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SEPTEMBER 26, 1968

Black Awareness and Black Unity Surging Forward at Law School

By Jack Tate

Harvard Law School, traditionally a bastion of "color blindness," is in the fall of 1968 a center of black awareness and black unity.



Radical Group Started

By Lawrence Gartner

Change was the name of the game Monday night as Law School radicals gathered in Langdell North to suggest and discuss various programs to revolutionize the Law School and outside society.

The meeting, organized mainly by two second-year students, Jerry Billow and Mike Haroz, attempted to gather law students in-

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More black students, black professors, black-oriented seminars and courses and general black awareness—these are the demands of both white and black students. The faculty and administration are rapidly responding.

Two administration officials, perhaps prejudiced by their present positions, rate Harvard Law as first in the nation in its ability to attract and hold black students and in its many seminars and courses that have recently been made relevant to the problems of race relations. But both acknowledged that the Law School is in the early stages of its attempt to eliminate present problems and inequities.

Before 1963 the average class had one black student. Today 78 American black students and four from Africa are receiving training here. The total of 82 represents about five percent of the student body. Nationally, 11 per cent of the population is black, yet only one per cent of the country's lawyers are Negro.

The Law School recruits black students actively, using a summer program for minority students as a major recruitment vehicle. Under the direction of Walter Reiser and sponsored by the Council on Legal Education Opportunity (CLEO), this program introduces over 40 black students to the Law School each summer.

Thirty-five black students entered the Law

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Mutual Assault Attempted on Market

By Randall W. S. Schmidt

In a season of the bear, two Harvard Law entrepreneurs have the bull by the horns. Each has managed to master some of the intricacies of the market via fortitude, gimmickry, and specialized knowledge. Their stories make success seem deceptively simple.

Case in point: Mike Jenkins, 3L, a specialist in puts and calls. Mike says, "There's a great deal of ignorance about puts and calls



Tom
<Horne:
how
to get
a firm
going



Mike
Jenkins:
puts
before >
your
calls

on the market. Most firms don't want to touch this option. In fact, brokers generally are unfamiliar with the complexities of puts and calls."

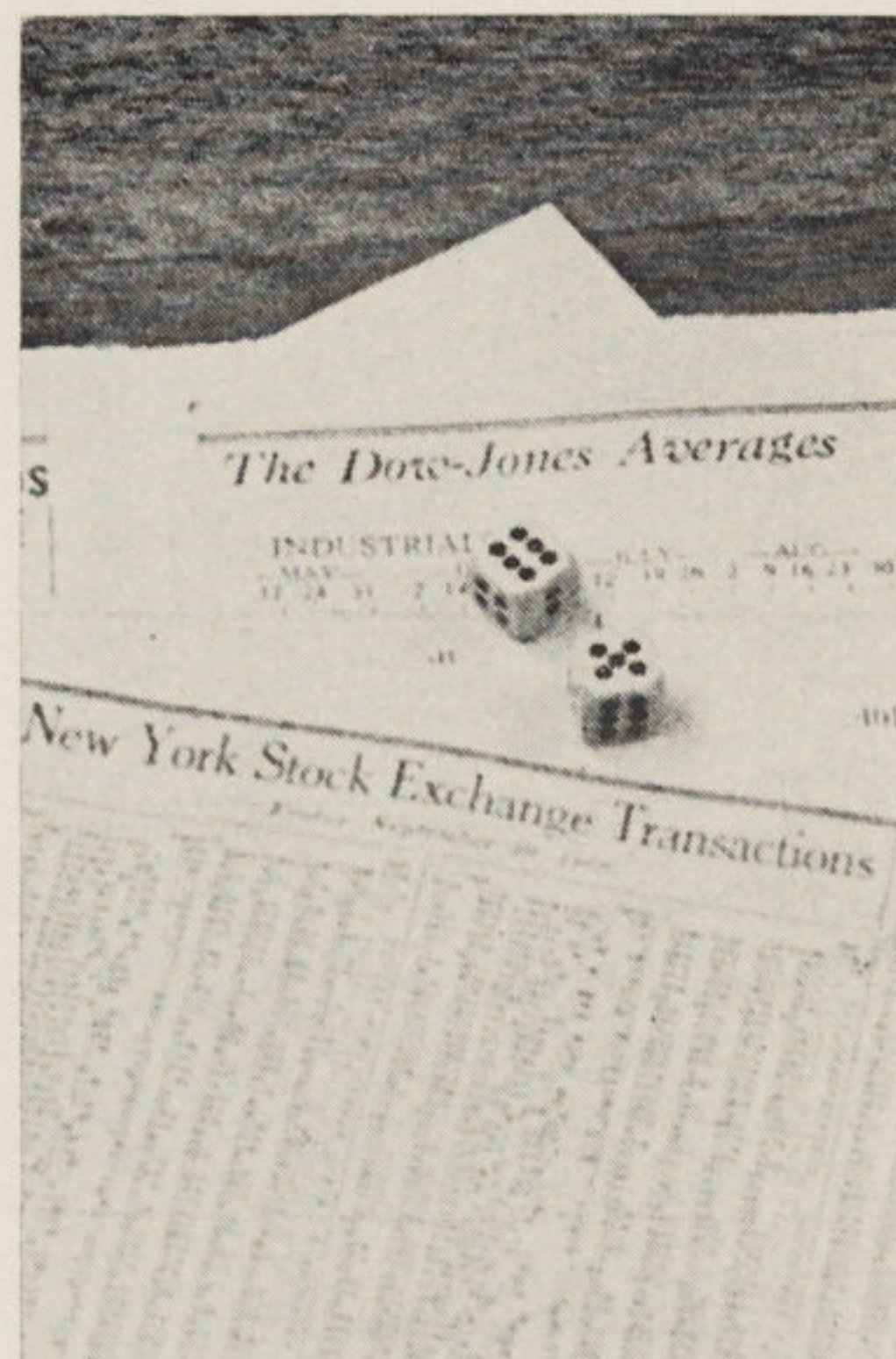
Late in his second year, Mike discovered the possibilities of puts and calls, and began to develop his own statistical projection techniques.

Armed with rulers, graphs, and such other essentials as the New York Times and Standard & Poor's guide, Mike analyzed and reworked his data. He admits that for a while, the coin toss and dice roll helped arm him for his assault on the market.

Then began the search for a firm to handle his business. His search was rewarded with numerous refusals. Large firms farm out the work to a small number of specialists who, says Mike, "are virtually unregulated by the SEC. The ordinary investor is liable to get his back laid open."

