**Groundbreaking Issue**

Georgetown Law Weekly

Vol. II, No. 11

Georgetown University Law Center, Washington, D.C.

April 29, 1968

Stern New Pres; SBA Execs. Picked

Several of the major student organizations at the Law Center have, over the last week, undergone the customary seasonal changes of administrative personnel. On Friday, April 19, the S.B.A. concluded its election of officers after the student body was polled on Friday, April 5, due to the Washington riots. The voter turnout this year, due perhaps to the disturbances in the city, was considerably less than last year. A total of 405 day and evening students cast ballots which amounted to under twenty-six percent of those eligible to vote.

Don Stern ('69), running on a platform calling for greater student involvement in the affairs of the Law Center, was elected to the office of President of the S.B.A. with 248 votes. His nearest rival was Charles H. McAsliffe ('69), a write-in candidate, who garnered 166 votes. Running third in the field was Stu Stilller ('69) with 85 votes. Mike Unger ('69) won the post of Morning Division Vice President with 255 votes over Rob S. Roper with 152 votes. Bernard Ballor ('70) was elected Evening Division Vice President. B. Kenneth (Ken) Vickers ('69) running unopposed won the Treasurer's office, and Paul A. Nussbaum ('70), also unopposed won the position of Secretary of the Board of Student Agencies.

The Board of Directors of the Legal Aid Society appointed John Wintroth ('69), presently the Treasurer of the S.B.A., as the new President of the Society to replace Alan Freeland. Steve Schanned ('69) was appointed Executive Vice President. The newly-appointed Board of Directors is composed of: Thomas L. Crowe ('69), who will now head the Legal Aid Agency; Jean R. Just, who will head the Small Claims Court Project; William Robarge ('69) who will head the Community Center; Jack Ross ('70) who will coordinate the Pretryman Intern Programs; Peter Strauss ('69) who will head the Neighborhood Legal Services; and Roy Yaffe ('69) who will manage the Juvenile Court Program.

Propose Student Control Of Legal Research

On Friday, April 19, a proposal from the Student-Faculty Committee calling for the revamping of the first year Legal Research Program was submitted to the Executive Faculty Committee. Action on the proposal was postponed by the Committee in order to give the Barrister's Council an opportunity to make its recommendations.

Central to the proposal is the creation of a Board of Student Advisers which will be responsible for the direction of the Legal Research Program. The Board will be composed of four second and third year students and will be headed by a Student Director chosen by the Dean and Associate Director.

During the first semester third year student instructors will conduct class meetings two hours each week with a proportional number of first year students. During these meetings the first year students will be taught the methodology of legal research and will be introduced to some of the techniques of the art of appellate advocacy. Also during the first semester, the first year students will choose a teammate to participate in an oral argument, and to write a brief. In addition there will be distributed to teams composed of two first year students recent decisions or cases of interest. Deadline for these papers will be February 1, 1969.

(Continued on Page 3)

New School Launched

At Groundbreaking Tomorrow

Tomorrow, April 30, the Law Center will conduct ceremonies for the groundbreaking of the new Law Center. An entire calendar of events is scheduled for the day, insofar as the ceremony will take place of the traditional May First Law Day festivities. The long-awaited groundbreaking itself will take place at 10:45 that morning at the site for the new Law Center between F & G, 1st and 2nd Streets, N.W. This historic occasion will be open to the Georgetown Academic Community as well as to numerous dignitaries invited by the Law Center. The Honorable Alan Bible (L.D.), United States Senator from Nevada, will deliver the main address of the ceremony at the site. Following this, at 11:45 a.m., a reception will be held in the Washington Hilton Hotel. Tickets to this reception, and the luncheon to follow, are being sold by the Student Bar Association for $3.00 per person. The highlight of the luncheon feature will be the presentation of the Student Bar Association Annual Awards. Former Associate Dean of the Law Center A. Kenneth Pye, who is currently a Professor of Law at Duke University, will receive the Outstanding Alumnus Award. Dean Pye taught at the Center from 1955 to 1965 and was Associate Dean from 1961 until 1966. While at Georgetown Dean Pye was the director of the Legal Intern Program and was a leader in criminal justice reform in the D.C. area.

