**Destruction of a People**

On April 8, 1970 The Georgetown Law Weekly published an article written by Joseph Taliaferro. In it he discussed what he considered a "novel case: Joseph Band of the Nez Perce Tribe v. United States, the first suit in the history of our jurisprudence attempting to recover damages for the destruction of a people as a whole political and economic entity." We wish now to highlight the viewpoint taken by the United States, as printed by its counsel, John B. Sullivan.

Mr. Sullivan attended Georgetown Law Center. He was Regional Attorney for the War Manpower Commission, 1945-46, and Attorney for the Veteran's Administration, 1945-50. Since 1950, Mr. Sullivan has been associated with the Department of Justice, Indian Claims Section of Land and Natural Resource Division.

The facts set forth herein demonstrate quite clearly that the Joseph Band of Nez Perce Indians have no claim against the United States (for the claims alleged in their petition; namely:

a. Claim based upon land ownership.

b. Claim for damages from trespass upon lands.

c. Claim for imprisonment in Indian Territory.

Petitioners do not devote much of their brief to these alleged grounds for recovery. No doubt this is because they realize that there is no possibility of recovery on these grounds because the land claims and the trespass claim have been litigated and discharged by judgment and that the so-called imprisonment claim or claims if any such exist are individual personal claims and the Indian Claims Commission has no jurisdiction of individual or personal claims.

The U.S. provides the following findings as to the above three claims:

In Docket No. 175 presently pending before the Indian Claims Commission the Nez Perce Tribe of Indians, of which the petitioners, Joseph Band, is an integral part, has been awarded aboriginal title to 13,204,000 acres including the reservation established for them in 1855. Nez Perce Tribe of Indians v. United States, 18 Ind.Cl.Comm. 1 (1967). In due course a trial will be held on the market value of this aboriginal title area as of the date of extinguishment of the Indians' title, 1859. A judgment will be awarded to the Nez Perce Tribe should they prove that the consideration paid by the United States for extinguishment of their aboriginal title was unconscionable.

Pursuant to the Treaty of June 9, 1863, 14 Stat. 647, ratified April 17, 1867, the Nez Perce Tribe ceded to the United States 7,787,000 acres of the 1855 reservation established for them. The Nez Perce Tribe, including the Joseph Band, was paid $52,394.94 under that treaty and also recovered an additional $4,297,605.06 in Docket No. 175-A before this Commission for the same land. Nez Perce Tribe v. United States, 8 Ind. Cl. Comm. 220, 270 (1950). The land claims at the present stage, Docket No. 175-A.

(Continued on page 4)

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**The Admissions Procedure**

By J. Metelski

As we and the world are probably aware of by now, the incoming class at GULC is the largest in the school's history. Over 621 students, out of over 100 more than last year.

What happened? Did an IBM machine miscue letters of acceptance? Was the Admissions Committee overcome by a momentary seizure of benevolence? Did the Law School seek to avoid contractual complications with the faculty and student body, I am also aware of the "open meeting" which was called to allow the elected representatives of the student body, as well as with other representatives of other organizations if they wish, for the purpose of insuring that the open meeting will produce a fruitful exchange of ideas.

I am aware of the "open letter" published in The Georgetown Law Weekly addressed to me and my three colleagues, Dean Schotland, Oldham and Fischer, by a group referring to itself as the Coalition of Law Student Organizations. The letter announced a meeting for October 7th, 11:30 a.m.

For a dialogue among administrators, faculty and the student body, is an anachronism that in the same issue of the LAW WEEKLY the Executive Board of the Student Bar Council (Continued on page 4)

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**Page's Seminar**

Spurs Interest

By Sanford K. Aus

This semester Professor Joseph A. Page is again teaching his "Lawyering in the Public Interest" seminar.

Thirty-five second and third-year students are currently enrolled in the seminar, which permits each student to work on a public interest project. The projects of the class have selected a wide variety of cases and projects. For example, one student is helping two attorneys at Covington & Burling defend the State of Maine in a suit brought by a number of large oil companies. The companies are challenging the Maine Coastal Conveyance Act of 1970, which seeks to regulate the pollution of Maine's coastal waters and navigable streams.

