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CIRCULATION OVER 12,500

OCTOBER 10, 1968

Firms May Receive Grade Breakdowns

By Ronald Kadden

The Joint Student-Faculty Committee has recommended that the Law School provide prospective employers of graduates with statistical summaries of grades awarded at the school and with tables showing how numerical grades are converted to letters.

The committee has also begun a keep-in-touch program for members of the class of 1970 who didn't return to the Law School this fall. Letters have been sent to more than ninety absent students and their parents to kick off the program.

In one of the letters, Dean Derek Bok offered each missing member of the class a free subscription to the RECORD. Marc Glass and Pete Parnell, both 2L, proposed the publication of "a newsletter of sorts" to consist of collected comments sent back from the mailing.

The newsletter would be issued as frequently as interest in it warranted, perhaps monthly, Glass said. The keep-in-touch project, suggested by student members of the committee, has won the backing of the administration.

In a memorandum to the faculty, the committee also recommended what information

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Radicals listen to Ill Wind at mixer.

Eighty Students Gone

Another 20 students have been added to the list of 60 drop-outs published last week by the RECORD. The precise impact of the draft still isn't clear, for only a small percentage have actually been drafted.

As for the next few months, Secretary William L. Bruce feels it's a matter of individual draft boards. Some will wait until the end of a law school "term" of one year, while others will be rigid in regarding a "term" as only half a school year.

Bruce is optimistic that, if calls don't go up in the near future, students have a good chance of finishing the year. In his view, it

(Continued on Page 5)

There won't be any classes Saturday, in honor of the navigator from Genoa. Since the RECORD staff will head for the hills this weekend to capture the last traces of autumn, there won't be a RECORD next Thursday. Next issue: Oct. 24.

Grades Related to Potential Earning Power

By R. W. S. Schmidt

"Grades earned in law school have little bearing on later earning power." Heard a similar statement lately? Don't place too much reliance on the old myth: the RECORD has evidence which tends to place such a conclusion in some disrepute.

Each year Harvard Law School issues special anniversary class reports: information for the reunion alumni. And each year, the crude breakdowns show that in \$10,000 income increments (as: less than \$10,000; \$10,000+; \$20,000+; etc.), the average grade earned by alumni in each increment was either a B or a C+. At \$70,000+ or more, the average generally shifts from C+ to B. The reader, perhaps expecting an even and direct relation of grades to income, finds no such progression. He concludes, mistakenly, that grades have only minimal effects on incomes on the average.

Such analysis fails because the small number of A's and D's are overwhelmed in the "averaging process." A more complete statistical breakdown (missing in later reports herein quoted) of the Class of 1933 shows a relationship between grades and income:

- (1) a greater percentage of A's earned higher incomes than other grade categories;
- (2) the incomes of C's and D's drop rapidly compared to A's, B's, and C+'s;
- (3) the percentage decline is similar for A's, B's, and C+'s, but generally the higher the grade, the greater the income advantage.

Other figures contrasting the Classes of 1933, 1943, and 1953, provide some interesting comparisons. In the RECORD chart below, median incomes are used to eliminate distortion from extreme incomes.

Over 80% of the graduates in the three

classes are now engaged in legal work of some sort, most live in areas of 1,000,000 or more population, and most have changed jobs not more than once. Thus the average Har-

	15 Years 1953	25 Years 1943	35 Years 1933
Percentage In Legal Work	81.4%	83.1%	81.9%
Total Median Income	\$32,000	\$45,000	\$52,260
Practice: 51+ Median Income	\$50,000	\$89,000	\$73,280
Practice: 26-50 Median Income	\$42,500	\$80,000	\$60,000
Practice: 11-25 Median Income	\$35,000	\$50,000	\$50,500
Practice: 1-10 Median Income	\$31,000	\$43,500	\$40,000
Practice: Alone Median Income	\$31,500	\$34,250	\$25,000
Live in Area of 1,000,000+ Pop.	57%	59%	45%
Percentage In Non-Legal Work	18.6%	16.9%	18.1%
Total Median Income	\$31,000	\$40,000	\$30,000
In Business: Median Income	\$33,750	\$45,000	\$33,700
Live in Area of 1,000,000+ Pop.	70%	50%	64%
All Work: Total Median Income	\$31,500	\$42,000	\$48,811
Percentage One Or No Job Changes	57%	59%	49%
Percentage Return Of Questionnaires	56%	45%	44%

Data Sources: 15th, 25th, and 35th Year Class Reports; Harvard Law School.

vard Law graduate is an urban character, relatively stable in occupational choice, earning between \$30,000 and \$50,000 a year, and engaged in private practice (1-51+ persons).

