CAPITAL PUNISHMENT

MAGABRE MUSEUM
HISTORICAL HORRORS

'We'll be back for a rack, a gas chamber, and four sets of thumb screws!'

Rovner vs. Speaker
For & Against
From the Dean's Desk:

The Class of '73

On May 21, 1973, the Law School graduated the largest class in its history, with 212 students receiving the J.D. degree. It was also the most diverse class in history, with 21 women and 8 blacks among the graduates. Our classes will not grow larger in the future. They will probably number about 200, a norm much larger than the traditional size of only a few years ago, but smaller than the Class of 1973. However, the proportion of women and minority group students is very likely to continue rising. As I write this message in early July, over 90% of this year's graduates have jobs, and by September I expect this will be true of 100%.

Most of our graduates enter private practice. Some do so after a year or two in judicial clerkships which attract about 20% of the graduating classes. Ten to twelve per cent of the young lawyers work in public interest and community service law firms. More would do so if the opportunities were available. Private firms in Philadelphia and New York continue to take large numbers of our graduates—49 so far this year, but the rest of the country has opened wide, with the west coast continuing to grow in popularity.

It is a mark of our students' abilities and attractiveness and of the quality and reputation of their legal education that in a relatively tight buyer's market, the Penn J.D. is in heavy demand.

This year has seen the excitement of new curricular developments and new faculty. It has also witnessed growth in the development of student litigation, research and service activities. These will be detailed in my Annual Report for 1972-73. Suffice it for now to note that the diversity and depth of legal education at Penn, the striving for excellence by faculty and students, and their dedication to law and justice leave no room or justification for cynicism. Continuing inequalities of opportunity, Watergate, a bankrupt criminal justice system—these are not excuses for despair. They are taken as challenges at Penn, as reasons for law and justice and for the education of people devoted to those goals. Watergate does not call for indictment of Law but for a recognition of the nation's dependence on law and on lawyers, in and out of government, who are not above it.

The School's relationships with its alumni have never been more fruitful or satisfying. The Law Board, the Alumni Society, The Order of Coif, these groups and others, and many, many individuals provide advice, program enrichment and encouragement to our students and faculty. Later in the year I will report on the extraordinary achievements of the Development Steering Committee and the Annual Giving leadership. All of this bespeaks the harmony and commonality of purpose that bind alumni and School together and add unique strength to our educational enterprise by utilizing all the resources, intellectual and material, that able and dedicated lawyers make available. The School, and society as a whole, are the richer.

It was pleasant seeing so many of you here last May on Law Alumni Day. This is your School and we hope you will visit it as often as you can.

Remember A. A. G.
The Law Alumni Journal

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Pennsylvania State Senator Robert Rovner: A former Assistant District Attorney in Philadelphia and a partner in the firm of Katz and Rovner

The issue of capital punishment has been one of the most continuous and fiercely debated in our history. Since 1846, several States, some 15 in number, have completely abolished capital punishment, and of these, 11 have reinstated the death penalty. Of these 11, 3 have reabolished capital punishment. At the moment, there are only 10 States of the 50 that have abolished the death penalty. Further evidence of the strong resurgence in support for capital punishment, is the action of the United States House of Representatives in voting for the death penalty for aircraft hijackings on October 2, 1972 by a margin of 354 to 2.

On June 29, 1972, the United States Supreme Court ruled on the issue in the now famous decision in Furman v. Georgia. This decision has been widely misconstrued to hold that capital punishment was abolished for all purposes. This is not the case, as a reading of the decision will clearly show.

The precise holding in Furman is, to say the least, difficult to state. Each of the nine Justices wrote a separate opinion, expressing a wide contrariety of views, spread over 233 pages of the United States Reports. There was no opinion for the Court. The per curiam order of reversal rested on the votes of five Justices—Douglas, Brennan, Stewart, White and Marshall—each of whom wrote a concurring opinion in which none of their brethren joined. The four dissenting votes—cast by Chief Justice Warren Burger and Justices Blackman, Powell and Rehnquist—found no constitutional infirmity in the death penalty per se, or in the manner of its imposition in the cases before the Court. Three of the dissenting opinions, by the Chief Justice, and Justices Powell and Rehnquist, were joined by all four of the dissenting Justices.

A detailed analysis of the nine opinions in Furman would unduly lengthen this article. However, I believe it would be useful at this point to state very briefly what appears to be the principal thrusts of the key opinions, and the practical effect of the Furman decision from the standpoint of future legislative initiatives.

Only two Justices, Brennan and Marshall, concluded, on the basis of somewhat differing theories, that the death penalty is unconstitutional per se. Justices Stewart, White and Douglas based their concurrences on their conclusions that the statutes before the Court, in leaving the imposition of the death penalty to the unfettered discretion of the judge or jury, led to arbitrary and discriminatory impositions of the penalty.

Each of the latter three Justices made it clear that he was not reaching the question whether mandatory death penalty statutes would be invalid. The practical effect of Furman, therefore, appears to be to leave to the Congress and the State Legislatures some leeway to devise new statutory mechanisms for the imposition of the death penalty, provided such mechanisms restrict sentencing discretion and ensure increased rationality in patterns of death sentence imposition. This reading of Furman is supported by a detailed analysis of the decision, particularly by the following statement from Justice Burger's dissenting opinion—

definitive statement as to the parameters of the Court's ruling, it is clear that if state legislatures and the Congress wish to maintain the availability of capital punishment, significant statutory changes will have to be made. Since the two pivotal concurring opinions [Justices Stewart and White] turn on the assumption that the punishment of death is now meted out in a random and unpredictable...
Death Penalty:
The Case Against

By Fred Speaker

Once again we turn to the bloody business of savage murder and violent retribution.

Again this year, as in virtually every one of the past three hundred years of Pennsylvania history, the debate about the Death Penalty has wracked and divided this Commonwealth.

Almost a year ago the Supreme Court of the United States spoke what could have been the ultimate words in the dispute. The full Court, examining death decrees in murder and rape cases, held that:

... the imposition and carrying out of the death penalty in these cases constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments.¹

The Supreme Court specifically extended this holding² to the Pennsylvania Death Penalty statute; but the several proposals for restoration now before the General Assembly demonstrate, sadly, that the issue has not yet been laid to rest.

The Death Penalty should be kept from Pennsylvania. It can not be made constitutional. Even if it could, we should let others follow that gory course and turn our attention to ways to protect and promote human life.

Deterrence—

The proponents of the Death Penalty have advanced various arguments in its support. Some see a Biblical imperative. Others seek vengeance. Some argue that it is the ultimate weapon against recidivism—or is a device to force guilty pleas. But it is the claim that the Death Penalty is a deterrent that is the basis for most of the support.

Does the Death Penalty deter crime? There is no solid evidence that it does. As the United Nations study³ of the effect of the Death Penalty world-wide has shown, there is no statistical evidence that establishes the existence of a deterrence when compared to the deterrent effect of a life sentence.

History presents some strong arguments against the belief that executions deter. Capital crimes proliferated when executions were common. When pickpockets were publicly hanged in England, it was not safe to be in the crowd because there were so many pickpockets at work. We even read recent FBI reports that show murder of police officers decreased in the half year after the Supreme Court outlawed the Death Penalty.

This history is not cited to show that the electric chair or the gas chamber encourages murder—although some make that claim.¹ It is cited to show the impossibility of proving that it prevents murder.

Yet the burden of proof must be on those who would deliberately take life in order to protect life. It is the terrible burden of those who argue that it is a deterrent to prove their case—a burden not yet shoudered and impossible of carrying.

Some argue that deterrence defies statistical proof—but can be established by human experience or by logic. But for every isolated interview cited—where a felon claims he didn’t carry a weapon because he feared the chair—there can be cited the case of a psychotic or an exhibitionist⁴ incited by the Death Penalty to kill.

Similarly, logic fails. Surely, if the Death Penalty deterred murder, when capital punishment was still imposed there would have been more killing in states relying solely on life imprisonment than in capital punishment states. It didn’t happen.⁵ If the logic held, the rate of murder would have increased after a state

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A Case Screening Innovation: A.R.D.

By Arlen Specter

The courtroom scene is strikingly different. The judge, defendant, district attorney and defense lawyer sit around a small conference table. The judge can be identified from the introductions but not from his attire—he wears a business suit instead of a robe.

The defendant sits close enough to reach over and grab the judge if he is unhappy with the result. But he does not, because he has reason to be pleased with what goes on there. And so do the police, the district attorney, the court system and the public.

The approach is as unique as the furniture arrangement. There is no interest in punishment or even in determining guilt. Rather, the concern is to save the defendant from the criminal justice system and to save the system itself by saving the time and talents of the police, the prosecutor and the judiciary.

The Anglo-Saxon criminal justice system has lumbered along for centuries, adding many new laws—many of which are now unenforceable—and many new procedures—many of which are now obsolete. Even to the President, the Congress, and the Chief Justice those who labor daily within the system often can not agree on its objectives, but virtually everyone agrees that the system does not work.

The criminal courts are clogged with the prosecution of lesser offenses. With limited numbers of judges, courtrooms and supporting personnel, the rapes, robberies and killings should receive priority attention.

And we know that the defendant, who gets caught in the revolving door of criminal justice, is likely to move up the ladder of serious crimes if he cannot be pulled out of the cycle at an early stage.

These were some of the reasons that led us early in 1971 to experiment in Philadelphia with a new program which was then called Pre-Indictment Probation, but which now shoulders the unwieldy title of Accelerated Rehabilitative Disposition.

After Pennsylvania Superior Court Judge J. Sidney Hoffman and the Philadelphia District Attorney's Office formulated the program, Judge Hoffman presented the proposal to his Court which unanimously approved it as conceived. At the same time, the District Attorney's Office discussed the proposal in a series of meetings with the Justices of the Pennsylvania Supreme Court and leading representatives of the Philadelphia and Pennsylvania Bar.

Late in the Fall of 1970, Judge Hoffman and I made a formal request that the Supreme Court permit such an experimental program and on January 7, 1971, the Supreme Court entered an order authorizing the institution of such a program and the assignment of Judge Hoffman to that program, both for a period of six months. On January 21, 1971, the new program was publicly announced.

The program was designed primarily for first of- (Continued on page 22)
My task—my very happy task—is to congratulate you on your achievements—achievements which augur well for the future—and to welcome you into the sorority/fraternity of Coif and (subject to further examination) of the bar.* It is a task for which, though I stand here cloaked with apparent authority, I in fact lack the proper credentials. And, given the importance which attaches these days to full public disclosure, I will make my disclaimers patent at the outset. Although I count myself a lawyer, I don't know that I can so describe myself in this company; First, there is the fact that I am not a member of the bar of this Commonwealth. I am admitted to the bar in New York and in Connecticut, but I understand that sub specie aeternitatis—which, roughly translated, means in the view of Philadelphia lawyers—each of these is a lesser bar, without the law. Of course I hope that some day I can be permitted to repair the deficiency and be admitted here in Pennsylvania; and I have been assured by Dean Wolfman and other leaders of the Pennsylvania bar that they will be glad to assist me in the endeavor insofar as it can be accomplished without prejudice to the professional standards prevailing in this jurisdiction. My graver disability—one which even Dean Wolfman and Bernard Segal together are powerless to remedy—is that I am not a member of Coif. As to this, I can only throw myself on the mercy of the court. For whatever good it may do, I will cite you a modest, and possibly applicable, precedent: In 1948, at the annual banquet of a magazine which will remain anonymous but which, for the purpose of cloaking its identity, I will denominate the Harvard Law Review. The Chief Justice, so reported Thurman Arnold, devoted much of his speech to a discourse on the educational values accruing from work as an editor of a law review. "I am sure," said the Chief Justice, "that Judge Arnold will agree with me that the hours of his student career which were most beneficial were those he devoted to the work of the Review." And, so Arnold recalled, "when the Chief Justice said in no uncertain terms, 'I am sure Judge Arnold will agree,' I found I (Continued on page 25)

Yale Law Journal, the toastmaster was one Thurman Arnold. He expressed his pleasure at being called into service by the editors of the Journal, but he expressed reservations as to the appropriateness of his selection. He recalled to his audience a somewhat earlier occasion when he and Chief Justice Stone were speakers at a banquet of a magazine which must remain anonymous but which, for the purpose of cloaking its identity, I will denominate the Harvard Law Review. The Chief Justice, so reported Thurman Arnold, devoted much of his speech to a discourse on the educational values accruing from work as an editor of a law review. "I am sure," said the Chief Justice, "that Judge Arnold will agree with me that the hours of his student career which were most beneficial were those he devoted to the work of the Review." And, so Arnold recalled, "when the Chief Justice said in no uncertain terms, 'I am sure Judge Arnold will agree,' I found I (Continued on page 30)
Is A College Degree A Must?
By William R. Powell

Is a college degree really necessary? Does it deserve its station as a virtual exception-free prerequisite to entry into the worlds of business and finance—not to mention the higher ranges of academe—the graduate and professional schools?

What is sacred about a BA or a BS? Are they worth 4 years and $5,000 to $20,000? Do they really distinguish the talented from the talentless or the less talented? Isn't experience worth anything or if it is, how much? Can it be the equal of four years in a diploma mill?

