

Law and Society

A Selected Bibliography

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BOOKS

EDITORS' NOTE: *The compiling editors wish to express their gratitude to Donald Bross for aiding in compiling this bibliography, and to Edith Wilimovsky and Rina Rosenberg for editorial assistance.*

ARTICLES

(1) RESPONSE TO JUDICIAL DECISIONS

(2) JUDICIAL ADMINISTRATION, SELECTION, AND EDUCATION

MUELLER, G. O. W. and F. GRIFFITHS (1969 and 1968) "Judicial fitness: a comparative study," Parts 1 & 2. *Judicature* 52 (January/December).

Examines the education and selection of foreign judges for possible applicability to United States procedures.

OKUN, J. (1968) "Investigation of jurors by counsel: its impact on the decisional process." *Georgetown Law J.* 56 (May).

To avoid manipulation of jury compositions by behavioral science techniques, the author recommends limitation of all juror investigations to increase the probability of random selection.

VAN DER RYN, S. (1968) "An analysis of courtrooms." *Judicature* 52 (November).

Proposes that the fair administration of justice can be improved by better courtroom architectural design, and provides examples.

(3) JUDICIAL PROCESS AND BEHAVIOR

ATKINSON, D. N. and D. A. NEUMAN (1969) "Toward a cost theory of judicial alignments: the case of the Truman bloc." *Midwest J. of Pol. Sci.* 13 (May).

Three hypotheses of Supreme Court justice behavior are examined in particular for the years 1949-1952 and in general from the point of view that the Supreme Court is a political institution.

BANFIELD, L. and D. ANDERSON (1968) "Continuances in the Cook County criminal courts." *Univ. of Chicago Law Rev.* 35 (Winter).

Empirically studies the distribution of pleas and sentencing as a function of socioeconomic factors such as race and type of counsel used, as well as other background variables in Cook County.

ULMER, S. S. (1969) "The dimensionality of judicial voting behavior." *Midwest J. of Pol. Sci.* 13 (August).

Discusses how the various testing measures of Supreme Court behavior determine the range of theory which is appropriate for a given study.

VALE, V. (1969) "*Reynolds v. Sims* abroad: a Briton compares apportionment criteria." *Western Pol. Q.* 22 (March).

Cites European experience of apportionment problems, and finishes by warning that a commission with apportionment powers should be made responsible to the people through the executive and that its powers must be limited to applying current law.

(4) JURIMETRICS AND CONTROLLED EXPERIMENTS

FREUND, P. A. (1969) "Legal frameworks for human experimentation." *Daedalus* 98 (Spring).

Applies values derived from the American legal heritage, and suggests two models of legal standards for use in analyzing and regulating human experimentation.

LIDDLE, T. H. (1968) "Mathematical and statistical probability as a test of circumstantial evidence." *Western Reserve Law Rev.* 19 (January).

Statistics, properly applied, can improve the credibility of certain types of evidence, as several previous cases have demonstrated.

(5) LAWYERS, LEGAL EDUCATION, LEGAL PROFESSION

ALDISERT, R. J. (1968) "Is your good counsel also wise?" *Univ. of Pittsburgh Law Rev.* 29 (March).

Uses a countywide study of law-office costs to show how time really is money for lawyers who choose to continue the fight for a larger settlement.

CARON, Y. (1968) "Gilt-edged legal education: a comparative study." *McGill Law J.* 14 (July).

Compares faculties, students, and methods of instruction at top law schools in England, the United States, and France.

GELLHORN, E. (1968) "The law schools and the Negro." *Duke Law J.* (December).

Reviews the history of anti-Negro discrimination by law schools which has led to the current shortage of Negro lawyers. Reports current efforts by Council on Legal Education Opportunity and others, and concludes that recruitment is still too limited.

KELSO, C. D. (1968) "Behavioral psychology: springboard for imaginative legal educators." *Denver Law J.* 45 (Summer).

Positive reinforcement is increasingly the focus of behavior change and maintenance in society; given the relevance of nonpunitive techniques of behavior change, legal education should reflect a similar emphasis.

LONDON, H. and A.V. LANCKBON (1968) "Why teaching is better in law schools." *Educational Record* 49 (Fall).

From an informal survey of deans of leading law and liberal arts schools, the authors suggest factors that explain why teaching is better in law schools.

MAYHEW, L. and A. J. REISS, Jr. (1969) "The social organization of legal contacts." *Amer. Sociologist* 4 (June).

Reports who uses legal services and for what reasons based on a 780 person survey of the Detroit Metropolitan Area, indicating in the process important characteristics of the organization of the legal profession.

NADER, R. (1969) "Law schools and law firms." *New Republic* 161 (October).

