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Casenote: Norton v. Weinberger an Inside Look

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Letters to the Editor

Editor
The Forum Law Journal
The School of Law
University of Baltimore
1420 North Charles Street
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Editor:

I am a June 1975 graduate of the Law School, and considered myself very fortunate when I obtained the job I had gone to law school to obtain: as an attorney with the Legal Aid Bureau. Consequently, I was dismayed and resentful when a Dean of the Law School, upon being told the news, became visibly angry and stated that I could do better than that.

I am aware of the bias of many members of the Bar against Legal Aid, and the standard jokes about Legal Aid attorneys and Public Defenders not being "real lawyers," and I am relatively unaffected by this. But I am distressed about such an attitude on the part of the administration of the University of Baltimore School of Law.

The Dean's comment reinforced my experience while at the law school: the faculty and curriculum are woefully lacking in their commitment to, and encouragement of, public interest law, legal services for the poor or disadvantaged, pro bono services, and all the rest of those "low status" aspects of the practice of law.

With rare exceptions, I received no instruction or guidance while at the University of Baltimore in these directions. Even the course in professional responsibility did not deal with these areas and the responsibilities of practicing attorneys toward those who cannot afford legal services. Where is the school's sense of public responsibility?

As I entered law school, I was pleased to note in the catalog at least a few courses such as Juvenile Law, Law and

Social Reform, and Consumer Protection. Yet Juvenile law was never taught during the time I was in school. Criminal Justice Administration, Environmental Law, and Women and Law have been added, but offered only at night. The curriculum is based on business and corporate law, and the making and preserving of money, rather than on serving the needs of society and the public. The school is not committed to fostering an awareness of these responsibilities in its students. There are no clinics where a student can learn, under the direction of an attorney, how to serve juveniles, the elderly, prisoners, mental patients, the poor, etc. The administration will counter by saying there are internships; but a student must seek these out on her or his own, without encouragement, and is restricted to a few hours of credit for such work.

At the University of Maryland, for example, a student will be able to earn up to twelve hours of credit working in the Juvenile Justice Clinic; or can work in the clinic organized with Piper and Marbury to serve poor people, or in the Developmentally Disabled Clinic; or can take electives such as Consumer Protection, Social Welfare, Family Law, or Correctional Law.

Where is the commitment of the University of Baltimore School of Law to areas of social concern, to improving society and the ethical outlook of members of the Bar? I find the lack of commitment shameful.

Carolyn Rodis Boyd

Casenote Norton v. Weinberger an Inside Look

by Thomas W. Keech

(Reprinted, with the author's permission, from Legal Aid Bureau's *Vox Populi*, their intra-office newsletter.)

On January 13, 1976, Chris Brown, former Chief Attorney of the Administrative Law Unit, argued *Norton v. Weinberger* before the Supreme Court. The suit challenged the constitutionality of the restrictions which the Social Security Administration places on an illegitimate child's claim for survivor's benefits on his parent's account.

Dressed in a simply cut, dark suit (defying fashion dicta about the Eurolook)



and a white shirt evidently acquired since he passed on from Legal Aid to the esoteric circles of the Maryland Law School, Chris was dazzling in the flame red semi-bouffant coiffure he made so fashionable during his stay here. His opponent, Mr. Keith Jones, appeared very

dapper and conservative, wearing formal tails and neatly sculptured salt-and-pepper coiffure — giving an appearance, however, which was thought in some circles to be somewhat less risqué than the occasion called for. The rumor that Mr. Brown had *not* worn boots could not be confirmed.

Mr. Dennis Sweeney, current Chief Attorney of the Administrative Law Unit, also appeared at the counsel table. Although it was originally thought that he was aiding Mr. Brown, close observation revealed that he did nothing at all.

Gregory Norton — himself — attended the hearing, despite a *Baltimore Sun* report that he couldn't attend. (All of which goes to prove the danger of writing news stories in advance. A risk which this correspondent will never be accused of taking.) As it was, Joe "Wild Turkey" Rohr and Gordon "Madman" Berman, realizing that it was too late to get their names in the *Sun*, thought they might curry favor with the *News American* by driving Gregory Norton to Washington and proving the *Sun* wrong. This scheme failed.