Mike manages to play a mysterious (to the uninitiated) role of middleman, among the large firms, the put-and-call specialists, and the common investor. His system includes playing the "grandmotherly stocks" against the investor. An ingenious refinement which insulates against loss is purchase of but 75% of orders, resulting in smaller capital and larger profit margins.

Mike is playing the angles cautiously at present. The last six months have seen the sale of about \$3000 in options with what he estimates as a "45% - 50% return. It's not the fastest way to get rich, but it's steady." Like most men with a good idea, he doesn't seem in want of offers to step up his scale of operations.



Dice: Key to Fortune?

Interested in the option? Mike's recommendation is Lyle T. Anderson's *Puts and Calls*. He might also lend a few hints on convertible bonds and blackjack. "It's a nice way to retire early."

Tom Horne, 2L, heads up the far-flung Horne Investments Co. (mutual funds). The summer before his senior year, Tom was embroiled in the '66 campaigns. Thinking of his own political future, Tom says, "I learned how important money is in politics." The spring before, he'd been trained as a mutual fund salesman, and "I knew that things could be done much better. I observed that although the businesses were run badly, they made a lot of money."

"For a long while, the market was for use only by

(Continued on Page 8)

Law Students Avoid Anti-Vietnam Activity

By Kevin Kane

Lack of organization, interest, and purpose — these characterize Vietnam's position now in the minds of law students and faculty.

With the political demise of McCarthy and the actual impact of the draft upon the class of 1970, the war has become a matter of fragmented discussion and individual decision. After widespread interest last year produced activities such as the Vietnam course and substitution of draft research for participation in the spring Ames Competition for some first year students, the entire issue seems strangely overlooked this year.

Professor Alan Dershowitz, originator of last year's course on the legality of the war and related issues, doesn't intend now to continue the course. Prof. Dershowitz asserts this was a "pilot course" which has been very successful in fostering interest and similar activity at other law schools.

He advises Harvard students, however, to obtain copies of the materials and to begin seminars among themselves. As for political involvement on the issue, Prof. Dershowitz spoke vaguely of uniting student votes into some meaningful "peace power" to pressure Vice President Humphrey into repudiating the administration's stand on Vietnam and incorporating a peace plank into his platform.



Prof. Alan Dershowitz

The student view of the situation seems equally nebulous. Jerry Billow, a 2L who's organizing a "radical law students' organization," sees no place for law student involvement with regard to Vietnam. Although one of the areas of interest listed in a recent circular is "development of a counter-curriculum in such areas as draft and military law . . .," Billow feels that the legality of the war itself is basically a moot question and would generate little interest among the students this year.

Asked about the creation of a more activist role at the law school, Billow pointed to the fact that the Boston Draft Resistance Group has competent draft counsel available and that the Law School already affords research opportunities in the Committee for Legal Research on the Draft.

Political involvement, however, offers little hope since "Humphrey is not about to accept a peace plank because law students organize and back one." For Billow and, presumably, for the organization he's attempting to create, the gap between national politics and student views precludes significant student action.

Viewing the decision to negotiate in Paris as a decision to end the war, Prof. Abram Chayes sees the talks as a significant "feeling-out" process which will eventually lead to a resolution of the "hard-line, sloganeering issues, such as the bombing of the North." How long is this process to take? Prof. Chayes predicts eight to ten months and justifies this on a political basis.

Comparing Humphrey (party responsibility for the war but pro-peace support) with Nixon (no responsibility for the war but somewhat hawkish support), he feels that the candidates are closely balanced on the issue. Either one will want to settle what is "politically a very bad war."

That settlement will probably take the form of a coalition government which will be "eased in" on the American public (a process which might include "getting the issue off the front pages" and emphasizing the "nationalist rather than communist image of certain leaders"). For law students, then, Prof. Chayes feels that 1969 will see the end of draft problems.

Earl Warren to Speak on Law and Order

Chief Justice Earl Warren will be the main speaker at cornerstone ceremonies Saturday for the Roscoe Pound-American Trial Lawyers Foundation Law and Research Center at the corner of Garden and Berkeley Streets.

Center to Cost

Over \$1,000,000

The Chief Justice intends to speak on "Law and Order," a topic that virtually guarantees a large crowd to accompany the host of political and legal dignitaries slated to attend the dedication of the \$1 million facility.

The center, named after the Law School's Dean for 20 years (1916-36) and professor for 37 years, will house all national activities of the American Trial Lawyers Association and provide research facilities to study the changing law when the building is completed in the spring of 1969.

Jacob D. Fuchsberg of New York, president of the foundation, says the center "will detail the vital service of the law profession to the needs of community life and the necessity of a strong adversary system to the effective administration of justice."



Roscoe Pound Center as viewed by architect.

The Beef Stroganoff Disaster

Law students who think they court disaster by eating in Harkness Commons may take comfort in the fact that the Law School's faculty, administration, and staff may not be so safe either.

An ingredient in the beef stroganoff served last Tuesday in the staff dining room laid low several professors, an administrator, a secretary, and even a 2L.

Probable culprit for the reaction to the stroganoff was an onion soup used as a base

which contained a common seasoning, monosodium glutamate.

Those who suffered included William L. Bruce, secretary of the Law School, Professors Lloyd L. Weinreb, Alan M. Dershowitz (who was forced to cancel a class), and Charles Fried. Also affected were Alan A. Stone, lecturer in psychiatry and psychoanalysis, Janie Biddinger, a secretary, and James Ditmar, 2L.

(Continued on Page 9)

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Dorm Council Readies for New Campaigns

By Richard Hoffman

Ask a dorm resident why he has to trek to some subterranean Child Hall depot to pick up his linen every week, or what's being done to get rid of the athletic participation fee, or why there aren't more mixers, or why the Coke machines run out on weekends, and odds are he'll say he has 50 pages of contracts to read.

Such typical grievances, however, provide the Dorm Council's reason for existence. And this quietly-functioning organization aims to



Fleming has his way.

Like most student governments (an appellation the council shuns because it refrains from involving itself in anything but dorm problems), the council is composed of those who enjoy spending time (meetings are

every two weeks) on rather workaday subjects like organizing intramural athletics and of other students who like the idea of getting special preference in next year's dorm room selection.

Fleming's tastefully-appointed Hastings suite (apparently it was a sample of an overall renovation that ended with the sample) points up the advantages of serving on the council, but if one considers his agenda of improvement in dorm life this year, the job isn't all play.

