Valente testifies on Senate bill

by Nancy Goodwin

Professional William Valente, a member of the national Association of Law Schools, was recently invited by Senators Daniel Patrick Moynihan and Robert Packwood to testify before the Senate Finance Committee on the constitutionality of the proposed Tuition Tax Credit Act of 1977.

Valente pointed out that the bill is not a serious objection, since SB. 2142 is facially neutral.

To safeguard against possible unconstitutional application, he said, the committee must include a provision disallowing the tax credit if the institution is found guilty of discriminatory enactment.

Another anticipated objection is that the bill is an unconstitutional aid to religion, fostering excessive government entanglement with religion, in violation of the First Amendment.

A majority of the court has evolved a tripartite test of constitutionality under the Establishment Clause. The statute must have a secular legislative purpose, a primary effect that neither advances nor inhibits religion, and incidental aid private institutions.

Professor Valente, who is also chairman of the local government section of the American Association of Law Schools, is a member of the board of trustees of Our Lady of Angels College, in Aston, and the Academy of Notre Dame, in Villanova.

Editor's note: Professor Valente has, since his interview for this article, been requested to repeat his testimony concerning the House version of SB. 2142.

The selection of Nix is of special interest to this year's problem, dealing with a prosecutor's decision whether to prosecute a minor as juvenile or adult, and with the right to counsel at a predilection lineup.

White to preside at Reimels

by Jay Cohen

The Reimel Moot Court Competition will culminate on Saturday, April 1, 1978 with final round arguments before a three man panel of judges. The selection of jurors has been finalized; United States Supreme Court Justices Byron White, Lewis Powell, and Robert H. Coatsworth have been invited to serve.

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Prof. Levin, Packel, Turkelton

granted tenure by University

by Nancy Goodwin

Professors Levin, Packel, and Turkelton have been granted tenure after a decision by the president of the University, as announced by the law school January 25th; final determinations of whether tenure will be offered to Mr. Undercofler, VLS '66, were made by the committee, as one of five persons recommended by a committee of Philadelphia attorneys appointed by Attorney General Griffin B. Bell to select a successor to David Marston as U.S. Attorney for the Eastern District of Pennsylvania. Undercofler was the only Republican named by the committee, as one of the five selected from the forty that were considered for recommendation. He finds himself among others of distinction.

The proposed legislation, which Congress is that it fosters racial discrimination. However, it is not a serious objection, since SB. 2142 is facially neutral.

The oversight was brought to the attention of the American Association of Law Schools, and the University administration. Those recommendations, apparently, were misplaced on the law school's tenure screening committee. Therefore, student comments about the recommendations will be rechecked by the members of the tenure committee, Associate Dean Abraham and Collins, and Dean Underwood.

Professor Leonard Levin

the University administration.

The oversight was brought to his attention when he was visited by a Docket reporter, after which he was informed that the recommendations were forwarded to President Discoll. The decision was announced within twenty-four hours.

(Continued on page 3)
Marston story lacks balance under heavy media pressure

By Dean J. Willard O'Brien

Has the Marston affair taught us anything? What can we infer about the need to improve the administration of justice?

It may be too soon to ask the question, but consider for a moment the many overlapping and uncontroverted and uncontrollable situations: the Attorney General of the United States has been charged with witness tampering; his predecessor, Mr. Marston, had been appointed with the explicit assurance of the Attorney General's firm support, but has now been removed from office.

The Attorney General knew that Mr. Marston must leave. He knew that the removal of U.S. Attorneys is accomplished lawyer, had no demonstrated professional competence. The Attorney General knew that Mr. Marston was an honest, skilled and experienced prosecutor, but he had no reasonable position on the issue of merit selection.

I believe the Attorney General knew that Mr. Marston was an honest, skilled and experienced prosecutor, but he had no reasonable position on the issue of merit selection.

The decision was justified on the ground that the U.S. Attorney was fired, subject to the right to appeal. There was no indication that the Attorney General knew that the Attorney General's decision was, at least, morally wrong.

Put aside for the moment the Attorney General's reluctance to accept the argument that Mr. Marston was an honest, skilled and experienced prosecutor, whom the judges of the Eastern District of Pennsylvania had appointed with the explicit assurance of the Attorney General's firm support, but has now been removed from office.

Once the Attorney General discovered that a person under investigation was seeking the removal of U.S. Attorney, a scandal ridden state, at the request of a person under investigation by the prosecutor is harmful to the system. It was a mistake and it matters not that a prior private political decision to remove the prosecutor had been made.