Argues that given the importance of law in American society, responsibility for every area of social conflict and change is shared by lawyers. Young law students and some law firms are seen as recognizing this relationship.

Symposium on the Law and the Educational Enterprise (1968) *Denver Law J.* 45 (Special).

WILSON, L. "Campus freedom and order."

BEANEY, W. M. "Students, higher education and the law."

LUNSFORD, T. F. "Who are members of the university community?"

MC KAY, R.B. "The student as private citizen."

VAN ALSTYNE, W. W. "The student as university resident."

COHEN, W. "The private-public legal aspects of institutions of higher education."

MONYPENNY, P. "The student as student."

Symposium on Law and Society: The Challenge of the Seventies (1969) *North Carolina Law Rev.* 47 (April).

PYE, A. K. and G. C. COCHRAN "Legal aid—a proposal."

COWEN, L. "The lawyer's role in civil disobedience."

DASH, S. "The emerging role and function of the criminal defense lawyer."

SUTTON, J. F. "The impact of the code of professional responsibility upon the unauthorized practice of law."

SCHLOSSBERG, S. I. "The role of the union lawyer."

(6) PENOLOGY AND CRIME PREVENTION

BIDDLE, C. W. (1969) "A legislative study of the effectiveness of criminal penalties." *Crime and Delinquency* 15 (July).

Briefly summarizes study by a California Assembly committee suggesting that increasing the severity of sentences does not deter crime, whereas certainty of arrest and imprisonment do.

DIKIJIAN, A. (1969) "Capital punishment—a selected bibliography, 1940-68." *Crime and Delinquency* 15 (January).

Lists 56 authors of books, public documents, reports, and articles.

GIBBONS, D. C. (1969) "Crime and punishment: a study in social attitudes." *Social Forces* 47 (June).

Compares attitudes of the public toward proper punishment of certain offenses, with actual penalties usually administered; discrepancies show up, for example, in public attitudes toward certain white-collar crimes.

GREENBERG, J. and J. HIMMELSTEIN (1969) "Varieties of attack on the death penalty." *Crime and Delinquency* 15 (January).

Cites a large number of cases in order to show inconsistency with which capital punishment has been invoked.

HILLS, S. L. (1969) "Combatting organized crime in America." *Federal Probation* 33 (March).

Discusses how norms of organized crime and norms of American society are complementary, how in fact certain criminal successes may depend on some American values as currently expressed.

KATZMAN, M. T. (1968) "The economics of defense against crime in the streets." *Land Economics* 44 (November).

Presents an economist's model of resource allocation and trade-offs between interested parties. Suggests that if more quantitative data fitting the model were available, better policies of crime control would be forthcoming.

MARCUS, M. H. and D. S. WEISSBRODT (1968) "The death penalty cases." *California Law Rev.* 56 (October).

Presents a very extensive analysis of legal issues raised by the NAACP Legal Defense Fund national campaign to abolish the death penalty.

MORRIS, G. H. (1968) "The confusion of confinement syndromes: an analysis of the confinement of mentally ill criminals and ex-criminals by the Department of Corrections of the State of New York." *Buffalo Law Rev.* 17 (Spring).

Criticizes the assumptions underlying current definitions and treatments of the criminal as mentally ill.

RECKLESS, W. C. (1969) "The use of the death penalty, a factual statement." *Crime and Delinquency* 15 (January).

Presents data showing a de facto trend toward the abolition of the death penalty across time, nationally and internationally.

RUBINGTON, E. (1969) "Types of alcoholic offenders." *Federal Probation* 33 (March).

Suggests a typology of alcoholic offenders as a means of determining probable effects of adjusted programs of legal sanction and treatment for different categories of individuals.

Stanford Law Review (1969) "A study of the California penalty jury in first-degree murder cases." 21 (June).

Extensively studies the relationship between the defendant's socioeconomic status, race, and situational factors, and the severity of sentencing. Concludes that sentencing is standardless.

STEINAU, L. III (1968) "Commitment of the narcotic addict convicted of a crime." *Albany Law Rev.* 32 (Winter).

Argues that addicts arrested for one offense should not be sentenced to a term in a rehabilitation center as an alternative to a shorter jail term until proof of treatment success can be shown.

TITTLE, C. R. (1969) "Crime rates and legal sanctions." *Social Problems* 16 (Spring).

Argues that certainty and severity of punishment is associated with lower crime rates (except homicide), based on crime records for individual American states.

(7) POLICE ADMINISTRATION AND CRIMINAL JUSTICE

CALKINS, R. M. and C. W. DAVIS, Jr. (1968) "Legislative improvements of the state criminal process." *Southern California Law Rev.* 41 (Summer).

