**L.S.C.R.R.C. INVADES SHAW**

The Law Students’ Civil Rights Research Council, meeting December 6, revealed plans for the initiation of a demonstration project at Shaw Junior High School, second semester, aimed at familiarizing students with the basic workings of the law and the policies behind it.

In cooperation with the Shaw administration and social studies department, LSCRRC is planning a flexible program centering around the conduct of mock trials, based on filmed incidents. With Shaw students as witnesses and jurors, teams of two volunteer law students will argue the cases and explain the applicable law to the classes. Close correlation is planned between the filmed incidents and actual cases, to aid in comparison of the students’ verdicts with the actual resolution of the problems.

To begin next semester, the program involves visits to the school by the volunteer teams at two week intervals. In this way continued exposure of the students to the law and its good faith in grappling with everyday situations will be achieved.

It is hoped that such exposure will have the effect of familiarizing the youth of the Negro community with the processes of the law by appraising them of basic rights, giving understanding of certain laws in the civil and criminal areas, and the roles of the

L.S.C.R.R.C. continued on page 7

**Paddock to Conduct Selective Service Class**

During the second semester, the Student Bar Association will sponsor a two hour non-credit course on Selective Service procedures and litigation. The course, which will run for eight sessions to be held once a week in the evening, will be open to all interested students, laymen and lawyers.

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**New Nations Wary Of Int’l Law**

Mr. Stanley D. Metzger, Chairman of the United States Tariff Commission and former Professor of Law here spoke to the Scott Society of International Law Wednesday evening, December 6, on the attitude of the developing nations toward international law.

Persistent distrust of a set of prohibitive rules which they had no part in framing is the key-note of their practice and theory; they balk at compulsory settlement of international disputes, especially those with established wealthy states and refuse to commit themselves to anything but the narrowest “national” treatment of foreign investors.

Prof. Metzger maintains however that such behavior is identical to that of the established, wealthy international powers. The United States, for example, probably never will withdraw the Connally Reservation to its acceptance of World Court jurisdiction. To secure consent to the World Bank Convention, the State Department had to assure the Senate that its policy is never to include arbitration clauses in its contracts with foreigners. And surely the President would never negotiate a treaty giving measurably better treatment to a foreign national than is accorded under existing domestic law.

The policies of both groups of states merely reflect national interests.

The area where international cooperation has proved most helpful to the developing states is that which is at least minimally covered by the functional agencies of the United Nations and other international groups. It is there that the developing states have accomplished the most.

In response to questioning, Mr. Metzger reiterated his opposition to the growing demand for commodity agreements. Within a few years, he said, the recipient nations will realize that most of them have received nothing from the agreements while their internal market has been seriously distorted.

Lastly he maintained that the developing nations will never embrace “international law” more receptively until their own systems of law justify self-confidence.

The course will be taught by Mr. Brian Paddock, a 1966 graduate of the Law Center and presently a research fellow at the Criminal Institute of Law and Procedure. Mr. Paddock who has been counseling draft registrants since 1965 is the Coordinator for conscientious objectors for the Washington Peace Center. He has just recently given two of the six courses on the draft laws offered by the Free University on the main campus at Georgetown.

Mr. Paddock citing the need for such a course and noting that there is no other law school which to his knowledge offers such a course, pointed to the fact that: “The legal profession is going to discover the draft registrant in the same way as it has suddenly discovered the poor in this country. A tremendous part of our population is in confrontation with the government in an area where the lawyer can be of great assistance but heretofore has done very little. Selective Service law and procedure is an area that has been overlooked and is a field of administrative law still in the enclave of stone age arbitrariness and inexpertise.”

The subject matter of the course

DRAFT continued on page 5
The most apparent characteristic of the Center’s Legal Writing Program is its ineffectiveness. In particular, the incept and disorganized briefs recently submitted for the 2nd year Leahy Competition dramatically point up the lack of competent instruction in appellate brief writing in the 1st year legal research program and in the 2nd and 3rd year legal writing programs.

