Committee votes for loans

By STEVE IVEY

Unless the unexpected occurs, the Law Center will institute a financial aid program mixing scholarships and Law Center funded loans along the lines of the Gordon Proposal, beginning with the entering class of 1979. The Finance Committee voted unanimously Friday to implement the principle of the Gordon Proposal unless a study by the Finance Committee shows that the plan to convert scholarship money into loans will not be cost- or savings-effective.

The Finance Committee study will be completed by the end of this semester and will resolve the final details of the conversion, including the proportion of scholarships and loans to be diverted to loans and the repayment terms of the loans.

In another Finance Committee action, Dean David McCarthy told the committee of changes he made in the proposed law student budget recommended by the committee last month. McCarthy was able to restore to the budget the positions of clinical instructor and admissions secretary, as well as Saturday afternoon graduate classes, thanks to unexpected, additional small amounts of new funds and the expectation of increased enrollment, especially in the Graduate division. The restored items had been cut out of the budget by the Finance Committee last month. In addition, McCarthy added two summer writing grants to the budget, making a total of five grants at his disposal for faculty recruiting purposes.

Next year's tuition remains at $4,165. Without the restorations to the budget, tuition could have been decreased $10 to $14 per student.

Next year's financial aid fund has a total of $676,000 in Law Center generated scholarships, and approximately $2.85 million in outside loans, including state and federally-insured loans and work-study money. Approximately $90,000 of the Law Center Generated Funds come from our endowment; the remaining $390,000 is funded from student tuition.

Last week the Financial Aid Committee unanimously voted to oppose the conversion of scholarship funds to loans. Although that Committee encouraged the establishment of a loan program from other financial sources, it stressed the importance of maintaining the percentage of scholarship funds at its present level in order to maintain GULC's competitiveness with comparable law schools.

In speaking for his loan conversion plan, Prof. Richard Gordon told the Finance Committee that he was “stunned at the naiveté of the Financial Aid Committee. There is no big granddad in the sky that will” finance the legal education of a significant number of students at this school, he said.

(continued on page 11)

La Alianza honors Wilmot

La Raza presented Director of Admissions David W. Wilmot with a plaque Friday morning in appreciation of his efforts on behalf of Latino and other minority students. At the presentation, La Raza also announced its new officers and its change of name to La Alianza de Derecho.

The organization's new name roughly translates as "the legal alliance." The name was changed to be more reflective of the Latino student body at the Law Center than was the Chicano-oriented name La Raza.

The new officers of La Alianza de Derecho are Adrian R. Martinez, chairperson; Luis Quintana, Communications Committee; Thomas Lopez, Academics Committee; Blanca Torres, Conference Committee; Joseph Billups, Financial Aid Committee; and Rolando Rios and Steve Martinez, Admissions Committee.

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Dash may replace Marston

By STEVE IVEY

Law Center Prof. Samuel Dash may be chosen to replace David Marston as Philadelphia's United States attorney according to Saturday's Washington Sun and Washington Post. Dash's name was one of five released by U.S. Attorney General Griffin Bell as Marston's successor.

Dash and Charles H. Rogovin, the first director of the LEAA, are believed to be the leading candidates for the post, the newspapers reported. All five candidates have agreed to take the job if it is offered, a Justice Department spokesman was quoted as saying.

Dash was the principle investigator of Philadelphia's Office of Special Prosecutor in 1976. According to the Star, "Dash concluded that Philadelphia had "surrendered to corruption." The Office was shut down when the state legislature's Democratic majority refused to fund it. During its short life, the Office also was refused support by Pa. Gov. Milton Shapp and the state's attorney general. It also had been "subjected to crippling actions" and decision by judges," the Star reported.

Dash's first-hand knowledge of Philadelphia's Byzantine and off-times corrupt political system dates back to the 60's. He served as assistant Philadelphia district attorney from 1952 to 1954, as first assistant D.A. from 1954 to 1955, and as D.A. from 1955 to 1956. As D.A., Dash established a felony conviction rate of "pretty close to ninety-eight per cent," he said in a 1973 interview with the Law Weekly.

Dash came to the Law Center in 1965 and became director of the school's Institute of Criminal Law and Procedure that year.

He is best known for his Watergate-related activities. Sen. Sam Ervin (D-N.C.), chairman of the Senate Select Committee on Presidential Campaign Activities (Ervin Committee), chose Dash as the Committee's chief counsel. He served as chief counsel from Feb., 1973, to June, 1974, when he returned to his teaching duties here at the Law Center. In 1976, Random House published Chief Counsel, Dash's account of the Ervin Committee's Watergate investigations.

Dash did not volunteer for the Philadelphia U.S. attorney's post, Dean David J. McCarthy told the Law Weekly Saturday afternoon. The Star and the Post report that Dash's was one of several

Exam decision final

By ANNA DOW

There will be no options allowed on last semester's Evidence exam given by Prof. Paul Rothstein.

Dean David McCarthy told students who had completed the exam that he had read the exam and had found it "not inappropriate" for the course.

Many of those who took the examination were upset and complained shortly after taking the exam to Assistant Dean Frank Fiegel as well as Rothstein. McCarthy said that there were two issues concerning the exam: one, that there were some students who had seen the 51-page transcript used in the exam prior to taking the test; and two, that it was long and had unexpected content, and the transcript was of an assistant case, a subject many of the students said they knew nothing about.

The first issue presented the least serious of the questions. The transcript had been used in a training program last semester, the dean stated. It is not known whether Rothstein planned originally to use the transcript for both the exam and the course. Reportedly, the wife of one of Rothstein's students learned of the transcript, copied it and gave it to her husband, who in turn gave it to his study group.

McCarthy stated that only a small number had access to the transcript prior to the exam and that these students had no idea that the transcript would be used in the exam. The students' grades were removed from the curve and their names were kept a secret, McCarthy said. The students did not chert, he stated.

This explanation satisfied a majority of the students, but it did not overcome the major issue. Rothstein had met with the students, who made suggestions about retaking the examination. Suggestions included putting the examination on a

(continued on page 11)
Student attitudes toward GULC sought

By RICHARD ASTLE

The Law Center’s Student-Alumni/ae Relations Committee is now mailing a Student Survey to over 900 present Law Center students.

As the name implies, the survey’s purpose is to canvass student attitudes toward the Law Center environment with the ultimate goal of assisting the administration in the improvement of those attitudes.

The Student Survey is being mailed to a group of present Law Center students who are statistically representative of the day division classes (first, second and third year students) and the evening division classes. These students will be asked, to frankly evaluate the strengths and weaknesses of the Law Center—specifically addressing such areas as interaction with the Dean’s, Placement and Registrar’s offices as well as Parking and Student Activities. Beyond soliciting attitudes, the survey seeks constructive criticism and suggestions for improving the areas it addresses as well as the overall environment and attitude at the Law Center.

The survey represents the first time such a survey of student attitudes has been conducted. Asked what circumstances prompted it, Annie Durbin, Law Alumni/ae Relations Officer, noted that in the past a negative attitude towards the Law Center has prevailed among the alumni/ae as a result of their Law Center experience.

Although these attitudes were noticeably less apparent in recent graduating classes, they were still present and concerned the Student Alumni/ae Relations Committee. The survey is an attempt to isolate the sources of that negative attitude as well as to analyze the effects of the recent Law Center administration changeover and to solicit suggestions for improvements in the overall environment.

The Student Survey results will form the basis for a report and recommendations being prepared by the Law Center Student Alumni/ae Relations Committee to be presented to the administration. The results of the survey will be published following its compilation and evaluation.

Around GULC

Luncheon

The Institute for International and Foreign Trade Law will hold its next luncheon on Feb. 7 at 12:15 p.m. at the International Club, 1800 K street N.W. The room will be announced later.

The speaker will be Prof. Kurt Beldenkopf, a trustee of the institute and vice-chairman of the Christian Democratic Party of Germany. He will speak on “U.S.-German Economic Cooperation.”

Luncheons are Dutch treat. Reservations are accepted on a first-come-first-served basis. The cost of this luncheon will be slightly higher than usual, in order to meet rising costs.

Birth

A daughter was born Jan. 20 to Prof. Steven Goldberg and his wife, Miriam.

The infant, named Rebecca Lynn, weighed eight and one-half pounds at birth.

A proud new father was seen hoding out cigars and candy to his students in honor of the event.

CULTURE CALENDAR

DANCE

Capitol Ballet, Lisner, 12:15 p.m., Jan. 31
FREE: 8:00 p.m., Feb. 3-4 (tickets: 723-Supreme Court)


Clock Davis Dance Company Ensemble, Children’s Art Series, Kennedy Center, 10:30 & 12:30, Feb. 4 FREE

ART

Photographs from the Collection of Samuel Wagstaff, Jr., Corcoran, Feb. 4 - March 26

Gregory Gillespie, Hirshhorn, through Feb. 12. FREE 70 paintings by young American painter

Rubens, Washington Cathedral, through Feb. 8. 38 paintings on loan from Antwerp, celebrating 400th anniversary of Rubens’ birth. (info: 966-3500)

Matt Phillips—Color Monotypes,” Phillips Collection, through Feb. 19

Whitney and Haden, Corcoran, through March 19. 60 etchings showing artistic connections between James Whistler and his brother-in-law Sir Clement Stephen Haden. (info: 675-2230)

Changing Prospects: Views of America in Paper,” Corcoran, through Feb. 5

American Pastels,” Corcoran, through March 19

Fonda and Jane Alexander, Kennedy Center, 7:30 p.m., through Feb. 25. Backstage comedy drama about Supreme Court

Timbuktu,” with Eartha Kitt, Melba Moore, Kennedy Center, 8:00 p.m., through Feb. 5

Spotlight,” with Gene Barry, National Theatre, through Feb. 5. New musical about foibles of a theatrical family.

