



Harvard Law Record

America's Oldest Law School Newspaper

VOL. 44 NO. 4 CAMBRIDGE, MASS., FEBRUARY 24, 1967 FIFTEEN CENTS

Marking System Examined at Open Meeting

Student Opinion Varies Widely on Reforming Grades

By John TePaske

"The Law School is a professional school, not a Platonic academy," remarked one student at the open meeting of the Student-Faculty Committee held last week, but "There is no reason why this place should be any more unpleasant than it has to be."

"The opinions of students are always welcome," Professor Clark Byse said at the outset of the meeting, and he received student opinions in profusion.

About 85 students attended the informal session which concentrated on the problems involved in evaluating student performance at the Law School.

The four-month-old Joint Student-Faculty Committee served as a 12-member panel providing background information and fielding the questions and suggestions of the audience. The meeting itself was organized around four topics: changes in grading, membership on honoraries, factors other than exam performance, and use of grades in placement.

Replying to an open invitation, six students not on the committee submitted written questions and suggestions to the panel in advance — a procedure which helped give structure to the four topics and provided an

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Heated Discussion after the Meeting

Griswold Hits Bias in Law Firm Hiring

Dean Erwin N. Griswold issued a strong public statement last night reaffirming the Law School's commitment to insure equal placement opportunities for all students and categorically opposing discrimination in the employment of law students.

At the same time, the Dean announced the appointment of a Faculty Committee on the Placement Office, headed by Professor Louis Loss. The committee will have the policy, not the operating, responsibility of the Placement Office. The Dean explained that

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How the Gordian Knot Was Cut—

By J. David Gernant

"You do feel trapped," said Philip G. Sherburne, when you have just been told by an official of the Central Intelligence Agency that the CIA is contributing heavily to your organization—and you have just before that signed a national security oath not to tell anyone, on pain of criminal sanctions.

Sherburne, 1L, is the immediate past president of the National Student Association. He was interviewed this week by the RECORD. Asked how he felt when told of the CIA link, having served seven months as NSA vice president, he said: "Disgusted, disappointed, sick . . . very surprised."

Sherburne decided to run for the presidency of NSA, with the intention of ending the tie with the CIA. In a series of actions described by an NSA staff member, Stephen Arons, 1L, as "very courageous," Sherburne moved quietly during his year in office to cut the cord that tied his organization to the CIA. Sherburne explained to the RECORD what it meant to sever relations.

If when he became president he had simply refused point-blank to accept any more funds distributed through CIA "fronts," the NSA would have been "immediately bankrupt," and would have been destroyed as a viable institution. Fearing that public disclosure could wreck confidence in NSA at home and abroad, he quietly

"turned everyone's attention" to raising funds.

"And we did raise those funds," he said emphatically. By the end of his year in office, he said that NSA had raised \$400,000 from sources that were known not to be connected with the CIA. In addition to fund raising, Sherburne took steps to assure that NSA's programs were free from CIA influence prior to actually informing the Agency of the break. Thus, he said, he left the incoming president the freedom and independence none had had in more than fifteen years. In March, 1966, Sherburne said, he informed the CIA of the break.

So what broke the story? *Ramparts* magazine tells of a meeting in March, 1966, in a swank Washington restaurant. Present were Sherburne and his chief fundraiser, Michael Wood. Wood complained that in approaching many foundations, he found that Sherburne had contacted them first, thus undercutting his authority as fundraiser. Wood, says *Ramparts*, threatened to resign. At that point, Sherburne told him of CIA's involvement, to Wood's "astonishment."

Sherburne finds the *Ramparts* account "melodramatic." He said that Wood already knew enough to suspect the CIA connection, and probably would have found out anyway. So, in strict confidence, Wood was told, and was told, too, of Sherburne's quiet and effective plan for extricating NSA from the web of the CIA.

At that time, said Sherburne, Wood accepted Sherburne's plan to sever relations privately. After leaving NSA's employ in September, 1966, and for reasons about which Sherburne declined to speculate, Wood ceased to agree with the Sherburne plan. It was then that Wood disclosed his knowledge to *Ramparts*, "betraying," as he says in a note, "the personal confidence" of Sherburne.

Ramparts researched the

The Origin of an Expose

'Ramparts' magazine, in an article published yesterday after a ten-day buildup, tells of a fantastic interconnecting network of CIA funds being funnelled through CIA "front" foundations which in turn funnel the money through legitimate foundations which contribute vast sums to many organizations, including the National Student Association.

The explosive information regarding the NSA was passed along to 'Ramparts' by Michael Wood, a former NSA director of development, or chief fund-raiser. His source of the confidential information was the then president of NSA, Philip G. Sherburne.

Sherburne, described by 'Ramparts' as a "tough-minded, gritty independent," violated a national security oath by divulging the information in private even to one so intimately involved in the financial structure of the NSA as Wood.

the Story of the NSA-CIA Break

story and published it yesterday, in an article which has already led to a presidential directive of a wide-ranging investigation and to calls in Congress for a similar probe. Among its disclosures (confirmed, Sherburne said, by NSA) is that one of the foundations used by the CIA as a conduit for channeling money to the NSA was the Independence Foundation of Boston. One of its two trustees is Mr. Paul Hellmuth, a



Philip Sherburne

Harvard Law graduate practicing with Hale & Dorr.

Articulately, and in a soft-spoken and self-assured manner, Sherburne told of the "insidious" effect on NSA of the CIA money:

1. Those few who knew where the money came from had to exclude NSA staff members from discussion of the nature of projects. "Even my national affairs vice president didn't know," and that made policy discussions difficult. There was distrust and lack of confidence when officers approached the same problems with different assumptions.

2. The individuals responsible for the policy and program of the NSA thus were not aware of the connection and could not plan with assurance. The National Supervisory Board was likewise kept totally in the

dark, and so had no opportunity to rule on the wisdom of the tie.

3. Contrary to some speculation, the CIA *did* influence NSA's programs, said Sherburne. "Not by direct control, but by the subtle effect" of the interpersonal relations of CIA agents and NSA representatives. Besides being more experienced and better informed, the sheer power of the CIA "intimidated" young people abroad, Sherburne pointed out. CIA "advice" was thus "usually" followed.