Presently students may fulfill the second and third year legal writing requirement by submitting satisfactory appellate briefs for the Leahy and White oral argument competitions. These briefs are then graded by Prof. Schmertz’s Legal Argument Committee and the grades accepted by Prof. Gahgan’s Legal Writing Committee. Yet neither of these committees has seen fit to set down either a set of grading standards for the briefs or a cogent outline of what constitutes an appellate brief. Unlike the situation where a student submitting a paper in fulfillment of his legal writing requirement works under the close supervision of a faculty adviser, the brief-writing student is virtually without assistance. The purpose of the Legal Writing Program is not to fail students but to educate them. The present program fails to educate. This year’s briefs for the Leahy Competition were incept, at best. The most favorable response to the briefs, by several legal interns acting as judges for the competition, was that they were barely adequate. The interns felt that the students, in general, were ignorant of the mechanics of appellate brief writing.

It is the responsibility of the faculty to make this instruction available to the students. Yet, save for a few concerned professors, the faculty has failed miserably. The faculty inertia is patently unjust. It deprives the student of adequate instruction in an area upon which students are graded and in which they must work as lawyers.

A series of steps, immediate and far-reaching, could eliminate the inequities of the present system. Of immediate concern is the 3d year legal writing requirement. Again satisfactory appellate briefs will satisfy this requirement. Faculty advisers should be assigned to the brief-writers. Such advisers would assist the students, not in the substantive content of the brief, but rather in the technicalities of appellate brief writing. With such assistance the content of the brief would still be the student’s, yet it would be presented in the proper format. Assuming, however, that faculty interest fails to rise above its present lethargic state, such assistance could still be obtained from the legal interns. Many interns have openly declared their willingness to work in such advisory capacities. If one of these steps is not implemented in the upcoming semester then the faculty Legal Argument Committee or Legal Writing Committee should assume the responsibility of publishing the grading criteria and a reference outline on appellate brief writing. Presently the Barristers’ Council disseminates the only aid to students in brief writing by its instructions for legal argument. But this is of such a cursory nature that it produces limited success, as is witnessed by the poor reception by the judges of this year’s Leahy briefs.

Over an extended period the whole legal writing program should be restructured. The first-year curriculum should contain a credited, two-semester course in legal writing. This course could easily assume the time currently allotted for the course in legal research and could beneficially combine detailed instruction in brief and memorandum writing with applicable legal research techniques. Besides educating the student in legal writing, such a course would, for the first time, give the student the opportunity for practical application of legal research. From the point of view of administration, the tools for implementing this program are already in existence. The attorneys who now teach legal research could reorganize their instruction to include one semester of legal memorandum writing and one semester of appellate brief writing. With the newly adopted program calling for assistant instructors, the students would be assured of adequate coverage of the subject matter.

Dear Sir,

It is my opinion that the Law Center is in the process of turning away one of the potentially finest professors it has on the faculty. I refer to Professor Goodman, a part-time instructor filling in the shoes of Father Snee in the course Individual Rights and Liberties. This man has enthusiasm and vitality sorely lacked by many of the faculty here; he is completely familiar with Constitutional law having clerked for the Supreme Court and he shows an uncommon interest in the development of his students as thinking, creative attorneys. All the Law Center does in return is offer him a “chance” to teach State and Local Taxation next semester. If he declines to accept that and nothing else is forthcoming (as it apparently is not) on what basis can the Law Center hope to retain his allegiance-on the course he presently teaches on Constitutional Law which, limited to two hours a week, barely allows the professor and the students to scratch the surface of a rapidly growing and critical fact of legal life? The answer is obvious. This man wants to teach; if he can’t do it here why shouldn’t he go elsewhere? G.W., A.U., C.U., and Howard provide the elsewhere. Professor Goodman is quite obviously not financially tied to the Law Center, there is nothing except his interest in teaching, if satisfied, to keep him here.

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NBC REPORTER SAYS: "DON'T BLAME PRESS!"