“Private Lives,” by Noel Coward, Asia Theatre, through Feb. 5. MUSIC

Harpischord music by Frenco-baldi, Hall of Musical Instruments, Smithsonian, 8:30 p.m., Jan. 30

National Symphony Orchestra, Rostropovich, conducting, Nati-connello, cello, Kennedy Center, 8:30 p.m., Jan. 31-Feb. 2; 1:30 p.m., Feb. 3

Baltimore Symphony, WPAS, Kennedy Center, 8:30 p.m., Feb. 3

U.S. Navy Band, Concert Band and Rock Group, Departmental Auditorium (Concert between 12th and 14th Sts.), 8:30 p.m., Feb. 3 FREE (info: 433-2525)

Mark Zellers, piano, WPAS, Kennedy Center, 3:00 p.m., Feb. 4

Eugene Fodor, violin, WPAS, Kennedy Center, 8:30 p.m., Feb. 4

Rudolf Serkin, piano, WPAS, Kennedy Center, 3:00 p.m., Feb. 5

“American Pastels,” Corcoran, through March 19

“Manhatt,” Folger Theatre, 8:00 p.m., preview Feb. 1, opening Feb. 6 - March 26

“Goldilocks,” Chautauqua at Kennedy Center, 2:00 p.m., National Theatre: 628-3393

THEATRE

Folger Theatre: 543-7676

Folger Theatre: 546-4000

Ford’s Theatre: 347-6260

Washington Performing Arts Society: 393-4433

INFORMATION

First Monday in October,” with Henry Smithsonian/Music: 381-5395

For a list of current and upcoming events, visit www.culturecalendar.com. Use the code 10000 to receive a 10% discount on your purchase.
Office site planned north of GULC...

By MICHAEL GROSS

Owners of a major portion of the block directly north of the Law Center are planning to develop their property for an office and commercial building. The owners are now assessing the physical and financial feasibility of development. Land surveys and test borings were conducted recently.

The area primarily under consideration includes only the parking lot (Shaded area on map). According to Ronald Cohen, one of the owners, they are "anticipating construction" sometime in the future. Dates will be set when the results of the studies now underway are known. Various owners estimate that a decision on whether or not to build will be made within the next six months.

According to Dominick F. Antonelli, Jr., one of the owners, present plans are to develop the property independently of the smaller landowners on the block. The small owners are Bernard Bobb (Capitol Liquor), Gus Cokas (706 New Jersey Avenue), Sophia Diavatis (the Chancerly) and Georgetown University (700-702 New Jersey Avenue).

Antonelli said that the owners had tried to interest the smaller owners in a joint development project or in selling their properties, but the prices asked were too high.

"We just got tired of waiting, so we went ahead alone," he said.

Cohen indicated that if independent development of their property was not feasible, then some of the smaller owners might be approached again. He also said that development "is not a priority project now," and if studies show that projected income will not be sufficient, the project will "be aborted."

Despite their focus on independent development, the owners appear to desire the university to join in the venture. In 1975, a similar development proposal was presented to the university's Board of Directors. The plan was to have included development of the entire block as well as use construction over the I-95 highway bed. The project, known as Barcist's Square, had received favorable consideration from a number of governmental planning agencies, and included space in the new building for Law Center use. The university's Board of Directors refused to approve the subject, calling it "too speculative."

In 1976, the university acquired the Levy Building (700-702 New Jersey Avenue) to gain a foothold on the block so that any subsequent development plans would have to include the university. Sources indicate that it is possible for the block to be developed without university participation.

According to both Antonelli and Cohen, the university is aware of the development plans, but has shown no interest in joining in the development. According to fellow property owner George Sembekos, who exchanged letters with university President Timothy S. Healy last month, the university has failed to respond favorably to a joint development suggestion.

Charles Meng, assistant to the president, said that there has been contact between Healy and Sembekos, but terms had been "exorbitant." He said that "when an acceptable offer is made, we might consider it."

He stated that development plans had been passed to Salyards and University Treasurer George R. Houston, and that he had advised Healy that the plans were not acceptable.

and at old law center

By MICHAEL GROSS

The university is seeking to change the zoning of the old law center site, at E and 5th Streets N.W., to permit development of the site as an office building. According to Kenneth Salyards, director of investment properties, the property, which is now a parking lot, is on the market for development or sale.

The zoning change is a preliminary step in preparing a "land package" to show developers or investors. The university's plans include an architect's design of a proposed building for the site. The design was prepared by Vlastimil Koube, a local architect who has designed many of the office buildings along K Street N.W.

The university's land is currently zoned "gcc," which permits use by non-profit organizations, labor unions and professionals. The university would like to have the zoning changed to C-3-B, a general commercial use that will permit, among other things, office buildings.

If the change is approved, the value of the university's land would increase from less than $3.5 million to more than $5 million.

The university will present its plans for the property in a hearing before the Board of Zoning Appeals today. No final action is expected on the proposed change until the plan is reviewed by the National Capital Planning Commission and the D.C. Fine Arts Council, among other agencies. This probably will not occur until March or April.

According to Salyards, no opposition to the zoning change was voiced at a recent public meeting held by the District government. The university has been joined in its request by the D.C. Zoning Commission which is seeking to change the zoning of a large part of the surrounding area.

Last Friday, Salyards met with the university's Board of Trustees to review plans for the property. The plans include: a complete sale of the land to a developer, a joint development project, a plan in which the university has a long-term lease in the property once it is developed by an independent party, or development by the university.

124 lawyers disbarred

State disciplinary agencies disbarred 124 lawyers last year, the American Bar Association's Standing Committee on Professional Discipline has reported.

The committee said another 47 lawyers resigned with disciplinary charges pending, 27 were suspended for failure to pay fees as required, 231 were suspended for other reasons and 74 received public discipline less severe than suspension.

The figures were obtained on a voluntary basis from the individual state lawyer disciplinary agencies and do not necessarily reflect all actions taken against lawyers. Data on individual cases is retained on a confidential basis for release only to the highest court in the jurisdiction and official state disciplinary agencies who request it.

New York led in disbarments last year with 37.
By PAUL C. FIDUCCIA

On April 12, 1971, staff members of The Stanford Daily, Stanford University's campus newspaper, helpedlessly watched police officers execute a warrant to search their office. Two weeks ago, several past and present Daily staffers, some of them plaintiffs in the suit challenging the search, helpedlessly watched attorneys argue their case before the Supreme Court.

For nearly seven years they, as well as other Stanford students, lawyers, and working journalists, contributed time, energy, and money to the ensuing litigation. As a result of this effort, the federal district court below held that: 1) the search was unconstitutional, establishing expanded Fourth Amendment protection for non-suspects, especially newspapers; and 2) the plaintiffs were entitled to attorneys' fees. The Ninth Circuit affirmed Stanford Daily v. Zurcher, 335 F. Supp. 124 (N.D. Cal. 1972) (search unconstitutional), 366 F. Supp. 18 (1973) attorneys' fees awarded, aff'd., 550 F.2d 464 (9th Cir. 1977).

The search resulted from an incident that occurred three days earlier on April 9, 1971. Sixty persons, protesting the firing of a black hospital employee, staged a 30-hour sit-in at Stanford Hospital. Attempts by 175 police officers to disperse the demonstrators, who had barricaded themselves as an administrative roadblock, resulted in a riot. At least 37 demonstrators and police were injured, and 23 demonstrators were arrested.

Two days later, the Daily published some photographs relating to the encounter.

The next day, April 12, the police obtained a search warrant to locate and seize additional photographs believed to be in the Daily's unpublished photographs file. There was no cause to believe that anyone connected with the Daily was involved in any unlawful activity, nor that any fruits or instrumentalities of crime were being stored there. Therefore, the search was a search of a third-party, a non-suspect.

Subsequent to the search but prior to the decision of the district court, the Ninth Circuit held in another case that a judicial officer must first show that a subpoena duces tecum is impractical before an arrest warrant may issue against a third party witness. Because the constitutional requirements for a valid arrest warrant are often similar to those for a valid search warrant, an important issue in the case was whether it would have been practical for a subpoena to have been issued for the production of the photographs.

Unlike some other jurisdictions, California does not authorize prosecutors to apply to a court for a subpoena in aid of a pending investigation. Since no formal charges had as yet been filed, the police could not obtain a court ordered subpoena for the production of any unpublished photographs. Therefore, there may have been a good faith belief that a subpoena was impractical.

