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ACQUISITIONS

February 1971

Vol III, No 3

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RECENT ACQUISITIONS LISTED UNDER LIBRARY CLASSIFICATION SCHEME

The items are listed according to the Classification Scheme used by the Library (printed in Vol III, No 1 (Dec '70, pp 1-4)). All items will be xeroxed by the Library @ 15¢ per page; some may be obtained from the address given at the stated price.

I. FREEDOM OF EXPRESSION AND ASSOCIATION (10-295)

FREEDOM OF SPEECH, PRESS, ASSEMBLY

20. ADMINISTRATIVE RESTRICTIONS
23. On Government Information and Secrecy

23.18 *Yarish v Nelson* (Marin Co Super Ct, #59145) PETITION FOR WRIT OF MANDATE (Jan 26, 1971) (5 pp): seeks to compel warden of San Quentin to make reasonable arrangements for the press to conduct interviews of certain inmates, and, in particular, with Ruchell Magee. EXHIBITS (2 pp). MEMO OF AUTHORITIES (2 pp): argues 1) 1st and 14th Amdts require full and free press inquiry into state agencies; 2) new regulations restricting prisoners' communications are vague, arbitrary, and deny equal protection; 3) there is no compelling state interest in restricting the right of the press to gather this information. ORDER TO SHOW CAUSE (1 p) (Jan 26, 1971): requires warden to show cause why Pets should not be allowed to interview Magee.

Atty: *Jerome Berg, Suite 814, Van Ness-Post Center Bldg, 1255 Post St, San Francisco 94109.*

50. CRIMINAL SANCTIONS
59. Against Miscellaneous Criminal Activities

59.118 *California v Davis* (Angela Davis and Ruchell Magee) (Marin Co Super Ct, #3744) MOTION TO SET ASIDE INDICTMENT (Feb 5, 1971) (5 pp): based on Pen C §995. MEMO OF POINTS & AUTHORITIES (Feb 5, 1971) (29 pp): argues 1) evidence presented to grand jury is irrelevant and of questionable value; 2) even taking state's evidence as true, there is no reasonable or probable cause for indictment since a) there is no evidence of criminal intent, b) close association, even with the guilty, is insufficient for indictment or guilt, c) presence at scene of crime is insufficient, d) ownership of instruments used in crime is insufficient, e) all factors taken together are insufficient. MEMO IN SUPPORT OF MOTION FOR ADMISSION TO BAIL PENDING TRIAL (Feb 5, 1971) (18 pp): argues 1) right to bail pending trial is constitutionally required as an effect of presumption of innocence; 2) prosecution failed to establish that proof of guilt is evident or presumption great as required of Pen C §1270 for denial of bail; 3) Def's political beliefs do not form a basis for denial of bail.

MOTION FOR DISCLOSURE, TO SUPPRESS EVIDENCE, AND TO DISMISS INDICTMENT (Feb 5, 1971) (4 pp): motion to suppress evidence gathered in violation of Def's 4th, 5th, 6th and 14th Amdt rights under Pen C §1538.5. AFFIDAVIT IN SUPPORT (Feb 5, 1971) (3 pp): asserts the likelihood of illegal wiretapping or other electronic surveillance, police informers and fruits of unmonitored searches being used in connection with this case. MEMO OF POINTS AND AUTHORITIES IN SUPPORT (Feb 5, 1971) (8 pp): argues 1) fruits of illegal wiretapping and other covert electronic surveillance are inadmissable and any material procured in this way must be disclosed under 4th and 14th Amdts; 2) political surveillance and dossier-keeping and their fruits should be suppressed due to their chilling effect on exercise of 1st Amdt rights; 3) a pre-trial hearing on legality of eyewitness identifications from photographs should be held.