Another student is assisting in litigation involving the alleged non-enforcement of the Federal Coal Mine Safety Act.

When asked about the future of public interest law firms Professor Page said: "This field is just coming into existence. A problem with public interest firms in money. Law schools can perform a vital service by helping them... we can help them to survive." Page also feels that more students would like to participate in these programs but that some are restricted from doing so because of the heavy "workload compared to the low number of credit hours allotted the course. Although Page's request for four hours of course credit was turned down, he indicated that if the seminar works out this year the way he hopes it works out, I intend to get more hours of credit for it."
To numbers of people at GULC there are numbers of things wrong at the Law Center. Complaints range from those of a general nature to those of a personal one. People are asking questions. To take a few examples: Why does Georgetown have the lowest per capita allocation of library funds of any law school in the area? Why can't we have public address systems in at least some of the larger classrooms so that we can actually hear what the professor is saying? How long does it take to learn? Why is the scheduling system set up in such a manner that 180 students who needed to take Evidence had to choose one spectrum from those of a general nature to those of a personal one. People are asking questions. To take a few examples: Why does Georgetown have the lowest per capita allocation of library funds of any law school in the area? Why can't we have public address systems in at least some of the larger classrooms so that we can actually hear what the professor is saying? How long does it take to learn? Why is the scheduling system set up in such a manner that 180 students who needed to take Evidence had to choose one spectrum from those of a general nature to those of a personal one. People are asking questions. To take a few examples: Why does Georgetown have the lowest per capita allocation of library funds of any law school in the area? Why can't we have public address systems in at least some of the larger classrooms so that we can actually hear what the professor is saying? How long does it take to learn? Why is the scheduling system set up in such a manner that 180 students who needed to take Evidence had to choose one spectrum from those of a general nature to those of a personal one. People are asking questions. To take a few examples: Why does Georgetown have the lowest per capita allocation of library funds of any law school in the area? Why can't we have public address systems in at least some of the larger classrooms so that we can actually hear what the professor is saying? How long does it take to learn? Why is the scheduling system set up in such a manner that 180 students who needed to take Evidence had to choose one
The My Lai Massacre

By Rick Galvan

The author was stationed in Vietnam during the war, and during his time there, he worked closely with Senator Moss's Department of Investigation of My Lai.

The soldiers of Charlie Company, 1st Cavalry Division, spent the afternoon working around the position, setting out traps on every side. As the night drew on, they went through the jungle underbrush or through the jungle underbrush.

The soldiers of Charlie Company operate in the field for weeks at a time. They carry food, medical supplies, ammunition, sleeping gear, and other essentials on their backs or in their pockets. In their hands they hold their weapons; their weapon is their best friend; it is their pocket. In their hands they carry their essentials on their backs or in their pockets.

The My Lai massacre was a war crime committed by United States soldiers in Vietnam in 1968. The massacre took place during the Vietnam War and is considered one of the most horrific atrocities of the conflict.

The massacre was the result of a series of events that led to a large number of civilian casualties. The soldiers were ordered to search for and destroy North Vietnamese forces using various tactics, including the use of chemical weapons.

The soldiers of Charlie Company were responsible for the massacre, and the story of their activities has been documented in various accounts over the years. The massacre is often cited as a turning point in the Vietnam War, as it led to increased public opposition to the war and to calls for accountability for those involved.

The soldiers were later tried for their actions, and many were found guilty of war crimes. The trial brought attention to the issues of accountability and justice for those involved in military actions.

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This is unquestionably a claim based upon a property. The closest any of these cases come to the case at bar is R. Colville Reservation. The Commission held in that case that such claims based upon property rights. No grounds for this basis is more vague and foreign than anything apparently contemplated by Congress in passing the Indian Claims Commission Act. A similar claim was recently dismissed by the Court of Claims in Gila River Pima-Maricopa Indian Community, et al. v. United States, 20 Ind.Cl.Comm. 131 (1968), affirmed by the Court of Appeals, 377 F.2d 1269 (9th Cir. February 20, 1970, not yet reported). The claim asserted in that case was that the Government "undertook to, and did, subjugate the prisoner under a star to a war of self-expression**" and "[b]ristled prisoner into cultural impotency" (slip opinion of the Court of Claims, supra, p. 10).