4. The international program of NSA was almost entirely financed by CIA money. This meant that the character of the program was "dependent on the mutual interest of the CIA and the NSA."

Last week, after three days of intensive discussions, the National Supervisory Board of the NSA formally and publicly severed all contact with the CIA. It will attempt to gain control of the lease on its headquarters, which is now paid for by the Independence Foundation. Failing that, it will move out.

**'Only a few knew where
the money came from and
those who did had to lie'**

The future of the international program is in doubt. Sherburne figures it may take a few years for it to regain the confidence of students and governments abroad. While he wished to avoid the inevitable adverse publicity by his quiet campaign within NSA to disassociate it from CIA, he looks forward to the investigations in the Cabinet and the Congress that may at last reveal to the American public the extent of the CIA's involvement in affairs far removed from normal security matters.

Wheat Defends SEC Report on Mutual Funds

By William Schwarz

Declaring that the "SEC is not opposed to skillful men making money," SEC Commissioner Francis M. Wheat, '48, defended and explained the recent SEC mutual fund report and proposals before the Bull and Bear Club last Friday in the Ames Courtroom.

The thrust of his speech was that there is a need for a court-interpreted statutory standard of "reasonable compensation" for mutual fund managers in order to assure "fair dealing." The SEC is to bring suit to enforce this standard.

Unsophisticated Investors

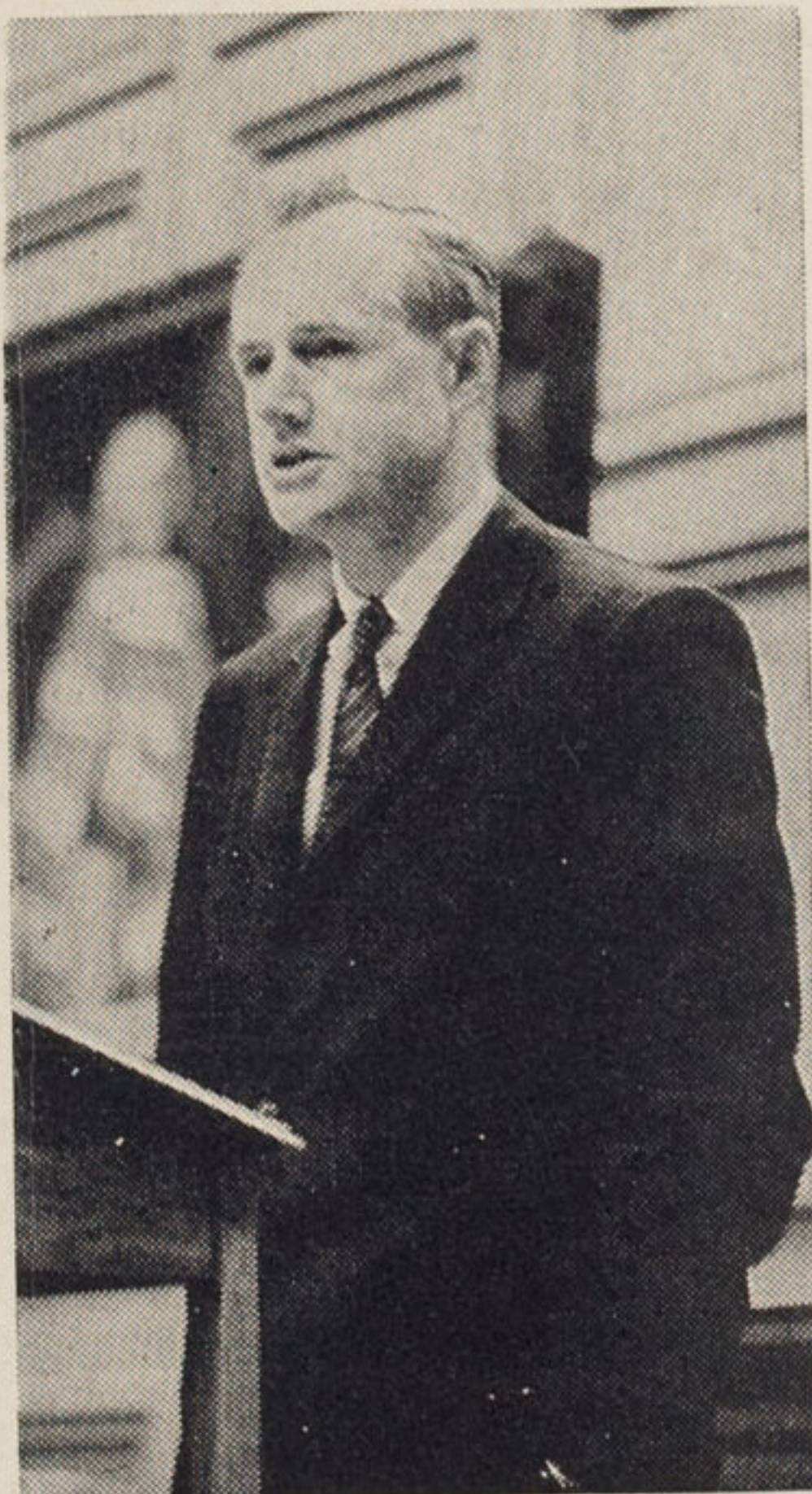
Commissioner Wheat explained that "securities is a merchandising business. You must sell them." He said that there are millions of new unsophisticated investors, and these people need to be protected. In 1940 when the Investment Company Act was passed mutual funds were small.

Congress exempted management contracts from the requirement of SEC approval, although it did set up the safeguard of shareholder approval of these contracts. Also, 40 per cent of the board of directors of each fund had to be "outsiders" who were not active in the management of the fund. However, with the growth of mutual fund assets from \$400 million in 1940 to \$50 billion, these safeguards have proved inadequate.

Commissioner Wheat

pointed out that very little of the economy of size has been passed on to shareholders, and that most reductions have been "very modest," often as a result of shareholder suits. Reductions have occurred almost exclusively in mutual funds that are internally managed.