Questions the need for many procedures, e.g., the grand jury, in many criminal case proceedings, and proposes explicit, extensive changes in the various areas criticized.

EISENBURG, T., A. S. GLICKMAN, and R. H. FOSEN (1969) "Action for change in police community behaviors." *Crime and Delinquency* 15 (July).

Authors propose a program to alter discrepant images held by police and community toward each other.

MORTON, A. S., J. MUELLER, J. OHLGREN, R. W. PEARSON, and S. WEISEL (1968) "Marijuana laws: an empirical study of enforcement and administration in Los Angeles County." (Foreword by J. Kaplan.) *UCLA Law Rev.* 15 (September).

Thoroughly examines each stage of the legal control system for marijuana, and concludes by predicting increasing difficulty with successful enforcement of current laws.

(8) LAW AND THE DISADVANTAGED

SCHLOSSBERG, A. and W. R. WEINBERG (1968) "The role of judicare in the American legal system." *Amer. Bar Assn. J.* 54 (October).

Maintains that Judicare will probably be most successful in rural areas, with neighborhood law offices predominating in urban areas.

STUMPF, H. P. and R. J. JANOWITZ (1969) "Judges and the poor: bench responses to federally financed legal services." *Stanford Law Rev.* 21 (May).

Maintains that opposition to community legal services programs by judges and local lawyers has been sufficient to undermine success of the programs in many areas.

Symposium on Indian Law (1968) *Arizona Law Rev.* 10 (Winter).

UDALL, S. L. "The state of the Indian nation—an introduction."

KELLY, W. H. "Indian adjustment and the history of Indian affairs."

TAYLOR, B. J. "Indian manpower resources: the experiences of five southwestern reservations."

WOLF, R. C. "Needed: a system of income maintenance for Indians."

REIBLICH, G. K. "Indian rights under the Civil Rights Act of 1968."

BENNETT, R. L. "Problems and prospects in developing Indian communities."

FANNIN, P. J. "Indian education—a test case for democracy."

BERGER, E. B. "Indian mineral interest—a potential for economic advancement."

Symposium on Law and Poverty (1968) *Albany Law Rev.* 32 (Spring).

SAMORE, W. "Legal services for the poor."

These articles are the result of a student panel consisting of: J. D. BURKE; L. E. CAREY; E. J. CUMMINGS; D. L. DUBIAC; D. F. KUNZ; J. A. MACK; E. E. NAPIERSKI; W. PRATT; F. C. RIESTER; S. M. ROSEN.

"Consumer protection in New York."

"Rural poverty."

"Proposed changes for the New York welfare program."

"Housing."

Symposium on a Legal Service Program for West Virginia (1968) West Virginia Law Rev. 20 (April-June).

CAUDILL, H. M. "The law, lawyers and Appalachia."

WELLER, J. E. "Human attitudes in Appalachia."

MOIZE, J. D. "Legal aid in North Carolina."

PRELOZNIK, J. F. "Wisconsin Judicare."

JOHNSON, E., Jr. "A conservative rationale for the Legal Services program."

MOONEY, E. F. "Legal services and the legal establishment."

(9) JUVENILES AND THE LAW

SCHULTZ, L. G. (1968) "The adversary process, the juvenile court and the social worker." Univ. of Missouri (K.C.) Law Rev. 36 (Summer).

Argues that overreliance on social workers has resulted in a frequent lack of legal protection of juveniles.

SCHWERIN, L. R. (1969) "The juvenile court revolution in Washington." Washington Law Rev. 44 (Winter).

Review of the impact of the *Gault* decision on Washington juvenile courts reveals several areas where the state court system does not conform to the new approach.

Symposium on the Law and Juveniles (1969) North Dakota Law Rev. 45 (Winter).

FREDERICH, R. R. "A study and evaluation of the juvenile court—its procedures and facilities in North Dakota."

ARTHUR, L. G. "Should children be as equal as people?"

DONOVAN, J. A. "The juvenile court and the mentally disordered juvenile."

CARPENTER, R. K. "A due process dilemma—juries for juveniles."

EVAVOLD, D. "Family courts in North Dakota."

(10) LAW AND THE MEDICAL SCIENCES

BRISCOE, O. V. (1968) "The meaning of 'mentally ill person' in the Mental Health Act, 1958-1965 of New South Wales." Australian Law J. 42 (October).

Examines cases of compulsory commitment to hospitals in New South Wales, and concludes that leaving judgments almost strictly to the medical professions has resulted in losses of civil rights without due process.

BURG, C. D., T. S. BRAND, M. C. HINMAN, and G. G. A. VAUGHAN (1968) "Acts of diagnosis by nurses and the Colorado Professional Nursing Practice Act." Denver Law J. 45 (Summer).

