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Anacostia Suit Continues Despite ULI Severance

by James Coleman

The Anacostia Suit, perhaps one of the most important pieces of litigation for the Washington community, will continue despite the ULI severance. In recent weeks rumors have been circulating within the Washington black community to the effect that if the Urban Law Institute is severed from the University, the suit would be dropped. The suit deals with public services and programs in the Anacostia area of Washington.

In a telephone interview with Mr. B. Leverich, an associate of Covington and Burling, Mr. Leverich stated that the prestigious law firm would continue to litigate the suit despite the results of the current GW–ULI battle. Mr. Leverich did state, however, that attorneys from ULI, notably J. Kirkwood White, Robert Brown, and Steven Shatzow, along with others, had been central figures in the instituting of the suit and their loss would be deeply felt on the legal staff litigating the suit.

The suit has been filed by three legal units representing the Anacostia Community. Covington and Burling, NLSP, and ULI are all signers of the pleadings filed recently. The suit deals with the equalization of public services within the City of Washington by comparing those performed in Anacostia with those available in the Northwest section of the city above Rock Creek Park.

The Advocate has determined through interviews with other "public interest law firms" that there is a good chance that if the Urban Law Institute were to be dropped and not refunded, that other public law organizations might step in to help fill the obvious gaps, should the ULI attorneys not be able to continue on the suit.

In This Issue:

Steve Atkinson, above, has written an article on the constitutionality of helmet laws. See story, p. 6.

High Schools & The 1st Amendment

by Richard Arfa

Traditionally the courts have left the regulation of student conduct, including the content and dissemination of student publications, to the appropriate school authorities. However, the turmoil that now exists in our educational system has given the judicial system an opportunity to re-evaluate the inter-relationships between teachers, administrators, students and the law. The landmark decision of Tinker v. Des Moines Independent School District, 393 U.S. 503, laid the foundation whereby the traditional authoritarian educational system could be successfully attacked when certain constitutional rights of students were violated.

The Tinker decision held that students who chose to express their dissatisfaction with the Vietnam War through the wearing of black arm bands in the school was constitutionally protected activity under the First Amendment. However, the thrust of the opinion can and has been extended to protect student press rights as coming under the protection of the First Amendment. The opinion in Tinker strikes out at the authoritarian approach and demands that students be able to disseminate various views.

"School authorities do not possess absolute authority over their students. Students in school are 'persons' under our Constitution. They are possessed of fundamental rights which the state must respect. . . In our system, students may not be regarded as close-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments which are officially approved. . . . (S)tudents are entitled to freedom of expression of their views."

The Tinker court held that a particular mode of expression can be curtailed only if there are present "facts which might reasonably have led school authorities to forecase a substantial disruption of, or a material interference with school activities." Lower court decisions subsequent to Tinker have extended the principles of that case to underground newspapers and the right of access to the official school newspaper (See Scoville v. Bd. of Education of Juliet Township School 201,425 F 2d 10 (7th Cir, 1970), Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (S.D. Tex. 1970), and Zucker V. Panitz, 299 F. Supp. 102 (S.D. N.Y., 1969).

(See ARFA. p. 2)

Carlson's Replacement: Unreconstructed Idealist

by John Cleland

Russell B. Stevenson, Jr., 29 year old cum laude graduate of Harvard Law School, has been recommended by the law school faculty to fill the position opened as a result of the resignation of C. Kent Carlson.

He will teach corporation and an as yet undetermined second course, holding the rank of associate professor.

Stevenson, in an interview this week, described himself as an "unreconstructed idealist." Asked how that idealism would be translated into his teaching method, he said "teachers have a very definite responsibility to make students aware of the social implication of issues they are dealing with.

"It is the responsibility of the teacher to ask questions," he said, "but not his responsibility to answer them. If the teaching job is done well the students can arrive at their own answers. If they all arrive at the same answers then the job has been done poorly."

He said his corporations course would basically follow the "traditional structure," however, in addition to looking at corporations from the corporate viewpoint they would be studied from the perspective of "society or government trying to control corporations.

"Too often," he continued, "in legal education 'relevance' means you don't have to take corporations. That is a rather poorly thought out attitude. We should recognize corporations for the power centers they are and make them serve social ends. To do that we have to study and understand them."

He said he "wanted to spend some time looking at new teaching techniques. TV, movies and computers are being used in secondary and college education but they haven't made much headway in legal education. Maybe the material is not adaptable, but it is worth looking into."

Stevenson graduated first in his class at Baltimore Polytechnic Institute, then went to Cornell University where he graduated with distinction with a bachelor degree in mechanical engineering.

After two years as a damage control officer in the U.S. Navy he entered Harvard Law School, graduating in 1969. Until recently he had been associated with the Washington law firm of Surrey, Karasik, Greene and Hill.

While at Harvard, Stevenson was managing Editor of the Civil Rights—Civil Liberties Law Review. Maintaining that interest, he is currently involved in two ACLU freedom-of-speech suits which grew out of anti-war activities last spring.

In the first suit he secured a temporary injunction forbidding Union Station from throwing out leafleteers. The second is a suit against the General Services Administration involving the arrest of an ordained minister who picketed in the lobby of the Internal Revenue Service building because his social security benefits were attached after he refused to pay his telephone excise tax as a war protest.

Legal Aid Charged With Discrimination

by Cynthia G. Edgars,
Ronda B. Karp,
Carol Sanders

Men may tend to believe that the women's allegations of discrimination at George Washington University's Law School are frivolous. Here is just one, hard, concrete example of the day to day hassles women confront.

Early in the semester the Legal Aid Bureau held a meeting open to *all* law students to encourage participation in their programs. One of the most popular and worthwhile activities offered is the Police Observation Program.

As a result of the Legal Aid Bureau's excellent salesmanship, a female law student applied to participate in the Police Observation Program. However, unlike her male counterparts, she never received an assignment.

Upon inquiry, a spokesman for the Legal Aid Bureau explained that women were excluded from the program. In a preliminary interview, Professor Starrs, faculty advisor of the Bureau, disclaimed knowledge of the exclusionary policy. He referred the complaint to Tom Blair, the director of the Legal Aid Bureau.

Tom Blair was aware that women were excluded from the program, but adamantly asserted that this was a rigid police policy which he had tried to correct in the past. He further said that challenging the police on this policy might well jeopardize the continuation of the program for "other" students.

Three separate departments of the police administration disavowed the existence of any such policy.

Lt. McGruder of the Policy Community Relations Program said that women were not excluded from any of the participatory programs, so women law students would necessarily not be excluded.

Captain Garner, of Chief Wilson's office, said that although women are not specifically encouraged to participate they certainly are not discouraged and cannot be excluded.

Sargeant Profater, administrative aid to the Patrol Division Commander, in response to the inquiry as to the exclusion of women said: "Who said they were excluded?" He further stated that if at all possible they prefer a woman to be accompanied by another person, male or female. He advised that the "misunderstanding" be taken up with the Legal Aid Bureau.

'Dick Schwartz of the Legal Aid Bureau of American University, stated emphatically that American University's women law students fully participated in their police observation program and have since its inception.

It appears from this inquiry that the Legal Aid Bureau has been grossly negligent or blatantly sexist. We hope that the Bureau has been a more effective advocate for its clients than it has been for the female law students.

ARFA, from p. 1

High School Freedom Essential

It is difficult to attribute any substantial societal benefit resulting from the suppression of student expression unless one desires a passive, servile and unimaginative student body. Such suppression in fact, might well be viewed as detrimental to society since it seals off an effective means of non-violent communication and thereby opens the way for more violent expressions of student beliefs. Most importantly, suppression of the student press is repugnant to the basic principles of our democracy.

The Tinker majority and many educators reject the philosophy that "children are to be seen and not heard" and realize that it is this authoritarian attitude within our traditional educational system which had led, in part, to the disrespect, demonstrations and violence found in our educational institutions today. Charles E. Silberman, a noted educator, has stated in his recent book, Crisis In the Classroom, that "secondary schools tend to be even more authoritarian and repressive than elementary schools; the values they transmit are the values of docility, passivity, conformity, and lack of trust."

The stage has now been reached where, in order to turn the students back to more accepted forms of expression of dissatisfaction, it is necessary to give them their full constitutional rights. In an education system where students are encouraged to think for themselves, accept responsibility and learn by doing, the student press can, if permitted, be a potent weapon in the arsenal of teaching tools. A freely published and distributed school paper, directed at the total school community, gives the student a chance to engage himself socially and politically with the established systems without losing his identity to them. Another advantage to the open dissemination of student publications is a very practical one—a closed system simply will not work. Within a closed system, featuring rigid control, repression, law and order and an administrative philosophy that believes it knows what is good for the student, we will find the psychosocio-educational mix for student unrest, disorder and violence.

At this time over fifty percent of those principals who were required to deal with the problem of underground papers chose to have them suppressed. It had only been within the past two years that schools have begun to react to the judicial trend toward an expansion of students' First Amendment rights.

Perhaps the best attempt to date is the New York City's Board of Education comprehensive policy of student rights. It may well serve as a model for the nations' secondary schools. Under this policy, student publications are free of any prior restraint or censorship. Publications are to reflect the judgment of the student editors. Distribution is permitted within school subject to reasonable regulations as to time, manner and place of distribution.