Even the possible eventual vindication of the person being investigated is insignificant. The appearance of improperity created such a public backlash that it was overwhelming that public confidence in the integrity of the system cannot be restored.

Much damage has been done. Why? In the final analysis did Attorney General Griffin Bell, a man of honor and high position, fire U.S. Attorney running it at the time, a man of honor and high position, for whom he had worked as an assistant in his inaugural remarks last month, said, "I do not know whether such counsel was given, I feel confident that if such advice is needed and given in the future, it will be heeded. But I think we have learned that much. Some slight improvement in the administration of justice may result."

I believe that the Attorney General had a rational basis for his removal of Mr. Marston. I also believe that the removal of Mr. Marston was an honest, skilled and experienced prosecutor, whom the judges of the Eastern District of Pennsylvania had appointed with the explicit assurance of the Attorney General's firm support, but has now been removed from office.

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The Attorney General's reluctance to accept the argument that politics ought not to play a role in the removal of U.S. Attorneys is understandable.

Indeed, the many who believe that Mr. Marston was a honest, skilled and experienced prosecutor, whom the judges of the Eastern District of Pennsylvania had appointed with the explicit assurance of the Attorney General's firm support, but has now been removed from office.

Once again putting aside the promise to de-politicize the process of selecting federal prosecutors, the Attorney General had a reasonable position on the issue of merit selection.

If merit is defined as demonstrating professional competence as a prosecutor, the many supporters of Mr. Marston must deal with the fact that Mr. Marston would never have been appointed U.S. Attorney had his records reflected low regard for merit. At the time of his appointment, Mr. Marston, a bright, accomplished attorney, had served in federal prosecutor's experience.

The many who believe both in Mr. Marston and in merit selection will either have to define merit to mean what he did, or accept that the political process can provide the public with the kind of prosecutor it wants. That means, of course, that Mr. Marston's successor may prove to be just as satisfying as Mr. Marston.

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The Attorney General has given a great deal of public advice. What he did, and what he said, was done with the best of intentions. We have learned that much. Some slight improvement in the administration of justice may result.

I do not know whether such counsel was given, I feel confident that if such advice is needed and given in the future, it will be heeded. But I think we have learned that much. Some slight improvement in the administration of justice may result.

Reprinted from The Evening Bulletin

Library's growth reflects VLS tale

By Jay Cohn

It is a rather prosaic walk along the corridors of power, past the administration office of the library. No one to trace his footsteps to learn what he is up to, with or without his former support. It is a matter of record that U.S. Attorney David Marston was given a promise to de-politicize the process of selecting federal prosecutors, but as far as we know, he did not reverse or modify his prior decision to remove Mr. Marston in light of the changed circumstances.

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Reprinted from The Evening Bulletin

Jobs picture cleared

Pressure lessened

by Joan M. Beck

The Placement Office is taking steps to alleviate pressure on students to peddle their resumes. As a result of a survey of students in a short period of time, the office is giving employers more time to review resumes. This will save time and money in one concerted recruitment effort. The Placement Office is being asked to remove the Placement Office from the placement offices have proposed a call for phone interviews, from which employers can minimize the number of telephone calls and letters they receive. Employers in Illinois with the demand for phone interviews.

Placement penncnollcns

by Joan M. Beck

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VLS graduation to be separate
by Jeff Armstrong

This year, for the first time, the law school will have its own graduation ceremonies separate from the rest of the University. As in the past, Dean O'Brien has requested separate graduation exercises, but permission has not yet been refused. This year, however, a separate commencement ceremony is not necessary.

The University has advanced the law school's graduation exercises to May 8 and 9. These dates are too early to accommodate the law school's class schedule requirements, which demand a minimum of 12 class days and time for the final examinations and grading of final examinations.

As a result, the law school's May 19 commencement could not be altered to coincide with the University's plans.

According to Dean O'Brien, the reason why the University never acceded to the law school's requests by the law school for its own affair, was the belief "that three ceremonies were enough."

Dean O'Brien told the Docket that invita-
tions will be issued so that all members of the graduating student's family may attend. "Families of 10 or more will be seated together."

Plans for the event, which will be held in the University fieldhouse, have not yet been finalised as to possible speakers and the like. Faculty or students interested in serving on a commen-
mencement committee are urged to notify Dean O'Brien's office.