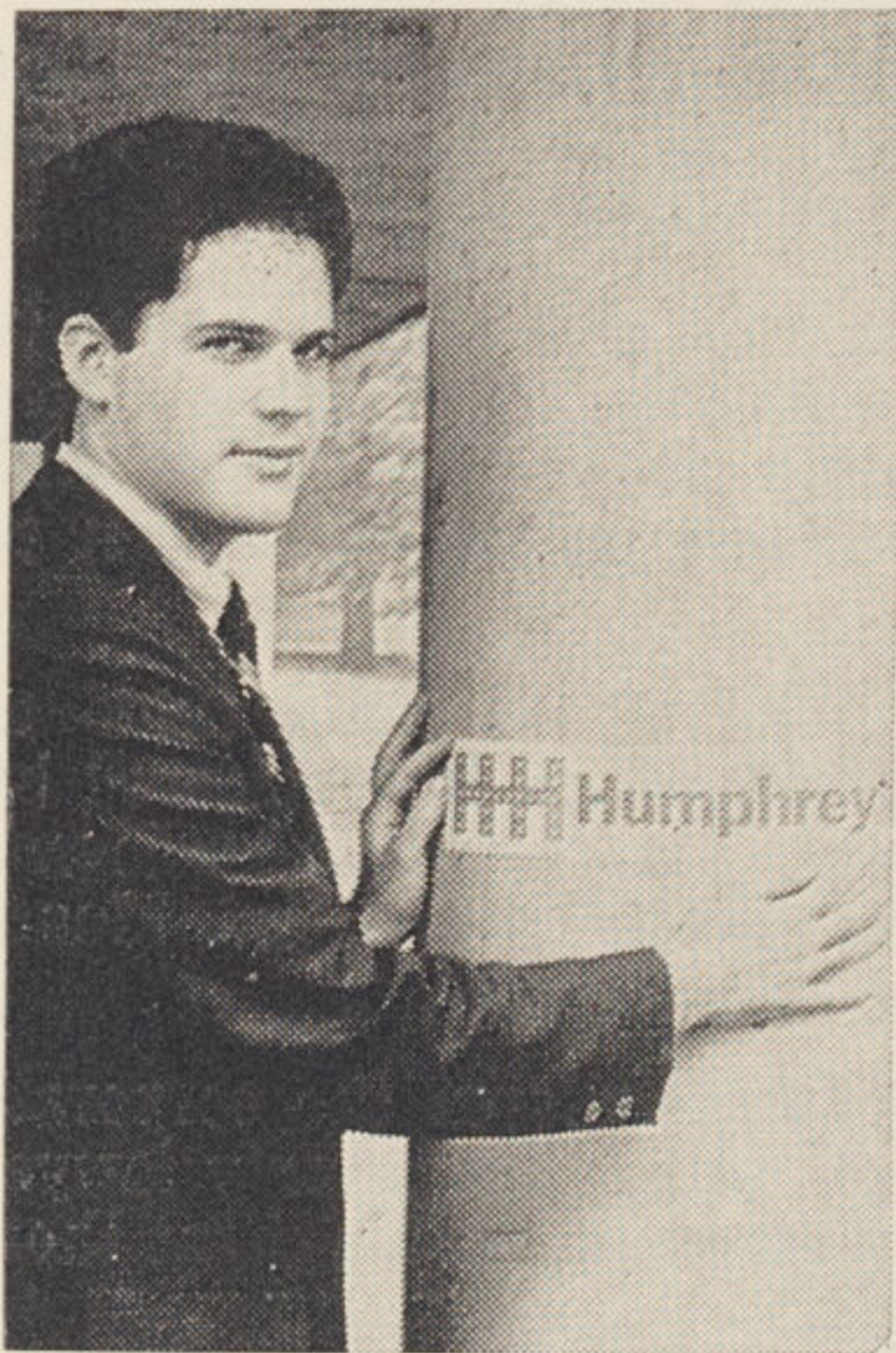
Admittedly, many occupational specialties do not emphasize A's versus C's, ad nauseum. But if government is your forte, your average may mean GS-9, or 11, or 12. And if the name of the game is "where the money is," check the large law firms. Then try talking to the interviewer about grades.

Kilberg, Margolis Involved in Campaigns

By Jared Stamell

This isn't a popular year for law students to work on a presidential campaign. Still, people have volunteered to organize and write for the major candidates. The experience of two such volunteers at the Law School indicates that some find traditional political involvement worthwhile in 1968.

Bill Kilberg wants to get things done. He isn't interested in waving flags for his candidate, Richard Nixon. Instead, he's writing speeches on labor and urban problems. At 22, this 3L from Brooklyn is the youngest man on the Nixon staff.



Jon Margolis

Kilberg sees himself as doing a job that's necessary if a politician is to govern successfully. He works hard right in his dorm room. A large picture of Abraham Lincoln, flanked by pictures of Nixon and Romney adorn

his wall, attesting to his Republican credentials.

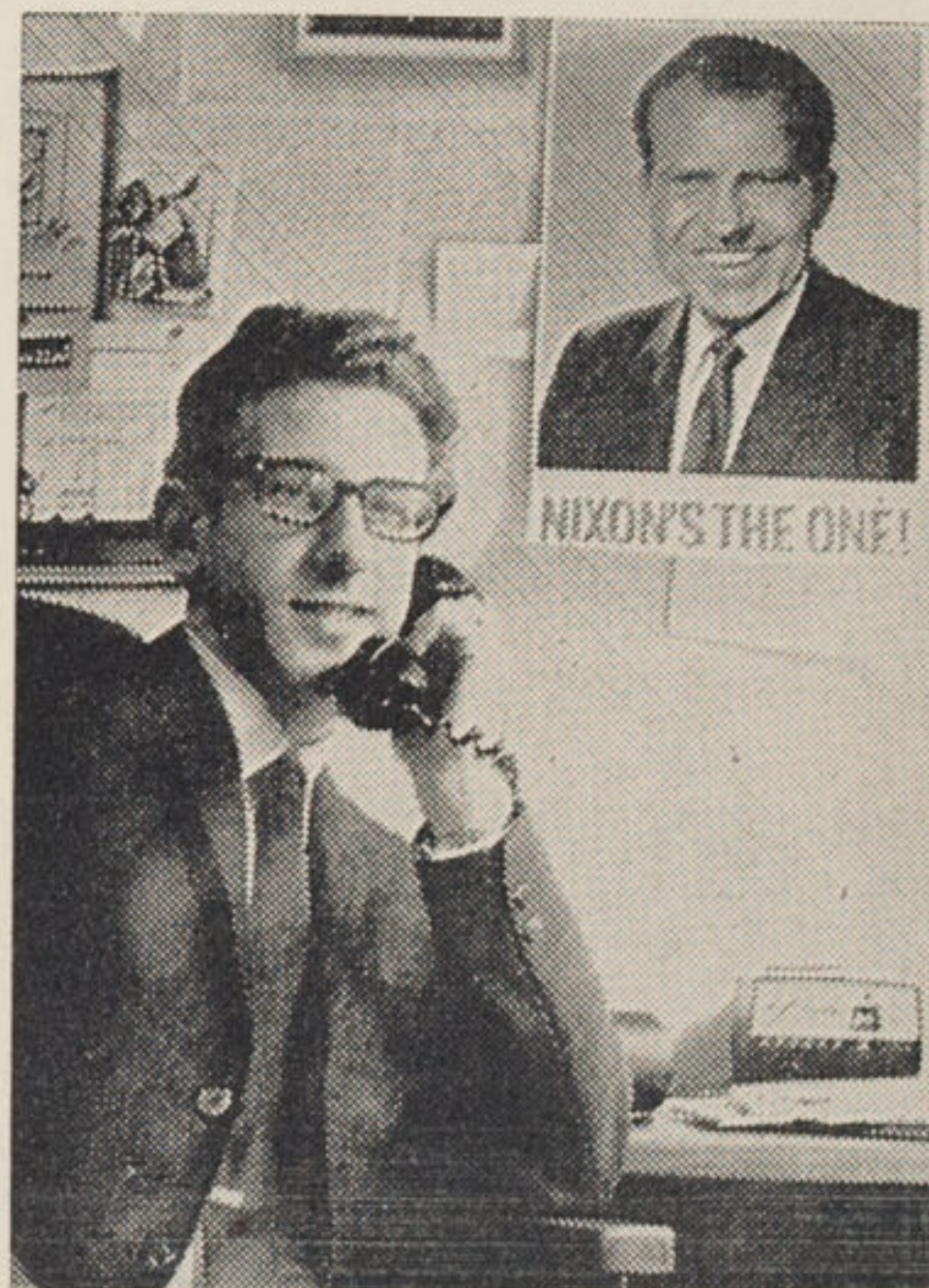
Despite his age, Kilberg brings experience to his position. He's been active in the campaigns of other prominent Republican politicians and has worked in the Ripon Society, the liberal Republican research and policy group. He has also published articles on labor problems and directed a committee on that subject at the Massachusetts Republican issues convention.

