



# Harvard Law Record

*America's Oldest Law School Newspaper*

VOL. 47 NO. 5

CIRCULATION OVER 12,500

OCTOBER 24, 1968

## Joint Committee Proposal Blasted

By Jack Tate



Mike Lurey

Fresh from a summer at Columbia solving problems, Professor Cox takes a look at the Law School. Story on Page 15.

## Name Associate Dean

Professor Albert M. Sacks has been appointed Associate Dean of the Law School, succeeding Professor A. James Casner. Prof. Sacks will continue his research and teaching in the legal process while contributing to planning and administration for the School.

At the Law School, Prof. Sacks has been chairman of the Faculty Committee on Planning and Development and the Faculty Committee on Race Relations. In the Joint Center of Harvard and M.I.T., he has contributed to the development of urban studies.

A specialist in the field of legal process, he is preparing, with Prof. Henry Hart, a

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The Joint Student-Faculty Committee's recommendation that the Law School provide prospective employers with a statistical breakdown of grades received by Harvard Law students has met with a stormy response by well over 100 law students.

Don Boyd, 3L, circulated a petition which labelled the Joint Committee's action "Rank Discrimination." Mr. Boyd acknowledged that only slightly over 100 students had signed the petition which was submitted to Professor John Dawson, Chairman of the Joint Committee. But Boyd pointed out that the petitions were posted on bulletin boards for only 24 to 48 hours and that many of the petitions were torn down by unknown persons.

Last week the Joint Committee circulated "A Statement Concerning Grades" which not only presented tables showing the relationship between the old and new grading scales, but also revealed number of grades earned in each of the nine grade categories by first and second year students.

In its September 12 issue the RECORD presented the number of first and second year students attaining averages in each of the nine grade categories. This information differs from that released by the Committee in that the Committee's proposed information would not enable an employee to determine whether a student with a B+ average, for instance, was in the top 10 per cent or top 20 per cent of his class. The RECORD information did allow for such determination.

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# CLAO Selection Based on Interest, Desire

By Ronald Kadden

The Community Legal Assistance Office has added 83 second and third year students to its volunteer staff this fall. The 83 were chosen from 160 applicants. And the selection process was completed in one week.

How did CLAO process these applications so quickly? First, the selections were based entirely on a written application and an interview. According to John M. Ferren, CLAO's director, the primary purpose of the application was to ascertain the applicant's interest and desire to participate in the program.

Ferren stressed the importance of commitment to a public-service organization with long office hours. Consequently, he said, the written application was the more important part of the selection procedure.

Next, each application was read by five members of CLAO's paid staff, with each reader voting simply "yes" or "no."

After the tabulation of the readers' votes, the interviewing began, with two changes from last year. Each applicant was interviewed by only two or three persons rather than the entire interviewing staff. Also, the length of the interview was increased from five to ten minutes. The interviewing staff

was composed of paid staff members and CLAO alumni.

In addition to verifying the applicant's commitment, the purpose of the interview was, according to Ferren, to discover the applicant's ability to function in an interpersonal situation. In an effort to determine how the applicant would relate to clients in difficult situations, the interviewers posed hypothetical episodes such as, "What would you do if you discovered that the defendant in a landlord-tenant case was Harvard University?" and "What would you do when a client offered you a supply of liquor if you won the case for him?"

Each interviewer then voted "yes" or "no," and the final selection was made on the basis of total votes from the application and interview. The entire selection process took one week: Sept. 16-23.

Of those students not selected, 31 were placed by CLAO in various legal aid and governmental organizations.

Ferren indicated that just as there were changes in the selection procedure this year, there might be more in the future, and stated that CLAO would welcome any suggestions. One possibility which he mentioned was participation in the process by members of the Cambridge community.

The RECORD, beginning next week, will expand its format to *Time* magazine size.

## Radicals Argue Student Power

By Lawrence Gartner

The radical law students' group hasn't yet revolutionized the Harvard Law School, but reports from committees at the group's second major meeting showed some concrete projects already under way.

A debate over different proposals for student power on faculty committees was provoked by a report from the group's curriculum committee. About forty students attended last week's meeting.

Of the projects, the one which is probably closest to realization is an attempt to provide legal help to demonstrators in the Boston area.

About forty law students, mostly from Harvard but some from Boston University Law School, have volunteered to go to rallies and demonstrations, with cameras if possible, in order to investigate possible instances of police brutality and to gather information

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Dave Walsh

John M. Ferren

# Wall St. Vies With Urban Law for 3L's

By R. W. S. Schmidt

Law firm salaries for top graduating law students have increased by as much as 60% during the past two or three years in certain locales. The most recent word from New York, shaping up as meaning \$18,000 this year, leads the trend. According to Steve Rosenfeld



'66, Boston executive director of the Lawyers' Committee for Civil Rights, the primary reason for such income

raises isn't competitive bidding for the best law students.

Instead, firms are responding to a surging interest in urban law, which threatens to drain top legal scholars away from traditional firm practice.

Firms are attempting via dollars to attract those who seem to be slipping from the fold. This approach, according to Rosenfeld, cannot succeed. Today's young lawyers are more oriented toward work in the social problems arena than their predecessors.

As firms recognize these new desires, and "when they dedicate more firm time to current social and urban problems," he says, "their recruiting difficulties will decrease. In fact, it is in the self-interest of these firms to make the practice of law within their offices far more

attractive to the social minded law graduate of today."