MEMO IN SUPPORT OF MOTION TO SET ASIDE GRAND JURY INDICTMENT AND, IN THE ALTERNATIVE, DEMURRER TO INDICTMENT (Feb 5, 1971) (96 pp--Exhibits 4 pp): argues 1) Pen C §911, under which grand jury was formed, violates 1st Amdt by establishing a religion and abridging free exercise of religion; violates 14th Amdt by creating an improper classification for and systematically excluding an identifiable group from the grand jury; violates Art XX, sec 3 of Calif Const by requiring a theistic oath; 2) statutes under which grand jury was formed violate Art III and Art IV, sec 18 of Calif Const by failing to provide for separation of powers and allowing judiciary to perform non-judicial functions; 3) the close association between members of grand jury and victim of the crime, and failure of grand jurors to disqualify themselves on grounds of bias, renders indictment void; 4) statutes providing for grand juries are unconstitutionally void by failing to provide adequate standards to insure representation of a cross-section of the community; 5) a grand jury from which important sections of the community have been excluded denies Def due process and equal protection; 6) Def has right to examine grand jury selectors and discover standards of selection; 7) grand jury selection method in Marin Co systematically excludes lower income groups, young people, and non-theists, denying Def equal protection and due process; 8) Pen C §904 is unconstitutional as applied by producing a grand jury which is not a cross-section of the relevant community; 9) grand jury selectors of Marin Co systematically exclude Negroes from grand jury panels; 10) Calif Const Art I, sec 8 and Pen C §§682 and 737 unconstitutionally fail to provide standards as to when indictment is used rather than information.

MOTION TO DISMISS THE INDICTMENT DUE TO IMPOSSIBILITY OF OBTAINING A FAIR TRIAL ON ACCOUNT OF PREJUDICIAL PUBLICITY (Feb 5, 1971) (2 pp). DEMURRER (Feb 5, 1971) (2 pp). MEMO IN SUPPORT (Feb 5, 1971) (9 pp): argues the indictment 1) fails to inform Def of charges against her; 2) charges as criminal conduct constitutionally protected; 3) improperly joins offenses under Pen C §954.

MOTION FOR DEF TO BE GRANTED PERMISSION TO ACT AS CO-COUNSEL (Feb 5, 1971) (2 pp). MEMO IN SUPPORT (Feb 5, 1971) (9 pp): argues 1) Def is being denied her right under Calif Constitution to participate in her own defense; 2) the interests of justice require Def to be allowed to defend herself. MOTION FOR DISCOVERY and MEMO AND AFFIDAVIT IN SUPPORT (Feb 5, 1971) (20 pp): seeks items in exclusive control of Pl as necessary for preparation of the defense.

Attys: *Angela Y Davis, pro se, Marin Co Jail, San Rafael, Calif; Howard Moore, Jr, Suite 1154, 75 Piedmont Ave NE, Atlanta, Ga 30303; Allan Brotsky; Dennis J Roberts, Kennedy & Rhine; Margaret Burnham, Michael E Tigar, % Brotsky, 341 Market St, San Francisco 94105.*

GOV'T'S RESPONSE: TO MOTION FOR DISCLOSURE, TO SUPPRESS EVIDENCE, and TO DISMISS INDICTMENT (16 pp); TO MOTION FOR DISCOVERY (19 pp); POINTS AND AUTHORITIES: AGAINST SETTING ASIDE INDICTMENT and DEMURRER (43 pp + App--26 pp); AGAINST DEMURRER (18 pp); AGAINST MOTION UNDER PEN C §995 (29 pp); AGAINST MOTION TO DISMISS DUE TO PREJUDICIAL PRETRIAL PUBLICITY (8 pp); AGAINST BAIL (8 pp);

AGAINST DEF DAVIS AS CO-COUNSEL (15 pp).

Attys: *Evelle J Younger, Atty Genl; Albert W Harris, Jr, Clifford K Thompson, Jr, 600 State Bldg, San Francisco 94102.*

FREEDOM OF RELIGION

120. CONSCIENTIOUS OBJECTION TO WAR

Selective Service System PAMPHLETS: CO (5 pp); Curriculum Guide to the Draft--Presenting All Views on the Draft (85 pp); Hardship Deferments (3 pp); If You're Asked--Explanation of the Draft (9 pp); It's Your Choice--How To Choose the Military Service Program that Will Serve You Best (21 pp); Lottery (7 pp); Perspective on the Draft (20 pp).
SSS Office of Public Information, 1724 F St NW, Washington, DC 20435.(1970)

121. Application for CO Status--Before Induction

at (121.275L) *In re Etcheverry* (US Dist Ct, SD Cal, #65-63-JWC [Ancillary Crim Case No 31328]) MEMO OPINION (6 pp) (Sept 21, 1965): after his conviction for draft refusal was affirmed (302 F2d 873), Pet-prisoner filed petition for release under 28 USC §2255. In important, unreported opinion, Dist Ct vacated conviction under rule enunciated in *US v Seeger*, 380 US 163, after petition filed.