While we recognize that Congress wished to make the Commission's jurisdiction as broad as possible, we must be cognizant of the fact that the jurisdictional section of the Act is a synthesis of those *** classes of cases *** which have heretofore received congressional recognition in the form of special jurisdictional acts." **"(slip opinion of the Court of Claims, supra, p. 10).

On the basis of the entire record no justifiable claim has been presented and the petition should be dismissed.

Letter from the Dean

(Continued from page 1)

Association, and organization whose officers are elected by the entire student body, favored the idea of such a meeting.

There were, however, some ways to suggest that a letter to the Dean for a meeting on October 7th, 1970 that raised double questions such as: (1) Are the men's numbers and women's numbers the same? (2) Are both groups represented and what is the number of each group?
The Dean's letter has been in touch since the letter was written to the students and the subjects which they wished to discuss, it was to show howenumerate a meeting could be made fruitful. Moreover, the head of one of the organizations particularly angered by this letter, signed this letter, to the Law Weekly of September 29, 1970 that the letter, that his organization was not a participant in the idea of the Letter to the Law School when a portion of the panelled wall in Hall VIII fell, creating a loud and distracting noise, and leaving a gaping hole in the wall. Awaiting an answer to such an approach, Professor Sobeloff resumed his lecture. After class, a suggestion was made by an unidentified student that the word would be for a door to one of the men's rooms.
Law School Controversy

by Paul Karney

On Tuesday, September 29, the Student Bar Association considered the question of whether or not the Law Center should withdraw from Georgetown University Alumni Association. The controversy over exactly what the parent organization does for the Law Center is a continuing one and is the subject of study by various university administration over the past decade.

Student Position Creation

President Jeff Moss stated that the parent organization has recently created a position on the Alumni Committee for the purpose of considering the Law Center needs with regard to the disbursement of funds. The occasion for Moss's remarks was the introduction to the house of delegates of a money bill to fund a students' attendance at the Annual Alumni Convention. Thomas Butler who was appointed by Moss to act as a liaison between the University Alumni organization and who is to work closely with the Law Center representative on that committee requested 175 dollars for transportation and lodging expenses. The Student Bar Association, at which Dean Adrian Fisher was a featured participant, was held in Chicago, Illinois—the weekend of October 2 and 3.

He stated that a major item of concern for the Law Center Alumni Secretary is the practice of the University Administration of deducting any student contribution from the general allocation of University funds for the Law Center's operational budget. If for example Alumnus X contributes $100 ear-marked for the Law department a corresponding amount is diverted by the parent organization to another area of the University. This practice discourages alumni contributions since the prospective donor is faced with the fact that his contribution will not result in increased funds for the Law Center.

Butler stated a report to the student on the 3-day conference will be made in the form of an article by the delegate in the next publication of Res Ipsa Lociurum.

Examination Procedure Discussed

Other business discussed was the proposed examination referendum composed by a House of Delegates Committee consisting of Jack Mihalih, Bob Knisky, and Alan Fromey.

The proposal will be voted on during the election of first year delegates and will be a means of asking the student body to vote on the question, "Should the present course scheduling be changed to some form of elective scheduling system to be effective immediately or December and May?" For those students who think it should be changed, the second question presents four alternatives' progression.

1. Retain in-school monitoring and time limitations. Students would pick up an exam any day, sit-down and room for each exam or day or two before the exam is to be taken. The administration would then shuffle and deal exams to the prepared rooms. This is done under the present system for those typing exams.

2. Retain in-school monitoring and time constraints.

Students would pick up an exam at the Registrar's Office where the exam would be time-stamped. The fixed period time would be enforced by a second time in the classroom or the Registrar's Office when the exam was returned.

3. Retain only enforced time periods. Students would pick up and return exams at the Registrar's Office. Some type of honor system is implicit in each alternative. Students in the exam would have to return the exams with the answers. Sure enough, many exams were never returned or access to others shortly after grade posting. Student honor can be expected throughout his years at law school.

