EDITORIAL

Antioch Law lives

ANN PILLSBURY

THE DC Gazette's article a few issues ago on Antioch Law School and especially the headline, "Antioch's Fading Promise," made it sound as if the school was dying on the vine. In fact, Antioch is doing remarkably well. True, the first year of operation was full of frustrations and some unpleasant surprises for the 140 students in the "founding Class." Jean and Edgar Cahn, founders and co-deans of Antioch, came out of the 1960's War on Poverty tradition and are often credited with establishing the legal services program. But when the deans talked about power to the people, it turned out that they didn't mean students. And worse yet, they were absolutely serious about that "live with a welfare family in the inner city for six weeks" requirement that many students hoped was a typographical error when they read the catalogue. It was perhaps inevitable that sparks would fly when the students' high expectations met the immovable object of the Cahns' personality that first year, and this ~~wall~~ all well captured in the article the Gazette printed. But the article failed to answer, indeed failed even to ask, the crucial question: is Antioch a good law school? The answer in this writer's not unbiased opinion, is yes. Antioch has already accomplished what it set out to do — provide a good academic education together with a full fledged clinical program.

To the amazement of just about everyone, except Jean and Edgar Cahn, the clinical program seems to be working. After some initial difficulty developing an intake process, the school cum law firm now has more than enough cases. Each student, from the first year on, has direct responsibility for a real, honest-to-God case and, for second year students, usually at a ratio of one student to a case. Students interview the clients, write up complaints, do legal research, file motions, help write appellate briefs, and in short become familiar with all the mundane but heretofore mysterious things that lawyers do. Because the clinical program is continuous from the first year on, students have the opportunity to see many cases through from early stages to trial or settlement.

One of the best aspects of the clinical program is that it encompasses a wide variety of cases, from rather routine divorce, landlord-tenant and consumer problems to major class actions involving constitutional questions at an appellate level. A student can, either through direct involvement or simply by talking to other students, become familiar with the techniques and substantive law in a number of areas without having to sit through a course. (Because Antioch seemed to have an almost endless supply of uncontested divorce cases last year,most second year students probably know more about DC family law than ever wanted to.)

In addition to the clinical program, Antioch has a full academic curriculum and although it does not offer the variety of choices found at other law schools, almost without exception what is offered (and required) is well taught, sometimes by experienced law professors on leave from other law schools. Inexplicably, however, the names have been changed so that the courses are unrecognizable to someone who went to a traditional law school. This re-naming of courses seems to be occuring at many law schools but it has reached ridiculous proportions at Antioch. Administrative law is called Legal Decision Making and Torts and Contracts are lumped together as Private Law (as opposed to Criminal Law which is called Public Law). The piece de resistance is a second year course now in progress called: National Goals, the Legal System and Federal Grant Programs — a course which is poorly attended largely because no one can figures out what it is about. While most law schools err on the side of rigidity in curriculum, Antioch goes in the other direction.

Antioch students, perhaps ironicallly, deplore the newer gimmicks, courses and have been insistent that the academic program measure up in every way to what is given at other law schools. Jean and Edgar Cahn keep telling the students that all they need are the basic first year courses and that the rest is all commentary. Students don't believe much of anything the deans tell them and so Antioch's supposedly radical student body demanded and got such courses for its second year as Tax, the Uniform Commercial Code, Federal Courts, and Evidence. Seminars in Indian Water Rights and Women's Law were proposed but not enough students signed up to offer them. This is not because Antioch students all secretly plan to go to work for big commercial law firms but because they want to be able to compete with their counterparts at traditional law schools.

Sitting in a classroom for three years is a boring and inefficient way to learn about the law Antioch is the only school that has departed in any major way from this "hard ass" approach to learning. Students are getting the benefit of both a traditional academic curriculum (with a few "innovative" courses thrown in for good measure), and a three year clinical program. Whether it's a "good" law school depends on how you define good and on what its graduates do, and the first class won't graduate until next year. By any of the traditional measures, however, it is a good school now with the possibility of becoming really outstanding.

Perhaps the thing about Antioch that most recommends it is neither its clinical program nor its academic curriculum. It is the atmosphere of the place. Although not without chaos and uncertainty, it is generally a friendly, casual place. People know each other well. They call each other, including the deans, by their first names. There is no formal recitation a la Paper Chase in class. That practice was nipped in the bud early in the first year one day when the civil procedure professor called on a student to recite and was told that when the student had something to say, he would raise his hand. And students do. No one is afraid to talk in class or to admit he does not understand what is being said. Antioch students have refused to be intimidated by law school — and of course it would be hard to be intimidated by a faculty that in large part is about the same age as the students. (A function of both a young faculty and an older student body.)

Many of the students had worked before law school, some were well into other careers. Few, if any, aspire to be "super-lawyers" and the result is a much more relaxed and non-competitive student body. One of the things

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BOOKS BY GAZETTE WRITERS

SAM SMITH
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PATRICIA GRIFFITH
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JOEL SIEGEL
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JAMES RIDGEWAY
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CHUCK STONE
TELL IT LIKE IT IS. Trident 1968
BLACK POLITICAL POWER IN AMERICA. Bobbs-Merrill 1968 hardback; Dell 1969 paperback.
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THREE SHORT-TERM ENERGY PROPOSALS

JAMES RIDGEWAY

EVEN now citizens remain leary of a government energy corporation, let alone nationalization of all or part of the energy industries. Indeed, such proposals may seem to be largely academic. The state already shelters industries through an array of natural resource, tax and production policies that are plainly calculated to protect and enhance their growth. Now, as the energy industry confronts a series of dilemmas, state and industry can be expected to elaborate upon their relationship, with the state protecting the operations of business, until, as in the case of the railroads, businessmen fob their dead enterprise off upon the state and turn elsewhere to make money.