Funds with external advisors charged on the average three times as much



Francis Wheat

(based on asset value) as those with internal management. While not advocating suppression of those with external management, the Commissioner would subject both to the "reasonable compensation" test.

Comparing mutual fund management to investment advisors, Commissioner Wheat found several things lacking. First, advisor cost per dollar decreases per dollar invested,

while this has not been true with mutual funds. Second, the investor knows what he is paying for. If the quality of the advice is not up to par, he can freely transfer his account.

No Competition

The major problem, according to the Commissioner, is the lack of arm's-length bargaining. One person gives birth to the fund and proceeds to control it and the investment company manages the fund. There can be no arm's-length bargaining where one person controls both the fund and the investment company. Moreover, there is no competition for managing the fund.

The shareholder vote on the management contract has not turned out to be a safeguard. If the shareholders reject the management contract, they would deprive the fund of all management, which would be worse than excessive salaries and fees. Moreover, the cost to the shareholder is miniscule compared to the costs of a derivative suit or switching to a new fund.

The Commissioner gave the example of salaries being \$1 million too high. This he said would cost the owner of 200 shares \$1.20. To switch funds, this holder would incur a cost of \$275.

Looking for remedies, the commissioner and the SEC ruled out rate fixing. Disclosure was out, as "prospectuses are too long anyway." The SEC decided that a statutory test of
(Continued on Page 10)

Underpass Eliminates Jaywalking

"It's been mostly a battle, a struggle to keep pedestrians moving while fighting traffic, traffic, traffic" commented Harvard Resident Engineer Bob Kieley on progress of the Cambridge Street Underpass.

Expected to be completed in June of 1968, the three and one-half million dollar Harvard construction will remedy traffic problems created by the great flow of pedestrians between the Law School and Harvard Yard.

Pedestrian Bridge

Traffic turning off Massachusetts Avenue, Broadway and other streets in the vicinity will be routed underground while pedestrians will cross from one side of the University campus to the other by way of a bridge over the traffic. This will eliminate the present necessity of jaywalking; a practice that has become

something of a tradition to most students who cross at that point.

Although work on the project began in early October, most of it has been directed toward the relocation of utility cables to either side of Cambridge Street. In this, Mr. Kieley said, both the Cambridge Utility Company and the City of Cambridge have been very helpful. In March, when all of the cables have been safely relocated, actual construction of the Underpass is expected to begin.

Problems Grow

Presently, however, the cable excavation is creating its own problems and, according to Mr. Kieley, "they are getting worse." Although the Traffic Department has allowed traffic to be detoured from Quincy Street to the Littauer area to avoid interference with

the construction, there have been no provisions made for traffic from Harvard Square.

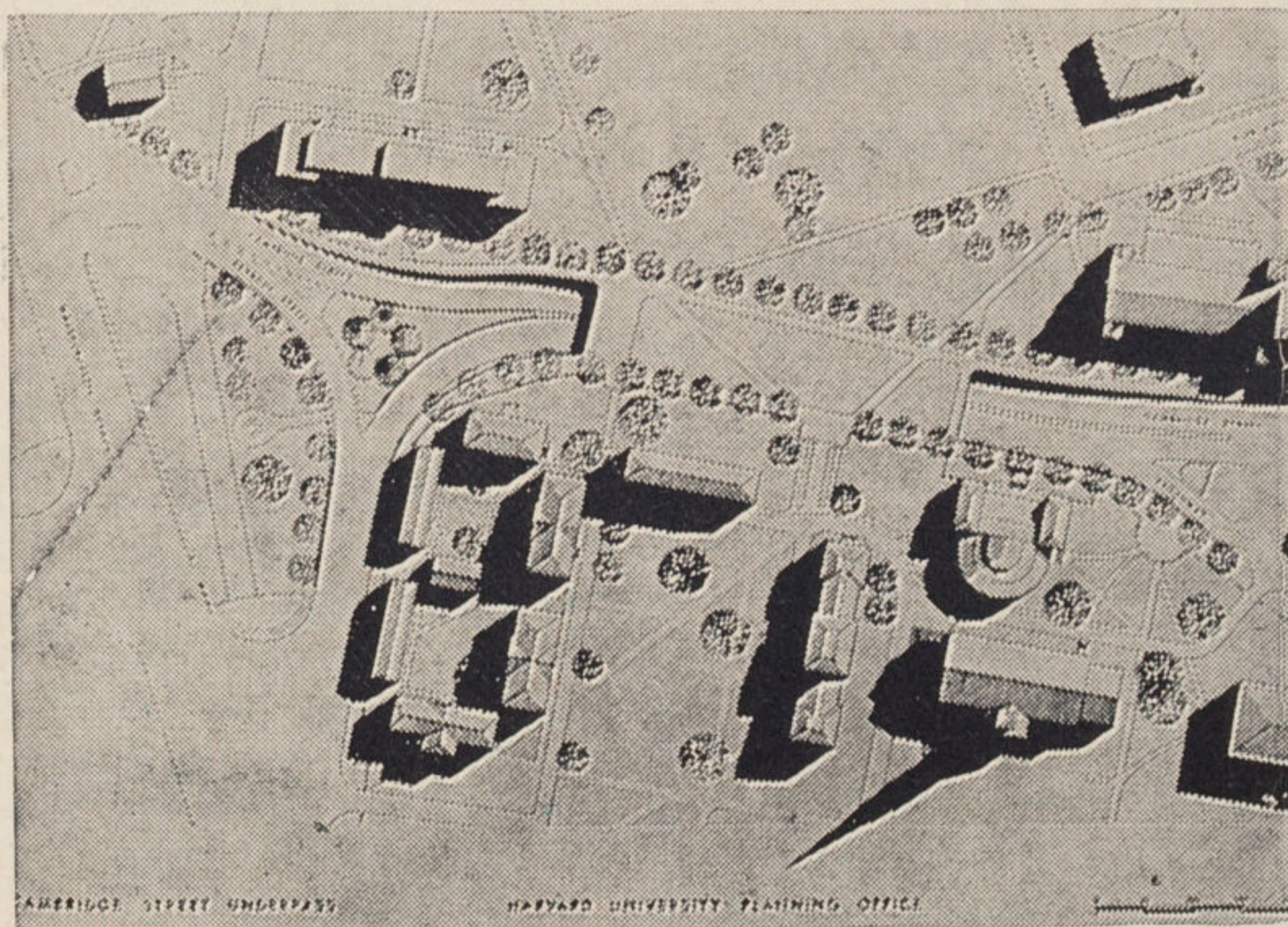
Together with traffic from Peabody Street, this Harvard Square traffic is "bottlenecked" near the western end of the construction site and requires special handling by eight or nine City Policemen. These policemen are paid by Harvard and have to remain on duty until late into the evening.