Half a decade ago, a young LL.B. felt that he had a choice perhaps between criminal law and the then narrowly-defined civil rights practice as an entry into the social problems field. Now, increasing prestige, salaries, and opportunities have opened up: first through Office of Economic Opportunity legal services, and currently via an ever-increasing list of publicly and privately-funded agencies.

What's required, said Rosenfeld, "is for second and third year law students to take an active part in encouraging law firms to open their doors to current urban social problems. My urgent hope is that law students will make new demands upon law firms; that they will ask in interview situations, 'I am interested in urban law; what opportunities do you offer?'"

Today's law students can bring about vast and necessary changes in the emphasis of law by causing law firms to realize that they must face these new challenges if they are to attract the top minds, bred with a social conscience, he added.

The Lawyers' Committee for Civil Rights is a Ford Foundation-financed project, established in May of this year. Ultimately, twenty-five U. S. cities will have offices similar to that at 15 Broad Street, Boston. Each will be headed by an executive director, and a steering committee of nine lawyers

and law professors from both the black and white communities.

The goal is to provide legal assistance to neighborhood-based organizations of poor people, to help devise strategies for broad political and legal change, and to seek the commitment of private law firms in solving problems and meeting these needs.

The Committee asserts that it's vitally interested in assuring that the practice of law and that of private lawyers stays in step with the rapidly changing process of the legal function.

The traditional law has long provided service to the affluent, the group notes. Urban law seeks to extend this legal assistance to the poor; while entering new vistas, it builds upon and includes the old. Expertise gained from traditional studies is still seen as essential. A bit of reflection can find a myriad of uses for such specialties as administrative, labor, tax, property, housing, and corporation law, in meeting current social problems.

Yet urban law is different from traditional law in both substance (welfare, renewal, landlord-tenant, etc.) and process (providing assistance to organized groups for political expression). The old law must now become as well the creative law, in the broadest sense of law as an initiating force and problem-solving device, Rosenfeld explains. "This," he claims, "cannot be learned in the classroom alone. You've got to get out into the street to feel and learn the problem."

# South African Judge Ignores Apartheid

By John York

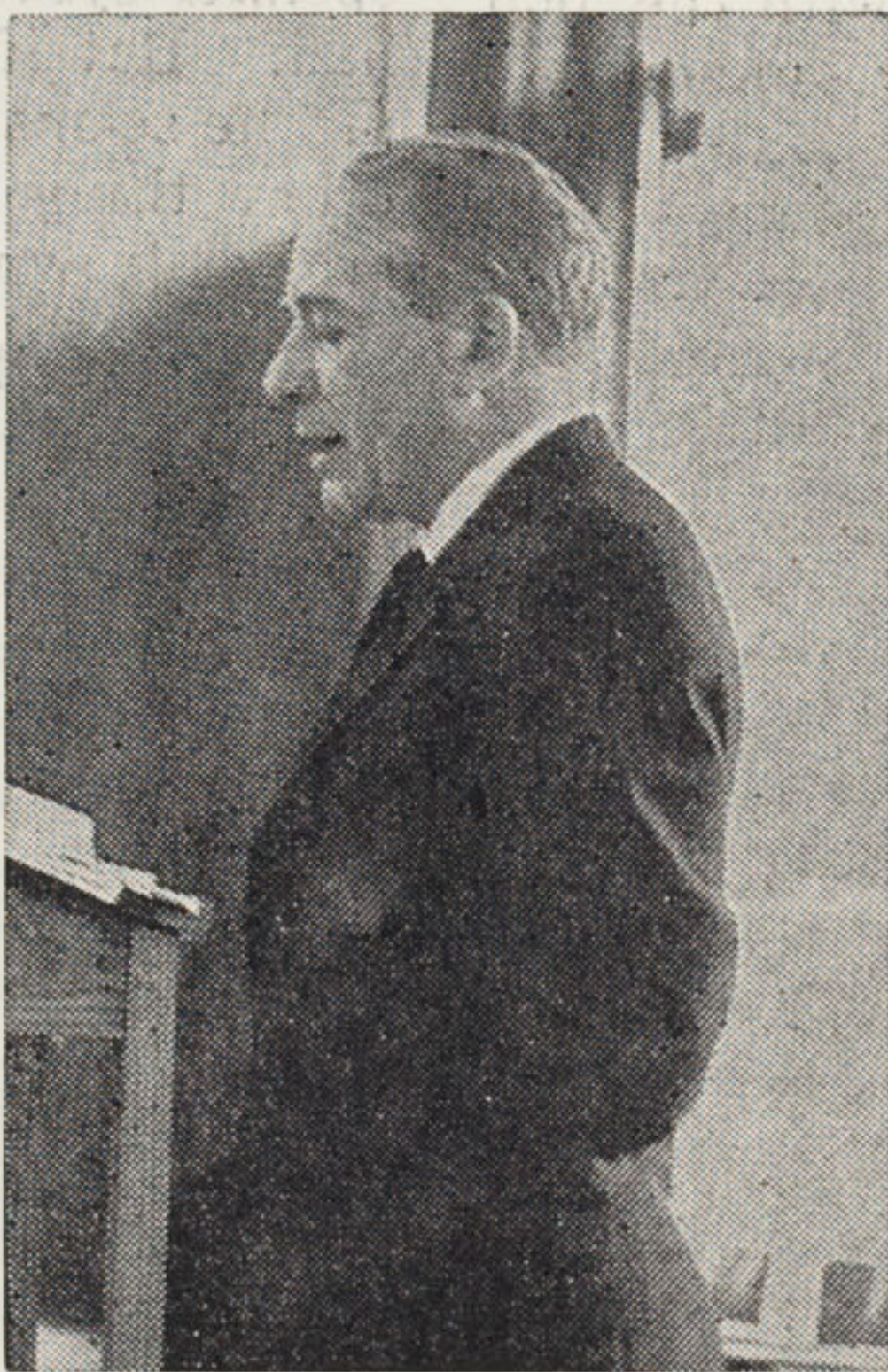
Far from a vociferous defense of apartheid, South African Supreme Court Judge Victor G. Hiemstra's recent talk to the International Law Club was a lackluster account of his country's skirmishes with the United Nations as well as with its individual member-states.

