Issue No. 14 (February 1971)
In all the discussion recently at law schools about grading and curricular reform and student participation in faculty and administration decisions, it appears that one highly significant proposal could be adopted forthwith. I refer to the establishment of a year-long course given by students for the benefit of the faculty.

The case for such a course is compelling and the mechanics of conducting it fairly simple. Students have a great deal to convey to the faculty—their legal experience in clinical work, a greater sense of the urgencies of the
times that are straining the legal system, their frequently greater familiarity with new techniques or bodies of knowledge of relevance to developing legal systems and their considered critiques of formal course work that makes up the law school's teaching pattern. There is substantial evidence that many professors are developing a keen appreciation that law students have much to teach as well as to learn. This recognition is bound to increase as law students, organized in investigating teams, begin producing first-rate empirical studies of legal institutions. But even for those members of the faculty who resist the obvious, a student course for the faculty can be justified as a steady feedback process that is bound to enrich the professor's response to his classes.

Once the principle of a student course is accepted, the mechanics could be worked out to maximize participation and efficiency. Law schools have always been good at mechanics. By way of suggestion, a steering committee of students, chosen by their peers, could organize the course content, decide whether to inflict an "eye for an eye" and adopt the Socratic method or develop another less time-consuming procedure, determine the kinds of demonstrative evidence to be utilized, the field trips to be taken and the spinoff benefits to be conveyed to other law schools and in journals of legal education. I am sure that many exciting innovations and benefits can be derived once such a course is adopted.

What the faculty may be realizing is that the breakdown in the last few years of its presumed or actual arrogance toward the students -whether ingrained or merely a teaching technique - is a wonderful experience. The rewards reaped are increasing displays of foresight - a quality of which the law schools in the past could rarely be accused - and a greater infusion of empirical and normative content in course and extracurricular work.

Some ground rules for such a course would obtain near unanimous support. There should be no grading and no compulsory attendance. I expect that the newspaper would welcome reactions and suggestions relating to such a proposal. Let us hear them.

[It is suggested that students and faculty submit their responses to the editors. Anyone interested in legal research projects should write Mr. Nader directly, at 1025 15th Street, Northwest, Suite 601, Washington, D. C. 20005].
Editorial

WHITHER S. B. A., INDEED . . . . .

In our October issue, The Appeal asserted that a new regime was making possible a "new S.B.A." of fresh insights, energetic solutions to law school problems, and important extracurricular offerings. We chastised "S.B.A.'s past" that merely "continued to vend decals, beer, and mimeographed final exams."

Imagine your editors' chagrin when, prior to the last examination period, the S.B.A. failed to render this valuable service—selling exams. Where else can one purchase six years of complex tort hypotheticals for 25¢? Your editors have culled substantial feedback from this failure to render this important function. The constraints of time cannot be the cause, for exam sales proceeded last Spring when vast numbers of law students "took to the streets." The organization has also suffered financially, and only the copying machine in the library is benefited by this omission.

The President of S.B.A. responded to the praise (in our October issue), stating, "We don't want a routine year. We don't want bland, drab, grey, prosaic programs and we don't want to be known as your 'do nothing' S.B.A."

Past practice indicates that exam sales are neither "bland" nor "drab." And the Gavel Award, we contend, is not "grey" nor "prosaic." January graduates exited our hallowed doors without being asked to state (vote) their preferences for the Gavel Award. A non-S.B.A. officer became the moving force, having received no satisfaction from the organization, and eventually persuaded the organization to "fund" to the extent of his postal expenditures.

A past officer of S.B.A. responded to The Appeal's praise of the new officer (in our November issue), suggesting that all "new regimes" begin with a bang, yet fold with a whimper. "... one most important reason why the S.B.A. has not functioned in the past as it should has been lack of support from students and its own officers. The current president of S.B.A. was on the last Executive Board, so he should be aware of this."

Bravo l'affaire Kunstler, the straw vote, the county prosecutor debate . . . . but let us retain the mundane, the exam sales, the Gavel Award . . . . and it is no longer" . . . . a little premature to be outlining the second semester."
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"The Appeal Interviews"

Beginning with the next issue of The Appeal, each issue will include an interview with a faculty or staff member, or student. Readers are requested to submit names of interest to any Appeal editor. Your interest will determine the continuation of this feature.

Ode to Mrs. Leffler

Mrs. Evelyn Leffler, Placement Director of the Law School, has transferred to the Education Department beginning with the beginning of the second semester. Her position here has since been upgraded from one of clerical status to one of administrative status with an attendant upgrading of salary.

Mrs. Leffler was one of the most popular members of the law school staff. Many students felt that she was directly responsible for shaping their legal careers. She was honored as the recipient of the Gavel Award in 1969--the only non-faculty member ever to be so honored. Mrs. Leffler is also highly regarded by the law firms and government agencies that she contacted during her tenure with the law school.

Mrs. Leffler served not only as a job coordinator, but was also a ready listener to the problems of the students. She was interested; she was a friend. She will be missed.

We extend a warm welcome to Mrs. Ann Mitchner, our new placement director.

Moot Courtroom Floor

The current activity taking place in the moot courtroom is not concerned with oratory or judicial notice but with renovation. Currently, work crews are placing new flooring to replace the rubber-based tiles used previously. This change was necessitated by the "puckering" and warping of the old tiles that created irregularity and loosened tiles. This was a potential hazard to students and the general public who use the moot courtroom. The cause of the difficulty with old tiles was moisture which seeped through the cement floor from the unexcavated ground below the moot courtroom. This moisture reacted with the material which formed the basis of the tile. The new flooring is of a different composition that can withstand the seepage of moisture.
CONFERENCE ON POVERTY LAW

During April 15-17, the law school will host a conference on poverty law for attorneys in OEO-founded Legal Services Offices in Indiana. Professor William Popkin, who is planning the program, hopes as many as thirty LSO attorneys attend, along with other legal aid lawyers and interested members of the bar.

The purpose is primarily educational. Six I.U. professors will speak on a particular subject, with first a panel discussion and then a question-and-answer period following. The subjects covered and appropriate dates and speakers are:

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Students are invited to the Conference, which will be held in the Moot Court Room.

SHERMAN MINTON MOOT COURT COMPETITION

By Joel Mandelman

The 1971 Sherman Minton Moot Court Competition promises to be one of the most interesting in years.

Competitors will be arguing a case involving one of the most important Constitutional issues in the last few years: the alleged right of a newsman to keep confidential the sources of his news stories. The inspiration for the problem is the continuing controversy between the Justice Department and the New York Times over the refusal of a Times reporter to disclose the source of a series of articles he wrote about the Black Panthers.

The case was argued in the 1970 National Moot Court Competition by Dirk de Roos, Joel Mandelman, and Mike Schaefer, who represented the Law School in the Regional Round in Chicago, this past November.

The Minton competition is open to all second and third year students. Unlike the first year moot court program, students are on their own. They are free to attack the problem from any point of view they desire. No one is required to submit outlines, preliminary drafts, etc., to a Teaching Associate or professor, nor are any grades involved.

The competition is an excellent opportunity to gain some first hand experience in dealing with a legal problem in the same manner a lawyer would handle it in actual practice. The experience gained is well worth the effort involved, even if it means taking a reduced course load in the Spring.