Gaining return to door-to-door linen service is high on his list of priorities, as is abolition of the athletic fee at Hemenway Gym, now \$20 a term or 75 cents for each use of the facilities. Last year there were nine mixers and an equal amount are slated this year, along with some more closed parties with Wellesley and other girls' colleges.

A basic objective is some improvement in the physical structure of the "new" dorms: everyplace but Hastings. Carpeting of rooms and halls, along with paneling of cinderblock walls, is

sought. Hints of room rent rises to come make it likely that some coupling of the improvements with the increases may occur, although the council is expected to question the reasoning behind any boosts in rent.

There's a certain amount of self-perpetuation on the Dorm Council (Fleming will have served all three years

Plenty of action garnished with some Daleyism

he'll have been at law school.) since officers are elected in the spring from the then-incumbent council membership. Floor and entry representatives were elected last week for this year.

Some of the floor elections are exercises in apathy, it's reported, where the resident who leaves the room to secure the beer is elected in his absence. In other entryways, creeping Daleyism results in election of a put-up candidate whom the officers have worked with in the past and don't mind his tak-

(Continued on Page 8)

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Students Demand, Get

(Continued from Page 1)

School this year, a 25 percent increase from the previous year which was in turn a 30 percent increase from the year before last.

Though the Law School was gradually becoming aware of the need of more courses relevant to black students and to white students concerned with the problems of black society, three distinct events during the last school year greatly accelerated the pace of Harvard Law's efforts to respond to problems created by the subtle, often unintentional force of white power and white control.

Those events were:

1. The formation of the Harvard Black Law Student Association in the fall of 1967, which became the primary vehicle for black unity on the Law School campus.

2. The presentation of a list of grievances by leaders of the association to key members of the faculty including Dean-

BLACK STUDENT ADMISSION RECORD

Before 1963	1 per class
1963	3
1964	12
1965	16
1966	21
1967	28
1968	35*

*The 1968 first year class was expanded by about 10 per cent to a total of 600.

designate Derek Bok, Acting Dean A. James Casner and heads of faculty committees.

3. The assassination of Dr. Martin Luther King, which had a galvanizing effect on the forces already present at the Law School.

The Harvard Black Law Student Association last year included over three-quarters of the black students at the Law School. Under the leadership of Reginald Gilliam, '68, and Bishop Holifield, 3L, the group kept in close touch with faculty members such as Dean Bok, Professor Albert Sacks, chairman of the Race Relations Committee, and Pro-

fessor Charles Nesson, a young member of the faculty with significant experience in race relations.

But the growing unity of black students caused them to become less willing to participate in extra-curricular organizations where whites were in the majority or where white interests were served. The Commu-



nity Legal Assistance Office (CLAO), which provided legal aid for the indigent and which attracted about 150 students, by the end of the last school year had practically no black participation. The Civil Rights-Civil Liberties Research Bureau, which several years before had enjoyed considerable Negro membership, cooperation and support now found itself essentially a white organization. The Southern Club, which actively recruited black membership, was able to attract only one to its meetings. He attended only two of the early meetings. Other organizations experienced similar withdrawals and lack of interest on the part of black students.

This fall several of the black students interviewed by the RECORD stated that they would consider participating in the white extra-curricular organizations but only if they were personally invited.

In late spring of this year the black leadership called to the attention of the members of the Race Relations Committee various grievances that they felt needed to be remedied. These grievances were written up in the form of a list and ultimately given to Dean Bok. The major grievances included:

1. The faculty should include black professors.
2. All other levels of employment at the Law School, including administration staff, maintenance, and construction should contain a higher percentage of black men and women.
3. The curriculum should be made more relevant to the social conditions of our time.

More 'Black' Courses

4. The Placement Office should publish lists of opportunities for black students, since practically no black law firms interview at Harvard.
5. The Law School and the university in general should re-evaluate their investment programs to make them a more positive force for helping black men rebuild their communities and control their own destinies.
6. The \$6 million construction project involving the building of a faculty office building and new classroom building should have a significant number of black workers.

This last grievance was the first to be solved. Dean Bok reacted to the complaint by contacting the construction company in charge of the building projects and convincing the management of that company to hire black workers. He worked closely with black students, who were able to find the qualified black workers, and an amicable solution to the problem was quickly reached. One professor who had followed the problem closely felt that Dean Bok handled this grievance with particular skill because of his strong background in labor relations.

RACE RELATIONS COMMITTEE*

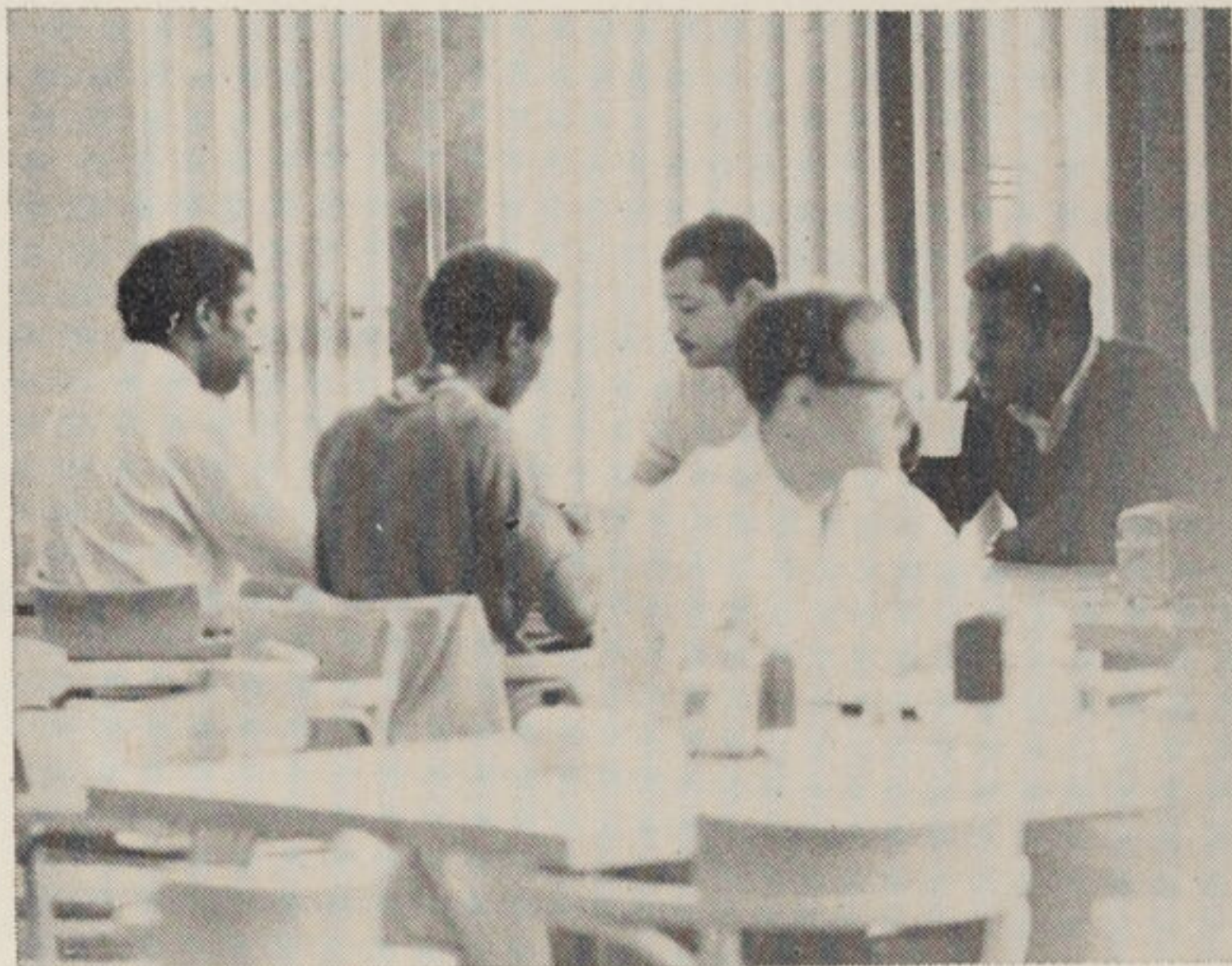
Albert Sacks
Clark Byse
Charles Nesson
Alan Dershowitz
Frank Michelman
James Vorenburg
Louis Jaffe
Alan Stone
Charles Jones