Jubilee events
by Jeff Armstrong

The law school will initiate the formal celebration of its Jubilee Year on Saturday, the Reimel Moot Court School on Thursday, April 6, 1978. The school is marking the twentieth anniversary of its founding by the Honorable Byron W. Puller, the former Chief Justice of the United States Supreme Court, will preside at the moot court competition along with The Honorable Leon Jaworski, Chairman of the United States Court of Appeals for the Second Circuit, and The Honorable Alfred S. Gubser, Jr. of New Jersey.

The Red Mass, a long standing tradition at the law school, will be offered in the University of Law, John Cardinal Krol. Although none of the law school's original faculty members are still present, former Dean, Harold Gill Penske, will attempt to address the gathering.

The first time the Red Mass will be held during the day, Dean O'Brien told the Docket. Usually it has been the night before the Fall semester in the evening and followed by dinner to a list of distinguished guests.

Admissions stats show new trends
by Rich Funk

In order to select this year's first year class, the law school sent out over 10,000 catalogues and applications to potential applicants. 2,900 applications were received from men and 647 from females. Both of these figures were increases from last year's 1,844 and 587. The number of applications at many schools across the country were down this year.

For an entering class of 220, 900 applicants were accepted, indicating that for every opening 3.5 people were accepted.

Where did the other 2.5 people go? Sandy Moore, Director of Admissions, said that no precise study has been made, but the responses that have been received indicate that these students went to "Big Name" schools or schools with lower tuitions.

List Compiled
The admissions committee, Professors Barry and Dobbyn under the chairmanship of Dean Collins, compiled a waiting list of 250 with an auxiliary waiting list of 50. 228 persons on the waiting list were accepted for the first time.

The national percentage of women in law schools is between 5.4% and 5.8%. Two schools in the country, one of which is Rutgers, Newark, have a female majority for the first time.

The statistics on the quality of the class are generally comparable to last year's entering class, Ms. Moore said. The grade point averages ranged from 2.0 to 4.0 with a median of 3.37 and a mean of 3.36. The LSAT scores ranged from 415 to 746 with a median of 615 and a mean of 670.

But the applicant's background is given as much weight as his grades and scores. The admissions committee attempts to compile a broad selection of diversified backgrounds to constitute the class.

Mainly Eastern Seaboard
The ages of this year's class members range from 21-50. Fourteen states and 87 undergraduate schools are represented.

The states represented are mainly on the eastern seaboard, with California and Florida. Villanova replaced the University of Pennsylvania as the law school's number one source of first year applicants last year. Villanova was able to hold that position for several years.

When asked to point out any trends that were apparent, Ms. Moore said that Villanova now competes with the Big Name schools, as evidenced by the number of students accepted by VLS who opted to go to higher ranked schools. She also indicated that the number of women in graduate programs is beginning to stabilize after reaching a peak several years ago.

Also, the total number of applicants has increased by several years. Three years ago Villanova had its largest year, receiving 2,700 applications, then there was a decrease in 1976 and an increase again in 1977.

Applications for the class entering in 1978 had been coming in slowly. Ms. Moore said, but the volume is heavier most recently. The applications that are coming in are of a higher caliber, indicating that the lower level applicants are not even attempting to get in to Villanova.

Eleven students in the class of 1980 have already dropped out.

Need financial aid for 1978-79 Summer PHEAA College work study applications due by March 15.
Recent events have made us wonder if the law school is not the Cinderella sister to the University. During the snow and ice storms of the past few weeks, tardy or nonexistent plowing efforts have, on occasion, nearly crippled law school operations. And plowing only exposed a surface of ice that, never having been sanded, left motorists and pedestrians on their own for slushy white grounds cruising. "Slip slidin' Away." Anyone who tuned to the train faced conditions that would make the law school a suitable location for the Winter Olympics.

Out of fairness to the University, we concede that conditions across the tracks were little better since, as the law school administration has pointed out in its defense, Docket, the University has no plan for plowing or sanding in the event of a severe snowstorm. But in light of recent events, there is strong doubt among law students that the law school would fare much better under a snow plan.

Another occurrence has heightened qualms. On January 24, it was learned that the decision on tenure for six law school instructors had been delayed due to an overburdened administrator whose desk is a constant sea of papers. One paper, put into the pile for later consideration, already six months overdue could not be considered late at all. He considers the law school to have a perfect working relation with the office of the President on academic matters, although, finances are negotiated less smoothly.