He spoke of mounting dissatisfaction within the UN with South Africa's policy of "separate development" and particularly with her administration of the territory of South West Africa. Past condemnatory votes in the General Assembly (one was 102-2) were dismissed as either Communist-inspired or as coming from "nations that do not carry much weight in the world".

"Today we are under an arms embargo by Britain and the United States, yet even so we have been able to build up our armed forces to a point where no single African country or group of African countries could successfully launch an attack against us," he claimed.

Sixteen minutes after he began speaking, a group of black students entered the room and distributed leaflets entitled "International Law Club for Apartheid?".

Signed by "Concerned Members of the ILC", the statement listed certain "heinous" South African laws some or all of which a judge in that country would presumably at one time or another defend or enforce.



Andy Levin

## Victor G. Hiemstra

It concluded that any lawyer who so acted would be upholding an "avowed racist, segregationist and discriminatory policy" and "may justly be ranked with the laws".

Judge Hiemstra is a member of the South African Law Revision Committee, which recommends changes in the common law. The irate leaflet distributors also wondered if Judge Hiemstra would be "thinking of the Separate Amenities Act" (racially segregated public facilities) as he drank sherry with them at a club reception to follow the talk.

Speaking with a slight Afrikaans accent, Judge Hiemstra rarely glanced up from the prepared text he read through most of the program. But in the subsequent question-and-answer session, queries disclosed

that the audience wasn't interested in successorship to the League of Nations but in why integration was so blatantly avoided in South Africa.

His answer: "We feel that it will not reduce, but increase friction — that you have seen here in the United States." The judge then wondered aloud if the UN should also meddle with American Indian reservations in the U. S. or with the situation of India's Untouchables.

"Why does the whole world except Portugal (who gave the other pro-South Africa vote in one UN count) not appreciate us?" he said in closing. "It is because we are not going fast enough. Much of the world is leftist. Many Communist countries are trying to stir up trouble in Africa so that they can fish in troubled waters."

Judge Hiemstra is traveling in the U. S. and Europe on a State Department grant.

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# Wallace Circus: Who Were the Bad Guys?

By Richard Hoffman

It was probably the most rational response to George Wallace's showdown with the loud voices of peace on the Boston Common two weeks ago. The words were shouted in a Massachusetts twang and probably were heard by only about 50 of the upwards of 15,000 assembled to greet the Little Judge from Alabama in one way or another.

But maybe a few more than these 50 heard the words and perhaps even a few others besides this one guy, who was big enough to be a truck driver and probably was, were saying the same thing. "Look, I agree with you guys," he shouted to anyone in the anti-Wallace throng, "but this is the Common and the guy's got a right to speak. You can speak after he's through!"

It may have been the most rational statement made that afternoon, although Wallace's own observation — "You know, I wish you boys would show up wherever I speak. Every time you're around, I pick up a million votes" — was hardly an inaccurate one. The 5 p.m. rally was an exercise in the kind of confrontation we're now getting used to. And the good guys didn't come out looking too good.

Wallace himself probably gained from the rally. People in the area saw that a lot of people were willing to Stand Up for Alabama even when a lot of smart people were looking and shouting at them. And Wallace couldn't have handled himself better on the platform, which he was clever enough to locate on the Common, not at Winter and Summer Streets.

Wallace is a little guy with greased-down hair. He began by introducing lots of union officials from Alabama in an effort to prove that the workers of the nation are on his side. It must have been a flop, because the college crowd likes unions about as much as it likes blue-collar people. And the blue-collar crowd, which wasn't shouting very much at all, doesn't know from union stiffs brought up from Alabama. What do union officials from Alabama know about that foreman who keeps time on coffee breaks?

Whatever his big deficiencies, like honesty and modernity, Wallace has smarts. So he threw kisses to the crowd when it made lis-

tening to him impossible. (Big Brother won't cut it in the U.S.A. if he uses loud-speaker systems as poor as the ones Wallace had.) But if Wallace is really the platform pro he seems to be, he may have realized the other thing he had going for him as the crowd drowned him out.

What Wallace had going for him was the feeling rising up inside a lot of people in the crowd who weren't shouting at him and even in some of those who were. The feeling was not a comfortable one. It was sort of an instinctive reaction to all the Sieg Heils and Go Homes hurled at Wallace in noisy cadence. Sieg Heil was supposed to bring home to everybody present the real nature of Wallace. Like it would prove that Wallace is a fascist.

But Sieg Heil is a dirty expression which tarnishes those who shout it. And instead of realizing that Wallace is a fascist, people listening, such as the truck driver, started thinking of those old movies you see on TV which show guys yelling Sieg Heil. And the guy they remembered on the podium in those flicks wasn't George Wallace.

There's an incredibly carney air about Wallace's entourage. The buses are reminiscent of Hubert Humphrey's 1960 West Virginia campaign, which might prove to have been more fruitful than his present one. And the seedy old hangers-on obviously hired for the day to peddle pennants and buttons on the edges of the Common exposed the worst in the Wallace movement. Despite the Bible Belt morality inherent in the Wallace campaign, these vendors seemed but shortly removed from offering little girls candy.