WORK OF THE COMMITTEES

Many of the functions of the Law School are performed by committees; all have some of the faculty as members, some also have students as members. The Appeal has consulted the chairmen of many of these committees to see what they have been doing this year.
Scholarship Committee

The I.U. Law School attempts to financially aid as many students as possible. However, it is limited in resources to donations from friends and alumni and allocations from our beneficent legislature. Once these funds are received, the job falls to the scholarship committee, headed by Professor Pratter, to allocate these funds to specific students.

Unfortunately, more students apply for aid than receive it, almost at a 3:1 ratio, and those who do receive help naturally don't get as much as desired. Mr. Pratter stressed that the committee tries very hard to be fair. The decisions are necessarily subjective, but the committee tries to apply the few established principles it has. Policy questions like basing awards on need v. merit or entering students v. upperclassmen add to the problem.

Basically, though, the committee requires need before considering any other criteria. From there, aid is awarded on the basis of merit and achievement. The latter is easily determinable, but need is very complex. Consideration must be made for cars, wives and their occupation, jobs, age, possibly family background, place of residence, and so on. Obviously, it becomes impossible to establish an objective criteria for awards.

The committee tries to maintain scholarships to students already receiving aid. Achievement is weighed, though. A general law school policy is to increase legal education to minority groups, and a positive step in implementing this philosophy is through scholarships. Consequently, special consideration is given in granting awards to minority group members, but always with need as the primary criteria.

The scholarship committee did distribute emergency funds earlier this semester to several students. The committee embodies student members at the policy level, but consists solely of faculty when deciding individual awards. It will not begin work until April when funds are allocated and admissions accepted. Those already in school will receive word about financial help in July after the spring semester's grades are determined.

Teaching Committee

The role of the teaching committee, headed by Professor Brodley, is encouraging teachers to improve education through various suggestions and ideas brought to its attention by students or faculty. As an example, the committee recently suggested to the faculty that better communication with the class could be accomplished through occasional informal meetings with students, possible facilitating better expression and exchange of ideas.

The purpose of the committee is one of suggestion for improved methods of teaching, not evaluation of faculty. Its work has been rather limited this year so far, and it welcomes suggestions from students and faculty alike.

Curriculum Committee

The student-faculty Curriculum Committee met with students three times last semester to discuss reform in our class schedule. It has practically decided on a major proposal which it will submit to the faculty in January or February. Basically,
the proposal will reform the freshman schedule, requiring only three major courses (Contracts, Criminal Law, and another) and legal writing the first semester, and having no requirements in the second semester other than moot court. The idea is to reallocate the hours between first year and the last two, though the faculty may decide to merely change the number of required hours for graduation. Currently I.U. requires 82 hours to graduate, the ABA established 72 as its minimum. However, other law schools require 90 or more. Professor Boshkoff is chairman of the committee.

Appointments Committee

The function of the appointments committee is to examine resumes submitted by candidates or friends for positions on the faculty. If interested, the committee, consisting entirely of faculty and headed by Professor Boshkoff, invites the candidate to Bloomington to meet the faculty and students. Generally, the committee arranges for the candidate a lunch with students only, giving both a chance to learn about each other. Several preliminary interviews took place in Chicago at a convention of law schools over Christmas vacation. The law school will probably hire three new faculty members for next year.

Recruitment Committee

The recruitment committee has conducted extensive "advertising" of the I.U. Law School at most other colleges in the midwest, including every other Big ten school (except Iowa), Duke, two schools in Washington, D.C., and two in St. Louis. Organized by Professor Tarlock, approximately 3/4 of the faculty has made at least one trip this year, normally with an I.U. student. Usually it's a pre-law day, a program sponsored by a school which invites recruiters from many law schools to meet with interested students. Since interest in Indiana intensifies the closer the distance to Bloomington, the law school recruiter will speak to groups at Indiana schools and to students individually at most of the out-of-state schools.

This is the program's third year, and recruiters have visited close to thirty schools this year. Although difficult to determine its success, applications are up considerably this year.

The most encouraging sign comes from pre-law advisors, who see interest in Indiana is growing with each recruiting visit. I.U. faculty, while talking to advisors, offer them a catalog, the Dean's Report (on reserve in the library), and the handbook, which is proving very useful. Another factor which is indirectly helping our Law School get before a larger audience is the monstrous number of conferences held at I.U.

Incidentally, the I.U. Foundation finances the trips.

Admissions Committee

Professor William Popkin, faculty head of the admissions committee, reports that applications have risen approximately 75% over last year and that more than
130 acceptances have already been sent to the top applicants. As of February 17, 872 students had applied, although for some Indiana is a secondary choice and for others the costs will prove prohibitive. Nevertheless, out-of-state applications have doubled, while in-state applications are 25% more than last year.

Needless to say, I.U.'s standards are rising. The mean for this year's freshman class is 598 on the LSAT and 2.9 in GPA. While the statistics are unavailable for the new applicants, the larger number insures a continued growth in higher quality students. Mr. Popkin quickly points out that these are not the only criteria for acceptance, but that each application is carefully investigated.

Prizes & Awards Committee

Each year the law school presents many awards and prizes to students for accomplishments in different areas of legal scholarship. No students are on the committee, but most prizes are automatic. The committee is not concerned with Coif or Law Journal.

Some of the awards are:
American Jurisprudence Award: based on the highest grade in a selected course, picked by Am. Jur., the awards include notes on American Jurisprudence.
Prentice Hall Award: given to the leading student in taxation, usually selected by Professors Popkin and Oliver, the award is a copy of the Federal Tax Guide.
U.S. Law Week Award: a prize of a year's subscription to U.S. Law Week is given to the student who made the most satisfactory progress in the final year of law school. The award is presented to the student who's accumulative GPA for all 3 years shows the greatest increase over his GPA for the first two years.
CJS Award: selected titles from CJS are given to the first, second, and third year law student contributing the most to legal scholarship. The first year award is given to the freshman with the highest GPA, the others are usually awarded on the basis of law journal work.
West Publishing Co. Handbook Award: presented to the person with the highest GPA in each class, the student selects the hornbook of his choice.

The above awards are traditional, and there are others which are awarded in a particular year but not at a regular basis.

The most interesting part of the awards and prizes area is the advantages in entering the various essay contests held each year. The annual contests can be found at the beginning of the law school catalog, and any special contest the law school is asked to participate in is posted on the bulletin board. There are cash prizes awarded to the top papers, usually award for the best paper from our law school with the opportunity to win in national competition as well. Best yet, one can receive credit while trying to win money through the B706 Independent Research Seminar.

Mr. Thorpe, chairman of the committee, noted rather poor participation in this area except for seminar participation, and hopes that this can improve in the future. Perhaps many students in the upper classes can give consideration to this opportunity before enrolling for second semester. The awards are usually presented in the spring or early summer. Any questions should be directed to Mr. Thorpe.
"LAW AND THE ENVIRONMENT" AT I.U.

As part of the university-wide Focus series, the law school is presenting in late February a conference entitled, "Law & the Environment." Participants will consist of authorities from universities around the country and a lawyer in Ralph Nader's firm. It will be an open panel discussion in the Moot Court Room, followed by meetings with smaller groups by each participant. Organized by Mr. Tarlock, the program will be academically inclined to find solutions to the existing problem rather than pin guilt on anyone. The date will be February 26, 1971.