Atty: *J B Tietz, 257 S Spring St, Los Angeles 90012.*

128. By Civilians

REPORT: The use of herbicides in Vietnam War and their effect on the ecology and population of Vietnam: Background material relevant to (47 pp) and summary of presentations (9 pp) delivered in Chicago, Dec 29, 1970 to Am Assn for Advancement of Science by Herbicide Assessment Commission--Matthew S Meselson (Harvard), Arthur H Westing (Windham College), John D Constable (Harvard Medical) and Robert E Cook (ecology grad student at Yale).
Copies from Prof Meselson, Dept of Biology, Harvard Univ, Cambridge, Mass 02138.

II. DUE PROCESS

Oliver A Rosengart, "The Bust Book for Lawyers: Handbook for the New York Criminal Court" (1970) (175 pp).
National Lawyers Guild, New York City Chapter, 1 Hudson St, NYC 10013. $4.50.

300. SEARCHES AND SEIZURES
304. Suits for False Arrest, Police Practices, Police Review Board

STATEMENT (Sept 14, 1970) on use of FBI undercover agents during May 1970 campus disturbances, (13 pp): attorneys Jack Drake, Ralph Knowles, and George Dean, representing 100 Students at Univ of Alabama.
Law Students Civil Rights Research Council, 5 Forsyth St NW, Atlanta, Ga 30303.

304.Calif. REPORT: "Police Personnel Complaints and Redress Remedies" (86 pp): report by Police Conduct Complaint Center (PCCC) of ACLU--Berkeley-Albany Chapter (Je 1970): public report after two years of operation containing 1) statistical overview of complaints; 2) in-depth reports of representative complaints including campus complaints; 3) procedures used by PCCC; 4) history of Berkeley's grievance-response mechanisms, 1968-1970; 5) analysis of effectiveness of Berkeley's official avenues of redress; 6) recommendations to police department and city; 7) appendix containing local city and police regulations.
BOOK: James Yandell, "Neither Law nor Order--The People's Park and the People's Police." $1.00
ACLU-BA, 1915 9th St, Berkeley 94710.

304.Miss.26 *Burton v Gov Williams* (US Dist Ct, SD Miss, #4740) COMPLAINT (15 pp) (Aug 28, 1970): civil damages action under 42 USC §1983 and Miss wrongful death and assault and battery laws by 4 students injured and on behalf of two killed at Jackson State College, against Gov, Mayor, state and city patrolmen and police; alleges Defs acted recklessly in sending hostile and inadequately trained and equipped state patrolmen and local police onto the campus.

Attys: *Constance Iona Slaughter, George Peach Taylor, Lawrence D Ross, James M*

Abram, Frank R Parker, Lawyers' Comm for Civil Rights Under Law, 233 North Farish St, Jackson, Miss 39201; Dale Broeder, 200 Burnham Rd, Lake Oswego, Ore 97034; James Reif, Nausead Stewart, 603 North Farish St, Jackson, Miss 39202.

304.Pa.7 *Council of Organizations on Philadelphia Police Accountability and Responsibility v Tate* (US Dist Ct, ED Penn, #70-2430) COMPLAINT (Sept 1970) (19 pp): class action on behalf of Black Panthers and other organizations and individual Pls against public officials of Philadelphia alleges 1) unlawful searches of Pls' homes without legal warrants; 2) wholesale arrests of black persons without warrants or probable cause; 3) raids on Panther Party offices as part of an illegal conspiracy; 4) a continuing course of threats, harassment, and intimidation by Police Dept; 5) ratification of this conduct by city officials; asks declaratory and injunctive relief restraining enforcement of illegal state statutes. 4 AFFIDAVITS. TEMPORARY RESTRAINING ORDER (Sept 4, 1970) (1 p): restrains and enjoins Police Dept from violating rights of Pls under Constitution, particularly restraining entering homes without warrants or probable cause, and harassment and arrests.