What may be ultimately revealed is a confusion in the school administration to the train faced conditions that would make the law school a suitable location for the Winter Olympics. But it seems hard to understand how a decision, foreseen as the snow job? and offensive. Mr. Cohen states that the Guild would be quite willing to limit the freedoms of others. If this is a very serious charge to make of some of the members of the Guild, then I do not speculate as to intellectual discussions as "repressive." Of course, the Guild attitude is not, insofar as it is not a political activity, acceptable. The.Guild has been the only active organization at the law school, and yet Mr. Cohen labels it in spite of Mr. Cohen's apparent efforts to contradict intellectual discussions as "repressive." This does not mean misanthropic, paternalistic judgment.

Mr. Cohen should acquit himself with the facts before he makes such sweeping judgments. Throughout the long, fruitful, and exciting story of the Lawyers' Guild it has been trusting, optimistic, and humanitarian. The: Guild and lawyers helped to establish the right to form unions. In the 1950's, the C.U.L.U. was organized at the law school. Lawyers continued to believe in the integrity of the First Amendment, that people have the right to form unions. In the 1950's the A.C.L.U. was involved in guaranteeing the First Amendment rights. As to the misanthropic label, it is almost too ridiculous to dispute, but it would make one wonder if a legislative body would make such statements into public interest law, as so many Guild members have the integrity which has eradicated sexism and racism. Perhaps as well, Mr. Cohen feels threatened. My assessment of the Guild outlook is that it is wholly undiminished.

The administration freely admits to difficulties in its relations with University offices rendering such functions as the filing of student affiliation forms for the law school to handle. Nonetheless, the administration argument is that what the law school administration is revealing is that the President did not feel an urgency about this matter, nor did it sense that the law school was threatening to go out of business. But it seems hard to understand how a decision, foreseen as the snow job? and offensive. Mr. Cohen states that the Guild would be quite willing to limit the freedoms of others. If this is a very serious charge to make of some of the members of the Guild, then I do not speculate as to intellectual discussions as "repressive." This does not mean misanthropic, paternalistic judgment.

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Little more than three weeks ago, the nation paused to mourn the death of Hubert Humphrey. A man whose prominence as a national politician spanned nearly thirty years. Amid a career that saw both success and failure, he earned the respect of the nation. His was a political story that one can appreciate regardless of one's own political philosophy. For it can be said, without undue exaggeration, that Hubert Humphrey represented the American political system at its best.

Of course, in the larger, national background, he developed an unshakable faith in the human spirit, in the power of mankind, a vision that he spent his life trying to make a political reality. His hope was, as he put it, shattered by the Great Depression, set as the primary task of government the elimination of poverty, hunger, disease, and ignorance. This idealism remained undiminished throughout his political life. But he was more than merely an idealist, as he demonstrated the importance of effectuating his goals through hard work and careful organization. It was he who was, as much as anyone, responsible for successfully managing the passage in Congress of the controversial 1964 Civil Rights Bill.

Certainly, his life saw its share of mistakes and shortcomings, many of which were magnified by his public prominence. He was too inclined to assume positions of leadership (some- times too often) that were not his and (often) failed to admit his mistakes. In the end, he stood as a man of principle, who places the country's interest before any and all personal considerations.

Hubert Humphrey's life is a tragic demonstration that a political system at its best. It is not any program or legislative enactment that but an existence of the man and his ideas that is of lasting value. Perhaps Hubert Humphrey's greatest legacy to the country is his understanding that the more we believe in the idea in and more firmly to the other. For obvious reasons, we think this would be an advantage all around, and to this end, we offer the Committee to Re-open the Rosenberg Case (who were defended by a Guild member). The MessOps have to be the most optimistic brothers in the world and they have every reason not to be. As to the misanthropic label, it is almost too ridiculous to dispute, but it would make one wonder if a legislative body would make such statements into public interest law, as so many Guild members have the integrity which has eradicated sexism and racism. Perhaps as well, Mr. Cohen feels threatened. My assessment of the Guild outlook is that it is wholly undiminished.

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A suspect hero

Marston affair

by Jay Cohen

I am almost as sure as the way people can overlook the pheno-
momena of human existence while in the very process of existing in
the "human condition."

Resume of paper are each year
considered in assessing the far
reaching trends. And one need only
look at the Dow Jones average to see that millions of
dollars each day flow upon the
identification of some global economic
problem. Yet, often the permutations of
some literary mind do not
cover those things directly un-
derfoot — the events so common-
place to go unanalyzed but which are epic representations of
the human condition.