Those basic educational beliefs which relegated the student to the role of a passive organism, to be acted upon by the system but to remain himself inactive unless called upon to perform in a pre-determined way, are no longer professionally or constitutionally acceptable. Having torn down the "all powerful" and "all knowing" nature of the school authorities, the courts have opened the way to free discussion, out of which might arise an education system responsive to the needs and demands of all those connected with it. By extending to students their First Amendment freedoms the courts are helping to provide a peaceful outlet for student discussion. Throughout their lives young people hear this freedom espoused by their elders. If it is not extended to youth then we will surely appear to them to be a hypocritical society which refuses to grant to all what some of its members can expect as a matter of course. (The courts are aware that authoritarianism, dogma and repression lead to distrust, hate and violence. Tinker and its offspring are but a beginning.)

It is this writer's belief that education, in drawing up student press regulations should consider the following factors so as to comply with current court decisions: 1. Any form of prior restraint or censorship as a restriction on school or non-school publications bears a heavy burden of constitutional invalidity. To allow such restrictions "chills" the student First Amendment right of freedom of the press. In effect, censorship tells the student that he cannot communicate with fellow students without conforming to the standards of the administration. This denies to the student a fundamental right that is guaranteed to all other segments of society. 2. No literature can be suppressed unless there is evidence demonstrating that such literature would substantially and materially interfere with school work or discipline. Minor disturbances and inconveniences cannot justify a prohibition on student literature on school grounds.

Incidents such as crowding and discussion by students in the halls and reading of the paper in a classroom, are minor disturbances and do not warrant suppression of the paper. 3. School authorities are only allowed to make reasonable restrictions relating to time, manner and place of distribution. Reasonable restrictions relating to time, manner and place are permissable in order to ensure the proper functioning of the schools. If school authorities, however, refuse to allow distribution in a certain area or at a certain time, alternate times and places for distribution should be made available on the school grounds. 4. No subsequent punishment by school authorities is permissable concerning student literature, unless there has been a violation of the reasonable time, place and manner distribution requirements or a continued publication after a substantial and material interference with the operation of the school has been found. The punishment should be proportionate to the offense committed and should not be used simply as a means to suppress publication. 5. Before students may be charged with any violation of administrative publication requirements, the school must promulgate, publish, and make readily available to all students specific rules that provide students with standards by which to guide their publication behavior. If too unclear, these school rules might be found "void-for-vagueness" and, therefore, in violation of the First Amendment.

Change For What?

by Larry Albert

Proposal 1, the presently planned law school calendar for 1971-1972, should be retained. Until the Eighth Amendment ("cruel and unusual punishment — e.g. five exams) is applied to law schools by the Fourteenth, Ziontz replaces the University Casebook Series (officially), or D.C. teaches 84 curriculum hours, the present calendar remains the best. One must examine the alternatives to see why.

Proposal 2 is the most striking departure in its scheduling of exams before Christmas vacation. Its strongest argument appears to be that it allows a blissful, untroubled holiday period of nearly one month. This is immediately appealing until one weighs the cost. A two day's break between the last class and the onslaught of as many as five exams would certainly be a thrilling experience. Everyone should skydive at least once. You can hack it!

To be sure, but is olympic cramming the way to begin one's first semester of law school? Or third, or fifth? Is there not something to be said for having the time, in both semesters, to read those extra law review articles or cases mentioned in class, do that legal aid work for an attorney, more leisurely and carefully review and outline even that one course before or during Christmas vacation or just relax and come back mentally if not physically revitalized? Is law school "wham, bam, thank you mam" or a less harried encounter?

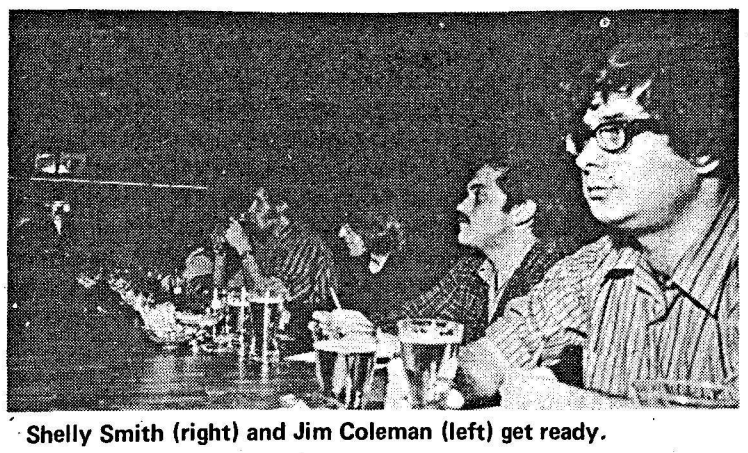
Proposals 3 and 4, which schedule fall semester exams three days after New Year's, will appeal to any soul whose single New Year's Eve lament is the closing of the law library. Hopefully, these are few.

Even though I propose retaining the status quo, this is not to say it can't be improved. The major failing of all proposals, vis-a-vis exams, is that they will still quickly follow that last week of new material.

Why not use the last week of classes before exams as one of concentrated review by professors and students? Professor Pock, from whom many of us were fortunate to take Contracts, used the last week of the fall semester to conduct an intensive review of the course. This was of great assistance in making

(See ALBERT, p. 8)

Advocate Won!



Shelly Smith (right) and Jim Coleman (left) get ready.

The Advocate ran away with the most coveted of GW honors Wednesday evening when Shelly Smith staggered away from the Center's Rathskeller, the victor in the first GW Beer Tasting Contest. Smith, who represented The Advocate in the event, was successful amid a field of twelve amateurs, representing a cross section of campus organizations.

The idea behind the contest was to identify the eight unmarked beers which the contestants were served. Smith became the champion, after a three way tie was declared, by out-chugging and spilling the other two contenders in a one minute play-off. When asked about the competition, Smith replied that he was rather embarrassed to participate in a contest with laymen. He went on to say that this was "one small step for man, but one giant leap for jurisprudence."

For his victory the Rathskeller awarded Smith with two cases of Michelob, ten dollars in cash, and twenty-five dollars for his favorite charity, The Christian Community Incorporated.

Smith's winning form.

ULI Teach-In

John Gibson, director of New Thrust for the Washington Urban League, announced today that in order to save the Urban Law Institute the Urban League will sponsor a Teach-In at GW Law School, Monday night, March 15, 8 p.m., in Room 10, Stockton Hall, 720 20th Street N.W. The Urban League is acting at the invitation of the Black Law Students Association (BALSA) of GWU's National Law Center.

The Monday night teach-in will feature Julius Hobson, Douglas Moore, Maryellen Hamilton, and other well-known community leaders.

Other teach-ins will be held Wednesday and Thursday evenings and will feature well-known attorneys involved in public interest and property law.

...from the collection of S. Rawlings

Shall We Go?

"...there dwell and toil, in the British village of Dumdrudge, usually some five hundred souls. From these... there are successively selected, during the French War, say thirty able-bodied men: Dumdrudge, at her own expense, has suckled and nursed them; she has, not without difficulty and sorrow, fed them up to manhood, and trained them to crafts, so that one can weave, another build, another hammer, and the weakest can stand under thirty stone avoirdupois.

"Nevertheless, amid much weeping and swearing, they are selected; all dressed in red; and shipped away, at public charges, some two thousand miles, or say to the south of Spain; and fed there til wanted. And now to that same spot in the south of Spain, are thirty similar French artisans, from a French Dumdrudge, in like manner wending: Till at length, after infinite effort, the two parties come into actual juxtaposition; and thirty stands fronting thirty, each with a gun in his hand. Straight way the word 'Fire!' is given; and they blow the souls out of one another; and in the place of sixty brisk, useful craftsmen, the world has sixty dead carcasses, which it must bury, and anew shed tears for.

"Had these men any quarrel? Busy as the Devil is, not the smallest!... Their Governors had fallen out; and, instead of shooting one another, had the cunning to make these poor blockheads shoot. Alas, so it is in Deutschland, and hitherto in all other lands..."

—Carlyle

The full collection of Stuart Rawlings' quotes will be available in a book to come out on March 22. It is called "My Favorite Quotations"; it is 108 pages, and it is illustrated by friends. Books may be obtained by making out a check for $2 (per copy) to Stuart Rawlings, including name and address, and putting it in the Advocate box in the Law School Lounge or sending it to The Advocate, Harlan-Brewer House, GWU.

Mrs. Cahn's Leadership Questioned

by Lawrence Hannaway &
Greg Siggers

Dean Kramer was graduated from Harvard College in 1935 and from Harvard Law School in 1938. After passing the D.C. Bar he spent two years with the NLRB (1938-40). From September of 1940 until the following September he was a Lieutenant in the Army (ordinance). Following this period he joined the Anti-trust division of the Department of Justice until Pearl Harbor when he again entered the Army until 1946. After the war, Kramer entered private practice in New York (Paul Weiss, Wharton and Garrison) for two years. Feeling that teaching was more his vocation, he moved on to Duke Law School where he taught until 1959. At Duke, he was Editor-in-Chief of the Journal of Law and Contemporary Problems as well as the Journal of Legal Education. In 1959, he became Assistant Attorney General of the United States at the Department of Justice. He remained there until 1961 when he was appointed Dean of this law school.

ADVOCATE: What faculty consultation took place, if any, in arriving at your decision to terminate affiliation with ULI last June (1970)?

KRAMER: The faculty plays a role in the academic end of a project that requires outside funding. ULI has many academic facets, all of which have been approved by the faculty. Examples of this are the appointment of Jean Cahn as Visiting Professor of Law and the approval of all clinical programs which are part of ULI.

As it was set up originally, NLS (Neighborhood Legal Services) was to handle the field end of ULI whereas the law school was to handle the academic end of it. The whole program could have been vetoed originally by the administration; the faculty's role is in regard to academic matters. It should be mentioned that the impetus to provide clinical programs to the law students came from Dean Nash over the objections of Mrs. Cahn. She was opposed to it vehemently. (e.g. course 573)

ADVOCATE: How has this changed?

