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BOOK TWO

THE ADMINISTRATION OF CRIMINAL

JUSTICE IN THE COURTS

VI. THE CRIMINAL JUSTICE SYSTEM

A. The Administration of Criminal Justice - General

1. This section is an amalgam of items covering more than one area of the entire spectrum of the administration of criminal justice and reform; also included are selected items on the administration of juvenile justice, police administration, the incidence of crime generally, and other areas related to but not within the subject content of this bibliography; i.e., juvenile justice, the police, the penal system, probation and parole, criminology, and corrections are subjects not within the orbit of this bibliography.

ABA Minimum Standards for Criminal Justice -- a student symposium.
La L Rev 33:541-612 (1973).

Why the ABA Standards, by Justice Tom Clark, discusses the implementation of the Standards throughout the nation; students discuss the Standards generally, with particular reference to implementation in Louisiana.

3197

ALLEN, F.A. The borderland of criminal justice: essays in law and criminology. Chicago, Univ Chicago press, 1964. 139 p.
Seven of the author's essays with a common theme: delineation of the scope of the criminal law in light of our experience with criminal sanctions and the development of social sciences. Contents: Legal values and the rehabilitative ideal--Juvenile court and the limits of juvenile justice--Garofalo's criminology and some modern problems--Reflections on hanging--Criminal responsibility and the Model Penal Code--Criminal law and the future.

3198

AMERICAN Academy of Political and Social Science. Combating crime; ed. by L.E. Ohlin and H.S. Ruth, Jr. Annals 374:1-169 (1967).

Selected contents: McIntyre, J. Public attitudes toward crime and law enforcement.--Reiss, A.J. Jr., Black, D.D. Interrogation and the criminal process.--Terry, B.J. The role of the police.--Rosett, A. The

negotiated guilty plea.--Blumstein, A. Systems analysis and the criminal justice system.--Gardiner, J.A. Public attitudes toward gambling and corruption. 3199

AMERICAN Academy of Political and Social Science, Philadelphia. The future of corrections, ed. by J.P. Conrad. Annals 381:1-171 (1969).

Contents: Conrad, J.P. Introduction.--McGee, R.A. What's past is prologue.--Platt, A. The rise of the child-saving movement: a study in social policy and correctional reform. I. Programs: Turner, M. The lessons of Norman House.--Warren, M.Q. The case for differential treatment of delinquents.--Luger, M. Innovations in the treatment of juvenile offenders.--Burdman, M. Realism in community-based correctional services. II. New administrative forms: Moeller, H.G. The continuum of corrections.--Bradley, H.B. Designing for change: problems of planned innovation in corrections.--O'Leary, V. Some directions for citizen involvement in corrections. III. Special problems: Mattick, H.W., Aikman, A.B. The cloacal region of American corrections.--Wolfgang, M.E. Corrections and the violent offender. IV. Research: Wilkins, L.T., Gitchoff, T. Trends and projections in social control systems.--Morris, N., Zimring, F. Deterrence and corrections.--Crowther, C. Crimes, penalties, and legislatures. 3200

AMERICAN Assembly. Ombudsman for American Government? ed. by S.V. Anderson. Englewood Cliffs, N.J., Prentice-Hall, 1968. 188 p.

Contents: Anderson, S.V. Introduction.--Rowat, D.C. The spread of the ombudsman idea.--Gwyn, W.B. Transferring the ombudsman.--Moore, J.E. State government and the ombudsman.--Angus, W.H., Kaplan, M. The ombudsman and local government.--Anderson, S.V. Proposals and politics.--Gellhorn, W. Annotated model ombudsman statute. 8-p. bibliography. 3201

AMERICAN Bar Association Project on Standards for Criminal Justice. Standards relating to the administration of criminal justice; compilation with index. N.Y., IJA, 1974. 641 p.

R.A.Green, proj. dir. Text of each of the 17 Standards, as approved and published in its original separate edition [see items 3203a to 3203r], including introductions, but without commentary and supporting material. Newly added are: cross-references to related sections of the other Standards; citations, limited to "a few Supreme Court decisions of constitutional dimension" that might affect a Standard; and the comprehensive, 152-p. index. Appendices on the committees involved give history and personnel of the project. 3202

AMERICAN Bar Association. Project on Standards for Criminal Justice. [Originally called Project on Minimum Standards for Criminal Justice] Institute of Judicial Administration, Secretariat. J.E. Lumbard, chair., 1967-68, W.E. Burger, 1968-69, W.J. Jameson thereafter. R.A. Green, proj. dir. N.Y., IJA, 1966-73. 17 v. 3203

Standards are (grouped by author-committee):

Advisory Committee on the Criminal Trial. W.V. Schaefer, chair.; W.R. LaFave, repr.

