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Notre Dame Law School Student Bar Association

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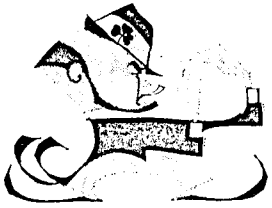


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Dooley's Dictum

A Newspaper of, by and for the Fighting Irish Lawyers of Notre Dame

Vol. 1 No. 5

Notre Dame, Indiana

Feb. 22, 1971

EPA chief promises tough pollution fight

BY BOB LUECK
Dictum Co-editor

William D. Ruckelshaus, director of the newly created Environmental Protection Agency, told a small group of Notre Dame faculty and students that the federal government intends to become much tougher on polluters in the near future.

Ruckelshaus spoke briefly in the center for Continuing Education on Feb. 11. He was in South Bend to address a GOP Lincoln Day dinner in the Athletic and Convocation Center later that evening.

The EPA was created last year by executive order of President Nixon. The agency took over the powers and functions of 15 component parts of five different and often conflicting federal agencies.

After describing the creation and organization of his agency, Ruckelshaus told the small gathering that the Nixon Administration has just introduced legislation which would give the federal govern-

ment greater powers in setting and enforcing air and water pollution standards.

Ruckelshaus cited two major problems which his agency has to overcome.

The first problem is that of internal management. "Six months just wasn't enough time to carry out a full organization of the agency," he said. "It will take time but this problem will be solved."

"Our other problem is external—gaining credibility for the EPA. The agency needs to build up scientific credibility and also convince the people that pollution laws will be enforced."

A number of reasons were cited as to why the laws were poorly enforced in the past.

Different agencies in the federal government were wasteful and didn't solve the problems over the long run. The old theory of different agencies handling different parts of the same problem just hasn't worked.

"There was a great need for an agency of this type," he commented. "This agency gives us a chance for the first time to approach the problem of pollution in a coordinated way."

Ruckelshaus also cited the failure of individual state's to enforce pollution standards. "The states," he noted, "are not good regulators because they are competing for industry and for a state to enforce pollution standards may drive private industry away to other states." Nevertheless he would allow states to set tougher pollution standards if they so choose.

While Ruckelshaus said that it was useless at this stage in our history to point the finger of guilt at anybody, recent indications are that the Nixon Administration is going after big industry as its chief target. The President is asking Congress to give the EPA the power to impose fines up to \$25,000 a day for violation of pollution standards. In addition, a court may impose its own fine of up to \$25,000 a day. Repeated violations may bring fines of up to \$50,000 a day.

In response to a question about his attitudes toward the role of private lawsuits in combatting pollution, he said he was all for public interest law firms. "The truth is that some of the finest work done has come from the public interest law firms. The members of these firms are very dedicated people and they have done a remarkable job."

"Some people are upset with their vigor but we've got to keep the pressure on if we are going to succeed."

Ruckelshaus was also asked about the threshold levels of intoxicants in the air and water. In response he cited the present lack of health effects research and indicated that the EPA was going to push for more research in this area. The agency has already succeeded in having a former biological warfare laboratory in Arkansas reopened for health effects research.

The EPA itself does not actually carry out any prosecution of polluters at this time. The task of environmental litigation is given to the Pollution Abatement Section of the Land and National Resources Division of the Justice Department.

"In 1970," Ruckelshaus commented, "the Justice Department initiated 158 criminal actions and 15 civil actions. There will be substantially more this year."

The EPA isn't confined to domestic pollution either. "There is an international office within the EPA and recently we have cooperated in establishing the International Oil Dumping Agreement which will take full effect in 1974."



Ruckelshaus

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Grappling the grades issue

Wayne Weiler

Since the distribution of grades for first semester work, the controversy over this law school's system of evaluating its students has intensified. That both faculty and student elements are interested in change has been manifested in the workings of the Committee on Grading and Examinations. That committee, headed by Prof. Conrad Kellenberg, will meet today to discuss, among other things, alternative grading systems.

One proposal by Prof. Charles Rice suggests: "The final grades in all courses shall be the following: A—4.0; B—3.0; C—2.0; D—1.0; F—0.0. No student may continue in the school or graduate unless he maintains in each academic term except the first term a grade average of 1.5."

Another plan up for consideration would keep the present "H" and "P" categories while eliminating the "HP". Grading policies were the subject of discussion at the Feb. 4 meeting of the first year class. Reaction to the present system was mixed. Class representatives Charles Sullivan and Jack Cooley state that the main division of opinion exists between those whose grades are presently high and who favor some form of class ranking and those who want a system which allows for less discrimination.

Many students wish no grade to be designated other than "Pass" or "Fail." Yet others suggest study without grades of any kind. The theory is that a student is here to prepare for his bar exam which would produce the only grade any law student should really care about.

