

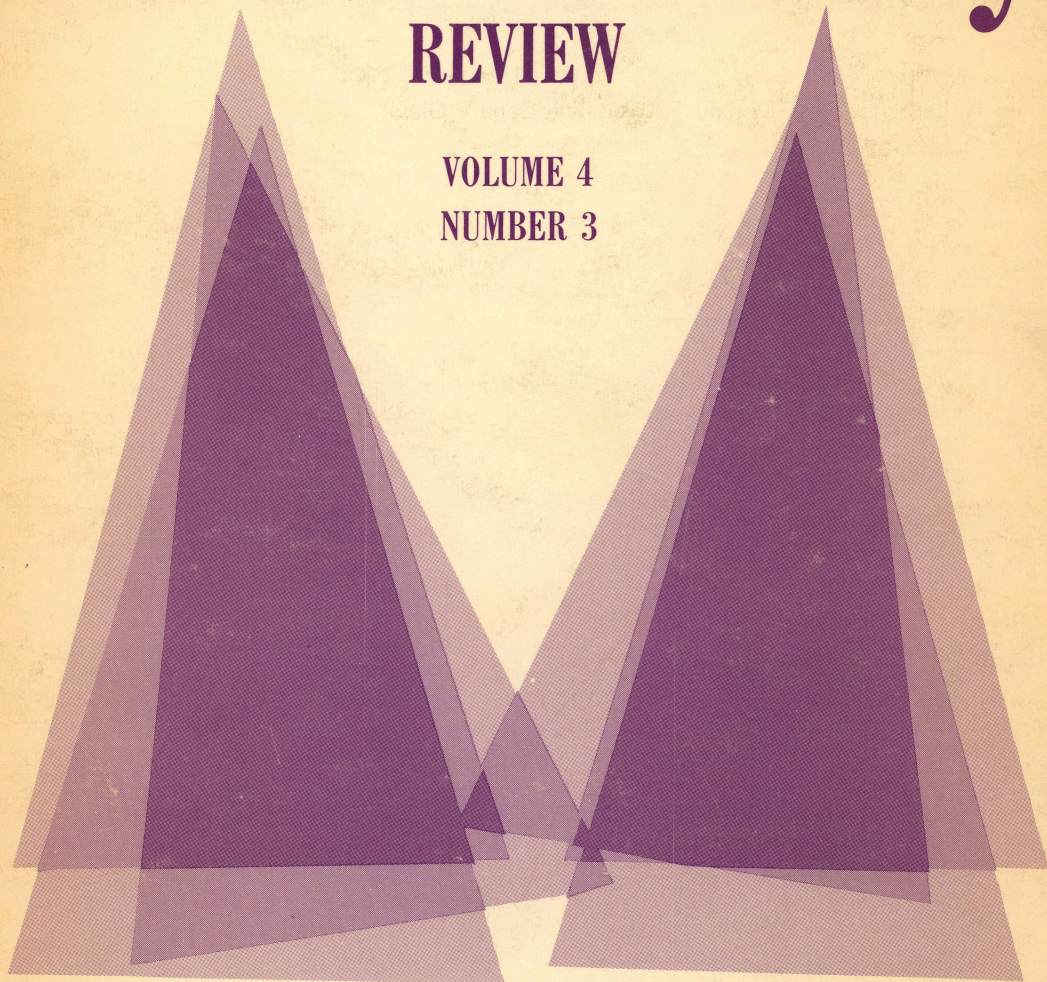
FEBRUARY 1970

Law & Society

REVIEW

VOLUME 4

NUMBER 3



PUBLISHED BY SAGE PUBLICATIONS for the LAW AND SOCIETY ASSOCIATION

Law & Society

REVIEW

POLICY

The *Law & Society Review* welcomes articles and research notes by lawyers, social scientists, and other scholars which bear on the relationship between law and the social sciences. The *Review* is published by the Law and Society Association, a nationwide group, drawn primarily from the legal and social science professions, whose purpose is the stimulation and support of research and teaching on political, social, and economic aspects of the law.

MANUSCRIPTS

All manuscripts should be prepared in double-spaced typescript with ample (1½ inch) margins. Footnotes should also be double spaced, numbered sequentially, and appended to the end of the article.

All editorial material should be sent to

Samuel Krislov, Editor
Department of Political Science
University of Minnesota
Minneapolis, Minnesota 55455

MEMBERSHIPS

Members of the Law and Society Association receive the *Review* as a perquisite of membership. Dues in the Association are:

Student (non-voting)	\$5.00
Regular	7.00
Joint (husband and wife)	8.00

For the philanthropically inclined, the Association offers the following memberships:

Sustaining	15.00
Contributing	25.00
Corporate	100.00

Membership in the Association may be obtained by writing Miss Ann Wallace, Law and Society Association, Social Science Building, University of Wisconsin, Madison, Wisconsin 53706.

FREQUENCY AND SUBSCRIPTIONS

The *Review* appears quarterly—August, November, February, and May. Volume I was published in two issues: November 1966 and June 1967. Volume II consisted of three issues: November 1967, February and May 1968.

