

April 15, 1971

UNIVERSITY OF VIRGINIA
CHARLOTTESVILLE - VIRGINIA - 22901
SCHOOL OF LAW

Dear Ron.

Here in your world's worst ^{person} correspondent getting down to writing that he is indeed alive and well. It is unbelievable that it was August that you were here and now it is April - means tax deadline, dogwood & all - The year has slipped away while I have been engaged mentally in retreating. What I ~~know~~ the task of getting back to top of my subjects would be substantiated, it has turned out to be far more so than I envisioned. New courses, new decisions, new writings, etc. have poured forth in the four years I have been essentially outside the academic enterprise. The administrative - academic division of life I now see as much more profound than I ~~realized~~ realized when I was over on the administrative side of the fence. In any case it is sheer pleasure to be immersed again in the law, although I will feel more comfortable after I work my way through the course at least once.

Committee work has been heavier than I would have liked, but that is part of the game. In the interest of attempting to keep alive the appellate litigation program I have taken 1 case this spring from the 4th Circuit & have worked with 2 students. The brief has just been submitted; oral argument in

probably be in June. I needed your thoughts
in shaping a theory. It is an odd case - involving
a juvenile court proceeding - a little out of my
line - and was a more difficult than usual thing
to write.

I have randomly intended and hoped to
write you about your piece on justice. Twice I
have read it. One of the reasons I have not
written before now is that I could never hold
down my thoughts into something less than long,
rambling reflections. Virtually every one of your
sentences gives occasion for extensive comment, and
I do not yet see how I can do much that is
at all like that of an essay which I simply
do not have time to write. There is a great deal
more to that, & I think still more on rereading &
additional thoughts. It is the kind of subject,
however, in which I ~~thought~~ ^{think} conversation with him
more fruitful than hurried efforts on my part to
put something in writing. If the matter is
still a live subject with you, & you are coming here
this summer, I would enjoy immensely kicking it
around.

During the summer, my tentative plan
is to leave on about July 9 for England for the
American Bar Meeting & to carry out a study of

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The features of criminal appeals in England which might be imported into this country, if any, & help overcome some of the more disastrous situations developing in some of the state & federal appellate courts. As a result I should be in England 3 weeks - taking son & children & staying in our former home in Southampt. We expect to spend 1 week motoring in the continent before returning here - probably through northern France, Belgium, Holland & Germany -

I may well get heavily involved with a wide range of matters concerning the appellate process in this country. Two projects are pending decision with the Department of Justice & the Federal Judicial Center which, if they materialize, will take me rather deeply into this area for the next year or two - both practically & philosophically. I should know about this by about mid-May. I am heavily interested in getting into this, so how it works in judicial business & the threat of back-log is now a top item on the national agenda. Innovative, even radical, ideas are needed to reorder the process, yet to preserve the essential functions & purposes of appellate review.

The Calley case has caused the most astounding public reaction from the oddest quarters. I took occasion in my broadcast to state the matter quite simply from the lawyer's standpoint. He can really in quite simple it is a prosecution for murder. There is no novelty about it. It has little or nothing to do with Huebner, or high flying bombers, or collective guilt. I participated in at least 2 dozen cases, as either prosecutor or defense counsel, in Korea so different analytically. You may not agree with all this - but this was the essence of my classroom statement -

Sam Parrish says you have moved with & he has provided your address. Why the removal to the province? I can see this the variety may be appealing.

It is always good to hear from you if you can find time to write. If you are coming this way anytime, by all means let me know -

Sincerely,

Sam