By ALLEN KRUGER

In the midst of a despairingly sparse law center crowd, Carl Stern, N.B.C.'s Supreme Court Reporter, last Wednesday afternoon discussed the first amendment of the U.S. Constitution in relation to the press. The problem which he admitted was not pressing, was whether the press interfered with the right to fair trial. Mr. Stern said that the purpose of the press was to raise the question of guilt, and that it would be an impermissible over-reach on the part of a judge to control this right. It is the responsibility of a judge to alleviate any undue burden to the defense resulting from press coverage, yet this could be done without restricting the press. The judge has conventional means open to him, such as change of venue or delaying the trial. While the court has jurisdiction over the parties involved, the jury, and the spectators, it should not assume any change over the duties of the reporter.

The Reardon committee which studied this problem, pushed it out of proportion. This committee recommended that the press be charged with criminal contempt when they prejudiced a trial. The control which they wanted, was not over what the press could print, but when it could be printed, which is tantamount to not printing it at all.

The Supreme Court has considered the contempt matter and has ruled that there is not sufficient danger. There must be a clear and present danger of contaminating the trial, and undermining the state's interest, and if this happens, a new trial should be granted rather than condemning the press.

A case in point is the Sam Shepard trial. The Supreme Court in granting Sheppard a new trial, did not condemn the press for prejudicing the trial, but rather the judge, who could have used the means available to him to prevent this, and failed to do so. The Supreme Court opinion did not recommend sanctions on the press.

Mr. Stern, in discussing the Sheppard case, admitted that the press in Cleveland was extreme in its coverage, yet the power of the press to do good or evil should be an editorial and not a legal consideration.

To put the problem in proper perspective, Mr. Stern introduced STERN continued on page 7

PAD Launches Officers

Members of Phi Alpha Delta convened on Friday, December 8, to elect the fraternity's new officers for the spring semester. Joe McGrath was chosen as Justice, Chuck van Marter as Vice-Justice, Mike Udoff as Clerk, Gary Simpson as Treasurer, and Bill Murphy as Marshal.

The following Tuesday on December 12, the new officers were installed in office and at the same meeting, thirty new members were initiated into the fraternity. This was followed by a Christmas reception held for the faculty, fraternity members, their dates and wives. At the reception, McGrath indicated that this was the largest group of initiates that had been taken into P.A.D. at Georgetown.

McGrath said that in his new role as Justice, he would continue to emphasize the professional and vocational aspects of the law at P.A.D.'s regular functions. Added to the "Inns of Court" program this coming semester, will be a new series of lectures which will revolve around the problems of law and community action.

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For further information contact: John T. Tierney at 629-4974
In response to invitation from Mississippi Negro leaders, the Law Students Civil Rights Research Council sent 56 law students to Mississippi during the week immediately preceding the November election. Their concern was the fair and proper conduct of the election together with the informing of the electorate, the candidates, and the poll-watchers of their legal rights. Among those participating in the project were Georgetown Law 3rd year student Marsha Quintana and 2nd year student Roger Rosendahl.

The history of the Negro community in Mississippi is a history of powerlessness. Although the Negro community accounts for 43% of the Mississippi population, prior to this election, not one Negro had ever been elected to a state-wide office, and there had, in fact, been only two Negroes since Reconstruction ever to hold elected positions in Mississippi (a school board member and a mayor of a 100% Negro town).

After a pre-departure study of the Mississippi election laws by participating students, the election project began with a one day orientation program held at Mount Beaulah near Jackson, Mississippi. The orientation was conducted by attorneys from three legal groups in Jackson and local leaders. It was made clear at this time that LSCRRC would not engage in any activities which related to soliciting votes for the operation of any candidates campaign.

Law students were then placed in homes (usually those of the candidates or political leaders) in ten of the counties where Negroes constituted a large majority. In the days preceding the election the law students attended local meetings describing the voting procedure, the function of the various election officials, and the function and rights of the poll-watchers. In addition, it was thought that the mere fact of the law students presence, which had been announced on radio and television news several days before their arrival, would have a deterrent effect on the willingness of local whites to interfere with the fair conduct of the election. But as also expected, the problems involved in getting Negroes to vote and in having Negro candidates elected were substantially aggravated in the week preceding the election by instances of white physical and economic intimidation and repression. In Yazoo county, for example, where the two Georgetown Law students were working Negroes who worked the cotton fields of white plantations were ordered to work late on election day so they would not be able to vote. The Yazoo County Board of Supervisors also attempted to move one polling place from its traditional location—a store on a public highway—to the farm of a white man up a dirt road. Clearly an attempt to “scare off” Negro voters, this move was stopped only one day before elections by the Lawyers Constitutional Defense Committee of Jackson.