Attys: *William Lee Akers, 1 E Penn Square Bldg, Suite 805, Philadelphia; Harry Lore, 1420 Walnut Ave, Philadelphia; Charles R Garry, San Francisco; William Kunstler, NYC; Richard A Axelrod, 630 Land Title Bldg, Philadelphia; Peter L Gale, 1020 Robinson Bldg, Philadelphia.*

304.Tex.5 *Little v Schafer* (US Dist Ct, SD Tex) COMPLAINT (1970) (15 pp): Pl, beaten and harassed by police officers, sues 1) individual policemen and their superiors, under 42 USC §1983, alleging deprivation of his right to be free from cruel and unusual punishment, to be informed of offense against him, and to have access to counsel under 6th, 7th, 8th and 14th Amdts; 2) the two cities whose police were involved, for negligence in hiring and supervising them; and 3) asks money damages and an injunction against further intimidation.

Atty: *George C Dixie, 505 Scanlan Bldg, Houston, Texas 77002.*

350. DUE PROCESS
362. In Selective Service Proceedings

362.505 *Andre v Resor* (US Dist Ct, ND Calif, #C-70 678) Reported in II ACQ 41.

Additional counsel not listed previously: *Michael Sorgen, San Francisco Neighborhood Legal Assistance Foundation, 2701 Folsom, San Francisco.*

III. EQUAL PROTECTION

530. HOUSING--RACIAL, OTHER DISCRIMINATION
531. In Public and Publicly-Assisted Housing--Urban Renewal

531.28 *Yarborough v City of Warren, Romney* (US Dist Ct, ED Mich, #35843) COMPLAINT (Dec 1970) (13 pp): Pls, citizens of Warren and beneficiaries of Neighborhood Development Program (NDP), and blacks seeking to live in Warren, bring a class action alleging that actions of Defs in eliminating federal urban renewal funding, (through a referendum and subsequent official action) 1) were racially motivated, arbitrary and unreasonable in violation of 5th and 14th Amdts; 2) were done to exclude black citizens from the community, thus branding them with badges of slavery in violation of 13th Amdt; 3) encouraged discrimination in housing in violation of 14th Amdt; 4) infringed black Pls' right to purchase real property in violation of 42 USC §1982; 5) caused loss of federal funds to certain sections of city; 6) violated Fair Housing Act of 1968, 42 USC §3601; 7) continued federal funding violates Fair Housing Act, 13th Amdt, and Title VI of Civil Rights Act of 1964, 42 USC §2000d.

Attys: *William H Goodman, 3200 Cadillac Tower, Detroit 48226; Robert L Reed, 308 Professional Bldg, 10 Peterboro, Detroit 48201; Michigan Legal Services Assistance Program; Kenneth R McAlpine, McAlpine & Carcamone, 32480 Mound Road, Warren, Mich 48092.*

BOOK REVIEW

WILLIAM H. GOODMAN

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BOOK REVIEW

WILLIAM H. GOODMAN†

Reviewing: THE LAWYER, THE PUBLIC, AND PROFESSIONAL RESPONSIBILITY. By F. Raymond Marks with Kirk Leswing and Barbara A. Fortinsky. Chicago: American Bar Foundation, 1972. Pp. xii, 305. Cloth $7.95, Paper $2.95.

This is a book which describes in great detail and with considerable precision some facets of a comparatively recent phenomenon in the legal profession. The authors attempt to chronicle the emergence within law firms and within the profession generally of lawyers who devote either all or some of their time to the practice of public interest law: "pro bono publico" work.

It is clear that the authors have done an extremely thorough and carefully researched job of analyzing this phenomenon, particularly as to recent developments in certain segments of the legal profession. They have extensively interviewed lawyers throughout the country and spent a great deal of time exploring the operation of many different law firms and programs. It is therefore possible for the reader to obtain an apparently accurate national picture of these events. The national scope of the investigation is also useful because it demonstrates that these trends are not occurring sporadically in one part of the country, but in large cities throughout the land.