FLASH

SBA To Sponsor Ali-Frazier Fight

At press time it was learned that the Student Bar Association will sponsor a closed circuit broadcast of the Ali-Frazier championship fight to be held March 8th.

According to Dick Boyle, S.B.A. President, the proceeds of the endeavor will be used to finance scholarships for law students.

Ticket prices are $6 for students and $10 for non-students. They may be obtained at the auditorium ticket office or by writing:

Fight Tickets
I.U. Auditorium
Those 4th Floor Blues Once More
(an original poem by John Schwartz)

There is meaning here
except for those who need it.

I'm tired of you
I'm tired of me
But I can't leave here
because then where would I be.

You're either too far above me
or too far below me

I'd like to understand you
But I cannot be you.

Two-way mirrors are old hat
Very gauche wouldn't you say
  Can't see nothin that ain't been seen
  Might as well read a magazine
But then old man Death
  He makes the scene.

I've been lectured from A to V
been beat over the head with relevancy

But underneath the Grim Reaper's cloak
I see myself saying it's no joke
  That's right I say there's no mistake
You are the one to the grave I'll take.

Don't slow down don't read it again
Whatever you missed it'll keep till then
Till when?

I'm not God I'm not even his son
But if he were here I wouldn't run

Not even to him.

I wish I knew Bob Dylan
I wonder if he lives like this
"LAW AND ORDER" AND ITS RAMIFICATIONS ON
BLACK POLITICAL LEADERSHIP: GENERAL DAVIS
AND MAYOR STOKES IN POINT

Alphonso Manns

I. BACKGROUND

The office of mayor of a large metropolis is expected to be confronted with a number of astonishing events. However, the resignation of a high public official from the administration for the alleged reason that the mayor has been rendering support and comfort to the enemies of law enforcement is enough to cause great havoc and widespread public concern.

During the summer of 1970 the mayor and the citizens of Cleveland, Ohio received the following message from their safety director:

Dear Mr. Mayor:

I find it necessary and desirable to resign as director of public safety.

The reasons are simple: I am not receiving from you and your administration the support my programs require, and the enemies of law enforcement continue to receive support and comfort from you and your administration.

I request your acceptance of my resignation at your earliest convenience.

B. O. Davis, Jr.

The message was sent without any prior public notice, major public disagreement which drastically affected the welfare of the city, or disruption in the administration. However, there were events which may lead one to accept the proposition that Mayor Stokes and Gen. Davis were in disagreement on several issues of public concern since the general's appointment to office.

Even though there are differences between these two men in their education, training, and professional experience, the most interesting social facts about them are that they are black, were reared in similar neighborhoods in Cleveland, and had achieved positions in their careers which are unprecedented in Afro-American history. General Davis served a glorious and heroic career as a combat pilot in World War II and later achieved the rank of lieutenant general in the U.S. Air Force. Mayor Stokes rose through the political arena as a public servant to be elected to the highest executive office of one of the nation's large and industrial cities.

After having retired from the military service the general was appointed as the safety director of Cleveland on Jan. 24, 1970. He was received by the citizens of that community with great satisfaction, hope, and expectation.
that the high and incredible crime rate of the city would be halted and reversed. Most factions of the community and the local government felt that the general had the ability and the credentials to accomplish the enormous task for which he was vigorously sought. However, barely six months had passed when the general decided that he could not function to his satisfaction under the political atmosphere which surrounded him and the mayor was not giving him the kind of support he considered necessary to do his job.

What did the general mean by his assertion that the enemies of law enforcement continue to receive support and comfort from the mayor's administration? Without any explanation or reference to specific incidents or facts, the general had characterized the Stokes administration as being without integrity and honesty.

This situation could only require the mayor to demand that the general support his charge by identifying the elements to which he referred. The general refused to do so by declaring, "I just don't have anything more to say. I'm not going to get into a public debate with the mayor. I don't have anything more to say."

The mayor was not satisfied with this response; nor was the public. The mayor announced:

It is important, I believe, to the city that the general produce such a list so that the community can evaluate for themselves, first, if in fact they are enemies and secondly, if in fact my administration has aided them.

Only when the general has produced his list of these enemies of law enforcement can we - that is, all of us - me as mayor, elected officials, the news media and people of the community - evaluate whether they are people who have philosophical differences of opinion from that of the established law enforcement authority or whether they in fact enemies in the militaristic sense.

If the general's list is composed of those who work within the system but disagree with it, then I have no problem with his charge that I give them support and comfort. I too believe change in the criminal justice system is necessary.

If this list, however, consists of revolutionists, violence-prone troublemakers then I am going to take serious issue with the general saying I have aided these groups.

Being the decisive man that he is, the general said nothing more concerning this particular matter. Thus, the mayor decided that he had no other choice but to compose a list of the possible elements to which the general may have been referring from their past conversations, or suffer the consequences of the general's accusations. The mayor produced the following list:


2. Rev. Baxter Hill, militant head of Pride, Inc. and Communiversity (both youth programs) and former member of the Community Relations Board Staff.

4. The Cleveland Council of Churches, a composition of 675 churches with a number of community programs.

5. The Cleveland Call and Post, the local black weekly newspaper.

6. The Friendly Inn Settlement House, a local community center.

7. The United Committee to Combat Fascism, a political affiliate of the Black Panther Party.

The general replied that this was only a partial list, but failed to contribute to its completion.

From the facts and events the general thinking of the people was that the split between the general and the mayor was ideological. The crucial questions were: 1) How should the law be enforced and not whether the law should be enforced? 2) How should the critical opponents of the general be controlled, if such control was necessary?

The general had received considerable criticism from various sources in the community, including some of the above-mentioned elements of the mayor's list. There was opposition to his decisions in support of the police department's actions or lack of action involving some sensitive and racially-based developments in the city. The Friendly Inn Settlement House, a place where people from the black community meet and talk, had been used as the meeting place for the United Committee to Combat Fascism.

The general wanted the mayor to take action against each of these persons and organizations. Where funds could be withdrawn through administrative pressure the general wanted the mayor to do so. In the case of the Friendly Inn Settlement House he wanted the mayor to close the facility. The general also wanted Rev. LeMon relieved as director of the Community Relation Board because the reverend was involved with community groups who opposed Davis. He also felt that the Cleveland Call and Post was critical of him, and as a result undermined his effectiveness.

The mayor refused to act against these people and organizations because he felt that he didn't have just reasons for doing so, even though he was not sympathetic to the United Committee to Combat Fascism.

II. DISCUSSION

A. Commitment to Leadership. This entire matter strikes at one of the most controversial issues of today, "law and order". From an objective viewpoint the fact that the mayor and the general are both black makes absolutely no difference. If public officials expect to remain in office, they would have to enforce the laws. From a subjective viewpoint a difference in environmental experiences between men may be of sufficient magnitude to cause concern in evaluating the risks which must be balanced by public officials to ensure that society is protected from conceivably
disruptive pressure groups. A good example is illustrated by the action taken by Mayor Stokes on one occasion by withdrawing the white policemen from a shoot-out between the police force and some black revolutionaries in 1968. However, the equitable administration and enforcement of the laws in a democratic society demand the same commitment to leadership, regardless of the racial or national origin of its leaders.

