

HARVARD LAW RECORD

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Historic Open Meeting Slated

Joint Committee to Get Opinion On Student Representation

For the first time in its short history, the Joint Student-Faculty Committee will hold an open meeting tomorrow to discuss various methods of student participation in Law School decision-making.

The meeting, open to all interested students, will be held from 1:30 p.m. to 4:30 p.m. in Langdell North Middle.

Also to be discussed at the meeting will be matters now under consideration by the Faculty Committee on Legal Education.

The results of a recent Radical Law Students Group petition on student decision-making at the Law School will be available for the meeting.

The radical students' petition called for an open meeting of the faculty and offered students two plans for student votes in decision-making. Plan A would have a one-man, one-vote principle for all, whether students or faculty, who filled certain requirements of attendance. Plan B would have a weighted-vote principle, with students and faculty receiving certain percentages of the vote.

Of the 97 students who approved of the idea of increased student power, 37 voted for plan A and 45 voted for plan B. Fifteen others indicated a preference for some other formula for indicating student opinion. Three disapproved entirely of the petition; they were the only ones to write comments.

In the third issue of the Harvard Student Bar Association newsletter, two of the organizations' officers commented on the radical group's proposals.

David Rockwell, 1L, president, favored plan A as best fulfilling the principles of student participation. On the other hand, Joseph Shapiro, 1L, vice president of the Student Bar here, said that the petition needs qualification but that "the issue that the spirit of the petition raises is one which must be raised."



Former Associate Justice Clark addresses Harvard Law Forum. See story on page 7.

Pillsbury Firm Blasted For Hiring Practices

Two 3L's have lodged a complaint with the Law School against a large San Francisco corporate law firm for questionable hiring practices.

The students charge that Pillsbury, Madison & Sutro made 31 offers for only 15 positions. When the 15 positions were filled, the other 16 students (including the two Harvard 3L's) were recently telegrammed withdrawals of the original offers, according to one of the students.

William Miller of the Pillsbury firm told the RECORD that students were informed that offers could be kept open only so long as positions would be available.

However, one of the students said that, "to the best of my knowledge, I can't remember his saying that the offer was only open until a certain number of positions were filled" when the offer was first made.

The Pillsbury withdrawal directly violates the Placement Office regulations which state:

(Continued on Page 12)

CR-CL Committee Experiences Growth

By Ronald Nussbaum

At least 600 students this year apparently are interested in extra-curricular activities involving civil rights. While the Civil Rights-Civil Liberties Research Committee had only 15 members last year, the group currently has nearly 200 students working on projects, according to chairman Robert Fellmeth, 2L, and about 400 have expressed interest in doing future work. This makes the committee one of the largest organizations in the Law School.

The manpower consists mostly of 1Ls. While only about half the mailing list consists of first year students, they constitute three-fourths of those active in committee projects.

The committee currently has 17 different projects under way, ranging from welfare reform to federal housing surveys to consumer law research. The committee is writing the brief in the Father Berrigan draft appeal. It is also writing a memo which the

American Jewish Committee intends to incorporate into its own amicus brief in a pending FCC case concerning the FCC fairness doctrine.

The emphasis of the committee has been changing from past years. Previously the committee concentrated on doing legal research. Now poverty law and efforts to change the law provide the basic thrust of the projects. These projects require "more manpower," according to Fellmeth.

"What I want to do is stay away from too much legal aid type of work where you take an individual case and apply a great deal of very talented manpower — Harvard Law manpower — to the satisfaction of a single individual client. If we would apply the manpower we have with greater efficiency, we would be seeking cases that would apply as precedents to this person and to many more as well."

Each research group is coordinated with a client group which needs help. Usually, someone in the community guides the progress of the project — or uses the resources available to the Committee — to solve a particular problem. One student, for example, is researching the legal interpretation of the phrase "public purpose" for a lawyer arguing a case related to municipal housing laws. Another community group, hoping to publish a manual on poverty agencies, has asked students to do short studies of various agencies.

One of the projects most heavily influenced by a force outside the Law School is one on consumer law problems, affiliated with Ralph Nader. Some of the students who worked with Nader this summer are now trying to teach tactics they learned to others "and they're incredibly effective," says Fellmeth.

Andrew Egendorf, 1L, Fellmeth, and William Taft, 3L, were part of a six-man group

that worked closely with Nader this summer investigating the Federal Trade Commission. Their efforts culminated in an evaluation of the effectiveness of FTC which they presented in testimony before the Commission on November 12. They concluded the Commission was suffering from "tired blood" which infects the . . . staff with a generational malaise of apathy, non-responsiveness and limited vision."