The selection of a less restrictive alternative (for example, #2) would be assumed to indicate approval of the more restrictive alternatives (therefore #1 and #2) unless otherwise indicated.

A complete ballot of referendum ballot will be printed in a later issue of the Law Weekly.

Hardships To Be Obviated

Under a flexible system of exam scheduling many present hardships would be eliminated. Course enrollment would be independent of exam scheduling. Students could schedule exams early or late to fit study habits and vacation schedules. Review would become less of an exercise in cramming and more of a legitimate participation in the learning process.

Exam Change Proposed

It's always a joy to find a play that gets better with each viewing. Such a show is Neil Simon's latest and best comedy, "Last of the Red Hot Lovers", playing this week and next at the National. This particular lover, Barney Cashman, is by no means the last of his breed. A rather fat, loquacious restaurant owner in his late forties, Barney has been contemplating human mortality and all the experiences he has missed. "Life has not only been extremely kind to me," he explains, "it has gone out of its way to avoid me!"

In three disparate attempts to experience life outside the safe, rather dull confines of his twenty-three year marriage, Barney is a walking disaster area. Part of his problem is logistics. Barney is searching for truth and beauty so a sordid panic born of purity of James Coco in the New York production, he quickly warms to the part. Under Robert Moore's direction he develops the hopefully impetent amateur seducer to a near art form itself.

Weston is given able assistance by Rosemary Prinz as Mrs. Navazio, by Ginger Flick as Miss Michele, and especially by his wife, Marge Redmond as Mrs. Fisher. This pair actually rival the effectiveness of the New York production since Miss Redmond, late of sugar and spice in "The Flying Nun", has instilled her character with a sharpness and bite that gives breadth and texture to the depths of their depression.

Don't miss this show.

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Absentee Judge

By Belford Lawson

In 1950, Alty, Mary C. Bartow, then 32, the law librarian to the 10-judge municipal court system and the professor of Legal Bibliography at the former National University Law School, was appointed to the Municipal librarian to the 10-judge bench. During her term on the Bench, because she had had at least a bare minimum of in court trial experience. But during her appointment to the Municipal bench, which was renewed right after the Democratic victory in 1960 for a second 10-year appointment, Judge Barlow has been recognized as a highly competent judge whose contribution to the judicial and legal community has been substantial and has been consistently inspected.

Decline and Fall

In 1964, after regular and punctual service, the judge’s appointment fell into a slow, unobstructed decline. Court records since 1964 show that from the beginning of that year through February 1967, her attendance dropped from 95.6% down to about 15% of the total work year. In 1968 she made only a few token appearances and in 1969 she did not appear at all. On March 28, 1970, because of service rendered after her first appointment ended and before its renewal, she became entitled to retirement benefits that would have been due her had she retired even one day before that date. Her second ten-year term ended in September 1971, and apparently Judge Barlow intends to continue possibly until that date or beyond it despite the fact that she had served for 20 years, and received the award of her pension by March 28. If she receives a raise at any time after that date it will be to her advantage financially, because the pensions are computed on a 2/3 basis.

In January, the D.C. Crime Bill will take effect, and when it does will provide for a District Commission Judicial Disability Committee. This Commission will have authority to retire involuntarily any judge whose performance interferes with the proper performance of his duties.

Chief Judge Harold Greene who is responsible under the present District Court system for the administration of judicial matters involving retirement and tenure, confirmed that he had attempted last February to persuade Judge Barlow to consider retirement, refused to discuss the matter with the Weekly. However, he did mention in a recent edition of the Washington Post that he "would strongly support the removal commission."

Hogwash

Judge Barlow did grant an interview to the Weekly. In response to the question as to whether she thought the Article was too harsh, too insensitive, in its exposure of the shaven-minded Swill, she replied that she had not read all of the articles and was not familiar with the one to which the reporter referred, but that at any rate she was "for the First Amendment." When asked what she would do if she continued her service in Chief Judge Greene’s place and the Swill reported correctly in a case like her own to decide, she replied that she had never served in a case in which the reporter referred and that she didn’t know what she would do about such a case as her own.