It can be hypothesized that if any black candidate for public office ran on a ticket of "law and order", his support from the black community would be considerably less than his opponent. If a black candidate ran on a ticket of "law and order, with justice", he would probably receive moderate support from the black community. These hypotheses are based on the fact that the black community is divided in its confidence in the administration and enforcement of the law. However, the black community would accept with full cooperation the protection of its citizens, as should be provided by its city officials. Yet, the black candidate who avoids the words, "law" or "order" would probably receive overwhelming support from the black community, provided that his campaign promises are compatible with the interests of the black community.

General Davis was not a political candidate, but as a public official he had become the symbol of "law and order" in the black community. He had not become tuned to the problems of the black community (not to say that he would have). An example in point of this hypothesis was the controversy as to what happened in another shoot-out when scores of policemen went to serve a peace warrant on some Black Panthers in 1970. As reported by Charles Stella of the Cleveland Plain Dealer:

The police version of what happened is at odds with accounts given by some blacks who were on the scene. Davis' response to this was that there was nothing unusual in the tactics used in the police raid, and no investigation of what happened was necessary. But a lot of blacks didn't buy that line. A thorough investigation would have cleared up nagging questions.

The Rev. Roger Shoup, pastor of Calvary Presbyterian Church, Cleveland, Ohio said to the Cleveland Press:

Many people in the black community felt that Davis didn't react with the same diligence to the stoning of blacks in Murray Hill and the continued harassment of blacks on the West Side as he did in the raid on Panther headquarters...

There was no question that the general had gained the respect and admiration of the police department. He had raised the morale of its officers and made improvements in the overall law enforcement operation. An editorial of the Cleveland Plain Dealer said:

Davis brought a refreshing degree of integrity, professionalism, and dedication to the job of overseeing the city's police and fire departments. Because he is black and a military hero, he was uniquely well qualified to contribute to the cause of racial betterment at the same time that he promoted effective and humane law enforcement.
However, it was the consensus of many persons that he had not dealt with the basic problem of police-community relations. Therefore, the general received considerable criticism from elements within and outside the black community.

There is some evidence that the general felt there was some sort of general conspiracy to alienate him from the black community, destroy his reputation, and make his efforts ineffective. The Cleveland Plain Dealer reported that the general had spoken of foes who tried to alienate him from the black people and revealed that he had decided as a consequence to quit after a previous week's black nationalist demonstration in memory of blacks killed in a Glenville area shoot-out involving the police.

But, one citizen, Miss Norma Owens, remarked:

<Any feeling person would realize that a parade is a far more constructive outlet for inner feelings, than burning and throwing bricks. I, for one, am not sorry to see General Davis leave.>

The possibility that General Davis could not adjust to civilian life as a public servant is a plausible hypothesis. As one citizen, Joseph Guillouzet, said:

General Benjamin O. Davis is not the first military man to fail under the give and take realities and pressures of representative government...

Military and civil government leadership are two entirely different skills. Soldiers, at every echelon, obey orders or face due penalties. Voting citizens are less cooperative and far more contentious.

However, every black public official who is related to the law and who expects to deal with the black community will have to meet the test of "law and order". The question is on what side of the fence does he stand; justice for all the people or justice for some of the people?

B. Methodology of Law Enforcement. Methodology of law enforcement is an important aspect of the principle of a democratic system. There is no question that law enforcement officials are needed to protect the nation's citizens and ensure civil order. For the reason that law enforcement officers bare arms they should operate from a well-trained and disciplined organization; nevertheless they are subject to the critical evaluation of the public and civic officials. In contrast, totalitarianism in the name of "law and order", including the lack of responsiveness to the needs of the community and the inequitable administration of the law, seriously undermines the democratic system. Every moment the democratic system must face the crucial test of its functional validity and its philosophical significance in a complex pluralistic society.

"Law and order" is simply not enough. Democracy demands more than esoteric platitudes offered to resolve public grievances. The people need and demand more. The complexities of human relations and varied interests
demand more. Therefore, more is demanded of public officials. One must not only be competent and able to interpret and comply with rules, regulations, and laws, but one must possess compassion, understanding of fundamental human rights, and ability to deal with complex and sensitive problems.

C. Eradication of Institutional Racism. If a people feel that they are being oppressed, and the oppression is supported by public officials for the sake of "law and order", then their adherence to this theme would have a connotatively adverse effect on the thinking of the people. Anything which or anyone who is identified with it would have a similar effect.

In this country institutional racism is the underlying cause of oppression of black people. Institutional racism are those patterns of human behavior and thought which have developed through the constant indoctrination that one racial group is superior to another or that a certain racial group belongs in a certain economic class; all of which is incognizably built into the system through the bias nature of administrators and is manifested in the exercise of discretionary power or authority, or in those cases of blatant disregard for fundamental human and legal rights. The irony of institutional racism is that it can work itself into any economic or legal system. The United States Commission on Civil Rights calls it "racism and institutional subordination." See Racism in America and How To Combat It. Clearinghouse Publication, Urban Series No. 1, January 1970.

A black public official, regardless of the historical background of this nation's toleration of racial discrimination, should not assert those policies which would produce the same results in reverse. However, the black community would generally expect the black public official to recognize that institutional racism exists, and he has the responsibility to expose or eradicate this evil whenever it appears before him in the exercise of his office. If he doesn't recognize that institutional racism exist, the assumption is that he is terribly naive or he doesn't care, or he cares but he is totally inadequate to do anything which would ensure appropriate results.

A black man's success may depend upon his non-involvement in racial issues. Assuming that involvement is a liability, one's assets would be useless in many cases. The author believes that this was the case of General Davis. General Davis could not have become a three-star general in the U.S. Air Force unless he was the man that he is. There is nothing dishonorable in this approach in life, because there are very few of us who have the power to influence the thinking of masses of people or make great changes in cultural, economic, or political patterns. One can only contribute his worth to society in the manner he perceives appropriate as an individual and commensurate with his talents.

III. CONCLUSION

According to the mood of the black community the traditional parry of racial issues by black public officials will no longer be tolerated where discrimination exist. Racial discrimination is blatantly wrong and the deplorable human conditions of black people is its prodigal result. Problems are solved by first recognizing that there is a problem. If there is a problem, the public official should provide a solution or improve
the situation within the scope of his authority and influence. Otherwise, a black public official who ignores the needs of the black community is guilty of what is commonly referred to as a "cop-out".

Since "law and order" connotes the need for public decorum before justice, instead of vice-versa, a black public official's harmonious identification with "law and order" is conceived as a "cop-out". Thus, the black public official must clearly demonstrate his ability to rationally deal with the common problems of all people, but also deal with the special problems of racial discrimination to provide for black people the kind of representation they so badly need in public service.
"WOULD YOU BUY A USED F.T.C. MANUSCRIPT FROM THIS MAN"?

Poor Eddie Cox, the daring crusader,
Whose father-in-law may be "Dicky".
To White House insider
From "Ralphie's Raiders"—
Now who did you say was "tricky"?

A SIMPLE SOLUTION
by Russ Bridenbaugh

Even though America's troubles seem to get worse and more complicated,
I cannot help but think that the answer is really very simple and has been
there right in front of us all the time.

My thesis is this: Take every major issue or problem and you can usually
find two sides—one for and one against. It takes no genius to realize that
this is what the typical athletic event is all about. So why not organize
a tournament to be played like any other sporting event, only we pit the
problem makers against each other in a regular round robin.