Points out the inconsistencies between current nursing practice regarding diagnosis and the law in Colorado. Argues that the law should be changed to more closely reflect reality.

CAVERS, D. F. (1969) "The legal control of the clinical investigation of drugs: some political, economic, and social questions." *Daedalus* 98 (Spring).

Analyzes potential economic consequences for companies affected by "experimental ethics" regulations, and thus suggests consequences for United States government and society as a whole.

COLOMBOTOS, J. (1969) "Physicians and Medicare: a before-after study of the effects of legislation on attitudes." *Amer. Sociologist* 4 (June).

Study of New York physicians prior to passing, after passing, and after six months of application of Medicare, showing attitudes of approval toward the law increasing at each of the latter two stages.

CURRAN, W. J. (1969) "Governmental regulation of the use of human subjects in medical research: the approach of two federal agencies." *Daedalus* 98 (Spring).

Relates history of administrative controls of the Food and Drug Administration and the National Institutes of Health in the use of humans for experimentation.

FABRO, J. A. (1969) "Legal relation of physician to hospital." *New England J. of Medicine* 281 (September 25).

Considers recent decision-making actions of nonprofit hospitals with respect to medical staff reviewable by state courts, and argues that physician privileges in nonprofit hospitals require more effective and practical protection through legislation or action of hospital accreditation bodies.

FLETCHER, G. P. (1967) "Prolonging life." *Washington Law Rev.* 42 (June).

Argues a different point of view from that of euthanasia advocates or debaters over the meaning of clinical death: proposes that a closer examination of the legal and medical meaning of acts versus omissions would clarify legal position of doctors regarding terminal illnesses.

Georgetown Law J. [Note] (1968) "Sterilization and family planning: the physician's civil liability." 56 (May).

Discusses liability for births to parents who have been previously sterilized.

HUGHES, G. E. F. (1969) "England's great leap backward—the Abortion Act, 1967." *Australian Law J.* 43 (January).

Argues that the distinction between classes of born and unborn humans is insufficient to justify the broadness of the law.

JAFFE, L. L. (1969) "Law as a system of control." *Daedalus* 98 (Spring).

Argues that the most effective and ethical supervision of human experimentation will develop from complementary or even overlapping administration by professional peers and the legal system.

MORRIS, N. (1968) "Psychiatry and the dangerous criminal." *Southern California Law Rev.* 41 (Spring).

Questions the desirability of the category of insanity as a defense, suggesting that neither the individual nor society is benefited by the distinction between criminal and insane.

Symposium on Law and Medicine (1969) *St. John's Law Rev.* 43 (April).

AUERBACH, A. "Physicians' liability for prescription drugs."

HAUT, I. H. and A. A. ALTER "Blood transfusions—strict liability?"

UHTHOFF, D. R. "Medical malpractice—the insurance scene."

(11) CIVIL LIBERTIES, CIVIL RIGHTS, RACE RELATIONS

BENJAMIN, F. S. (1969) "Implications of court decision on peyote for the users of LSD." *J. of Church and State* 11 (Winter).

Use of peyote by various ethnic and religious groups has been successfully defended in court or else continued through successful evasion of state and national law enforcers: the applicability of peyote litigation to current drug cases is questioned.

BLAUNER, R. (1969) "Internal colonialism and ghetto revolt." *Social Problems* 16 (Spring).

Discusses the ideological framework whereby ghetto residents justify various measures against nonghetto institutions and people.

DENAULT, J. H., III, D. PARRIS, M. E. ALPERT, S. M. BURGIN, F. MEREDITH, T. A. ROBINSON, and J. F. STIVEN (1968) "The computerization of government files: what impact on the individual?" (Foreword W. O. Douglas.) *UCLA Law Rev.* 15 (September).

Extensively examines the need, technology, and dangers of extensive data banks on individuals. Calls for comprehensive legal controls.

DYE, T. R. (1968) "Urban school segregation." *Urban Affairs Q.* 4 (December).

Summarizes recent history of public policy and law enforcement for different United States areas, before examining other social and economic factors of low integration, e.g., the dominance of the Democratic Party in the South.

HARTZ, S. J. (1968) "Race relations and the law in Britain." *Temple Law Q.* 41 (Summer).

Describes the tradition and institutions governing race relations in England, and describes the background to Britain's first race relations statutes, now four years old.

LEVY, L. W. (1969) "The right against self-incrimination: history and judicial history." *Pol. Sci. Q.* 84 (March).

The Supreme Court has made decisions very much in accordance with the historical thrust of ideas represented by the Fifth Amendment, but in doing so failed to perceive many key precedents which serve to underpin its findings.

MORRIS, A. A. and L. A. POWE, Jr. (1968) "Constitutional and statutory rights to open housing." *Washington Law Rev.* 44 (October).