While the City is now working on an additional detour route, there is still no definite solution.

Pranksters Appear

In spite of the snow, slush, slow traffic and meandering pedestrians who cross the site daily, Mr. Kieley noted that there have been no accidents. Pranksters, on the other hand, have not failed to make their appearance.

According to Mr. Kieley, two of them, claiming to be Harvard students, appropriated a large construction sign from the workmen; demanding it in the name of the University. While its whereabouts are presently unknown, Mr. Kieley smilingly indicated that when it is located its holders will probably be awarded the very first "accidents" of the project.



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Office Creates Institutions for

By John Spitzer

"Business planning is one of the most important aspects of poverty law practice," declared John Ferren, director of the Law School's Community Legal Assistance Office at 235 Broadway, during an interview last week.

"A legal assistance office should not just be a factory for processing domestic relations complaints," he explained. "A lawyer is a social engineer who should be able to create institutions to help the poor."

Although the office has only made exploratory steps in the business planning direction so far, Mr. Ferren outlined the possibility of starting consumer buying cooperatives (like the Boston Egg Buying clubs), neighborhood credit unions, community education seminars on the law, and perhaps even housing cooperatives.

In the more traditional legal assistance areas of family, landlord-tenant, consumer credit and criminal law, the office has experienced a burgeoning caseload since its inception last September, financed by an \$80,000 demonstration grant from the Office of Economic Opportunity (OEO). Last fall, about 20 new cases were received each week, compared with more than 30 a week thus far in 1967.

Publicity Gimmick

Various publicity devices have been used to acquaint the poor with the services of the Community Legal Assistance Office. Small posters were put in grocery stores, drug stores, billiard halls, neighborhood houses and housing projects, an insert for Sunday church programs was distributed, and an intensive effort was made to acquaint social workers with the office. "But word-of-mouth is now proving to be one of the most successful

means for getting to be known in the community," explained Mr. Ferren. "Our charts show that more and more people are coming to the office because they heard about us from a neighbor."

He added that the office stresses the "family lawyer" concept whereby students regularly keep in touch with a client, even after a case is closed, to help in any way possible, including avoidance of any future legal difficulties.

Mr. Ferren stressed that, in addition to students, the



John Ferren

availability of a full-time paid lawyer at the office, Paul Garrity, has helped to get many cases. "Sometimes, a qualified lawyer on our staff is a condition for getting referral cases from social agencies," he added. "A lawyer can take more complicated cases, using his expertise and judgment to supervise students who work under him, much as a senior partner might do in

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the Poor

a law firm with the new associates."

Student members of the Community Legal Assistance Office are eager to point out the many and varied cases that are presented to them. They have represented an escapee from a mental institution, a client accused of armed robbery (getting, in effect, only a probationary sentence for their client), a joyriding teenager, numerous clients in cruelty, separation, support and custody cases, and even Spanish, Portuguese and Russian-speaking clients with consumer credit and eviction problems (where students were found who could speak the native language).

Out of the 177 who applied for the program this fall, 75 were selected who have been putting in an average of 5-10 hours a week, with some ranging as high as 40 hours. Several additional students have been invited to participate during the spring semester.

Mr. Ferren explained that he has never seen the grades of any of these students and that selections were made on the basis of the written application stating why they wanted to participate, the answers to questions during the personal interview, foreign language ability, possible career interest in the legal assistance field, knowledge of Cambridge, lack of excessive commitment to other activities, and prior experience in projects with a low income community.



Legal Education Put to Use

A statistical study will eventually be made comparing the grades of the most effective participants in the program, but Mr. Ferren was willing to make an educated guess at this time that "our ten best students will probably show a range of grades from very high to low."

The articulate director, who left private practice in Chicago to conduct the program, hoped that the office would be able to take more students next year to meet the expanding caseload.

Grant Renewal

The Law School will apply for renewal of its grant from the OEO next year, but Mr. Ferren said that he does not know what source of funds will be available after that. He hopes the Law School will be able to continue the program.

During exams the office kept up its usual hours, even though many students were not able to help out for

several days — 12 faculty members each took on a 4-hour shift. Most received cases, and some are personally following them up. Professor Charles Fried is doing an armed robbery case, while Professor Detlev Vagts is involved in several family law problems.

Things to Come

What's in store for the future? In addition to creating new institutions to help the poor, Mr. Ferren would like to bring more test cases in the fields of landlord-tenant law and commitment to mental institutions, as well as a two-year statistical study to see if community attitudes towards the law and lawyers have been improved in the areas served by the office.

He is also helping some lawyers from private practice organize a volunteer lawyers' program in a Somerville housing project which will begin in several weeks, with assistance by a few law students.

the time is now

One of the main things to emerge from last week's open meeting of the Student-Faculty Committee is the sense of a broad consensus for change in certain areas of the grading system.

The greatest agreement seems to be in the area of ranking. No one at the meeting defended the present system, which ranks about one-third of the class. Indeed, the system seems to be almost indefensible. Differences of one or two points on the average account for great differences in rank in class, surely an example of distinction without a difference.

The present system was put into effect not because the faculty thought it desirable to rank one-third of the class, but because they thought it was detrimental to rank all 525, as had been done previously. As usual, the result was a compromise, by which one-third continued to be ranked.

The time has now come to abolish ranking altogether. If the present system of membership on honoraries continues, the Administration could still compile its own rank list, without disclosing to the students exactly where they stand in class. This is one area where the change can be effected very easily and swiftly. There is no reason to keep ranking alive past June.