Professor Robert Schoenbrin has been selected to receive the Outstanding Professor Award. In addition, the following individuals will receive Alumni Achievement Awards: Hon. John A. Carver, Jr. (Commissioner of the Federal Power Commission); Hon. Joseph M. F. Ryan, Jr. (Judge of the D.C. Court of General Sessions); Hon. E. Barnett Prettyman (Judge of the U.S. Court of Appeals); Barnabas F. Sears (Chicago attorney); Hon. William C. Pryor (Judge of the D.C. Court of General Sessions); Hon. Luke C. Moore (U.S. Marshal for D.C.); Hon. James A. Belson (Judge of the D.C. Court of General Sessions); Hon. Frank J. Murray (Judge of the D.C. Court of General Sessions); Jeremiah Collins (D.C. attorney); Edward L. Wright (Little Rock, Ark., attorney and active member of the American Bar Association).

At 3:30 p.m. the ceremonies of the day will shift to the main campus for an Academic Convocation. This will be held in Gaston Hall, in Healey Building on the main campus at 37th & O Streets, N.W. At the convocation the University will confer honorary degree upon three distinguished Law Center alumni: Edwin A. Heafey (’25), noted California attorney and past president of the California Bar Association; Edward Bennett Williams (’45), noted Washington attorney, author, and sports aficionado; and Edward L. Wright (’28), who earlier in the day received an Alumni Achievement Award.

The principal address of the convocation will be given by Edward Bennett Williams. A reception will follow the convocation in the New South Hall. Both the Academic Convocation and reception are

(Continued on Page 3)
id est...

The long-awaited groundbreaking of the new Law Center represents what hopefully will be a new era of progressive thought. Unfortunately the building alone will accomplish little toward this end if the caliber of students within the center does not increase. It is not that Georgetown's law students are less than brilliant; academically they are peerless. Rather it is their total lack of concern for the Center, except for what they can take away from it. It is too clear that Georgetown students have the intellectual and social capacity of a fog-bound steam-ship. All too often the courses taught fall on ears interested only in hearing the magic phrase, "...This single-minded purpose (some call it dedication) has destroyed the law students' interest in the proper functioning of the Law School community. And if law students neglect the community in which they now live, most assuredly they will neglect the community in which they later practice. With a new Law Center building under construction the Weekly fervently hopes that the law students will take time to reconstruct their outlook on Law School and positively contribute to the new Law Center by actively participating in and concerning themselves with the many activities of the Center.

This being the final issue of the year, the Law Weekly wishes to announce the appointment of John E. Swift as Editor-in-Chief for Volume III. And many many thanks to those who contributed to the pages of the Weekly over the past year.

LETTERS TO THE EDITOR

Riot Aftermath

Editor:

On behalf of the members of our full and part time faculty, our legal interns, our research fellows and the hundreds of other volunteer attorneys, we wish to thank Dean John Swift and the other Georgetown law students who gave long hours of time and effort to assist the legal processes of this city during the riot crisis. Their efforts were essential to the functioning of the law. Among the many experiences we all shared on that weekend was this demonstration by the law students of their understanding of the legal profession's commitment to society. As one student-faculty relations, and administration to listen to them. Rather than being told to do something, the students seem to find their proper functioning...and concern themselves with the many activities of the Center.

Steve Owcendoff, Frederick L. Miller, Jr.

Washington, D.C. disturbances.

Although somewhat surprised at the holding of class at all on that day, I went as did most of the students (at least in my one class of the day), the Professor, far from giving any sort of apology (as did one Professor) did not even acknowledge that an event of rather large implication had taken place. The name Martin Luther King was not apparent from the sound and direction of sirens outside that trouble was occurring fairly near the school. Students were becoming restive and uneasy. The Professor went right on. At the break it was discovered that in fact the disturbances had spread to within two blocks of the school, at which point taking caution to be the better part of valor, I left.

