

STEIN, M. (1968) "Regulatory aspects of federal water pollution control." *Denver Law J.* 45 (Spring).

The success of regulatory measures depends upon the percentage of cases that can be effectively disposed of by federal-state negotiation and cooperative action, not by court action.

Symposium on Science Challenges to the Law (1967) *Western Reserve Law Rev.* 19 (November).

WALD, G. "The evolution of life and the law."

MILLER, A. S. "Science and legal education."

PARKER, W. C. "The levels of confrontation of science and the law."

MORRIS, C. "What is man?"

KAPLAN, A. "Behavioral science and the law."

HAZARD, G. C., Jr. "Limitations on the uses of behavioral science in the law."

GOLDSTON, E. "Social relations: the emerging science."

GRUNDSTEIN, N. D. "The relevance of behavioral science for law."

BERKNER, L. V. "Can technology be used to achieve social justice—the challenge to the law."

JOHNSON, J. A. "Aerospace technology: the successful joint effort of law and science."

COWAN, T. A. "Law and technology: uneasy leaders of modern life."

KING, H. T., Jr. "Towards the humanization of technology."

Symposium on Technology Assessment (1968) *George Washington Law Rev.* 36 (July).

GREEN, H. P. "Technology assessment and the law: introduction and perspective."

DADDARIO, E. Q. "Technology assessment—a legislative view."

RAMEY, J. T. "The role of planning in the atomic energy program."

CETRON, M. J. and A. L. WEISER "Technological change, technological forecasting and planning R & D—a view from the R & D manager's desk."

WOLLAN, M. "Controlling the potential hazards of government-sponsored technology."

MUSKIE, E. S. "The role of Congress in promoting and controlling technological advance."

Symposium on the Uses of Law in an Emerging Society (1968) *UCLA Law Rev.* 15 (June).

TRAYNOR, R. J. "What Domesday Books for emerging law?"

MYRDAL, G. "The 'soft state' in underdeveloped countries."

CARTER, L. C., Jr. "Law and the urban crisis."

(17) Folk and Native Law

SMITH, D. N. (1968) "Native courts of northern Nigeria: techniques for institutional development." *Boston Univ. Law Rev.* 48 (Winter).

Discusses the pressures placed on the native courts by a developing society as well as the pressures toward retaining those courts. Offers suggestions as to how they might best be used.

(18) International and Comparative Law

ANDONIAN, J. R. (1968) "Law and Vietnam." *Amer. Bar Assn. J.* 54 (May).

Claims lawyers who uphold or refute the legality of the war in Vietnam do damage to the cause of world law by degrading law to the tool of personal preference.

DOHERTY, K. B. (1968) "Rhetoric and reality: a study of contemporary official Egyptian attitudes toward the international legal order." *Amer. J. of International Law* 62 (April).

Compares the acts of government with official positions in relation to international legal order.

FRANCK, T. M. and K. H. GOLD (1968) "The limits of perceptual objectivity in international peace observation." *Law and Contemporary Problems* 33 (Winter).

Concludes that questions of fact which are concerned with sensory perception of transient events or conditions are not appropriate for impartial third-party decision-making since they cannot be answered objectively. Even the most neutral of observers brings to his sensory-perceptive process a hidden subjectivity.

LEVIE, H. S. (1968) "Maltreatment of prisoners of war in Vietnam." *Boston Univ. Law Rev.* 48 (Summer).

Discusses the law applicable to treatment of POW's, the charges against South and North Vietnam, the responsibilities of the United States as an ally, and the effect on international law of the actions of the participants in the Vietnam conflict.

STEIN, E. and D. CARREAU (1968) "Law and peaceful changes in a subsystem: withdrawal of France from the North Atlantic Treaty Organization." *Amer. J. of International Law* 62 (July).

Discusses the formal versus the informal legal aspects of France's withdrawal from NATO, and concludes that the doctrine of *Rebus sic stantibus* was liberally applied to allow peaceful change within a formal international structure.

Symposium on Recent Developments in International Law (1968) *William and Mary Law Rev.* 9 (Spring).

JESSUP, P. "Foreword."

MALLISON, W. T., Jr. "The legal problems concerning the juridical status and political activities of the Zionist organization/Jewish agency: a study in international and United States law."

DEMBLING, P. G. and D. M. ARONS "The treaty on rescue and return of astronauts and space objects."

LASSWELL, H. D. "The impact of crowd psychology upon international law."

COHEN, D. M. "International illegality as a basis for refusal to participate in hostilities—a tentative proposal and a preliminary analysis of American law."

WILKES, D. "Conflict avoidance in international law—the sparsely peopled areas and the Sino-Indian dispute."

DEL RUSSO, A. L. "International law of human rights: a pragmatic appraisal."

HALPERIN, D. J. "Human rights and natural resources."

SINHA, S. P. "New nations and the international custom."

LANDAU, H. "Protection of private foreign investments in less developed countries—its reality and effectiveness."

VELVEL, L. R. (1968) "The war in Viet Nam: unconstitutional, justiciable, and jurisdictionally attackable." *Kansas Law Rev.* 16 (June).

Analyzes the unconstitutionality of the Vietnam war. Concludes that the executive has exceeded its constitutional power because it has not asked Congress to declare war.

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ALLEN, R. C., E. Z. FERSTER and J. G. RUBIN [eds.] (1968) *Readings in Law and Psychiatry*. Baltimore: Johns Hopkins Press.

ASCH, S. (1968) *Civil Rights and Responsibilities Under the Constitution*. New York: Arco.

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BAILEY, S. K. and E. K. MOSHER (1968) *ESEA: The Office of Education Administers a Law*. Syracuse: Syracuse Univ. Press.

BAILYN, B. (1968) *The Origins of American Politics*. New York: Knopf.

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BRINKER, P. A. (1968) *Economic Insecurity and Social Security*. New York: Appleton-Century-Crofts.

BRUCE, A. A. et al. (1968) *The Workings of the Indeterminate-Sentence Law and Parole System in Illinois*. Montclair, N.J.: Patterson Smith.

First published in 1928 by the Superintendent of Public Documents, Springfield, with title, *Study of the Indeterminate Sentence Law and Parole System in Illinois*.

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CAMPS, M. (1968) *European Unification in the Sixties: From Veto to the Crisis*. Oxford, Eng.: Royal Institute of International Affairs and the Council on Foreign Relations, Oxford Univ. Press.

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