One other point about which there was substantial concurrence was that the general level of grades should be improved. Many more A's and B's should be given out, even if all that will be accomplished by the reform is an improvement in student morale. Here again there is no obstacle to a speedy decision. Action now by the faculty can affect this semester's grades.

Harvard Law Record

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Published on Thursdays ten times each semester by THE HARVARD LAW SCHOOL RECORD CORPORATION, 23 Everett Street, Cambridge, Massachusetts 02138. Subscription price: \$2.25 per semester, \$4.50 per year mailed; student subscription, \$2.25 per year distributed at the Law School. Individual copies 15c each at the Law School, 25c each mailed. Business and editorial offices, 23 Everett Street, Cambridge, Massachusetts 02138. Telephone UNIVERSITY 8-7600, extension 418. Permission is given for reproduction of any part of an article appearing herein provided that credit is given to both the RECORD and the author of the article. Second class postage paid at Boston, Massachusetts.

PRINTED BY THE LEXINGTON PRESS, INC., LEXINGTON, MASS.

TONGUE 'N CHEEK

By Fenno

"What are you doing in the stacks at three in the morning," exclaimed a friend passing by my cubicle.

"Researching our Ames case—the question presented is how many angels can dance on a pinhead."

"Odd thing to be litigating."

"It's a products liability case coming up before the Supreme Court of Ames next week—*Gabriel v. Amalgamated Pins and Needles*. Last year the defendant company, whom we represent, reduced the size of the pinhead on the pins to save steel. To make a long story short, this caused the angels dancing on our pinheads to fall all over themselves."

"Sounds pretty far out."

"It's pretty interesting once you get into it. Take my point, for instance. I'm researching whether the term 'angels' should be strictly construed to include only the seraphic variety or whether the court should adopt a more liberal interpretation to include 'fairies' as well. It seems that the overcrowding was due to the presence of a number of fairies on our pinheads contrary to the Common Law rule that only angels should be dancing on pinheads."

"Can you find any cases on it?"

"It looks like a case of first impression. Although the legislature probably intended angels to mean angels, the liberal religious minds of the Ames judges might find this an unconstitutional discrimination against other ethereal creatures."

"Is this the only issue?"

"Oh no. There are always lots of issues in Ames cases. What is the proper size for a pinhead? Is there a constitutional right to assemble on a pinhead? Does the right to assemble incorporate the right to dance? Are angels aliens not entitled to constitutional protection? And of course the hardest issue of all, how many angels can dance on a pinhead?" I concluded with a dazed look in my eyes.

Letters to the Editor of the RECORD

'Unsophisticated' Lawyers Offer Reply

To the Editor:

I would like to thank Mr. Peyton Randolph Harris, '15, for his sophisticated exposition of the reaction of sophisticated New York lawyers to the "Jewish Problem". It should be gratifying to Jewish law students to know that they are being discriminated against, not because of the form and content of their prayers, but only because of their offensive racially determined personality traits.

Similarly, I am sure Mr. Harris and his sophisticated colleagues would never reject a Negro applicant because of his color, but only because he was shiftless and lazy, and had a propensity for raping white women.

Nor would Mr. Harris reject a Chinese applicant simply because of the shape of his eyes. However, as any reasonable man can well understand, a sophisticated New York law firm, with sophisticated clients, could hardly tolerate an associate in the back room who took in laundry and smoked opium.

A Japanese associate would be equally unthinkable. A Wall Street law office is not the place to cultivate a garden, and of course there would be the ever-present danger of his running amok and committing hari-kari before the tender eyes of a valued client.

Unfortunately, I lack Mr. Harris' sophistication and I mistrust stereotypes. Otherwise I might attempt a definitive assessment of the "sophisticated New York lawyer" on the basis of reading his letter.

Jerold L. Perry, '61
Barbara Perry
Long Beach, Calif.

Reader Identifies Hallmarks of Prejudice

To the Editor:

Combatting bias in legal employment requires, at the outset, the ability to recognize its modern hall-marks. Mr. Harris, in his recent letter, has given us several illustrations: e.g. the Jewish lawyer is "an individualist" who will not stay with a firm and who will "if possible, take with him some clients of the firm", who "will chafe under . . . discipline" and "may antagonize clients . . . who are skeptical in regard to the ethical standards prevalent among Jewish lawyers."

Mr. Harris, of course, does not endorse these views but states that they are believed by some and that such belief, rather than religious bias is the cause for the rejection of Jewish candidates for legal positions in some firms.

I disagree with Mr. Harris, both in his conclusion and in his statement that lawyers holding these

views "are highly sophisticated." Sophistication connotes reliance on facts not stereotypes and inaccurate generalizations.

Numerous corporations, utilities and banks are now hiring Jews on the executive level for the first time. For decades no Jew, regardless of qualifications or competence could aspire to many of these positions. Those who asked "Why?" were met with comments very similar to those above-cited. Those companies who now hire on merit rather than religion have, on many occasions, indicated how unwise was their former policy.

No group is devoid of undesirables. To label any religious group as more prone to undesirable traits than another is to deny that group equal treatment, without justification, and as here without any experience upon which to base the condemnation. Hopefully, a Harvard Law School degree would entitle its holder to be judged on his individual merits, regardless of the faith he may hold.

Edward Moldover, '49
New York, N.Y.



**'Come off the
'private
ordering'
nonsense and
get back to
your
crosswalk'**

Mutuals . . .

(Continued from Page 4)

"reasonable compensation" which the courts will interpret would be best, as it leaves open a wide range of compensation. The Commissioner was unsure whether this would create a large amount of litigation, but thought that it was a necessary supervisory mechanism to insure fair dealing.

Mr. Albert Pratt, president of the Investment Bankers Association, '36, treated

the listeners to a rejoinder from the audience floor. He viewed the SEC proposals with "great alarm," and said that they "are penalizing success." He took note of the fact that Commissioner Wheat did not mention performance when comparing fees of the internally managed fund to the externally managed fund. Moreover, he said that the 5 per cent limitation on sales commissions is wholly arbitrary.