The committee is also trying to gather signatures for a petition demanding enforcement of the Corrupt Practices Act against the Republican Party for failure to release publicly a list of its campaign contributors by the dates specified by law. In a letter asking for signatures, the committee asks: "How are young Americans and bitter ghetto dwellers to take seriously the law and order cry of a government and party that don't abide by the law themselves? How are we to stomach Spiro Agnew's wail that one 'can't pick and choose the laws one may or may not obey' when Spiro Agnew's party chooses not to obey this one?"

Yrbk Dedicated-King, Kennedy

The 1968-1969 Harvard Law School Yearbook will be dedicated to the late Dr. Martin Luther King and Senator Robert F. Kennedy, according to Assistant Business Manager Paul Singer. Rev. Ralph Abernathy, close associate of Dr. King, has consented to write a dedication. Former Attorney-General Nicholas DeB. Katzenbach will write a dedication to Senator Robert Kennedy, with an introduction by Senator Edward Kennedy. The keynote article will be "The Relevance of a Legal Education" by Professor Louis L. Jaffe.

The price of the volume will stay at \$5.95 until December 20th to enable as many students as possible to order this special edition.

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Austern Notes Judicial Hostility to Probability

By John York

Urging statistical sophistication on the part of any lawyer venturing into public practice, H. Thomas Austern '29 told an audience of about 200 in Ames Courtroom December 2 that "as Pooh-bah said: it somehow lends verisimilitude."

Even so, of statistical probability, correlation, and sampling, only the last has achieved widespread acceptance in the courts, he said. Although "courts in the past have unconsciously used crude forms of probability in reaching their decisions," Austern remarked, "judges feel that statistics are not applicable to individual, unique cases; they feel that statistics must rely on large numbers for accuracy."

Such thinking, the former *Harvard Law Review* president noted, was disclosed in one case where the plaintiff's car was forced off a deserted Main Street at 1 a.m. by a big, long bus. "Defendant

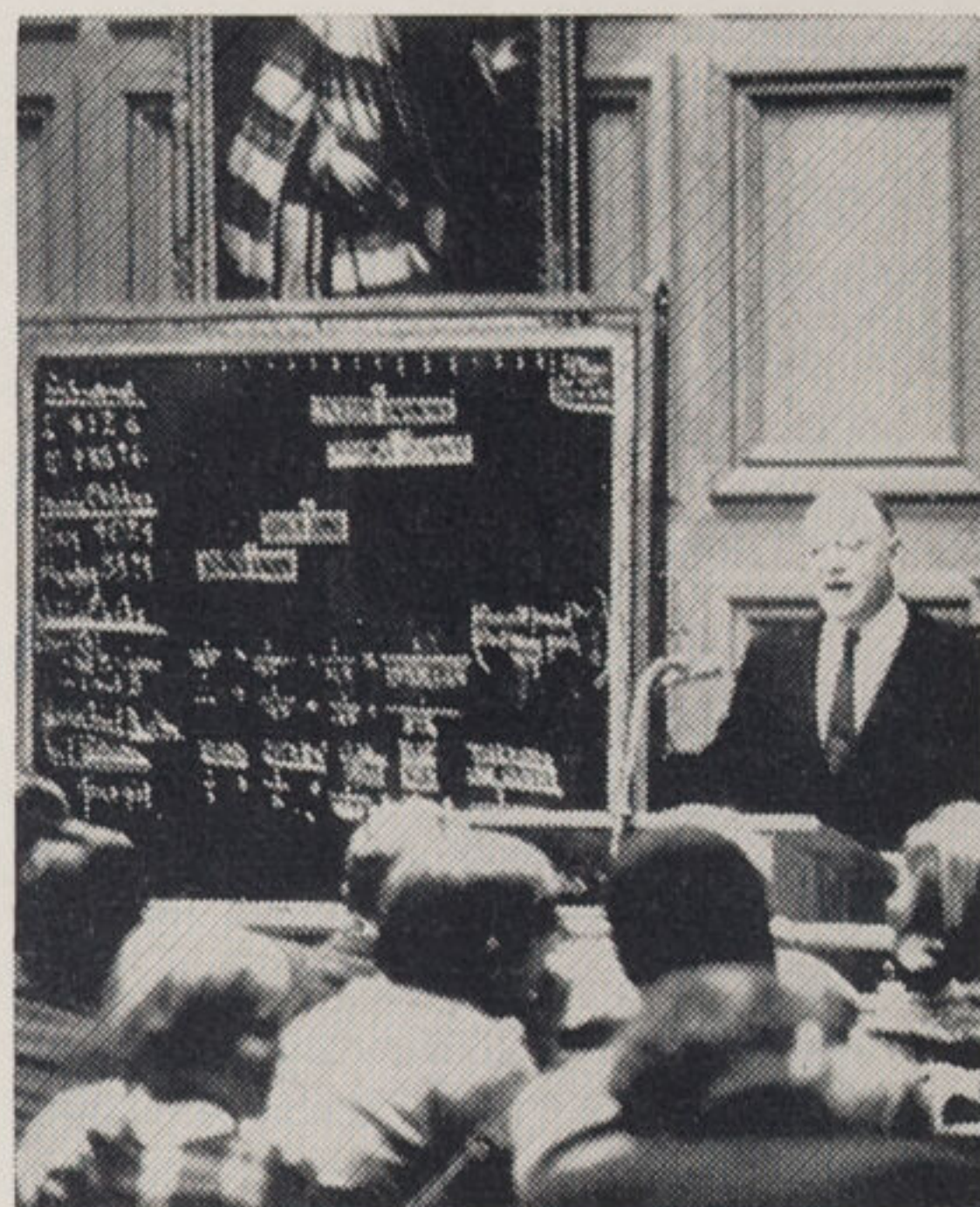
a high probability was shown that the bus belonged to the defendant, a high probability was not enough for the court. If the plaintiff had identified the color or markings of the bus," Austern concluded, "his case would have had a better chance."