The county grand jury, however, before whom a subpoena was returnable, met only two hours after the search (actually, the grand jury met during the search, but it is initially discussed only administrative matters); therefore, a subpoena could have been issued shortly.

During the search, police went through files, desk, and waste baskets, viewing, among other things, reporters' notes, some containing confidential information. The search was unrestricted and thorough, but it proved fruitless.

The Stanford Daily was apparently the first newspaper in American history to be so searched. This inference is based on the facts that there are no other reported cases of newspaper searches, that none of the litigants or amici have cited other instances of search warrants being executed against newspapers, and that the story has been given such wide play in the media that it is unlikely that other searches would not have been unearthed in seven years.

Shortly thereafter, several Daily staff members sued the four City of Palo Alto police officers who executed the warrant, the city police chief (Zurcher), the district attorney for Santa Clara County, his assistant, and the judge who issued the warrant (i.e., everybody in sight). The plaintiffs later dropped the suit against the judge. The remaining defendants are still parties.

Thus began a seven-year odyssey that has provided those students involved with a unique education in the constitutional law-making process. They received their penultimate lesson from the Supreme Court at oral argument Jan. 17, 1978.

One of the first problems facing the plaintiffs was their status as a student-published newspaper. The Daily is now an independent publication; at that time, however, it was published by the university. The plaintiffs were worried that their student status would result in dismissal. Although the Daily also acts as a student, the seven student plaintiffs were nonetheless relieved that at least some of them were over 21 years old.

The suit was filed in the federal District Court for the Northern District of California, alleging deprivation of constitutional rights under 42 U.S.C. Sec. 1983. It sought a declaratory judgment and injunctive relief from further searches.

The defendants answered that the search was lawful and that they would continue to use search warrants against third parties whenever there was probable cause to believe that such warrants were not non-suspects possessing evidence.

After the defendants answered the complaint, they and the Daily engaged in negotiations to stipulate some of the issues. During this time, the police extensively employed all available methods of discovery. The impression given to

Some Daily staffers were that the police were trying to establish a conspiracy between the demonstrators and the Daily staffers to destroy the evidence.

After several months, the Daily concluded that these actions were merely dilatory and moved for summary judgment.

At the resulting hearing, the district court judge admonished the defense attorneys that the facts were clear enough, that this was a constitutional case, not a simple criminal trial, and that they did not appear to understand the nature of the proceeding.

Over a year after the search, after many of the involved students had graduated, the district court granted plaintiffs' motion for summary judgment, no material facts being in dispute. The court entered a declaratory judgment for the plaintiffs, but denied an injunction against further searches as being unnecessary.

The court held that law enforcement agencies cannot obtain a warrant to conduct a search for materials in the possession of a third party (not suspected of a crime) unless a subpoena is impractical. The court held further that a magistrate can find that a subpoena is impractical only when he has probable cause to believe, based on sworn affidavits, that the materials in question will be destroyed or removed from the jurisdiction despite a restraining order, or when there is no time to obtain a suitable order. Otherwise, a third party search is unreasonable per se, a violation of the Fourth Amendment.

The court also noted that the individual's privacy interests demand that only "necessary" intrusions take place and that historically search warrants have involved only suspects because they were generally "necessary" only in those cases. The court noted that unless a subpoena procedure is followed, third parties have less protection against searches than suspects because the only effective remedy against unlawful searches is suspension of evidence, which has no application to non-suspects.

In most jurisdictions there is no judicial forum to determine the validity of a third party search. The defendant against whom evidence is seized in such a search will not have standing to challenge the search. Even when a "vicarious" exception is claimed to an otherwise valid search of the property of the party whose privacy was violated, the court considers whether the order is not only unreasonable, but also whether the evidence was obtained in violation of the Fourth Amendment and the search was conducted with probable cause.

The court found that an injunction prohibiting further searches of the Daily's offices was unnecessary, anticipating that the judgment would be honored by the defendants.
The use of search warrants against non-suspects has continued, and not just against news media

where only attorneys’ fees, and not costs, are potentially recoverable.

The plaintiffs, other Daily staffers and Stanford students, past and present, as well as working journalists and publishers, have contributed funds to keep the litigation afloat through the appeals process.

While the appeal was pending, the U.S. Supreme Court handed down a decision that had the effect of voiding the fee award. In Alaska Pipeline Service Co. v. Wilderness Society, 421 U.S. 240 (1975), the Court held that attorneys are not properly awarded unless Congress had specifically so provided. It thus looked like the Daily’s attorneys might have to chalk their work up for a pro bono. But the Congress, aware of the Alaska decision and its implications, enacted the Civil Rights Attorneys’ Fees Awards Act of 1975, 9 U.S.C. Sec. 1988, which restored pre-Alaska law to “cases arising under our civil rights laws, a category of cases in which attorneys’ fees have been tradi-

tionally regarded as appropriate,” by providing the specific authorization: “The district court may tax the costs of the prevailing party against the losing party if the court finds that the case was meritorious, the losing party was represented unreasonably and vexatiously, the losing party’s position was not substantially justified, or the losing party’s position was contrary to established law.”

The legislative history of the Act indicates that it is intended to apply to all pending cases. In fact, the Senate Judiciary Committee Report cited the Daily case as an example of a fee award that the Act was intended to authorize. The Act had the effect of allowing the Ninth Circuit to reinstate the district court’s award.

Since the district court had disposed of the suit on a motion for summary judgment, none of the principals had had the opportunity to see the merits of the case argued in court until the argument before the Court of Appeals.

Although those students involved in the original suit had by this time long since graduated, the torch had been handed over to new generations of Daily staffers. They adopted the case as their own and some staffers became familiar with the issues involved as their counsel.

Shortly before the hearing, the three-judge panel was announced. One panel is chosen in advance of the argument to enable the judges to study the briefs, but the identity of the judges is kept secret to protect them from harassment by vexatious litigants. The students observing the argument for the Daily were pleased to learn that Judge Shirley M. Finchfield was among them. The students believed that her juridic record indicated a viewpoint aligned with that of the Daily: the fact that she was a graduate of Stanford Law School wouldn’t hurt either.

The intimation that Judge Finchfield would vote for the Daily was reinforced shortly after the petitioners turned their argument. When the young assistant city attorney began her argument by making a statement of the facts: “This case deals with the issuance of a search warrant...” Judge Finchfield sharply interrupted, “Insurance and execution.” Her schematic impatience with the petitioners’ arguments revealed an intense knowledge of the facts, indicating a high level of interest in the case, and left little doubt as to her position on the merits.

Another of the judges indicated how he felt about police searches of non-suspects by pointing out that “banks give information to the police upon subpoena routinely but don’t like doing it. They do it because they don’t want the police to harass their officers.”

The third judge asked no questions. At the end of the argument the students felt they had at least two votes. They had all three.

On Feb. 2, 1977, the Ninth Circuit affirmed the district court’s decision unanimously, stating, “We adopt the opinion of the district court.” The appeals court ruled against all the defendants’ contentions.

The defendants appealed again. The costs of the litigation leading to the appeals court ruling were approximately $9,000 for court filing, brief printing, phone bills, transportation, etc. The attorneys’ fees had risen well above the $400 award by the district court.

The Supreme Court requested response briefs. The plaintiffs were advised by Anthony Amsterdam, a Stanford Law School professor and noted constitutional law scholar who was “of counsel” to the Daily briefs, that a request for response briefs increases the chances of a grant of certiorari from about one in 25 to about one in 10.

The Daily staff had mixed emotions about this. A Supreme Court affirmation of the Ninth Circuit decision would establish that holding as precedent in all circuits. But maybe a bird in the hand was good enough; they could lose the protections the Ninth Circuit had prescribed, and their attorneys’ fees as well.

As the case wound its way through the courts, and the plaintiffs left Stage Center, others entered the case. At the appeals court level, the state of California was permitted to submit a brief and argue as an amicus curiae. At the Supreme Court level, California was joined by the National Association of District Attorneys, the International Association of Chiefs of Police, The American for Effective Law Enforcement, 17 state attorneys-general, and the United States Department of Justice. The Daily was supported by an amicus brief in behalf of 18 news organizations including the Reporters Committee for Freedom of the Press, the Radio and Television News Directors Association, the American Society of Newspaper Editors, and the Associated Press Managing Editors Association.

Again the costs mounted. It is estimated that the costs of the Supreme Court argument alone will be several thousand dollars.

The petitioners and those submitting amicus briefs on their behalf were concerned mainly with the possibility that police officers might be liable for fees awards and with the breadth of the lower courts’ rule. The petitioners were concerned that the basic Fourteenth Amendment nature of the lower courts’ holdings would apply to all non-suspects, not only to police officers. The petitioners’ objective was to highlight the implications of the acceptance of the broadened application of the lower courts’ rulings. Their argument centered on the assumption that the person holding the evidence may in fact be the criminal, or at least a sympathizer who would destroy the evidence if warned by a subpoena.

Their briefs almost totally ignored the fact that the Daily is a newspaper and that the material sought were not crimes or instrumentalities of crime, but materials used in the lawful activity of gathering and disseminating news.

The Daily argued for an affirmation by the Supreme Court on the narrower ground that, at least where the First Amendment interests of a newspaper are involved, a search is unreasonable without compliance with the procedures mandated by the lower courts.