Law Students

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Obiter Dicta

Meeting Cancelled

The meeting which was to be held October 7th in John Carroll at 11:30 has been cancelled because of lack of response.

Loans Available

The Law Center has received a limited amount of funds available for distribution as loans through the National Defense Education Act. Any student who has not already filed such an application should confirm that fact with the Registrar's Office.

Law Journals

The Georgetown Law Journal, Volume 58, Issue 4-5, will be available in the Journal offices for any second, third and fourth year students who have not yet received their copy.

Delta Theta Phi

Delta Theta Phi, as part of its professional service to the school, will present the CBS news film, "Hugo Black and the Bill of Rights" on Tuesday, October 13. Dean Adrian Fisher will introduce the film. The film will be shown at noon for the Day Division and after classes for the Evening Division.

The Wanderer

(Continued from page 2)

winter, in death, in maternity.

Whether another year comes into the concord of the film any more than whether another life comes for its characters. When the film ends it is complete—it continues to be repeated.

Technically, the film is slick. It is slick in a way The Cabinet of Dr. Caligari would have been if released tomorrow. It is slick as would be the drawings of William Blake if done today. It is slick as it would be the paintings of Van Gogh if done after Van Gogh had been in Chief Judge Greene’s place and the Swill reported correctly in a case like her own to decide, she replied that she had never served in a case in which the reporter referred and that she didn’t know what she would do about such a case as her own.

Sports

Intramurals

By Gary Goehart

As league play in the tough G.U. intramural league enters its second week, four experienced teams and one newcomer are neck and neck with divisional races tied at 3-1. The Factor, and the Subpoenas with one victory apiece, with Murder Inc., BYO’s, and Has Been sustaining defeats at the hands of the Factor. Meanwhile, in the much more ragged B League (the B stands for belligerency), Sgt. Pepper’s and E Street were held to the heap, with the Gypsys and St Jude 7 holding down the rear.

B II Looks Rusty

Scores were abundant in the first week’s play as many pre-season favorites came close toumbling from their pinacles. Barrister’s III, a potentially sound football team. Their pinnacles, and Murder Inc. were in Chief Judge Greene’s place and the Swill reported correctly in a case like her own to decide, she replied that she had never served in a case in which the reporter referred and that she didn’t know what she would do about such a case as her own.

Weekly Student

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ITALIAN MINI-SUBS
The Admissions

(Continued from page 1)

III. No Registered * *

Along about the latter part of August, it was clear that the number of applicants to the Graduate School of the University of Virginia was being controlled successfully (as versus April 1967, when it was no better than two students registered). This was probably due to the roll-back of draft deferments, by those schools and universities which had already accepted students and were unable to accept any more. There could be a third factor, the rapidly increasing cost of education and the response was the result of the first two factors.

This brings us to our current year. It would appear at first blush that the Law School was attempting to push the number of students into some area between 1965-67, which could be considered the maximum acceptable number for the number of applicants.

As is observed in 1965-67, the number of students registered significantly dropped from about 400-420. Then in 1968 the number of students registered distinctly dropped from 410-420. Then in 1969, indicating fierce competition between schools, the number of students registered distinctly dropped from 430-440.

It would appear that the selection process at the law schools has not been influenced by the number of applicants. Only by drastic cut-back measures could a target goal of 1000 be met.

The resultant concern over the situation brought about the meetings in late July which precipitated the decision to go to a fixed number of students.

It can only be conjectured that the decision to have a fixed number of students and a fixed number of acceptances by students is a reflection of the present trend toward consolidation. The number of acceptances and acceptances by students will stay at about 410-420. Then in 1968 it was approximately 500 registrants but this year 700 registrants was the target goal of the law school, indicating fierce competition between schools.

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Oct. 3: A Sunny Saturday

By John P. Fadden

Rev. Carl McIntire's "Victory in Vietnam" rally got off to a bang—or rather a crack at the "hippie" problem. At the rally it seemed that a peace symbol or long hair (or better both) were tantamount to wearing a target; the results were just about the same. But wasn't this to be expected?