Kilberg sees himself as a Republican in the Lindsay mold. He believes Nixon will be a "progressive" President. He claims that Spiro Agnew isn't just a face man. "He has an unbelievable record in Maryland, particularly in open housing and civil rights," asserts Kilberg. "He's a poor campaigner, but all he needs is a little experience," he adds.

Kilberg's loyalty to the Republican party is not unlimited. "I did not support Barry Goldwater; I would not support Ronald Reagan; I certainly would never support Strom Thurmond," he explains. But, the GOP is the liberal party to Kilberg. He believes that it will most effectively deal with the problems of labor and the city.

Kilberg has tremendous respect for Nixon and describes his mind as "brilliant". He believes Nixon would institute a depersonalized presidency. "The

President should not be an individual, but rather a symbol of the office; this is Nixon's view and is similar to that of Gene McCarthy," he explained.



Bill Kilberg

Kilberg's purpose in involving himself in this campaign is to "get where the action is". But he stresses that he's not just interested in getting his man elected, but in helping him govern. He sees law school as good intellectual experience for involvement in government. "It trains the mind in a way useful for dealing with political issues," he says.

Jonathan Margolis, 2L, of Newton, Mass., is a hard man to find. He's involved in the Student Coalition for Humphrey-Muskie that is trying to drum up support for Humphrey. His man is behind and he doesn't have too much time to chat.

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Visiting Professor Mundheim Sees

By Lawrence Gartner

Some of you sports fans around the Law School may have been wondering what Joe Garagiola's doing wandering around here.

Well, stop wondering. It's not Joe but Visiting Professor of Law Robert H. Mundheim, and he doesn't talk about baseball but about corporations and securities regulation.

Prof. Mundheim, who looks a lot like old ballplayer Garagiola, came here from the University of Pennsylvania, but in a sense, he's just returning, because he received his undergraduate and law degrees from Harvard.



Photo by Mike Lurey

Although he's only been teaching here for less than a month, the soft-spoken professor has already observed one minor difference between Harvard and Penn: his Corporations class is the largest he's ever taught and he has some difficulty making himself heard in the far reaches of Austin North. Consequently, he's had to change his usual method of teaching sitting down. Now he stands and moves about to make himself heard better.

Although Prof. Mundheim doesn't want to make any judgments on the educational merits of large classes as against smaller ones, he has found it difficult to maintain the conversational atmosphere to which he's accustomed.

Asked during a lunchtime interview to compare Harvard and Penn law schools, Prof. Mundheim said he hasn't been teaching here long enough to make any meaningful comparisons.

Prof. Mundheim did comment, however, on the architectural arrangement at Penn, where students constantly pass faculty offices on their way to and from classes and the dining room. Many professors leave their doors open, and consequently, many students drop in for informal conferences.

"That kind of contact," said Prof. Mund-

'Delighted to see Students drop in'

heim, "is one of the great things about teaching."

Such faculty-student contact is important to the professor, who is "delighted to see students drop in" to see him.

Not only does this give him a chance to improve his teaching through feedback from students regarding the course, but he said, "if one gets to know students, it's easier to teach them."

Asked about one of his main fields of study, corporations, which is considered by some students at the law school as irrelevant to their concern for the poor, Prof. Mundheim challenged this feeling.