And if experience is underrated who are the losers? Is it just the diploma-less young men or women with their four or five years of on the job training in the real world—or is it employers as well?

These are just a few of the questions which more and more businessmen and professional leaders are asking.

What follows are one man's thoughts on the subject.

What is wrong with the current college/work cycle?

Why are we selling college to America's youth as a launching pad for the things which are commonly known as the "good life"? Why do we package and advertise college as THE means of getting better jobs?

And finally, why are we doing these things at the same time that graduates of Harvard University and MIT are forced to take jobs as taxi drivers on the streets of Boston?

Don't panic gentlemen and women of the bar. I do not wish to take issue with the assumptions made about the benefits of orthodox education. I know what your LL.B.'s and J.D.'s mean to you. I want only, by this article, to take a close look at what I perceive to be orthodox education's greatest shortcoming—the all purpose four year, degree granting factory, aimed at the so-called college age population, and almost universally accepted by all as the stepping stone to those "better" jobs.

Perhaps the initial point of this discussion should be the rethinking of our entire premise of American life and that of the American educational system. That is the premise that all college graduates are guaranteed "better" jobs.

Most young adults have been propagandized into believing that a college degree is a necessary and perhaps even a sufficient precondition for success.

The problem with this thinking is simple: the economy is not geared to guaranteeing these presumptive better jobs. Also the American educational system is also not geared to train for such jobs.

The ethics of pressuring our young into college when our system is not ready for them upon graduation is very questionable, if not patent fraud.

What we have done, in effect, is create two types of employment: the "better" jobs reserved for the college graduate, who more times than not may not be as qualified for a specific job as the non-degree graduate, and the lesser grade jobs, the so-called "back-up" personnel automatically translated "low-level."

What we are doing is destroying the vitality and spirit of our young people. We are forcing them into college, denying them an option, indeed limiting their perspectives.

Professor Blanche D. Blank of Hunter College in a recent article in the American Association of University Professors Bulletin proposes a solution to this dilemma. Ban the college degree as a prerequisite to employment. Outlaw employment discrimination based on college degrees much the same as discrimination by sex, age, race, religion, or national origin has been outlawed.

While on the surface Professor Blank's solution may seem somewhat radical, a careful analysis of the facts indicates that the plan may have merit.

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Sharon Wallis, who was graduated from the University of Pennsylvania's School of Law in 1967, is not a typical lawyer.

She lives in a warehouse, is married to a sculptor and seldom gets dressed in anything fancier than jeans.

More importantly, few 29-year-old lawyers have the string of activities and successes that she has had.

First, she is chairwoman of the Philadelphia Women's Political Caucus, a Democratic committeewoman in her ward, and chairwoman of the Philadelphia Bar Association's Consumer Protection Agency.

She is also on the governing board of the Employment Discrimination Referral Project of the Philadelphia Bar Association and the Lawyers Committee, is active in the North Philadelphia Tenants Union and is treasurer of the Law Alumni Society of the University of Pennsylvania.

She has also filed and argued a case which resulted in a landmark decision by a Federal District Court, is active in her own law firm (Temin, Wallis and Cohen, which specializes in women's rights cases), and in her spare time manages to teach a women's rights course at the University of Pennsylvania and a poverty law course at Temple University's School of Law.

Also, she is modest enough that she can recite all of these activities without even a hint of bragging.

Ms. Wallis, who obviously thrives on activity, is an advocate of the women's movement, and is excited about the prospect of more and more women getting involved, particularly in politics.

"The motivation is developing now—the indicator is the number of women who are going to law school now," she said.

"The best thing is for women to prepare themselves for leadership roles and an excellent way of doing this is by going to law school.

"The goal is greater involvement of women in politics in a leadership role—and law school is a great way to get training."

Ms. Wallis is already involved in politics. Last year, in addition to being a Democratic committeewoman, she was involved in challenging the delegations to the Democratic national convention.

"Rules require the participation of women, youth, and minorities in the slating process. The selection process was supposed to be open, but there were not enough women in on it. The way it worked, not everyone could file. You had to have the candidate's approval.

"The process should be open to the public at large. We challenged on that basis."

Tall, with long thick brown hair, and wearing jeans, boots, a shirt and no make-up, Ms. Wallis doesn't (Continued on page 30)

Frank N. Jones, a lawyer born in Clarksdale, Mississippi, has been appointed Vice-Dean of the Law School. Jones will assume this senior administrative post on August 1, 1973.

Since September, 1971, Jones has served as Executive Director of the National Legal Aid and Defender Association. Born in 1933, he has his L.L.B. from De Paul University College of Law and his L.L.M. from New York University School of Law where he was an Arthur Garfield Hays Fellow.

Prior to joining the National Legal Aid and Defender Association, Jones was Deputy Associate (Continued on page 32)
Alumni: Listen with interest at Federal Rules seminar

Professor Stephen J. Schulhofer: Addresses Alumni Day luncheon

Dean Wolfman: At the luncheon podium

Diners: At the University Museum
Distinguished Service Award Recipient: Bernard G. Segal, '31 with Norma Shapiro and Dean Wolfman

Panelist:
Hon. Alfred L. Luongo

Panelist:
Hon. Theodore O. Rogers

Panelist:
Hon. Ruggero J. Aldisert

Law Alumni Day

The annual Law Alumni Day, held on May 4th, was highlighted by a lively discussion of the proposed federal rules of evidence and dinner and cocktails at the University Museum.

The dinner was keynoted by the Hon. Joseph S. Lord, III, the chief Judge of the U.S. District Court for the Eastern District of Pennsylvania and was followed by a private screening of the film "Scorpio" at the Duke Theater in Center City.


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Dean Wolfman: Flanked by Professor Schulhofer and Alumni Society President Joseph P. Flanagan, Jr.

Panel
Moderator:
Professor A.
Leo Levin

Dinner Conversation:
At the University Museum

Registration:
Alumni check in
Former Pennsylvania Chief Justice:  
John C. Bell, Jr., with Flanagan and Alumni Day chairman Edwin P. Rome

Panelists and Moderator:  
Rogers, Levin, Aldisert and Luongo

Class of '08:  
Leon Obermayer and spouse

Summer 1973
Charles R. Halpern, Esq., founder and first director of the Center for Law and Social Policy, became an honorary fellow of the Law School at the annual commencement exercises on May 21.

The ceremonies, held in the Law School Courtyard, were also marked by the presentation of a model of the Hsieh-Chai to vice dean James Strazzella, who was leaving the Law School.

In his presentation to Mr. Halpern, Dean Bernard Wolfman noted that Halpern’s “career at the Bar has shown how much the dedicated lawyer can accomplish when he has the will and imagination to move beyond the time-worn grooves of conventional practice and to cut new channels through which the rights and interests of the under-represented may find (Continued on page 16)
Dean Wolfman:
Congratulates
Halpern
Commencement
(Continued from page 14)

expression."

Not only has Halpern’s work with the Center for Law and Social Policy produced significant changes in protection of the environment, protection of the unorganized consumer, and protection of those institutionalized because of mental illness or retardation, the Dean said, but it has also had a “notable influence on legal education.”

“That program,” Dean Wolfman said, “was among the first to provide law students with an opportunity to participate directly in the conduct of challenging litigation and to learn from the experience which comes from actual exposure to the operations of the legal system.”

Among the awards presented to graduating students were the Oscar Milton Davis Prize to Joseph H. Wolfe, Jr., as the student who obtained the highest grades for the third year; The Dean Jefferson B. Fordham Human Rights Award to Jonathan L. F. Silver, as the student who made the most outstanding contribution to the advancement of individual freedom and dignity; The Bureau of National Affairs Award, to Dennis J. Braithwaite as the student who made the most satisfactory progress in the third year; and The Wiley C. Rutledge Memorial Award to Franklin J. Hickman and Marjorie A. Silver for studies on law enforcement and individual rights.

Peter C. Nelson, president of the class of 1973, addressed the graduates and their guests.

Letters

TO THE EDITOR:

Marianne Durso defended what is, indefensible, and has analogized with the past, what is, not analogous, the graffiti of the present.

She has turned words inside out and upside down by stating present day graffiti “is the silent majority speaking out about themselves and their society.” As I understand the “code word”—the silent majority—it represents the white, affluent, conservative, middle and working class, the overwhelming majority of whom have done everything possible to distance themselves from those primarily engaged in modern day graffiti: the urban ghetto black teenager.

While American urban graffiti may be, in part, a means of human communication, it is true that it is “the sign of a thinking people . . . the sign of a feeling people . . .”? Maybe so. Maybe also, it is what it appears to be: a wanton, willful, and malicious act of aggressive hostility towards others. These feelings, while explainable in terms of adolescent hostility, past deprivation, and present degradation, appear more reasonable and to the point, than those expressed by Ms. Durso.

The graffiti of the present conveys no message, tells no story, and expresses no communication, other than an effort to mark, scrawl, deface, and mutilate. Nowhere else in the Western World, from London, England, to Sydney, Australia, have there been similar markings in modern times. Their absence has not been noted with dismay.

Ms. Durso asserts that those responsible for graffiti are “people (who) want to prove that they do exist in this rat race of a world. Perhaps if we read these ‘signs of the times’ we could read the people of our society, their wants, their needs, and their hopes.” Perhaps. Perhaps also, all our needs and hopes would have been better served if their needs and hopes had not resulted in these unfortunate expressions of human communication.

The “times” would have been better served without these “signs.”

Edward L. Snitzer, ’55

Rovner
(Continued from page 4)

able manner, legislative bodies may seek to bring their laws into compliance with the Court’s ruling by providing standards for juries and judges to follow in determining the sentence in capital cases or by more narrowly defining the crimes for which the penalty is to be imposed.”

"... legislative bodies have been given the opportunity, and indeed unavoidable responsibility, to make a thorough re-evaluation of the entire subject of capital punishment.”

Under Furman, there are essentially three possible legislative approaches to the reinstatement of the death penalty—(1) require imposition of the death penalty as an automatic consequence of conviction for the offense; (2) provide criteria for the discretionary imposition of the penalty; or (3) a combination of these approaches.

While strict mandatory death penalties, as they were administered under the old common law, might be considered valid under a technical reading of the decision, it is uncertain whether they would survive constitutional attack. Chief Justice Burger in his dissenting opinion condemned such an approach in these terms—

“If this [strict mandatory penalties] is the only alternative that the legislatures can safely pursue under today’s ruling, I would have preferred that the Court opt for total abolition.”

Common law mandatory death penalties are highly objectionable on many grounds. In addition to human-
mittee Chairman has already indicated that he will not permit a death penalty bill to reach the floor of the Senate until Governor Milton Shapp's Capital Punishment Study Commission has published its report. This is expected to happen in early September.

Even then the road to final passage will not be easy. Governor Shapp is vehemently opposed to the bill and has vowed that there will be no executions of convicted and sentenced criminals—however heinous and depraved their crimes—while he is Governor of the Commonwealth.

While the legislature debates the overall issue of capital punishment, I have introduced a bill which would call for a referendum on the issue at the General Election to be held next November. I firmly believe that the issue of reinstitution of the death penalty is properly one to be determined by democratic process. Senator Hill once again blocks it's passage.

Faced with the brutal and senseless killings of the warden and deputy warden of Philadelphia's Holmesburg Prison it is clear to me that we must strengthen our efforts to reinstate capital punishment. Even the outrageous position of Governor Shapp appeared to be weakening. But reacting to the passage of capital punishment legislation in the House the Shapp pendulum swung back again and he repeated his position against the legislation.

The battle over reinstallation is not peculiar to Pennsylvania. Thus far fifteen states have reinstated the death penalty for murder, while three of those states, Arkansas, Georgia and Florida provide death sentences for other crimes as well.

Law enforcement officers throughout the United States have taken steps to support reinstallation of the death penalty.

The National Association of Attorneys General at its December, 1972 meeting voted 32 to 2 to work for capital punishment legislation. And the Attorneys General have rated as excellent the chances of constitutional success that mandatory death sentences would have in the following instances: 1. murder of a police officer, corrections employee or fireman acting in the line of duty; 2. murder by a hired killer; 3. murder by malicious use or detonation of any bomb or similar device; 4. murder by a person convicted previously of murder; 5. murder by a person under life imprisonment; 6. murder committed in the perpetration of a felony when the perpetrator had previously been convicted of a felony; 7. murder resulting from the hijacking of a public vehicle; 8. multiple slayings; 9. murder to prevent arrest or escape from legal custody; and 10. murder of a public official (assassination).

The Specter bill, as I stated previously calls for a mandatory death sentence for eight classes of crime, seven of which are contained in the proposals embraced by the NAAG above. The eight classes are:

1. The murder of a peace officer or fireman in the
line of duty.
2. A contract murder committed for pecuniary gain.
3. An assassination.
4. A murder committed by a defendant previously convicted of first degree murder.
5. A murder committed by a defendant serving a life sentence.
6. A murder committed during a felony where the defendant had been previously convicted of a felony.
7. A murder during a kidnapping.
8. A murder resulting from a hijacking of a public vehicle.

As I previously stated such a conviction would automatically be subject to review by the Board of Pardons. This Board would have the authority, by a majority vote, to reduce the sentence to life imprisonment after consideration of specific aggravating and mitigating circumstances.