I have since learned that, although notified of what was happening, this professor valiantly desired to teach on, but cooler heads prevailed and the class was, over his protests, dismissed. Apparently the Professor having himself either ignored or refused to accept Dr. King's death was also prepared to ignore its aftermath even at the risk of possible danger to his students.

Brian H. Paddock

Mr. Brian Paddock received his B.A. from San Jose State in 1963 and his J.D. from Georgetown in 1966. He is currently a research fellow at the Institute of Criminal Law and Procedure at Georgetown. During the current semester Mr. Paddock has conducted the S.B.A. course on Selective Service Law.

CANNED BRIEFS

On Sunday, May 5, the Dean's Reception for senior law students will be held in the Faculty Lounge. Cocktails from 4:00 p.m. to 6:00 p.m. .

The Legal Aid Society desperately needs individuals who are Society members or would like to become members and who could spare some time THIS SUMMER for work in D.C. either on the expanding Juvenile Court Program or with the Prettenyman Internship Program. Interested students should contact John Wintrol or leave a message in the Legal Aid Society Box in the Registrar's office.

Students are reminded to leave with the Registrar's Office the addresses to which grades should be forwarded this summer.

FORUM

Three Hour Holding Period To Create More Problems For Police And Courts

by BRIAN PADDOCK

Segments of the American public, particularly the Bar and the Judiciary, have debated the limits of police interrogation at least since the Wickersham Commission studies in the 1930's on police brutality during interrogation. For the most part, this debate was ignored by police officials except for those few who joined their prosecutorial brethren in claiming that their "hands would be tied" if they could not use the most direct and forceful methods of questioning. Perhaps the most blatant example of this is in Brown v. Mississippi, 297 U.S. 278 (1936). In this case the police took the position that using a metal-studded leather strap was a proper method of interrogating a defendant. Although somewhat surprised at the holding of class at all on that day, I went as did most of the students (at least in my one class of the day), the Professor, far from giving any sort of apology (as did one Professor) did not even acknowledge that an event of rather large implication had taken place. The name Martin Luther King was not apparent from the sound and direction of sirens outside that trouble was occurring fairly near the school. Students were becoming restive and uneasy. The Professor went right on. At the break it was discovered that in fact the disturbances had spread to within two blocks of the school, at which point taking caution to be the better part of valor, I left.

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Here is a Professor who is constantly reminding us that one day we will be lawyers too—thereby implying the specialized role of the lawyer in our society as a responsible, active, but most of all concerned individual. Yet this same Professor can dismiss so totally and with such unconcern the death of a man who, at the very least, certainly embodied these very qualities.

With this kind of example to emulate, perhaps student apathy at Georgetown is somewhat understandable.

Sincerely, Jane R. Walinsky
It may fairly be said that nowadays there are two basic approaches in a law school: a doctrinal one. They are not marred by the good law school may find itself in the grey category. I think Georgetown has been and is now unique in its ability to chart its own course and shaped a curriculum along practical lines and unrestrained by the prophets who equate change with doom.

We shall label the current approaches to curriculum thinking the modern and the traditional. The modern approach is characterized by its generalization of the law schools to law schools with a "comprehensive" program characterized by "interdisciplinary," "clinical," "skills," "cross-fertilization," "persuasive," "ferment," and "free flowing re-evaluation." Toss in "law school is a sort of community," "student participation," and "one-stop shopping" and you have some idea of the mix in modern curriculum. Each member of the law school community, student, faculty, and administrators at the university level are encouraged by this approach to determine whether the law school's programs respond to the needs of the profession and the society it serves. The vital concern of the modern approach is the place of the law school in society. It caught in the convulsive urban economic and international crises.

Is he a lawyer qua lawyer, or should he seek reforms as judge, legislator, or member of the bar. Modernism may or may not mean a civil and criminal justice but also in other institutions in our society? Should he be concerned with our welfare system, job-creation, income redistribution, unfair installment purchase practices? What about group legal services to insure there is even-handed justice to all members of our society? What about an ambudsmman system at each stage of our government, city, county, state and federal?