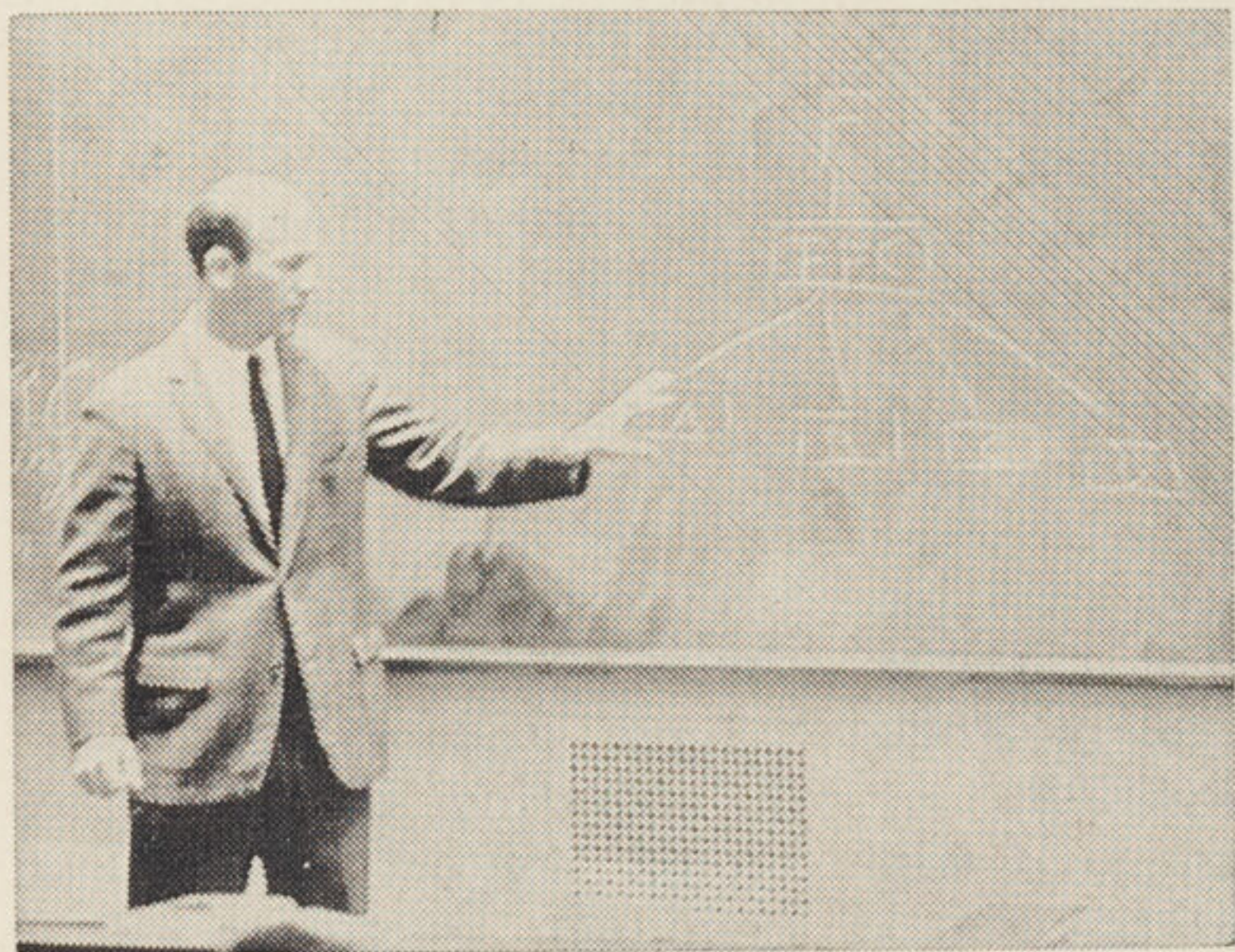
"The traditional details of the corporate practice are tools which the poverty lawyer has to know in order to serve his client thoroughly," he said.

Problems concerning financing and the structure of business enterprises apply just as much to efforts of poor people to become entrepreneurs or to black-owned businesses, for example, as to General Motors.

Furthermore, Prof. Mundheim said, there are broad policy questions concerning corporate power and its use for other things besides profit-making.

Changes in Course on Corporations

Can the directors of a corporation, for example, direct some of the corporation's energies and resources towards correcting social evils rather than profit maximizing? Does a corporation have a duty to do this?



Photos by Mike Lurey

Mundheim's Ferris Wheel

The professor said that the consideration of these broad policy issues and the use of problems concerning low-income entrepreneurship will, over the next few years, become more and more a part of the traditional corporations class.

Draft Impact . . .

(Continued from Page 1)

will be very hard for anyone to heat up the war and, "unless something breaks elsewhere, there will be no great jump in the draft."

His surmise is that the draft has caused

Prof. Mundheim devoted part of one of his corporation sections to the problem of the professional ethics of the corporate lawyer. He said that he wanted to "impress upon the students that somebody cares how they act as professionals."

The discussion on ethics involved a hypothetical problem in which students were asked how they would act as the corporate lawyer. Prof. Mundheim makes extensive use of problems in his corporations class in order to get students accustomed to thinking of how to approach a problem. He said that he is "trying to make students sensitive to certain types of problems, including the ethical one."

It remains to be seen how active Prof. Mundheim will be in law school affairs, but at Penn he was chairman of a faculty-student commission which studied student protest and drew up a set of guidelines.

This week he went before the Penn academic senate to present the commission's report.

Prof. Mundheim said that he and a Penn law student were the only members of the commission who were not totally unaccustomed to the difficult give-and-take procedure of drafting the commission report.

many college graduates to enlist and this has eased the problem for law students.

Bruce advises students who have or will have problems, to contact Reiser's office. It can then be arranged to have a letter sent by Dean Bok to the student's local board stressing the damage in interrupting a law student's education in mid-year.

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Law-Graduate Dems Endorse Humphrey By Vote of 17-10

The Harvard Law-Graduate Democratic Club endorsed for President of the United States the current Vice President, Hubert Horatio Humphrey, by a vote of 17 to 10.

The club last year had a membership of over 400.

While the resolution condemned this nation's policy in Vietnam and the "Gestapo-like" tactics of the Chicago police and regretted the Vice President's positions on these issues, it found that Humphrey was preferable to the Nixon-Ag-

(Continued on Page 11)

VIDEO MACHINE

Ames Clashes to Be Taped

The Board of Student Advisors is utilizing the latest in video tape technology to stimulate interest in and improve the quality of Ames Competition.

Their \$2,500 video tape system, recently purchased by the Law School, includes advanced gadgetry which allows the superimposing of images over the main picture. The various other technological tricks available include many that national TV networks employ when televising sports events.

The video equipment will be used only in the Ames Courtroom, but the number

of Ames arguments held in the courtroom will be increased.

According to chairman Tim Ellis, 3L, the video machines will also be available to participants in the upper rounds of Ames to enable them to evaluate rehearsal performances.

The primary limitation on the use of the new machines, however, may be the lack of trained personnel to operate them.

Law students interested in operating the machines should contact Vice Dean Leininger. Operators will be paid on an hourly basis.