Commissioner Wheat responded to Mr. Pratt's remarks by saying that there are many factors in deciding what is reasonable compensation. However, the SEC is looking for "odd-ball situations", such as where the insiders pocketed 85 per cent of the fees, while the

outside management accounted for only 15 per cent.

Commissioner Wheat answered the major argument advanced from the audience—that people know about management fees when they buy—in two ways. First, one is not only dealing with the man that just purchased, but also the one who bought a long time ago and might expect to reap some of the benefits of economy of scale. The second reason, he noted, was based on his philosophical view of the obligations of a fiduciary. Referring to Prof. Louis Loss's shingle theory, he said a fiduciary impliedly represents that he will deal fairly with the fund holders.

Prof. Loss moderated the program.

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Dean Sets Up Faculty Placement Committee

(Continued from Page 1)

the new arrangement will leave Placement Director Eleanor Appel free to devote all her energy to "doing the massive amount of work needed to operate the office," which handled about 8,000 interviews this year.

Long-Established Policy

The Dean's statement was issued at the request of the Joint Student-Faculty Committee, and, according to Dean Griswold and Miss Appel, only represents a public statement of what has been a long-established policy regarding discrimination.

The statement endorsed the Massachusetts statutory prohibition of employer discrimination, declaring that law schools and lawyers have a special obligation to promote the objectives of such legislation.

He reaffirmed that placement facilities would be denied prospective employers who follow a policy of discrimination, and declared that the Law School would refuse to advise students as to "the composition or preferences of any prospective employer with respect to race, color, religious creed,

sex or national origin," even if the student requests such advice.

Law's Responsibility

"We believe that the special responsibilities of the legal profession justify us in expecting that all who use our placement facilities will respect and support the Law School's commitment to equal opportunity," the Dean concluded.

"We don't intend to run the Placement Office," Prof. Loss explained and stated that the absence of Miss Appel does not signify objection to her procedures or mean that the committee intends a complete reform of placement policy. He agreed that the Dean's statement represents the existing faculty policy on employment discrimination and is not a new position.

Committee Members

The committee includes Professors Richard Field and David Westfall, as well as Prof. Loss, and will have an organizational meeting shortly. Prof. Loss declined to speculate as to what action the committee will take to implement the Dean's statement and supervise placement policy.

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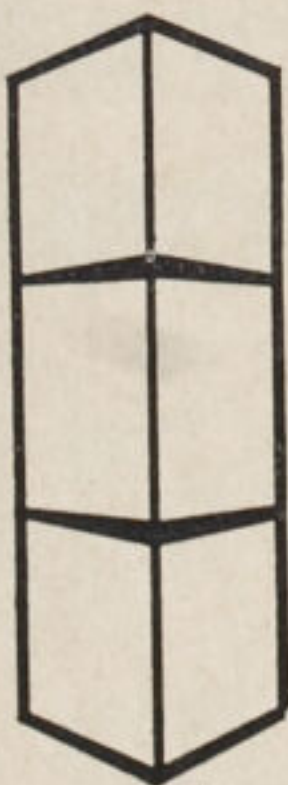
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Request Lessening

(Continued from Page 1)

opening for discussion from the floor.

Student concern about the grading system centered on the unjustified sense of precision given by the present numerical grading carried out to two decimal places. George Frampton, 1L, who favored the medical school procedure of not releasing grades unless the student did very poorly or particularly well, observed that "the single number becomes a numerical designation of what sort of person you are."

Jerry Gleason, 2L, favored using a nine category system — A, B, and C with pluses and minuses — because it "gets away from the one point discrimination given now." "Also, more students should be moved into the B range," he continued, "simply for matters of student morale."

Attacking the two decimal average and ranking as "statistically unjustifiable," Robert Joffe, 3L, pointed out that "the rank list makes everyone forget about other important qualities which exams don't measure."

Professors Charles R. Nesson and Archibald Cox defended the present system of fine gradations as being fairer to borderline students than gross categories such as high-pass, pass, and fail would be.

Henry Steinglass, 3L, observed, "I haven't seen all this pressure for grades. Outside activities are on the rise and class participation is down. It seems not to support this grade pressure complaint."

Henry Mason, 3L, countered the general assumption that tension and pressure are bad things saying, "One thing law school is trying to teach is how to live with pressure

CALIFORNIA & FLORIDA BAR CANDIDATES 2L & 3L

A short information meeting, sponsored by the Bay Area Review, will be held in the Wheeler Room, Holmes Hall, on Tuesday, February 28, at 7:30 p.m. All potential California & Florida bar candidates are invited to attend.

of Pressures, Tensions at the Law School

—there certainly is enough of it in the cruel world.”

As to the grading suggestions, he saw no reason to evaluate students like Goldilock's soup — cold, luke warm, and hot — but rather favored initiating “a program to explain the grading system and its deficiencies.”

To wind up the grades topic, Prof. Byse, the moderator, took a straw vote on the grading alternatives which determined little beyond the fact, that everything from pass-fail to the present system has supporters.

Introducing the membership on honoraries topic, Robert Mnookin, 2L, observed that the present system is evenhanded, gives honor to those who have done well, and succeeds in getting good people to work hard on the honoraries. On the other hand, he said, some outsiders may be equally able to do the work, some students accept positions for the honor alone, and the extracurricular consequences of grades heighten exam tensions and hurt non-grade based organizations.

Patrick Kelley, 3L, proposed using the second-year writing program and the Ames Competition to determine some positions on the Law Review and Legal Aid. “It would do nothing to hurt the personnel on the Law Review,” he said, “and would probably even help it.”

Mr. Mason noted the strengths of the present system and that “the burden of proof is on those who want to change it.” “Membership on the honoraries gives members qualitative differences in education,” he continued, “and it can't be helped by chang-

ing the structure.” The solution he suggested — increase the number of extra-curricular activities.

The Law School recognizes many needed qualities, but limited resources prevent measurement of them as a supplement to exam performance, commented Daniel A. Taylor, 2L, on the third topic.

Thomas Hervey, 2L, suggested that at a minimum, professors could put several grades on exam papers — separately evaluating knowledge, reasoning, organization, etc.