Howard Moss aptly phrases this
odd quirk of humankind in a poem
entitled, "Piano Practice."

Don't try to catch that lion by
its tail. Don't take for granted,
Before you wake, he'll eat you up.

If you should be sleeping gypsy,
let her sleep.

Then you'll be gone without a trace,
Half fact and half enigma. Now
your hands.

Are mysteries of the commonplace.

The mysteries of the common-
place. If this is what diurnal
ilia is meant to be, it should be
because they are taken for grant-
ed. We have lost our sense of won-
der and are only following the
block operations of life and so, have
stepped away from any new inseparable phenomena
whose workings thrill us.

But this means that this sounds
abstract or makes no sense at all. I give this as an example
of what I mean.

Over the Christmas break I had the
privilege of flying to London.

Being somewhat allergic to long
term planning, I was not able
to ascertain the low, advance
booking airfares.

"Standby" Fare

I chose to attempt the crossing of
the Channel with a "Standby"
fare, initiated on the New York to Lon-
don route on Pan American by
Freddie Laker's Skytrain.

Being the patriotic sort, I elect-
ed to fly Laker Airlines and
stake my fortunes on the chance
of obtaining a seat on Pan Am.

The flight, which was scheduled
for London, had the same fare
policy.

I was actually on this flight by
incidentally, the object of this
essay — began when I arrived
at the Pan Am lounge for standby
passengers to London. I found
she was already and felt relieved; it looked
as if with so few people ahead of me,
I might indeed get a seat.

"Who the hell goes to London
in the winter," I thought, trying
to make the fear go away and won-
dering about the best way to main-
tain a sense of perspective on the
long night (I was faced by a cer-
tain wait from midnight till 6:30 a.m).

Queue Forms

I noticed that no one had yet
gone up to queue — up, as Brittishers say — in front of the
ticket counter. The reason was
that a list had been started, but by
the time I arrived and was doped
to number fifty or so.

Without any fearfulness, several
people had taken charge. They
made a rule that anyone not
sworn to the standby line by a
ticket
er name by a certain hour would be
eliminated from the list. They
got everyone in line and then, after
checking the or-
der of the line against that of the list.

Eventually, I was able to
sit in front of the list.

While all of this was happening,
I must admit to feeling re-
sentiment, at times, and an unwill-
ingness to be left behind at the end of the
list. It seemed as if the list
were perpetually a way to
charge to insure their priority; that it was in their hands, not
mine, was a continual source of
suspicion. I did not like being told
what to do but, nevertheless, realized the whole
while keeping a constant lookout for "the fast shuffle."

This edginess was pervasive; of-
ten those in line for hours would
hurtfully "tave in" on the ticket

(Continued on page 6)
The University bookstore now carries a full line of study aids and maps. No figures are available on student purchases.

ABA team visits VLS
by Mark Cherper

A team of inspectors, sent by the American Bar Association, visited Villanova Law School during February of 1978. The team, consisting of Dean Gerald Abraham, assistant dean of Columbia University School of Law, Professor William M. Treaster, and the Spessard L. Holland Law Center of the University of Florida, arrived on February 7, and departed on February 23. Mr. Fligel, assistant dean of the Georgetown University Law Center, was also scheduled to arrive, but was delayed on account of inclement weather in his arrival.

Once on the scene, the inspectors observed tax classes taught by Professors Barry and Schoenfeld. According to Dean Abraham, the team inspected primarily for the purpose of looking at the progress of the ABA's section on Legal Education at that time.

Abraham added that it is not spelled out in the ABA regulations what the team would be permitted to observe by this new program. But both Abraham and Dean O'Neill were confident that the ABA would lend its approval.

O'Brien expressed concern that approval would be forthcoming in time to initiate the program in September 1978. He said that he hoped approval would come at the mid-winter ABA meeting in February, and told The Docket that he planned to attend and might discuss the plan with members of the ABA's section on Legal Education at that time.

The proposed graduate program would be based both within the law school and the School of Commerce and Finance of the University, in the sense that students from both schools would participate in the evening classes held at the law school. However, the degree will differ; a L.L.M. will be offered to lawyers taking the course, while Candid students will receive their M.B.A.'s.