KRAMER: Last May, Mrs. Cahn came to me with a new proposal to ditch NLS and open a "law office." This was a "radical new proposal" and I discussed it with her and said that I was opposed to it. I told President Elliott (Elliott is President of George Washington University) this also.

ADVOCATE: Why do you feel that the law school should not sponsor a public interest law firm?

KRAMER: OEO has made us responsible for ULI's activities and we cannot be responsible for a law firm. There is little educational value to such a thing.

ADVOCATE: Why would the law school be responsible?

KRAMER: As an administrator of the funds from OEO we are made responsible. What if the funds dry up one year? The law school simply hasn't got the resources to support such a firm. Additionally the educational value of such a thing is minimal. ULI has not fulfilled its commitment to clinical education as it is now. Any program that ULI has formulated for the JD students' benefit has been the result of Dean Nash and others, not Mrs. Cahn. Don't forget originally we accepted the program minus the responsibility for the field end of it.

We would be happy to cooperate fully with ULI if it gets funding independently for the field project. Of course the law school does pay $70,000 overhead for ULI. It should be understood that any law school has limited resources and should be concerned with legal education first. The sponsorship of a law firm is simply too expensive in resources and too great in responsibility with too little educational value for this law school to consider.

ADVOCATE: You don't think the ULI has fulfilled its commitment of legal education?

KRAMER: The majority of all post JD students at the end of the first year of working at ULI have said that their work there is unsatisfactory. They also complained about Mrs. Cahn's leadership. Any educational benefit to the law student coming from ULI has not been because of Mrs. Cahn as I have said. We have been quite dissatisfied with this part of ULI as have many students. Thus one of the main objections to ULI is that is has not fulfilled its commitment to clinical education but has become a law firm.

ADVOCATE: What if the law school could afford a public interest law firm, would you oppose it as being anathema to your view of legal education?

KRAMER: In theory, I have no objection. I could see a small public interest law firm fitting in easier than a large one like ULI. It is the size that creates problems.

ADVOCATE: What about law school subsidy of the various other Institutes like the Computer in Law Institute, Government Contracts Institute, Law and Psychiatry Institute? Isn't this a similar situation regarding law school responsibility?

KRAMER: No. The other Institutes are research and educational by nature. If they don't get any money, they simply shut down for awhile. It's a much more limited thing. We don't have a "bear by the tail" as we do with ULI. In regard to the faculty and what they do—we are not responsible as we would be for ULI.

ADVOCATE: Getting back to the actual decision to spin-off ULI, was there any student participation?

KRAMER: Well, the majority of the students involved in the field work were post JD students. They (as I have said) felt that the program was unsatisfactory and this was considered. As to JD students, all the courses at ULI will be continued.

Regarding students: I don't feel that students should be used as ammunition in a controversy like this. "I don't like to fight my battle using students."

ADVOCATE: In a decision like this one what role should student input take?

KRAMER: It is an administrative matter really; the most one can do is keep people advised which is what I have done for the past year. I really don't know what role students should have.

ADVOCATE: Do you think law students should have a role in the policy decisions of the law school?

KRAMER: I was in favor of the Green Committee recommendations. I think students should have a vote on all faculty committees and generally as to policy. I also think they should be at faculty meetings. I have some doubt as to whether they should vote on tenure. Generally, I am in favor of a definite student role in the decision making of the law school.

ADVOCATE: Speaking of funding ULI independently, ULI seems to think that it can't be done; that is, that OEO will only fund ULI through GW. Is this true?

KRAMER: OEO has yet to say that to anybody and I've yet to see where they said they wouldn't fund directly. There is no statutory or policy requirement that prohibits it. In fact in the Feb. 17 issue of the Washington Post OEO said that it may fund ULI in an alternative way. If ULI would be funded directly this law school would cooperate fully in the clinical programs. Dean Potts has, as a matter of fact, looked into direct funding and feels it would work. If ULI is as successful as Mrs. Cahn says, it should have no trouble getting direct funding.

ADVOCATE: Is the decision appealable? Is a compromise possible?

KRAMER: The President of the University can reverse it any time he wants. Mrs. Cahn could appeal to him; she has not. In regard to the faculty, I think they agree with the decision but it can be discussed at Mrs. Cahn's initiative. She frankly should have done that six months ago. It's a little late now.

There could be a compromise but it would hinge on independent funding of the field project.

ADVOCATE: What about the poor in this controversy? How does the law school help them?

KRAMER: We train lawyers in all areas of urban law. We probably do more in this area than most law schools in the country. Also we have students-in-court, legal aid, consumer protection center, various LSCRRC programs and Banzhaf projects which have helped the poor. We have a commitment to clinical education unmatched in the area and possibly in the nation. We have the second largest number of minority students in the nation (second to Harvard). They have come here through the minority recruitment program. By the way, Mrs. Cahn had nothing to do with this. In short, we are concerned with the community and our record of involvement in the community can be matched by few law schools in the nation; certainly none in the District.

ADVOCATE: What about GW-Chase and the statement of Elliott's regarding the practice of law?

KRAMER: I cannot speak for President Elliott. I am totally committed to clinical law. What we don't want is the responsibility of a law firm. In regard to GW-Chase: the part of it that involves the law school concentrates on JD people more. We plan to hire a director of clinical education, hopefully a member of a minority (but this is a faculty decision). His job would be to find places where students can learn while they help the disadvantaged. It should be a very exciting for students.

The difference between GW-Chase and ULI is finances mainly. We don't want to be stuck with the job of a big law firm and that's what ULI has become. Over the past couple of weeks, by the way, I've noticed a sudden interest on the part of ULI in JD people participating in ULI and in providing courses for JD people. This is a new development in that such programs, as I have said, have been opposed by Mrs. Cahn in the past.

Mrs. Cahn Answers Advocate Questions

1. The following sub-questions are based on the assumption that the ULI will continue in existence, that the NLC will continue its affiliation with it, and also assume that your answers could be changed, in the way they are phrased, in order to comply with the guidelines set for the ULI by OEO and the University.

a. Would you be willing to make a commitment to the University that ULI attorneys be used to supervise, on a regular basis, third year law students in the Students-in-Court program? The Advocate suggests that if 20 ULI attorneys would assume this responsibility, there would be an additional 300 students to represent indigents which would have a tremendous impact on the rights of the poor.

1a. We would be most willing to consider some form of involvement in and support of the Student in Court program as one means of securing additional undergraduate involvement in clinical work, and we would be particularly interested in discussing the possibility of exposing first and second year students to the kinds of experiences presently enjoyed by third year students in this program. These new directions will necessarily involve consideration of the views of clients, students, faculty, and OEO officials. We have already begun to explore the use of materials in the area of civil procedure in landlord-tenant court for the first year students, to bring actual courtroom "realities" into the classroom, using live clients and an actual judge.

b. Would you like to have ULI attorneys use law students as research assistants and law clerks who could now receive credit under the existing courses numbered 399 and 466?

1b. Definitely. One of our prime goals is to expand greatly the number of law students actively involved in the kind of field work, clinical programs and curriculum development now being done by ULI staff attorneys and LLM candidates. Investigative work and drafting of pleadings in major cases, legislative drafting, development of new curriculum materials and new areas of curriculum, representation before administrative agencies, clerkships to attorneys serving as corporate counsel to grass roots groups, community legal education and monitoring of federal and municipal programs are illustrative of the kinds of activities in which law students have been used in the past on a limited scale and could be involved in far more extensively.

c. Would you try to have the ULI lend whatever support it could to the formation of a student union so that students could engage in collective bargaining with employers interviewing on campus in regard to pro bono work and other concerns?

1c. ULI stands ready as a resource to any concerned students or student group desiring to bargain with law firms to devote more resources in pro bono work to the poverty community. In August 1969, ULI initiated one of the first nation-wide campaigns to get law firms to set up "pro bono" divisions and since that time, have played a direct role in assisting both law firms, student groups and bar groups in expanding the involvement of the private bar in poverty work.

c.(2) Would you try to have the ULI lend whatever support it could to the formation of a student union so that students could engage in collective bargaining with the faculty and/or administration in regard to problems within the NLC as well as those of the general community in which the NLC exists?

1c2. Lack of consultation with students was, we felt, one of the most disturbing aspects of the manner by which Dean Kramer reached his decision regarding the severance of ULI. ULI's role in the formation of a student union is necessarily limited by the fact that it is funded by OEO, an agency charged with the sole mission of fighting poverty.

However, ULI is centrally concerned with increasing

(See CAHN, p. 6)

Editorials

Seize The Time!

The Advocate has opened its pages to those parties who are on opposite sides of the ULI-GW debate over the role of the University in the community. Our last issue, while not truly our own, was an attempt to allow the two sides of the argument to have open space to present the university community with their opinions on the issue at hand.

Both sides have spent their energies on meaningless charges and cross charges. No one seems to be able to nail down the real issue which is at hand. The Advocate has printed these charges without taking an editorial stand other than that the university has a responsibility to the community and that the Dean had made a decision unilaterally that was to affect not only the academic life of the university, but the Black, poor community of Washington.

The time has come, however, for an end to the charges and countercharges. The rhetoric which has been produced by this issue is overblown and confusing. One wonders why OEO is not being actively consulted by both sides as to possibly acceptable alternative structures and funding proposals. Yet, both sides seem willing to shout at each other without talking. We have had enough. Both the Dean and Mrs. Cahn should immediately sit down and begin *meaningful* negotiations on the future of the Urban Law Institute. The current trend of activity does nothing but hurt the community and the students. It might do well to remind both parties that the money was supposed to help the latter two.