Events of Note

Assistant Professor Charles Nes-son will discuss civil disobedience at a Harvard Law Wives seminar at 8 p.m., Oct. 16, in the Harkness Commons meeting room.

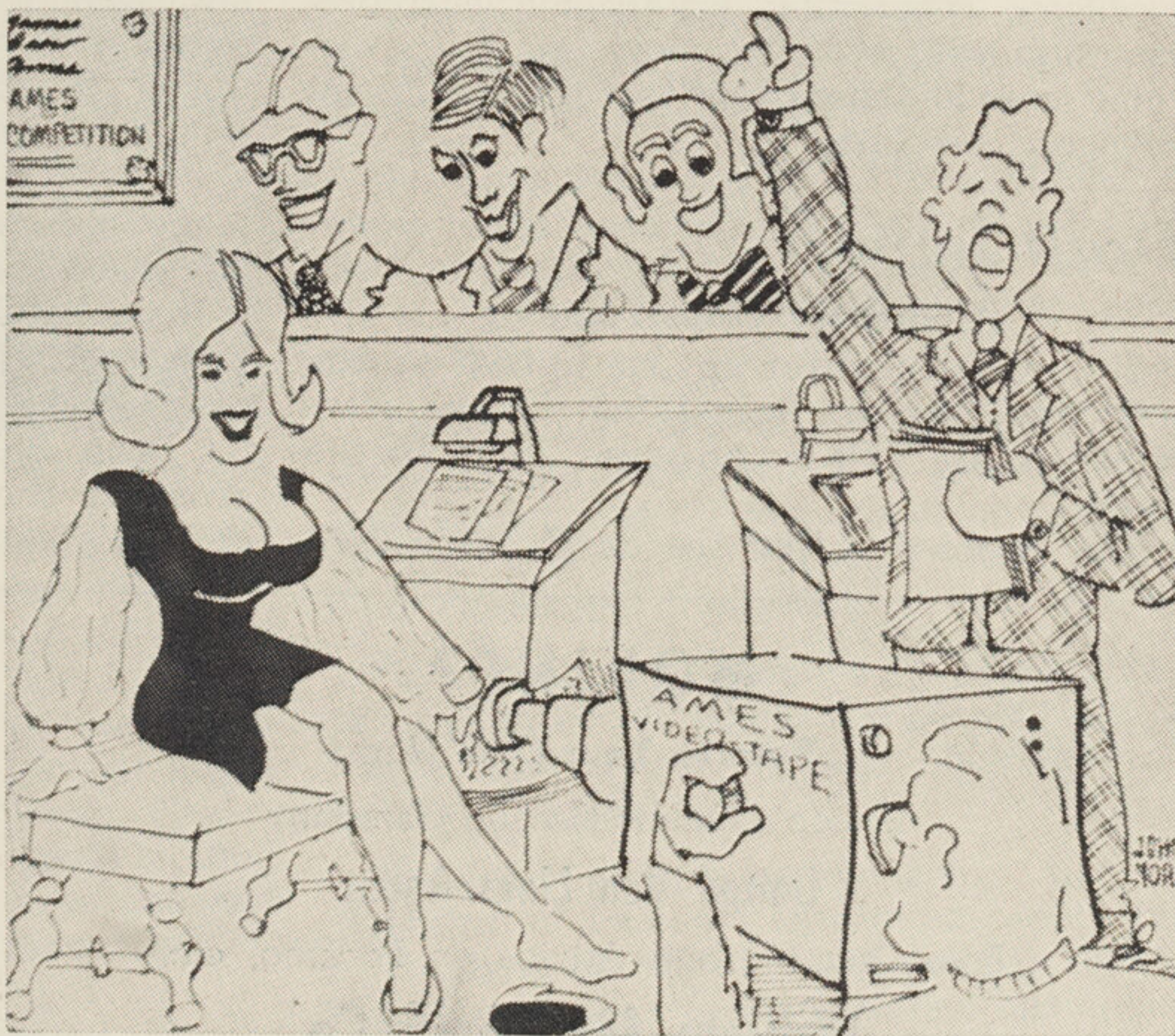
* * *

The following 2L's have been appointed additional members of the Harvard Legal Aid Bureau: Robert Bares, Sam D. Chafetz, Michael Denger, Richard Graddis, Robert E. Lehrer, Carl H. Lisman, Thomas H. Stanton, Albert H. Turkus, and Stephen Watson.

Five of the nine were chosen on the basis of excellent performance in legal service programs throughout the country during the past summer.

* * *

There will be another of those great Harvard Law School Mixers from 8 p.m. to midnight tomorrow in Harkness Commons. Law students will be charged \$1, other graduate students, \$1.50, and young ladies, with college I.D. or over 21, \$1.50.



Panel Argues Legal Ethics

By Ronald and
Robert Patterson

Knowingly permitting a client to perjure himself may be necessary for the survival of the adversary system, Professor Monroe H. Freedman of George Washington University told students at a panel discussion on "Ethics, Fees and Client Management in Criminal Cases" in the Ames Courtroom Saturday.

Maintenance of a client's confidence is more important than candor toward the court, reasoned Prof. Freedman. The system expects perjury and makes provisions to offset its effect, he contended, while the breakdown of a client's confidence in his lawyer shortcircuits the whole process.

The discussion, which was sponsored by the Student Bar Association in conjunction with the Criminal Law section of the American Bar Association, considered the entire spectrum of ethical problems faced in criminal cases.

The panel consisted of Prof. Freedman, of the National Law Center at George Washington University, Percy E. Foreman, well-known

defense attorney of Houston, Texas, Keith Mossman, District Attorney of Benton County, Iowa, and past president of the National District Attorneys Association, and William F. Walsh, also of Houston, defense attorney and past chairman of the ABA section of criminal law.

Prof. Freedman's statement on perjury came as part of an examination of the ethical problems raised in part by the ethical Canons themselves. He cited Canon 37, which requires an attorney to preserve clients' confidences, and noted that Canon 22 requires candor toward the court: two prescriptions which are difficult if not impossible to reconcile.