Standards relating to joinder and severance. Tent. draft, Nov. 1967. 68 p. Amendments Sep. 1968. 5 p. App'd Aug. 1968. 3203a

Standards relating to pleas of guilty. Tent. draft, Feb. 1967. 78 p. Prop'd rev., Dec. 1967. 5 p. (Reprinted as Supp., Mar. 1968). App'd Feb. 1968. (see item 3601) 3203b

Standards relating to speedy trial. Tent. draft, May 1967. 56 p. App'd Feb. 1968. (see item 4157) 3203c

Standards relating to trial by jury. Tent. draft, May 1968. 180 p. Amendments, Supp. Sep. 1968. 5 p. App'd Aug. 1968. (see item 2512) 3203d

Advisory Committee on Fair Trial and Free Press. P.C. Reardon, chair.; D.L. Shapiro, repr.

Standards relating to fair trial and free press. Tent. draft, Dec. 1966. 265 p. Rev. of tent. draft, July 1967. 36 p. Prop'd final draft, Dec. 1967. 36 p. App'd draft, Mar. 1968. 36 p. App'd Feb. 1968. (see item 4066) 3203e

Advisory Committee on Judge's Function. F.J. Murray, chair.; T.J. O'Toole, repr.

Standards relating to the judge's role in dealing with trial disruptions (an advance report of part of Standards relating to the function of the trial judge). May 1971. 22 p. App'd July 1971, with revisions. (see item 3960) 3203f

Standards relating to the function of the trial judge. Tent draft, June 1972. 103 p. App'd Aug. 1972. [Includes Standards relating to the judge's role in dealing with trial disruptions, as approved] (see item 3959) 3203g

Advisory Committee on the Police Function. R.B. Austin, chair.; G.R. Blakey, repr.

Standards relating to electronic surveillance. Tent. draft, June 1968. 250 p. Prop'd final draft, Feb. 1971. 27 p. App'd

Feb. 8, 1971. Supp., app'd draft, Mar. 1971. 30 p. (see item 4537) 3203h

Standards relating to the police function. Tent. draft, Mar. 1972. 303 p. [App'd with amendments, Feb. 1973] (see item 3416) 3203i

Advisory Committee on Pretrial Proceedings. A.P. Murrah, chair.

Standards relating to discovery and procedure before trial. D.G. Gibbens, repr. Tent. draft, May 1969. 167 p. Supp. Oct. 1970. 8 p. App'd Aug. 1970. (see item 3641) 3203j

Standards relating to pretrial release. C.E. Ares, repr. Tent. draft, Mar. 1968. 88 p. Amendments, Supp. Sep. 1968. 5 p. App'd Aug. 1968. (see item 3531) 3203k

Advisory Committee on the Prosecution and Defense Function. W.E. Burger, chair., 1964-69, W.F. Rogosheske, thereafter; L.J. Mazor, repr.

Standards relating to the prosecution function and the defense function. Tent. draft, Mar. 1970. 327 p. Supp. Mar. 1971. 21 p. App'd Feb. 1971. (see item 3692) 3203L

Standards relating to providing defense services. Tent. draft, June 1967. 85 p. App'd Feb. 1968. (see item 3786) 3203m

Advisory Committee on Sentencing and Review. S.E. Sobeloff, chair.