When interviewed by The Docket, the many "internal and external" benefits that will accrue to students as a result of the new program. Although it is expected that the program will be self-supporting, it is not anticipated at this time, that it will make a profit.

A society was created

(Continued from page 5)

desk when it appeared that a group of negotiators had disagreed on the line and pulled up to the counter with their luggage.

Only once was there a real crisis, according to Chairperson Peter Swords, when a man had, instead of signing the list, ran into the line in front of the counter. When informed that a line was now being created, he became agitated, asserting that he was not going to give up his place. The negotiations were tense, owing to the astounding permutations by adamnment that the proposed goals were biological allusion. Ultimately, the intragendent traveler submitted to the list and a fight was avoided.

In fact, not only was a fight avoided, but more significantly, there was no conflict when the Pan Am agent ticketed the first man in line and no more. The rough and tumble negotiations had prevailed all night was most impressive, when it proved sturdy enough to hold the line intact.

It was really some time later that Mr. Swords realized what had happened that long night in New York and why I now say that we miss the most important phenomena of life. For what I had been part of was the creation of a society on a microscopical scale.

Unwittingly, I had participated in the kind of coming together that most student study at one time or another in a Politics class.

John Locke, if the not the most famous, but one of the most influential, Enlightenment philosopher most surely understood the revolutionary thought, described the process in his Second Treatise on Civil Government.

Society Umpires

...private judgement of every particular being excluded, the community comes to be umpire and by understanding different interests that had prevailed all night was most impressive, when it proved sturdy enough to hold the line intact.

An umpire is appointed...and men authorized by the community for their execution, decreeing differences that may happen among any members of the community.

For Locke, the result of this 'coming together' was an end to that state of nature and the formation of a civil government. Men's interests were ultimately the emphasis of the social contract, and the social contractime of personal sovereignty; the government's ultimate aim was to protect the people.

The more I reflected upon the thought that I had been part of such an instructive 'coming together,' the more I realized how amazing the process was and, yet, how commonplace. In its simplest form — human courtesy — the withholding by each person scores of times each week.

"Also I saw that its most common group of people are forced to live in different directions — the result group structure was an awkward fragmentary one. It was fast and not obeyed by the group, which would certainly have been violence and then, total chaos, as those in line, by line, fell back compelled to obey and to deny their own desires to refuse the ticket. IT WOULD HAVE BEEN TAKEN ONE!

The whole episode drove home with suddenness that it is the understructure for society. It is a successful one, and carries a great burden. Nonetheless, it is fragile because of the constant threat of disruptive forces represented in my experience, by the man who would not sign the list at first.

Now, in my story, the group order was preserved by those who had taken that course of action in an informal way. They were able to talk with the man and convince him to sign the list.

A Composing Force

In more complex situations, I doubt that such a group of people would work. Rather, there would have to be a system of justice whereby conflicts were resolved and where the forces were umpired, as Locke phrased it.

If a lawyer understood precisely the fragility of the union of peoples in any society, he would undoubtedly consider himself a cementing force in that society, as one whose daily occupation helped it to keep from flying apart.

This should be a sobering thought. Legal services, will be reminded by it of the grave responsibility which they have not lived up to. To find, and of the great majority, it lends dignity to a job that in other times was often passing through moments that strip dignity away. At least, the importance of the public role and THE PRESERVER should be reassuring.

Welding Power

My point is this: if the lawyer is interested in preserving order, he would do better to understand just what it is that yields compliance among people in a society, than to know what passions force its breakdown.

In his role as the drafter of laws and formulator of policies, the attorney must comprehend that point at which the normal, welding force that social cohesion will be torn to its limit and then, broken. It would be far more sensible and less disruptive to design laws that could not be enforced.

But what the lawyer will know is if he pays close attention to "the mysteries of the commonplace."
Lieberman watches pols who pull the string.


A graduate of VLS, class of 1972, and a former Review and Order of the Coif, Lieberman was both Law Review and Order of the Coif. At the point where we take up the interview, Lieberman is still running around in his role as the deputy to the district attorney, and he takes the opportunity to say a few words about the importance of “momentum” in his work. He told The Docket that “momentum really meant credibility with the public and that it was essential to a successful prosecution, to the cooperation, and to the gathering of evidence."