Part of the problem stems from the differing roles of prosecutor and defense attorney. The prosecutor's primary obligation is to the discovery of truth while the attorney seems to be obligated first to his client.

Prof. Freedman pointed out that Supreme Court decisions allow the attorney to use legal means to suppress truth obtained by illegal

(Continued on Page 15)

Law Review Picks Four New Members

As resident warlocks fled Gannett House along with tradition, the *Law Review* last week announced the names of the first four men chosen through a typically hideous device: a writing competition.

Moving into their new lockers were Nels Ackerson, Scott FitzGibbon, Christopher Kaufman, and Alan Sachs, all 2L.

Meeting at an unspecified site (possibly the Legal Aid-Voluntary Defenders typing room?) were 14 other 2L's who had gone through the rigors of a subcitechek (exemplary of the violence done

(Continued on Page 11)

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Student Participation

The Joint Student-Faculty Committee, impetus for most of the reforms taking place at the Law School, provides an excellent model for the way Harvard Law should be run. Unfortunately, the committee has only advisory powers, and even these powers have not yet been extended to include areas such as student participation in the selection of faculty members, in the revamping of the curriculum, and in considering alternatives to the Socratic method and casebook instruction.

Instead of granting students a mere advisory role, the faculty should consider allowing direct participation and co-operation by students on every major faculty committee where matters which affect the 1700 students here are considered.

Last year's unpleasant episode involving the dismissal of a professor who had been growing in popularity with students might have been avoided had students participated directly with the faculty in making the decision. The result might have been the same, but little student resentment would have been created.

Even the formation of the Joint Student-Faculty Committee would have been superfluous if students had been given a major role on faculty committees.

Unnecessarily delayed changes in the grading system and in methods of selection for honoraries would have likely been carried out years ago. This type of participation would have the additional advantage of opening many positions for close cooperation between faculty and students.

Harvard Law Record

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Lawrence Gartner	Feature Editor
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Fenno

It was bound to happen some day, I figured, but who'd have thought the Law School would get so big that they'd have to build a subway for people to be able to get to class on time?

The plans were leaked to me last week as I was sliding down the bannister at 23 Everett St. after a bill collector from the yearbook began chasing after me.

As I barrelled down and out through the front door, knocking over five 3L's who'd been waiting three days for interviews with some guy named Jagers who was off washing his hands somewhere, I met an old pal who graduated last year.

It turned out he was the prime mover behind the subway. I recognized him behind his false mustache as the last treasurer of Bull & Bear. (I'm a three-year member.)

"Yep, Fenno," he burbled, "I'm in charge of construction. The subway'll run from 23 Everett to Gannett House, stopping at Harkness, Hastings, LNM, LSM, Austin basement and then Gannett House. It'll make millions!"

I hesitated, but listened as he told me that those lovelies who sell you your RECORD every Thursday will be selling the tokens. "Next I'm going to persuade Dershowitz to let the Prevention and Prediction of Harmful Conduct class figure out how I'll keep people from slipping under the turnstiles without paying."

It all sounded terribly unreal to me, so I muttered, "Well, what about people like me who don't go to classes?"

"Fenno, this lease that CLAO drew up for me gives me total control over the tunnels between buildings. If I put my subway in there and there aren't any other tunnels, who's going to walk in the snow?"

"There's only one thing more," I gurgled. "Bok knows all about subways and labor law. What if he starts acting like Mike Quill?"

Letters to the Editor of the RECORD

Young Grads for Visiting Committee

To the Editor:

I was interested in reading your May, 1968 number to put together two statistics. Profile of the Alumni indicates that over a third of the alumni were born in 1930 or after. (p. 6.) That would indicate that a third of the alumni graduated after the early 1950's. The roster of the law school's visiting committee members and members elect (p. 32), however, shows none who graduated after 1949.

I am not sure how visiting committees are constituted and whether there is some binding official limitation upon membership, e.g., a member must have graduated more than twenty years before his first visitation. But if there is no such limitation, or if, there being one, it can easily be eliminated, wouldn't it be a good idea to have a few members from the 50's and 60's? I certainly have no problem with the eminence and intelligence of the current panel, but visitors are supposed to ask questions, and more recent graduates may have more current questions to ask — on behalf, remember, of better than one-third of the "constituency".

Arthur Allen Leff '59
Visiting Associate Professor
of Law
Yale Law School

J. D. Degree Worth Money

To the Editor:

I hope that the editors and readers of the RECORD will not simply sit on their hands and wait for action from the Faculty.

The J. D. degree certainly is worth an incremental magnitude of \$2-3,000 a year. This is true in industry as well as government and teaching.

I will be disappointed if the opportunity of nearly \$100,000 extra in lifetime earnings is not of interest to a fairly large group of people in the law school.

H. E. J. Finke '58
Vice President, Marketing,
Europe
Motorola Semiconductor
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2L's Doctoral Paper Screened for Prize

If the Law School intends under Dean Bok to increase the importance of writing in the curriculum, it might start the process by seeking more students like G. Edward White, 2L.



Ted White's doctoral dissertation, *The Eastern Establishment and the Western Experience*, was published by Yale University Press earlier this year. Last week, he learned that a Pulitzer Prize judging committee had requested copies of the book for screening.

The book considers the worlds of Frederic Remington, the artist, Owen Wister, the novelist, and Theodore Roosevelt, the president, in

relation to the social order prevailing in the American East when these men were spreading the word of the "Western experience."

White says he suspects that a "moderate" use of footnotes in his paper may have boosted its appeal to his publisher, which, like many college presses, makes a point of surveying dissertations within its university for possible publication.

Asked why a sojourn at law school followed a successful stint at grad school in American Studies at Yale, where he earned his master's and Ph.D. degrees, White explained his reluctance to enter the academic life for good, despite his qualification for it.

He finds law school rewarding and feels his graduate work has made him more receptive to law, if only

because it gave him another view between college and law school.

Ted White may by his presence at the Law School now be a portent of future students who've spent some time at another pursuit between college and law school. With the end of graduate deferments, the Law School may find itself with an older student body made up more and more of students returning from diverse fields of endeavor.