Standards relating to appellate review of sentences. P.W. Low, repr. Tent. draft, Apr. 1967. 160 p. Amendments Dec. 1967. 5 p. Amendments, Supp., Mar. 1968, 5 p. App'd Feb. 1968. (see item 4478) 3203n

Standards relating to criminal appeals. C.R. Reitz, repr. Tent. draft, Mar. 1969. 109 p. Amendments, Supp. Oct. 1970. 7 p. App'd Aug. 1970. (see item 4537) 3203o

Standards relating to post-conviction remedies. C.R. Reitz, repr. Tent. draft, Jan. 1967. 123 p. App'd Feb. 1968. (see item 4564) 3203p

Standards relating to probation. H.S. Miller, repr. Tent. draft, Feb. 1970. 110 p. App'd Aug. 1970. 3203q

Standards relating to sentencing alternatives and procedures. P.W. Low, repr. Tent. draft., Dec. 1967. 345 p. Amendments, Sep. 1968. 9 p. App'd Aug. 1968. (see item 4319) 3203r

AMERICAN Bar Association Section of Criminal Justice. Comparative analysis of standards and goals of the National Advisory Commission on Criminal Justice Standards and Goals with standards for criminal justice of the American Bar Association. Washington, 1973. 594 p. Consists of black letter texts arranged side by side with comment, usually confined to "Consistent in principle," or "Inconsistent..." Preface by J.G. Day, Section chair., reviews both projects. 3204

AMERICAN Bar Association Section of Criminal Law. Criminal case in England: from arrest through appeal. Am Crim L Rev 10:261-331 (1971). Section chair: S. Dash. Edited transcript of proceedings and panel discussion involving American and English participants that took place during the annual meeting of the ABA in London, 1971. 3205

AMERICAN Bar Association Section of Criminal Law. Report of Pilot Study Committee on Minimum Standards for Criminal Justice. Chicago, 1964. 13 p. The scope and purpose of the project to formulate minimum standards are described and methods of operation, organization and budget are recommended. 3206

AMERICAN Bar Association Section of Criminal Law Committee to Implement Standards of Criminal Justice.

Following are some of the comparisons of the Standards with individual state law, prepared as part of the Project's implementation phase. They are arranged alphabetically by state.

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Alabama law, rules and legal practice. Birmingham, 1975. 348 p. 3207

CRIMINAL procedure: a survey of Arkansas law and the American Bar Association's Standards. Ark L Rev 26:169-208 (1972). 3208

COMPARATIVE analysis of American Bar Association Minimum standards for criminal justice with California law, prep. for the Judicial Council of Calif. by its special Advisory Committee, M. M. Marcus, chair. Sacramento, 1974. 459 p. 3209

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Connecticut law, rules, and practice, prep. by Junior Bar Section, Conn. Bar Assn. Hartford, 1973. 1 v., var. pag. 3210

COMPARATIVE analysis of nine approved American Bar Association Standards for the administration of criminal justice with Florida statutory law, court rules, and legal practice, by the Spessard L. Holland Law Center (U. of Fla.) and the State Committee for

Implementation of the Standards for Criminal Justice. Jackson, 1970. 136 p. 3211

AMERICAN Bar Association Standards for the administration of criminal justice: Illinois compliance, by S.A. Schiller. Chicago, Chi B Assn, 1974. 444 p. 3212

COMPARATIVE study of ABA Standards of criminal justice with present Indiana law and the proposed code of criminal procedure, by C.A. Thompson and B.J. Small. Indianapolis, 1972. 745 p. 3213

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Kansas law, rules, and legal practice, by A. Hotchkiss [and others]. Topeka, 1972. 1 v., var. pag. 3214

_____. 1974 supp. Topeka, 1975.
(Consists of index, replacement pages) 3214a

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Kentucky laws, rules, and legal practice, by P.M. Hopkins [and others]. Frankfort, 1974. 255 p. 3215

REPORT and recommendations to implement the American Bar Association Standards for criminal justice, by the joint committees of Maryland Judicial Conference and Maryland State Bar Association. Annapolis, 1974. 1 v., var. pag. 3216

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Michigan laws, rules, and legal practice, by B.J. George [and others]. Lansing, 1972. 1 v., var. pag. 3217

COMPARATIVE analysis of American Bar Association standards for criminal justice with Minnesota laws, rules, and legal practice, by J.M. Livermore, D.L. Graven, and W. Danforth. St. Paul, 1971. 207 p. 3218

COMPARATIVE analysis of American Bar Association Standards for the administration of criminal justice with Mississippi law, by M. Featherstone, D. Raines. Jackson, 1973. 310 p. 3219

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Missouri laws, rules, and legal practice, by R. Popper, J. Scurlock [and others]. Kansas City, 1971. 209 p. 3220

COMPARATIVE analysis of sixteen approved American Bar Association Standards for the administration of criminal justice with New Jersey statutory law, court rules, and case law, by R. Knowlton. Trenton, 1972. 1 v., var. pag. 3221