Can we provide the specialists needed in an increasingly complex society? Should we familiarize lawyers with computers? Can we expand legal education and increase its support so that more students from the disadvantaged groups can be admitted? Can we expand our law schools to double the number of students?

The modern approach calls for the utilization of a "total" program and not a bunch of courses, to add long-range classes on Saturday. Needless to say, most also have Friday night classes.

Because of my three prior years as First and Second Year S.B.A. Officer and last year as Night School Vice-President, last year, I am fully aware of the problems of the modern approach. However, the Barrister's Ball has always in the past been a formal affair and students with their attendance being usually higher than their respective registration as a number of law students. However, when faced with Friday class until 7:45 p.m. and Saturday class at 9:30 a.m. this year's Ball was relegated to a "day school" only function to be 

In summary, it was not apathy, cynicism or pedestrian tastes that made this year's Ball a flop—it was lousy planning. Keep the Barrister's Ball, get a new Barrister's Ball Committee.

Ronald L. Grudziecki ('68)

DIRECTORS—continued

In the next year the Law School, in an effort to avoid the "hour of darkness" as one might be in the black or might be awfully red in the red. As national conditions become more stable, the governing Board will make every effort to respond to the proposal that entering students be offered a tuition guarantee to hold the tuition levels of each year.

"Last year's heavy deficit made University funds more liquidate over a million dollars in securities. Were such a practice to be repeated, the University might be enabled to meet its obligations of undesignated funds and would find itself insolvent. It is this danger that has made it necessary for the Board to establish the large tuition increases of 1967 and 1968."

Nicholas R. Allis, with the Beaudry Cup

Nicholas R. Allis, with his partner Michael J. Walsh (representing the Miller Law Club), and the appellees in a civil case involving the immunity of government officials argued the property rights statements made by them in the context of their official positions. Mr. White was re-appointed as Clerk of the United States District Court for the District of Columbia. The Clerk of the United States District Court for the District of Columbia, declared Mr. Allis as the best advocate. The trophy which will be received is named in honor of Edward Douglass White, the late Chief Justice of Georgetown Law Center's most distingushed alumnus. White was Chief Justice of the Supreme Court of the United States from 1910 to 1921.

Cohn and Cys Win Leahy

On Wednesday evening, April 17, three judges from the United States District Court for the District of Columbia handed down the final decision of the 1968 Edward Douglass White Prize Competition for second-year students. The impressive U.S. Court of Military Appeals and the poignant question from Judges Oliver Gaech, Howard F. Corcoran, and William B. Bryant of the United States Court of Military Appeals, for the District of Columbia, combined to produce a simulated atmosphere which was both exciting and inspiring. The competition, unlike the Beaudry, awards the best team of advocates. After hearing the arguments of the appellants Joseph S. Freid and Donald L. Logriver and the appellees Michael L. Cohen and Richard L. Cys, the Court, in a two to one decision, selected the appellees as the best team. The three judges commended favorably on the proficiency of the performance of all the contestants, and the competition, difficult in deciding upon a single team.

Mrs. William E. Leahy presented the trophy and individual awards the Moses, Cohen and Cys at the close of the argument. Mrs. Leahy is the widow of the eminent Washington attorney for whom the competition is named.
Haffted Scores Vietnam Policies

Senator Mark O. Hatfield, Republican liberal leader, future presidential candidate and law school founder, addressed an overflow crowd of students on April 3 in the law school gymnasium, whose appearance was sponsored by the Law Center Young Republicans, and spoke on the anti-Vietnam war position whose sons behind his anti-Vietnam war position.

The Senator appeared to capture the audience which interpreted his speech at numerous points with applause and which capped his presentation with a standing ovation.

Although some may well question the logos of Hatfield, the echo or character of the man appeared, at least at first impression, beyond reproach. He spoke sensibly, sincerely and seemingly with deep conviction. The eloquent capacities of the well-known dove have long been recognized by his colleagues who awarded him the position of Keynote Speaker at the 1964 Republican National Convention.