No effort is being made to encourage such intervals (none is necessary, since it will prove difficult enough to fill classes for a few years) but the Law School might well consider the policy of the Business School, which often advises applicants for admission to take a year and gain some experience in the real world.

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Grade Information..

(Continued from Page 1)

about the new grading system should be furnished to employers and students.

It advises:

(1) that the Law School regularly hereafter make available to all persons interested, including prospective employers, the aggregate numbers and the percentages of the letter grades in each letter grade category that were given to the second and third year classes the previous June;

(2) that, during the current academic year only, the Law School supply in addition two tables, one showing the conversion of numerical into letter grades under the grading system previously used and the other showing the conversion of numerical into letter grades under the present system;

(3) if the Faculty decides to discontinue the reporting of numerical grades, that it consider at that time discontinuing the publication of both kinds of conversion tables, as having thereafter only historical interest.

Professor John P. Dawson, chairman of the committee for the first semester, indicated that even if the reporting of numerical grades were continued, the conversion scale under the old system would have only "historical value" after this year.

Four new student members of the committee were recently drawn from Professor Chadbourn's hat. They were Russell Baker and Joseph Centifanti, both 3L, and Roger Abrams and Martin Lipzyc, both 2L. The other two student members are Glass and Parnell.

The faculty members of the committee during the first semester are Professors Dawson, Henry M. Hart, Louis L. Jaffe, Robert H. Mundheim, Donald F. Turner, and Lloyd L. Weinreb.

Professor David L. Shapiro who is a visiting professor at the University of Pennsylvania, will become chairman next term.

Working for Candidates . . . **RECORD Election**

(Continued from Page 3)

Margolis' support for Humphrey isn't new. He describes himself as "one of the few original Humphrey men". He also says that he is "ultimately square."

Margolis supports HHH because "Hubert Humphrey is a progressive," he explains.

This is Margolis's first effort in politics. He isn't reticent about his ambitions to elective office. He thinks that involvement in traditional party politics in this election will help to realize his political goals.

The problem that annoys Margolis most about campaigning is that HHH stickers are constantly being torn from his car's bumper. "I put a 'Don't buy California grapes' sticker on too, but it does not seem to help," he laments. Apparently sticker rippers are discerning.

Law Review

(Continued from Page 7)

the English language by the *Review*) and preparation of a note.

One of the successful new *Review* members admitted to spending upwards of 60 hours researching and writing his note, but another didn't begin writing until the night before deadline.

An unsuccessful competitor, heard denouncing the Gannett House Gang in the Holmes TV lounge, speculated that the new members would be "junior members" on the *Review*.

A friend responded, however, that "it all looks the same on the scorecard."

The attitudes of these two student politicians are similar. The issues sufficient to alienate others from Presidential politics haven't pushed them that far. They seldom mention or show concern about the Vietnam War. Both Kilberg and Margolis seem most interested in urban problems and with so-called liberal and progressive ideals.

The two differ in their involvement. Kilberg's doing a job that he's done before and enjoys. Margolis is gaining experience that he hopes will pay off in his own political fortunes.

Humphrey Gets Endorsement

(Continued from Page 6)

new ticket for the good of the country.

Proponents of the resolution agreed generally that Richard Nixon should not be allowed to become president. Others argued that Humphrey has been a progressive liberal in the past and that he would help the poor while Nixon would help the Navy.

Opponents of the endorsement just couldn't stomach Humphrey.

A resolution condemning Thomas Eisenstadt, Democratic candidate for sheriff opposing John Sears, Republican incumbent, for irresponsible actions in the Boston English school crisis was passed unanimously.

Ron Rosenblith, a new politics candidate for the Mass. state senate, received a near-

Michael Lurey and Lawrence Gartner, both 2L's, have been named Photo Editor and Feature Editor of the *RECORD*, respectively.

Lurey was born in Chicago, Ill., and received his B.S. from Northwestern University. Gartner hails from Brooklyn and graduated from the University of California, Berkeley.

Gartner worked on *The Daily Californian*, Berkeley's student newspaper, as editorial page editor and city editor. Lurey worked extensively on his grammar school newspaper.

ly unanimous endorsement from the club. Rosenblith received help from law students in winning his primary campaign. Two law students, Charles Beard, 3L, and Sandy Baskin, 2L, are helping him manage his campaign against the Republican incumbent.

Before adjournment, the club also voted to sponsor a referendum of law and graduate students on the presidential election.

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Recent Book

A Sordid Chapter: The Abortion Problem

The Terrible Choice: The Abortion Dilemma. Bantam Books, 110 pages.

By Alan A. Stone, M.D.
Assistant Professor of Psychiatry
Harvard Medical School

During the fall of 1967 an international conference was held in Washington, D.C. To this conference came distinguished participants from many disciplines and from all over the world to discuss and confront one of the sordid chapters of the human condition — abortion.

Whether it is because of the "sexual revolution", or because of increased social awareness, or because of some heightened sense of impending disaster, it is clear that many of society's dark and crucial problems can now be discussed publicly. They need to be, and all of us are therefore indebted to the

Harvard Divinity School and to the Kennedy Foundation, both for organizing the conference and for producing this small but important paperback report.

The title, "*The Terrible Choice*," reflects the pervasive spirit of this book and of the participants no matter on what side of the issue or for what reasons they take their stand for or against. All of them know the choice is a terrible one for society, for each family, and particularly for each pregnant woman.

Reports of conferences are usually literary as well as intellectual disasters. They are either collections of unrelated and unintegrated statements, or selections of momentary rhetoric which lose a great deal on translation into the written word. "*The Terrible Choice*", however, has been

pulled together and edited with care, skill and wit. If it is ever possible to present highly charged issues informatively, wisely, and with compassion, it has been accomplished in this book.

The foreword by Pearl Buck sets the tone.

She recounts with candor her tragic experience as the mother of a retarded child and asks herself, would she in retrospect rather the child had been aborted. Her answer is that the child brought its own gift to life and to her; that of the "lessons of patience, understanding, and mercy."