Chiefly because of misuse of mathematical correlations to show causality, correlations — along with probability — suffer a judicial hostility only reinforced by unimaginative counsel, he said.

On the cigarettes-and-health issue, Austern sharply noted that "no one has ever convinced a judge or jury — though legislative bodies have been persuaded — that smoking has ever caused ill health or death."

Unlike probability and correlation, statistical sampling has won respectability in the courts, the Washington lawyer noted, "but bias destroys the probative value of any survey." He cited a Federal Trade Commission probe into

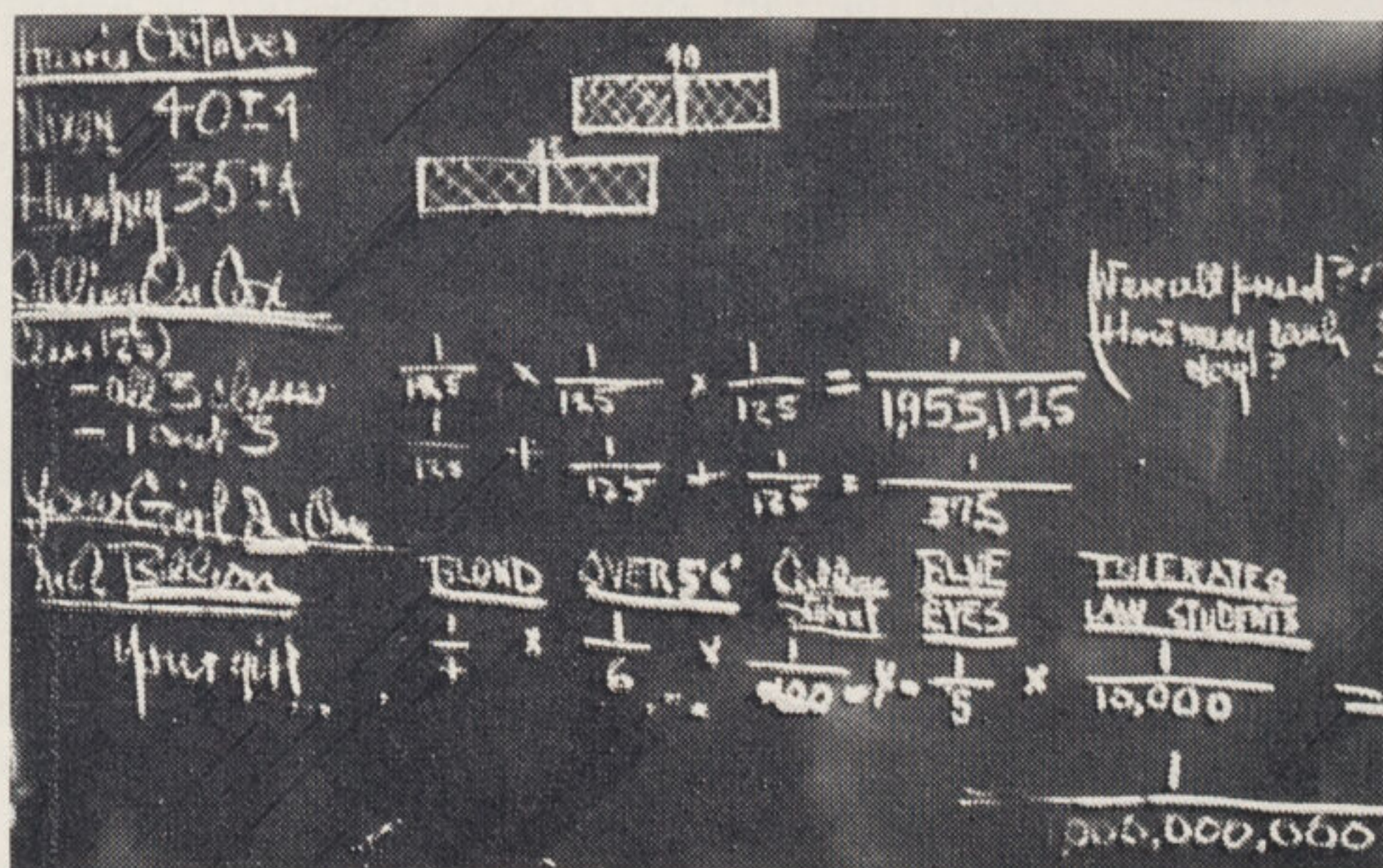
"The Federal Government is challenging the advertising claims of Roloids. Have you as a doctor ever recommended that product