Hatfield opened his attack at a policy by policy level and, in turn, illustrated his interest to his listeners—the effects of the Asian conflict on American goals. Notably, he helped to note the importance of the Vietnam War to American students. The crux of his comments was that American participation shouldn't be.

"The country is finally becoming aware of the Senator's position if we must honor the anti-Vietnam War by themselves."

From his introductory remarks, on the effects of the Vietnam War on the educational processes, Hatfield moved on to talk about the need to have a different from the Vietnam struggle. The crux of his comments was that American participation shouldn't be.

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As the study progressed it soon became apparent that retention of the traditional curriculum and the expansion of the studies of the law's societal relationships were resulting in an artificial chronology that was no longer responsive to either proper training or the practical skills and business training. We have looked for his -participation in the decisions of society and of government. We have looked for his-得了 professional and public leadership — not only professionally, but in the areas of real and personal recognizance section of the D.C. Bail Reform Act. 

Perhaps the most crucial factor in the successful operation of the Student-Faculty Committee which was chartered this year was the selection of students, after careful study and deliberation, to the Executive Faculty Committee and to the Administration.

One of the most important programs emanating from the Student-Faculty Committee has dealt with the problem of the presence of minority groups in the Third, and the requirements for terminal courses in fields of remedial legislation is discussed.

Possibly the most advanced curriculum idea in the nation was the creation of a special program with instruction in the areas of Forensic Science, Business Planning, Criminal Justice, International Trade, and Poverty Law and Consumer Rights. At the urging of the students in the areas of Forensic Science, and the Graduate School of Public Affairs, a new course in Poverty Law and Consumer Rights was added to the curriculum. The course is designed to sharpen analysis, synthesis and self-expression. We intend to continue this hard

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Halleck Criticizes Bail Reform Act

On Wednesday, April 24, the Honorable Charles W. Halleck (L'57) of the District of Columbia Court of General Sessions spoke to a spirited gathering of students in Hall II. The lecture, sponsored by Delta Theta Phi fraternity, concerned the 1966 D.C. Bail Reform Act.

Judge Halleck said that the drafters of the Act looked at only one side of the picture—the defendant's—when they created the personal recognizance section of the Act. He was authorized to consider the needs and conditions of the community in granting personal recognizance bonds, but, rather, is to consider only whether the individual has sufficient ties to the District. Judge Halleck argued that the Act should be repealed or modified to allow judges to consider other pertinent factors in determining the question of bail.

Society at large has the right to be protected from "unsavory citizens" and if releasing individuals on personal recognizance will not serve to protect society, then the Act should be abolished. Indeed, a long wait has occurred. If the Act is to be continued, then individuals should not be released.

In concluding Judge Halleck said in order to balance these conflicting rights, the answer, at this time, lies in the ability of judges to exercise greater discretion in individual situations.

The Honorable Charles W. Halleck

A YER'S PROGRESS: A BACKWARD GLANCE

By Chad Hickey

As the academic year rapidly approaches, the time has come to look back over the events of the past year and examine the changes which have come about. Perhaps the most crucial factor in the successful operation of the Student-Faculty Committee which was chartered this year was the selection of students, after careful study and deliberation, to the Executive Faculty Committee and to the Administration.

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Washington Burns: A View Taken...

On Thursday evening, April 4, Dr. Martin Luther King, Jr., of the Southern Christian Leadership Conference was killed by an assassin's bullet as he stood on the balcony of The Lorraine Hotel in Memphis, Tenn. In reaction to this murder violence erupted in fifty cities across the United States. Rioting and burning reached its worst degree in the cities of Pittsburgh, Chicago, Baltimore, and Washington, D.C.

In Washington, the rioting began early Thursday evening with scattered fire bombings. By dawn on Friday, April 5, 200 people had been arrested on looting charges and sixty-six persons were injured by dawn officials evidently felt that the trouble was subsiding because the night shift police force was relieved at 10:00 a.m. The violence, however, did not subside and by 1:00 p.m. all off-duty policemen were being called back to their stations. The rioting continued. At 2:00 p.m. Commissioner-Mayor Walter E. Washington announced that 1,000 D.C. National Guardsmen had been put on "standby alert." At 3:00 p.m. a formal riot control authority was set up in the Municipal Building. However, this body did not begin functioning until after 6:00 p.m. since many of the involved officials were still in scattered points throughout the city.