The material is often interesting and the subtle conflicts which the authors describe are fascinating. They tell how many large corporate law firms are developing public interest sections or departments in an attempt to meet the demands of younger associates and against the wishes or at least the instincts of older partners. All sorts of situations are touched upon which would provide valuable material for one of Louis Auchincloss' wonderful stories about the practice of law on Wall Street. A conflict is revealed within and between young associates involving, on the one hand, the claims of professional and financial success and, on the other, the need to satisfy the social conscience of today's young lawyer.

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† Partner, Goodman, Eden, Millender, Goodman & Bedrosian. President of the Detroit Chapter, National Lawyers Guild. B.A. 1961, J.D. 1964, University of Chicago. —ED.

Among the older and more established partners portrayed in the book are many who are dead set against doing public interest work on traditional and conservative grounds, namely that clients represented on a public interest basis do not provide income and often promote conflict with and disapproval of fee-paying clients. Thus, firms whose younger associates are anxious to engage in environmental cases of one sort or another often find those actions are strongly disapproved by fee-paying, polluting industrial clients. In contrast to this highly conservative position is the attitude of more "enlightened" partners who see the need to attract bright, young students directly out of law school by providing some basis and means through which they can feel "relevant."

While this book is interesting and provocative, it unfortunately has several major, if not insurmountable, weaknesses. These weaknesses can generally be broken down into three categories: One, historical and descriptive; two, methodological; and three, philosophical.

First, this book is devoid of any real understanding of the legal profession in the United States with respect to a history of radical and progressive lawyers who have been representing radicals, workers, and oppressed minorities since long before there was anything known as "pro bono publico" work. While I must admit a bias in favor of the National Lawyers Guild, which the authors condescendingly refer to as a "counter-bar,"[1] it is not surprising that a book financed by the research arm of the American Bar Association would overlook the role which the National Lawyers Guild and its members have played in representing poor and oppressed people.

The Guild was founded in 1937 and during the late 30's and 40's was in the forefront of the struggle for working people—assisting in the effort to organize labor unions, the fight against vicious labor injunctions, and the struggle for better wages and working conditions. During the 50's when most of the organized bar and the American Bar Association deserted the first amendment, the Lawyers Guild and its attorneys were almost alone in the struggle to save the Bill of Rights from witch hunts and other forms of McCarthyism. Much of this witch hunting went on within the organized bar itself and most local bar associations, working closely with the American Bar Association, attempted to purge themselves of attorneys who represented dissenters and communists in that period.

The authors' myopia becomes obvious when they discuss the effort

1. F. MARKS, K. LESWING & B. FORTINSKY, THE LAWYER, THE PUBLIC, AND PROFESSIONAL RESPONSIBILITY 196.

of the organized bar to assist in the struggle for civil rights in the American South. They discuss the formation of the Lawyers Committee for Civil Rights Under Law (LCCRUL) in 1963 when President Kennedy summoned "several acknowledged leaders of the private bar" to the White House in order to deal with the problem of representing civil rights organizations.[2] Just for the purposes of historical perspective it is worth pointing out that the Lawyers Guild, without assistance from the White House, without assistance from acknowledged leaders of the bar, and without substantial financing, opened an office—the first of its sort—in Mississippi in 1963. In fact, the Guild had an active program of assistance to southern civil rights lawyers from 1961 on. This is not to denigrate extremely effective work done by the LCCRUL, but merely to point out that the authors' bias in this book is generally in favor of establishment lawyers and law firms and definitely against more radical formations and organizations. The fact that only one short paragraph in this 305 page book was devoted to the Lawyers Guild[3] indicates the authors' tendency to overlook the significance of radical and progressive lawyers as opposed to young and idealistic associates of large Wall Street firms who are "socially conscious."