to your patients?" In response 6 per cent (3.8-8.3 per cent after spread) of the questioned doctors said that they actually recommended the product. Roloids took the lower figure and multiplied it by the universe to claim in a subsequent ad that "at least 3800 doctors have recommended Roloids." But, in striking this ad down, the FTC said that sampling could never prove the truth of a claim, only its falsity."

This lecture was the final one of a three-part series. Last year, Austern was being informally considered for appointment as a visiting professor but he put a halt to that by announcing his lack of time. He did, however, then agree to give a lecture series.

Austern left his audience with at least one happy outlook for the advance of statistics in the law: in ten years he predicts that burdensome Shepardizing will be done by computer.



Austern on Fractions: $1/125 + 1/125 + 1/125 = 1/375$?

bus company was the only one that ran a bus down Main Street, and it had one running at 1 p.m. which usually was on time. Yet in directing a verdict for defendant, the court said that although

the advertising of a popular stomach remedy claiming to be endorsed by most doctors.

"The FTC asked a universe of 100,000 doctors something like:

'On Being a Woman at H. L. S.'

By Randall Schmidt

Scene I:

"Hello, Dolly — this is the HARVARD LAW RECORD calling."

"Oh. I heard you were doing those interviews. I can't this week at all. Sorry."

Scene II:

"I'm glad you girls were able to find time this afternoon so that we could have this session."

"What kind of questions did you want to ask?"

"Well, the RECORD is . . ."

"I mean, is this going to be another one of those articles which says that the lewd and lascivious women at the law school are panting to sew buttons on the men's coats? All the pieces I've seen have the women running to classes painting their nails, brushing their hair, and tying their apron strings." "Men always write stories which are 'light,' and 'airy,' and 'amusing,' they think."

"Now girls, we. . ."

And for two hours this reporter listened to a mixed group of Harvard Law School women sound off about the life they lead. Most of all, they decried the male tendency to view women students as curious objects, and not as persons in themselves. Most notorious in their shunning of females are the "prep school boys who aren't used to women in the classroom."

"Men here want to analyze you, take your personality apart, and put you back together."

"Yes, and the men sort of want to cordon the women off so that they don't have to meet them as people. And there's such a drive for 'success' here that if you can cordon off a group, you're already further ahead."

"I can think of few reasons why there aren't any women in Lincoln's Inn, except a real latent anti-feminism."

"The Inn consists of a group of people guilty of blatant discrimination."

"You know, it means nothing to be in the Inn, but it means something to be shut out from it."

"At least the secret Choate club has opened its doors, a little bit."

"Where I expected to see the worst discrimination was in the classrooms, but not so: at least with the professors."

"All the boys are friendly, but they stare at you, or watch you, or listen to every word you say — more so than with the fellows when they recite in the classroom."

"And there's always the guy next to you who has to whisper something clever while the professor is talking."

"I really don't think women limit the style of the professor. Sometimes the men think they are being risqué with a joke or comment; they think only men understand the funny remark: it's their little club."

"Men have an exalted view of what a women's sensibilities can take: they're prudish. Sometimes I wonder if I should laugh, smile, or pretend I'm naive. You don't want to give yourself an exotic image."

"I find men are far more quick to criticize a girl in the classroom. They smirk, or exchange glances, and may be incredibly intolerant."

"That's true: if a black student or a woman speaks, everyone turns around."