First, though, we need some ground rules. Referees will be supplied by
a non-partisan delegation made up of the following: one Israeli, one Egyptian,
one East German, one West German, one Russian, one Chinese Commie and fifty
Poles.

All events will be scheduled to be played in the IU stadium. Any means
of offense and defense are acceptable. (except nuclear weapons which are sub­
ject to a Bloomington city ordinance, and cannot be brought into Monroe Co.).

Well, you can't tell the teams without a program, so refer to the big
lineup on page __, for what I think would be an ideal paring of players.

Game 1: Black Panthers vs the Combined New York City—Chicago Police forces.

Game 2: Radiclubs (radical liberal Senators) vs Spiro Agnew and company.
Agnew's squad includes Martha Mitchell, William F. Buckley, Barry
Goldwater and Trustee Gray.

Game 3: Nixon vs Brezhnev.

Game 4: The SDS vs the Combined Administrations from all leading colleges
and universities.

Game 5: Hartke vs Roudebush.
Game 6: Hippies vs Hardhats (Construction workers of America).

Game 7: Campus Police (draw a bye).

Game 8: Organized religions vs Godless Communists.

Game 9: N.Y. Times Editorial Staff vs Indianapolis Star.

Game 10: Big Red Fighting Hoosiers vs Girl Scouts of America.

Game 11: Law School vs Reality.

Game 12: Students vs Housing (the 801 N. Jordan bunch—George Olsen and company).

Now, if these hypothetical matches were to be played, this is my view of the probable outcome (continue to refer to the lineup).

In Game 1, the Panthers get off to a good start by ambushing the boys in blue's first squad, but the police come back to win it by a clever diversion of lobbing tear gas and mace into the stands of women and children while coming up on the Panthers from behind and shooting them in the back.

In Game 2, Agnew comes on strong but suffers setback when Martha Mitchell chokes to death on her shoe. For the Radiclibs, Senators McGovern and Muskie are on so many sides of the fight that Agnew cannot keep them straight—he concedes from exhaustion.

In Game 3, Nixon takes early lead by hitting the Big B with an ABM rocket. Brezhnev recovers nicely by invading the neutral section of the stands thereby throwing Nixon off guard. However, all is over for the Russkies when Tricky Dick comes back with a series of punches below the belt.

Game 4 looks like a romp for the administrators as they open the play by expelling every student in the Continental United States. The SDS seem to go underground until a huge explosion decimates the administration team (time out while the huge crater in mid-field is refilled).

Game 5 gets off to a slow start due to the unusually large amount of mud on the field. It's generally neck and neck. However, Hartke pulls ahead with some "late returns" from some Lake County graveyards.

Game 6 looks like real lively contest as the hardhats come off the bench beating and pummeling everything in sight. The rest of the game is dull, however, after a hippie laces the construction boys' gatorade with LSD and the workers experience mass bumphers.

And in Game 7, even though they drew a bye, the Campus Police are hard pressed to pull this one out. Finally they stop shooting each other and are declared the winner.
Game 8 gets off to a dragging start as ministers and priests attempt to bore Commies to death with long meaningless sermons. The Commies (those who are still awake) come back to take it by seizing all church property and taxing it.

Game 9 looked like a steal for the New York boys as they overwhelmed the Star's circulation. But Nap Town carries the day by burying the New Yorkers under a mountain of foul-smelling, dung-colored substance.

In Game 10's close contest, the Law School takes slight lead by declaring it is "relevant". After the laughter dies down it is obvious that Reality won this one.

In Game 11, the Fighting Hoosiers are slightly favored to win. But after 8 fumbles, 12 interceptions and several injuries, the Hoosier offense grinds to a halt and is overwhelmed by the Girl Scout's second string.

And in Game 12, although they are the underdogs, students take quick lead by burning four residence halls. Not to be outdone, Housing retaliates by billing all students $10,000 each for damages resulting from World War II. Meanwhile, the Dining Hall staff inundates the students' second squad with Ftomaine (some call it a virus). Students make last ditch effort by initiating perpetual, free love visitation units. Housing triumphs though, when the gas is turned on in the residence halls.

Well, so goes round one. Now briefly for round two.

In the contest between Police and the Radiclibs, the Radis win by passing legislation deporting everyone with less than a third grade education.

In the Nixon-SDS fight, Nixon scores easy victory by unleashing John Mitchell who declares the Constitution a "commie plot."

The Hartke—Hippie fight is close, with both sides trying to get left of the other. Hartke loses when Indiana is asked to leave the Union.

Campus Police vs Commies is a dull show when all the Commies everyone talks about turned out not to exist.

In the Indianapolis Star vs Girl Scouts contest, girldom's finest cannot keep up with the underhandedness of the press. Yes, it's bad news for the cookie benders.

In the Reality vs Housing match, 801 N. Jordan is mysteriously destroyed by a thunderbolt from the sky. Reality triumphs again.

Now to wrap it all up: In the first game of round three, it's Nixon over the Radiclibs when the Viet Nam war ends (this game played in 1985).

In game two, the Hippies are all over the Campus Police by welding shut the door of their riot bus.
In game 3, Reality is favored again. However, publisher Eugene C. Pulliam addresses audience in stands and declares Star's articles are in finest tradition of good reporting (laughter and catcalls). Undaunted, he states that Star's letter to editor reflect an enlightened, informed readership (more laughter, booping and throwing of various vegetables). Finally, Pulliam summons all his courage and shouts that the Star's editorials are well-written and poignant (vomiting, running for exits and insane laughter). After that, it is once again certain that Reality wins.

In the final round, Reality gets the bye to play the winner of the Nixon-Hippies match. That game gets off to a good start as both sides try to drown the other in rhetoric. But the game is fought to a 0-0 standstill when both sides realize that without the other, they haven't got a job.

With no contest in that one, Reality is declared the WINNER. Thus is the solution to all our problems. And despite the outcomes in various battles, one thing seems apparent—no matter what happens we'll always have Nixon to kick around!

* * * YOU CAN'T TELL THE PLAYERS WITHOUT A PROGRAM * * * *

Black Panthers
N.Y.-Chicago Police
Radiclibs
Radiclibs
Spiro Agnew
Nixon
Brezhnev
SDS
Comb. College Admin.
Hartke
Roudebush
Hippies
Hardhats
Campus Police
(Cbye)
Org. Religions
Godless Commies
N.Y. Times Staff
Indianapolis Star
Fighting Hoosiers
Girl Scouts
Law School
Reality
Students
Housing (801 N. Jordan
This report is submitted by the undersigned as a result of a visit to the campus of Indiana University, Bloomington, Indiana, on October 26-28, 1970 made at the request of the officers of the University and the officers of the Association of American Law Schools Accreditation Committee. Our purpose was to examine the conditions obtaining at the School of Law and to make such recommendations as we deemed appropriate concerning its operation. It is our understanding that our report is designed to complement an internal review already well underway.

At the outset the Committee wishes to express its deep appreciation for the cordial reception which it was accorded. The arrangements which had been made by the Dean of the School of Law were invariably calculated to permit us to make maximum use of the limited period of visitation. There was a most cordial reception by the faculty and student body at the School, by the officers of the Central Administration, and by the representatives from other parts of the University. Requested information was promptly supplied. Members of the Committee from the School of Law Board of Visitors were equally cordial, and we are grateful for their willingness to make themselves available for consultation during the period of the visit.