By 3:00 p.m. on Friday random gang fires had branched out to the downtown shopping area centered on F & G streets, N.W., where clothing stores were, one by one, released their employees early, businesses began closing off for the use of military vehicles. D Street, N.W., in front of the Municipal Building was often nearly 50 feet wide with the armored vehicles, troop carriers, and helicopters stationed in the vicinity. By 6:00 p.m. salesmen in the retail district were not even able to tend to their customers because the riot control center was able to offer statements of guarded optimism on the situation. In fact, by early Palm Sunday morning, April 7, the violence had fairly burnt itself out. By Monday evening, April 8, when all but scattered incidents were over, hundreds of arrests had been arrested. Of these slightly over one thousand were arrested on burglary charges; three thousand were for curfew violations; thirty were for criminal assault; nearly eight hundred arrests were for disorderly conduct. The remainder were for charges including larceny, receiving private property, receiving stolen property, and carrying dead-enders. Approximately 140 persons were injured seriously enough to require hospital treatment.

In the businesses

Commercially, the persons hardest hit by the rioting and looting in Washington during April 4-6 were the store owners and small businessmen in the riot area. The Redevelopment Land Agency has estimated that over 900 commercial establishments were destroyed or damaged by the fires and looting, for a loss of over $13 million. This loss figure, according to the American Insurance Association, will be one of the largest of any city in the country. However, the figures place the Washington disaster as the third worst civil riot below the damage totals restraint with the looters. "It was as though the city's insurance companies. The longer the Mayor held off calling this an emergency area," says one printer.

IN THE STREETS

Washington, D.C., was a strange city Friday night, April 5, and Saturday, April 6. During this period the city was faced with the most severe part of the rioting which gripped sections of the inner city for four days. Lootings and fire bombings seemed to run unchecked throughout the major Negro frequented commercial sections. Yet despite the trappings of violence this was not a riot in the true sense of the word. The streets were filled, but not with angry mobs of Negroes screaming, loot­ ing and burning as a gesture of revolt against established society. Rather the atmosphere was one of carnival or mardi gras, water­ soaked by the fire hoses and imprisoned with the smoke of burning property, but nevertheless a carnival. Only occasionally did one hear voices rise with the cries of Black Power, except perhaps as a greeting between two soul brothers and then only in a spirit of joyous expectancy. Instead, people were caught up in a whirlwind of profit­ able enthusiasm. The police seemed either to be too few or too disinterested to give strong chase to looters and the newly arrived military troops were little more than grim constraints to their bitterness. Several ex-storekeepers in different parts of 7th Street have voiced contempt for the manner and time in which troops were called into the area. "We knew around here Friday noon," says one owner of an electrical shop off 7th Street, "that the situation was going to get worse than it was and the cops knew it too—they knew it Thurs­ day night." The troops were on the B & W (Baltimore & Wash­ ington Parkway) Friday early and at 14th Street bridge but the officials wouldn't let them into the bad areas," says another liquor store owner on 14th Street sweeping broken glass from the remains of his fire-gutted shop. Some persons affected by the damage were more violently condemnatory of the city's self-preservation restriction with the looters. "It was as though the (the looters) had a special license. I know—I saw them running from that store over there with police just outside and the police completely ignored them." Some felt that the troops were purposely not called into the inner city until late Friday afternoon because of pressure by insurance companies. "The longer the Mayor held off calling this an emergency area," says one printer.

IN THE BUSINESSES

STUDY IN CONTRASTS: Palm Sunday procession march down bottled-scared 14th Street, below Park Road on April 7.