I feel that these provisions give the Specter Bill the uniform application across the state which the Furman decision demands.

Why do I feel so strongly that capital punishment must be reinstated?

My experience as a former assistant district attorney, as a trial lawyer and as a legislator strongly suggests that criminals are deterred by the threat of the death penalty.

Too many times while I was a prosecutor hardened criminals openly admitted to me or my fellow prosecutors that they don’t carry weapons because of their fear of the death penalty.

Nowhere was this dramatized more clearly than in the Brooklyn Chase Manhattan Bank holdup of August 1972. The holdup man, while holding eight hostages in the bank for many, many hours, told a reporter that if the cops stormed the bank, “I could kill. I will shoot everyone in the bank. The Supreme Court will let me get away with this. There’s no death penalty. It is ridiculous. I can shoot everyone here then throw my gun down and you can’t put me in the electric chair.”

This is positive proof that the penalty, or lack thereof, was very much on the mind of one armed criminal, a potential killer. It is unreasonable to contend that the death penalty does not enter the minds of some other killers. It is unrealistic to contend that the death penalty does not, therefore, deter some criminals.

I recognize very well that the statistics of rising crime and of increased violent crime rates do not prove, with absolute certitude, that capital punishment is a deterrent to murder. Likewise, I would dispute the claim of the abolitionists that statistics prove their positions.

I do submit that it is impossible to produce statistics that show the number of crimes which were not committed because of deterrent effect. Because we have not as yet and most certainly never will have criminals or potential criminals reporting to authorities the reasons that they did not commit a certain crime.

I strongly urge, if one potential murderer is deterred annually and one innocent life spared, it justifies capital punishment.

I submit that past and future victims of crime are deserving of our consideration, especially in view of the fact that, beyond any question, our racial minorities and ghetto-dwellers are the principal victims of violent crimes, including those crimes for which the death penalty is provided.

I believe that many of those who advocate the abolition of the death penalty evidence a highly unrealistic and lofty disregard for the plight of the actual victims of countless murders and the safety of the potential victims of those who will kill in the future.

I believe that it is imperative that the death penalty be returned to law enforcement as a deterrent tool, not because I hold in low regard the life of any individual. I introduced this legislation because I hold human life in the highest regard and because I want the prosecutors to have, at their disposal, every tool to protect the lives of decent, law abiding citizens.

I firmly believe that the death penalty is a deterrent to crime. I hope that you will agree with me and urge your legislators to vote for the passage of this proposal.

Speaker

(Continued from page 5)

abolished the Death Penalty. It didn’t happen. If deterrence were effective, there would be more killings of guards by lifers in abolitionist states. That didn’t happen either.

If there were mysterious, uncounted, unidentifiable would-be killers held back from striking because they feared the chair—proof of their existence would have shown up in the studies. They didn’t show because they didn’t exist. So those who argue deterrence—now with the heavy burden of proof placed on them—can neither support their burden nor explain the evidence directly against them.

How can we allow the return of a primitive practice that so demeans us all on such a flimsy basis as discredited logic or a handful of unverified subjective reports?

The Constitution—

The effect of the action of the United States Supreme Court last year was to shift the burden of proof to the advocates of the Death Penalty. The result of the Court’s decisions was to render unconstitutional every statute allowing a discretionary death sentence to be imposed. This is the clear import of the Furman case. There were nine separate opinions written—one
by each member of the Court. But, although each of
the five majority opinions differed in breadth and in
scope, all five Justices are in solid agreement that dis-
cretionary death penalties are unconstitutional.9

The Supreme Court's order list, issued contempo-
ranously with the Furman decision, establishes be-
yond dispute that the discretionary death penalty has
been eliminated. In a single day, the Court summarily
vacated death sentences based on some 26 state sta-
tutes, including Pennsylvania's, involving 117 addi-
tional felons.10

Thus, no matter how the death sentence was deter-
dined, if it involved the exercise of discretion, the
United States Supreme Court found it to be offensive
to the Constitution, and overturned it. Whether death
sentencing was dependent upon the discretion of judge
or jury, and without regard to the form of the statutes
conferring such discretion, the Court rejected it.11
And the Court in its present term consistently con-
tinues this practice and vacates any such death
sentences.12

Despite the plea that particular crimes were so atroc-
ious as to specially merit execution of the convict,
the Court's treatment of these cases recognized no dif-
fences in the reach and effect of the Eighth Amend-
ment. The nature of the offenses or the particular
circumstances of the cases were not significant in the
context of the prohibition of cruel and unusual pun-
ishment. Many of the 120 defendants whose death
sentences were vacated had been convicted of excep-
tionally brutal murders,13 felony-murders,14 mass
murders,15 as well as cases involving the murder of
law enforcement officers.16

With this background of wholesale judicial disap-
proval of existing death penalty provisions, some pro-
ponents have nonetheless sought to construct a sta-
tute impervious to constitutional attack. Although the
exact dimensions of the legislative proposals are pres-
ently unclear, their general form is predictable. Basic-
ally, they will call for a mandatory death penalty in
enumerated and defined categories of killing.

Predicting success before the Supreme Court for
such proposals is engaging in a perilous game. Some
proposals are either based on hints and hunches, or
upon a cynical belief that members of the Court will
change their minds because of public pressure or that
the composition of the Court will be changed.

For whatever reason, an instant legend has sprung
up declaring that a mandatory Death Penalty—totally
without discretion—would be constitutionally permis-
sible. This belief is usually based upon the concurring
opinions of Justices White and Stewart in the Furman
case. These two Justices stopped short of the finding
of per se unconstitutionality, but held that the unequal
application of the penalty was constitutionally defec-
tive. As Justice Stewart wrote:

I simply conclude that the Eighth and
Fourteenth Amendments cannot tolerate the

infliction of a sentence of death under legal
systems that permit this unique penalty to be
so wantedly and freakishly imposed.17

Or, as Justice White wrote:

... A jury, in its own discretion, and
without violating its trust or any statutory
policy, may refuse to impose the death pen-
alty no matter what the circumstances of the
crime. Legislative "policy" is thus neces-
sarily defined not by what juries and judges
do in exercising the discretion so regularly
confessed upon them. In my judgment what
was done in these cases violated the Eighth
Amendment.18

It must be emphasized that the failure of Justices
White and Stewart to hold the Death Penalty to be
unconstitutional per se in no way allows the inference
that they believe it is not unconstitutional per se. They
simply didn't reach the issue.19

It is perhaps relevant to note that, after Furman,
the first efforts of the Death Penalty proponents were
to argue that the Pennsylvania provision was still viable
because it was not arbitrarily, selectively or discrimi-
natorily applied. But the Pennsylvania Supreme Court
relying on Furman, has stated:

... the United States Supreme Court re-
cently held that the imposition of the death
penalty under statutes such as the one pur-
suant to which the death penalty was imposed
upon appellant is violative of the Eighth and
and Fourteenth Amendments. Accordingly,
appellant's sentence of death may not now
be imposed.20

And the Philadelphia District Attorney's office ef-
forts to present statistical evidence to refute the un-
fairness argument—claiming that there has been no
discrimination under Pennsylvania statutes—has been
thwarted by the Supreme Courts of Pennsylvania and
the United States.21

Even as two Justices who voted in the majority did
not reach the issue of a mandatory Death Penalty, two
dissenting Justices cast strong doubt on its ultimate
constitutionality. Writing of his "distaste, antipathy, and,
indeed, abhorrence, for the death penalty, with all its
aspects of physical distress and fear and of moral
judgment exercised by finite mind",22 Justice Blackmun
warned against the mandatory penalty stating:

This approach, it seems to me, encourages
testimony in the imposition of punishment. I thought
we had passed beyond that point in our
criminology.23

Chief Justice Burger also expressed strong opposi-
ition to mandatory death sentences:

It seems remarkable to me that with our
basic trust in lay jurors as the keystone in
our system of criminal justice, it should now

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be suggested that we take the most sensitive and important of all decisions away from them. I could more easily be persuaded that mandatory sentences of death, without the intervening and ameliorating impact of lay jurors, are so arbitrary and doctrinaire that they violate the Constitution. The very infrequency of death penalties imposed by jurors attests their cautious and discriminating reservation of that penalty for the most extreme cases. I had thought that nothing was clearer in history, as we noted in McGautha one year ago than the American abhorrence of "the common-law rule imposing a mandatory death sentence on all convicted murderers."

... the 19th century movement away from mandatory death sentences marked an enlightened introduction of flexibility into the sentencing process. It recognized that individual culpability is not always measured by the category of the crime committed. This change in sentencing practice was created by the Court as a humanizing development.24

Thus, a careful reading of the nine opinions in Furman, can give little comfort to those who see a Supreme Court embracing the mandatory death sentence as a constitutionally viable alternative to those statutes presently voided. A solid majority stands in their way—whatever way they turn.

Some proponents of restoration of the death penalty urge that adoption of a mandatory death penalty would have the useful effect of forcing defendants to waive trial by jury by entering guilty pleas to the lesser offense. Plea bargaining to facilitate the administration of criminal justice is an issue that divides prosecutors.

Its proponents, who argue that the death penalty should be mandated by statute so that prosecutors could extract a bargained-for plea, run the grave risk of imposing a constitutionally fatal defect.

In 1968, the United States Supreme Court held that the death penalty provision of the federal kidnapping statute was an "impermissible burden on the exercise of a constitutional right"25

... the defendant who abandons the right to contest his guilt before a jury is assured that he cannot be executed; the defendant ingenious enough to seek a jury acquittal stands forewarned that, if the jury finds him guilty and does not wish to spare his life, he will die ... the inevitable effect of any such provision is, of course, to discourage assertion of the Fifth Amendment right not to plead guilty, and to deter exercise of the Sixth Amendment right to demand a jury trial.26

The adoption of a mandatory death penalty statute to force bargaining for a lesser penalty would plunge us into the Catch-22 world where only those who insisted on their innocence and demanded their constitutional protections could be put to death.

This the Constitution and the Supreme Court would not allow.

There are, of course, other basic reasons why a mandatory death sentence would be both historically regressive and constitutionally untenable. As the Supreme Court recognized the year before the Furman case, the centuries-old history of the death penalty reflected a distinct rebellion against the mandatory sentence.27 Reforms embraced attempts to limit certain crimes to be punishable by death. The categories were defined, and crimes falling within those categories brought a mandatory death sentence. But:

... jurors on occasion took the law into their own hands in cases which were "willful, deliberate, and premeditated" in any view of that phrase, but which nevertheless were clearly inappropriate for the death penalty. In such cases they simply refused to convict of the capital offense. ... in order to meet the problem of jury nullification, legislators did not try, as before, to define further the definition of capital homicides. Instead they adopted the method of forthrightly granting juries the discretion which they had been exercising in fact.28

It was this built-in jury discretion which was found to be obnoxious to the Constitution a year later in Furman.

There cannot be a valid mandatory death penalty. The essential discretionary character of our criminal justice system carries the seeds of constitutional self-destruction. As Chief Justice Burger said in his Furman dissent:

... unless the Court in McGautha misjudged the experience of history, there is little reason to believe that sentencing standards in any form will substantially alter the discretionary character of the prevailing system of sentencing in capital cases.29

And Mr. Justice Douglas wrote as part of the majority in the same case:

Any law which is nondiscriminatory on its face may be applied in such a way as to violate the Equal Protection Clause of the Fourteenth Amendment. Yick Wo v. Hopkins, 118 U.S. 356. Such conceivably might be the fate of a mandatory death penalty, where equal or lesser sentences were imposed on the elite, as harsher one on the minorities or members of the lower castes.30

Some proponents of the mandatory death penalty recognize, and even rely on, the essential discretionary nature of the system. Acknowledging that a mandatory penalty could do severe injustice, they are content to rely on the pardoning powers to ameliorate the built-in
harshness. This action converts the process from mandatory to discretionary. Even before a case could reach the Pardons Board, there are numerous incidents where discretion could attach—before the appellate courts, in rulings of a trial judge, in the process of "jury nullification", in grand jury deliberations, and at preliminary hearings. But it is prosecutorial discretion—at the outset of a criminal case—that presents the greatest chance for abuse and thus brings the greatest opportunity for constitutional rejection. As Professor Bedau has recently written:

... mandatory death penalties do not eliminate discretion. They shift it from the trial jury to the prosecutor's office. Instead of leaving it up to the jury whether to sentence to death or to prison, mandatory death penalties allow the prosecutor to decide whether to indict for a capital crime or for a lesser offense, in order to reduce the risk of the jury's refusal to convict. There is no reason to believe that such discretion would be exercised without bias, especially in death penalty cases, where aroused community sentiment and possible political advantage are involved. It is very unlikely that the Supreme Court would allow such discretion to prosecutors when it has denied comparable discretion to juries. 31

The danger of unbridled executive discretion is not abstract. We read of it daily. Although not always immediately visible and often hidden from exposure, discriminatory discretion does occur. It would be neither unknown or unbelievable to learn that a prosecutor, in a case where there existed prima facie evidence of homicide, nonetheless refused to press charges or moved to dismiss the case because friends were involved or law enforcement could be injured.