While awaiting their final day in court, the Daily staffers speculated on the way the justices would vote. Someone remembered that Justice Rehnquist was a Stanford grad from both the undergraduate and law schools. Perhaps he was a past Daily staffer. An examination of a few issues of the paper published during the time he might have authored an article, however, revealed no Rehnquist byline. Daily staffers also considered possible changes in
Barbara King: secret

This week, Law Weekly Staff writer Godwin Oyeowo interviews Associate Registrar Barbara King. His questions are in bold face, followed by King's answers.

By GODWIN OYEWO

Many of the people who have been to school here at the Law Center know you, at least by name. I have been at the Law Center for 20 years. I came here when I was quite young, and it's been fun. I've seen a lot of changes, a lot of deans, and I like the job. The day goes by very quickly. It's like a new job each year. It doesn't seem like 20 years, but it has been.

The quality of any good school depends, at least in part, on how those who run the school can adapt to changes in the society at large, and to the needs and the interests of their students.

Sure. You are absolutely right. The deans do reflect the student body. They each bring to the school their own view of what legal education should be. I remember when I first came here, there was not much activism on the part of the students. I am not sure that even the Law Weekly was published than. But during the 60's we saw a lot of activism on the part of students, and I think our deans and our faculty responded very well to the situation. The school was able to accommodate the students. We made the buildings available for the use of students on several occasions, and there was never any attempt to evade the political and social responsibilities of the school.

Things seem to have come full circle these days. It is rather quiet these days, I think, unless I am missing something. Attitudes towards getting an education have changed. This is not to say that the activism of the 60's were not interested in getting a very good legal education, but there were a lot of things students felt they had to do in those days. What I mean is that the focus has changed. I see this in the desire of students to take certain courses, and to spend more time on their courses, and the great pressure they seem to feel to do well in school and to get certain jobs after graduation.

The activism of the 60's was not directed only towards the political system. Some administrators were targets, too. There were all-les, building take-overs, and the antagonism in the environment forced some college presidents, deans and other administrators to resign from their jobs. What kept you going in those days?

I don't think I was high enough in the system in those days to be a target. Also, I think some of the students considered me as someone on their side. I was often invited to their meetings and get-togethers. Beyond that, I think everyone here at GULC—administrators, faculty and staff—responded very well to what was going on. Certainly, we couldn't please everybody all the time, and I am sure we received requests to do things we couldn't possibly do.

If we excluded the current group of dean, associate and assistant deans, who is your all-time favorite dean and why?

There is no way you are going to get me to answer a question like that. They are all favorites in different ways. If I had an all-time favorite, I'd tell you. I am known for speaking my mind. I'll tell you one thing, though. I've never worked for a dean I didn't personally like. Paul Dean was the first dean I worked for, then Dean Fisher, Dean McCarthy and many associate and assistant deans. I counted it up and recently and I think there were 17 that I have worked for so far.

Seventeen, and you still wouldn't tell me your all-time favorite.

They are all favorites in different ways. Of the 17, I think nine of them had been students here since the, time I have if they don't like my answer or if they want to appeal my decision they can take their case to Dean Flegal. I guess I am especially fond of the associate deans because they are the ones I see most often. They are the ones I work most closely with, doing academic and administrative work. I've worked for Dean McCarthy when he was an associate dean. I've also worked for Roy Scholland when he was an associate dean, they are all great. Very hard-working people. Each one contributing something unique to the Law Center. For example, the Legal Research and Writing program started under Dean Scholland, so also did the Emergency Loan Program. He was able to go out and raise money for that. I've also worked for Prof. Greenwich when he was an associate dean. You can always count on him to go out of his way to help students wherever necessary.

One of your responsibilities here as the associate registrar is registration. If you'd ask, say 10 students here, it is very possible that eight of them would tell you that they are not satisfied with the registration procedure at GULC. In these days of computer technology and enlightenment on the part of administrators and faculty members, why are we still having so many problems with registration?

There might be at least two answers to that question. One of which is that when the schedule is designed, we make sure that we have enough sections for each course for everyone that could conceivably hope to take the course. But this is a big school, at least in terms of the number of students and there is a physical limit to the number seats you can have in each classroom. Sometimes more students than the number of seats available would like to enroll in a particular section of the course. Therefore, we have to have a system of fairly allocating the available number of seats in such sections.

Personally, I hate to see a system whereby whoever races to the Law Center first gets a seat in any particular course while others who couldn't get here to be the first because they have other legitimate commitments, lose out. I reject the first-come-first-served approach to this case. We have done a few things around here and what happened was that people came to the building as early as 4 a.m. so they could be the first or they'd have a proxy come stand in line for them.

That's just not fair. So, to assure you of a space course, we have the lottery system. Our registration is based on your class year, how high you are priority table, where you put a certain course, did it as your first alternative, or your first primary, third primary, and how much weight you gave that it goes through processing, and people get assigned random basis from that.

Someone actually sits down to do that?

No. The computer does that and we don't interfere at all. No question of personality is involved. The computer assigns you purely on those factors. Say 250 in a second year class want a particular course. Of all they are all in the same class year, and say they all apply same priority and weight. The computer would everyone a number and all those on one side of a number gets in and those on the other side don't. It is a fair system. It's worked for us for about seven now, and we are always looking at it to see how update it.

My next question is along that line. Can it be improved?

Of course it can be improved. I'd hate to think it didn't. It can be improved. We are getting people programming on it. I think, like everything else, we look at it periodically. Every two years it long every system. Continuing with the lottery system, don't get into a course through registration, you have to go to the lottery, and that is a second bite at the. Let's say somebody who gets into the tax come want him to drop out; instead of having you out here to add-drop, you might be able to get in the lottery. I have seen people get into a lot of courses. Anything can happen between registrations last day of add-drop. Seats have opened up in one could not get the other could get into.

How do you think students rate the registrar's office?

I can't say how students rate it, but I can tell you it is. I hope students bring us their complaints not perfect. There are many things we'd like to change. I think we have the best staff the Registrar's Office ever had.

I hope students bring us their complaints. We are not perfect. There are many things we'd like to change, but I think we have the best staff the Registrar's Office ever had.
GULC ruler or secret softy?

Absolutely.

For what reasons?

I think that a funny sort of way. I have been here for 20 years now and I have seen everything. The student who walks in here and tells me something that I have never heard before is going to get a prize. I have no idea what the prize would be, but I'd be so happy to hear something I've never heard before.

As to the type of student who makes me happy when he or she graduates, I think it's the type that never gets his papers in on time, who always comes to me with some cockamamie story. The ones who never know when registration is. The ones who show up three months late to pay their bills. The ones who come three days late for their exams, and at the wrong hour. As soon as one graduates, you can count on another one to walk in through the door to take his or her place. But I've never been glad to see them graduate because of hate for them. I have no animosity at all towards them. Graduation is one of my favorite times. Even for people with whom I've never got along, maybe for three years; the student who comes in here every semester and wants us to do the impossible, right away; even those who have told me I am a terrible person at graduation would come to me and say "hey, thanks a lot." And that happens to the rest of the staff also.

I have been coming to graduation now for many years, and every year they bring me back to meet their relatives, and that's really marvellous. And even after graduation, some students would stop by for a visit whenever they are in town.

There has to be at least one former student at GULC, who is now well-known, who was a darling of yours while a student.

Am I supposed to give the name?

If possible.

Oh, my, the question stumps me. I can't even think of whom I know who is famous now. There are a lot of people I have never had dealings with. Students are really great when they first come here; sometimes they are so lost and so confused they don't know what to do. They just bring out the maternal instincts in me.

The student who walks in here and tells me something I have never heard is going to get a prize... I'd be so happy to hear something I've never heard before.

You are not the registrar. You are the Associate Registrar. In the minds of many people, when they think of GULC's Registrar's Office the name that comes to mind is Barbara King.

We have a Registrar, Eleanor Higdon who has been here a long time. I came to work for her. She is a marvelous person. She taught me many things about this school. Ms. Higdon and I have what appears to be a perfect working relationship. She likes to work behind the scenes. She likes to work on statistics, which I loathe. She is a low-keyed, quiet person. She does a great amount of work on things that I would hate to do.

On the other hand, I like being on the front line, I like being in the know, I like, maybe, a little verbal juggling with the students when I say "sorry we can't do that, why don't you explain yourself?" So we seem to have a perfect balance here. I just happen to be more visible. I am probably more visible on a one-to-one basis than most of my staff. But my staff does a heck of a lot more work than I do. I can be out of here and the place will still run. But if my staff is not here, the students don't get help, the phones don't get answered, the bills don't get typed. So, I just happen to have the visibility, but it is not a one person show in any way. The place can still run very well without me, which I am really pleased about. I have a very good staff. What do you think of lawyers?

How do you answer a question like that? I admire them greatly. There is certainly an absolute need for them in our society. Certainly, there is too much "run quick to sue the bastard's" type of thing, but I don't agree with Shakespeare's "when I take over, the first thing I'll do is kill the lawyers." There is a need for people who can sit down and reason together rather than get into situations of confrontation. I am very pleased to be here working with lawyers. I think just by association one gets to think more clearly. I know that dealing with law students, I have to be able to think quickly because whatever I say, even when I grasp their petition, they might argue with me.