COMPARATIVE analysis of American Bar Association Standards for criminal justice with New York state law, rules, and legal practice, by B.C. Agata. N.Y., 1972. 219 p. 3222

COMPARATIVE analysis of American Bar Association Standards for criminal justice with North Dakota law, rules, and practice, by L. Kraft [and others]. Bismarck, 1973. 1 v., var. pag. 3223

COMPARATIVE analysis of American Bar Association Standards for criminal justice with South Carolina law, rules, and practice, and with the proposed Code for South Carolina Criminal Procedure, R.C. McCollough, II [and others]; J. Thames, reptr. Columbia, U of S.C. Law Center, 1974. 667 p. 3224

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Tennessee laws, rules, and legal practice. J.A. Moore, proj. dir. Memphis, Memphis State U School of Law, 1974. 1 v., var. pag. 3225

COMPARATIVE analysis of American Bar Association Standards for criminal justice with Virginia laws, rules, and legal practice, by R.E. Walck, T.A. Collins, and T.J. Sullivan. Richmond, 1973. 1 v., var. pag. 3226

COMPARATIVE analysis of ABA Standards for criminal justice with Washington law, rules, and legal practice, by D.L. Chisum, J.M. Junker, and F. Smith. Seattle, 1972. 516 p. 3227

AMERICAN Bar Association Section of Judicial Administration Special Committee on Crime Prevention and Control. Citizens against crime; a crime prevention program for state and local bar associations. Chicago, 1968. 23 p.

Booklet outlining organization of citizens groups; describing first project; lists future projects. 3228

AMERICAN Bar Association's impact on the Organized Crime Control Act of 1970. Am Crim L Q 9:1-184 (1970).

With an introduction by Samuel Dash, chair., almost the entire issue is devoted to data regarding the ABA's impact upon the Act as finally passed, including ABA report and testimony of its representatives. Act itself is presented. 3229

AMERICAN Bar Foundation Administration of criminal justice series. DAWSON, R.O. Sentencing: the decision as to type, length, and conditions of sentence. 1969. (item 4346)

LAFAVE, W.R. Arrest: the decision to take a suspect into custody. 1965. (item 3438)

MILLER, F.W. Prosecution: the decision to charge a suspect with a crime. 1969 (item 3715)

NEWMAN, D.J. Conviction: the determination of guilt or innocence without trial. 1966. (item 3622)

TIFFANY, L.P. Detection of crime: stopping and questioning, search and seizure, encouragement and entrapment. 1967. 3230

AMERICAN Bar Foundation. Law enforcement in the metropolis; a working paper on the criminal law system in Detroit, ed. by D.M. McIntyre, Jr. Chicago, A B Found, 1967. 234 p.

A description covering detection and identification, arrest, charging, adjudication, disposition, probation, parole, pardon, and commutation of sentence, and the supervision and revocation of parole. The research material consisted of accounts of observations and supplemental interviews by ten field researchers; data were then reviewed and categorized by a supervisory staff with the objective of presenting a complete picture of law enforcement in one locale. (For five reports based on this and further research material, see item 3230.) 3231

AMERICAN Enterprise Institute for Public Policy Research. The economics of crime and punishment. Washington, Amer Enterprise Inst., 1973. 232 p.

A collection of essays expressing an economic approach to criminal behavior by a panel primarily composed of economists. Economic tools and methods are applied to determine criminal motives, deterrence of punishment, and viability of organized crime. Gives an overview of English and Continental criminal systems with analyses through economist's perspective. 3232

AMERICAN Friends Service Committee. Struggle for justice, a report on crime and punishment in America. N.Y., Hill & Wang, 1971. 179 p.

1. The nature of the problem. 2. Crime and punishment. 3. Fallacy of individualized treatment model. 4. General pertinence. 5. Crime prevention. 6. Crime of treatment. 7. Repressive functions of the criminal justice system. 8. Discretion. 9. Proper role of criminal law. Bibliography. 3233

ASHFORD, H.A. and RISINGER, D.M. Presumptions, assumptions, and due process in criminal cases: a theoretical overview. Yale L J 79:165-208 (1969).