---Washington Evening Star Photo

IN THE BUSINESSES

---Washington Evening Star Photo

---Washington Evening Star Photo

---Washington Evening Star Photo

---Washington Evening Star Photo

---Washington Evening Star Photo

---Washington Evening Star Photo
The interviews continued in the cell. As a new person was brought in while the interviews were being conducted, the girl was interviewed separately. She was not married but had had eight children "so they tell me," said her lawyer. The lawyer had possession of narcotics. He had her for the past several years, was employed as a laborer with three other laborers in the mass incarceration program. But the girl had just been interviewed and was set to be released at a later date.

We then noticed some blood on the wall as though it had been caused by the girl; it was not, because there was no one to clean it, but I did see some blood on the wall as though it had been caused by the girl, who was at the door nearby. The interviewers were given a large packet of information which included the name and case number. On the form were questions relating to residency, education, health, crime, etc. Under normal circumstances, this information was used to determine the individual's eligibility for bond. Most of the people I interviewed were, as the Washington Post had reported, about 90 percent steady jobs, married, and had little, if any, criminal record before this date.

Theьюs a large group of students, the girl of 19 who was a high school graduate, had gone on to IBM and then had worked for GHI for two years. She spoke well and felt that she was not different from the college students arrested in Fort Lauderdale for raising hell, except that she was in the local jail. The next person I interviewed was the cell in the block. He was a college student and a member of the law school's debate team. He had heard about the girl and had interviewed her. He had not been married but had had children. "So they tell me," said the lawyer for the girl. Indeed, the lawyer had possession of narcotics. He had her for the past several years been employed as a laborer with three other laborers in the mass incarceration program. But the girl had just been interviewed and was set to be released at a later date.

At about 6 a.m. everyone in the cell had been interviewed and was anxious to get up to the court. As this was done, two of the interviewers were assigned to the cell. There were kids who were worried about their parents and fathers who were worried about their families and jobs. They kept on asking me when they would get out, and I am sure the person who had done it, that it was a sign of what might happen if anyone got out of line.

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The girl of 19 who was a high school graduate, had gone on to IBM and then had worked for GHI for two years. She spoke well and felt that she was not different from the college students arrested in Fort Lauderdale for raising hell, except that she was in the local jail. The next person I interviewed was the cell in the block. He was a college student and a member of the law school's debate team. He had heard about the girl and had interviewed her. He had not been married but had had children. "So they tell me," said the lawyer for the girl. Indeed, the lawyer had possession of narcotics. He had her for the past several years been employed as a laborer with three other laborers in the mass incarceration program. But the girl had just been interviewed and was set to be released at a later date.

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Any statement, admission, or confession made by an arrested person within three hours of the arrest and before an attorney has been consulted or appears not to be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment.

This is a procedural attempt to limit the impact of the Mallory Rule may have serious consequences in encouraging police disregard of the practices required by Miranda. It also singles out the District of Columbia as the only Federal jurisdiction in the entire country with a partial exemption from the Federal Rules of Criminal Procedure and with a positive emphasis on the legislative intent of Congress that arrested persons be accorded all applicable constitutional and statutory rights.

In carrying out this policy, the Order emphasizes that arrests must still be made on probable cause under existing legal standards. Title III is not to be used an excuse for investigatory arrests or for arrests on suspicion. However, it permits the police to release persons who have been arrested and to expunge the arrest from generally available public records. Fourth Amendment abuses of arrest powers which hereofore would have been scrutinized by prosecutorial or judicial personnel, before the enactment of Title III police could not release (except under Miranda) persons whom they believed to be free of probable cause. The power to release arrested persons resides with prosecutors who could enter a nolle prosequi with judicial officers upon a finding of "no probable cause." However, there is an argument to be made for the principle behind Title III. Persons who are able to dissipate the probable cause supporting an arrest, who have been in custody and who are not otherwise incarcerated, are not entitled to be incarcerated unless and until they are brought before a magistrate who will determine probable cause.

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One final important flaw in Title III is the language which permits interpretation on "any matter for a period not to exceed three hours imprisonment after the arrest is made, or the probable cause supporting the arrest has been dissipated, not to exceed three days imprisonment after the probable cause supporting the arrest has been dissipated."

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