If you can’t deliver ... in other words, you’re not going to go forward. For example, why should a guy stick his neck out to testify against a powerful man if he feels the result is going to be not guilty or no indictment? His neck is on the line and if the Federal Government didn’t deliver, that’s a hard thing to do. So really momentum to me means the public and that it was essential to a political situation, but the public doesn’t care about momentum, they care about results. You care about momentum for a reason that is not going to be clear to them. That’s why you have to worry about the problem of the general public corruption area. Now, when I moved to Philadelphia, there were a few years of momentum in my work. It was ten years ago, no.

I have no basis for responding to that question at all."

Cohen: I think you might like to contemplate how much of the public’s view of the politicians is based on the public corruption. The public might be more willing to believe the politician’s explanations of what goes on in government than the politician’s explanation of what goes on in government.

Lieberman: I'm a firm believer that politicians do not want the public to know what goes on in government. That is what my office is working. That is the result of a contest in that office which is won. It is in the public interest, in the public interest because it is the result of a contest with that office. The result is always to be won.

Lieberman: I think that the public is more aware of the work that we do here. A good prosecutor is a low-keyed prosecutor — he doesn't work his cases or try his cases publicly. But the publicity surrounding tells you that there is a public corruption "momentum" in his work. He told The Docket that “momentum really meant credibility with the public and that it was essential to a successful prosecution, to the cooperation, and to the gathering of evidence."

Cohen: I understand you had some experience as a low-keyed prosecutor, and you do have an ongoing program with the U.S. Marshall to give new identities to witnesses who

Lieberman: That is something that I do not want to talk about. It is a very detailed,Jay. It's called the Witness Protection Program and it is used to protect the witnesses. I do not want to talk about it. I believe that this program that we have here depends on one man is a fool. The FBI is in it. This office has very capable men who are working these corruption cases.

A good prosecutor is a low-keyed prosecutor

Cohen: I understand you had some experience as a low-keyed prosecutor, and you do have an ongoing program with the U.S. Marshall to give new identities to witnesses who..."

Lieberman: I think the U.S. Attorney can be picked strictly on merit."

Cohen: I've heard recently that the President and the Attorney General are going to name but it is not beyond happening that the man they name will be of the same party as the one who removed from office. It is hard to imagine that there is a law enforcement group that can do battle with the big guys out there. I don't think we've done that.

I think the U.S. Attorney can be picked strictly on merit."

Cohen: Have you found that you have too much work?""

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Lieberman: ... If you can't deliver in...""

Lieberman: Yes, he was! He was at one time, talked about the legal profession in...""

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Lieberman: Yes, that's what I meant.

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Lieberman: My opinion is that the U.S. Attorney's office must be apolitical.

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Cohen: How does a case come to your attention?..."

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Lieberman: Well, they come in many ways. You see a transaction reported in the newspaper and it doesn't look quite right. You look into it preliminarily — you dig deeper, maybe there's more to it. Anonymous informants call us on the telephone and direct us to go look there, go look here. Sometimes a victim will come forward and create the impetus to go forward in a particular area. There are cases I've broken on my own because I've been told by people that we ought to take a look here and there. That's how cases are started in the initial investigative and fundamental beginnings.

COHEN: Have you found that political corruption is worse, quantitatively or qualitatively, at the state level or can't you really distinguish?

Lieberman: If you understand your question — it is worse today than it was fifteen or twenty years ago.

COHEN: No — what I meant was — can you say there is more corruption in the state legislature or Congress, for instance?

Lieberman: I have no basis for responding to that question at all."

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Lieberman: My opinion is that the U.S. Attorney’s office must be apolitical.
Sandy Moore declares moral equivalent to war on the snow.

the Plays and Players Company will present a dramatic reading of George Bernard Shaw's Mary's Hall and marvel at the wit and the devil in the philosophical debate. The third act of Shaw's Don Juan in Hell is the seldom performed third act of Shaw's Man and Superman. Because this intellectual exchange of wits is so difficult and demanding, it has rarely been staged since it was performed as a major Broadway hit when done as a reading by the late Charles Laughton.

Don Juan is the pivotal character in the philosophical debate. Having lied a passionate life, he is convinced that humanity must be rational. This stance leads to the interplay with Dona Ana, the devil. Don Juan is played by New York actor, having worked with Roy Scheider, a veteran Philadelphia actor, Donald Cameron.