Subscriptions may be entered on either a calendar year or a volume basis. Future volumes will consist of approximately 640 pages (plus index). Nonmember and institutional rates for a one-year (quarterly publication) subscription are \$10.00 (individual); \$15.00 (institutional); and \$16.00 (outside the U.S.). Special two- and three-year rates are available on request. *Single copies* may be obtained from the publisher at \$4.00 each; *Back issues* (Volume I) at \$5.00 each.

Institutional or nonmember subscriptions and other business communications should be directed to: Sage Publications, Inc., 275 South Beverly Drive, Beverly Hills, California 90212.

Law & Society

REVIEW

VOLUME 4 NUMBER 3 / FEBRUARY 1970

CONTENTS

President's Message	
ROBERT B. YEGGE	327
About the Authors	329
The Decision to Prosecute	
GEORGE F. COLE	331
Jury Research in America: <i>Its Past and Future</i>	
HOWARD S. ERLANGER	345
Judicial Role in a Nonjudicial Setting: <i>Some Survey Evidence</i>	
JOHN SPRAGUE	
ELMER E. CORNWELL, JR.	
JAY S. GOODMAN	371
Functional Psychosis and Witchcraft Fears: <i>Excuses to Criminal Responsibility in East Africa</i>	
LUTAPIMWA L. KATO	385
Automakers and Dealers: <i>A Study of Criminogenic Market Forces</i>	
WILLIAM N. LEONARD	
MARVIN GLENN WEBER	407
The Lawyer in the Executive Branch of Government	
ANDREW C. MAYER	425
States and the Nation: <i>State Cohorts and Amendment Clusters in the Process of Federal Constitutional Amendment in the United States, 1869-1931</i>	
EDWARD T. SILVA	445

Law & Society REVIEW

Editor-in-Chief: Samuel Krislov

Associate Editors: Carl A. Auerbach, May Brodbeck, E. Adamson Hoebel, Paul E. Meehl

Student Editors: Keith O. Boyum, Jerry N. Clark, Fay G. Cohen, Paul Lermack, Amos O. Odenyo, Dan Polsby, Joseph Price, Roger Schaefer

Editorial

Assistants: Steve Brand, Julian Libman, Bonnie Lorber

EDITORIAL ADVISORY BOARD:

Robert R. Alford, *University of Wisconsin*
Harry V. Ball, *University of Hawaii*
William Beaney, *Princeton University*
Paul J. Bohannan, *Northwestern University*
Jerome A. Cohen, *Harvard University*
Bernard S. Cohn, *University of Chicago*
David J. Danelski, *Yale University*
Lon L. Fuller, *Harvard University*
Abraham S. Goldstein, *Yale University*
Geoffrey C. Hazard, Jr., *University of Chicago*
J. Willard Hurst, *University of Wisconsin*

Iredell Jenkins, *University of Alabama*
Laura Nader, *University of California, Berkeley*
Stuart Nagel, *University of Illinois*
John T. Noonan, *University of California, Berkeley*
Maurice Rosenberg, *Columbia University*
Philip Selznick, *University of California, Berkeley*
Jerome H. Skolnick, *University of Chicago*
Richard C. Snyder, *University of California, Irvine*
Andrew S. Watson, *University of Michigan*
Robert B. Yegge, *University of Denver*

LAW AND SOCIETY ASSOCIATION, OFFICERS:

PRESIDENT: Robert B. Yegge, *College of Law, University of Denver*

VICE-PRESIDENT: Richard D. Schwartz, *Sociology, Northwestern University*

SECRETARY-TREASURER: Jack Ladinsky, *Sociology, University of Wisconsin (Madison)*

EDITOR, *Law & Society Review*: Samuel Krislov, *Political Science, University of Minnesota*

Board of Trustees (in addition to officers):

Harry V. Ball, *Sociology, University of Hawaii*
Edgar Cahn, *Suite 24, 1500 Massachusetts Avenue, Washington, D.C.*

David Caplovitz, *Sociology, Columbia University*
Alfred F. Conard, *Law School, University of Michigan*

Leonard S. Cottrell, *Sociology, University of North Carolina*

David Danelski, *Political Science, Yale University*
Lawrence M. Friedman, *Law School, Stanford University*

Allan G. Gruchy, *Economics, University of Maryland*

Geoffrey C. Hazard, Jr., *Law School, University of Chicago, and American Bar Foundation*

Herbert Jacob, *Political Science, University of Wisconsin (Madison)*

Charles D. Kelso, *Indianapolis Law School, Indiana University*

Klaus Koch, *Anthropology, Harvard University*
Leonard Levy, *History, Brandeis University*
Brendan Maher, *Psychology, Brandeis University*
Mark S. Massel, *3306 Fessenden Street, N.W., Washington, D.C.*

Sheldon L. Messinger, *Center for the Study of Law and Society, University of California, Berkeley*
Laura Nader, *Anthropology, University of California, Berkeley*

Maurice Rosenberg, *Law School, Columbia University*

Martin Shapiro, *Political Science, University of California, Irvine*

Stanton Wheeler, *Law School, Yale University, and Russel Sage Foundation*

EXECUTIVE SECRETARY: (Miss) Ann Wallace, *The Law and Society Association, Social Science Building, University of Wisconsin, Madison, Wisconsin 53706*

The *Law and Society Review* is published under a grant from the Russell Sage Foundation for the Law and Society Association by Sage Publications, Inc. Copyright © 1970 by the Law and Society Association.