A somewhat related and equally important weakness in the book is its perspective and analysis of the legal profession. It basically looks to large law firms, corporate law firms and "acknowledged leaders of the bar" in order to understand and analyze trends within the profession. In doing so the authors ignore the bulk of the American legal profession —those lawyers who are individual practitioners or who practice in small and medium-sized firms.[4] This weakness is significant in two ways. First, many of the attorneys who are radicals or who represent radical clients are found in this group. This is universally true within the Lawyers Guild since members of large firms have for one reason or another shunned the Guild. Second, many individual lawyers and practitioners in small firms have no interest whatsoever in "public interest law" as the authors discuss it. That fact in and of itself is important. Individual lawyers who, unlike large firms, have no need to continually attract bright, young law students often feel no need to justify themselves socially or politically. A number of questions come to mind. What

2. *Id.* 127.

3. *Id.* 196-97.

4. The narrow focus is intentional. "Sole practitioners account for over one-half of the membership of the practicing bar. But they are not a part of our study." *Id.* 58 (footnote omitted). The justification offered is that such individual public interest work, albeit important, is "informal" and therefore less crucial. *Id.* 58-59.

are the attitudes of individual practitioners or small firms to non-income producing work? How do they view these undertakings by large corporate firms? And finally, what is their attitude to the practice engaged in by various United States Office of Economic Opportunity (OEO) legal services programs?

All of these questions are left unasked and unanswered. Since the book's bias is definitely in favor of large corporate firms in a number of cities around the country, the views of individual practitioners become relatively unimportant. However, it should be understood that the point of view investigated represents a small minority within the legal profession and on the whole reflects the uncharacteristic and highly artificial atmosphere of large corporate firms.

In passing it should be noted that the book not only discusses private practitioners, but also looks at several public and semi-public legal programs, associated with various universities, bar associations, and the OEO. However, even here the bias of the authors in favor of more conservative and less controversial programs can be seen. For example, while they discuss several legal services programs, they completely ignore one of the most, if not the most, influential in the country, the California Rural Legal Assistance Program. In discussing the various public interest formations around the country, private, public and semi-public, nowhere is the Center for Constitutional Rights in New York considered. This is both one of the most controversial and one of the most effective and prominent programs of its sort. It handled the Chicago 7 conspiracy case, the trial of H. Rap Brown, the Plamondon case which resulted in the wiretapping opinion by the United States Supreme Court this year,[5] and many of the significant grand jury cases of 1971 and 1972. The failure to even mention this office in passing is worthy of note.

My final criticism is perhaps the most important, and it is a philosophical criticism. The authors talk generally about a rise in social consciousness among young lawyers as the genesis for the development of public interest departments in law firms, as well as a number of public and semi-public formations. These public interest departments and lawyers apparently handle work relating to problems of housing, discrimination, welfare rights and other major political issues of the day. However, nowhere in the book is there a discussion of a coherent political perspective which would link all the individuals, firms, and groupings which the authors attempt to bind together.

The reader is left with the question: What do these law firms and lawyers have in common which permits us to put them into a category

5. United States v. United States Dist. Ct., 407 U.S. 297 (1972).

known as "public interest lawyers"? The vague and meaningless discussion of increased "social consciousness" is of no assistance whatsoever. Nor is the authors' reliance on self-definition—a lawyer is engaged in public interest work if he thinks he is[6]—particularly illuminating. Assuming that "public interest work" is amenable to definition, I would argue that classifying as public interest lawyers all those who do such work ignores the question of their motives—an essential question for any assessment of the strength and future prospects of this area.

The authors describe in great detail how a number of partners who are rather conservative disapprove of public interest programs but nevertheless acquiesce in permitting their firms to participate. Such participation is thus given an appearance of being entirely cosmetic and without substance. This is not meant to be critical of the work being done by many of the attorneys who style themselves as "public interest lawyers." There is no doubt that in many cases their work is important and that it helps people as opposed to businesses and corporations. I am only suggesting that the assumptions of many lawyers in this group are not understood at all by the authors, and are certainly not articulated by any of the attorneys themselves in the quotations provided in the book.