Emphasizes the legal recourses available for three transactions subject to racial discrimination in housing: black buyer and discriminating seller, black buyer and seller with discriminating realtor, and black buyer with discriminating tract developer.

Symposium on the Contemporary First Amendment (1969) *Columbia Journalism Rev.* 8 (Spring).

ANDERSON, H. "Access to the media: a problem in democracy."

BAGDIKIAN, B. H. "Right of access: a modest proposal."

BLANKENBURG, W.B. "Local press councils: an informal accounting."

SMITH, D. L. "Privacy: the right that failed."

Symposium on Problems in Constitutional Law (1968) *William and Mary Law Rev.* 10 (Winter).

VANLANDINGHAM K. E. "Municipal home rule in the United States."

WINTERS, J. A. "General principles of constitutional adjudication: the political foundations of constitutional law."

BEBOUT, J. E. and J. HARRISON "The working of the New Jersey Constitution."

NUNEZ, R. L. "New York State constitutional reform—past political battles in constitutional language."

PULLEN, T. G., Jr. "Why the proposed Maryland Constitution was not approved."

Symposium on the Urban Crisis (1969) *William and Mary Law Rev.* 10 (Spring).

LINDSAY, J. V. "Personal freedom in a time of change."

HARRIS, F. R. "The American Negro today."

CORMAN, J. C. "Law enforcement in the administration of justice."

LUBY, E. D. and J. HEDEGARD "A study of civil disorder in Detroit."

COHEN, M. "Civil disobedience, dissent and violence—a Canadian perspective."

BURNETT, M. M. "Crisis in narcotics—are existing federal penalties effective?"

STOVE, L. M. "Tax incentives as a solution to urban problems."

WADE, H. W. R. (1968) "The British ombudsman." *Administrative Law Rev.* 20 (May).

The parliamentary commissioner for administration, first appointed to office in 1967, receives complaints from the public only through Parliament.

WOODS, W. D., Jr. (1968) "The suppression of the press in early Pennsylvania: the penumbra of *Bayard v. Passmore*." *Arizona Law Rev.* 10 (Fall).

Relates how the personalities and issues of political rivalry, a business lawsuit, and a contempt of court judgment led to legislative guarantees of freedom of the press.

(12) SOCIAL WELFARE AND RELATED COMMUNITY PROBLEMS

COWARD, A. T. (1968) "Anti-poverty expenditures in the American states." *Midwest J. of Pol. Sci.* 13 (May).

Response by local governments to Economic Opportunity Act programs is significantly associated with experience in previous welfare programs.

EADS, W. E. (1969) "Observations in the establishment of a child-protective—services system in California." *Stanford Law Rev.* 21 (May).

Deals in particular with legislation (the Veneman Act) designed to cope with battered-child cases.

HANDLER, J. F. (1969) "Justice for the welfare recipient: fair hearings in AFDC—the Wisconsin experience." *Social Service Rev.* 43 (March).

Presents data indicating that even with a reorganization of appeals procedures, many obstacles prevent redress of grievances for individuals.

Harvard Journal on Legislation (1968) "A divorce reform act." 5 (May).

Cites behavioral research and precedent cases to argue that law should reflect the varieties of marriage breakdown, and that children should be represented separately by counsel in divorce proceedings.

MANDEL, J. (1969) "Problems with official drug statistics." *Stanford Law Rev.* 21 (May).

Aggregate data on drugs provided by the federal government, when not useless, are usually misleading due to haziness of definition and categorization. Adequate drug-abuse legislation enforcement depends on better information.

MORRIS, D. (1968) "Welfare benefits as property: requiring a prior hearing." *Administrative Law Rev.* 20 (June).

Argues that welfare is analogous to property and thus only due process, not just an administrative decision, is valid for benefit determinations.

PRENTICE, P. I. (1969) "The case for taxing location values." *Amer. J. of Economics and Sociology* 28 (April).

Argues that taxation of land based on location rather than improvements would stimulate private urban renewal.

REID, W. J. and B. L. SHAPIRO (1969) "Client reaction to advice." *Social Service Rev.* 43 (June).

Research into the amount of advice given by social workers to clients indicates that the importance of the advice to the client should not necessarily be estimated by his compliance with the advice. For example, if the client feels advice is part of the advisor's professional role, his trust in the professional may be shaken if advice is not forthcoming.

Symposium on Consumer Credit Reform (1968) *Law and Contemporary Problems* 33 (Autumn).

CAPLOVITZ, D. "Some sociological aspects of consumer credit."

MOO, P. R. "Legislative control of consumer credit transactions."

JOHNSON, R. W. "The new law of finance charges: disclosure, freedom of entry, and rate ceilings."