Wallace, of course, didn't take full advantage of his opportunities. He was too clever. He carefully outlined his position on the war (he doesn't want any more involvement in other countries' affairs), and the schools (he wants local control, or what we call community control or decentralization). Nobody could shout at that. There was an embarrassed silence and perhaps a few began to muse about the merits of isolationism and localized control of education.

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## Stricken 2L Better

Kathy Gillespie, 2L, who was stricken with meningitis last week, is rapidly recovering, according to Dr. Leo Cass, director of the Law School health service.

At present, Miss Gillespie is allowed to have family and close friends as visitors. She is in Baker 6 of Massachusetts General Hospital.

Within 24 hours after Miss Gillespie was stricken, hundreds of students phoned the Austin medical clinic and the health services at Holyoke Center. Some, who were in close contact with Miss Gillespie, were given sulfa pills as a preventative measure.

Dr. Cass said that any student who hasn't contracted the disease by now shouldn't worry about getting it.

## Sacks: Associate Dean

(Continued from Page 1)

casebook on the subject. As a young attorney, he was law clerk to Judge Augustus Hand on the U. S. Court of Appeals for the Second Circuit in New York and to Justice Felix Frankfurter of the U. S. Supreme Court. He also practiced law in Washington for a time before he joined the Harvard faculty in 1952. He became professor in 1955.

Prof. Sacks, now 48 years old, is a native of New York and a graduate of the City College of New York. After military service in World War II, he entered Harvard Law School, where he was president of the *Law Review* and received the LL.B. degree magna cum laude in 1948.

## Proposals Attacked..

(Continued from Page 1)

In commenting on the RECORD's release of the grade average information the Joint Committee's statement said: "Neither the Faculty nor the Joint Committee was asked whether that table should be published, and neither would have agreed to its publication had they been asked. Not only does the [RECORD] table rely on numerical grades but also, and worse, it relies on averages, which we believe to be an inadequate description of individual performance."

What the Joint Committee did not know when they published this thinly veiled attack

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# Student Radicals Present Power Proposals

(Continued from Page 2)

for assault actions against police.

The students who have volunteered are on call to go to a particular demonstration and act as observers.

In addition, students intend to go to jails if people are arrested in a demonstration, in order to help arrested persons get released on bail. There's also a list of about five attorneys on call in case of arrests at a demonstration.

The group is also planning research on the rights of a demonstrator.

The committee on job opportunities for radical law students has made up a questionnaire to be sent to various poverty and political groups asking whether they might be interested in hiring full-time legal help. The questionnaire also asks whether the group would be able to come to the Law School to recruit.

Other projects of this committee are the creation of a commune in a Boston ghetto area to bring professional students together "to

provide services to people in that area," and the publication of a job opportunities book for radical law students.

Another committee wants to start a test case in Massachusetts to challenge the character interview needed in order to be admitted to the bar.

However, it was the presentation of different proposals for student representation on faculty committees which sparked the only controversy of the night.

While both proposals agreed that faculty meetings ought to be open to all (they are now closed to students) and that students should have voting representation on every faculty committee, the proposals differed in the following manner:

Proposal A calls for the opening of all committees to any faculty member, student, or administrator who comes, with every person present having one vote.

The goal of such a proposal is the fullest possible participation in decision making. Proponents of the

proposal contended that block voting wouldn't take place.

Proposal B called for a weighted student vote on faculty committees, perhaps split 50-50 between faculty and students.

The strongest argument for the latter proposal was its asserted practicality. The problem, as one student said, was "a situation we would really like to see as against a situation the faculty will accept."

Proponents of proposal A argued that a radical law students group should support a radical proposal and that the more radical the demand, the better the students' bargaining position would be.

In the end, the group decided to find out how much student support there is for either of the proposals.

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# Reforms Proposed

In the last two years the Law School has made important strides in curriculum, grade reform, placement procedures, and selection to honoraries. But much remains to be done. The RECORD recommends that the Joint Student-Faculty Committee, a focal point for Law School reform, consider undertaking studies of the following changes:

● *Cum Laude*. Under the original grading system students receiving a 71.5 average or higher were graduated with honors. This 71.5 represented a "B" under the old system, and one of three students received the *cum laude*. The RECORD suggests that *cum laude* be granted for B averages under the new system. This would greatly expand the number of students graduating with honors, but we submit that in revising the grading system the Faculty intended to recognize that the average student here is an honor student.

● *Credit for Ames*. The 16 third year students who reach the final round of Ames competition should be able to substitute that competition for the third year paper. The amount of writing and legal analysis involved in reaching the highest round in Ames, we believe, generally exceeds that necessary for a third year paper. The Joint Committee might also consider whether two hours ungraded credit be given to all second and third year students participating in Ames.

● *J.D. Degree*. The Law School should join the 70 per cent of Law Schools that award the Juris Doctor degree. In the last two years about 10 graduates of this school have written the RECORD, stating that they have been prejudiced in their salary, status or position because of failure to receive the J.D. The LL.B. is a relic of the dark ages of legal education when law students received only a bachelor degree since there was no prerequisite of college training.

● *Professor Contact*. The Joint Committee should investigate techniques of expanding student-faculty contacts. That many students graduate from this school without one faculty member knowing them well enough to write a recommendation is a lamentable commentary on the deficiencies in faculty-student relations.

● *Student Participation*. Harvard Law students should have a voice — at least an advisory voice — on every faculty committee which makes decisions directly affecting students. This at a minimum would indicate student participation on curriculum, appointment, and discipline committees.