The report will consist of some general observations on matters deemed significant on the evaluation of the School of Law, followed by some specific discussions on particular subjects, and by our recommendations.

I. General Observations

We may start with observation that our attention was focussed initially to determine as best we could, the quality of the faculty of the School of Law, the quality of the student body, the morale of both, the relations of the School of Law with other parts of the University and with the central administration. While these matters will be more fully developed in later portions of the report, there is clear evidence that a great amount of progress has been made in the past five years toward assembling an able faculty with diverse educational backgrounds. Similarly, substantial progress has been made in the improvement of the quality of the student body. There is a high degree of cohesiveness which exists among the members of the faculty and a remarkable rapport between that faculty and the student body. We believe, also, that the School of Law is highly regarded by other units of the University with whom collaborative efforts are underway and we note that in past years the School of Law has received excellent support from the Central office of the University.
A. The Faculty

We are advised that when Dean Harvey was appointed, there was a clear understanding that it was his job to build the Indiana University School of Law to a position of excellence. Through a combination of increased budgetary support and some turnover within the faculty, nineteen faculty appointments have been made in the past five years. All but three of those individuals remain on the teaching faculty. We have agreed that the quality of these appointees seems very high. They come from a variety of Law Schools among which are Harvard, Yale, Stanford, Michigan, Pittsburgh, Kansas, Arizona State, Duke, George Washington, Ohio State, and Cincinnati. It is our judgment that the development of this kind of diversity is an excellent step toward bringing the School of Law the best ideas in legal education which may be found in the several schools. It is true also that with two exceptions these appointees have had a sufficient amount of practice or legal experience (one to fifteen years, with a norm of two to five years) to bring to their teaching process the benefits of exposure to legal practice. The two exceptions are neither unusual nor undesirable in a faculty of this size. In our conversations with members of the faculty, and particularly the younger members of the faculty, we find a dedication to law teaching and to the concept of excellence which is both refreshing and reassuring. The variety of backgrounds has produced not friction but seemingly a united effort to bring that School of Law to the forefront in the field of education. Several of the members of the faculty have taken graduate work in law, several have had experience as teaching associates before appointment at Indiana. These factors are taken to indicate that great attention has been paid to the quality of the new appointees and that the recruiting process has been a successful one.

It seems apparent from our observation and our discussions that the Law Faculty has achieved a fine sense of cohesion and a fine sense of progress. They are active and dedicated to their work. We note also that there is an excellent relationship between the Dean and the Law Faculty. Our conclusion is that Dean Harvey has exercised leadership effectively without impinging upon faculty prerogatives and without raising in the minds of the faculty any question about its power to control the affairs of the School of Law. This kind of relationship bids well for the continued progress in the development of the school.

B. The Student Body

While we were not privileged to meet with large numbers of the student body, we did meet with some of the student leaders and again we must report what seemed to us an extraordinary rapport between the student body and the faculty. Contrary to our experiences in some schools, we found the student leaders firmly of the opinion that the Faculty of the School of Law was interested in their well-being, responsive to their interests, and ready to listen to suggestions that might be made.

On the quantitative side we have noted that the median L.S.A.T. score of the entering classes has risen from 512 in 1965-66 to 598 in 1970-71. Similarly, the cumulative grade average of the enrollees has risen in the same period from 2.6 to 2.86. While we recognize that these data are not necessarily definitive, they indicate strongly that the increased selectivity which is made possible by the
number of increasing applications for admission, has resulted in a marked increase in the intellectual capacity of the student body. This of course will be reflected in the performance of the graduates in years to come. We believe this effort to upgrade the quality of the student body should be continued, though we recognize that a point of diminishing return will soon be reached as the number of highly qualified applicants increases.

C. Relations Within the University

The members of the visiting team were privileged to meet with Vice Chancellor Remak as well as representatives from Political Science, Sociology, Philosophy, and Arts and Science. We were struck by the fact that while no formal channels of liaison are maintained, there is substantial interplay between the School of Law faculty and other parts of the University. This interdisciplinary effort is welcomed both by the Law Faculty and the other faculties involved. There is a strong belief among members of the Law Faculty that inter-relationships between the legal system and the social sciences must be strengthened and that opportunities do exist at Indiana University for this kind of development. It is equally welcomed by the other participating departments. And we find, in addition, that the contributions which the members of the Law Faculty make to General University committees, to problems of University governance, and to community relations, are welcomed and well regarded by the faculties of other administrative units.

D. Relations with the Central Administration

The visiting team met twice with Chancellor Carter, once at the beginning of the visit and again at or near the end of our visit. The first visit was helpful to us in charting our course of inquiry since it was clear that the Chancellor was interested in supplementing their internal evaluation with the results of our inquiries. But equally, he was interested in knowing whether we believed they had a good School of Law at the Indiana University. He was concerned about the relations of the School with the State Bar Association, about which more will be said later, as well as the internal conditions of the School. He is aware of the direction given by former President Stahr concerning the development of the School of Law and aware of the nature of the expectations within the Law Faculty.

It is fair to say that the Law Faculty is concerned with the question of whether the period of fiscal stringency which Indiana University shares with other institutions of higher education threatens the progress made at the School. The question goes beyond simply the possible slowing of progress. It goes fully to the question of retrogression. We believe that the movement toward excellence which we observed is probably not yet at a point which can tolerate adverse budgetary restraint without serious repercussions. We believe the School must continue to make reasonable progress in the direction it has set or suffer substantial risk of dropping backward. Given another five years of support for its development, the School could probably tolerate some "hold the line" operations. At the moment, however, a failure to find ways to respond to pressing development needs may well result in sacrificing the progress already made.

We believe the channels of communication between the Dean of the School of Law and the Chancellor are open and available to bring about mutual resolution of budgetary or administrative problems.
II. The Curriculum

We have examined the bulletin of the School of Law with reference to the courses offered and to be offered. We find that all of the basic curriculum requirements for legal training are included in the curriculum. It is equally clear that the School has done a rather remarkable job of developing a wide range of seminars which permits students to take advanced work in small instructional units with emphasis upon in-depth study and research as well as writing. With the size of student body that is envisaged and the size of the present faculty, the maintenance of this kind of instruction is a tribute to the planning of teaching obligations and the willingness of the faculty to undertake seminar instruction.

Our meeting with the curriculum committee indicates that the first year curriculum is under review and that there is continued study underway concerning the development of more interdisciplinary work within the School of Law curriculum. We are of the opinion that a greater focus on particular objectives may be desirable. There is, of course, no abstract virtue in change as such, and we strongly support the notion that changes must be supported by careful study. We cannot fully assess the extent to which the relative youth of the faculty (with a corresponding necessity for primary emphasis on preparation for teaching assigned courses) may slow deliberations on curriculum development. Needless to say we would not put any different emphasis. We can only suggest that the Committee may well profit from a more particularized focus in its deliberations. We may note in passing that one of the student complaints was that curriculum changes were too slow in accomplishment.