However worthy the motive, such untenable prosecutorial discrimination has occurred, is wrong and will render any mandatory death penalty unconstitutional.

Not in Pennsylvania—

Even if there were a possibility that a mandatory death penalty could survive constitutional attack, we should let others test it first. Pennsylvania has led the fight against the death penalty since the efforts of William Penn in 1682. 32 A century later, in 1794, Pennsylvania was the first to reduce capital crimes to one. 33 In 1834, the Commonwealth abolished public executions. 34 We should not profane this proud history of commitment to the value of human life by rushing to follow other states who have enacted death penalties.

From a purely practical concern for the administration of criminal justice, we should wait. If we were to reinstate the death sentence, we could anticipate a significant increase in the cost of the administration of justice, and an unwelcome clogging of already congested courts. For it costs more to execute a man than to maintain him in prison for the rest of his life. 35 And because execution is both extreme and final, legal counsel invoke every procedural safeguard, every right of appeal, and every opening for collateral attack to save their clients from death. The inevitable result is congestion.

The mandatory death penalty will reach the United States Supreme Court. The best course, both economical and prudent, would be for Pennsylvania to wait, observe; and, if any statute survives constitutional scrutiny, consider eliminating it.

Other Priorities—

Proponents of the death penalty act in good faith and with honest concern for the protection of innocent human life. But there are other, more demanding ways to bring this about.

The surest deterrent to capital crime would be the certain knowledge that such criminals will be quickly caught, swiftly tried, certainly convicted, and imprisoned for life. If we really wish to protect human life, let's turn our attention and change our priorities to paying our police more, improving the quality of our law enforcement process, speeding trials and making a life sentence the certain result of murder. It boggles all but the most sophisticated mind to see advocates of a mandatory death penalty, purportedly designed to protect the lives of prison guards, tolerating budget cuts that mean fewer guards and can only deny them the added protection they must have.

And if we really care about protecting human life, there are other priorities too that have a far greater potential for saving lives.

In the last full year covered by FBI reports, some 11,600 people were shot to death—and the vast majority were in cases where the death penalty would never have been applied, 36 and thus never could have been a deterrent. Take away firearms, and thousands of deaths could be prevented.

In Pennsylvania alone last year, 2,333 people were killed in highways accidents. About half involved drunk drivers. Take away licenses and keep drunk drivers off the road—and more than a thousand lives could be saved in this state alone next year.

There are other ways to honor human life—better ways than to kill to do it honor. We can throw society's weight behind alternatives to abortion. We can end the indiscriminate mass killing of war. We can end the indiscriminate mass killing of war. We can improve health care, attack poverty, reduce infant mortality.

All of these suggestions then can save and value human life. By reordering our priorities—by avoiding war, improving the quality of life, making our highways safe, adopting strict gun control, and forging a truly effective and efficient criminal justice system—we can save countless thousands of human lives.

Against that potential, a return to the death penalty seems small and mean. Measured against the chance to do so much good—it seems intolerably wasteful for the Legislature to be so preoccupied with a device of such little application.
It was our evolving sense of decency that brought us to the point of abandoning the death penalty. It would be a tragic denial of this beautiful evolution were we to return to that demeaning and bestial practice.

So—because we don’t need the death penalty, because it doesn’t deter, because it can’t be constitutional, because protection of human life is more important—we should not regress.

Surely we can be better than that.

1. Furman v. Georgia, 408 U.S. 238 (1972) per curiam.
7. Id. at 26.
9. Mr. Justice Brennan and Mr. Justice Marshall shared the opinion (expressed in 408 U.S. at 257-306 and 314-374 respectively) that the death penalty was unconstitutional so far regardled of the presence or absence of the sentence’s discretion. As Mr. Chief Justice Burger expressed it, those two Justices “concluded that the Eighth Amendment prohibits capital punishment for all crimes and under all circumstances.” 408 U.S. at 375. Justices Douglas, White and Stewart were not so comprehensively unequivocal.
11. In Furman, involving three individuals, the statutes gave jurors the power to decide life or death in their discretion. This was true in most of the other cases which were reversed. However, some of the other 117 capital cases were cases in which the judge did the sentencing; and others were cases in which the judge had the power to override a jury recommendation of life or death.
17. Furman v. Georgia, supra at 310.
18. Id. at 314.
19. “... at least two of my Brothers have concluded that the infliction of the death penalty is constitutionally impermissible in all circumstances under the Eighth and Fourteenth Amendments. Their case is a strong one. But I find it unnecessary to reach the ultimate question they would decide.” Id. at 306 (Stewart, J., Concurring): “... I do not at all intimate that the death penalty is unconstitutional per se or that there is no system of capital punishment that would comport with the Eighth Amendment. That question, ably argued by several of my brethren, is not presented by those cases and need not be decided.” Id. at 310-11 (White, J., Concurring).
cial service agencies, join with the judge in appropriately disposing of the cases.

With the help of an LEAA grant, my Office has contracted with HELP, Inc., a non-profit drug treatment and referral agency to provide rehabilitative and supervisory services for ARD cases. In addition, this grant provides for the hiring of four probation officers to assist the court with the supervisory functions.

In addition, as the program has evolved, many community organizations have sent representatives to the hearings to accept assignments in fashioning specific rehabilitation programs. The Philadelphia General Hospital Drug Rehabilitation Clinic is on hand to aid the addicts. Eagleville Hospital and Rehabilitation Center, specializing in treating alcoholics, is a cooperating agency. The Center for Studies in Sexual Deviancy is available to render supervisory service when the probation involves a problem in that area of expertise. The Jewish Family Service, the Public Defender's Social Service, the Philadelphia Psychiatric Center and other agencies have also volunteered support.

In the first six months of 1973, the ARD program disposed of 1,616 cases while a companion program for drunk drivers disposed of 413 cases in the three month period from March 21, 1973 to June 21, 1973. In 1971, 1,852 cases were disposed of, of which 14.7% were outright dismissals and in 1972, 4,127 cases were disposed of, of which 9.1% were dismissals.

In 1971 the rearrest rate from all cases involving auto larceny, burglary, driving vehicle intoxicated, larceny except auto, minor assault, narcotic drug violations and weapons offenses was 22.7% and in 1972 it was 16.5%. For ARD cases, however, it was only 16.8% in 1971 and 7.7% in 1972.

**ARD DEFENDANT DISPOSITIONS**

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<td>Burglary</td>
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<td>Driving while intoxicated</td>
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<tr>
<td>Larceny (except auto)</td>
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<td>Minor Assault</td>
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<td>1675</td>
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<td>Weapons</td>
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**DISMISSAL RATES**

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**Some Case Histories**

David Smith's long red hair fell almost to his shoulders when he appeared for his pre-indictment probation hearing. It was hard to tell his age behind his bushy red mustache until a review of the police record showed that he was only 20. The charge on the police blotter was a serious one: illegal possession of narcotics. Smith's case is similar to thousands of prosecutions which are now parading through the criminal courts in the United States.

Two plain-clothed police officers saw him smoking an unusual looking cigaret in yellow paper. According to the police report, the officers believed the cigaret was marijuana. An arrest and search followed, disclosing eight more cigarettes in Smith's trousers. The police analysis showed all contained marijuana. David Smith had no prior criminal record.

This arrest threatened the rest of Smith's life. A conviction would block him from a possible career in law, medicine or accounting. On any application for a sensitive job, David Smith would be called upon to disclose his police record. Perhaps most important of all, he would carry the scar of a criminal conviction in his own mind for as long as he lived.

The traditional handling of a case like David Smith's in our criminal courts left much to be desired. After arrest and preliminary hearing, the transcript would be forwarded to the grand jury. Indictment would be automatic. Smith would then have been required to appear five weeks later for an arraignment, when a trial date would be set. Because of the crowded criminal docket, the case would be listed half a dozen times or more before a courtroom, judge, prosecuting attorney, defense lawyer, defendant and witness could be simultaneously assembled.

Defendants like Smith would doubtless be convicted—unless the evidence of the marijuana cigarettes was excluded at trial on the ground that the police lacked probable cause to make a constitutional search and seizure. After that lengthy process, Smith would doubtless be placed on probation. In big city courts, district attorneys have great difficulty persuading judges to send repeaters to jail, even where crimes of violence are involved. It would be a foregone conclusion that a young man like David Smith would be placed on probation, and that would be the proper disposition.

The results of this traditional approach are disastrous. The defendant walks away from the courtroom wondering what it was all about. Why was he arrested, indicted, arraigned and brought to City Hall for six trial dates on such an insignificant matter? Even the judge recognized it was insignificant, because he let him go. The police are frustrated. What is the point in making such arrests, commanded by the state penal code, when the judge consistently puts the defendant on probation? The judicial system buckles under the onerous administrative burden of trials on such lesser offenses, leaving the courts little time for the serious cases. Conservatively, the exercise in futility attendant to David Smith's charge would cost the tax-
payers about $1,000.

Under the new system of pre-indictment probation, however the complex prosecution chain is broken before indictment. While efforts are now being made to screen out some cases even before arrest, the most logical point of interception once the arrest has been made is immediately before the grand jury hears the evidence. An experienced district attorney reviews cases which have been held by a committing magistrate for action by the grand jury; and the prosecutor screens out the lesser, non-violent charges where the defendant has no prior conviction or only minimal police contacts. Those cases are placed on a special list for Accelerated Rehabilitative Disposition.

The hearing proceeds like a meeting instead of a trial. The clash and clamber of the courtroom are absent. The formalism of the robed judge on a pedestal is gone. There is no witness chair or defendant's dock. No witnesses are called, although notice is sent to the private complainants to give them an opportunity to be present. When the defendant sits at the table next to the assistant district attorney and across from the judge, he can see that there are no demons out to get him. Some of the defendants have openly expressed surprise that they were being treated in such a sensible way. This eyeball-to-eyeball confrontation similarly gives the judge fresh insight into the personality and problem of the defendant. The focus shifts to what should be done to help this defendant stay out of trouble in the future.

At the start of the session, the hearing room is usually crowded with 50 or 60 people, awaiting the call of their cases. Most of the faces are black or young or both. The younger defendants are frequently accompanied by their parents. The mother or father usually appears much more anxious about the whole affair than the youthful defendants, whose faces frequently reflect an open skepticism about what the system is going to do to them next.

The district attorney quietly calls each case in turn. No longer is the gravel voice of the court bailiff heard with the bellowing tone: "The Commonwealth of Pennsylvania versus John Defendant," which begins the formalism in the regular criminal courtroom. After the defendant and his attorney are seated at the conference table, the assistant district attorney introduces himself and the judge and then proceeds to explain the operation of the system. A court stenographer records the district attorney's explanation that: (1) the program gives the defendant a chance to earn a full discharge if he completes it satisfactorily; (2) should the defendant violate the terms of probation by getting into trouble with the law, he can be indicted and prosecuted on the original charge; (3) his agreement to participate in the program involves a waiver of his right to a speedy trial, so far as any delays attributed to this program are concerned. When the defendant indicates his understanding of the program and his willingness to participate, the court reporter takes no further notes until the judge is ready to announce the disposition of the case.

Nothing said by the defendant can be used against him in any later proceeding. That was the setting when David Smith sat down at the conference table after his case was called for ARD.

His face was impassive. The district attorney opened a slender file and quietly read the police version showing Smith in possession of nine marijuana cigarettes. The one-page police report took less than two minutes to read. Smith's attorney said it was all true. The judge then asked Smith why he started smoking marijuana. Smith replied that he had taken it up for kicks. Under questioning by the judge, Smith acknowledged that he understood that he could be subjected to an extensive prison sentence up to five years for possession of marijuana. A tough but unstuffy lecture followed, with the judge informing Smith that he was being given a chance to clean the slate of this youthful indiscretion, providing he behaved himself during a two-year period of probation.

Smith breathed a sigh of relief as he left the conference table, and so did the criminal justice system. A case which could have tied up a judge, police officers, witnesses, attorneys and the defendant for hours or days had been concluded in a very few minutes. And it was a very sensible way to handle the matter. Had it gone through the old procedure, it would have likely ended in probation. But the case could have scarred both Smith and the court system.

Another typical case involved the charge of receiving stolen goods against Herbert White. White had been observed by police attempting to start a stolen car, while a second man stood in front of the automobile with the hood open. White claimed that he was merely helping out a friend by taking the automobile for repairs. After police filed a charge of receiving stolen goods, White was held for action of the grand jury under nominal bail.

Under the old system, this case probably would have dragged through the courts for more than a year for the same result of one year's probation.

Raymond Robinson presented a pathetic picture when his case was called for a pre-indictment probation hearing.

He had been arrested after a homeowner returned to her home at about 6 P.M. one evening finding Robinson in a dazed condition inside the house. Robinson was charged with burglary, forcible entry, vagrancy and breach of the peace, and was committed to prison when he could not raise $1500 bail.

At the pre-indictment probation hearing, Robinson explained that he had been beaten up earlier that day and had wandered around in a daze not knowing where he was. His claim that he had no intention to steal anything was confirmed by the fact that nothing
was taken from the house. On these facts, it was clear that he should not have been charged with burglary. The only charge supported by the evidence was forcible unlawful entry.