A Forced Subscription

When we pay the ten dollar student fee each semester at registration among other things we are each renewing our subscription to the GW Law Review. Many students take advantage of this offering and carefully peruse each issue of the Review. Another sizable group of students however, look upon this type of writing as did the former editor-in-chief of the law review at South Carolina who characterized it as an absurd collection of bland drivel. The Advocate does not mean to criticize or characterize the legal writing contained in the GW Law Review. Rather we would merely like to point to two realities.

First, although we are all forced to subscribe to the Law Review, not all of us find it a worthwhile reading experience. Second, some of us could find a far better deal for our money. Some of us would subscribe to the Washington Post and some of us might pick Scanlons. In fact, right here at the NLC "The Journal of International Law and Economics" might recommend itself to the many students who have an interest in international law. The point is that this journal has to be paid for out of each student's pocket.

The Advocate believes that the Journal ought to be available on the same basis as the Review. At registration the student should be given the option when he pays his fee of receiving the Journal instead of the Law Review. This is not asking too much. At Harvard, where all journals are equal and none more equal than others, the students don't read anything unless they are willing to pay for it.

Hobson Endorsed

The Advocate would like to take this space to endorse the candidacy of Julius Hobson for the position of non-voting delegate to Congress. Over the years Mr. Hobson has been more involved in the District's affairs than any of the candidates. His approach to the District's problems always touched the heart of the matter whether the discussion concerned the District's miserable school system or Congress' repeated unwillingness to give the District self-government.

Really, it is unfortunate that any candidate has chosen to run in this election, for it promises to the victor only the right to advise and not to be a part of the actual governmental process. It would have been far better if all of the candidates had told Congress: "Thanks, but no thanks. We are tired of playing games. Come see us again when we can have a full partnership in our government!"

However, since this did not happen, we support the only candidate who advocates full representation for D.C. If Fauntroy or any of the rest were elected they would be nice little District delegates who would be seen but not heard. One thing that we could expect from Mr. Hobson is that he would be heard! And the advice he would give Congress on behalf of the District would not be the kind you would expect from a doorman.

The Advocate

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Letters to the Editor

Kirkpatrick Biased?

To be absolutely fair, I suppose the Dean is hardly more chauvinistic than any other law school administrator with whom I've interviewed during the past month. However, the attitude he expressed toward me as a prospective woman law student should be run down once more for consideration and action by a professional community which claims to be dedicated to the administration of justice to all. If justice for women exists at GW, I didn't see it last week.

It always takes one aback to come prepared for a challenging give-and-take interview, only to be greeted by: "Well, what can I do for you today?" I thought that perhaps this was simply his interview style, but further conversation could hardly conceal his general impatience with my cluttering up his office on such a nice, sunny day.

I forthrightly explained that I had made a serious decision to give up a civil service career and move into law after four years of experience in governmental administration. I said that my decision came as a result of 1) increasing impatience with the bureaucracy's typical isolation from and denial of the real needs of people—especially of powerless minority groups—to take firm control of their own lives and communities, and 2) my new understanding of the potential of law to bring justice to these powerless groups. As I discussed my experience in an agency which interprets nearly all socio-economic problems as mental health problems, the Dean paced furiously about and responded not at all. I suggested that he probably wasn't too much into law and psychiatry or medicine, whereupon he declared that he was into the *real* world—business. He excused his sarcasm with the comment that he was being nasty today, wasn't he?

When I asked what opportunity existed at GW for students to learn through work in the community in clinic courses, storefront programs, etc., he replied that, after all, law students were not lawyers yet, and that some people were just not cut out to be lawyers but should remain bureaucrats. At that point he shot a "pregnant-with-meaning" glance at me.

The true impact of his chauvinism came crashing down when I put to him the question I invariably ask all my interviewers: What is GW's policy on women as law students and as lawyers? He laughed, and stated that Women's Liberation at GW didn't like him too much. He said there was no discrimination as far as he knew in admissions or in grading by professors. To demonstrate, he said that to date, about 270 men and 70 women students have been admitted. He said that 15-17% of the Freshman class were usually women. I said it seemed too bad that so few women were admitted to GW Law compared to our percent in the total population. He smiled when I said I had considered law later in life because no one had ever thought to suggest it to me, although my academic background is a natural: BA in Political Science and MA in government, history, and sociology of Latin America from the University of California. At this point the Dean asked what my grades were (3.4 and 3.8/4.0).

Then came the coup-de-grace. "Oh. I wondered when you first came in here why you wanted to go to law school—if you had had bad grades in school and just now had nothing better to do." To this day I'm confounded at how bad grades would have led me to apply to law school. He didn't have to say more; I got the message.

I have freely chosen to apply to GW Law after many years of underemployment by supervisors who expect me to produce less and be satisfied with less than a man. I am freely choosing law as a career because I want an autonomous position from which to directly affect discrimination against individuals who have never known how to defend themselves, especially women. I am freely choosing to continue my application to law schools until I get in, and in the process to reveal discrimination against me as a woman whenever I encounter it.

I have withheld my name until my application is reviewed and decided.

Name withheld by request.

Ed. Note: This applicant's complaint was promptly presented to a member of the Admissions Committee. However, it is reasonable to assume that no dramatic change in the Dean's attitude has resulted. The Dean conducted an interview with a woman transfer applicant on the following afternoon. This interview produced another complaint concerning the Dean's habit of discouraging women from applying to law school:

Representative Blair Resigns

As you may recall I was elected as a third-year representative to the Student-Faculty Committee last year without my knowledge. My first reaction upon being informed of my candidacy and election was surprise and I resolved to resign as soon as possible. However, I decided on second thought to remain on the Committee as long as I thought it was accomplishing something useful.

Well, unfortunately, the time has long since passed for the Committee to do something useful. Please understand that I do not mean to ridicule the Committee. On the contrary I feel very strongly that Committee members are all conscientious and sincere in their effort to provide some sort of responsible student government for the Law Center, since it is otherwise absent.

However, after almost a full year of service on the Student-Faculty Committee, I realize that my first impression was correct: the SFC is a powerless, paper-generating bureaucracy which serves no useful purpose. Its "power" is the power to "recommend" to the faculty. And the power to recommend is no power at all.

The concept of a cooperative organization made up of students and faculty members is an intriguing one. At best, the Student-Faculty Committee could have been the germ of an idea which could have blossomed into a true participatory, cooperative government of the law school. But obviously it has fallen far short of this goal. And it is equally obvious that what we have been doing since last May —discussing, *ad nauseum* —is futile.

The power to make decisions in the law school resides in the faculty and the administration, where it always has been, and until the powers-that-be are willing to relinquish some of their power, students will have no effective voice in the running of the law school. How long will students allow themselves to be bought off with participation in advisory committees?

Each year, it seems, some sort of ground swell develops for student participation in the governing of the law school, and every year the feeling continues to grow until school ends in May. Then summer intervenes, and the pressure is off until the next spring. And just as surely as this sort of movement develops, the change-resistant elements of the law school find some way to "deal with" it.

Last year at this time, as a second-year student, I was indignant about being co-opted and disenfranchised. This year, on the other hand, with the end in sight there is very little that the law school could do either *for* me or *to* me which would affect my life. This type of attitude, which is epidemic among third-year students and frequent now among second-year students, should not be mistaken for stoicism; rather, it is resolute apathy, of a form which is so highly developed that it cannot be understood by anyone who has not experienced it.

So I hope that you will accept my resignation in the same spirit in which it is offered. I bear no animosity toward any member of the Student-Faculty Committee; it's just that the Committee is nothing more than an intellectual exercise, and as such, is no longer valid for me.

Thomas A. Blair
3rd Yr. Representative

More Letters

Advocate Biased?

I am quite concerned about your response (Editor's Note) to a letter from Glen A. Wilkinson appearing in your February 15, 1971 issue regarding the Banzhaf tenure matter. Your note can easily be interpreted as a coercive force against the expression of unpopular views. By your response you could discourage others from writing their opinions and although I feel it was not intended, the result may be an abridgement of one's First Amendment rights.

It may be irrelevant, but I am very much opposed to the stand that our faculty took on Professor Banzhaf's tenure. However, I am equally upset with The Advocate's one-sided presentation of the situation as well as the above mentioned possible effect of the Editor's non-objective views. I would hope that The Advocate could continue to be an unbiased, productive medium for the expression of ideas whether popular or not. Thank you for your attention.

Richard J. Colten
3rd Year Night Student

Ed. Note: The Advocate had wished to point out that many of Mr. Wilkinson's clients were involved, either directly or indirectly, with litigation against John Banzhaf and his students. It therefore seemed to us that there may be a conflict of interest for Mr. Wilkinson to speak out on the Banzhaf tenure decision.

Student Hypocrisy

by Rodney M. Friedman

Watching the U.S. Senate go through its charade every crisis day should be ample entertainment, but somehow viewing the self serving and equally impotent GW law school student elite perform their tricks should not be passed up even with there being a more high powered game in town. After all, what other student body in the 1970's would engage in such outrageous hypocrisy as to en masse turn out for a white professor fighting corporate Amerika and only trickle barely in response to the severance of a black community lawyer and professor.

Four hundred or more students turned out spontaneously to challenge the power structure in the celebration of John Banzhaf. To an impartial observer this could be termed a considerable show of strength and concern. After all, John Banzhaf, the man himself, was not personally loved—it was his ideas and his approach against the system that were being saluted. However, the first crack in the myth of a socially aware and concerned student body came quickly when the body rejected a course of action which would challenge the arbitrariness of the tenure system itself. Instead, Professor Banzhaf would be reinstated by petitioning the faculty which had just elected to oust him. Somehow this scenario smacked of our vaunted May effort in the halls of Congress which has had such a profound effect on the course of the Indo-China war.