III. The Library and Its Support

The Library has, largely on open shelves, a collection of over 130,000 volumes, well adapted in range and depth to the needs of the students and the research requirements of the faculty. The collection has been built up with foresight and imagination and with commendable husbanding of the financial resources of the Library. The Library is user-oriented; long hours of opening are maintained and reference services are readily available.

The Library's major problem is lack of space. The impact of these space limitations is already being felt in several ways: The number of study spaces is understood to fall below AAIS standards, although there is as yet no real pressure on seating space. However, the present lack of areas in which books might be moved about is one of the major road-blocks in the way of classification of the collection. That classification must as is recognized by the Librarian, be undertaken at some time in the not too distant future. It is probably too much to expect that it could be done within the present physical confines of the Library. By the same token, there is relatively little shelf-room left for the annual increments of accessions to the Library, and the time is fast approaching when the Library will have outgrown its space. All these considerations point toward timely planning of an addition to the Library. If portions of the collection must be put elsewhere in dead storage or if the collection cannot be classified, its value as an educational instrument will be materially reduced.
A second problem of equal importance, lies in the appropriation for free acquisitions. The sizeable requirements for purchase of continuing subscription materials leaves an inadequate amount for free acquisitions. Despite the well-managed use of these resources referred to above, there is insufficient growth in non-periodic acquisitions, and incremental budget is needed.

A separate communication, dealing solely with internal matters in the library, which we believe may be helpful, has been sent to Dean Harvey.

IV. Relations of the Law School to the Practicing Bar

Possibly the major problem that we discerned at Indiana was the relationship between the Faculty and the State Bar. It would be presumptuous for outsiders to come to a campus for three days and attempt to diagnose with accuracy the causes of such a problem, if it actually exists, but we hope that these observations might be helpful.

In many respects the gap is one of generations, the not uncommon experience of law schools with bright young faculties. Those out of school for only a few years sometimes experience difficulty in understanding changes taking place in modern law schools. As the time from graduation increases, the misunderstanding increases; and at Indiana there seems to be a rough correlation between the extent of criticism of the School of Law and the years intervening since graduation.

Some evidence of this disaffection was seen in complaints made by lawyers to the Administration, complaints that we felt in many cases were unfounded but complaints that nonetheless were indicative of strained relationships. As to many of these complaints, such as pictures of the Dean taken with controversial campus speakers, nothing could or should be done; but as to others, improved communication would seem to be in order.

There is evidence that neither the State Bar nor the State of Indiana uses Law Faculty resources as fully as might be expected. Continuing Legal Education, for example, seems more closely linked to Indianapolis than to Bloomington, and few Faculty members from Bloomington are found on State Bar committees. Geography may be the explanation but it is unfortunate if the excellent Faculty we observed is bypassed by the Bar. Well-planned alumni conferences in 1969 and in 1970 drew disappointingly small audiences for some reason. Efforts of the Faculty to secure realistic tuition rates for law students or to secure Bar admission on more favorable terms for Faculty members have apparently not been aided significantly by the Bar. There was some evidence that members of the Bar in and near Bloomington were actively opposed to Faculty Bar membership. All of this is unfortunate.

A few constructive suggestions that might lead to improved Faculty-Bar relationships occurred to us. More "inbreeding" on the Faculty should be considered. The complaint made by visiting teams at many schools is in the opposite direction but at Indiana it seems there has been a deliberate policy of appointing graduates of out-of-state law schools in preference to Indiana law graduates. This policy should be re-examined to bring about a better Faculty mix.
Although progress has been made with reference to Alumni and Bar financial support of the school, it seems clear that much more could be done. The University might well consider an appointment in the School of Law to further this goal, an appointment that could likely more than pay for itself considering the large number of Indiana law graduates in practice and the size of the Indiana Bar generally. It is safe to say that the future of legal education at any school looks bleak if substantial outside financial support is not forthcoming. Personal contact with members of the Bar leading to improved public relations is essential to make such programs fully successful.

The Law School Board of Visitors has an impressive membership with a good spread of ages, interests, and backgrounds. Representatives of the Board were most cordial, hospitable, and helpful, and from them we gathered much information concerning strengths of the school. The possibility of making even greater use of the Board in the future should be considered.

A good job is apparently being done by the Placement Office and there are indications that an increasing number of firms are recruiting at the school. At the same time, it is clear that even more firms could be attracted by greater publicity, and when firm representatives do visit the school, the Faculty itself could make greater welcoming efforts as they are invited to do by the Placement Office. This is often an effective means of improving public relations and of sending back to the world of practice, reliable information about the School. It is not clear how much effort is being made to enlist the aid of promising lawyers who are friendly to the Law School in getting information both to the University Administration and to the Bar generally concerning the great strengths of the school. Too often the voices of a handful of critics, who frequently urge only that the clock be turned back, give a false impression. The support of both the Administration and the Bar are vital.

Consideration might be given to the development of cooperative programs between the Law School and the Bar in the field of para-professional training, one of the urgent needs of the legal profession in the last quarter of the twentieth century. Dean Harvey in his memorandum of October 18, 1970, to the Law Faculty, raised penetrating questions with reference to such programs and clearly has in mind the possibility of Faculty-Bar programs in this area. Similar cooperation as to specialization within the profession itself is another distinct possibility.

Indiana is not the only law school to suffer from strained Faculty-Bar relationships. Programs that have been found effective elsewhere include the use of practitioners in seminars, problem courses, and clinical programs. In Dean Harvey's October 18th memorandum, he suggested possible short-term courses where practitioners working with Faculty members would offer various courses involving practical professional skills and insights. He also outlined cooperative clinical programs for Faculty consideration.

Occasionally regular dinner meetings with leaders of the Bar and the Faculty have proved successful in some states with agendas planned to include topics of mutual interest. An important by-product of such sessions is the opportunity afforded Bar members to become better acquainted with Faculty members whose paths otherwise seldom cross. Such occasions afford opportunities to alert practitioners to the fact that "the pace of social change necessitates some fairly significant
innovations" in legal education (Dean Harvey's October 18th Report to the Faculty). The Bar should be forewarned that innovations in legal education in the future are indeed apt to be even more striking than those of the past few years.

V. Student Concerns

It was noted above that one of the concerns of the students with whom we talked was that there was great slowness in any curriculum change within the School of Law. We were not able to determine particular interests, however, and it is entirely possible that the assertion may only reflect the general impatience of youth. We would recommend only that an effort be made to bring the students into a meeting with the Curriculum Committee to ascertain the real nature of the complaint. A second and very big complaint was that the first year curriculum needed modification. A third complaint, though there was a clear recognition that the faculty was interested in solving the problem, was the discrimination against women which was alleged to appear at the placement level. There was a surprising recognition by the students of the fact that these problems could not be solved single-handedly or over-night by the Law Faculty, but there was concern that a greater emphasis be placed upon education of the prospective employers to be sure that the problem was attacked.

We may note that there was no allegation of discrimination at the admissions level. The number of women in the School has increased markedly. We are also advised that a recruitment program is maintained to interest more women in attending the School.

We believe it fair to say, as indicated above, that the students have an excellent attitude toward the professional nature of their education and an excellent attitude toward the faculty and its efforts in their behalf.