HOGAN, W. E. "Integrating the UCCC and the UCC—limitations on creditors' agreements and practices."

BUERGER, A. A. "Revolving credit and credit cards."

DAVIS, F. G., W. E. ETTER, H. BLYTHE, and P. F. FREUND "The regulation of consumer credit insurance."

CURRAN, B. A. "Administration and enforcement under the uniform consumer credit code."

SHAY, R. P. "The impact of the uniform consumer credit code upon the market for consumer installment credit."

MALCOLM, W. D. and J. J. CURTIN, Jr. "The new federal attack on the loan shark problem."

Symposium on Pennsylvania Social Legislation (1968) *Univ. of Pittsburgh Law Rev.* 30 (Fall).

MUELLER, P. O. "Pennsylvania civil rights legislation: substantive aspects."

QUINN, P. P. "Pennsylvania's state aid to education formula: a goal of uniform equalized education."

SYMONS, E. L., Jr. "Welfare law and the poor in Pennsylvania."

MARCUS, B. D. "Pennsylvania housing legislation: proposals for reform."

MARCOVSKY, G. B. "Consumer protection in Pennsylvania."

Symposium on Safety (1968) *Law and Contemporary Problems* 33 (Summer).

CALABRESI, G. "Does the fault system optimally control primary accident costs?"

VICKREY, W. "Automobile accidents, tort law, externalities, and insurance: an economist's critique."

BOODMAN, D. M. "Safety and systems analysis, with applications to traffic safety."

LAVE, L. B. "Safety in transportation: the role of government."

MORRIS, C. "Motor vehicle safety regulation: genesis."

MURPHY, A. W. "Atomic safety and licensing boards: an experiment in administrative decision-making on safety questions."

FROMM, G. "Aviation safety."

SPENGLER, J. J. "The economics of safety."

Symposium on Social Work and the Law (1968) *Buffalo Law Rev.* 17 (Spring).

SCHOTTLAND, C. I. "Social work and the law—some curriculum approaches."

SPARER, E. V. "The place of law in social work education: a commentary on Dean Schottland's article."

LEVITT, L. "Social work and the law—some curriculum approaches: a commentary on Dean Charles Schottland's article."

WINITT, B. (1968-1969) "The immigration social service agency—its unique role in law and social work." *Bar Bull.* 26 (March 1969).

Concentrates on the problems of the immigration lawyer, with implications for the general issue of legal service in partnership with other social services.

(13) SOCIAL CONFLICT AND SOCIAL CONTROL

ASHENFELTER, O. and G. E. JOHNSON (1969) "Bargaining theory, trade unions, and industrial strike activity." *Amer. Economic Rev.* 59 (March).

Offers a mathematical model of bargaining based on minimum and maximum expectations of economic or political self-benefit on the part of management, union leadership, and union rank and file.

RICE, D. A. (1968) "Remedies, enforcement procedures and the duality of consumer transaction problems." *Boston Univ. Law Rev.* 48 (Fall).

Argues that consumer protection laws are often inadequate, either because of applications that are too broad or narrow, or because sanctions are inappropriate.

SKOLNICK, J. H. (1968) "Coercion to virtue: the enforcement of morals." *Southern California Law Rev.* 41 (Spring).

Reviews the history of types of behavior which have proven difficult to control through legal sanctions and cautions that legal sanctions may indeed strengthen the behavior in certain instances.

Symposium on Collective Bargaining and Public Education (1969) *Urban Rev.* 3 (June).

BERG, I. "Unionized educators: some comparisons with the private sector."

SALZ, A. E. "Policymaking under decentralization: the role of collective bargaining at the local level."

CRONIN, J. M. and J. D. CROCKER, Jr. "Principals under pressure."

VON ESCHEN, D., J. KIRK, and M. PINARD (1969) "The conditions of direct action in a democratic society." *Western Pol. Q.* 22 (June).

Theorizes about conditions in which a group's direct action will succeed in achieving its ends, even if the group is disorganized or breaks the law.

(14) JURISPRUDENCE, LEGAL PROCESS, BEHAVIORAL SCIENCE THEORY

MATTHIASSEN, J. S. (1968) "My discipline is better than your discipline: some barriers to interdisciplinary research." *Canadian Rev. of Sociology and Anthropology* 5 (November).

Problems encountered when a lawyer, political scientist, psychologist, and anthropologist embarked on a research program to revise the code of criminal procedures for a midwestern state.

NELSON, M. (1968) "Prohibition, a case study of societal misguidance." *Amer. Behavioral Scientist* 12 (November/December).

Argues from historical material that antisaloon league organization created important conditions for passage of law in the face of limited national consensus.