## Harvard Law Record

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## Fenno

I had a dream the other night. It was about the Joint Student-Faculty Committee.

Apparently they didn't like what they read in this column, so I was subpoenaed to appear before them. I asked if I could bring my attorney, and they answered, "What for? We're all lawyers, aren't we?"

So they took me into this strange hearing room (it was actually LSM, but since I don't go to class, I had forgotten the place) and then the questions began:

"Mr. Fenno, is your column authorized by the law school?"

"No, I do all the writing myself," I snapped back. They all should've been that easy.

"Mr. Fenno, why didn't you apply for CLAO, VD, LRB or the Joint Student-Faculty Committee?"

"I never learned the alphabet, and I don't join organizations that pick their members out of a hat, unless it's a Sydney Greenstreet panama," I chortled.

"Mr. Fenno, why do you make cracks every week about Prof. Bator?"

"I never got invited out for beer & pretzels."

"Mr. Fenno, is it true that you filed an application to be named dean of the law school last year?"

"I think Austin Scott was the only one who didn't."

"Mr. Fenno, why does the RECORD print so much about grades?"

"I don't know because I forget mine so fast, but perhaps it's because this place is grubby even if it thinks it's nonchalant."

"Mr. Fenno, what do you know about secret societies here?"

"Nothing, since I couldn't pay the initiation fee in Plaid Stamps. Charlie Sherwood knows lots more than I do, but he graduated last year."

"Thank you, Fenno, you're dismissed."

"Don't pull that one on me. The Griz tried it and look where he is."

## Letters to the Editor of the RECORD

### Wall Street Beckons Blacks

To the Editor:

I was interested to read, in your issue of Sept. 26, of the sharp increase in the number of black students admitted to the Harvard Law School. Recently, as you doubtless know, the legal profession and particularly the large firms in New York and elsewhere, have been under criticism for their failure to attract and employ black law school graduates.

Our firm interviews all law students who present themselves to us at our office or on law school campuses. Nevertheless, during the past four or five years, our firm has to my knowledge interviewed only three black applicants for positions on our legal staff.

In one instance, we offered the man a job, but he has declined and

is now working for the government; in the second instance we did not offer the man a job; and in the third case the applicant accepted another position before we were able to make an offer.

It may well be that black graduates of the Harvard Law School feel that it is fruitless to interview at the large New York firms. I would like to correct any such feeling, and to state that our firm (in common with many others in New York, I am sure) would like very much to interview Harvard's black law students and to consider them for positions with our firm. While we cannot, of course, promise that we will offer jobs to those who interview, we can and will undertake to give each black applicant the most careful consideration.

George J. Gillespie, III '55  
Cravath, Swaine & Moore

### A Pox on Separatism

To the Editor:

I was amazed to learn that the Harvard Law School harbors an organization known as "The Harvard Black Law Student Association." To create such a deplorable distinction is unthinkable.

Surely a Harvard Yellow Law Student Association could not be justified, merely because its members were Chinese or Japanese.

Moreover, to what extent can this separation be allowed to grow? Shall there be a Harvard Jewish, or a Harvard Catholic, or a Harvard Hungarian Law School Association?

"Quo usque tandem abutere patientia nostra?"

Alfred A. Benesch '03

### Hazy Memory Of Choate Dinners

To the Editor:

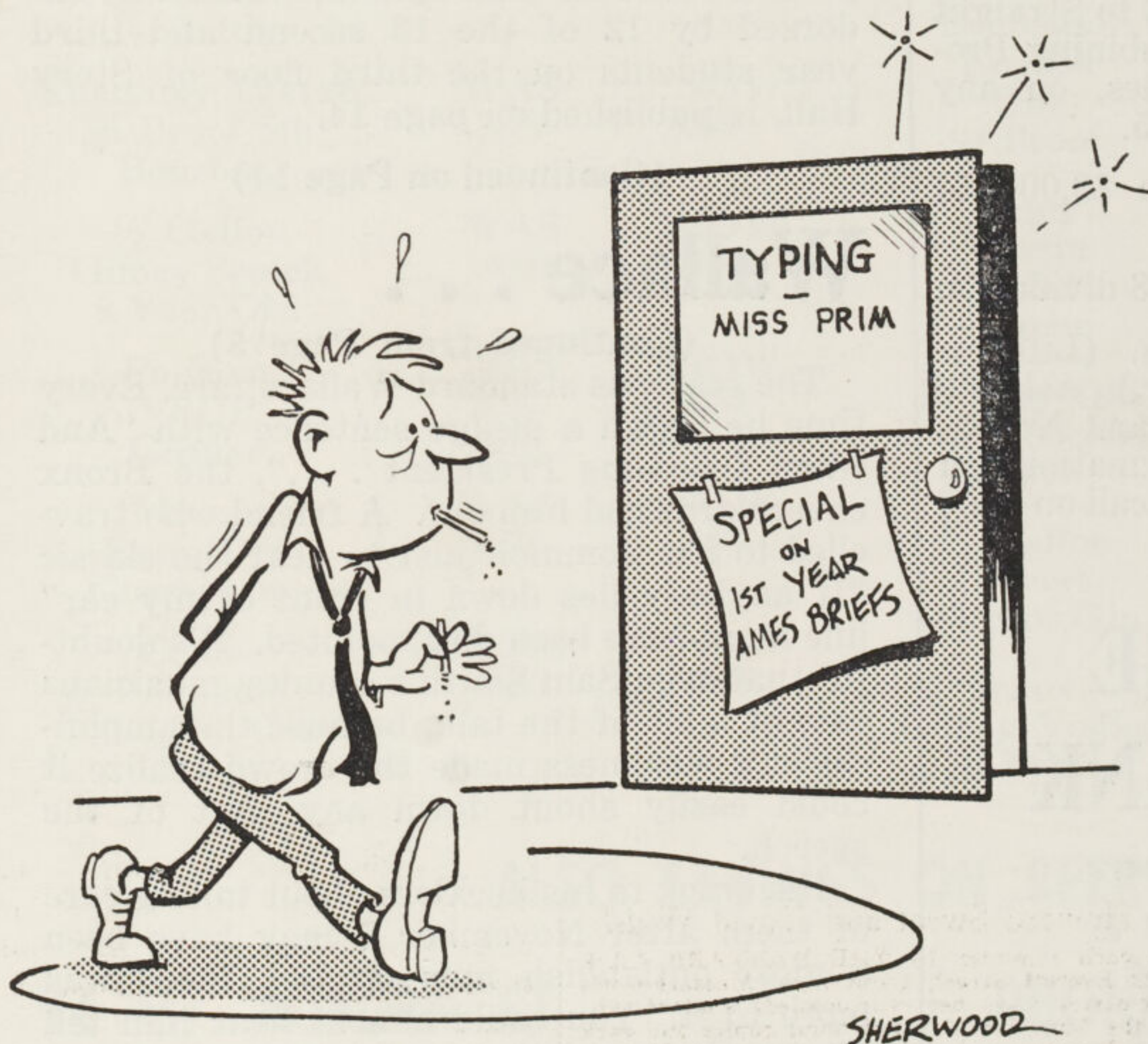
I am most grateful to you for appraising me of the fact that I once belonged to a "secret social club." It appears that the Choate Club is the secret society of secret societies because I, a former member, did not know, until your revelations were published, that it was a secret society. My trouble is that I find it hard to remember the difference between Choate Club dinners and other dinners. I have the same hazy recollection of the same people making the same conversation over the same drinks. I might add that when I sought employment after graduation no one ever asked me if I had been a member of the Choate Club, so it was of no worldly advantage.