It was fitting, thus, that the Dean and faculty should give the peoples' delegation their victory and reinstate Professor Banzhaf while at the same time severing the Urban Law Institute. The Cooper-Church Amendment just isn't applicable to B-52's and napalm.

There are lots of things which could make one sad in this particular study of impotence, self content and shallowness:

1. How a student body could rally behind a man dedicated to fighting corporate Amerika and fail to show any substantial support for a woman who is fighting at least as onerous an enemy, in the suit of poverty and discrimination.

2. How a student body could be so easily co-opted and lulled after such a small victory as the reinstatement of Professor Banzhaf.

3. That the Dean understands our own lack of resolve so thoroughly that he is willing to make a unilateral decision severing the ULI with virtually no fear of recriminations from the students.

4. That the Advocate prints articles which distort the true sentiments of the students. The student activists are not ready to march with Mrs. Cahn or take any steps which truly reflect a common goal and hope for the future.

5. That the law student activist bears a striking resemblance to the classical law student, save a slight change in his definition of self interest.

6. That a tough tax professor with some marked activist tendencies issues one of the strongest calls of support for Professor Cahn in a law school filled with bell-bottoms and army jackets.

7. Finally, there is embarassment of having failed to see the value of Jean Cahn to the community and to the people she trains and being ready to fight that battle, even if it wasn't strictly speaking our battle. Granting that man may never view all men as his brother, it is still hoped that there can be a sense of responsibility in mankind that will force people to understand themselves well enough so that their images begin to reflect reality. Our greatest disservice to Jean Cahn, John Banzhaf, et al., is in not allowing them to accurately evaluate their support so that they can make the moves best calculated to reach their ends. The delicacy of self-delusion becomes as lethal as purposeful deception if the sham is played out for too long.

It does seem as though the entertainers on Capitol Hill will have a sufficient pile of warm bodies to keep their game going for many generations hence. God bless our legal education.

Another Political Game

by Gene Mechanic

Whatever happened to the good old days? Law students used to be content in learning "the Law." It was heresy for a law student to utter a disrespectful note concerning the relevancy at any given moment of Simpson or Prosser. In the days when law schools knew their place, the institutions were able to produce resolute attorneys who were satisfied to be carried into the world on the coattails of the almighty Martin Ziontz.

Have these glorious years terminated? Were the school administrators and faculty too soft on the students? After all, they did allow students to participate—on school grounds mind you—in such potentially destructive organizations as the Legal Aid Society, the Environmental Law Society, and even, if you will excuse the expression, Law Student's Civil Rights Research Council. The GW law community has not only instituted such programs, but has been a leader in this plot to undermine the good word of Martin the Magnificent. Evidence establishes this finding beyond a reasonable doubt. Not only does GW have the abovementioned insurrectional groups, but students have been allowed to participate, in the Consumer Protection Center as well as several other clinically oriented law courses.

It is obvious that the minds of many law students have been poisoned by this leniency. The original anti-boredom vaccine was too powerful and live bacteria have multiplied to such a degree as to endanger all our precious bodily fluids. Some students are actually not satisfied with the previously mentioned activities, but want more. First there was Banzhaf, and the administration and faculty babied us once more. Now it is the Urban Law Institute. Is it not enough that some law students want to bury Ziontz's position in the law school community? Must they also attempt to stomp on his grave?

After all, look at what the Urban Law Institute represents. One thing it does not represent are the personalities of Jean Camper Cahn or Dean Robert Kramer. They may be the principle characters, but they are not the issue or the problem involved. ULI represents the interaction between a law school and the community in which it is situated. It represents the need of poverty stricken people to receive aid against those who wish not only to keep them down, but drain them of any resourses they might presently have. It represents a reputation for the law school among, not only consumer-environmental, poverty, or political attorneys, but among the law firms who have aided it; such as Covington and Burling, Arnold and Porter, and Wilmer, Cutler and Pickering. And, of course, ULI represents relevancy to the black law students recruited by GW, as well as others who will be able to participate more in the Institute as its promised expansion to encompass more undergraduate law students takes effect.

Have these law students gone mad, or do they deserve to have the opportunity to be connected with such an organization? To decide the question based on political criteria, whether in connection with personalities or the left-right spectrum, is to misconstrue the significance of the issues. Certainly Martin Ziontz is not dead, but perhaps there should be support from all for those who feel that a diversified urban law school has a responsibility to the community, and a responsibility to allow some of its members to, once in a while, forget that Ziontz exists.

What's Happening?

by Jim Krugman

The readership of The Advocate is sure to notice that this issue is markedly different in tone from the last. An explanation is in order. When the Urban Law Institute issue of the Advocate came out, there was little time for the staff to check stories and facts. Instead, the Advocate decided that it would open its pages to both sides and allow them, under their own bylines to tell the story as they saw it. This week, we have investigated the stories of last week and here are our results.

The Anacostia suit, an important piece of litigation for the black community, will not be dropped. While the community was led to believe that the death of the ULI would bring the end of the suit, it is now clearly not the case. The Advocate staff backs the suit to the limit and fear for its continuance led us to the offices of the other law firms involved. The suit will not be dropped, the community should not be told that it is. Whether ULI wins this battle with the law school or not, the suit will be litigated.

Contrary to student knowledge, there was an attempt to negotiate a settlement this week between the law school and ULI. The funding crisis, that of lack of funds if the university were to sever the ULI, is covered in this issue and has resulted from non-communication with OEO over the funding problem. The interesting statement is that on student participation. OEO feels that the Institute must involve undergraduate students in clinical law projects. So does the Institute, as do the students. The negotiations did not materialize. Who is hurt? The students.

The question of clinical education reared its head during the last issue. I wrote that clinical education is of the utmost importance. I do, however, feel that clinical education is defined as students, undergraduate law students, practicing law under the supervision of professors and other attorneys. The idea of sitting in a classroom where other lawyers come in and describe their legal experiences, while useful to an extent, is not, in my book, clinical education. In order for the law school or ULI to be able to use the medical school analogy, law students must practice law as third and fourth year med students practice medicine. This is the essence of clinical education, not sitting in a classroom, listening to someone tell what he did.

ULI was established to create a new curriculum for legal education. It has developed materials for new courses at the law center but they are, for the most part, courses in which the student sits in a classroom and engages in intellectual discussions of sample problems, instead of meeting clients and dealing with human beings. Noted exceptions to this rule were Community Economic Development, taught by Mr. Carlson and Problems of the Consumer, taught by Mr. Rothchild. These were the two ULI courses which attempted to move into real clinical education rather than the regular time worn class situation. There are outside credit activities at the law center which work for clinical problems, law students in court, legal aid, women's rights, BALSA, and LSCRRC. They attempt to involve the student in the practice of law rather than the memorization of appellate opinions. The programs should be expanded into course work and the course work should be changed.

The real problem here is that there has been too much rhetoric and too little action. The Dean has made slight attempts to open negotiations, ULI has opened position papers and political pressure. Neither side has made a substantive move toward a solution of the problem. ULI has not yet offered a real picture of its potential here at the law school. The Dean has made no offer as to the responsibility of the law school to serve the black community in Washington. It is our community and we exist here only as result of its tolerance. We have skills which are desperately needed by that community and we have an affirmative responsibility to offer them to the community. The rhetoric is a luxury that neither the students or the community can well afford. It is certainly a relevant and important question; just what is happening?

CAHN, from p. 3

...Tomorrow Will Bring New Injustices

the relevance and effectiveness of legal education and increasing the institutional involvement of the law school in problems affecting the poverty community. By definition, it is an ally, an advocate and a technical resource for student groups, faculty members or community groups sharing these concerns.

d. Would you be willing to have a ULI attorney travel around the country with those professors of the NLC who recruit minority law students?

1d. Yes. We have in the past and would be most willing to again—assuming that GW was prepared to offer a genuine and sustained commitment to relevant legal education as an inducement to black students to choose GW. Our concern extends beyond recruitment itself to the question of scholarships, stipends, employment opportunity and discriminatory practices in admission to the bar. In each of these areas, ULI has made tangible contributions in the past.

e. Would the ULI establish a student advisory committee to assist it in the development of new curricula and for the improvement of existing courses?

1e. Certainly. The real question is: will such a body have a real role to play or will it simply be window dressing. A second question is: should the student advisory committee be nationwide in composition just as the Client Advisory Committee is. These are some of the questions we had hoped to discuss with students, clients and faculty in the process of hammering out next year's grant application and work plan.

2. In your article in the March 1st Advocate, you accuse the Dean of having a definition of reality which is "frozen in time," "partial," and obsolescent as well as having an educational mission which was "incompatible with clinical work." Yet, it was under the Dean's leadership that the NLC has as many, if not more, clinical courses and extra-curricular credit activities than any law school in the country. Also, you cited all the clinical activity at GW when you debated the Dean in regard to the "law firm" point during the press conference of February 24, 1971. How do you account for these seeming inconsistencies?

2. There is no inconsistency. Dean Kramer's action means that the interchange between "experience" and "classroom teaching" will undergo a radical diminution effective June 30, leaving behind only the most token quantity of genuine clinical work and perpetuating the disturbing dichotomy between curriculum content and the problems faced by the community and society that so desperately need intellectual scrutiny. Credit for the range of clinical courses must be placed—as a legal proposition—with the faculty as the authorizing body.