In many counties there were instances of violence such that almost everyone, both black and white and including some law students, became accustomed to carrying a gun. In Yazoo county one law student and a poll-watcher were forced to leave the polling area by a crowd of about 100 whites and a pistol-packing election manager. This was in a polling area characterized by many irregularities, ballots dropped on the floor, voters turned away for frivolous reasons, and an unfair count. The Negro candidate for County Supervisor in this election, had furthermore been threatened with his life should he win, and in the past had suffered from having his crops burned and his hogs all shot.

In other counties one lawyer was assaulted by two whites and later placed under arrest by the local sheriff for assault and battery. In another county a man relayed to the FBI a message he had received about post-election violence in a certain precinct. When the Sheriff’s office investigated and found nothing, they arrested him for “making false statements to Federal officials” (Mississippi Code, Section 2155.4). These latter cases have been removed to federal court.

Marsha Quintana related the following incident which occurred while she was watching a ballot count in Yazoo County. After the voting had ended, some poll watchers of one of the Negro candidates, one of the Negroes appointed by the Board of Elections and five election officials stayed for the count. The white officials arranged themselves around a table so that only they could easily see how ballots were marked. Following half an hour of leaning and discomfort, the same poll-watcher asked if the votes would be held so he too could see them. The officials were amazed and angered. They said they were tired of this man’s attempts to see what they were doing when they would not be doing the job if they were not going to be fair. The ballot-reader did not like people looking over his shoulder, he was fed up; the election manager threatened to throw everyone out and lock the door, as he said he had a right to do. However, he said he would be satisfied if the poll-watcher, who, it was claimed, had no right to know what was going on, would move to the other side of the room or get out. In the intervening silence, the election officials were told that the Mississippi law on ballot counts and poll-watchers was against them. Their reaction was surprise at the outspokenness then reiteration: no one was to look over their shoulders. The poll-watcher left.

Other election irregularities ranged from stuffed ballot boxes to refusal to allow registered Negroes to vote. Election officials charged with the duty of reading ballots to illiterate voters, frequently omitted the reading of the names of Negro candidates or indicated that a particular name was something other than what it was in fact. Vote buying was another occurrence.

In spite of these many difficulties, the election, which represented the culmination of several years preparation in which LSCRRC and Georgetown students in the summer intern programs played some part, was: relatively speaking, very successful. Mississippi now has 22 Negroes in office including one state-legislator.
Hippies are the butt of countless jokes by "sophisticated" people in American society. Law students and lawyers are no exception to the general run of the public who find hippies uniquely interesting but quite irrelevant. Hippies are without doubt uniquely interesting. But I submit that they, and what they are saying, are not irrelevant to law and many other of the most important parts of American life.

"The point about the hippies," writes Max Lerner, a noted columnist, "is that while everyone else has for decades been talking about changing the American value structure, the hippies are going ahead and doing something about it."

Only the uninformed layman would object that law has nothing to do with values. Almost all of the law is based on a set of values: the value of human life, the value of order in our commercial affairs, the value of nationalism in our affairs with other countries, the value of equality of opportunity, the value of the "public interest" over the individual, the value of punishing one individual as a deterrent to others committing similar acts. In our society, law may have even become a value in and of itself. For no one will deny that people are imprisoned for committing perfectly harmless acts (e.g., smoking marijuana, burning draft cards, etc.), which hurt no one, and which in no way affect public affairs, on the theory that "the Law must be upheld"—no matter how much this ruins the life of the individual involved.

The general direction of the law in our time has been toward a lesser role for the individual in American society. Always—except perhaps in criminal procedure—the interests of some undefined public are exalted over the individual. Sen. Robert Kennedy has stated succinctly the dilemma that has created the hippie movement. The hippies, he said, "want to be recognized as individuals, but individuals play a smaller and smaller role in society. This is a formidable and forbidding arrangement." The hippie rejection of, and withdrawal from, society becomes a little clearer in this light.