NIEBURG, H. L. (1969) "Violence, law, and the informal polity." *J. of Conflict Resolution* 13 (June).

Argues that violence is a last resort in the bargaining process between citizens and state. In dealing with violence, legality should not be confused with legitimacy since the former rests on the need for an abstract normative model, but the latter directly represents consensus and community.

WHITE, I. L. (1969) "A new political frontier: an analysis of legal and political problems in outer space." *Western Pol. Q.* 22 (March).

Summarizes previous materials, describes the bases of some major theoretical approaches, categorizes areas of principal concern, and ends by calling for continued research.

(15) ADMINISTRATIVE LAW, PLANNING, AND POLITICS

ABORN, R. A. and C. E. AXELROD (1968) "State air pollution control legislation." *Boston College Industrial and Commercial Law Rev.* 9 (Spring).

Presents an extended summary of current local, state, and national legislation, and appraises fairness and effectiveness of these measures.

AUSTIN, A. D. (1968) "Antitrust proscription and the mass media." *Duke Law J.* 1968 (December).

Traditional antitrust procedures against the advertising sector of the economy are not desirable because of the changed nature of business institutions and the national economy in general.

BAXTER, W. F. (1968) "The SST: from Watts to Harlem in two hours." *Stanford Law Rev.* 21 (November).

Considers the results of research on sonic booms, particularly in relation to social and economic costs, and proposes regulations to control the use of the aircraft and permit adequate handling of resultant litigation.

CROSSLAND, H. J. and R. J. SEHR, Jr. (1968) "The gods of the marketplace: an examination of the regulation of the securities business." *Boston Univ. Law Rev.* 48 (Fall).

Describes the workings of the various United States securities marketplaces. Concludes by discussing how the securities industry, SEC, and courts have recently acted in relation to the ideal of a fair and honest market.

FISHER, A. C. (1969) "The cost of the draft and the cost of ending the draft." *Amer. Economic Rev.* 59 (June).

Calculates that the financial cost of ending the draft would not exceed five to seven and a half billion dollars.

JOHNSON, N. (1968) "TV service and the FCC." *Texas Law Rev.* 46 (November).

Television has been more closely monitored by the federal government than previous media. Examination of the history of conflicts between public and private interests in this area lead to the prediction of continual close supervision.

JONES, C. O. (1969) "Reevaluating the Hatch Act: a report of the Commission on Political Activity of government personnel." *Public Administration Rev.* 29 (May/June).

Recommendations include dropping the distinction between partisan and nonpartisan, clarification of prohibitions, increased participation, acceptance of criteria stated by California decisions, and development by states of their own laws of political behavior by government employees.

MORRIS, R. E. (1969) "Fiscal controls of land monopoly." *Amer. J. of Economics and Sociology* 28 (January).

Summarizes advantages of land value taxation for developing communities or nations.

ROHRMAN, D. F. (1968) "The law of pesticides: present and future." *J. of Public Law* 17 (June).

Includes an appendix summary of state laws on pesticides and history of tragedies associated with pesticides.

Symposium, on Air Pollution Control (1968) *Law and Contemporary Problems* 33 (Spring).

CASSELL, E. J. "The health effects of air pollution and their implications for control."

LUDWIG, J. H. "Air pollution control technology: research and development on new and improved systems."

WOLOZIN, H. "The economics of air pollution: central problems."

MARTIN, R. and L. SYMINGTON "A guide to the Air Quality Act of 1967."

O'FALLON, J. E. "Deficiencies in the Air Quality Act of 1967."

KENNEDY, H. W. and M. E. WEEKES "Control of automobile emissions—California experience and the federal legislation."

GREEN, L. C. "State control of interstate air pollution."

- POLLACK, L. W. "Legal boundaries of air pollution control—state and local legislative purpose and techniques."
GERHARDT, P. H. "Incentives to air pollution control."
HAGEVIK, G. "Legislating for air quality management: reducing theory to practice."
REIN, B. D. "Obtaining boiler fuel gas to reduce air pollution: the policy of the Federal Power Commission."
ADINOLFI, G. "First steps toward European cooperation in reducing air pollution—activities of the Council of Europe."

Symposium on Federal Taxation as an Instrument of Social and Economic Policy (1968) *Univ. of Florida Law Rev.* 20 (Spring).

- VICKREY, W. "The problem of progression."
SMITH, D. T. "High progressive tax rates: inequality and immorality?"
POOLE, K. E. "Some aspects of the role of government in stable growth."
SLOWINSKI, W. A. "Federal taxation and foreign policy."
HELLERSTEIN, J. R. "Current issues in fiscal federalism: federal grants-in-aid."

Symposium on Water Use (1968) *Boston College Industrial and Commercial Law Rev.* 9 (Spring).