The authors clearly view public interest work as a method by which attorneys in law firms can round out their practice. Up until the present time, as the authors see it, these firms and lawyers have only represented part of society—that part, primarily businesses and corporations, which can afford to pay a fee. By taking up the legal problems of those who cannot afford to pay a fee, the responsibility of the bar can be seen as being fulfilled. Of course the authors would recognize that the bulk of the practice in the firms they write about will continue to be on behalf of fee-paying clients, but they nevertheless clearly favor the practice of public interest work and see such practice as a substantial commitment, if not a commitment of 50 percent of the time of any given firm: "The new view of the profession is that one can have pride in his craft and at the same time actively serve society. One can do a job which has both social and personal awards."[7] In supporting their viewpoint they quote a Washington attorney who said: "There is a new awareness on the part of the bar that the country is in serious trouble and that we

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6. F. MARKS, K. LESWING & B. FORTINSKY, *supra* note 1, at 49. The authors recognize the difficulties with this approach. They cite the example of an attorney who felt his "work in the field of municipal bonds qualified as 'public interest' work, because it produced the necessary capital for public works and projects." *Id.* 50.

7. *Id.* 213.

better begin working within our institutions to straighten things out. Right now!"[8]

The basic philosophical weakness in the book is that it sees no substantial conflict between representing wealthy clients most of the time and non-fee-paying poor clients some of the time. It is thus no accident that the authors have ignored the activities of so-called "radical" attorneys. For the view of those attorneys can generally be characterized as holding that various portions of society are in antagonistic struggle. Thus, they would argue, large industry does not live symbiotically with those people who reside in nearby neighborhoods and happen to work in its factories. It oppresses them by unsafe and unhealthy working conditions in the plant, it underpays them, it discriminates against them if they are women or members of minority groups, and when they go home, it pollutes their environment.

On this view, attorneys for industry and business are seen as agents. When an attorney represents a manufacturer in a zoning case, a tax case, a tort case, a labor case or an antitrust case, he or she is working against the interests of those people who are inevitably injured by the activities of that company. Lawyers, law firms, and the legal profession in general are thus torn by a conflict which cannot be resolved in a partnership meeting, but which goes to the basic core and nature of society itself. Lawyers cannot for long play Jekyll and Hyde roles, on the one hand representing those who dominate this country and on the other attempting to represent those who are dominated.

While the authors would have us believe that the struggle can be resolved or, more accurately, that it does not really exist, I believe that the conflict is real and that a person or institution attempting to represent antagonistic forces will be able to gain the trust of neither side and will ultimately be spurned by both. However, as an attorney I have confidence in the ability of the legal profession to make decisions in its "best" interests. It would therefore be my prediction, based not upon research but upon a mere educated guess, that we will see the decline and eventually the elimination of the present boom in the so-called "public interest" area—either that, or the firms and lawyers now effective in public interest law will eventually be forced by their fee producing partners to turn their energies to benign and unimportant activities.

This review is not meant to be critical of the work which is being done and which has been done by public interest attorneys and groups. It is unquestionably of value, in many cases of the highest quality.

8. *Id.* 215.

However, since it is my view that we shall not see these developments existing in large corporate firms for any significant period of time, I must question the lasting value of *The Lawyer, The Public, and Professional Responsibility* in light of its narrow focus. I suspect it will be remembered as a survey of a transient phase of American law, rather than as a perceptive analysis of a fundamental reordering of American legal and social priorities.

National Lawyers Guild

LOS ANGELES REGIONAL OFFICE
507 N. HOOVER STREET
LOS ANGELES, CALIFORNIA 90004
(213) 666-8118

Dear Friend:

The Los Angeles Regional Office of the National Lawyers Guild has undertaken to publish Ken Cloke's Military Counseling Manual. The Manual is the product of several years of work in military law, and is the only concise yet comprehensive treatment of military law available today. It is written in a style and format which make it suitable for G.I.'s, counselors, and lawyers alike. It answers the need, felt by those who have become involved in the struggles of G.I.'s for an accurate overview of the military judicial system.

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In order to assure that all G.I.'s and all counselors and counseling centers will be able to obtain a copy of the Manual, it is being offered at a variable subscription rate as follows: $10.00 for lawyers, $5.00 for counselors, counseling centers, and students, and $2.00 for G.I.'s. There will be supplements to the Manual in order to update it as the need arises. The Manual is available from the Regional Office by simply returning the subscription blank below.