All of the proposals have some merit. But in the heat of argument and in the dispute over numerical and alphabetical designations it is often forgotten that all of the plans have one common end. Every system devised serves ultimately as a label for the performance of the student.

As a part of the great scheme of things the controversy would not seem to be of much importance. But what is, perhaps, most disconcerting is the kind of reasoning with which each side unabashedly promotes its own interests. In back of every law student's mind is the notion that he must make himself a marketable commodity. Sickening as such an idea may be to some purists and social activists, it is often a valid consideration. One wonders if it is the right motivation for a system which may provide more recognition for the student who does well or for another system which gives the protection of anonymity to the student who does poorly.

It is utterly inane to suppose that anyone can expect to have his efficiency measured without running the risk of being told that he has been inefficient. It is equally wrong to assume that the student who has a high academic record is automatically endowed with the perseverance, understanding and dependability which often characterizes even those who rank academically lower. The history of the world is filled with tales of dullards who have eventually humbled haughty sages.

It seems that the worst of the storm over grading policies has not yet passed. However, the problem will never be profitably resolved unless the solution rests in a philosophy more broadly and soundly based than are some of the present attitudes of students.

On the Docket

Feb. 22

First Year Moot Court—Oral arguments through Feb. 26.

Feb. 23

Second Year Moot Court—semi-finals, arguments begin 7:30 p.m. Hayes-Healy Business Center in rooms 120 and 124.

Basketball—NYU at Notre Dame.

Feb. 24

Basketball—IHSAA sectional basketball tournament begins at the ACC. Wrestling—Illinois Tech. (away)

Feb. 26

First Year Moot Court—Second round trial records distributed 12:30 p.m. in room 101.

Track—Ohio State Invitational tournament (away)

Hockey—Bowling Green (away)

Fencing—M.I.T. and Wisconsin Park-side at Milwaukee.

Feb. 27

Basketball—St. John's (away)

Hockey—Bowling Green at Notre Dame.

March 1

Basketball—University of Dayton at Notre Dame.

March 4

Basketball—Western Michigan at Notre Dame.

March 6

Wrestling—Air Force Academy at Notre Dame.

Dooley's Dictum

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Dooley's Dictum is an independent publication by law students of the Notre Dame Law School. The views herein are those of the authors or the editors and do not necessarily represent or reflect the views of the Law School, its administration, faculty, student body or alumni.

Subscription rates are \$5.00 per year. They may be ordered by addressing the editors, in care of this newspaper.

Special series on Bankruptcy begins Tuesday

A special lecture series on the Federal Bankruptcy Act will start tomorrow at 7:30 p.m. The series is sponsored by the law school and will run for several weeks.

The lecturer is Robert K. Rodibaugh, the Referee in Bankruptcy for the U.S. District Court in South Bend. He has considerable experience in bankruptcy law and will supplement his lectures with a 25 page outline.

The outline is based on a discussion of the Bankruptcy Act delivered by John K. Rickes, a practicing attorney in Indianapolis, to the Indiana State Bar Association annual meeting in 1959. The outline has been brought up to date by Rodibaugh.

In announcing the special series, Dean Charles Rice noted that bankruptcy is a topic only marginally covered in the law school curriculum, but which is of considerable practical significance.

All students who want to attend this series are requested to sign up with Mrs. Ginstre in room 100F. There is a cost of \$1 for the outline. The lectures will be held every other week.

Dean Rice also indicated that Gray's Inn may have a speaker on bankruptcy later in the semester.

More books for environmentalists

Two new books dealing with the booming field of ecology are now on the market and both contain some frightening facts.

"*Ecocide—And Thoughts Toward Survival*" was edited by Jean Duncan White and among the contributors are Paul Ehrlich who teamed with his wife, Anne, to turn out the recently-released book "*Population, Resources, Environment*."

Dooley's Dictum book previews

Ehrlich is the author of the best-selling "The Population Bomb." He is a professor of biology at Stanford University where his wife is a biological illustrator and research assistant in biology.

While both books contain facts which are extremely pessimistic, the Ehrlichs say their book can't be described as a pessimistic work. Yet it would be difficult to come away from the book with anything but a gloomy frame of mind.

Consider some of the following facts:

- More than 1 billion of the world's present population of 3 billion already live in conditions of unceasing privation. Although sporadic local famines have occurred throughout history, the

current situation is without precedent in human experience.

- To raise the existing population of the earth to current American standards would require the annual extraction of 75 times as much iron, 100 times as much copper, 200 times as much lead, and 250 times as much tin as now taken from the earth. Such resources simply don't exist.

- There is absolutely no possibility of underdeveloped nations ever reaching the standard of living comparable to the developed countries.