The tone of Saturday's activities was set the night before when several hundred young people converged on Wisconsin Ave. in Georgetown. As the crowd walked along the sidewalks, sometimes four and five deep, the look in passing eyes of anticipation was overwhelming. Everyone wondered, not if something was going to happen, but what. But wasn't this to be expected?

Along the way young people with whom I conversed could be seen sweeping broken bottles from the middle of the street. The people learned from second story windows, some stood on steps to get a better view. The happening, the spark which would ignite the night and produce ultimately in 340 arrests, came surprisingly soon.

From one of the side streets a car was pushed to the center of Wisconsin Ave. to block traffic. Almost immediately six police cruisers rushed up the street and pushed the car out of the intersection. Moments later, as part of the crowd made its way toward Pennsylvania Ave., they were met by helmeted members of the CDU (Civil Disturbance Unit). Their nightsticks shoulder high and arms outstretched, the patrol proceeded to empty the street, forcing everyone on to the several side streets. A few police cruisers and an occasional motorcycle patrolman were the only traffic on a normally crowded Wisconsin Ave. Groups of people stood about twenty yards away from the cordon. The usual insults were hurled at the police, and occasionally something more tangible.

On several occasions a CDU force, cruising in the area, would move along the side streets toward Wisconsin Ave. forcing the crowd in between them. Gradually, the crowd having been split several times, began to leave the area. By 2 A.M. the streets were relatively quiet once again. But this was not to last for long.

Barely ten hours later, at noon on Saturday, the marchers, many clad in "victory" sweatshirts and carrying bibles and American flags, began their march down Pennsylvania Avenue with Rev. Carl McIntire at their head. A V-I-C-T-O-R-Y chant prompted by cheerleaders and strains of "My Country 'tis of Thee" provided background. On the sidewalk a group of brown-shirted American Nazi Party members, struggling to keep from being overturned as the wind played with their banners, kept pace. Two lines of police buffered the marchers from the not-so-sympathetic spectators on the sidewalk. At this point the clashes between the two groups were verbal. This was not to be the case at the rally itself.

Arriving at the Washington Monument, all were greeted with music which would have been more appropriate at a revival meeting than at a political rally. One of the paradors pointed out that there was a band of "hippies" just out breaking up the rally. Almost immediately a group of "hard hats" appeared. When and whether distinguish this group—they carried the sticks. In a matter of seconds bodies went careening through the air. The dull thuds of well-placed punches and kicks were easily heard. There "hippies" were led to waiting buses which would transport them to jail. This "hard hat" attack—"hippie" pattern was maintained consistently throughout the afternoon.

Rev. McIntire began the program by thanking those responsible for solving the "hippie" problem. He went on to observe, "this (rally) is better than any (football) game in America today." One thing can not be denied—there certainly was more physical contact.

Rep. John Raskin, the keynote speaker, began by saying that years ago when he was a farm boy in Louisiana, he learned that "the only thing found in the middle of the road is a big yellow line and dead skunks." Just one of the many profound thoughts which came from the speakers' platform that sunny Saturday afternoon. The speakers, as can be said of their anti-war counterpart, were belligerently repetitious. As the afternoon wore on, religion and patriotism (or super-patriotism, as you will) became inextricably tangled with politics.

Throughout the afternoon the two groups of pro and anti-war demonstrators, like highly combustible materials, would explode suddenly and violently on contact. The fighting was sporadic for the most part until almost the end of the program. A group of several hundred young people moved from where they were lying in the grass to the right side of the hill at the base of the monument. Several waved Viet Cong flags. Incensed, about twenty "hard hats" charged from the periphery of the main body of spectators and the most violent confrontation of the afternoon took place. Platoo after platoo of police marched up the hill to restore order. The encounter ended quickly, but not before several were arrested; forty were taken into custody in the course of the afternoon.

Standing on the hill that Saturday afternoon, one could not help being saddened and a bit distorted at the irony of the situation unfolding below. A Brazilian delegate urged those gathered there to fight for his "children's blood," while some other "children's blood" was being shed within his view.

Several days ago, Rev. McIntire took time at a press conference to explain the purpose of the rally. He expected, he said, about 500,000 "hawks, to take out in the deep South." His message was clear. Though the number of participants was not accurately predicted, the result was.

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