Those of us who have visited and worked in institutions which house thousands of retarded children, many of whom are uneducable and for whom minimum standards of care require almost

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(WICKS)

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'Physicians Concerned, Terribly Confused'

(Continued from Page 13)

constant individual attention, may question the wisdom of this statement for society as a whole. Nor does Pearl Buck recommend it as other than a personal canon.

In fact, when one weighs her personal commitment to her child against the horrors of even the best institutions for retarded children whose parents could not make that commitment, one begins to feel the full measure of "the dilemma" of aborting a fetus (which is in addition only *probably* defective).

Legalizing abortion when there is the likelihood of physical or mental defect is only one of the vital problems around abortion which were presented to the conference in a series of dramatic dialogues. They are successfully used to orient and provoke the reader as well.

Should a fetus be aborted when it is the product of conception by rape? Who shall decide that it was rape? What shall be substantive proof? How can a proper decision be made without humiliating the woman involved?

Should an unwed mother be allowed an abortion? If she is incompetent to provide an adequate home? If society can no longer provide sufficient or adequate foster homes or adopting parents? Who shall be the judge of these questions in a society whose middle class values are more often honored in their breach than

in their fulfillment? What about those segments of our society in whom illegitimacy represents an accepted if not sanctified tradition?

What about abortion for the poor and uneducated? Is abortion to become a means of population control? Race control? Will abortion become a substitute for adequate welfare and sensible family planning? Should the poor be made to suffer the dangerous sequelae of criminal abortion when the rich can often obtain either legal abortion or criminal abortion by a qualified physician?

What will happen if we change the laws which control abortion? Who speaks for the rights of the fetus? What rights does the father have? Shall the mother's rights prevail?

These are only some of the problems that challenge our society; none lend themselves to facile, practical, moral, or legal solutions. So that these problems of abortion can be seen in perspective, succinct and readable chapters on the biology, statistics, and law follow.

Although the statistics are not reliable, estimates of annual criminal abortions in the United States vary from 100,000 to over one million. Perhaps the impact of these figures will strike home when placed in perspective. Based on minimum estimates, there are three criminal abortions for every 100 babies born; based on maximum estimates, there's one criminal abortion for every three births.

There are many social scientists who believe that such a major discrepancy between legal and social practice breeds contempt and cynicism for all law and an alienation from social values and structures. Those who share such a view will no doubt be staggered by the extent of the discrepancy of values and practice around abortion. For those who view abortion as murder the data presented in this book will provide a shocking confrontation with reality; we may already be a society practicing limited genocide on ourselves.

Since it is the physician in this society who legally, illegally or under false pretenses apparently performs most of the abortions, it is appropriate that a chapter is devoted to him. That physicians are deeply concerned and yet terribly confused about abortion is obvious from this and many other reports.

During the past decades developments within medicine led to a marked reduction in the number of abortions necessary to save the life of the mother. Abortion is now justified on social, psychological,

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Panel of Lawyers Debate Perjury by Clients

(Continued from Page 7)
means. Such instances as improperly secured confessions and all material evidence fall in this category, he said. An attorney may of necessity become an obstacle to truth-finding when discharging his responsibility to his client, he claimed.

District Attorney Keith Mossman disagreed sharply with Prof. Freedman's contention that an attorney should stick by a client he knows is perjuring himself.

If an attorney is aware of the situation at the outset, he should refuse the case, Mossman contended. If the problem arises in court, the attorney should approach the bench and ask to be relieved of the case for ethical reasons, he added.

Mossman thought the dif-

ference between his stand and that of Prof. Freedman is one of silence versus positive statement. While Freedman would allow an attorney to acquiesce in a defendant's lie, Mossman would definitely take steps to withdraw from the case.

Addressing other issues, the district attorney noted that in a current court situation, the issue isn't whether a defendant committed a crime, but rather "Can the state prove it?" He concluded, "We really don't have a search for truth."

With regard to two other questions of ethics, plea bargaining and discrediting truthful witnesses, Mossman would allow the defense flexibility. "There's nothing unethical about plea bargaining," he said, pointing out

that there would be cases when it would be in the defendant's best interests to plead to a lesser charge, even though he's innocent.

Even a truthful witness may be discredited by counsel if the issue involved is a crucial one, Mossman conceded, but he wouldn't allow embarrassment or discrediting of a witness if the point involved is relatively minor.

An engaging case was made by Percy Foreman in support of the proposition that for the defense lawyer, ethical righteousness and good business are identical. Using opposition to organized crime as an example of ethically desirable behavior, Foreman commented, "Opposing organized crime is also good business for the defense lawyer. Why would anyone hire a defense lawyer if he can hire the judge?"

"The best protection a community can have against organized crime," he continued, "is a militant bar for the defense."

"I think most of my clients are guilty," Foreman explained. "They would not come to me otherwise."

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Medicine May Produce Morning-After Pill

(Continued from Page 14)

or economic grounds in some countries, and in many states of this country on psychiatric grounds. But the physician, when faced with the "abortion dilemma", has little professional knowledge to fall back on and instead may unknowingly turn for his sense of conviction to his own conservative middle class morality. He then is quite apt to make moral declarations and pass them off as medical judgments both to his patients and to himself.

The last chapters of this book deal with ethical and legal implications. They are cast against the shadow of the knowledge that in the near future medicine may pro-

duce a reliable morning or even month-after pill.

A pill that reliably aborts within 60 days of conception and which can potentially be prescribed by any licensed physician will create an awesome ethical, moral, and even political "dilemma" for this or any society. Certainly it will challenge the personal and family values that now shape our civilization.

Given the broad perspectives of this book, the minimal changes in law currently being proposed seem of lesser significance. The study of abortion seems to lead inevitably from the morality and rights of individuals to the morality and rights of nations and eventually to

the awful problems of overpopulation.

The facts are laid bare in this brief volume; the solutions are not. Nor, tragically, can one imagine solutions in a world of warring factions where the hard reality is that there is power in numbers, and where at some level the arms race can be construed as a population race.

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