Constitutional tests used to evaluate presumptive language contain serious flaws in both civil and criminal cases; leading cases examined to demonstrate how legal devices based on presumptions infringe on constitutional rights of criminal defendants. Suggests standards for presumptions that insure constitutionality of guilt-determining process and due process; ALI Model

Penal Code presumptions analyzed; problems of wording in criminal statutes demonstrated; assumptions defined and distinguished. 3234

AUERBACH, Associates, Inc. Criminal justice glossary. Draft II. Philadelphia, 1973. 367 p.

Definitions of criminal justice terms commonly used in criminal courts; App. A: courts by name in each state; bibliography. Work done under LEAA grant; objective is to unify criminal justice terms - first step in collection of uniform statistics. 3235

BARRETT, E., Jr. Criminal justice; the problem of mass production. In American Assembly. The courts, the public, and the law explosion, H. Jones, ed. Englewood Cliffs, N.J., Prentice-Hall, 1965. p. 85-123.

Realities of criminal justice in lower trial courts; in presenting a rundown of the system, Dean Barrett stresses workload of each component of the system and how it is processed (mass production) using California courts as example. Suggests basic reforms to upgrade these courts, improve their financing, and reduce workload through civil penalties. 3236

BAZELON, D.L. Adversary process; who needs it? 12th James Madison lecture delivered at New York University, April 21, 1971.

Published under various titles: New gods for old; efficient courts in a democratic society. NYU L Rev 46: 653-74 (1971) (see item 3238); excerpts as: Benefits of judicial efficiency may have been oversold. Crim. Justice Newsletter 2:66, 72 (1971); Speed-up in courts is no cure-all for crime. Cong. Rec. 117:13398-9 (1971). 3237

BAZELON, D.L. New gods for old: efficient courts in a democratic society. NYU L Rev 46:653-74 (1971). (James Madison lect. 12)

Judge Bazelon criticizes "speedy conviction of criminals" as an end-all. If "increased judicial efficiency" means courts giving cursory examination of responses to problems generated by criminal behavior, Judge Bazelon does not approve. He enlarges on his ideas as to the "judicial function" stressing the need to "force into high public visibility the actions that are taken by all official and unofficial participants in the criminal process, and the justification of those actions." He describes the progress of courts in attempting to devise a scientific test for the insanity defense to illustrate that more time is needed today rather than less. "The way towards efficiency in the courts is not to short-cut judicial procedures in order to dispose of more cases in less time...the way to make courts more efficient is to deal with the

factors that cause people to commit their crimes." He then proceeds to attack ABA proposals based on English criminal practices that deprive rather than protect criminal defendant's rights particularly in appellate procedure, and discusses shortcomings of the criminal justice system in many areas, including plea bargaining. In conclusion, he remarks that the judicial process is at its core fundamentally inefficient. There are problems the courts cannot solve, but they can take a close look to bring out hidden factors to assure that responsible agencies are dealing with the problem. He cautions against eliminating this judicial function of bringing out hidden factors "on the altar of the Great God Efficiency." (see also item 3237)

3238

BAZELON, D.L. The future of reform in the administration of justice. FRD 35:99-114 (1964). (Edward D. White lectures in law) Thesis is that the criminal law should "abandon myth of total individual responsibility and adapt to realities of scientific and psychiatric knowledge"; discusses standards for the insanity defense and social causation of crimes of violence and theories of deterrence. The common law is flexible and can provide tools to adapt itself to new scientific and psychiatric knowledge.

3239

BEDAU, H.A., ed. The death penalty in America: an anthology. Garden City, N.Y., Doubleday, 1964. 598 p. A comprehensive collection of information surrounding capital punishment by a philosophy professor beginning with an examination of capital crimes. Some topics covered are arguments for and against the death penalty, a survey of public reaction to the problem, and several case histories. 11-p bibliography.

3240

BELL, D.A., Jr. Racism in American courts: cause for black disruption or despair? Calif L Rev 61:165-203 (1973). Law professor cites, among others, study by President's Crime Commission on conditions in the criminal courts as supportive of his charge of racism. He discusses the effect of racism on black people in general, and black lawyers or law students, in particular.