The preface to White's book is hardly more reassuring. Entitled "The Subdivisions of Hell" the writer, Lord Ritchie-Calder, says:

"When the mad professor of fiction blows up his laboratory and then himself, that's okay, but when scientists and decision-makers act out of ignorance and pretend it is knowledge, they are using the biosphere, the living space, as an experimental laboratory, and the whole world is put into hazard."

Both books are frightening but their worth is not in the fright they cause but in the concern they cause to surface. Both works deal in facts and as such could be valuable addition to the increasing amount of material dealing with ecology.

G. Z.



The life-like statue of Jeremy Bentham peers out at visitors to the University of London.

Live and Learn Law in England

The Notre Dame Summer Law Program
from June 28 - August 10 at Brunel University

COURSE OFFERINGS

British & American Land Use Systems
—John Delafons, Assistant Secretary, Department of Environment, Whitehall, London

International Business Transactions
—Professor Link, Notre Dame

Trusts
—Professor George Keeton, Brunel

Federal Jurisdiction
—Professor Thornton, Notre Dame

British & American Criminal Law Procedure
—Keith Devlin, Magistrate and Professor at Brunel

Negotiable Instruments
—Professor Murphy, Notre Dame

Law & Technology
—Professor Link, Notre Dame

Contact Professor Thornton, Notre Dame Law
School, Notre Dame, Indiana 46556

Lawyer staff to elect new editor-in-chief

BY TOM DOVIDIO
Dictum Co-Editor

Recommendations for a new financial structure, an expanded editorial board, and more frequent issues are the major platforms surrounding the election of editor-in-chief for volume 47 of the Notre Dame Lawyer. Candidates for the office include Glen Anger, Bill Maledon, Mike Mullane, and Chris Schraff—all second year students.

The candidates submitted various proposals in their position papers on the issue of expanding the present nine-member editorial board. All favor expansion—upwards to 21 members—and the possible elimination of editorial associates. The commonly cited reason is the increased total membership due to larger class enrollment. The change will add about 12 positions, increasing the staff from 38 to 50 members.

Financial restructuring is also a major position for the candidates. It presently costs about \$6000 to publish and mail each issue. The Lawyer has a 1200 extra-law school circulation which increases to 1600 with the students and faculty. Ideally, the candidates would like to publish about six issues each year, rather than the quarterly arrangement in the present publication structure.

This Friday afternoon the staff will meet as a whole to elect their new editor. Procedurally, there will be a floor discussion with the candidates answering questions submitted them. After the staff elects its new editor at this meeting, his name will be submitted to a faculty-administrative committee for approval.

On Corporate Directors

I sit, by selection

Upon the direction

Of several Companies' bubble—

As soon as they're floated

I'm freely bank-noted—

I'm pretty well paid for my trouble—

from The Gondoliers
by Gilbert & Sullivan

Commissioners Korner

Hardwood highlights hard to come by

BY PAT HERALD
Dictum Sports Editor

The Auto Show, preparations for the upcoming Ice Capades and intercollegiate varsity competition accounted for a relatively inactive week on the hardwood for Law School intramural participants.

The latest Law School Athletic Association roundball poll intimates that the sports writers remained fairly satisfied with their balloting of a week ago. Second-year Team 4 remained atop the ratings followed by last week's second

L.S.A.A. Poll

| team | points |
|---------------------|--------|
| 1. Team 4 (2) | 200 |
| 2. Team 6 (2) | 180 |
| 3. Team 9 (1) | 145 |
| 4. Team 7 | 95 |
| 5. Team 1 | 45 |

(Numbers in parenthesis indicate first place votes received).

ranked squad, first year Team 6 who picked up their second victory of the young season by downing Team 8, 52-37. Team 8 is still seeking its initial triumph.

The best of the third year thus far—Team 9, made the only significant move dropped to fourth and Team 1 also out of action remained in fifth.

Weekly schedules are now being posted on the L.S.A.A. bulletin board in the T.V. lounge of the Law School for the time and location of the upcoming intramural games.

FROM THE KOMMISSIONER'S DESK:

An anonymous report has been forwarded to the Commissioner that Austin Carr and Artis Gilmore are seriously considering passing up pro careers for a shot at Notre Dame's Law School intramural program. Professor John "Chief" Broderick has been quoted as saying, "Both are interested in law."

IM TEAM STANDINGS

| TEAM | W | L | TEAM | W | L |
|---------|---|---|---------|---|---|
| team 4 | 2 | 0 | team 3 | 1 | 1 |
| team 6 | 2 | 0 | team 10 | 0 | 1 |
| team 9 | 2 | 0 | team 12 | 0 | 1 |
| team 7 | 1 | 0 | team 2 | 0 | 2 |
| team 11 | 1 | 0 | team 5 | 0 | 2 |
| team 1 | 1 | 1 | team 8 | 0 | 2 |

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