*Faculty membership. Prof. Sachs is the chairman.

Another was impressed with the way the new dean continued to follow the employment picture at the construction projects, making certain that the black workers employed because of his intervention were given a chance to join the union.

The Law School did not publicly announce its response to the other grievances. Both the administration and the black students ap-

pear to prefer to work behind the scenes. But clearly the Law School is becoming a place more acceptable to black students.



Charles Jones, formerly with the NAACP Legal Defense Fund, recently joined the faculty as a teaching fellow, and the Law School now has many seminars and several courses relevant to black students.

Most of the seminars now offered were developed gradually and without any adverse impact on members of the student body not interested in black-oriented courses. But the latest example of this type of seminar, "Limitations of the Law in a Context of Social Upheaval", was introduced suddenly without notice to those students who had signed up for the seminar which "Limitations of the Law" displaced.

The students who had signed up for Psychoanalytic Theory and Legal Assumptions found that Professor Alan Dershowitz and Dr. Alan Stone had decided several months earlier to teach the black-oriented seminar. The basic qualifications for membership in the Limitations of the Law Seminar were that the student be black or that he have a record of participation in the Civil Rights movement, according to Dr. Stone. Several students complained to Dean Bok about being dropped from the original seminar without notice, but though he stated that he sympathized with the students and their complaints, he said nothing could be done at that stage.

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Law School Financiers Corner the Market

(Continued from Page 2)

the rich. I became impressed with, and really believe in, the mutual fund idea. It's a way for the common or small investor to share in higher rates of return." During his senior year Tom studied for and passed his examination as a licensed dealer. But there was an uphill battle to win final approval. Institutionalized forces didn't view this part-time novice with favor. Moreover his intent to hire other students to work for him did not excite the enthusiasm of higher officials.

Sixteen months ago Tom was in a rent-free office in Harvard Student Agencies, with an "occasional-help" secretary. Today he has approximately 50 licensed student representatives, with

15 classed as "successful." The Cambridge operation was the beginning. Now a "\$1,000 minimum a week 'pro' is handling the New York operation. Atlanta looks good for next summer, and perhaps we will expand into Miami, California and the Mid-West eventually," says Tom.

Horne Mutual Fund May Go Nationwide

Horne advertisements appear regularly in the Boston Globe and the New York Times. Tom's Harvard Square office is presently interviewing students for positions as registered representatives. The licensing

procedure costs \$45, discouraging the less optimistic. But Tom points out a favorite case of one law student who returned to Iowa for a weekend, and sold \$30,000 of mutual funds. With commissions ranging from 2% - 4%, there's a good return for student-salesmen.

Tom welcomes further inquiries and business from the Harvard community. He, Mike Jenkins, and others like them are soft-spoken examples of real entrepreneurial ability at the Harvard Law School.

Dorm Council's New Jobs

(Continued from Page 5)

ing part when the largesse — choice rooms — is handed out.

The council isn't financed by the law school, but instead gains its revenue from mixer admissions income and a cut in the soda machine gross. All sorts of expenses such as last year's \$500 purchase of a new color TV for the Holmes Hall lounge come out of the treasury. Mixers scheduled in the winter months always run the risk of being wiped out by a blizzard which leaves the council with expenses down the drain.

With the demise of the Law School Committee of

Phillips Brooks House, the council assumed some of that unit's functions, such as publication of the school directory. The service was maintained but a council functionary was awarded the profitable job of editing the directory, after interviews were held.

The parietal hour extension secured by the council last year has been made permanent, Fleming noted, and when the faculty office building is complete, the council hopes to convert one of the old Hastings basement offices to a lounge.

Don Horn, 3L, will again serve as the council's football commissioner this fall.

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Events of Note

The Law School Dormitory Council will hold a mixer tomorrow from 8 p.m. to 12 p.m. at Harkness Commons. Tickets will be available at the door.

* * *

A Harvard Law-Wellesley mixer party will be held Saturday from 8 p.m. to 12 p.m. at Harkness Commons. Free vodka punch. Limited number of tickets. See Dormitory Council representative.

* * *

The Law Exchange Program for Foreign Graduates will hold a meeting Tuesday, at 2 p.m. in ILS-3 for foreign graduate LL.M. students interested in finding summer positions with American law firms.

* * *

The Harvard Law Wives will hold its second meeting of the year on Wednesday, Oct. 9, at 8 p.m. in the Harkness meeting room. Guest speaker for the evening will be Dean Sizer of the Harvard Graduate School of Education.

Stroganoff . . .

(Continued from Page 4)

They suffered an allergic reaction which caused a tingling sensation in the face and on the scalp, hives, pounding of the heart, and other symptoms. Not all suffered the same reactions.

The onion soup used in the stroganoff was a good brand, according to Mr. Bruce, and the problem wasn't one of age or spoilage.