In answer to criticism of the lack of feedback from exams, Prof. Cox stated that any professor will give a student his exam along with two or three of the best exam answers for critical comparison.

Lisle Baker, 2L, favored the present system since “the exam is a controlled experi-

(Continued on Page 14)

‘Record’ Respite

In line with a long and honorable tradition of fun in the sun, when there's snow on the ground, the staff of the ‘Record’ will take a temporary break, in partial response to the many requests that we make it permanent. The next issue of the ‘Record’ will appear, God and the printers willing, bright and early on Mar. 9.

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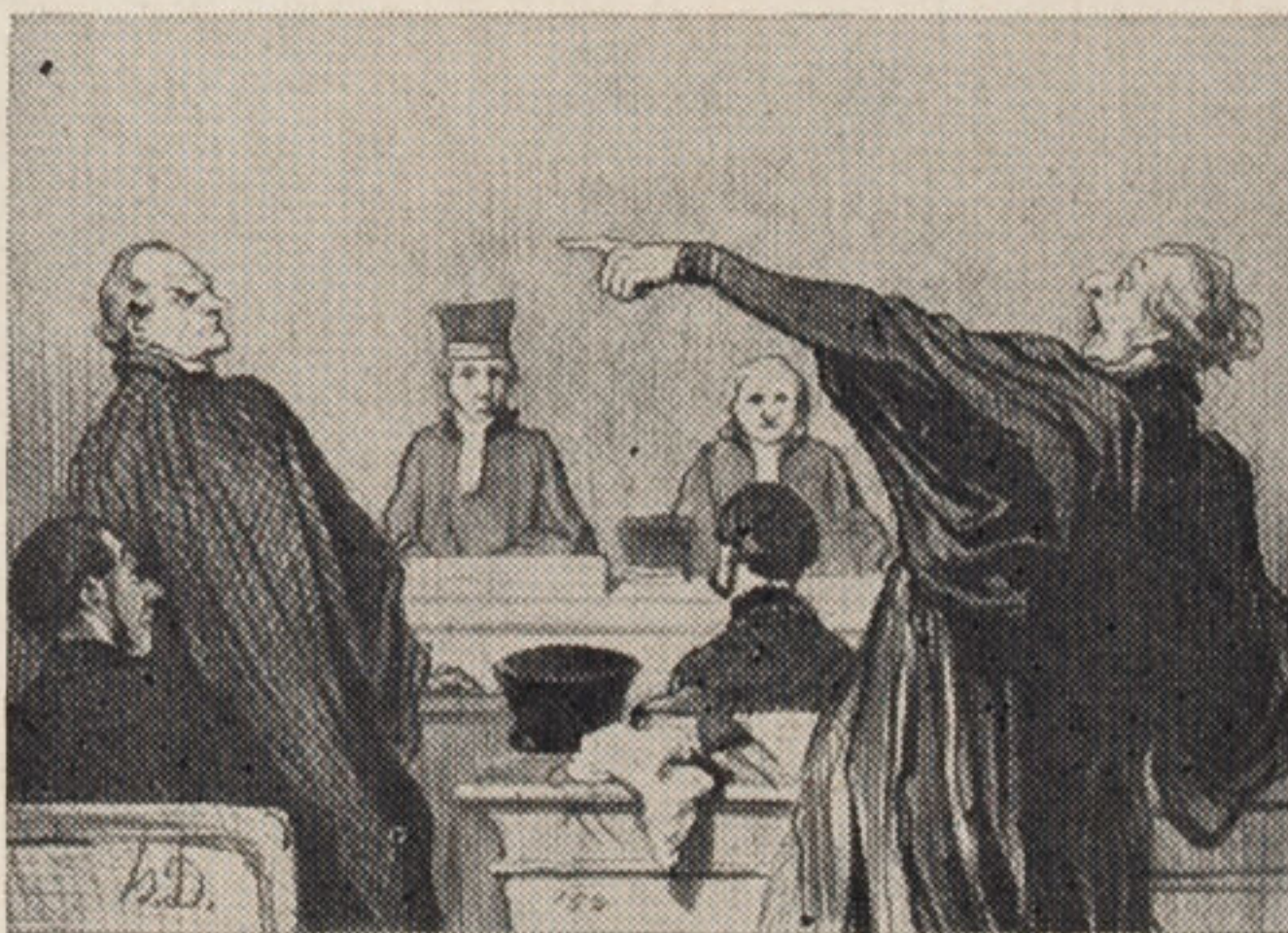
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Grades Discussion . . .

(Continued from Page 13)

ence for all students." Moving grades into the classroom won't help anything, he said, the cure for back-benching is to make classes more interesting.

"It is clear enough that it's placement which really puts the bite in the grading system we have," Professor John P. Dawson observed to open the discussion on grades and placement procedures. "We should distinguish what we tell employers and what we tell students about their performances."

The lower part of the rank list has mean-

ingless distinctions, he continued, and we ought to eliminate any indication of average grade because it fails to express fluctuations in performance.

"These fluctuations are now buried in what appears to be a collective judgment of the faculty." Prof. Dawson's solution would be to give employers only a crude result for each course — perhaps satisfactory, good, very good, or excellent. "For purposes of employment," he concluded, "we want to equate divergent performances."

If grades won't serve to differentiate students, another student observed, employers will be forced to rely on other factors such as looks, religion, college, or sex.