As a factual proposition, credit must be given to the kind of constructive advocacy done by individual faculty members, and by students as well as by Dean Kramer. Historically speaking, it should be noted that the vast expansion of clinical programs in the law school coincides with the three-year period that the Urban Law Institute has been present at GW rather than over the full ten-year period that Dean Kramer has been here. This is in part due to the fact that clinical education has recently become generally "acceptable" to the law school world, and in fact, is so widespread as to be viewed now as relatively traditional, in part due to the efforts of individual professors and in part to the influx of resources brought by ULI. Whatever, Dean Kramer's legitimate share of that credit may be, it is nonetheless a fact that his decision to sever relations with ULI strikes a gravely injurious blow at clinical education at GW. And Dean Kramer's philosophical position as articulated, is antithetical to the philosophy underlying clinical education.

3. How do you answer the Dean's suggestion that ULI be responsible for its own funding but still maintain its affiliation with the NLC?

3. The Dean seems to want to derive benefits from the ULI program without taking any responsibility for it as sponsor. Law School sponsorship has been a central ingredient from the beginning in the strategy which OEO developed for funding this Institute. OEO has stated that it will not fund ULI without University sponsorship.

If Dean Kramer really wants the NLC to continue to benefit from the teaching input of the ULI at the law school, why does it refuse to be willing to assume the responsibility of sponsorship? He was asked at his press conference whether "financial" or "theoretical" considerations were foremost in his mind in severing ties to ULI, and he answered "theoretical." If he does have theoretical problems with the ULI, its mission and its role in the law school, I cannot understand why he is willing to TAKE FROM the program but refuses to GIVE TO the program institutional support.

4. What specific affirmative steps has the ULI taken to secure direct funding from: (1) OEO and, (2) private foundations (such as the Stern Community Law Firm)?

4. The unavailability of direct funding by OEO to ULI is authoritatively dealt with by OEO Director Frank Carlucci's statement. Dean Kramer knows that this has been OEO's consistent position for several years.

Informal inquiries have been made, and Foundation funding simply is not available. They are unlikely to pay for a program which it is known the government is willing to sponsor.

5. What administrative remedies did you pursue when you received notice of termination back in June of 1970? Why did an exhaustion of administrative remedies preclude making the issue public?

The first thing I sought to do was to convene the ULI Faculty Advisory Committee during the summer months. Some were away until September. One hour before the faculty meeting of September 11, the Dean called the ULI Faculty Advisory Committee into his office and told them what he planned to announce in the faculty meeting. I was not told of this preview meeting, nor could I attend the regular meeting of the faculty that day because of the regionalization controversy brewing within OEO, which threatened not only ULI but all legal services programs nationally.

The Dean, so I have been told, stated to the Advisory Committee that his decision was administrative, having primarily to do with overhead costs, etc. The Advisory Committee then set about to determine the exact reasons for his decision in order to decide whether the matter could and should be challenged in a faculty meeting, as affecting general academic policy rather than purely administrative considerations.

Throughout September and October efforts were made by individual members of the Faculty Advisory Committee to meet with the Dean and to determine the nature of the reasons for his decision. At the December meeting of the Advisory Committee, Dean Potts was assigned to sit down with the Dean and to work out the areas of possible negotiation. I was advised by the Advisory Committee to go through channels and to follow procedures; delays resulted along the way due to the Banzhaf controversy and to my intensive involvement in the regionalization fight with OEO.

Until Dean Kramer's position became clear on February 10—namely that his decision was not purely administrative but was also "theoretical" as he stated at his press conference later—the Advisory Committee to the ULI did not feel that final determination had been made on the reasons and negotiability of the Dean's position. Making the issue public prior to that time would have been contrary to the recommendations of the Advisory Committee; that committee also recommended against making a formal protest in a faculty meeting until such time as we knew exactly why the Dean had acted and whether he would negotiate with us.

After February 10th, the Advisory Group informed me that it had pursued all internal avenues of appeal and negotiation. I believe therefore that my making the issue public at this time, as well as seeking faculty resolution of it, is in keeping with proper law school procedures. It would be specious for the Dean to assert at this time that the issue is moot because no formal challenge has been made in a faculty meeting since September. Unfortunately it has taken that long to get sufficient information and to refine issues necessary for the challenge.

6. If you could be given a guarantee that the ULI would continue in existence with the same mission as it has now upon the condition that you resign as director and dis-associate from it completely would you be willing to do this?

It seems pointless to inject issues of personality when the only point in issue is one of mission and philosophy. If ULI goes, then I have been fired and the matter is moot.

7. Do you feel that by bringing political pressure to bear upon the University towards a reversal of this decision amount to an infringement of the academic freedom of the University?

I believe it is my academic freedom that has been impaired by Dean Kramer's action. The freedom of other faculty members to pursue their own concerns and employ their own methodology has not been questioned by myself—or by the community. Any response to Dean Kramer's action represents a reaction to his infringement on my academic freedom.

8. What specific affirmative steps has the ULI taken to secure affiliation with one of the four other law schools in this area (did these steps include letters, interviews or what)?

No formal effort has been made by ULI to seek removal of ULI from GW. Such a "transplant" would be extremely disruptive. More important, we have preferred to believe that others—students, faculty and community, besides the Dean had a legitimate voice in arriving at that decision.

9. Mr. Bing Leveridge of Covington and Burling said that the Anacostia suit will not be dropped. What is your reaction to this?

Meeting pending obligations is imperative. But tomorrow will bring new injustices. And the quality of Justice received by the poor in the long run will depend upon the type of training which law students receive and the contribution which law schools make to refashioning our legal system.

Helmet Laws - Constitutional?

by Steve Atkinson

(Ed. note: This article is excerpted from "Cycle News–East," 9 Feb. 1971 and 28 Feb. 1971, with the kind permission of Cycle News Editor Andy Whipple. Steve Atkinson is a law student at Wayne State University.)

There are many ways in which laws may be unconstitutional. Usually the first question to be asked is whether the law in question represents a valid exercise of the "police power" of the legislature; that is, does it promote the general welfare as set out in the preamble to the Constitution? Obviously there are conflicts between the right of the individual to do as he pleases and the necessity to protect the rest of society from the effects of unbridled individual freedom.

Only Michigan remains committed to the judicial decision that such laws are an unreasonable encroachment on constitutional freedoms, and in that state the very law which was struck down was reenacted verbatim by the legislature one year later and is now even being enforced.

A popular response is to hypothesize the existence of what I call the "rebounding biker."

A helmetless motorcyclist is struck in the head by a flying rock (bird, empty beer can). He is stunned and then loses control of his motorcycle which crashes at a high rate of speed into a Nursery School (convalescent home, convent). It is obvious, then, goes the argument, that had it not been for the lack of a helmet the poor toddlers (Goldenagers, nuns) would not have suffered injury. Therefore helmet laws do serve to protect the public at large.

The fallacy of this type of analysis is stated in an article in the Michigan Law Review, 67 MichLRev 360. It is, that the hypothetical situation has apparently never occurred in real life. If it were a common occurrence, certainly it would be easy to cite statistics, or even an example in support of the necessity for laws to protect the public against such accidents thus caused. The situation is undoubtedly possible, but the fact that it has never been shown to have happened indicates that it is highly improbable.

Some lawyers have argued to the courts that helmet laws are in conflict with the Ninth Amendment to the Constitution. To this some courts have responded, and rather reasonably I think, that these rights, along with the right to wear what one pleases, have traditionally and historically been accorded less weight than, say, freedom of speech or the right to a jury trial. Therefore, although they are very real rights, they are not substantial enough to tip the scales when weighed against public welfare considerations.

Although the picture painted by all these adverse decisions is extremely bleak, there have been a few bright spots along the way. In the case of State v Betts, 252 NE2d 866, August 22 1969, a Judge of the Municipal Court of Franklin, Ohio, found the defendant not guilty of a charge of violating Ohio's compulsory helmet law. He said that the risk of being hit by a flying object was remote, and the possibility of public injury therefrom even more remote. He went on to ask, but not answer, the question if the danger of loss of control of a motor vehicle due to being hit in the unprotected head with a foreign object is so great, why not a helmet law for convertible drivers, who are more numerous and have a greater capacity for harm?

Women's Rights

Congress Discriminates

by Cynthia Edgars

It is reassuring to note that while the Senate filibusters a proposal to end filibusters, the Senate Rules Committee is giving detailed consideration to another issue symbolic of our times—whether to end the two-century old Senate tradition of male pages.

The appointment of pages in Congress constitutes part of the patronage system whereby a Senator or Congressman is empowered by the Patronage Committee to fill certain vacancies with appointees of his choice. In the Senate, applicants between the ages of 14 and 16 are eligible for appointment as a page; naturally a Senator tends to appoint an applicant from his state. Depending on the Senator, a page is generally appointed for a term of one semester, sometimes for one year.

Because the opportunity to serve as a page is considered to be for the student an excellent educational experience in the processes of government (while stimulating interest in a future political career), three Senators feel that it is unfair to deny to girls this coveted opportunity. Senators Harris of Oklahoma, Percy of Illinois, and Javits of New York have breached Senate tradition to appoint a girl page.

As each Senator pointed out to the committee, girls are excluded from the position neither by Statute nor by Rule, but solely by tradition and "policy." The reasons for the policy were explained to Senator Percy by the Sergeant at Arms in charge of the pages:

"There is a great deal of heavy. . .material to be carried between the Capitol and the Office Building, much walking and even running at times. I also think that the hours would be taxing on young girls—starting classes at 6:30 a.m. and often remaining on duty until late in the evening. Moreover, the physical facilities of the Senate Chamber and cloakrooms do not lend themselves to the adjustment which in my opinion would be necessary."