However, he told the food service to send the soup back to its makers and get a refund.

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Nader: The Counterbalance

In a report to its stockholders last year General Motors proudly exhibited a new tank, generally known as the Main Battle Tank of the 70's. However powerful this instrument of devastation may be, it will be unlikely to cause our enemies as much death, injury, and destruction as the 1969 Chevrolet will inflict on the American people.

The Government this fiscal year will spend \$46 million on traffic safety to save the lives of our people. It has allocated about \$30 billion to take the lives of certain Vietnamese. The auto industry, despite multibillion dollar profits, not only uses a mere miniscule fraction of its income on safety research, but has even used safety developments as an excuse to raise the price of its automobiles.

Republic Aviation has recently completed engineering feasibility studies that conclude that an attractive, reasonably priced, and safe car can be mass produced—a car that would protect the driver from almost any injury at collision speeds of up to 50 miles per hour. That Republic Aviation, not the auto manufacturers, demonstrated that a safe car could be built is a commentary on the callous disregard of human life present in the top echelons of the auto industry.

Ralph Nader, a graduate of this Law School, has launched a broad attack against this corporate irresponsibility and against the frequent failure of the Government, even where it has sufficient statutory power, to protect the vast majority of its citizens.

Nader is now in the process of organizing a consumer-oriented law firm that will strive to counterbalance the super-rich business interests and the large Wall Street and Washington law firms that represent them. But Nader cannot begin this struggle without substantial financial support. He estimates that he will need about \$300,000 per year to maintain the type of firm he envisions. Poetic justice would require that GM finance Nader's firm via the \$26 million suit Nader has filed against that corporation. Alternatively the Department of Health, Education and Welfare should provide Nader with sufficient financing for a five year test period.

Harvard Law Record

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Fenno

"The gumshoes are here!" screeched the mild-mannered fellow who sat next to me in Com Trans (if he hadn't spoken to me and broken the ice, I never would've realized he was the first man in the class, a person whose picture, neatly clipped from last week's RECORD, adorns my dartboard) as one of the big windows in Langdell North Middle came crashing down. It was followed into the room by an army of helmeted, nasty-looking types.

As they brandished their billy clubs and badges entitled "Second City Bad Guys," another guy yelled, "It's the dean! He finally figured out how to cut down enrollment in this section of Com Trans from 240 to 28!"

I started to head for the egress (as usual, it looked like it would take ten minutes to get out the normal way) but was stopped by a particularly huge specimen armed with the whole CCH tax materials set in one hand.

Ransacking my pocket for the spraycan of Chemical Mace I bought at the Harkness newsstand two weeks ago, I began to mutter a "What's going on here?" but before I could get it uttered, he grabbed me by my love beads and shouted with derision aforethought: "I'm taking you in on an Article 9!"

I didn't wait to hear any more inside stuff but instead bolted for the trap door under the lectern (I remembered a Civil Pro professor I once had who wanted to sink into it after a backbencher made a crack about his tie) and came out in Gannett House.

"O.K.," remarked a nattily-attired fellow as I emerged, "this is that RECORD creep who's been mocking us out all these years. Seize him!"

"You mean you guys did all this to nab me?" queried I, incredulously. "If you had even made the first cut after the first part of the competition," replied the vestie, "you'd have known that the *Law Review* always gets its man."

Letters Attack, Defend, and Explain Secret Club

Choate + Choate Are Two Many

To the Editor:

I join with the majority of students at the Law School in concurring in your editorial criticising the existence of a secret student-faculty organization here. However, I also have a very practical complaint. I am the president of a club organized for the Ames moot court competition. Our club is named after one of the leading figures in American jurisprudence, and, hence, is named the Choate Club. We are not exclusive or secret, but we are 134 years old. I do not know the history of the secret organization, but in view of our age I have some suspicions as to who came first.

This would be merely academic, except that the confusion resulting

from the identical names has brought criticisms to our door intended for a more shadowy address. This first occurred last Spring when the story broke in the *Crimson*, and now again as a result of your editorial. Our club would greatly appreciate your assistance by clearly identifying all future references in the *RECORD* as to which organization is meant. This should aid in making up for an apparent lack of imagination in other quarters.

Finally, I hope that it is clear in the minds of all that the "real" Choate Club is our Ames club, and that we have no, and want no association with this or any other clandestine group.

Thank you for your attention to this matter.

Peter D. Hutcheon
President
Choate Club

Bator Attacks Record Editorial

To the Editor:

Your editorial about the Choate Club in the issue of Sept. 12 greatly inflates the significance and role of this organization. The sole function of the Choate Club is to meet five or six times a year in order to dine with and listen to an invited guest speak on some non-legal subject. The club is organized and run entirely by students, and faculty members have nothing to do with the selection of either student or faculty members. The criterion for membership has always been breadth of interest in matters outside the law, particularly in arts and letters.

Most faculty members of the club became members as students. The club has from time to time elected a few faculty members directly; such election has always required a substantial consensus of student members simply to avoid the danger that large numbers of our notoriously voluble faculty will monopolize the discussion periods (it is supposed to be a student club). An unduly sinister impression is thus created when you say that a "blackball" system is used. Dean Griswold was not a member, nor are many other popular and respected professors, simply because the students have not regarded their interest in matters outside the law as an outstanding characteristic. Of course student perceptions in these matters are sometimes in error, but the guiding principle is not invidious.

This leaves the club's policy that it should not be talked about—merely a convention rather than any formal "rule" of secrecy. Of course once such "secrecy" is exposed, it may seem sinister or infantile or both. Nevertheless, the sole aim of secrecy in this case was to try to avoid hurt feelings,

(Continued on Page 13)



"I heard law students were wallflowers —
but I didn't know they were all female."

Radicals Gather . . .

(Continued from Page 1)

terested in reform to throw out ideas, and split off into smaller groups to work on specific projects.

The tone of the meeting of about 100 people, mostly 1L's and mostly white, was set in opening remarks by Billow, who said that the law school was an institution mainly designed to turn out "a highly skilled legal technician who functions very capably as a manager and problem-solver of corporate America." These corporations, Billow said, "are the institutions which buy our bodies."

Billow said that students must gain power at the Law School because that's the only way change will occur. "It would be nice if

One Radical Asks: Why Private Property?

the Harvard faculty suddenly came to see its function as a servant of society. But this is fantasy."

Haroz also said, in introductory remarks, that the students must take the initiative in reform. "It's hard to get the faculty and administration to do anything to shake up the law school."