VI. Budgetary Support

A. In General

We have examined the budgetary support given to the School of Law in recent years. Our data indicate gross budgetary allocations as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Allocation</th>
<th>Increase</th>
</tr>
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<tbody>
<tr>
<td>1966-67</td>
<td>568,577</td>
<td></td>
</tr>
<tr>
<td>1967-68</td>
<td>642,200</td>
<td>13%</td>
</tr>
<tr>
<td>1968-69</td>
<td>761,306</td>
<td>18%</td>
</tr>
<tr>
<td>1969-70</td>
<td>793,313</td>
<td>4%</td>
</tr>
<tr>
<td>1970-71</td>
<td>859,318</td>
<td>7%</td>
</tr>
</tbody>
</table>
The decline in percentage increment following two very healthy years in 1967 and 1968 is a matter of great concern to the School of Law. Inflation alone requires somewhere between 5% and 7% annually to break even, and the failure to exceed that in the past two years has brought about an understandable question of institutional priorities within the University.

We cannot, of course, presume to make any judgment concerning institutional priorities. We can, and do, report that if the goal of bringing this professional school to a level of excellence which will rank it in the top 10 or 12 in the country persists as an institutional objective, then incremental budget dollars, beyond salary improvement and inflation costs, will be necessary. Continued and regular improvement in teacher-student ratio will be required. Increment in library support will be required. Increase of research support, and an increase in supporting staff will be required. Moreover, we can assert our judgment that the presence of a strong School of Law is a not insignificant asset to a University. It is common experience within a University that a first rate Law Faculty provides strength in University governance; that its graduates tend to be an influential part of the State's population; and that judgments concerning a University are often colored by the strength of its professional schools.

It is our judgment that the strides which have been taken already, and the improved conditions observed and reported, fully warrant the investment which would be required. It would seem appropriate that the high quality of program which is presently achieved in many parts of Indiana University should have its counterpart in the School of Law's professional program. Given that objective, Dean Harvey has, in our judgment, made real progress toward its realization. A long-range program which would provide reasonable assurance that two to four new faculty positions would be available annually for the next five years would go far toward retaining the momentum of improvement which now exists, and toward assuring a final product of excellence in the School.

B. Faculty Salaries

We have examined the detailed salaries for the Law Faculty, and would make these observations:

First, the "spread" between beginning salaries for new assistant professors and top salaries is unfortunately small. We are aware of the fact that this is a common phenomenon in most universities today. Presumably it is caused by the rapid increase in the market salaries required to attract newcomers to the teaching profession, with the inevitable result that the third-year or fourth-year man, even though he has received very decent percentage salary increases, finds himself at substantially the same salary as the newcomer. By the same token, the man with 10 or 15 years' experience is only modestly better paid. The fact that it is a phenomenon common to all does not make it any less real nor diminish the desirability of corrective action.
Specifically, we find the range of assistant professorial salaries ($15,500 to $18,000) to be such that the School should be competitive in today's market. The range of associate professorial salaries ($16,000 to $18,700 excluding 11-month appointees) is too low to attract experienced teachers from other schools, and too low to assure retention of the better staff. The full professorial range ($18,400 to $27,250) is again such that "raiding" from other institutions may be encouraged. Some reassurance may be found in the fact that 10 of the 12 salaries exceed $22,000.

We would report, however, that the Law Schools generally viewed as the best in the country now have full professorial salaries ranging to $34,000 or $36,000 for the academic year.

We believe that one of the next steps in assuring the faculty development necessary to the achievement of excellence is a deliberate upgrading of the upper levels of faculty salaries.

C. Research Support

We are advised that the general university budget provides limited dollars which may be used for straight research appointments, largely confined to summer appointments. We are also advised that, in common with general university practice, teaching loads are maintained at a level which allows the full-time faculty member some time for research and writing. These practices are appropriate and should be retained.

We have one recommendation which we believe may be helpful. In the past decade, many units within universities (notably social sciences and hard sciences) have succeeded in tapping private foundations and federal agencies for research grants. These grants frequently permit the payment of partial faculty salaries, to cover the faculty effort devoted to the project. Within limits, such grants provide a method for enlarging the research effort without damage to the teaching responsibilities. While we are aware of a substantial grant to Professor Getman from NSF, it is known that Law School faculties in general have not pursued these resources. Part of the reason has been the restrictive attitudes of granting agencies. We believe these attitudes are in process of change, and that opportunities for participation in this form of "self help" by Law School faculties are increasing. We believe that encouragement and help should be given to the faculty with a view to exploiting the potential monetary resources for research support.

D. Student Aid

We are generally of the opinion that highest priority in the use of student aid funds should be given to distribution which is based upon financial need of the student. At the same time, a limited use particularly during a period when deliberate upgrading of quality is being undertaken. We note that the School of Law had available in 1970, some $61,000 of non-university gifts. The development of these resources should be a matter of continued attention.
We have three major observations with respect to student aid:

1. The overall funds available to the School of Law are distressingly small. With a student body of present size, the School of Law should have aid resources of perhaps double the present amount, and the institutionally supplied component should be substantially increased.

2. The substantial portion of aid money committed to enlarging minority enrollment is fully justified, and is of course, one of the primary reasons for the increase recommended above.

3. We are advised that the University program for private fund-raising is centralized with the Indiana University Foundation. Operational units such as the Law School may not engage in annual giving programs. We believe this restriction is not a sound one. The experience of both Michigan and Harvard has been that a special program, aimed at Law alumni and friends of the School of Law, not only greatly enlarged private support for the School of Law but did not diminish the private gifts to the general University. Student aid is a particularly attractive sales point with prospective donors.

E. Tuition Policy

We are of the opinion that the present method of fee assessment (per credit hour) is unwise when applied to the School of Law, and that, at whatever level may be deemed appropriate, a return to the "flat fee" per term should be accomplished. There are several factors which argue strongly for a "flat fee". First, a large segment of the instruction is required. Second, the proportion of instruction in relatively large classes is quite high, and there is therefore a very insignificant marginal cost in providing instruction for students who elect beyond the minimal requirements. Third, every encouragement should be given to professional students to take "extra" courses, and an assessment per credit hour constitutes a deterrent which is educationally unsound. These factors are not found in the Graduate School. We have noted a markedly lower election of courses by second and third year students than is educationally desirable, and feel strongly that the method of fee assessment is a significant causative factor.

We note also that the present fee policy makes the School of Law one of the most expensive in the country. With inadequate financial aid resources, there is a grave risk to quality and a risk of inadvertent exclusion of students from lower economic levels.

VII. Building and Space Considerations

Although the Visiting Committee did not purport to make an exact survey of the future space needs of the School of Law it soon became obvious that these needs are substantial. There is apparently no unused space in the law building, and we understand that the annex also is in full use. Even if no increase in the size of the student body is contemplated, additional seminar rooms will be required as will space for student organizations and activities in order for the school to achieve its goals. Many more offices will be needed, particularly if additional clinical programs are to be considered.
Applications for admission to good law schools are increasing yearly, and the pressures on Indiana to admit larger classes will be difficult to withstand. In order to meet this demand, more classrooms appropriate in size for modern legal education will become necessary as well as additional offices for faculty and staff.

Perhaps as pressing as any of the space needs are those of the library. The space problem here will soon approach a crisis level inasmuch as stack capacity will shortly be reached. Additional stack space, staff office space, and student study areas must have high priorities.

The Committee finds merit in the notion that long-range facility planning might well include plans for relocating the Law School in a place where ready access to the general University library would be achievable.