What do you think of students here as future lawyers of America?

In all fairness, from what I have seen from the admission statistics, from what I've seen of when people graduate, I think we have a very good student body here.

And you really think we are all going to be good lawyers?

It's not just what is on the transcript, but the drive that people have individually. I suppose people can get out here with Dean's List grades and be crummy lawyers, and others can get out having missed the Dean's List by far and still be very good lawyers. I have personal knowledge of people who graduated in the lower half of the class who went out and really hustled and really did a very good job. I know someone who went to work in a prosecutor's office in a state, which shall remain nameless, didn't graduate high in his class, but made a name for himself nationwide.

He mentions his name in this city you hear nothing but good things about him. I know people who have flunked the bar exam the first time around but had no reason to, except that maybe they panicked, and went ahead and take it again and become very good lawyers.

In addition to your academic and administrative responsibilities, I know that students can also come to you for advice. What type of advice do you give them?

First, I try to let people know that their three years here don't have to be hell. I also let them know about the professional counseling services available to them. Some people are afraid that if they take advantage of, say, the psychiatric services available to them, somehow it will come back to haunt them in later years. But there is no one amongst us who does not need some help sometimes. I don't mind giving my advice at all. After all it's free. But you get what you pay for. Somebody who is trained at doing that type of thing is better. I don't know how we can make it more known that the service is available, with no strings attached. I think I know why people might be fearful of using such services, but no one has to suffer either in fear or in silence.

Did you see the movie, Paper Chase?

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G.U. basketball: Cinderella makes it big

BY BOB GAGE

"If I didn't believe in education I'd be a violent man. So much has to change. You've got to believe education can change things. Or what's left but a gun?"

- Head Coach John Thompson

In five years at Georgetown University John Thompson has "done violence" to the popular mythology of big time college basketball — and his weapon has been education. Inheriting one of the worst teams in the East (1-23 in '72), Thompson, relying heavily on freshmen he recruited from the District, nosed a 12-14 mark in 1973, his first year as head coach. Over the next four years he steered Georgetown to two NCAA regionals and one N.I.T. appearance. This year the Hoyas, along with a 13-2 record, have repeated in both the A.P. and U.P. I. top twenties since their convincing wins over Holy Cross and Alabama in the Holiday Festival in Madison Square Garden.

It's a Fantasy Land

Having been an All-American at Providence, Bill Russell's back-up with Red Auerbach's Celtics, and a spectacularly successful coach at St. Anthony's in D.C., Thompson's abilities were well documented. But what kind of "sales job" did he employ to entice top high school athletes to Georgetown?

"A kid has to understand that athletics is a fantasy land," Thompson says. "No matter how great an athlete he is today, someday he's going to be a bench sitter. That's why he's got to concentrate on getting a degree. And Georgetown's a good place for that."

The team's swift, swing forward, Steve Martin, a highly recruited Louisiana All-State selection puts it in a different way: "I didn't come to Georgetown just to play basketball. And I didn't come just to get a degree. I came to get a good degree from a top school. Thompson says at times he feels unfortunately like a showman when emphasizing education. "It amazes me that people find it unusual for a basketball coach to be talking about education. This isn't the pro's." What amazes Thompson also attracts top athletes.

"Big Sky" and "Bay Boy"

Thompson's premiere recruit is Craig "Big Sky" Shelton. Shelton, after leading Dunbar High in Washington to a 29-0 record and a number one national ranking, was named a high school All-American and Meritman player of the year by the Washington Post. After setting out most of his freshman year with a shattered knee cap, Shelton has already begun to establish himself on the court.

G.U. Head Coach John Thompson

At center the Hoyas start six foot eleven inch Tom Scates. The heavily muscled Scates, a defensive expert, blocks a shot every seven minutes. When scoring punch is needed a more mobile Ed Hopkins, a six foot nine inch center forward, anchors the middle.

The War and the Chess Game

Thompson has always preferred a running style of basketball in the Boston Celtic tradition.

"We've always had speed," he says, "but that, alone won't make a fast break go. It takes players who are alert, quick, and bright. It's not just getting down the court, it's hitting the open man with the pass that makes this kind of offense go."

The quickness and court presence of Jackson, Duren, and Martin coupled with hustle and rebounding of Scates, Shelton, and Hopkins have made Thompson's chalkboard a reality.

"People think that slow, patient, teams are better coached and disciplined than running teams," Thompson comments. "It isn't so. It's tougher to coach and discipline a team that's always going full out. It's like a war."

Then there's what Thompson calls the "chess game." Many coaches agree with Frank McGuire of South Carolina: "We just can't run with the Hoyas. We've got to slow them down." These teams, most of which lack Georgetown's natural talent, do have the ability, by employing zone defenses and methodical, patient offensives, to break the Hoyas tempo. In previous years several teams have upset Georgetown with these tactics. This year the Hoyas have countered with poise and patience of their own. Wins of 56-53 over Navy, and 45-42 over South Carolina have resulted. "They can win, you've got to try not to lose," says Thompson.

Defensively, the Hoyas' zones have been much tighter this year. The 1-3-1 in particular, owing to the team's speed, is capable of largely nullifying opponents' production. The Hoyas have also developed a reliable game-ending "double high stack" stall.

"When We're In It"

When asked about the significance of being in the Top 20 Thompson replies, "When we're in it it's very relevant when we're not, it's not relevant at all." "Seriously," he continues, "it's just something at the end of the year than count. Polls are good for bragging rights, but they're just people's opinion." However, Thompson and his team are well aware of the recognition value of the Top 20. Sports Information Director John Blake, explains: "Since we've been in the Top 20, T.V. crews come in three or four times a year. Where once we were just a score in the aggregate now we're the lead, and getting headlines, in A.P. stories. This kind of exposure has to be beneficial to the university as well as the team."

The more difficult test ahead for the Hoyas include Detroit (15-1), Holy Cross (11-3), and always tenacious cross-town rival, George Washington. To make the NCAA play-off for the third time in four years, the Hoyas must emerge as the top team in the Southern Division of the East Coast Athletic Conference (ECAC). They then must beat the top ECAC team in up-state New York, which will probably be Syracuse. If the Hoyas are toppled by the 11th ranked Orangemen, they still could receive an independent berth based on their season performance. Therefore, the Hoyas stress "winning every game," as opposed to priming for a select few, as the team goal.

Perhaps the key to a NCAA slot will be the development of an inside game. Since Georgetown's second game, Shelton has been playing with a heavily bandaged right wrist and the Hoyas offense has been heavily dominated by the guards. When Jackson and Duren hit a cold spell, as happened in the final half against St. Bonaventure and the Hoyas offense sputters. In that game the Hoyas pulled out a 76-69 win in the last seconds — but only because both Duren and Jackson found the "hot hand" again.

This fall Georgetown President Timothy Healy signed John Thompson to a new five-year contract. Included in Thompson's duties is the new position of Special Assistant to the President for Community Affairs. Thompson, a native Washingtonian, is both enthusiastic and cautious about the new job. "I've been here for five years," he says, "and I've heard a great deal about Georgetown's commitment to the community. But I've yet to identify the commitment."

"There are students," he explained, "and we're writing in great detail what members of my team do on the court. But the same students can't begin to describe — in fact they'd be appalled — the homes we spend some of my ballplayers."

"I guess my biggest goal on the job is to open up a genuine, two-way communication between the town and the University," Thompson concludes.

Barbara King

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I think I saw it. I read the book some years ago.

What is the difference between GULC and the law school in Paper Chase, if any?

I think GULC is a very human place. Most of my dealings are with students and the deans. But I look at most of the faculty members here and I admire them very much. Our faculty members sometimes go out of their way to ease some of the tensions of being in a law school. The people here are committed to helping the students. Most of us work late hours and also on weekends. My big thing is to travel. I love to travel, but I haven't had a vacation in a while. Something is always coming up, and I don't like to take just a week at a time. When I go, I go. This summer I am going to the Middle East, and next year I hope to go to Japan.

I think this is a more human place than most people realize. I think people tend to recognize that as they get further along. Certainly, for first year students just coming in, it's hard.
Image and Necessity—
A Comment on Legal Advertising

By KEVIN HANDLY

Examine the catalog of any American law school. Look at the courses offered. Better yet, look at the center spread of last week's Law Weekly for a representative sample. Look at a course entitled "The Marketing of Legal Services." Don't bother; you won't find one. No self-respecting law school would stoop to offer such a course. Presumably, no self-respecting graduate of a "national law school" has to worry about selling his services. The conventional wisdom is that there is a shortage of legal services. The clients are out there pounding on the doors. Lawyers don't need to market their services; legal services sell themselves.

At least that is the theory. But you can see from the amount of time devoted in law school to acquiring the skills required to be a successful seller in today's mass market. Yet the conventional wisdom may be off slightly. Sure, there's an unmet need for legal services out there. That does not mean there's an abundance of paying clients. And, if you're like most law students, paying clients are what you're questing for. The Court did not ground this necessity on the lawyer's need to find paying clients. Legal advertising is okay only because the public has a right to know what services are available and at what prices. An examination of the fallacy of the Court's action suggests that the grounds are more camouflage for a more fundamental recognition that legal services no longer sell themselves.