The duties of a page, as described in a Senate handbook, are to follow the Congressional Record for bills and motions to be presented each day; to sit on the rostrum facing his Senator (who calls his page by waving his hand or snapping his fingers); to carry bills and resolutions from the Senator to the rostrum for presentation; to carry memoranda and other materials between the Capitol and the Office Building; and to call the Senator for telephone calls.

Thus, there seems to be no heavy work at all involved in the job, and no reason why the duties of a page can not be performed as well by a young girl as by a young boy (paper, after all, is just not that heavy). The suggestion that young girls are incapable of "walking, or even running," or of working long hours (which the Senate's secretaries must constantly do) seems too silly for comment. And the fact that a girl page can not enter the men's room in search of her Senator does not pose serious obstacles—one hopes that Senators do not spend too much time in the bathrooms, and at any rate, Senator Smith seems to have managed with a page of the opposite sex.

Concern has also been expressed about the high crime rate around the Capitol and Office Buildings. Although this is certainly cause for alarm, excluding women from the Capitol Hill does not seem to be the most reasonable solution to the problem. It seems unlikely that young boys are any more immune to the crime problem than are young girls. The solution seems to call for more security for all Capitol employees.

That the Senate must appoint a special panel to consider the "problem" of girl pages points up the interesting fact that the Senate is reluctant to be bound by the very laws and principles which it has required for the rest of the nation.

The Equal Rights Amendment in 1970 had 83 co-sponsors in the Senate after passing the House by an overwhelming vote; only a serious split as to whether women should be subjected to the draft prevented Senate action. Under current Fourteenth Amendment law, more and more arbitrary classifications are becoming "suspect" to the Supreme Court, and it is not unlikely that in the near future sex will be declared a Constitutionally suspect classification. Senators Harris, Javits, and Percy are correct in their analysis that it is the obligation of Congress to set an example for the rest of the nation.

Although the Senate has shown some confusion as to how far it wants to go in imposing equal responsibilities on women, almost everyone agrees that women should have equal employment rights. As long ago as 1964, Congress prohibited, in Title VII of the Civil Rights Act, discrimination against women in employment. Although this act does not apply to Federal employees, it certainly would appear hypocritical for the Congress to provide a standard for the nation while itself discriminating in the name of "policy."

The difficulty in persuading Congress to obey the law is highlighted by a compromise proposed by Senator Percy. If the Senate can not persuade itself to take the "revolutionary step" the Senate might at least try it for six months. Perhaps the Senate will find that it is not so bad to obey the very laws it imposes.

ULI Work Plan Discussions

The Urban Law Institute will continue work plan discussions each day this week from 3–5 p.m. at its offices, Suite 509, 1145 19th Street, N.W. First, second and third year law students are invited to participate in drawing up the work plan proposal which will go to OEO for 1971-72 funding. Further information: Herb Kane, ULI, 833-1700.

POWs and International Law

by Harold C. Gordon

As the American involvement in Indochina draws to a close—sporadically, unpredictably, but inexorably—a delicate and even embarrassing issue looms steadily larger on the horizon of our yet unresolved dilemmas: the fate of American prisoners of war. This issue, a source of humiliation for this country in that a third rate power has held American servicemen captive longer than any prisoners of war in our history, is also a serious matter for international law with respect to the 1949 Geneva Convention on the subject. There is not question but that this international agreement, signed by the United States in 1949 and acceded to by North Vietnam in 1957, is applicable to the present war: Article 2 clearly states that the Convention shall apply to "all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties..." Neither is there any question but that North Vietnam has repeatedly and flagrantly violated a number of the key articles of the Convention.

North Vietnam's Violations

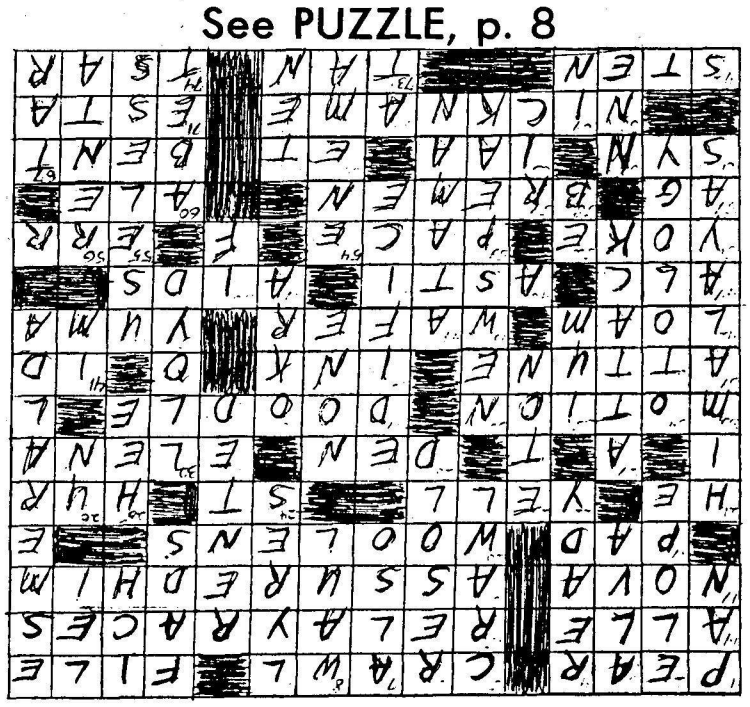
Several months ago, Ambassador David Bruce held a press conference in Paris in which he criticized the mistreatment of American POWS and issued a detailed summary of North Vietnam's violations of the Geneva Convention. Among these were the following: (1) the refusal of North Vietnam to issue a complete and official list of all POWS held—a violation of Article 122, which states that official notice of capture shall be released "within the shortest possible period," (2) the refusal of North Vietnam to permit the regular flow of mail—a violation of Articles 71 and 72, which permit prisoners to freely receive letters and parcels and to send a minimum of two letters and four cards a month, (3) the refusal of North Vietnam to give official notice of the deaths of any of the POWS held—a violation of Article 120, which provides that such notice and the cause of death be released, (4) the refusal of North Vietnam to permit the repatriation of all seriously ill and wounded POWS—a violation of Article 109, which requires such repatriation "regardless of number or rank," and (5) the refusal of North Vietnam to permit neutral powers to inspect any of its prisoner of war camps—a violation of Article 126, which states that the Red Cross and other like organizations shall have the right to inspect all POW camps and interview prisoners and that "the duration and frequency of these visits shall not be restricted." In addition, Ambassador Bruce cited evidence that American POWS had been denied adequate food and medical treatment and had been subject to various forms of torture and intimidation—all in direct violation of Articles 3, 13, 17, and 30. In conclusion, Ambassador Bruce said bluntly: "The truth is that the other side has failed in virtually every respect to treat our prisoners of war decently or in accordance with internationally accepted standards of civilized behavior."

UN Resolution

In the weeks which followed the Ambassador's press conference, the General Assembly of the United Nations passed a resolution by a vote of 67–30 calling upon "all parties to any armed conflict" to "comply with the terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war so as to ensure humane treatment of all prisoners entitled to the protection of the Convention and to permit regular inspection in accordance with the Convention of all places of detention of prisoners of war by a protecting power or humanitarian organization, such as the International Committee of the Red Cross." During the same period, the United States and South Vietnam made a joint proposal in Paris, offering to exchange North Vietnamese prisoners for American and other free world prisoners at a ratio of ten to one—ten North Vietnamese for each American or free world prisoner of war. South Vietnam unilaterally offered to free fifty North Vietnamese prisoners without conditions as a gesture of good faith. North Vietnam ignored both proposals.

At the present time it seems that there is little that can be done to compel North Vietnam to respect international law beyond mobilizing American and world opinion to bring diplomatic pressure to bear. Toward that end, Congress has passed a joint resolution authorizing the President to proclaim the week of March 21 as "National Week of Concern for Prisoners of War/Missing in Action" calling upon the people of the United States to observe this week "with appropriate ceremonies and activities."

See PUZZLE, p. 8



Women Unite

by Linda Dorian

Women law students met on March 10th to discuss available remedies for problems faced by women at The National Law Center. Discussion included admissions and recruitment policies, operation of the Law School Placement Center, sex restrictions on participation in the Legal Aid program run by the law school, and discouragement of women applicants in interviews with the administration. Women recommended "rap sessions" on a regular basis to remain in effective communication on law school policies affecting them and to provide an on-going forum for sharing problems faced by women in law school. Another recommendation was to institute an orientation program in the fall for freshman women students.

The women agreed that the next step in communicating their concerns on law school policies should take the form of a memorandum to the faculty on the status of women in law schools and the legal progession generally, and at GW specifically. This memorandum will be followed by discussions with individual faculty members concerning the issues and will culminate in an address to the whole faculty in April if the faculty is favorable to such an address by the women students.

Another meeting will be held Tuesday, March 16, at 1:00 in Room 10 to discuss the memorandum to the faculty. All interested students are invited to attend and contribute relevant information for a well-documented and persuasive memorandum to the faculty on the status of women in the law.

Admissions Office Deluged

by Lawrence Hannaway

Applications for next year's entering class have soared. Over 4000 applications are now on file and it is expected that by April 15, this number will rise significantly. As usual it is expected that the entering class, although from every state in the union, will be heavily from the East. Of the 400 to be accepted (300 day, 100 night), one in five will be a woman. The median LSAT score, the Admissions Office says, will be 650 with a cumulative average of 3.2 (on the four point system). The reason for this increase in the quality of the entering class, it is felt, is that the law school is a leader in clinical legal education. It is felt also that many people who are already in Washington and decide to go to law school here are shying away from more traditional and less dynamic Georgetown and coming to this law school.