For a 47-year-old man with no prior record, the seven weeks in jail was more than sufficient. He was placed on probation for one year in a hearing which focused on the available social services which could help him. Had he spent several months in jail awaiting trial in the normal course of events, he would certainly have received no tougher sentence from a judicial system which repeatedly places recidivist burglars on probation.

Edith Carter was a 49-year-old prostitute. When she sat down at the conference table for her pre-indictment probation hearing, everyone present wondered how such an ugly woman could succeed in her chosen profession. But some prostitution cases are like that. She was a freelance, casual operator.

The brief police report stated that she had struck up a conversation with a police officer in Philadelphia's Chinatown and had propositioned him. They then went to a local hotel, where they had a drink before checking into a room. After she had completely disrobed and accepted $25, the undercover officer arrested her for prostitution, solicitation to commit sodomy, accepting bawdy money, and immoral practices. Notwithstanding the multiple charges, it boiled down to a prostitution case.

Although she had three prior arrests but no convictions for prostitution, a jail sentence would have served no useful purpose. The one-year probation, which she received in this program, was doubtless the same sentence she would have gotten had her case traveled the tortuous regular prosecution path through multiple listings over many months.

Several checks had been stolen from the home of a Merion doctor. Mary Ann Jackson, 46, attempted to cash one of these checks for $335 in a business establishment. The proprietor became suspicious and called the police. The check was traced to a theft at the doctor's residence.

Based on the nature of the charge and the fact that Mary Ann Jackson had no prior criminal record, this case was selected for the pre-indictment program. In normal course, the doctor was notified about the District Attorney's intention to handle the case in the new way. He responded as follows: "In respect to your letter about Mary Ann Jackson, I heartily approve placing her upon pre-indictment probation. The entire program seems like an excellent idea, and perhaps will be at least one step toward doing something about the disgraceful backlog in our criminal courts."

ARD allows less serious cases involving first offenders to be diverted from the traditional criminal justice system.

The result is a saving in time for all concerned—

could do no other than nod assent, but all the while I was remembering the unbroken string of Cs which had marked my progress through law school."

I have said that speaking words of welcome and congratulation to newly minted law school graduates entering the profession is a happy task, and so it is. But it is not without ambiguity. Am I to say to you, as was said by the speaker at commencement at Florida Technological University last Friday, "In the whole history of the world, in all of the nations of the world, there has never been a time I would rather be a graduate than in the year 1973 in the United States of America"? I'm afraid that neither the substance nor the style of that communique persuades me. Notwithstanding that it comes to us with the imprimatur of the President of the United States, it is, in my judgment, inoperative.

Most of us have come to the law not simply to make a living—not that this is an objective to be scorned, but there are broader boulevards to middle- and upper-middle classness—but rather because law is in our country the preeminently public profession. We have known since Tocqueville's time that lawyers are the shapers and monitors—in Tocqueville's terms, the natural aristocrats—of American democracy. We have hoped it was true in our own time. Notwithstanding war, racial strife, the blight of poverty, the wasting of cities, the alienation of the young and the anonymity of the old, the clouding of water and air, and the littering and pillaging and paving of our green and pleasant land—notwithstanding all these, we looked to law as the way and means to fulfill our democratic promises: The law of Brown v. Board of Education; the law of the Atomic Test Ban and SALT; the law which provides funds for schools and medical care, or bars discrimination, or strengthens the franchise.

But five years ago—the brutal year when Martin Luther King and Robert Kennedy were killed—law became "law and order." The American people were told by a lawyer who sought the Presidency: "The Miranda and Escobedo decisions of the High Court have had the effect of seriously hamstringing the peace forces in our society and strengthening the criminal forces." The lawyer was elected. His regard for the High Court was soon evidenced by the fact that two of his nominees for Associate Justice were rejected by
the Senate—and of the second nominee the lawyer-Senator who had charge of the nomination on the Administration's behalf had this to say: "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers and they are entitled to a little representation, aren't they?" A year later, in 1971, another lawyer-Senator, the then Chairman of the Republican National Committee, gave a speech which contained further revealing insights into the Administration's attitude towards law and legal institutions:

A hard-hitting Attorney General, John Mitchell, is using every weapon in the law-enforcement arsenal to bring gangsters to justice and deter crime in the streets. Incidentally, just the other day, we had another forceful reminder of the difference between our Republican Attorney General and the man he succeeded in office. Ramsey Clark, LBJ's Attorney General, announced that he was taking on one of the Berrigan Brothers as a client. No wonder extremists had a heyday under the Democrats, when they knew that the chief law-enforcement official of the federal government was a left-leaning marshmallow like Ramsey Clark!

Today we are witnessing the curious results. A responsible Attorney General is fighting the bomb-throwers and advocates of lawlessness in our midst, while an irresponsible former Attorney General, Democrat Ramsey Clark, is acting as lawyer for accused conspirators!

You couldn't ask for a clearer example of what is wrong with the leadership of the Democratic Party today—or what is right with the Nixon's Administration's efforts to fight crime and violence.

There is another view of the lawyer's role, and under that view Ramsey Clark, as a private lawyer, might reasonably have supposed that representing one accused of crime, who sought his professional aid, was a matter of professional responsibility, even when the accused was Philip Berrigan—just as, some years before, when he was Attorney General, Ramsey Clark had found it to be his professional responsibility to his client, the United States, to prosecute both the Berrigan Brothers on other charges. But that is a view of the lawyer's role which apparently did not commend itself to the lawyer-Senator-Chairman of the Republican National Committee. It is, after all, an old-fashioned view, and one which, like the *Miranda* rule, runs the risk of "seriously hamstringing the peace forces in our society and strengthening the criminal forces."

Rejecting old-fashioned notions, the present Administration seems to have been imbued with an up-to-date, efficiency-oriented (if not strict constructionist) view of law and legal institutions. Particularly that view has characterized a number of those who were recently in or close to the White House—men to whom there was delegated major authority to implement the President's Constitutional obligation to "take Care that the Laws be faithfully executed"—and it seems to have led them to low-water mark.

Even though we don't yet know the full story, we probably know enough to document a plausible argument that our system—the system within which we lawyers have been taught to work—is bankrupt. Indeed, a brief supporting just that thesis has already been written. Permit me to read excerpts from Henry Adams' observations of events a century ago—when Jay Gould, in 1869, tried to corner gold, and Washington was alive with conjecture as to who, in high official station, had acquiesced in the calamitous gold conspiracy:

Although the fault lay somewhere on the Administration, and could lie nowhere else, the trail always faded and died out at the point where any member of the Administration became visible... With the conventional air of assumed confidence, every one in public assured everyone else that the President himself was the savior of the situation, and in private assured each other that if the President had not been caught this time, he was sure to be trapped the next, for the ways of Wall Street were dark and double...

... That Grant should have fallen, within six months, into such a morass... rendered the outlook for the next four years—probably eight—possibly twelve—mysterious, or frankly opaque, to a young man who had hitched his wagon, as Emerson told him, to the star of reform. The country might outlive it, but not he. The worst scandals of the eighteenth century were relatively harmless by the side of this, which smeared executive, judiciary, banks, corporate systems, professions, and people, all the great active forces of society, in one dirty cesspool of vulgar corruption...

... For satirists or comedians, the study was rich and endless, and they exploited its corners with happy results... Rich and poor joined in throwing contempt on their own representatives. Society laughed a vague and meaningless derision over its own failure...

... The political dilemma was as clear in 1870 as it was likely to be in 1970. The system of 1789 had broken down, and with it the eighteenth-century fabric of *a priori*, or moral principles. Politicians had tacitly given it up...
brilliance. But much of his power lay in his relentless didacticism. He did not suffer fools gladly, nor knaves either: but if he had found none about him, he might well have created them (himself somewhat ostentatiously included) to make his points. And one of the chief points, for this chronicler and prophet of doom, was that the presuppositions of democracy were humbug—or, at best, sentimental anachronisms unrelated to the vast impersonal forces hurrying history to the deluge: “The political dilemma,” you recall Adams saying, “was as clear in 1870 as it was likely to be in 1970. The system of 1789 had broken down, and with it the eighteenth century fabric of a priori, or moral, principles.”

But people in 1789 were no more virtuous than a century later, or a century later still, nor did the Framers perceive them to be. Self-interest as the dominant rule of life was the Framers’ forthrightly accepted premise: “... What is government itself,” asked the author of the fifty-first Federalist paper, “but the greatest of all reflections on on human nature? If men were angels, no government would be necessary.”

Moreover, the events of 1869-70, which Adams depicted as cataclysmic, hardly seem insurmountable to our nineteen-seventies’ view. We have learned that government can deal with wrongdoers worse than Gould and his colleagues—for example, those whom Franklin Roosevelt called “private malefactors of great wealth,” and also those greater miscreants, the public malefactors, who, like Governors Faubus and Barnett, in the late nineteen-fifties and early ’sixties, warred on the Constitution from state sanctuaries, or who, like Secretary Fall in Harding’s time or Judge Manton a generation ago, used high national office to commit high crimes. If today’s miscreants are more numerous and more powerful than their predecessors, there seem happily to continue to be great reservoirs or countervailing power in the checking institutions which we have prudently maintained—the press; the Congress; and, most notably and enduringly, the courts, and especially the Supreme Court. Indeed, I think it particularly bears remembering that the Court, speaking in the firm accents of Mr. Justice Powell, and without dissent, rejected the claim of Attorney General Mitchell that the President has inherent power to engage in domestic wiretapping without a warrant: “We recognize, as we have before, the constitutional basis of the President’s domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment.”

In short, I think the debacle we are witnessing is manageable, and only manageable, within the framework of our free institutions. Indeed, provided we stick fast to our resolve that a Mitchell or a Stans or a Haldemann or an Erlichman is as fully entitled to due process as an Ellsberg, we will prove anew the strength of those institutions.

We learn much about our institutions from the perceptions—whether accurate or skewed—of those who, like Henry Adams, observe the human condition. But to make our institutions work we also need the more commonplace skills of participation. We need, for example, people like Henry’s grandfather: a man of high ability and intelligence, albeit an intelligence more pedestrian than Henry’s. But John Quincy Adams had no compelling vocational need for Henry’s dazzling array of intuitions and syntheses. He was, after all, only a lawyer. (And it should in all fairness be acknowledged parenthetically that in his private practice John Quincy Adams was so faithless to the precepts of the profession, as enunciated in 1971 by the Senator-Chairman of the Republican National Committee, that he represented the slaves who mutinied on the Spanish schooner Amistad: but perhaps that can be written off to bad early training—after all, his lawyer-father had once represented an alleged smuggler named John Hancock.) John Quincy Adams devoted most of his professional skills to public service, notwithstanding that he was as pessimistic as Henry would later be about the viability of the union. Beaten for reelection to the Presidency in 1828, John Quincy Adams saw in his successor, Andrew Jackson, much of what Henry was later to see in Grant. The events of Jackson’s first term did nothing to reassure the former President. In 1832, he noted that he had once supposed “that the foederative union was to last for ages. I now disbelieve its duration for twenty years, and doubt its continuance for five.” Yet the New Englander who spoke so somberly was not a bitter old man on the sidelines. He was just completing his first term in the House of Representatives. When elected to Congress in 1830 he had written:

... [T]his call upon me by the people of the district in which I reside, to represent them in Congress, has been spontaneous, and although counteracted by a double opposition, federalist and Jacksonite, I have received nearly three votes in four throughout the district. My election as President of the United States was not half so gratifying to my inmost soul.

And so it was that John Quincy Adams, ever more gloomy about the future, served in Congress for almost two decades, fighting disunion, and the Presidential adventurism called the Mexican War, and the spread of slavery, until, on February 21, 1848, he was felled by a stroke on the floor of the House, a lawyer-citizen dying at his post.

We all remember that, midway in John Quincy Adams’ term as President, in the afternoon of the 4th of July, 1826, the fiftieth anniversary of the Declaration of Independence, at the home of the Adamses in Quincy, the President’s father, the old President, died. And we recall the report, very likely apocryphal, that the dying John Adams took comfort when he thought of his old comrade, brother-at-the-bar, and adversary, whose election had ended the elder Adams’ public
career: “Jefferson still lives.” And yet at noon on that very day, in Monticello, Jefferson died.

Here, today, in Philadelphia, Jefferson still lives, and John Adams, and John Quincy Adams, and the Constitution they wrought for us. For lawyers there is much to be done—much that is worthy of their calling.

Powell

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Under the Blank plan people would, wherever possible, demonstrate their capacities on the job. Where that would be impracticable, outside tests would serve as the basis for employment. The organized Bar and the medical professions have been relying on such examinations for years. In all cases the burden of proof of their legitimacy would remain with the using agency, The need for this type of legislation can best be explained through the use of examples.

Hypothesize Jon S. as a typical liberal arts graduate of an urban, four college. Upon graduation, Jon is recruited by a large brokerage house in a northeastern city and immediately enters in its “management training program”. This, of course, is folly—considering that Jon holds a degree in Management that if the college had done its job, Jon should be able to enter the company’s management structure after a simple adjustment period as an intern with close supervision to learn the ins and outs of the company in question.