What does legal advertising tell the public? An examination of the legal ads appearing in the Washington Star and the Washington Post suggests that these ads aren't being informed of the legal services legal advertising can communicate to the public. Advertising, especially legal advertising, is inherently selective in the information it conveys.

Legal advertising is selective in at least two respects: selective in the sense of what information the advertiser chooses to communicate; and selective at the more fundamental level of which lawyers choose to advertise at all. Professional restrictions still support the first type of selectivity. The latter type is largely self-imposed. Not all lawyers choose to advertise. In fact, ordinary experience suggests that at the beginning of the next decade one out of five lawyers in the Washington area will regularly submit copy for publication in a newspaper. Very few, if any.

The conventional wisdom is that most lawyers frown on the use of advertising techniques because it is "incompatible with the dignity of the profession." Advertising degrades the public in the eyes of the public, or so many of the old justifications implying the restrictions on legal advertising would have us believe. There is no reason to doubt that these justifications are based on the premise that legal advertising is indirectly a threat to the image of the profession.

The fact is, some lawyers are advertising. It may be that these lawyers are expressing their disapproval indirectly on the profession as a whole; the direct impact is on the image of the advertiser. Presumably, these lawyers are not wholly unconcerned about their own images.

Editor's Note: Next week the Law Weekly will examine the legal advertising practices of the Washington Star and the Washington Post.

Advertisement

Lawyers, at least some lawyers, are willing to sacrifice these image considerations to advertise their services in the hope that by doing so they will attract more paying clients than they repel. Merely maintaining a staid image is no longer enough to generate business. Lawyers advertise because they are hungry for clients. Therefore, the large percentage of the bar which continues to frown on legal advertising, does so because it can afford to worry about the image of the profession. These lawyers don't need to advertise to generate business. The tried and true techniques are still working for them.

As more and more new lawyers enter the legal marketplace, the boundaries of the client pool will have to expand to accommodate them. The number of lawyers is presently growing faster than the traditional pool from which paying clients are drawn—the social and economic elites, corporations, the government, small businesses and indigent criminal defendants. Other segments of the American public must now be convinced (a) that they need legal services, and (b) that the services they need are available at a price they can afford.

The old methods of building a legal practice—Finding a permanent location, performing services for friends, having friends refer other friends to the firm, and so on, are too slow and not sure to accommodate the tremendous influx of new lawyers. Innovation is becoming for many law graduates the key to survival. Newspaper advertising is an example

Some of the lawyers now advertising may be shysters. Others may be incompetent. When such cases are discovered, there will no doubt be an uproar. The upper echelons of the bar will point to the complaints as evidence of the degrading and demeaning consequences of legitimizing legal advertising. Bar associations will conduct investigations, the state and federal government will conduct investigations, and the newspapers will conduct investigations. The public will shun away from the legal services ads in the newspapers.

That legal advertising will not fade away. Two large and influential groups know it in their own way. One is the insurance legal advertising survives—the press and the ever larger struggling element of the bar. The newspapers will respond to the public furor over shoddy advertising practices by announcing strict new guidelines on the types of advertiser and advertisement they will consider. Lawyers will continue to advertise in the absence of any more effective alternatives. Similarly, the general public, aware of the pages in search of affordable legal services, knowledge of the greater reliability of such ads will grow. Advertising will make some lawyers rich, some small firms large. These are not likely to abandon the techniques that made them prosperous. Advertising will become profitable, and when it does it will also become respectable.

Stampede Daily

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outcome due to temporary health problems of the justices.

Justice Blackmun, a general conservative Nixon appointee, had been ill but was back on the bench. Justice Brennan, who is likely to have the most expansive view of First Amendment protections of any justice now on the Court, did not participate in the oral arguments. Last week, the Post reported that Justice Brennan has announced that he will not participate in the arguments. His absence will most surely result in the loss of one vote for the Daily.

Less than 48 hours before the oral argument, the Justice Department filed its brief. The Daily's attorneys responded within 24 hours. Although the government's brief came out against the Daily on the merits, it stated that if the Ninth Circuit is affirmed on the issue the plaintiffs should have their attorneys' fees.

It also stated that it is not federal policy to search non-suspect newspapers for more evidence, and it listed various conditions when a search would be unreasonable. The Daily's lawyers responded by pointing that the facts of their case actually did meet the government's requirements for an unreasonable search.

The solicitor general's attorneys were unable to respond to the government's brief before the argument. They requested and received permission during the argument to file their reply afterwards.

After nearly seven years, the plaintiffs and other Daily staples fought to the court room where the last major public act of their drama would take place. Only the announcement of the decision remains. The eight men behind the bench will determine whether their efforts will result in nationwide standards for limiting the use of search warrants against newspapers, or whether the only results would be the substantial expenditures of resources by the students and their supporters, and an accounting charge on the books of their lawyers, moving a substantial portion of the legal fees, that after seven years of litigation, is only 6% in excess of $47,500, from a "accounts receivable" to "pro bono."

After the noon recess, the Daily staffers took their places in the courtroom, some in the press box, others in the audience. The first case after the recess was argued by Anthony Amsterdam, who had assisted on the Daily briefs as well. He argued against the application of the death sentence, his specialty, in a felony murder conviction. During this argument the court was engaged in the argument that the defendants had their first opportunity to explain the justices, to begin the final adjustments to the calculations of votes on their issue. One staffer noted later, with surprise, that the attorneys seemed to be thanking the justices, actually explaining what the law is and what it should be. Perhaps the justices are the only defense that a reading of the confidentially stated opinions suggests. Another surprise was the amount of confusion present about what the applicable law really is, and about meaning of some of the terminology used by a flattering state's attorney.

Abruptly the argument was over. Some of the press and many of the spectators left the room; apparently, the search of the Daily was not as new as it is the application of the death penalty. The lawyers took their places, and all was ready.

The state of California was represented by a deputy attorney general. He opened his argument with a statement of the facts — not of the search, but of the confrontation. He detailed the original demonstrators. It appears that the demonstrators attacked the

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Letter to the editor

In re Rothstein

To the Editor:

We believe that Professor Rothstein’s fall evidence test, recently much maligned, was no worse than many exams we have taken at this school. The purpose this test has served should serve as a reminder to the faculty that the purpose of examinations is to fairly test a student’s comprehension of course materials. Unfortunately, some students have made public statements concerning the test that appear to us as attacks on Professor Rothstein’s character. We emphasize that the issues surrounding the test should not be twisted into a public prosecution (or persecution) of Professor Rothstein, especially in light of his own exemplary concern for students. Ad homines attacks are out of place in this situation and the underlying issue of equitable testing.

John LeSeur
Thomas Hedges
Kevin Clark
Gary Taylor
Tony Taylor
Gary Cross
Julie Schwartz

Discovery rules opinion sought

A special committee of the Section of Litigation of the American Bar Association has proposed to substantially amend rules governing discovery procedures in federal court suits. The amendment, in response to an ABA task force finding of alleged widespread abuse of discovery, “serving to escalate the cost of litigation, to delay adjudication unduly and to coerce unfair settlement.”

Circulating the proposed amendments to the Federal Rules of Civil Procedure is the Section’s Special committee for the Study of Discovery Abuse, which in October submitted a detailed report together with explanations of the reasons behind the proposed changes.

The American Bar Association’s Board of Governors approved the section’s report and authorized wide circulation of it.

Stanford Daily

(continued from page 9)

police in an effort to evade capture, severely injuring some of them.

He then fled into a discussion of some actions of the staff prior to the search. Perhaps he was pro-

vocating on the theory that a student is a student.

He relayed that an unidentified staffer was reported to have said that the negatives would be sent to Tokyo to prevent the police from seizing them. An interesting tidbit for the Court, and one that raised eyebrows among the plaintiffs, this appeared neither in the record nor in any of the briefs.

After the argument, some of the staffers expressed amusement at this, recalling a statement made by a young assistant city attorney before the circuit court that a staffer had called for photos would be sent to Russia. This was particularly amusing since the campus crazies then were Maclntyre, not Marshall-Lucas. The Assistant City At-
torney was obviously a student of the adults, out of touch with the current campus political thought.

And indeed, though, that the Daily had a policy, publicly stated in an editorial, of destroying all potentially incriminating, unginned negatives.

When questioned by the justices, the Daily’s attorney analogized this policy statement to a sign in a taxi that reads the “Driver carries no cash,” designed to discourage potential thieves.

The justices were not satisfied with this answer, however. “What if you had a picture of a bank robber, or the man who assassinated John Kennedy? Would they have to destroy that?” The attorney conceded that the policy would require that. Unfortunately, he didn’t point out that these photographs would certainly be newsworthy and hence published. He also failed to point out that it was not the policy to destroy pictures if the state had sub-

mitted them or if the court had ordered them retained.

The Daily’s policy statement was in response to threats and assaults against Daily photographers as well as their exclusion from certain campus meetings.