- UDALL, S. L. "Introduction."
AULENBACH, D. B. "Water—our second most important natural resource."
HINES, N. W. "Controlling industrial water pollution: color the problem green."
UTTON, A. E. "Protective measures and the 'Torrey Canyon'."
PIPER, A. M. "Water-supply stringencies—features, antecedents and obstacles to resolution."
DAVIS, P. N. "Australian and American water allocation systems compared."

VANCE, J. T. (1969) "The congressional mandate and the Indian Claims Commission." *North Dakota Law Rev.* 45 (Spring).

Criticizes the Indian Claims Commission and recommends changes in its court-like procedures.

(16) LAW, THE ECONOMY, AND TECHNOLOGY

BAALI, F. (1969) "Agrarian reform in Iraq: some socioeconomic aspects." *Amer. J. of Economics and Sociology* 28 (January).

Reports the failures of various agrarian reform laws in Iraq due to poor construction and lack of proper enforcement.

CLARK, W. C. (1968) "The impact of mass communications in America." *Annals of the Amer. Academy of Pol. and Social Sci.* 378 (July).

Considers the historical impact of the press, concluding that, e.g., the notoriety of certain cases masks a vast underreporting of legal procedures. This in turn may lead to abuses by unmonitored participants and distrust by the public of important institutions such as the law.

GAFFNEY, M. (1969) "Economic aspects of water resource policy." *Amer. J. of Economics and Sociology* 28 (April).

Praises the effects of formation of special service irrigation districts and condemns the riparian doctrine of water use in view of experiences of western states of America.

HARRIS, E. R., Jr. (1969) "The process of land reform in developing countries—the background and basic legal strategy." *Amer. J. of Economics and Sociology* 28 (January).

Compares policies and results of agrarian reform in Taiwan, Japan, and Bolivia.

MILLER, A. S. (1968) "Science versus law: some legal problems raised by 'Big Science'." *Buffalo Law Rev.* 17 (Spring).

Argues that modern technology is overwhelming old institutions, including the law and that only a reconsideration and change of current legal values and functions will preserve the legal institution and society.

PYUN, C. S. (1969) "The monetary value of a housewife: an economic analysis for use in litigation." *Amer. J. of Economics and Sociology* 28 (July).

Attempts to provide an instrument for congealing expert economic testimony in relevant tort cases, and, perhaps also, the beginning of forensic economics.

SHAPIRO, B. J. (1969) "Law and Science in Seventeenth Century England." *Stanford Law Rev.* 21 (April).

Maintains that science has affected legal thinking to a great extent, that lawyers in general—rather than specialists—should be aware of its current impact.

SMITH, A. K., Jr. (1969) "Socio-economic development and political democracy: a causal analysis." *Midwest J. of Pol. Sci.* 13 (February).

Uses mathematical correlation techniques to discuss association between education, urbanization, communications, and democratic development. Concludes that by using unstandardized measures of association, broad, predictive models of development may become possible.

(17) FOLK AND NATIVE LAW

(18) INTERNATIONAL AND COMPARATIVE LAW

GORMLEY, W. P. (1968) "The use of public opinion and reporting devices to achieve world law: adoption of ILO practices by the UN." *Albany Law Rev.* 32 (Winter).

Calls for international law based on multilateral treaties, backed by a system of third-party adjudication which would provide sanction through public opinion.

HAZARD, J. N. (1967) "Mali's socialism and the Soviet legal model." *Yale Univ. Law J.* 77 (November).

Concludes that adopting the codes and structures of a leading power does not insure that a developing nation will lose its autonomy.

MUNK, B. (1969) "The welfare costs of content protection: the automotive industry in Latin America." *J. of Pol. Economy* 77 (January/February).

Developing nations sometimes regulate the percentage and source of manufacturing parts, e.g., to insure increased job training of nationals. An estimate is made of the "tax" paid by several countries for welfare benefits.

NASH, G. W. (1968) "Rumanian contracts of delivery: a comparative analysis." *Buffalo Law Rev.* 17 (Winter).

Examines the meaning of one type of contract in a controlled economy, and reveals considerable differences of liability and function as compared to nonsocialistic economies.

RINGER, B. A. (1968) "The role of the United States in international copyright—past, present, and future." *Georgetown Law J.* 56 (June).

After failing for many years to participate in international copyright organizations and agreements, the United States finds its interest will be served by joining; this position, however, put it into conflict with underdeveloped nations.

SCHWEITZER, C. C. (1969) "Emergency powers in the Federal Republic of Germany." *Western Pol. Q.* 22 (March).

Comparison of West German and United States emergency laws underscores the broadness as to who declares an "emergency" in the United States and when.

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