As a trainee, Jon is rotated among several of the firm’s divisions, the object being to learn the operation inside out. He is supposed to gain technical know-how, and experience during his training period. In addition to the on-the-job aspects of the training period, classroom instruction is also provided in such fundamentals as “writing business letters,” “proper use of the telephone,” and “public relations techniques.” If Jon’s college had been functionally oriented these courses could and should have been provided during his degree program. Rather than have the poor boy spend useless hours in courses that he will most probably never “use.”

At the end of his six month training period, Jon is placed in one of the firm’s small offices where his job principally concerns simple advice to the average stock buyer and a small amount of supervision over clerical help.

Jon is faced with the fact that his four years of college preparation have been either misused or wasted. The skills he learned in the training program, not to mention his present duties, could be handled by the average high school graduate with the same company training.

In recruiting Jon for his position, the company undoubtedly passed over a number of high school graduates, operating in “low level” positions in the company who have committed themselves to the brokerage business and may well have the drive and determination to be top notch employees, if given the chance. These employees are functioning every day in jobs much the same as Jon is—college degree and company training notwithstanding.

What problems do we find in reviewing the saga of Jon S.? Preliminarily we find that college has not prepared Jon for the area of endeavor which he has chosen to pursue. Secondly we find that the management of the brokerage house which hired Jon is out of touch with its employees and has been “had” by the premise that college degree brings with it, motivation, as well as verbal and social skills which the average high school graduate does not possess.

College officials contend, and rightly so, that they can not provide adequate on the job training for the variety of jobs which today exist. Several attempts have been made at making on the job training possible. One of the most successful is the program at Drexel University in Philadelphia where students are enrolled on a work-study basis in a five year program. After two years in a trimester program the student spends five trimesters of the next nine working in a field of his or her choice. The remaining four trimesters are used to attempt to provide the college based educational experience which the student believes is necessary for the adjustment into the working world.

Many executives on the other hand readily acknowledge that a college degree does not of itself ensure the motivation or the verbal or social skills needed for job performance. Nor are they sure just what skills are most desirable for their increasingly diverse branches. One thing is clear to them, however. A college degree is necessary.

Some industry recruiters claim that American business is using college as an employment agency. The colleges, they say save the company time and money since they act as screening and training agencies. Why a supposed intellectual facility like a college or university would allow itself to be used as a service agency for big business is not easily understood.

It is apparent that the American college is a bureaucracy. We might, therefore, assume that the college will react like a bureaucracy and follow its rules.

Anyone knows that rule #1 of any bureaucracy is to expand. The more that a college can influence business to restrict its “better” hiring to college graduates the bigger its hold will be on American youth. The more American youth desiring “better” jobs, the more students that college will have. And so the spiral continues.

Do you know of any college or university which is not presently employing high cost public relations campaigns aimed at both big business and youth?

This rationale becomes even clearer when we realize that the budgets of our public universities depend
on the number of students “serviced” and not the quality of the students. One thing which is very clear is that the conflict which results is very easily covered since it is the colleges and big business’s interests which are involved.

The outlawing of degrees would be consistent with the realities of today’s job market.

At present I am sure that if you questioned any high school junior who is looking toward college, that student would be under the impression that the demand for college graduates is steadily increasing.

This, however, is just not true. The most optimistic figure that I have seen show that only 15% of the 1975 job market will be open to the professional and technical sector. More than 85% of the market will not require a college degree and will be of the “low level” variety.

Meanwhile 31% of our 18-24 year olds are in college and the projections in this category continue to soar. If all of the 15% of the jobs were available to the new grads, the number of openings would still be woefully inadequate.

To satisfy this “overeducation” of today’s youth we find some jobs being “upgraded.” Such upgrading has resulted in the oft heard lament that even our trash collectors are required to be high school graduates. And, it seems fair to say, such absurd requirements are at least a partial cause of the high levels of unemployment in our inner cities.

With the upgrading of jobs we automatically assume that college is preparing our youth for these new positions. This is of course untrue. A clerk needs a college education to perform systematic clerical duties about as much as a trash collector needs a high school diploma to locate the nearest city dump.

Our scientific and technological needs have certainly bred the need for new skills, some on the highest level. At the same time this same technology has lowered a good number of our job requirements. Mathematical calculations performed by hand are a far cry from the degree of skill and logic needed to operate the new electronic calculators.

What is questionable is whether a college degree as such is proper evidence that those new skills which are truly needed can be delivered.

Obviously our society can and does manipulate job status. I only hope that this manipulation is in the best interest of all the people, not just in the best interests of the colleges or big business.

Our society should spend more energy in trying to upgrade the dignity of all socially useful work and in trying to eliminate the disdain with which we presently view the ordinary laborer.

It has been proven that work can make the educational experience meaningful to a much greater degree than college can make work meaningful.

My concern with this cycle would be far less if everyone caught up in the system was happy with his position. But what we have seen over the past decade underscores my belief that our colleges, as prisons for the economic futures of our students, bred the hostilities and apathy which has permeated our campuses.

Students have fallen victims to the public relations pitches of both the colleges and big business and have opted to “do their time” so to speak. The only problem with this philosophy is that the pot of gold at the end of the rainbow has not and is not materializing. And more frequently than not the “better” jobs are distasteful if they materialize.

One of the major advantages of the Blank proposal would be a complete evaluation of our education system and its goals. Something which I feel is sorely needed at this time.

Perhaps our compulsory schools, for example, would understand that the basic skills for work and family life in our society would have to be provided in those required years of schooling.

Colleges on the other hand could become less restrictive, and as open as possible to promote their educational goals. Free to experiment and to shape the future rather than be a part of the spiral as it now exists.

Our colleges would be relieved of the pressure of “servicing” students for economic concessions. Perhaps our colleges could function much the same as our public buildings, hours could be extensive, fees minimal, and the services available to anyone willing to comply with the course demands and holding the necessary high school diploma.

Under the system our colleges could once again return to their pure form, they would serve as the meeting place for individuals willing to search for philosophic and scientific truths.

The Blank proposal would help rid our universities and colleges of such anachronisms as the degree structure. No longer would the designations of B.A., M.A., and Ph.D. be necessary. In this way our graduate education would freely be separated into greater and lesser degrees of complexity in each of the disciplines and be clearly understood as what it is more education not just another degree.

The new freedom would make programs such as Drexel’s unnecessary. After all, as successful and useful as Drexel’s program is in its present form, as part of our present system it is above all a cop-out and tacit admission that the campus itself is unnecessary for many genuinely educational experiences.

The legislations which Professor Blank proposes, and which I wholeheartedly support, would help to recapture the dignity of the workplace. It would also lead to the increasing of the dignity of our citadels of learning. It would help to restore to all people a sense of their basic worth and it should prove to them that their worth as human beings cannot be measured by the arbitrary reception of degrees.
Wallis

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strike the observer as the driving lawyer she is.
In 1970, she filed and argued Santiago vs. McElroy, a landmark case in which a three-judge Federal court ruled that landlords who impounded and sold their tenants' furniture without a prior hearing were violating the Constitution.
The area of tenants' rights still interests her, although she has branched out into many new areas since then.
She still works part time as support attorney for the North Philadelphia Tenants Union.
"It's making great progress," she said. "The theory is to organize the tenants in North Philadelphia to take concerted action to improve their housing conditions."
"There are 4,000 members, organized into locals.
"Some of the people who work there are law students and some kind of wander in. I like the idea of working with people who share an interest in the same things.
"We write to people who are getting evicted and offer free legal aid, handle problems reasonably related to housing.
"Some of the problems really do require a lawyer, although 50 to 60 per cent of the work could be handled by anyone. A lot of the work just involves calling Licenses and Inspections."
In recent months, her interest in tenants' rights has been gradually taken over by the women's movement.
"The Pennsylvania Abortion Rights Association asked me to handle a case challenging Pennsylvania's abortion laws.
"Then I called the Women's Center and started taking some cases. There are some really great things happening there. Women should support each other—that's what it's all about."
Ms. Wallis is one of four children, the daughter of a psychoanalyst.
"My father wanted me to be a doctor, but we sort of compromised and I went to Penn Law School.
"When I went to school, there was no such thing as Community Legal Services, although it was formed by the time I graduated.
"There are so many programs for law students to get involved with, and it's a great way to get experience."
One of the best indicators of Ms. Wallis' lifestyle is her home.
A large warehouse on Rodman st. in center city, her home has rough brick walls, unpainted floors, and few interior walls—no compartmentalism.
Her husband, Charlie, a sculptor, is currently working on building an office for her on the first floor. (Her office is now located in their third floor bedroom.)
They have no yard, although they have a great view of the park across the street—"and the city takes care of it," she says with a laugh.
And the future?
"I never make plans for the future.
"I hope to have the intuition about what is timely and important, so that I can deal with those things and grow when they come along."

Levin

(Continued from page 6)

its recommendations for changes in the geographical boundaries of the circuits as may be most appropriate for the expeditious and effective disposition of judicial business; and
(b) to study the structure and internal procedures of the Federal courts of appeal system, and to report to the President, the Congress, the Chief Justice its recommendations for such additional changes in structure or internal procedure as may be appropriate for the expeditious and effective disposition of the case-load of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.
Professor Levin, commenting on the mandate of the Commission, said, "the Commission is charged with studying urgent problems in the operation of the Federal courts of appeal. Congress has mandated that it take a comprehensive view of the operation of the circuit courts—the first in over three-quarters of a century. I cannot predict what will emerge from the Commission's work, but there exists the potential for change of tremendous significance to the entire country."
Professor Levin has been a member of the Law School faculty since 1949. He has also served as Director of the National Institute for Trial Advocacy and as Chairman of the Pennsylvania Legislative Re-appointment Commission. He will be on leave of absence from the University until January, 1975, when the work of the Commission will have been completed.
The Deputy Director of the Commission is also an alumnus of the Law School, Philip Shuchman, '53, a professor at the University of Connecticut School of Law. Mr. Shuchman served as Deputy Director of the Committee on the Bankruptcy Laws of the United States in 1971-72.

Ruth

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range of inquiries under Cox's jurisdiction.
The appointment of Ruth added to the strong Kennedy flavor of the special Watergate prosecution team. A Democrat, Ruth worked in the Justice Department from 1961 to 1965, under Presidents Kennedy and Johnson. Cox was solicitor general under President Kennedy, and four of his other top aides were in the Justice Department during that period.
A Philadelphia native, Ruth attended Episcopal Academy, Yale University and the Law School. After serving in the Army Counter-Intelligence Corps, he joined the Philadelphia firm of Saul, Ewing, Remick and Saul in 1957. He left in 1961 to join the Kennedy Administration.

During the next four years he specialized in the Justice Department drive against organized crime in Pennsylvania and New Jersey. He also participated in the department’s civil rights conciliation effort in Mississippi in the summer of 1964, and helped in planning the new concept of federal aid to local law enforcement agencies.

From 1965 to 1967 Ruth was deputy director of the President’s Commission on Law Enforcement and the Administration of Justice. In 1967 he joined the faculty at the Law School, leaving in 1969 to become director of the Justice Department’s National Institute of Law Enforcement and Criminal Justice.

For the past three years he has headed New York Mayor John Lindsay’s Criminal Justice Coordinating Council. The council’s chief function was determining how to best utilize federal law enforcement aid.

Connolly, 32, is a practicing attorney and a partner in the Philadelphia firm of Ewing & Cohen, from which he has taken a leave of absence. Prior to practicing in Philadelphia, Connolly served from 1968 to 1970 as Assistant to the Solicitor General of the United States in the Department of Justice, where he argued Federal cases before the United States Supreme Court. He also served on the Staff of Secretary of Defense Robert S. McNamara in 1967, and was Staff Attorney to the President’s Commission on Law Enforcement and Administration of Justice in 1966.

Connolly is a native Philadelphian and a graduate of the William Penn Charter School and the University of Pennsylvania, where he was elected to Phi Beta Kappa. He was graduated Magna Cum Laude from the Law School and was Note Editor of the Law Review.

Joining Ruth and Connolly will be Carl F. Feldbaum, ’69, a former assistant district attorney in Philadelphia and a top aide to District Attorney Arlen Specter.

Feldbaum, 29, will serve as an assistant special prosecutor and report directly to Ruth.

Feldbaum was a student of both Ruth and Specter at the Law School in a “Problems in Prosecution” seminar which they taught jointly.

A graduate of Princeton University, Feldbaum conducted the Philadelphia District Attorney’s investigation into the Penn Central’s operations and the diversion of Penn Central funds to illegal subsidiaries in which certain Penn Central officers allegedly had interests.

Feldbaum will work primarily on the internal administration of the special group set up to investigate the Watergate Break-in, the alleged cover-up by White House aides and other acts of political espionage and sabotage during the 1972 Presidential campaign.

Freedman

(Continued from page 8)

in July 1971. He became chairman of the English department on July 1, 1973 and will return to full-time teaching in the fall.

Freedman has been a member of the Law School faculty since 1964 and has served on the University Council and Senate and also as President of the University’s chapter of the American Association of University Professors. He specializes in administrative law, family law and torts. He is serving this year as president of the Mental Health Association of Southeastern Pennsylvania.