The Modified Calendar

The Faculty of the Law Center is currently considering the feasibility of a modified calendar for the next academic year. In order to encourage student input and comment into the schedule question the Student-Faculty Committee had developed this opinion poll.

The poll consists of two parts: 1) Some general policy considerations and 2) some alternative schedules. The schedules are inserted to aid in your decision-making process but in no way are to be seen as final. Any student is welcome to propose an alternative schedule. The most stringent requirement for accreditation is New York's, which calls for a total of 96 calendar weeks of classes and examinations (apparently excluding holidays and reading periods). This would demand 32 weeks in each of three years. Any useful proposals meeting the accreditation requirement and the general convenience of the law school community will be considered.

I. The Schedule as presently planned calls for:

Registration for Fall Semester	9/13-14
Classes begin	9/15
Holidays	9/20-21
Holiday	11/15
Holidays	11/25-26
Classes end for Christmas	12/18
Classes resume	1/3
Classes end	1/8
Reading Period	1/10-11
Examinations	1/12-21
Registration for Spring Semester	1/27-28
Classes begin	1/31
Holiday	2/21
Holidays	3/27-4/3
Classes end	5/13
Reading Period	5/15-16
Examinations	5/17-26

Possibilities for a Modified Calendar

Proposal II: Proposal II offers 32 weeks of classes and examinations during the academic year, 15 in the Fall Semester and 17 in the Spring. This uneven division would cause problems to any student missing a Spring Semester because of illness, military duty, or attempting completion of graduation requirements in five semesters plus Summer Sessions. Examinations are prior to Christmas break.

Registration for Fall '71	9/1-3
Classes begin	9/7
Classes end	12/11
Examinations	12/13-23

II A. Month vacation plan during Christmas and semester break:

Registration for Spring '72	1/20-22
Classes begin	1/24
Classes end	5/5
Examinations	5/8-27

II B. Two-week vacation plan during Christmas and semester break:

Registration for Spring '72	1/6-8
Classes begin	1/10
Classes end	4/21
Examinations	4/24-5/13

NOTE: Proposal II calls for a holiday after examinations are finished of either one month or two weeks. Yet proposal also calls for registration prior to Labor Day and going directly from classes to examinations. Many may wish the holiday time to study and would not want the pressure of classes and examinations prior to the break. Under Plan II B also note that some summer jobs are not programed to start prior to June 1. Yet some people might appreciate a two-week early jump on summer earnings in other jobs.

Proposal III: Exams after Christmas—elimination of the week of classes after Christmas, and allows for examination preparation period in Spring.

Registration for Fall '71	9/7
Classes begin	9/8
Classes end	12/18
Examinations	1/3-15
Registration for Spring '72	1/20-22
Classes begin	1/24
Classes end	5/5
Examination Preparation Period	5/6-13
Examinations	5/15-27

NOTE: Proposal III calls for the elimination of the final week of Fall Semester classes and allows students to go right into examinations after Christmas. Also the proposal allows for a week examination preparation period, and a two week examination period in the Spring.

Proposal IV: Exams after Christmas—eliminates the last week of classes after Christmas and lengthens semester break.

Registration for Fall '71	9/7
Classes begin	9/8
Classes end	12/18
Examinations	1/3-15
Registration for Spring '72	1/26-28
Classes begin	1/31
Classes end	5/12
Examinations	5/15-29

NOTE: Proposal IV would retain finals after Christmas and eliminate the last week of Fall Semester classes. It differs from Proposal II in that it allows a longer exam—worry-free semester break. However, it does create a shorter examination period in the Spring 1972.

Modify Proposal III

by Dan Efroymson

The proposed plans are essentially divided into two catagories: those that have exams before Christmas vacation and those that have exams after the vacation. An important consideration is which plan allows a pre-examination preparation period (reading period). For most if not all students, even the rare student who is prepared throughout the semester and outlines the course as it progresses, going directly from classes to exams is highly unsatisfactory. For the normal student, the break-less transition from class to exam is a disaster. There is absolutely no opportunity for review. Furthermore, many of the courses only become clear when viewed from the semester-end perspective.

Some proposed plans cut two weeks of the summer break. Although this time is added to the between-semester break it means that the student loses one or two weeks of work in the summer. Making this up in the winter is highly unlikely as few employers will hire for a period of four weeks or less.

The only advantage the exams-before-semester-break plans give is a "no worry" vacation between semesters. For this we give up one or two weeks pay and any chance at pre-examination preparation—a rather large sacrifice. Instead of worrying about taking examinations, we can worry about how badly we did on them because we were unprepared!

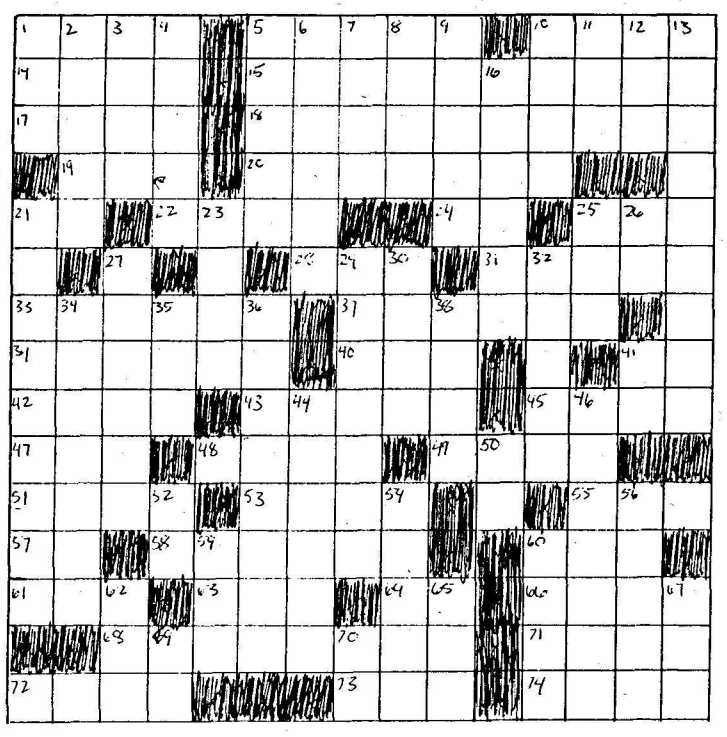
The plans from the most desirable to the least are: (1) Proposal III (most desirable); (2) Present plan; (3) Proposal IV; (4) Proposal IIB; and (5) Proposal IIA.

The ideal solution would be to modify Proposal III by advancing the entire plan two weeks (actually two weeks plus one day so that fall exams would end the day before Christmas). This would give a vacation after exams and pre-examination preparation periods, at the cost of only one week off the present summer break. The main disadvantage would be registration before New Year's Day, but this could be eliminated by having pre-registration so that registration could be during the first week of classes. Another possibility would be to have two weeks' break between semesters, although this would mean a loss of two weeks' work in the summer. Under both of these proposals fall registration would be on 24 August with classes beginning on 25 August. Fall examination period would end 24 December. Under the one week break plan classes would begin on 3 January, and examinations would end May 13. Under the two week break plan classes would begin on 10 January and examinations would end 20 May. The only problem with these plans would be possible conflict with summer training for Reservists or difficulty with employers who might expect summer employment to begin in June and terminate at the end of August.

ALBERT, from p. 2

personal outlines and attacking hypothetical situations in preparation for the exam. This use is certainly preferable to a last week's avalanche of new material while one is desparately trying to outline (learn) the semester's work.

After all, as long as the J.D. degree remains only the entry stub to your friendly local bar exam, a conscientious review of each course by the professor and students the week before exams could be an invaluable aid.



by Israel Eisenberg
Third Yr. Law Student

ACROSS

1. A fruit
5. A swimming stroke
10. Information storage unit
14. All (Ger.)
15. Team competitions
17. Exploding star
18. What A. Hitler did to N. Chamberlain (2 wds.)
19. Home (sl.)
20. Certain fabrics
21. Pronoun
22. Scream
24. Saint (abbr.)
25. Judah Ben ———
28. Lair
31. Woman's name
33. Movement
37. Scribble
39. Create harmony
40. Blue/black fluid
41. Part of psyche
42. Rich soil
43. Thin slice
45. Arizona city
47. Alcohol (abbr.)
48. California valley
49. Helps
51. Servitude
53. Steady rate
55. To be "human"
57. Attorney General (abbr.)
58. German seaport
60. Beer
61. Together with (prefix)
63. International Association of Anthropologists (init.)
64. "——— tu Brute?"
66. Misshaped
68. Fond title
71. Fem. demonstrative (Spanish)
72. British weapon
73. "Catch some rays"
74. Alexander, for one

DOWN

1. Kitchen utensil
2. Marry on the run
3. Thomas ——— Edison
4. Adequately prepared
5. To "belly"
6. Vended again
7. In addition
8. Howl
9. Stringed instruments
10. Temporary styles
11. I (Ger.)
12. Garland
13. Heroine in "Hunchback of Notre Dame"
16. Leased
21. Mountain range
23. English college
25. "——— haw"
26. Not (prefix)
27. Onslaught
29. Temple
30. Not any
32. Man's name
34. Medicine of the ear
35. Chemical suffix
36. Orwellian language
38. Vegetable
41. See 26 down
44. Cossack leader
46. Without functional worth
50. Motion picture about English school revolution
52. Chemical symbol for Erbium
54. Purgatory
56. "——— car" (2 wds.)
59. Jurisdiction (suffix)
60. Help
62. Direction (init.)
65. Number
67. Goes with "feather"
69. Preposition
70. Toward

(answer on p. 7)