In this sense a long term policy of "nationalization," although it would never be called that, ought to be rather appealing to industry. It would mean shifting more of the risks of business upon government, encouraging such measures as relaxation of environmental standards, a federal subsidy for developing synthetic fuels, additional research funds, continued and expanded control over technology, deregulation of natural gas prices and higher fuel prices in general. In the case of utilities it might well result in the government offering to guarantee or directly underwrite bonds.

In short it means increased protection by the state for the private energy industry, while at the same time. leaving undisturbed other realms of economic life— areas, for instance, where oil companies have already indicated an interest: land development, consumer financing, banking and agriculture. This process of transformation is only accidentally beneficial to the citizenry which is called on to pay higher prices and taxes to support the industry. But the process is not meant to be efficient, or to be inexpensive, or to produce useful and beneficial goods and services. Its overriding purpose is to protect and expand the interests of the energy companies, their owners and managers.

Even so, this process of industrial transformation may also offer the opportunity for making substantial worthwhile reforms that can lead to more fundamental change over the long run. Three short-term proposals follow:

I.

About 80 percent of the coveted fuels — coal, oil, gas, oil shale, uranium — are in the public domain, territory held in trust for the general public use.

But the Interior Department, which administers it, has routinely (under both Democratic and Republican control) turned over actual administration to the big companies, taking their word for what resources are there. There is no law requiring the federal government to make an independent examination to fix the size of the public's fuel holdings.

The government, as a minimal step,should surely have its own figures on fuel resources in the ground and on the continental shelf, instead of accepting company figures. Before there are any more sales or leases of public lands, the government should make its own seismic and geophysical surveys, take its own core drillings. Only then can there be a sound planning of resource development.

II.

Second, since fossil fuels cannot be renewed, it is essential to press ahead with alternatives such as solar energy, which could eventually replace up to 12% of total energy — that used for heating and cooling buildings.

Solar energy legislation already has passed the House with little opposition, but this bill essentially sets up another science R&D operation within NASA, and there is no assurance that solar energy actually will be put into use. In all likelihood it means more and more research, when in the view of conservative scientists what is needed is direct application.

Congress could give solar energy a big boost by directing the General Services Administration — which last year spent $450 million to construct 37 buildings — to require solar heating and cooling in new structures. Government buildings would create a national competition for architects, engineers and building suppliers to develop solar energy equipment that could be adapted to homes.

Once design and engineering standards were well established, they could be implemented on a national basis. One way to do so would be to apply the standards to all housing financed or insured by the federal government. That would include FHA loans, subsidies and public housing programs. More to the point, the standards could be attached as conditions for federal insurance to banks, savings and loan associations, and other lending institutions where deposits are insured by the federal government. Thus, most new construction would be covered.

Precedents for such a course are to be found in the recent development of auto safety standards. In the early 1960's GSA, which purchases the government's sizeable fleet of motor vehicles, was instructed by Congress to develop safety standards for vehicles. Ralph Nader then argued persuasively that these standards for vehicles should be applied to all motor vehicles. The Congress made use of the GSA standard-setting experience to write legislation that established national automobile safety standards.

III.

Many millions of Americans are dependent on natural gas and electricity for basic energy in their households. In the case of electricity, small residential users often pay at a higher rate than do large commercial and industrial customers who consume most of the electricity. To counter such discriminatory policies citizens groups in Vermont are seeking adoption of a "Lifeline Service" concept. Under their scheme every household would be guaranteed a certain basic amount of electricity or gas — sufficient amounts to meet the basic energy needs of that household — every month for a set price. In Vermont groups are asking for 400 kilowatt hours of electricity per month per residence for $10. That figure would change depending on average uses of electricity in different states. But the concept would remain the same and the basic life supply charge would never change. The loss of revenue in residential electricity sales due to Lifeline Service would be made up by sharing the large industrial and commercial customers higher rates.

The three proposals are simple and straightforward. If Congress will take charge of mineral fuel policy, requiring that the federal government — not the companies — determine the extent of reserves, and then establishing major categories of end uses, energy policy will at the very least be susceptible to public scrutiny and pressure. Introduction of solar energy into building heating and cooling will have the effect of providing an inexpensive, reliable source of household energy. Politically, solar energy could result in reducing the political and economic power of utilities and oil companies alike by removing them from a major segment of their business. Lifeline Service would assure every citizen basic amounts of electricity and natural gas at a minimum price. It could be established on a state basis by utility commissions or on a federal basis by Congress. Whether these reforms would change the shape of the energy business is hard to say, but they could reduce the pressures of successive energy crises.

ON GUARD?

DAVID ENGDAHL

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WHEN Colonel William B. Saxbe entered the Great Hall at the Department of Justice on January 4 to be sworn in as the nation's seventieth Attorney General, he marched to the strains of martial music played by the United States Army Band. He chose to have the oath of office administered to him by a judge of the Military Court of Appeals. Since 1937, Saxbe has been a member of the Ohio National Guard.

Saxbe's appintment is only one of several instances in which government leaders recently have exhibited either ignorance or disdain for the constitutional tradition of military separation and subordination. Reserve military officers presently occupy more than 100 seats in the Congress. An Army General on active duty, Alexander Haig, was installed as White House Chief of Staff. In the Pentagon,