In announcing Freedman’s appointment as ombudsman, President Meyerson stated: “The Office of the Ombudsman under Joel Conarroe made our institution a little more responsive and a little more humane to dozens of students, faculty and staff. In Jim Freedman, we have a colleague with the sensitivity, wisdom, experience and respect as both a scholar and teacher to carry on the vital mission of this office.”

Dr. Eliot Stellar, Provost of the University, said: “The Ombudsman’s role is crucial to the well-being of the University community. Professor Freedman brings to it a perceptiveness to people combined with healthy objectivity and independence. I am looking forward to cooperating closely with him.”

Freedman said: “The opportunity to serve the University as its Ombudsman is an exciting one, personally and professionally. I hope that I can meet the high standards of fairness and good sense that Joel Conarroe has set these last two years and that the University community is entitled to expect.

“I also hope that during my tenure the Office of the Ombudsman will continue to meet the challenge of insuring that the processes by which the University makes decisions that affect the lives and careers of its individual members—students, faculty, and staff—are fair as well as sensitive to human concerns.”

Freedman joined the faculty of the Law School in 1964 as an assistant professor. He became associate professor of law in 1967 and professor of law in 1969. He was an associate in the New York law firm of Paul, Weiss, Rifkind, Wharton and Garrison in 1963-64. Following graduation from Yale University Law School in 1962, he served for a year as law clerk to Judge Thurgood Marshall, who was then a member of the U. S. Court of Appeals for the Second Circuit and who is now an associate justice of the U. S. Supreme Court. Freedman received the bachelor of arts degree cum laude from Harvard University in 1957. He has served as a consultant to the Administrative Conference of the United States since 1968. He was appointed a member of the National Panel of Arbitrators of the
The concept of an office of "ombudsman" originated in Sweden early in the nineteenth century when the first ombudsman was appointed to report incidents of administrative malfeasance to the parliament. The Ombudsman was given the power to supervise the observance of laws in that country and had access to official files and documents. He could not reverse decisions nor press charges against those suspected of wrongdoing. The real power of his position lay in the prestige of the office and in its ability to command widespread publicity for its pronouncements, and in its unlimited accessibility to any individual with a complaint. Sweden's example was followed by a number of other countries—and recently by various American universities.

Jones

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Director of the Office of Economic Opportunity—Office of Legal Services.

From 1968 to 1970 he was an administrative lawyer (appeals and special projects) with the Legal Aid Bureau of Chicago. In 1964 and 1965 Mr. Jones served as a cooperating attorney for the N.A.A.C.P. Educational and Legal Defense Fund, Inc., and the Lawyers Constitutional Defense Committee in Jackson, Mississippi. From 1958 to 1964 he taught 8th grade in the Chicago Public School system.

Mr. Jones serves on the Committee for Public Justice, the Committee for Legal Services in Developing Countries of the International Legal Center; the board of directors of several legal services programs throughout the United States, and as Vice-Chairman of the National Advisory Committee to the Corporation for Public Broadcasting.

The Dean voiced optimism that "Frank Jones, whose track record is one of unbroken successes, will be an admirable, creative administrator who will enhance legal education at Penn."

Flanagan

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countability must be to the public, for it is the public for whose benefit the office was established. The client can never be the incumbent, for when a lawyer becomes responsible to an incumbent rather than an office the stage is set for toadying, favoritism and the rule of men and not of law.

On a recent return trip from Washington, D.C. where the Washington Alumni Club held its annual meeting, I commented to Dean Wolfman that the apparent conduct of some of the lawyers in government seemed inconsistent with any study in depth of the principles of the United States Constitution and its foundations in the common law. Their conduct, instead, constituted a rejection of principles of American law. The personal standards of these men seemed more consistent with procedures grounded in Fascism than in the fair play embodied in our standards of due process. I asked the Dean what was the status of the Law School's approach to the teaching of standards of professional conduct and legal ethics. He replied that the Law School faculty in the teaching of law does it more effectively indirectly by their attitudes of right thinking than they could by a direct course on the subject. I had to agree with the Dean. Who among us experienced courses with Keedy, Reeve, Frey, Chadbourne, Schwartz, Hannold or Fordham, to name a few, and failed to learn ethical standards of conduct as well as the meat of the particular course.

A mental image of Ned Keedy's bull's eye chalked on the board served to emphasize how wide of the mark those lawyers had been in their thinking. They never would have understood Alex Frey's "wowsin" in appreciating the broad picture. And Foster Reeve's course in trusts might have instructed them that eternal vigilance is the price of safety in handling the affairs of clients and self. The mark of each teacher, in his own way, was respect for law and obedience to the rule of law. The example of their lives was as vital a part of the legal education at Penn as was any portion of course content.

Dean Wolfman had no need to cite the continued high standard of moral leadership maintained by our younger faculty with whom I have had some, but not nearly enough, contact. His own and his faculty's moral leadership in recent times have been demonstrated, for example, their reaction to the youth movement in the Law School including recognition of the right of students to be heard in faculty councils. Extracurricular programs in which alumni have been privileged to participate have added to the rounding out of current legal education. Recent examples have included the debate over preventive detention in which then Deputy Attorney General Kleindeinst debated the matter with a brilliant and gifted young Harvard law professor and the Roberts Lectures which, within the last two years, have included Dean Griswold and Judge Hastie. And, there have been the alumni sponsored student receptions which are now beginning to swing into high gear.

The recent graduates with whom I have come into contact are products of an atmosphere at the Law School where the standards of American law are lived as well as taught. Still there is no room for complacency. The striving for excellence must be a con-
tinuing one. Our physical equipment including classrooms, dormitories and library are among the best in the country. Our administration and faculty are in the continuing high traditions of Penn. As alumni, it is a source of pride to observe this excellence in action, but it continues to be our privilege and duty to keep things that way.

Alumni Day

(Continued from page 11)

'58, '63, '68 and the graduating class. The featured luncheon speaker was Assistant Professor Stephen Schulhofer.

Following at 2 P.M. was the seminar on the proposed federal rules moderated by Professor A. Leo Levin. Participating were Hon. Ruggero J. Aldisert, of the U.S. Court of Appeals for the Third Circuit, Hon. Alfred L. Luongo of the U.S. District Court for the Eastern District of Pennsylvania and Hon. Theodore O. Rogers of the Pennsylvania Commonwealth Court.

The annual meeting of the Society began at 5 P.M. in the foyer of the new building. The report from President Joseph P. Flanagan, Jr. was followed by Dean Wolfman's report and the presentation of the Law '33 Scroll of Immortals by Robert J. Callaghan.

Thereafter, Norma L. Shapiro made the presentation of this year's Distinguished Service Award to Bernard G. Segal, '31.

The election of officers followed the presentation to Segal. Nominated and elected were:
- Joseph P. Flanagan, Jr., '25—President
- Edwin P. Rome, '40—First Vice President
- Thomas N. O'Neill, Jr., '53—Second Vice President
- David H. Marion, '63—Secretary
- Sharon Kaplan Wallis, '67—Treasurer

Elected to the Board of Managers were Patricia Ann Metzer, '66, of Boston, Robert M. Beckman, '56 of Washington and Thomas A. O'Boyle, '40 of New York City.

A new feature of the program was an Alumnae Coffee Hour on Saturday, May 5th at 10:30 A.M. in the Faculty Lounge.

News Notes

The Washington, D.C. Law Alumni Club held its annual spring meeting at the Army-Navy Club in Washington in May.

The New Jersey Alumni Club held its annual luncheon in conjunction with the New Jersey State Bar meetings in Atlantic City on May 19.

The Law Alumni Society hosted a reception for alumni attending the meetings of the American Bar Association in August. The reception was held at the Washington home of Mr. and Mrs. Morton H. Wilner.

For the past two years the Black Law Students Union has provided a free income tax service for the black community of Philadelphia. In cooperation with Reverend M. Lorenzo Shepard, Jr., Pastor of Mount Olivet Tabernacle Baptist Church at 42nd and Wallace Streets, the program was able to service more than 200 people who needed help with their tax problems, but who were least able to afford to pay for competent service.

The program was conceived and conducted with one of stated goals of the Black Law Students Union in mind: developing viable programs that will aid the black community. It was felt by the membership that many people in the community are victimized by incompetent overcharging practitioners whose only concern is with the amount of their fee.

The service was provided on Wednesday evenings at the Community Center of Mount Olivet Tabernacle Baptist Church. A church was selected as the location because it was felt that there, a large number of people would be available to take advantage of the service. Mount Olivet is centrally located in the black community of West Philadelphia. An additional factor was the attempt of the Black Law Students Union to emphasize that this program was designed solely to benefit the community and any benefits accruing to students was secondary. This in large part contributed to the program's success; for many projects in which students participate the emphasis is on students picking up skills or practicing without any substantial benefits accruing to the community that is to be served.

The Black Law Students Union intends to continue this program and hopes to develop others that will aid the black community of Philadelphia.

The Daniel Lowenthal Law Student Financial Aid Fund has been established in the Law School by the family and friends of Daniel Lowenthal.

This Fund does honor to the memory of Daniel Lowenthal, a distinguished lawyer, a graduate of the Law School Class of 1931. The Fund symbolizes the values of Daniel Lowenthal who believed deeply in the law, in its processes, and in legal education. It is designed to provide financial aid for worthy law students who wish to pursue the law but lack the means to do so on their own.

The Fund shall be invested by the University and its income shall, in the discretion of the Dean of the Law School, be used to provide scholarship or loan support to law students in need. In the Dean's discretion, the principal of the Fund may also be used for loans to law students, but only income may be used for scholarships. Loans shall be made on such terms as to repayment and interest as the Dean, in his discretion, may deem appropriate in each case.

This Fund may be augmented by future gifts from those wishing to support its purposes and do honor to the memory of Daniel Lowenthal.
Placement Director HELENA F. CLARK was elected President-elect of the National Association of Law Placement at their June conference in Houston, Texas. N.A.L.P. was "born" at the University of Pennsylvania in August 1971 when 35 law placement directors from around the country gathered to discuss organizing such an association. The need for national communications among law placement directors and law recruiters in order to work out their mutual problems, to discuss the future trends in legal hiring, and to do much needed research lead the 35 to enthusiastically draw-up a constitution, elect officers and appoint a steering committee. The Association has grown to 130 members, 101 law schools and 29 legal recruiters.

Ms. Clark was last year's membership chairman and on the original steering committee. She had the responsibility for organizing the workshops given at the annual conference last year and this year.

Ms. Clark came to the Law School in July 1968 after eight years in placement work with prior experience in all areas of social work, retailing and dean of women's work. She is a University of Delaware graduate with graduate work in Social Work at the University of Pennsylvania and Bryn Mawr College.

Three new full-time faculty members have been appointed, effective July 1, 1973. They are:

FRANK I. GOODMAN, Visiting Professor of Law

LAURIE WOHL, Assistant Professor of Law

MARK SPIEGEL, Assistant Professor of Law

Professor WOHL is a 1968 cum laude graduate of Columbia University Law School. During her second and third years she served on the Law Review, and at graduation tied with one other for the Jane Marks Murphy Prize awarded to the woman student with the highest average in the class. After graduation, she clerked for Judge Charles M. Metzner on the United States District Court for the Southern District of New York, practiced with Debevoise, Plimpton, Lyons and Gates in New York City, taught law in Nairobi, and now teaches Corporations, Securities Regulation, and Welfare Law at Northeastern University Law School in Boston.

Professor GOODMAN graduated cum laude from Harvard Law School in 1959, having served on the Law Review for two years. In 1959-60, he clerked for Judge William H. Hastie on the Third Circuit. Thereafter, he served as Special Assistant to the Federal Power Commission's General Counsel, as an Assistant Solicitor General, and as a member of the Law Faculty at Berkeley. He practiced with the Los
Angeles law firm of Beilenson, Meyer, Rosenfeld and Sussman. At present, Mr. Goodman is the Director of Research of the Administrative Conference of the United States. His article, “De Facto School Segregation: A Constitutional and Empirical Analysis,” 60 Calif. L. Rev. 275-437 (1972), has won wide acclaim as the best piece of scholarship in its field. Mr. Goodman’s principal teaching interests are in Constitutional Law and Torts.

Assistant Professor of Law SPIEGEL will be concerned principally with the development, coordination and direction of clinical legal education. He comes with a rich background: Assistant Director of the Mandel Clinic at the University of Chicago, a Reginald Heber Smith Fellow, and—before that—law school at the University of Chicago from which he graduated in 1968 with a distinguished academic record.

New part-time faculty are:

ALAN J. DAVIS, Advanced Criminal Procedure
ALEXANDER BROOKS, Evidence
LINDA K. LEE, Legislation Course and Seminar
THOMAS N. O’NEILL, JR., Appellate Advocacy
DOLORES KORMAN SLOVITER, Civil Procedure
EDMUND B. SPAETH, JR., Evidence
LOUIS HENKIN, Constitution and Foreign Affairs (Seminar)

Professor JAMES O. FREEDMAN delivered a paper entitled “The Administrative Process and the Elderly” at a Symposium on New Approaches to Legal and Related Services for Older Persons held at Syracuse University Law School in March. Earlier that month he spoke on “The Legal Rights of Children” before the Regional Council of Child Psychiatry in Philadelphia.