Gregory was quietly attending school when these two arrived at the recreation yard and lured him into their car with tales of important doings in Washington. Although Gregory did not seem to understand the subtleties of the arguments on his constitutional claim on the merits, he seemed enraptured by the hour of debate on the jurisdictional issue.

The Justices must be criticized for the lack of color and originality in their apparel. How long the federal judiciary will continue to follow their lead in these matters is now an open question. One would have thought that the new year, and a new Justice, would have brought some bright new changes in the appearance of the Court, but the minor variations on the same basic black midi are a real disappointment.

THE UNITED STATES MARITIME INDUSTRY: A Transnational Application of U.S. Statutory Law

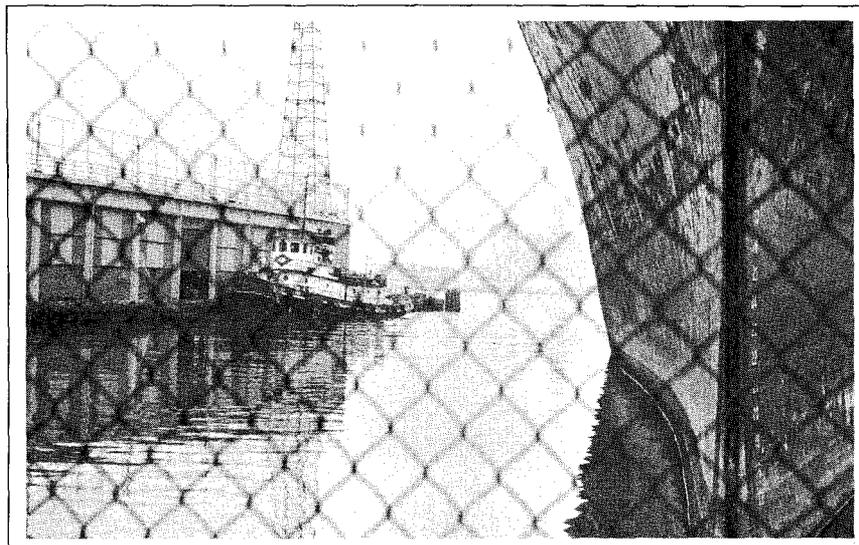
by D. W. Lenehan

In most situations where a U.S. industry is exempted from our anti-trust laws, it tends to be closely scrutinized and directly accountable to a federal regulatory agency. But what happens when an industry is international in scope, and its very nature makes close scrutiny and direct accountability impossible? This is the U.S. Maritime industry, vital to our national interest, yet extending well beyond the recognized boundaries of U.S. jurisdiction. It is not uncommon, for example, to find a ship, registered in Liberia and owned by a Greed consortium, carrying German industrial goods between the Netherlands and the United States. The situation becomes even more complex when it is remembered that French, Italian and Scandinavian ships are also competing for the same cargo over the same routes. Where foreign ship owners mutually agree to "price-fixing" arrangements, how are U.S. owned ships to compete, effectively in view of U.S. anti-trust legislation? The brief answer is that they are exempted

from this legislation through a transnational application of U.S. maritime law. To understand this exemption, it is necessary to consider The Shipping Act of 1916, (46 U.S.C. 801 et. seq.) and in particular its sections which have the effect of regulating discriminatory practices in U.S. foreign Commerce.

The main purpose of this act is to articulate a scheme of government regulation which has as its objective the preservation of competition. This policy rests on the basic assumption that the prosperity of our foreign commerce and the maintenance of a strong and independent merchant marine can best be secured through strict administrative surveillance of shipping practices, insistence on equal treatment for all shippers, protection of cargo and ports against unfair discrimination, and finally through prevention of practices designed to eliminate smaller independent carriers. At first glance, the terms of the act seem diametrically opposed to the end it seeks to achieve.

Section 15 requires that every written or oral agreement between two or more steamship lines, which in any way fixes or regulates ocean freight rates, be filed with the Federal Maritime Commission. (It is important to note that the government does not set foreign commerce rates, it merely accepts the rates for filing and requires that the line charge only the rate filed.) Any such agreement is made effective and lawful upon approval by



June Chaplin