3241

BILEK, A.J. America's criminal justice system - a diagnosis and prognosis. In Change process in criminal justice...papers presented at 4th National Symposium on Law Enforcement Science and Technology, 1972. Washington, USGPO, 1973. (Crim. Jus. Monographs) p. 85-110. Discusses the limitations of the criminal justice system as to its deterrent effect and impact on causes of crime; suggests the proper role for an effective criminal justice system and why the present system is not fulfilling its role, including lack of coordination

between branches of government, fragmentation of responsibilities, and misplaced priorities leading to overcriminalization; offers suggestions for planning, improving law enforcement, correctional priorities, the prosecutorial function, and the courts. 3242

BOTEIN, B. Our cities burn while we play cops and robbers. N.Y., Simon & Schuster, 1972. 192 p.

After commenting on dearth of information as to causes of crime and lack of action to remedy, former presiding judge presents short-range program to cope with crime in the streets. Makes recommendations to strengthen police, the courts, correction. 3243

BRATTON, H.C. Standards for the administration of criminal justice. Natural Resources J 10:127-36 (1970).

History and current status of the ABA Project on Standards for Administration of Criminal Justice discussed by U.S. District Court judge; comments on judicial attention to Standards, citing cases. 3244

BREITEL, C.D. Criminal law and equal justice. Utah L Rev 1966: 1-19.

Judge Breitel considers the question of equality of treatment of the poor and rich before the criminal law, particularly with respect to police power to stop and frisk and to conduct interrogations. 3245

BROWNELL, H. Crime and the courts, speech at Appellate Judges Conference, San Francisco, Aug. 11, 1972. N.Y., 1972. 18 p.

Former United States Attorney General asserts that in order for the criminal justice system to function effectively, it must be coordinated and well-financed. He discusses two programs for court administrative improvement: the establishment of the Institute for Court Management to train court administrators and the development of court rules and security arrangements for dealing with disruptive criminal trials. 3246

BURGER, W.E. For whom the bell tolls; remarks...Association of the Bar of the City of New York, Feb. 17, 1970. Washington, 1970. 17 p.

Chief Justice Burger reminds his audience that the purposes of any system of justice are to protect society and correct the wrongdoer, and he criticizes us for having failed to develop an effective system of correction and rehabilitation. He deplores prison conditions and stresses the need for change. 3247

BURGER, W.E. New Chief Justice's philosophy of law in America. NYSB J 41:454-79 (1969).

Included because this address categorically defines author's criticism of our system of criminal justice; it is suggested these ideas "weighed heavily" in his

selection as Chief Justice.

3248

BURGER, W.E. Proposal: a national conference on correctional problems. [Speech] Aug. 11, 1969, Dallas, Tex. Washington, 1969. 8 p.

Calls for the ABA to initiate an examination of the penal-correctional system similar in scope to the ABA's criminal justice project.

3249

BURGER, W.E. Remarks ... at the prayer breakfast, ABA meeting, St. Louis, Aug. 9, 1970. Washington, 1970. 4 p.

Discusses the responsibility of the bench and bar to strengthen the judicial system and reform our correctional institutions.

3250

CASPER, J.D. American criminal justice, the defendant's perspective. Englewood Cliffs, N.J., Prentice-Hall, 1972. 178 p.

Interviews of seventy-one Connecticut defendants; their attitudes toward arrest, police, plea bargaining, prosecutors, judges and defense counsel; discussion of the causes of crime.

3251

CASPER, J.D. Criminal justice: the consumer's perspective. Washington, USGPO, 1972. 62 p.

The following areas in the American criminal justice system are examined from the viewpoint of the defendant: 1) arrest and plea-bargaining; 2) his perception of his attorney, the prosecutor, the judge, and his sentence; 3) his notions of the law and the causes of deviate behavior. Based on interviews with 71 accused felons in Connecticut, author concludes that defendant's perception of the judge as indifferent is a major failure of the system.

3252

CHRISTIE, G.C. and PYE, K.A. Presumptions and assumptions in the criminal law: another view. Duke L J 1970:919-42.

High standards of proof imposed by U.S. Supreme Court, together with expanded notions of congressional power, have considerably reduced importance of presumption in state courts. Examines, among other areas of criminal justice, cases regarding presumptions involved in acceptance by court of guilty plea where defendant believes he is innocent. ABA Standards discussed. Attacks Ashford and Risinger's theory (see item 3234) as ignoring realities and dynamics of criminal process, leading to misguided trial tactics. "Meaningful reform will not be accomplished, however, by excessive pre-occupation with formal requirements divorced from the concrete realities of the legal process." Article is extensive analysis of presumptions, statutory and other, in many areas of criminal justice.

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