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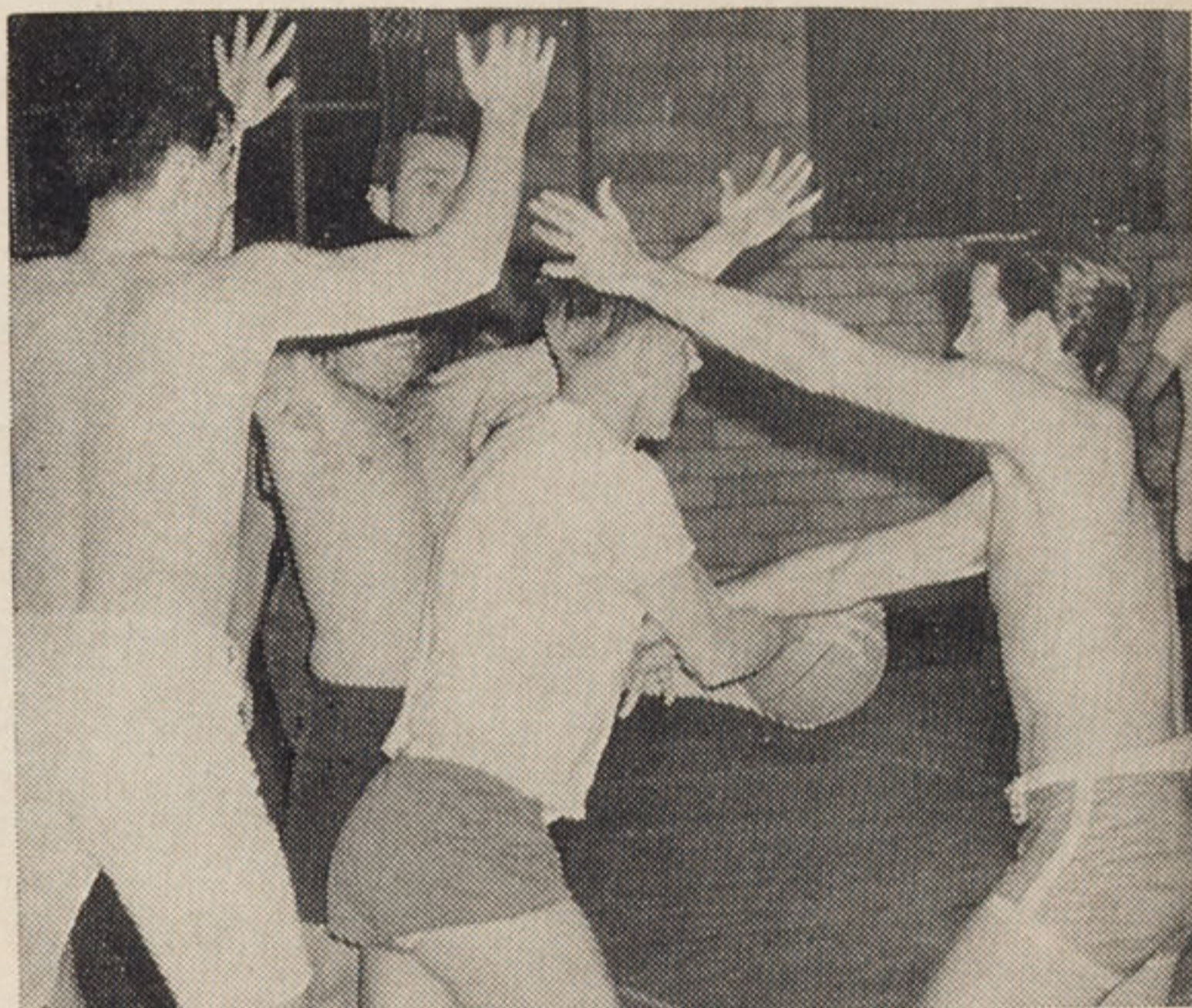
"Yeah sure, thanks."

It's happening — from Hemenway gym to the College Grille, from the Health Center to the "back bench" — the Intramural basketball season is racing down the back stretch at the Law School. The big games now are lining up the favorites for the five league pennant races in March and for the post-season tournaments set for March.

This year, in addition to increased participation, basketball "boss," Bruce Jeffer, 3L, reports there are two major innovations in the I.M. set-up designed to increase competition and player interest. In January, after each team had played two or three games, game scores and referee evaluations were used to balance each ten-team league by moving the strongest teams up one notch

and demoting teams which were faring badly.

Combined with the initial policy of assign-



Foul!

ing teams to the five leagues according to ability and not team preference the reshifting has provided unusually close competition. At mid-season, the C league still had three undefeated teams, and a two-point cliff-hanger game separated the top two teams in the A league.

A greatly enlarged post-season tournament schedule is the other innovation. An entire week of tournament games will replace the limited eight-team playoff of prior years. The top teams in the A, B, and C leagues will fight it out for championship honors and consolation prizes, while the D and E league winners fight their own private, evenly-matched battle. In addition, all-star teams from each league will challenge the pennant winners to give the "star" players from the "also ran" teams some post season action.

The athletic efforts of about 500 students playing on 48 teams go into the weekly schedule of games. For its part, the Law School provides free access to Hemenway gym 25 hours each week, and, also, supplies scrimmage shirts and paid student referees.

In an entirely new arrangement this year — what might be called the "super" tournament — the two top Law School teams will compete for the Boston area interschool championship.



Get the Rebound

Events of Note at the Law School

Application forms for the Harvard Law School Conference on Law and poverty, to be held Mar. 17-19, are available at the Receptionist's desk in Langdell. The registration fee for the four meetings is \$1.50 for students.

* * *

The Defense Research Institute will present a two-day program on the Civil Jury Trial this afternoon and tomorrow afternoon at 1:45 in the Ames Courtroom. All interested students are invited to the meeting free of charge.

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—New Yorker

KE 6-7067

William Samuels, 2L, was elected president of Lincoln's Inn Feb. 7.

The electorate also turned back a proposal to admit women into the Inn by a 84-42 vote.

Others elected officers were Lisle Baker, vice president; Nick Fels, treasurer; and Hank Gutman, secretary (all 2L. Elected Directors were Jim Beasley, Herschel Bloom, Harvey Clapp and John Thorndike, 2L's, and Steve Feinstein and William Rwan, 3L's.

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Tickets for this year's Law School Show, priced at \$1.25 and \$1.75, will be on sale in Harkness, beginning Feb. 27. The show, "Laity Luck," will be presented Mar. 11.

* * *

Studying in England during the coming academic year will be Joseph Fiocca, Thomas Graff, Lawrence Monin, Alan Rau, Peter Trooboff and Charles Whitman, who have been awarded Frank Knox Memorial Scholarships. David Gunning and Richard Ruge, '66, have been named alternates for the Knox awards.

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