Some staffers later wondered what the cost of that editorial might be. At the price one pays for journalistic bravado. Who wrote that damn silly anyway?

The Court repeatedly asked for solutions to hypothetical questions. “What about a bank? A Pentagon? How about a scholar, writing a book about government repression, who takes pictures of a confrontation? Who is a suspect? How are the police to know who a suspect is? And at what point in their investigation must they decide who is and who is not a suspect? Where will the subpoena requirement lie? How much of a delay will be caused? Enough for valuable evidence to be destroyed?”

The questions came rapid fire; there was almost no time to answer them. Justice Rehnquist commented that the recent case in which the only issue was whether a subpoena should be quashed took years to work its way to the Court. The Daily’s attorney responded that if the issue was arguable enough to be litigated that extensively, it would not be properly disposed of in a summary, ex parte pro-

ceeding. Justice Marshall responded to the bank hypothesis by remarking that a search of a bank, even for 15 minutes, would cause “chaos plus.”

Although many of the Daily’s staffers present were well read on the Court’s First Amendment decisions, they found that the questions and apparent attitudes of the justices were not exactly what they had expected. It was difficult to tell the “good guys” from the “bad guys.” So much for the calculus of votes. Maybe there was another way to predict the outcome. One staffer noticed Justice Blackmun rocking his chair in unison; a bad sign perhaps. Rehnquist has been tough on the First Amendment, does this mean that Blackmun is aloof? And then what about Burger; after all, he and Blackmun are the Minnesota twins, aren’t they?

After little more than an hour, it was over. A good show, well worth the price of a Metropolitan ticket from New York or even a plane ticket from California.

Afterwards, a group of picture-frame thieves were taken on the scan-covered steps of the Supreme Court. Someone commented, “Send me a copy of the pictures if it comes out, otherwise destroy it.” Then, off through the slats to a nearby bar, to dinner, to the airport.

The Court will write the final chapter in the next few months. Perhaps a complete affimation, perhaps limited to search of newspapers. Perhaps it will be a 4-4 split, which would be a victory for the Daily and other media in the Ninth Circuit, but the decision would not serve as precedent for other circuits.

And what of the pictures, the source of this dispute? The consensus of informed opinion among the staff is that they never existed. The Daily photographer was at the wrong end of the corridor when the confrontation took place. Afterwards, he took pictures of the rubble, but there were no photographs of the demonstrators at the crucial moment. The unidentified photographer that the police observed at the scene of the crime was probably employed by the University News Service, the university’s public relations office, not the Daily.

And what of the principles? As the wheels of justice ground slowly on, the real parties in interest became the lawyers, the treasuries of the City of Palo Alto and Santa Clara County, and the amici curiae. The plaintiffs, no longer at Stanford, are scattered across the country. Their contribu-

ted costs will not be compensated even if the lower decisions are affirmed. Some of them, however, are now working journalists and could be directly affected by precedent set in this case. For the rest, it is a matter of dealing with memories of police officers rifling their desks and looking at their personal correspondence as well as their newspaper material.

The judge who issued the warrant is now a superior court judge. The police officers are still on the force.

And what about Zurcher? One of the plaintiffs stated after the argument that poor Zurcher had only been on the job one month when the search occurred. Speculating that he probably took what he thought to be a nice, secure, job, where his most serious problems would likely be instructors, students, in one of the country’s more liberal and enlight-

ened communities, he must have been surprised to find himself the lead defendant in a suit charging a deprivation of constitutional rights.

Also, poor Zurcher, he didn’t even know about the search until it was over, although he later said he would do it again. Then much later, after several years of litigation, he said that he would think really hard about searching a newspaper again, even if the Court reverses.

His attorney pleaded the plight of the unfortunate police officer who acted in good faith, the vicarious nature of Zurcher’s liability, and the fact that the legal fees will be so large as to amount to punitive damages. But weep not for Zurcher, or the other officers; California has an indem-

nification statute. The taxpayers of the City of Palo Alto and Santa Clara County, who have financed five years of appeals, not Zurcher or the other defendants, will foot the bill if the Court holds for the Daily.

Since the incident, the Daily and Zurcher have main-

tained a satisfactory working relationship. There are no hard feelings at the wheels of justice grind on.
Matching wine and food

By BOB NICHOLS

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The test you know about wine, the easier it is to match it with food. Conversely, the sophisticated wine drinker, who is aware of and can taste the nearly infinite nuances all found in wine, can devise considerable effort to find a really good match for a particular meal, yet fail (to his mind) miserably.

For the novice, it is often easy enough to know the oft-repeated phrase: "White wine with white meat, red wine with red meat, rose with ham." It also helps to know that wine for matching the meal should be dry or semi-dry — semi-sweet at most. Sweet wines should be reserved for dessert.

But what white wines? What red wines? For the total novice, almost any cheap well-made wine will do. Two good all-purpose ones that are a cut above Inglewood's Navalle Chenin Blanc, a semi-dry white, and Beringer's Blaufrankish red wine are readily available. Sebastian's semi-dry Vin Rosé is acceptable. Inexpensive, well-balanced dessert wines are rare — I don't know of any — but the Chateau La Salle is a rather good substitute.

In France, as in one of that sizeable minority who like only white wines, only red wines, only sweet wines, or only dry wines, then by all means drink what you like with what you eat. You should be aware, however, of two generally accepted "absolutes": no-red-wines-with-fish and no-sweet-wines-with-dry-wines. The latter rule is a red wines with fish. The tannins in the wine supposedly react with the iodine in the fish to produce an unpleasant tasting wine. Never serve dry wines with sweet desserts. The wine will just taste sweet.

Through continued exposure to wine, the novice eventually begins to develop a more discriminating palate. At this point, it becomes useful to know more about the generally accepted wine/food affinities. Sooner or later, every wine enthusiast finds that most of the traditional "rules" of wine and food make sense. Here, then, is a summary of the most of the important ones. Included is a smattering of information for the more sophisticated wine buff.

As a rule, a meal with wine consists of the following courses: a starter course of some sort: appetizer, appetizer, soup, salad, meat or fish, dessert. Let us consider the appropriate wine for each of these in turn.

(If it is unnecessary to serve wine with every course — often wine is limited to the main course. Even if it is necessary, this is a column on wine, not etiquette. Here is the information. You can use it how you want.)

APERITIF: Use either a dry white table wine, not too high in alcohol, or a dry fortified wine, such as fino Sherry or Madeira. Do not serve mixed drinks! If you will be serving good wine later, you and your guests will be much happier if you don't.

APPETIZER: If it is oysters or clams, use a young French Chablis (less than 4 years old) or a young Muscadet (less than 3 years), which is cheaper. For crustaceans, whether as an appetizer or as a main course, a white Burgundy or a good white California Chardonnay is best. The better the crustacean, the more expensive and more mature the wine. Four or five years old is a good starting point.

The general rule for appetizer wines is to use a not-so-great dry white if the base of the appetizer is white meat, a not-so-great dry red if the base is red meat. For a vegetable-based appetizer, take your pick of either. I prefer white.

It can be fun to have an appetizer wine that is a better version of the wine to be served with the main course later. One can better appreciate the second wine by comparison.

Another possibility is to serve the same wine with appetizer and main course, provided it goes well with both. SOUP: Many experts recommend dry Sherry. To my taste, wine can only detract from the flavor of a well-made soup. Drink water.

SALAD: If you serve your salad separate from the main course, you have two choices: either don't serve wine (any choice) or avoid using vinegar or mayonnaise in the salad dressing. This is a good time to finish off the rest of the appetizer wine, too.

FISH: Bone dry or dry white. The ideal choice is a Sauvignon Blanc or a Chardonnay. It is often called the Blanc Fume. The dry white wines of Graves and Bordeaux are made from the Sauvignon Blanc. The Robert Mondavi Fume Blanc is always good, and the price will be less than $5.00. For a real treat, try the 1972 Spring Mountain Sauvignon Blanc: it is well worth the $8.00 you may have to pay for it. Atlantic whites are a good choice too, particularly the Nivernais.

CHICKEN: Dry or semi-dry white. If the chicken is served in a cream sauce, use the semi-dry. French white Burgundy, California Chenin Blanc (Robert Mondavi's is good; Charles Krug's is too, though less dry, and QBA and Kabinets from the Mosel are all good choices. To my mind, the perfect match is a mature (4-5 years) Quolettzwiebel from the Saar, provided the vintage was a good one that year.

HAM: Dry or semi-dry rose or moderately mature Rheingau Kabinet or Spatlese (3-5 years).

TURKEY: The books all say that turkey is a good match for any wine as long as the wine is one of your finest. I disagree. So far, I have tried 12 different wines with Thanksgiving turkey; most of them didn't work.

To my mind, the ideal match is a mature white Hermitage or Cru Beaujolais (5-8 years or more). Other possibilities among the whites are: young dry Mosel, very good French white Burgundy, very good California Chenin Blanc, white Meursault or Beaune (3 or more years), or mature dry Rheingau (4-8 years).

The only red that worked was a 1964 Federico Paternina Gran Reserva. I assume that any other big Spanish red would work as well, the 1969 Torres Gran Coranora, for example.