The student-faculty committee, Haroz said, becomes only a student advisory committee on important matters, citing his understanding that on last year's law school policy on readmitting students affected by the draft, the faculty on the committee would not make a decision, but waited for the faculty meeting on the matter.

Many of those at the meeting called for changes in the school curriculum.

It was suggested that students seek discussion of matters of importance to them.

"In property," said one, "I never understood why there should be private property, and that was never discussed."

There were also demands for student participation on all faculty committees and for

(Continued on Page 18)

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Letters to the Editor of the RECORD

(Continued from Page 11)

to keep the whole operation as modest and unpretentious as possible. And of course the vice of secrecy, if it was a vice, has now been eliminated. (Just what further purpose would be served by "publishing" lists of members I don't quite understand).

A further point should be made: The Choate Club claims no monopoly franchise. Any group of students at the Law School is quite free to dine together, invite guests to speak, and invite faculty members to join them.

Paul M. Bator
Professor of Law

Choate Head Justifies Club

To the Editor:

In the hope of removing some of the tension which has grown out of various misconceptions concerning the Choate Club, I would like to answer some of the requests for information made in your editorial of Sept. 12.

First, I would like to make it clear that the Choate is a student organization. All of its functions are organized and administered by the students who are members. The faculty presence which you so decry takes precisely the same form that it takes in meetings of other student organizations at the Law School.

That is to say, the faculty are the invited guests of the students and invitations are sent out to those members of the faculty that the students, together, wish to invite. Obviously, past membership in the group by a faculty member has always been a reason for sending an invitation. Otherwise the criterion for the faculty is precisely the same as for students — an abiding interest in non-legal affairs of general interest.

Perhaps the Choate will seem

less mysterious if its procedures are described. It does nothing more than hold dinner meetings roughly once a month during the Law School year at which a speaker, most often from the world of letters, reads from his works, discusses some event of interest to himself, or presents a statement of opinion.

Since the Choate membership is forty-two at most, these meetings are convenient for close contact with the speakers; and following the speaker's presentation there is time for discussion. I would guess that the normal meeting consisted of about twenty students and from four to six members of the faculty.

Since each dinner is on a pay-as-you-go basis and costs are kept as low as possible, the Choate does not offer its speakers any recompense. The existence of the Choate outside of these meetings is devoted exclusively to the problem of getting speakers and providing the meals, which is done by one or two

students who act exactly as do the heads of the various active Ames clubs.

Student membership in the Choate is based, as I have said, on interest in subjects outside the law. Membership is broadbased as the only criterion for selection is the feeling by a majority of the students that this would be an interesting person to engage in a non-legal conversation. To my knowledge there has never been a black-ball system in force. The Choate uses a staggered system of elections in order that selection might not be controlled by visibility or pre-Law School friendships. Those members of the faculty whom a preponderance of the club wishes to invite are sent invitations and asked to pay for dinners just as are the students.

None of what I have described above goes very far to explain the secrecy which has caused so much

(Continued on Page 14)

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Letters . . .

(Continued from Page 13)

trouble. I would like to try to offer some explanation of historical factors which may have been involved, but I must admit that none seem utterly convincing for the present day and age. In the first place the effort of the Choate seems always to have been to avoid any question of competition, particularly social. It was meant to be a haven from the world of the law and the Law School.

For this reason it may have seemed reasonable to leave it as nothing more than a monthly dinner, and avoid the necessity of explaining a criterion as vague as "interest in the world of letters." Further the Choate seems to have been founded in a day when secret societies were important to students. The club dates, I think, to the 1880's when the Greek letter societies were first appearing. At that time the proceedings appear to have been devoted to the reading of student papers. In more modern times the outside speaker took over and this may have provided a motive for continued secrecy in that some of the speakers may be drawn by the completely off-the-record procedure of the club.

Although I am certain that the above will not appear completely satisfactory, I assure you that there is no more to the Choate. I am afraid that much of the problem lies in the nature of the club's discovery. Secrecy clearly caused much harm, and it is regrettable that it was never debated in the modern life of the club. I can only say again that there was no evil motive, only inertia.

It may well be that your editorial has accomplished what the Choate should have done itself, and I feel sure that secrecy is no longer any part of the club. I would like to finish by saying that I find nothing wrong in my membership, and that I would resign at once if I thought that my membership had any other result than a chance to occasionally divert my thought from the study of law.

Philip Burling
Chairman
Choate Club

Tweedledum and Tweedledee?

To the Editor:

I hope I will not be tromping on anyone's toes if I comment that the grading scale differs from the extant model about as much and as significantly as Tweedle-dum differed from Tweedledee. The present system's obsession with numerical averages computed even to decimals is largely carried over into a system which would have eleven alphabetic tiers. Does anyone verily believe there are 11 discernibly distinct and significant levels of achievement? After all,

letters and numbers are both symbols, and it is fair to ask if what they symbolize objectively exists.

I submit two proposals — one formal, the other substantive. As for the marking symbolism, I propose we leave room for Brandeis, Corcoran, Landis and Pound to demonstrate their virtuosity and thus retain 75 as an A. 78 or higher could be an A+; 74-77 would be an A; 72-73 = B+; 69-71 = B; 66-68 = C+; 62-65 = C; 55-61 = D; 55 and under = F. I think 8 levels far preferable to 11, and with broader categories less discrimination would be made against students of substantially similar ability.

Secondly, the law school needs badly to come to grips with the fact that a 3-hour pressure examination, with no opportunity for reflection or research or writing skill, or investigation of the facts, is not the lawyer's predominant milieu in actual practice and it ought not to be virtually the only criterion for law school success. I propose including Ames and Williston Competitions into the curriculum, with grades in each computed into the overall average. More courses should be graded on the basis of written work rather than on an examination alone. Third-year Written Work is only a partial corrective.

Until it is recognized that to have validity the grades must correspond to reality, mere changes in the type of symbols employed will be only so much academic legerdemain.

Gordon D. Miller '65

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'White' Organizations Experience

(Continued from Page 7)

One of the displaced students, generalizing about his unfortunate experiences stated: "When other students in the school don't know what is going on, then there is need for more communication, or else bad feelings arise. There are so few communication links in this school, that the individual feels very

'Sudden' Seminar Shakes Students

isolated. In this case it wasn't so much the fault of black students, but the fault of the school in allowing a breakdown in communications."

The subject matter of the "Limitations of the Law" seems little less controversial than its beginning. The assignment for the first several sessions includes the reading of **The Confessions of Nat Turner** and analyzing the response of 10 black writers to the novel.