I would be in favor of more dining clubs devoted to social relaxation as a palliative for the kind of worry about professional competition that is reflected in your editorial on this subject.

Rev. Edwin S. S.

Sunderland Jr., '52

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## Proposals Questioned

(Continued from Page 6)

on the RECORD was that the grade breakdown for the second year class was mailed to the RECORD and that the breakdown for the first year class was supplied to the RECORD by Vice Dean Leininger. There had been suggestions by several faculty members that the RECORD had secret liaisons with certain secretaries who supplied the RECORD with the grade summaries which, according to Secretary William Bruce, were intended for faculty consumption only.

The students who are objecting to the release of detailed information to prospective employers, claim, in general, that release of such information runs against the recent moves at the Law School toward the de-emphasis of grades.

Several interviewed indicated that they would favor nothing being given the employers, but most do not advocate a total exclusion.

One attack on the Joint Committee's proposed release on information, which was endorsed by 12 of the 13 second and third year students on the third floor of Story Hall, is published on page 14.

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## Wallace . . .

(Continued from Page 5)

The rest was standard Wallace fare. Every time he began a pledge sentence with "And when I become President . . .", the Bronx cheers drowned him out. A friend who travelled to the Common just to hear the classic "If anybody lies down in front of my car" line must have been disappointed. It's doubtful that even Sam Smith's country musicians caught a lot of the talk, because the amplification's weakness made the crowd realize it could easily shout down any part of the speech.

His crack to his hecklers about taking care of them after November 5 may have been a most outlandish moment but there was more to it. You could almost hear him tell the angry crowd that while it was loud and large and self-consciously intellectual, it didn't have any contending candidate on the ballot Nov. 5. But he does.

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| Quart<br>Park & Tilford<br>Blend           | WAS<br>5.29  | *NOW<br>4.75  | Quart<br>Calvert<br>90 Proof Gin                 | WAS<br>5.25  | *NOW<br>4.24 |
| Haig & Haig<br>Pinch Bottle<br>Fifth       | WAS<br>9.50  | *NOW<br>7.99  | Heaven<br>Hill<br>4 Years<br>Bourbon             | WAS<br>4.29  | *NOW<br>3.79 |
| Kings<br>Ransom<br>Scotch<br>Fifth         | WAS<br>7.99  | *NOW<br>6.19  | Patterson<br>27 Year Old<br>Irish Whiskey        | WAS<br>8.05  | *NOW<br>6.50 |
| Galliano<br>Liqueur<br>1/2 Bottles         | WAS<br>5.23  | *NOW<br>4.25  | Beefeater<br>English<br>Gin<br>94 Proof          | WAS<br>6.20  | *NOW<br>5.49 |
| Kentucky Tavern<br>86 Proof 5th<br>Bourbon | WAS<br>5.99  | *NOW<br>4.55  | Remy<br>Martin<br>V.S.O.P.<br>Cognac             | WAS<br>9.70  | *NOW<br>8.50 |
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| Polignac<br>VSOP<br>Cognac                 | WAS<br>9.99  | *NOW<br>7.50  | 1/2 Gallon<br>Calvert<br>90 Proof Gin            | WAS<br>10.39 | *NOW<br>8.39 |
| Mumm<br>Extra-Dry<br>Champagne             | WAS<br>7.50  | *NOW<br>5.59  | Quart<br>Gilbey Vodka<br>80 Proof                | WAS<br>4.99  | *NOW<br>4.19 |
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## Letters to the Editor of the RECORD

### Choate Expose Called Witch Hunt

To the Editor:

I have been an enthusiastic subscriber to the RECORD for many years. However, if you conduct one more campaign as stupid and offensive as your Choate Club witch hunt, I shall cancel my subscription (for what it's worth).