Wines that didn't work included good red Bordeaux, good French Burgundy, still Champagne, Beaujolais, dry rose, young Rhone reds, dry California Chenin Blanc in the "big" style, and mature Mosel autelais.

HAM/BEER/MAT: Any of the light, fruity reds: Beaujolais, California Zinfandel, California Burgundy, or cheap Italian Chianti.

ROAST LAMB: Fine red Bordeaux or fine California Cabernet Sauvignon.

BEEF: Any of the moderately good to very good reds. The ideal match is French Bourgundy, but the Spanish Riojias and better Italian reds aren't far behind. A few stories in town tell how the 1973 Finale Merlot is worth by Nino Negri available for around $5.00 a bottle. It is glorious with steak (decant it two hours in advance of serving).

GAME: Mature Rhone reds such as Hermitage and Chateauneuf-du-Pape (8 or more years) or big Italian reds such as Barolo or Barbaresco (at least 10 years). Serve a white wine, try a mature dry or semi-dry Rhinefalte (5-8 years).

BARBEQUE ANYTHING: See HAMBURGER/MEAT/LOAF.

CURRYED OR HOTLY SPICED FOODS: Drink beer.

DESSERT: Any of the following naturally sweet wines: French Sauternes from the great Chateaux, Hungarian Tokay (5-2 Puttonyn), German autelas (if you are rich, try beerenautelas or trockenbeerenautelas), Coteaux du Layon, Austrian Berautelasne, swe champagne, or Asti Spumante.

Do not serve any wine but the best Sauternes with chocolate. Avoid wine with any dessert comprising an orange sauce or slices of citrus fruits.

NUTS: Good fortified wine: Sherry, Port, Madeira.

CHEESE: Most any wine. Silky cheddars require full flavored reds.

COFFEE: No wine! Don't serve wine after drinking coffee either, until your taste buds have returned to normal (15-30 minutes).

Note: If you intend to use only wine for all courses, your best bet is Beau Champage from France.

The professors. He says that the best remedy is the grad- ing system. The conscientious teacher will realize how difficult the exam is when he grades it.

Finance

(continued from page 1)

"Were we Yale or Harvard, we could afford the luxury of a pure gift of $600,000," Gordon said, referring to the scholarships funds. But the "students don't get all this gift" from their tuition, he added.

Presenting the position of the Finan- cial Aid Committee, Dean for Admissions David Wilmot denied that any students are getting a free ride. Even a student receives scholarship money, Wilmot said, unless students still come in at $1,500 to $2,500 short each year and most obtain outside loans to finance the excess.

Pro. Jeff Steinman stressed that the loan conversion plan does not decrease the amount of financial aid available to students, but only cross a higher join/scholarship ratio. The plan does "remove any opportunity for any minority student to attend Georgetown who wishes to come here," Steinman said. The plan affects "only those who are offered better terms at other law schools. This is a compe- titive, not a moral or affirmative action problem. Is there any moral reason why someone is entitled to a scholarship instead of a loan?" he added.

The Finance Committee members largely agreed that the present disjunction in schol- arship aid would be justified by the greater total financial aid made be available to future students through the institution of the loan program. In addition, they claimed, the long range benefit to GLU outweigh any present impact the loan con- version might have on the competitiveness of the Law Center vis-a-vis other law schools.
Res Pendens

From the Registrar

Graduate students

Copies of the Rules for Writing Graduate Papers may be obtained from the Registrar's Office. Care must be taken to insure that your graduate paper meets these requirements.

Students desiring to write a graduate paper this semester, who have not filed an election to do so by submitting the proper add slips, must do so no later than February 6. Clear your topic with your professor.

K/NK option

Upperclass students may elect to graduate on the K/NK (Credit/No Credit) basis for their Spring courses. The deadline for submitting requests is February 17, 1978. This is a deadline set by our Faculty and late submissions cannot be accepted. A receipt will be issued to each student electing K/NK.

May exams

Applications for degree for titled students graduating in May 1978 are now being accepted in the Registrar's Office. Deadline for application is February 1. If we are to have your diploma in time for the big day, it's up to you.

Address changes?

Does the Registrar have your proper address? Grades for the Fall 1977 semester, pre-registration for Fall 1978, information on Summer School, and other interesting mailings will be forthcoming. You will miss out on the good news if we can't locate you. Change of address forms may be obtained at the Registrar's counters.

From Placement

Career panel

All students are invited to attend the second of a series of panels on types of legal opportunities, scheduled for Wednesday, Feb. 1-4 p.m., in Hall 7.

Panelists will include attorneys representing Common Cause (public interest), U.S. Attorney's Office for the District of Columbia (federal government), Arthur Young & Company (Big Eight accounting firm) and Hemmeter, Whitaker & Kennedy (international law). The attorneys will share the advantages and disadvantages of their types of practice, and will relate their views on job hunting.

The first-year student, Sharon Eubanks, and friend. Well, it's brief time: and what did you expect?

PHOTO BY PAY MOSCATELLO

First year student, Sharon Eubanks, and friend. Well, it's brief time: and what did you expect?

From "an employer's perspective - tips to students including practical do's and don'ts."

Brochures are available in the Placement Office.

From SBA

Book exchange

The SBA is in the process of establishing a standing committee to administer the Book Exchange for future semesters. The need for the establishment of a permanent exchange for the school community is obvious. Students interested in serving on the committee should fill out applications available in the Student Activities Office and place them in the SBA box. Responsible committee members are urgently needed.

From the Library

Citation index

A lecture on the use of the Social Science Citation Index will be presented on Monday, Jan. 30, at noon in the moot Court Room. A lecture from the publishers will relate this tool specifically to legal research.

The Index is a relatively new instrument of research. It works much like Shepard's Law Review citators, but goes further. It will lead you to citing articles, not only in some 150 law reviews, but in several thousand other social science journals also. It is in our library.

Lexis

As of Monday, Jan. 30, Lexis will be open until midnight. Also, twenty minute use periods will be expanded to a half hour.

Student Activities

Coffee hour

Everybody is invited to the Free Coffee and Doughnuts on Tuesday morning, Jan. 31 in the Student Lounge, 11:30 - 12:30 p.m., sponsored by the SBA. Co-curriculars Committee.

Film Society

The Georgetown Law Film Society will present a series of nine movies over the next few weeks. The movies are as follows: The Front (Feb. 2), Five Easy Pieces (Feb. 9), Cocoon (Feb. 16), Dr. Faustus (March 9), Day for Night (March 16), The Late Show (March 30), Wait Until Dark (April 6), On the Waterfront (April 13), and A Touch of Class (April 20). Shows will be at 5:45 p.m. and 7:45 p.m., Thursday evenings in the Most Court Room. Admission is $1/movie, or via discount series ticket. Series Tickets to all nine shows will be available in the Student Activities Office until Feb. 2 for a price of $6.50. At 72¢ per movie it's worth it even if you miss a couple of the movies! Series tickets will be sold on first-come-first-served basis until they are sold out. If a movie is not shown, refunds will be available.

Et alia

La Alianza meeting

La Alianza de Derecho meeting this Wednesday at 3:30 p.m in Room 5. The agenda will include a report from the delegates who attended this past weekend's meeting of the Eastern Regional Conference. Nos animos por la causa.

La Alianza de Derecho extends an invitation to the Law Center Community to join in a special celebration. The celebration is to formally introduce the Law Center to the name change. The organization was formerly La Raza Law Students Association. Activities are to take place Friday, Feb. 3, in the Student Lounge at 3:30 pm. There will be a salad bar providing the musical entertainment till the end of the event.

Readers needed

Readers are needed to aid a blind graduate student in completing research for a paper in EPCC, Start mid-February. See Harriet McFaul, or Father Molloy or call ext. 292 or 254.

White wines

For the next two weeks, the Wednesday wine tastings will feature white wines. The following week the wines will be red.

1 Feb. - Hungarian Tokay, a white wine that ranges from dry to very sweet. For those of you who have never been to one of these weekly informal tastings, this would be a good one to try.

8 Feb. - White Burgundy

12 Feb. - Matured red Rhone.

All tastings are informal. They are held in room 1052 at 8 p.m. For further information, call Bob Nicholas at 547-5592.

Dash may replace Marston as U.S. attorney

In an interview last week with the possibility of his appointment to the Philadelphia post, McCarthy said he and Dash have not yet discussed the details of the position or the possibility of a leave of absence.

Besides Dash, the four other people named by Bell as potential replacements for Marston are:

- Rogerov, now a professor at Temple Law School in Philadelphia.
- J. Clayton Undercoffer, who was Marston's predecessor as Philadelphia's U.S. attorney and who set up the public corruption unit that later led to convictions of several Democratic officeholders.
- Common Pleas Court Judge David N. Savitt, a former state legislator, who ruled in 1976 that Philadelphia Mayor Frank Rizzo could be subject to a recall election; the state Supreme Court later reversed that ruling.
- Municipal Court Judge Lynn Abraham, a former assistant Philadelphia D.A., she also served as executive director of the Philadelphia Redevelopment Authority for two years but was fired in 1974 at Rizzo's urging.

Dash could not be reached for comment.

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