At least five other Law School seminars are relevant to the social issues of our time.

Race Relations.
Consumer Credit.
Law and Social Order.
Urban Legal Studies.
Welfare Law.

In the first year, the Legal Methods class now gives all students exposure to landlord-tenant problems with emphasis on tenants' rights. Those first year students taking Professor Nesson's or Michelman's Property course also get a heavy dose of this type of law. Professors A. James Casner and Barton Leach will soon publish a revised property text which includes a large segment of modern materials.

Assistant Professors Nesson and Steven Breyer will introduce a new DLI (Development of Legal Institutions) course this Jan-

uary that will focus on "serious crisis points in American history". Several of those "crisis points" will include the Fugitive Slave problem, the Reconstruction period, the impact of the *Brown v. Board of Education* decision. Formerly the DLI courses, which were taught by Prof. John Dawson and Prof. Harold Berman, traced the foundations of the American legal system as they developed in England. The courses of Profs. Dawson and Berman will continue to be taught but DLI will be on an elective basis.

Thus, the Law School curriculum, if not already acceptable to black students, should soon win their respect and approval.

Another black student grievance not submitted with the formal list involved a charge of paternalism on the part of the Law School faculty and administration. In the fall of 1966, for instance, an Administration official called all first year black students to his office individually and asked them if they would like to be tutored.

In 1966-1967 the Law School had also been calling meetings of black students to ask them how the Law School should treat them. Normally only six or seven of them attended. One black student stated "we told the administration just to leave us alone and treat us like any other students."

Some black students felt uncomfortable with their initial experiences at the Law School. One noted: "Black students felt in their first year that the white students were trying to find out just how bright the black students were. Whenever the black students were asked a question, a hush fell over the room as white students listened eagerly."

Several black students complained about the "kid glove" treatment they were getting from some professors, particularly those in the first year. Now this grievance has also been brought to the attention of the faculty and in the opinion of several black students interviewed, is being eliminated. Other black students still feel that they are treated differently in class. One noted: "I don't have to prepare for class. If I don't raise my hand,

Loss of Most Black Membership

I know I won't be called on in most of my courses."

Walter Reiser, director of the summer program noted that some professors did treat black students with kid gloves, including himself more than most, because he is a Southerner. "There are probably a lot of paternalistic attitudes among professors," Reiser pointed out, "but that's natural since the suddenly increased number of black students made them a 'strange' phenomenon which all the faculty members were aware of."

Another professor noted that the Law School black awareness itself can be considered paternalistic if not handled in a sensitive manner.

The trend toward black consciousness appears too fundamental to be reversed. Dean Bok, in an understatement characteristic of his position, said: "It is not enough to do nothing."

The Harvard Black Law Student Association, the nucleus of black unity at the Law School, stated that it was its policy not to comment on the Association for this article. But the Association's refusal to make any statement for use in this article became itself a symbol of the unity of the black law students. Most of the black students interviewed decided not to comment, many citing as their reason the association's position.

However, in wake of the Martin Luther King assassination the association did make known some of its views. In a statement published in the RECORD the association said:

"Harvard Law School took commendable and positive steps in closing the Law School in recognition of the critical state of affairs as exists between the races in America today.

"It has refused to ply a neutral course and has provided an opportunity for future leaders of white America to reflect upon the need for new approaches to the problem white America has created. It is to be hoped that white America will work with Black

America to undertake a program whereby black people will be able to control the institutions, economic, political and social of their communities with the financial support necessary to make such control meaningful.

"Thus far white society's reaction to the assassination of Dr. King has been reprehensible in that it has attempted to subvert Dr. King's non-violent philosophy into an instrument to be used for the suppression of the expression of legitimate Black grievances. As pointed out in the Rally presented by the Harvard Black Law Students' Association, the new generation of Black youth will no longer tolerate either sympathy or savagery as a substitute for a program of reparation designed to enable Black people to control their destinies and to live peacefully.

"We Black students have homes in the Black communities of Chicago, Baltimore, Washington, Watts, Detroit, Harlem, Etc. and we feel the pulse of the Black communities from which we've come. The New York Times is woefully inaccurate in judging predominant Black sentiment to be one of acquiescence or "turn the other cheek." Black masses loved Martin Luther King and accepted his non-violent philosophy as a tac-

King Assassination Brings Black Response

tic to achieve equality. Yet Black people now have no other cheek to turn and as a result if repression and racism do not give way to justice and hope America's future could soon be no more than a page in a history book. As stated, Harvard Law School has begun but it must proceed forward to relate to not only the Black community but to the complacent and decadent ruling power structure in terms of true justice under law."

Thus far the association has won considerable faculty response and even support. One professor stated: "What strongly strikes me is that the Afro organization has been