Professor Freedman also spoke to the Faculty Tea Club on “Emerging Issues in Family Law.”

Professor ALEXANDER M. CAPRON discussed “Man’s Control Over Man” on February 27, in the Virginia Tech’s Donaldson Brown Center for Continuing Education auditorium.

Sponsored by the University’s Visiting Scholar Program, Capron’s public lecture was the last of a three-part series dealing with “Man’s Advances in Medicine and Their Implications for Society.”

Capron also addressed an international consultation on Genetics and the Quality of Life in Zurich on the topic of prenatal diagnosis and abortion and was a member of a panel on Death and Dying at the joint Mexico City meeting of the American Association for Advancement of Science and the Consejo Nacional de Ciencia y Tecnologia—both in June.

He also testified before Senator Edward Kennedy’s Subcommittee on Health on “Experimentation in Prisons” in March and served on the search committee
for a new dean of the University's School of Veterinary Medicine. He has also reviewed N. Kittrie's "The Right To Be Different" in the April issue of the Columbia Law Review.

Professor NOYES LEECH participated in the 23rd Annual Forum on Finance in New York City in June. The Forum was sponsored by the N.Y.U. Graduate School of Business Administration and the Joint Committee on Education.

Professor STEPHEN R. GOLDSTEIN has published a book commentary, The Unions and the Cities, in 22 Buffalo L. Rev. 603, concerning collective bargaining by public school teachers and he lectured on School Board Policy and the Rights of Individuals to the 26th Annual School Boards Conference of the New England School Development Council in May.

Placement Director HELENA F. CLARK spoke to hiring partners of law firms across the country on the topic "Relationships With Law School Placement Offices and Students" at the Conference of American Legal Executives in New York City in May. She also conducted a workshop for new law placement directors at the Conference of National Associations of Law Placement in Houston in June.

ALUMNI NOTES

1908

LEON J. OBERMAYER, of Philadelphia, president of the Class of 1904 of Philadelphia's Central High School, presided over the class' 69th reunion in June. Nine members of the class were in attendance, among them ISAAC ASH, '08, and THOMAS HYNDMAN, '11.

1926

W. JAMES MacINTOSH, of Philadelphia, has been elected a director of Horn and Hardart Baking Company. MacIntosh is a senior partner in the firm of Morgan, Lewis & Bockius and former chairman of Curtis Publishing Co.

1930

ISIDOR OSTROFF, of Philadelphia, has been elected a vice president of the Consular Law Society of New York, the first time an out-of-state officer has been elected to the position. He is an associate member dating back to his service as honorary consul for of the Philadelphia Consular Corps Association, Guatemala.

SAMUEL E. EWING, of Washington, D.C., has retired as vice president, Washington, of RCA Corporation.

1933

JEROME L. MARKOVITZ, of Philadelphia, reports that the class of 1933 held their 40th reunion at the Locust Club on June 9 with 19 members of the class in attendance. Professor Alexander Frey, Hon. Israel Packel, Pennsylvania Attorney General, and Mrs. Packel were the guests of honor. Members of the class in attendance were: WILLIAM C. WISE, EDWARD FIRST, JOSEPH H. PLANZER, NATHAN SILBERSTEIN, FRANCIS J. MORMISSEY, JR., DAVID H. ROSENBLUTH, GUSTAVE G. AMSTERDAM, B. N. RICHTER, SIDNEY CHAIT, JOSEPH M. LEIB, MAX M. BATZER, CHARLES FINK, HON. JAMES L. STERN, A. MOORE LIFTER, PAUL MALONEY, EDWARD A. KAIER, JAMES L. JOHNSON, and EUGENE K. TWINING.

1936

G. WILLIAM SHEA, of Los Angeles, Calif., has become president of the Los Angeles County Bar Association.

1938

SYLVAN M. COHEN, of Philadelphia, reports that the class of 1938 planned to hold their 35th reunion in Puerto Rico over the Memorial Day weekend.

1939

CARL HELMETAG, JR., of Philadelphia, became general counsel—reorganization of the Penn Central Transportation Company on March 1.
R. STEWART RAUCH, JR., of Villanova, Pa., chairman of the Philadelphia Savings Fund Society, has become chairman of the Greater Philadelphia Chamber of Commerce.

OSCAR GOLDBERG, of Denver, Colorado, reports that he has settled in that city and plans to be admitted to the Colorado Bar.

MILES K. KIRKPATRICK, of Philadelphia, former chairman of the Federal Trade Commission, has become a member of the Philadelphia firm of Morgan, Lewis & Bockius.

SCOTT W. SCULLY, of Portland, Maine, has been appointed general counsel of the Maine Central Railroad Company and the Portland Terminal Company.

WALTER R. SPARKS, JR., of Berwyn, Pa., has been elected secretary of the Insurance Company of North America.

GERALD JONATHAN HAAS, of Philadelphia, has been reelected vice president of the Philadelphia branch of the United Synagogue of America.

HERBERT A. FOGEL, of Philadelphia, has been appointed to the bench of the United States District Court for the Eastern District of Pennsylvania.

PAUL R. DUKE, of Philadelphia, has been appointed general counsel—legal department of the Penn Central Transportation Co.

VIRGIL B. BALDI, of New York, N.Y., has been elected a vice president and director of the New York firm of Canny, Bowen, Howard, Peck & Associates, Inc.

IRVING M. HIRSH, of Plainfield, N.J., has been appointed a judge of the Municipal Court of North Plainfield, N.J.

GEORGE F. REED, of Houston, Texas, was recently elected senior vice president and counsel and a member of the board of directors of the American General Insurance Company in Houston.

SAMUEL H. KARSCH, of Philadelphia, has become a partner in the Philadelphia firm of Townsend, Elliott & Munson.

RONALD ZIEGLER, of Philadelphia, has been elected Pennsylvania Judge Advocate for the Jewish War Veterans of the U.S.A.

JACK K. MANDEL, of Anaheim, Cal., has been named to the board of directors of the Orange County Trial Lawyers Association and to the advisory board of the criminal justice department of the California State University at Fullerton.

JAMES N. HORWOOD, of Reston, Va., has become associated with the Washington firm of Spiegel & Mc...
Diarmid. He was formerly deputy assistant general counsel to the Postal Rate Commission.

1962

FREDERICK J. FRANCIS, of Pittsburgh, Pa., has become a partner in the Pittsburgh firm of Meyer, Unkovic & Scott.

R. ALAN STOTSENBURG, of New York, N.Y., writes that he has a private practice as a specialist in securities and anti-trust class actions.

1964

MICHAEL A. O'PAKE, of Reading, Pa., has become associated with the Reading firm of Austin, Speicher, Boland, Connor & Giorgi.

JAMES ROBERT PARISH, of New York, N.Y., is co-author of "The George Raft File," to be published later this year.

1965

LITA INDZEL COHEN, of Merion, Pa., is the first woman ever appointed to the Lower Merion Planning Commission.

MARIO A. IAVOCOLI, of Haddonfield, N.J., is first assistant prosecutor for Camden County, N.J. and is also counsel to the New Jersey "No Fault" Commission. He had previously been counsel to the Speaker of the New Jersey General Assembly.

THEODORE A. FLERON, of Baltimore, Md., has been elected vice president and secretary of Sun Equities, Inc., a broker-dealer subsidiary of Sun Life Insurance Company of America. He will continue in his present position as counsel for the company.

1966

ARTHUR B. JACOBS, of San Jose, Calif., formed a partnership with Charles Wasserman, Jr. and is now practicing under the firm name of Wasserman & Jacobs in San Jose, Calif.

WILLIAM N. LEVY, of Cherry Hill, N.J., announces the removal of the offices of Levy & Levy to One Cherry Hill, Suite 706, Cherry Hill, N.J.

PAUL P. WELSH, of Wilmington, Del., has become a member of the Wilmington firm of Morris, Nichols, Arsht & Tunnell. Also named as members of the firm are WALTER L. PEPPERMAN, II, '67, and WILLIAM O. LaMOTTE, III, '68.

1967

DANIEL E. FARMER, of Philadelphia, has been named a partner in the Philadelphia firm of MacCoy, Evans & Lewis. He previously served as law clerk to former Philadelphia Common Pleas Court Judge Edmund B. Spaeth, Jr. and head of the Juvenile Law Reform Unit of Community Legal Services of Philadelphia.

STEPHEN SCHOEMAN, of New Rochelle, N.Y., has been elected president to Team Emblems, Inc.

IRA M. GOLDBERG, of Cherry Hill, N.J., is an associate professor of law at Rutgers University School of Law at Camden, teaching constitutional law and conflicts.

NORMAN PEARLSTINE, of Tokyo, Japan, has been named the Wall Street Journal's Tokyo bureau chief.
He was previously with the paper's Los Angeles bureau.

1968

DAVID I. GRUNFELD, of Philadelphia, has become a partner in the Philadelphia firm of Steinberg, Greenstein, Richman & Price.

NORMAN B. SKYDELL, of New York, N.Y., has become a member of the New York firm of Kass, Goodkind, Wechsler & Gerstein.

N. P. WARDWELL, of Watertown, N.Y., returned to this country after a 2½ year tour of duty in Ethiopia as a judge advocate in the U.S. Army. In January, he climbed to Uhuru Peak on top of Mt. Kilimanjaro in Tanzania.

BRUCE JOEL JACOBSON, of Philadelphia, has been appointed senior assistant regional labor counsel for the eastern region of the United States Postal Service, covering the mid-Atlantic states and New England.

1969

NEIL H. COGAN of Dallas, Texas, will become assistant professor at the Southern Methodist University School of Law in August.

DOUGLAS A. ELDRIDGE, of Syracuse, N.Y., has been promoted to chief attorney at Onondaga Neighborhood Legal Services, Inc. in Syracuse and elected president of the Coalition for Health and Welfare of Syracuse and Onondaga County.

JOHN CRAIG GREEN, of Saigon, Viet Nam, was recently made legal advisor to the Defense Attache Office, U.S. Embassy in Saigon, after serving a year as the special assistant to the Deputy to the Commander, U.S. Military Assistance Command in Viet Nam.

PETER A. GROSS, of New York, N.Y., has joined TelePrompTer Corporation's legal department as corporate counsel. He was formerly associated with the New York firm of Dewey, Ballantine, Bushby, Palmer & Wood.

1970

JONATHAN VIPOND, of Waverly, Pa., was elected a member of the Pennsylvania House of Representatives in November of last year.

1971

KENNETH V. HELAND, of Salisbury, Md., has become a partner in the Salisbury firm of Richardson, Regan, Anderson & Heland.

ARTHUR W. LEFCO, of Philadelphia, is now general counsel of the Philadelphia Housing Authority.

ROBERT B. LAMM, of New York, N.Y., is associated with the New York firm of Wofsey, Certilman, Haft, Snow & Becker. As of May, he and his wife Carol, CW'68, were awaiting the birth of their first child.

ROGER E. KOHN, of Hinesburg, Vt., has left Vermont Legal Aid, Inc. to form the partnership of Villa & Cohn in Hinesburg, near Burlington.

1972

ROBERT M. WALTER, of Bethel Park, Pa., is associated with the Pittsburgh firm of Reed, Smith, Shaw & McClay.

RICHARD D. BANK, of Dresher, Pa., has become a partner in the Norristown/Glenside firm of Bank, Shor, Levin & Weiss.

Necrology

1928

HON. RALPH C. BODY, Boyertown, Pa., June 2.

1929

SIMON MUSTOKOFF, Philadelphia, March 1.

1931

WALTER J. BROBYN, Philadelphia, June 24.

JOHN M. DUDRICK, Nanticoke, Pa., January 6.

DUDLEY T. EASBY, J.R., Philadelphia, March 16.

1933

JOHN J. GAIN, Philadelphia, June 4.

1935

H. PARR JOHNSON, McLean, Va., March 11.

1937


1938


1941

JOHN V. BOLAND, Reading, Pa., August 16, 1969.

1949

JACKSON W. RAYSOR, Milford, Del., April 21.

CASPAR W. B. TOWNSEND, JR., April 23.

1951

JOHN C. CLEMENS, Reading, Pa., January 13.

ALVIN DIAMOND, Willow Grove, Pa., April 9.

RICHARD H. TALLANT, Wilmington, Del., April 12.

1956


1972

THOMAS M. WRIGHT, Reading, Pa., March 13.
The American version of Greek Tragedy that opened this summer involved a conspicuously large number of lawyers. Most of them were ably practicing their profession in the representation of the various parties before the Senate Committee—counsel for the Committee itself and lawyers for the majority and minority members and of witnesses before the Committee. A minority of lawyers who appeared on the scene were there as actors in the drama—lawyers called to account for their actions or advice or lack of it in their capacity as counsel for government officials. These were lawyers who have been caught in the sweep of a movement so powerful that they became a part of it, flowed along helplessly with it and, when it subsided, were left stranded.

The drama would never have been played if the lawyers involved had maintained their independence as a prime obligation. These men were learned in the law, of greater than ordinary brightness, and clearly capable of the highest and most intense devotion to a cause. Their mistake was one of identity—who was their client?

The client, for lawyers in government, must be the office or body for which they are counsel. Their ac-

(Continued on page 32)