The force and seriousness of the hippie philosophy has not gone unnoticed in other professions. At a recent conference of urban planners, a public official and noted author issued this warning: "No serious prophet should disregard the possibility that the hippies represent the beginning of a withdrawal from the values and concepts that have dominated the Western world for more than five centuries. This may be the beginning of a movement which will slow down the mindless pursuit of technological change carried out for its own sake, without concern for the human values which it supposedly serves."

Lawyers and jurists might begin to reflect also. Is the growing wave of civil disobedience and disrespect for the law an indication that the function and place of law in our society needs rethinking? Has the mindless pursuit in law of order and regulation in almost every aspect of our economic, social and national life forgotten the fundamental human values which law is supposedly to serve?

Arnold Toynbee has written that "the hippie movement raises a rueful mocking laugh among practitioners of the orthodox American way of life. But their laugh has a note of anxiety in it, too." Among law students, who represent the bulwark of "the orthodox American way of life," the hippie movement should evoke more than simply "a note of anxiety." We must begin to question, not only what the law is or should be but, much more deeply, what law represents the beginning of a withdrawal from the values and concepts that have dominated the Western world for more than five centuries. This may be the beginning of a movement which will slow down the mindless pursuit of technological change carried out for its own sake, without concern for the human values which it supposedly serves."

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CRIMINAL INSTITUTE BUILDS ON MIRANDA

Now entering its third year, Georgetown's Institute for Criminal Law and Procedure has already made significant contributions to the general reappraisal of criminal law since Miranda and Escobedo. Originally conceived as an experimental application to law of the analytical methods developed by the social sciences, the Institute was begun in October 1965 under the directorship of Professor Samuel Dash with a special five-year grant from the Ford Foundation. The Institute staff now comprises six attorneys, three sociologists, a social worker, a forensic scientist, six graduate fellows, and a number of other persons (including undergraduate law students) who assist with research and interviewing.

The purpose of the Institute is, according to Deputy Director Richard Medalie, the systematic study of the criminal law process from police investigation to appellate and other post-convention procedures:

"As we get into any one of these areas, we find that subsequent projects grow naturally from them. Yes, I would say the approach has proved very successful so far. We have now reached the point where we have accumulated enough data and are beginning to evaluate and compile it for publication."

Typical of this evolving process is the study the Institute has made of the Miranda decision in the Pre-Arraignment Project. Miranda provided material for the evaluation of the methods of police interrogation which resulted in a bound volume of the records, briefs, transcripts, arguments, and decisions of that case, published last year as the first of the Institute's series entitled Studies of the Criminal Process.

Issues concerning the right to dissent with administration policy which justifies the Vietnam war were explored and contested last Sunday afternoon in a symposium called Free Speech '67 by a panel of men who have been involved in this area.

The symposium panelists considered generally the questions relating to whether and to what extent citizens relinquish their First Amendment right to speak during times of national crisis.

Prof. Thomas Emerson of the Yale Law School was the principal spokesman for the liberals and explained the traditional distinction made under the First Amendment between "expression," which in his opinion is absolutely protected by the First Amendment, and "action" which the First Amendment does not protect. Under this approach the difficulties arise when a certain activity, such as picketing or draft card burning, must be labeled as either "expression" or "action."

Lead-off man for the conservatives was James Kilpatrick who is a former editor of the Richmond Times-Dispatch and currently a syndicated columnist and contributor to the National Review. Mr. Kilpatrick's conservative approach to the free speech issues are based on his opinion that survival of the order is the primary consideration in the area and this interest justifies the state in suppressing all dissent, whether it is classified as action or speech, in times of national danger. Mr. Kilpatrick would contend that the only question is as to when the state is in such danger that it may suppress all form of dissent.

Mr. William Bittman, presently a member of a Washington law
police, courts, attorneys, and citizens in the administration of these laws. In these goals the project aims at helping to close the gap existing between the police and courts and the Negro community.

Volunteers are needed for the project, which will involve approximately two hour visits to the school every two weeks. Interested students should contact Michael Goldman '69 of LSCRRC for further information.