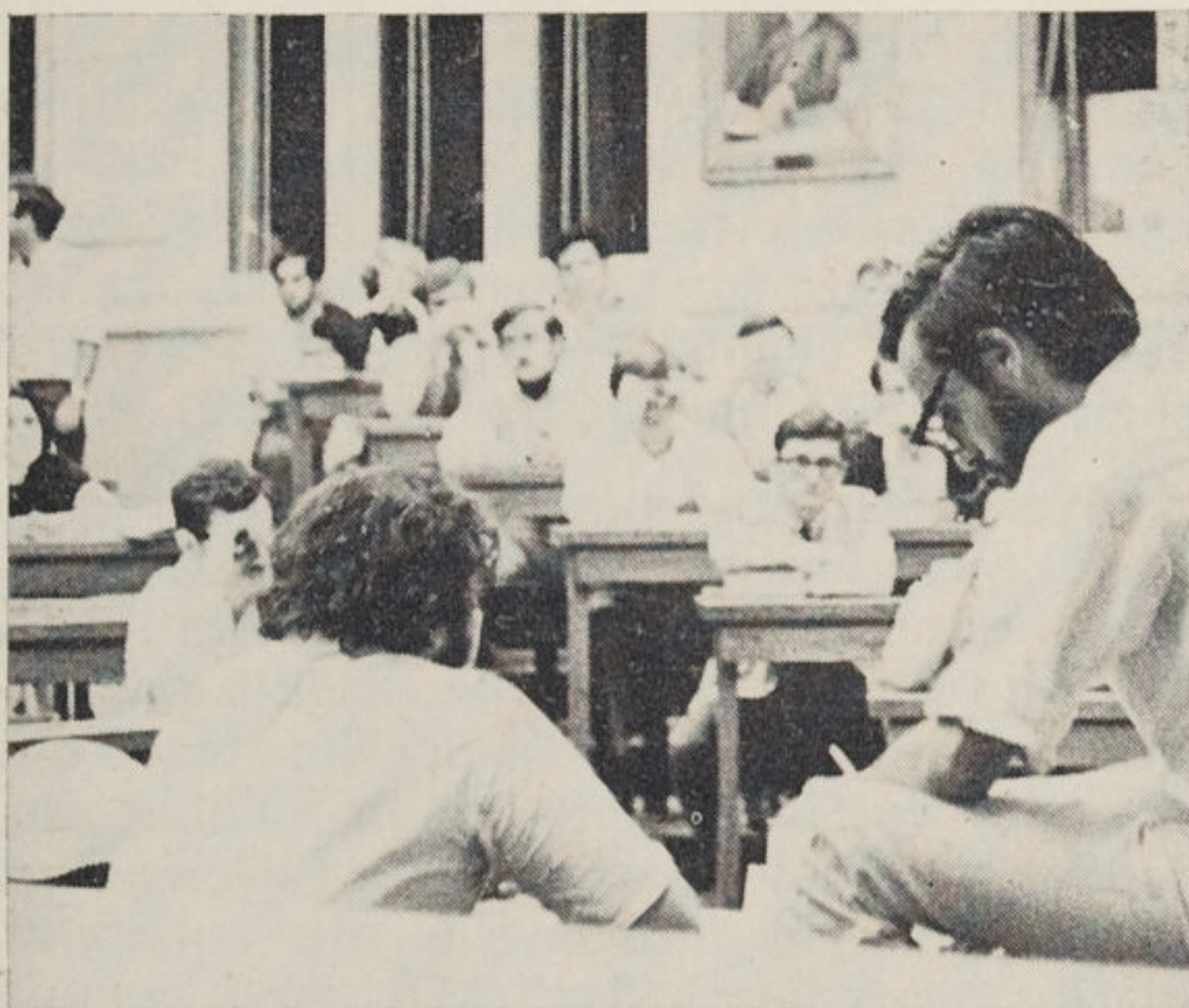
(Continued on Page 20)

Radicals Organize . .

(Continued from Page 12)

credit for extra-curricular projects of community services such as Community Legal Assistance Office.

Also a major topic for projects was activity with the draft and defense of radical students arrested in demonstrations. One suggestion was forming a National Lawyers' Guild unit to defend radicals in the same way one was formed at Columbia University.



Radicals bemoan lack of power.

In response to the question of what a first year student could do, Haroz answered they could do such things as draft counseling, gathering data and interviewing witnesses for trials.

Other suggestions were cards listing rights for those arrested and a handbook for soldiers delineating their rights under military law.

Professor Roger Fisher suggested writing a pamphlet to advise draft boards on how they could and should use their discretionary powers.

Another general meeting of the group will be held sometime next week. There will also be a dance to raise money for the Committee for Legal Research on the Draft, on Friday, Oct. 4, from 8 p.m. to midnight in Memorial Hall. Playing will be the Ill Wind and Cloud. Admission will be \$1.50.

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Recent Book

It Was Just a Plain, Old-Fashioned Murder

The Wheels; the State of Connecticut vs. Patrick G. Finno. By William W. Wilbourne. Mac-Millan, 366 pp., \$7.95.

By Lawrence Gartner

Tired of reading books and in the press of the extraordinary exploits of such super-lawyers as Louis Nizer, F. Lee Bailey, and Edward Bennett Williams? Then you will find this account of a non-extraordinary murder trial by a young lawyer very refreshing.

William W. Wilbourne and his associates in this case would not be asked to appear on a national television program dealing with the trial lawyer and they don't own their own Lear jets. All they did was engage in good, old-fashioned lawyering, counseling an average citizen in his encounter with the law.

In October 1965, Patrick G. Finno, a construction foreman, was arrested and charged with the murder of a Stamford, Connecticut, housewife. Two young Connecticut attorneys went to Theodore Koskoff, a respected Connecticut trial lawyer, and asked him to take the case. When Koskoff agreed, he, along with Wilbourne, took on a case that lasted more than half a year, involved extensive preparation and investigation with little financial reward.

Wilbourne's lively, highly readable account of the trial preparation and the trial itself is virtually a case study of the work of a good, average trial lawyer. And it is especially recommended for the law student whose three-year philosophical and academic encounter with the law often hides from him the practical aspects of actual legal work.

The lawyers in *The Wheels* aren't demi-gods; they make mistakes, and they take risks and lose. The judges aren't paragons of learning. While Finno is ultimately found innocent, there are lingering traces

Practical wisdom plus hard work equals victory

of doubt; the murderer is never caught.

The law student may read the *Escobedo* case in class, discuss its philosophical merits and legal consequences, and think he knows all about it. But this is far different (and much easier) than trying, as Finno's lawyers did, to apply the case to the facts at hand, to convince the judge that the case applies when there are not state

decisions on the question.

There are many gems of practical wisdom such as Koskoff's views on jury selection and his tactics of cross-examination. Especially interesting is the defense's preparation of expert witness testimony from a Yale Medical School pathologist to contradict the prosecution's theory as to the cause of death.

Even if you are planning to be another F. Lee Bailey or a Harvard Law professor, you wouldn't want to pass this book by for loftier tomes. But if you are planning to help average, ordinary people with their legal problems, especially in trial, and especially in criminal work, Wilbourne's *The Wheels* is recommended as excellent bedtime reading to give you an idea of what you are in for. And though not super-heroic, it's exciting.

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Rumors of \$18,000 starting salaries for associates in top Wall Street law firms are currently titillating members of law reviews at Harvard, Yale and Columbia as a result of a brief report published in the latest issue of Newsweek.

Attempting to confirm this report, the RECORD called the managing partners of Sullivan & Cromwell and Cravath Swaine & Moore. Neither has yet been available for comment, but a report in the next issue of the RECORD will try to clarify the matter.

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Black Awareness . . .

(Continued from Page 17)

extraordinarily constructive in the things it has done."

Whatever, the inner workings of the Harvard Black Students Association, its impact on the faculty and curriculum appears great. Perhaps the Association is in part responsible for and in part a manifestation of the "esprit de corps" among black students. When they meet, it's usually "Hey, brother" instead of a quick "Howdy."

With the powerful unity of the black students and the crescendoing black awareness of the faculty and white students, Harvard Law appears on the threshold of fundamental changes in personnel, curriculum and attitudes.

RESEARCH BY: N. BARCLAY, J. STAMELL, B. CHASE, R. KADDEN, L. KATZENBACH.

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