From where I sit it appears that you have seriously maligned a perfectly innocent group of people. You should have the sense to investigate before you scandalize, and a decent respect for the privacy of others.

Henry Hammond '62

### Choate Icebergs Totally Submerged

To the Editor:

You certainly have uncovered an alarming situation through your expose of the "Choate Club." It is quite clear from your correspondence columns, however, that only the tip of the iceberg has yet emerged, and, what is more frightening, there are unmistakable signs that numerous other icebergs remain in an unnatural state of total submersion.

Mr. Hutcheon has exposed himself as the President of an Ames club called the "Choate Club" which he claims to have been founded in 1834. Mr. Burling, who speaks for the shadow outfit, and who affects the title of "chairman", claims that his alleged "club" was founded around 1880. Mr. Benesch of the class of 1903 has written to inform you that he is the founder of yet another secret "Choate Club" which dates from the year 1900. Its student spokesman is yet to surface and offer an explanation of his club's present activities. No doubt he does not dare, and he is hoping that you will overlook this new phantom.

We now have at least three "Choate Clubs" to some extent

accounted for. However, I am in a unique position to assure you that the situation is more complicated than you suppose. Recently, a membership list through 1948 for the Burling-Bator, now semi-phantom, "Choate Club" was secretly placed in my hands. Its revelations stagger the imagination.

First, the list reveals that Mr. Benesch of the class of 1903 was assuredly never a member, which nails down the existence of phantom club No. 3. What is worse, the club appears to have had *no members at all* between 1919 and 1934, and between 1942 and 1946. How did this group come to be resuscitated? And when we consider its secret nature, is it not entirely possible that it has been resuscitated in quadruplicate by unauthorized persons, with none of the current secret "Choate Clubs" knowing of the other's existence,

or of their claims to be connected historically with the organization Burling purports to describe? Fearless journalists, you are *surrounded* by Choate Clubs, and all of them, no doubt, up to no good!

The letter from Mr. Harris, class of 1915, is even more terrifying. It tells us that there was once an organization known as the T.N.E. in which he, Roscoe Pound, and other scandalous persons used to dine together, without publishing the fact, and nobody even gave a damn! It's good to see that things have improved in that respect, but what is the T.N.E. doing now? What is the Phi Delta Phi to which Mr. Harris refers, and what are its connections, if any, with the hydra-headed Choate Club?

Upon reflection, I believe the problem you confront cannot be solved and therefore should be avoided. Why not permit Mr. Bur-

(Continued on Page 14)

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# Letters . . .

(Continued from Page 12)

ling and the obviously admirable and harmless group he describes to return to their anonymous status? It has apparently enabled them for many years to form a 25-man group for dinner without making a pretentious fuss about it, and without offending those whom the limitations on numbers necessarily exclude.

You have recently quoted Professor Braucher as stating that the School is now mostly composed of students with "vast interests outside the law" and indeed, little interest in the law. This being so, Mr. Burling's electoral problems are unsolvable unless election to his club continues to be a matter of no importance whatever. If you attempt to be fair-minded, do you not come to the conclusion that anonymity is the most sensible, mature and considerate feature that any such group could have?

Thomas D. Edwards '58  
Associate Professor of Law  
New York University  
Former Secret Member of  
Choate Club No. 2, 3 or 4  
(I'm not quite sure)

## Atkins, Alinsky, Alsop at Forum

A Harvard Law School Forum panel discussion on "Organizing the Ghetto" at 8:30 p.m. tomorrow night in Lowell Lecture Hall will feature columnist Joseph Alsop, sociologist and community organizer Saul Alinsky and Boston City Councilman Tom Atkins.

Professor Adam Yarmolinsky will moderate the panel.

Next Friday at 8:30 p.m. Rev. Jesse Jackson of the Southern Christian Leadership Conference will speak on "Resurrection City and Beyond" in Lowell Lecture Hall as a guest of the Forum.

# Students Blast Committee

(See Story on Page 1)

"The Joint Committee's memorandum recommending that grade distributions be published merely assumes what many students believe to be the central issue: Should law firms have detailed information about student performance after the recent grading change? Who demands such information and, more importantly, just what significant benefit would result from volunteering it?

"Mr. Dawson assured me last week that the Joint Committee had not received any pressure from law firms to publish grade distributions, and was not even aware of any such pressure. Nevertheless, some students feel that they are being sold out in favor of the law firms.

"Certainly it is not the students who desire that grade distributions be published. Most students understood that the battle for grade reform had been won, with a victory for de-emphasis of grades; many now feel bewildered and betrayed by a recommendation that goes a long way toward re-establishing the old hyper-competitive system. Despite their preoccupation with other problems, many students have expressed opposition to publishing grade distributions by signing petitions that were merely posted in hallways for less than twenty-four hours. Is there evidence that any body of students actively desires that this information be published?

...

"Several points should be made in opposition to publishing grade distributions. First, they will inevitably be misused by prospective employers. Students do not deny that employers have a right to know their grades, and use them as one criterion in hiring. Under the present system without grade distributions or ranking, the student furnishes his grades and the employer notes that he has, for example, a B in Contracts, a C in Criminal Law, an A in Taxation, and a B plus in Corporations. He

probably summarizes this roughly as a B to B+ average. When comparing Harvard students the employer can still arrange the resumes in grade order, so that our typical student would be put below one with two B plusses and two A's. Unless the student with the lower grades has distinguished himself in the interview, or in extra-curricular activities, he may be passed over in favor of the other.