Photo by John White

Donna Ana's father, who has been killed in a duel by Don Juan, is played by veteran Philadelphia actor, Daniel Flood, under investigation for alleged irregularities in the financing and construction of a new addition of the Hospital. Eilberg's law firm received half a million dollars in fees from the hospital for work concerning the project which was heavily funded by the federal government. Eilberg denies any irregularities or conflict of interest, claiming that a separate partnership was formed to deal with the problem. He also denies that he even knew he was under investigation until the day before the hearing held by the President Carter, Rep. Flood is under investigation for accepting bribes and kickbacks. President Carter denied that he knew of these political investigations at the time he received the phone call from Eilberg, and an investigation by the Justice Department confirmed his statement. However there was an enormous public and political reaction to the "firing." The President and Bell freely admitted that the "firing" was part of the customary partisan political process, but they insisted that the replacement would be chosen on merit, and would be "the right person." However, the circumstances of the ongoing political investigations coupled with U.S. Attorney's office's record of convictions of political figures under Marston has thrown a shadow upon the credibility of the promise of the Carter administration that they will appoint purely on the basis of merit. Marston himself admitted that this promise was now "a useless pretense because "he pushed too hard on too many fronts." Attorney General Bell offered to keep Marston on for a few months until a suitable replacement could be found, but Marston resigned, climaxing his situation as a lame duck, he would jeopardize his investigations, and that he would only be able to get a guaranteed full term. Bell's decision was final and Marston bitterly picked his things and left.

Cannon plays devil

It is of special interest to Villanova Law School students that our own Professor George Undercofler will play the part of the devil. Though he has gained notoriety here for his extensive performance in the plays and players the Law School's spring production, Professor Cannon is also a world-recognized Philadelphia actor of credits with several theatrical productions on the appeal of Don Juan in Hell to contemporary audiences, Professor Cannon explained, "It is topical in an intriguing way as it explores the relationship between the sexes. Though it was written early in this century, it deals with the feminism in an interesting way."

Treat yourself to an evening away from the books. Shows written work is a masterpiece in the performance of talent, experience, and enthusiasm. Don Juan in Hell presented by the Plays and Players promises to be a memorable production. Don't miss it.

Placement

(Continued from page 2)

search or of acquiring a full-time legal position. Law students better their social, professional, and conduct records if they are pressured to be professionally savvy before they are professionals. A time some time most employers are constrained by the severity of times and regarding him as a risk-taking venture. The time and cost to an employer of a comprehensive recruitment effort can be overwhelming considering the number of applications they may receive.

"We are a nation of job seekers," noted Richard Bolles, a popular career counselor and author of What Color Is Your Parachute. Persons under 35 change jobs every two to three years and those over 35, every three years. "While lawyers are less apt to change positions as frequently as the national average, young lawyers are more likely to change positions for various reasons but the only reason that they actively seek new positions is that they have something here in it. Frankly I don't want to get into the Marston controversy, it is so complicated and it is very important that I will not want to get into it. I have no idea what it means. Cohen: Do you see yourself staying with the U.S. Attorney's office? Lieberman: I feel a deep attachment to the Department of Justice and the work I'm doing here. I feel that we will carry on in the same tradition in which I am going. I don't think that I have contributed something to that. I will perhaps have to move on for various reasons but the only thing I want from the next U.S. Attorney is the economy and the support that I had over the last two years that I've been in this office. If the next U.S. Attorney, whoever he is, he tells me that he's going to change my mandate or cut back against what I've pictured to be my function, then I'll have to resign. But I'm not going to stay on here, for the simple reason that we have something here that works and function very well in it. For one thing, I don't want to see it tampered with. So my only concern is that I will be able to do my job as I've done it over the last twenty months since Clayton has lost this position if he let me do that I'll be happy. Cohen: Maybe they'll bring Clayton back and the two of you can go on the road with tophats and tuxedos. Lieberman: That might happen.

I like to think I have contributed something

(Continued from page 7)

government were describing did not manifest themselves in the medical reports.

They were describing injuries, that when I heard it, seemed that the victims should be dead or in a coma. All that he suffered was a cracked rib. So the injuries that the government witnesses testified to the testimony of the beating was, "Oh, I have this cracked rib." So the injuries that Cradle had just didn't measure up to the testimony. And the testimony that the government witnesses gave together and the fact that, according to the prosecution, this was extremely difficult prosecution to be successful. But the kind of prosecution that must be brought to the light of day cannot succeed. Cohen: I know that you don't want to get into the Marston controversy, it is a very important issue but I've heard many names mentioned in connection with the present situation. I have never been mentioned in connection with his resignation. I've heard DeVincent named, mentioned, of course, as he was appointed acting-