Also present at the meeting was SBA President Frank Dubofsky, who discussed the possibility of formal student participation in the recruitment program of the Law Center, and the desirability of increased emphasis on the recruitment of Negro students. Implemented through an expanded program of recruiting at Negro undergraduate schools in the area and a proposed 4-5 day summer symposium at the Law Center to give an introduction to the study of law and the desirability of a legal career, this proposal is aimed at helping fill the need for more Negro lawyers. Those interested in further information regarding the proposal should contact Henry Rucker '69 and Willie Cook '69 of LSCRRC.

LETTERS continued

I may be talking out of turn, but I believe a poll of his present students would indicate that my praise for him is conservative. Can't something be done to put his ability and talent to effective use to our benefit and his?

Yours truly,
Robert J. Roper, '69

INTEREST-FREE LOANS AVAILABLE SOON

The Student Bar Association Loan Fund will begin operation after January 3 John Wintral, SBA treasurer, announced. The fund had not been in operation last year.

Loans will be interest free and available to all full time day or evening students. The maximum amount that can be borrowed at any one time is $25 and the loan period is two weeks. If the loan is not repaid within that time, future loan privileges will be revoked and a fine of 25¢ per day assessed. Students are limited to four loans a semester.

Forms for the loan applications will be available in the Registrar's office after January 3. The completed forms are to be turned in at the Student Bank in the Ryan Administration Building on the main campus.

The loan can be picked up there 24 hours after the form is turned in. Repayment must also be made at the bank. The bank's hours are 11 a.m. to 4 p.m., Monday through Friday.

The Loan Fund this year only holds $810 instead of $1,000 because students in past years did not repay into the fund the money loaned them.

STERN continued

an Indiana Study. In the three years taken, only in 101 cases was the issue of prejudicial press raised and only in 7 cases was it concluded that the trial was already contaminated. In view of these figures, the advantage of having free press outweigh the need to control it.

An interesting point which Mr. Stern brought out concerned using television in the courtroom. He said there are many arguments against it which are not necessarily valid—such as the apparatus needed, lights, technicians, etc. However, he said the one court where it should be allowed, where it would not have a prejudicial effect, and where it would be of great value is U.S. Supreme Court which is emphatically against such a practice.
On December 14th and 15th, the Supreme Court will be finishing one more of its two-week schedules of hearings with oral arguments. The last three cases to be heard are the following: (1) A trilogy of cases challenging Sec. 15 of the T.V.A. Act which bars T.V.A. from entering areas attached to and served by private utilities' "mainland" area of primary service. Many issues are raised, including whether a private utility company has standing to seek an injunction against T.V.A.'s supplying electricity throughout two of petitioner's competitors, and whether the court can override the good faith judgment of the T.V.A. directors and determine independently those areas from which T.V.A. is barred. (Hardin v. Kentucky Utilities Co., cert. from 6th Cir., 3/27/67.)

(2) Simmons v. U.S. (cert. from 7th Circuit, 6/12/67) raises interesting question of criminal procedure. In a federal robbery case, the defendant claims that F.B.I. agents violated his 5th Amendment Due Process rights by showing government witnesses snapshots of suspects in such a way as to emphasize his pictures over others, that he was entitled to pre-trial access of the snapshots under the Jencks Act, and that the admission into evidence of his inculpatory testimony given during a hearing on a motion to suppress evidence, was only at the expense of his 5th Amendment protection against self-incrimination.

(3) Another criminal case, Biggers v. Tennessee (cert. from Tenn. Supreme Court, 6/12/67) will determine whether a 16 year old rape suspect's protections of self-incrimination, right to counsel and due process were all violated when police compelled him to say without a lineup, in the victim's presence, "Stop, or I'll kill you."

At the local level, a hearing is scheduled for December 15 in the Landlord-Tenant court at which the tenants of Clifton Terrace will attempt to enjoin the owner, Sidney Brown, from evicting them as well as recover $20,000 damages from subjeacting them to illegal living conditions. This case appears to be an important local issue not only because of the number of families involved (270 units) but because of its impact on protections against eviction and other forms of retaliation against eviction by landlords for tenants who exercise their right and duty to complain to authorities of violations of the housing codes.