"The significance of grade distribution appears when an employer attempts to compare the above student with law students from schools such as the University of Chicago or Vanderbilt. Without grade distributions the employer simply concludes, quite rightly, that the Harvard student has done pretty well, has the advantages of a Harvard Legal education, and is a good employment risk. If he has grade distributions, however, he discovers that the Harvard student he is interviewing is in fact in the lower half of the class.

"He may well decide that he would prefer to hire an A minus student from Vanderbilt. Some people may ask "Why not enable the employer to make this choice?" I submit that it is not in the interest of either Harvard or the employer to have the choice made on that basis. Any such decision would in fact be irrational, for the place in class has no significance in comparing students at two different schools.

"The only way it could be given any significance would be to publish elaborate correlations with LSAT scores and college grades. If there is any question where the self-interest lies, ask the student this question: "Do you feel that your job opportunities would be improved by publicizing the fact that your B average places you in the lower half of the Harvard class?"

Endorsed by 12 Students  
from Story Hall,  
3rd floor

# Cox Takes a Crack at the Law School

After Columbia University stopped shaking from a massive wave of protest and violence last spring, a special university faculty committee summoned five outsiders to aid the New York school in studying the causes and suggesting steps for revamping the institution. Named chairman of the panel was Professor Archibald Cox '37, whose name was quickly affixed to the group, now known commonly as the Cox Commission.

The RECORD recently interviewed the Samuel Williston Professor of Law, who once clerked for Judge Learned Hand and served for four years as Solicitor-General of the U.S. Our intention was to give the man who spent more than the summer trying to solve Columbia's problems a crack at the Law School's soft spots. Understandably, Prof. Cox wasn't about to rear back and jot off another 222 pages.

Asked about comparing Columbia and Harvard, he emphasized that Columbia was unique in many ways. Also, he added, the style and way of life at Harvard are probably different. A professional school, he added when asked to bring the Law School into the comparison, differs in its needs from an undergraduate institution.

Though the report notes that one of the failures at Columbia was a lack of student government, Prof. Cox doesn't have a great deal of confidence in formal structures, although he's not against them.

Pressed further to comment on the effectiveness of the Joint Student-Faculty Committee, he declined but said the group was probably useful, while pointing out that three or four students can hardly be expected to be truly representative, with such diversity in the school.

Most important, Prof. Cox felt, are informal relationships between faculty and students, which he thinks are most effective. He wishes he had more time to keep his door open.

Prof. Cox won't say precisely how much of the report is his personal handiwork, though many sources credit much of it to him. He does say he participated in preparing some of the drafts, as did other members. And the panel had counsel and some graduate students (including Nicholas Fels and Roger Lowenstein, both '68) working on it.

Indeed, he adds, one draft he prepared was labeled a disaster by another commission member. Thus, many changes preceded the report's issuance. Yet it's a good bet that the final product is most closely tied to the tall man working through the summer wearing his trademark, the vest, with his shirt-sleeves rolled up. And then as now, the loosely-phrased question or comment probably met the same response: "We're not on the same wave length." But always said with a smile.

Some excerpts from the report follow:

"The April uprising started and grew haphazardly. As it developed to the final cataclysm, its entire character was altered. We reject the view that ascribes the April and May disturbances primarily to a conspiracy of student revolutionaries. Their total number was small and their activities were only the catalyst that precipitated a deeper movement.

"By its final days the revolt enjoyed both wide and deep support among the students and junior faculty and in lesser degree among the senior professors. The grievances of the rebels were felt equally by a still larger number, probably a majority, of the students. The trauma of the violence that followed police intervention intensified emotions but support for the demonstrators rested upon broad discontent and widespread sympathy for their position.

(Continued on Page 16)

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Jack P. Tate, President

# Cox . . .

(Continued from Page 15)

"The avowed objectives of the April demonstrations, stripped of the context and symbolism, were inadequate causes for an uprising. The university's I.D.A. [Institute for Defense Analysis] affiliation had little practical importance [but] it enabled the large part of the intellectual community, especially students, to transfer to the campus their intense moral indignation against the Vietnam war.

"The gymnasium issue was more complex, but it too was a symbolic issue [and should be judged in] the context of Columbia's relations with its poorer neighbors and society's treatment of racial ghettos. The third issue [discipline] had somewhat greater substance [coming] close to the area

of free expression staunchly guarded by Columbia's liberal tradition [and] of intense concern to the entire university community.

"Three among the purely internal causes of unrest especially impressed us. [1.] The administration of Columbia's affairs too often conveyed an attitude of authoritarianism and invited distrust. The machinery of student government had been allowed to deteriorate to a point where Columbia College had no student government. [2.] The quality of student life was inferior in living conditions and personal association. [3.] Columbia, like other universities, has scarcely faced the extraordinary difficulties that faced black students in the transition from a society permeated by racial injustice to one of true equality of opportunity.

"The fabric of Columbia was

[also] twisted and torn by the forces of political and social revolution outside the university. Columbia's geographic situation symbolizes the relation between white and black, affluence and poverty, youth reform and established order. Energetic and idealistic students, alienated from the older generation by an extraordinarily wide gulf in manners and interests and offended by the plethora of human suffering, were drawn to the side of change. In like fashion, the university became the surrogate for all the tensions and frustrations of United States policy in Vietnam."

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