"You know, being black myself, I find a double advantage: more sympathy and less prejudice than my white sisters!"

"Fellows think you're taking a place in a class which rightfully belongs to a man. And they don't believe you're serious about the law. They can't accept the fact you're as interested in learning as they are."

"You know, if all a girl wants is a man, there are lots of places better than this law school: you have to compete with Radcliffe, Simmons, Wellesley, ad infinitum. Besides, do you realize most of the girls here don't get married by the time they graduate?"

"I won't deny that we look forward to meeting the right man, but in fact most of us shy away from the thought of marriage with a legally-trained man. Dating? Well, that's completely different."

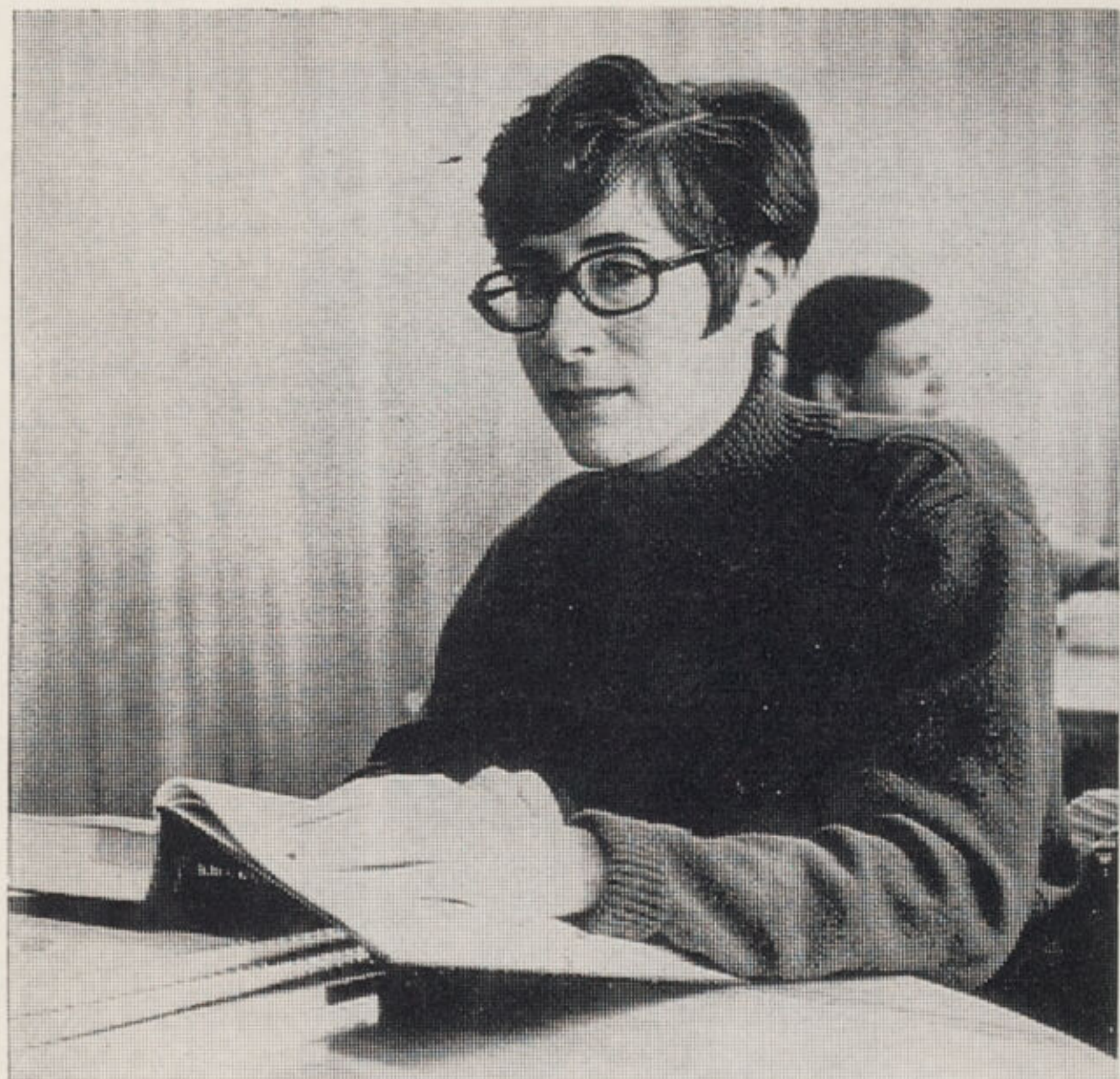
"Harvard does fantastic things to your perspective. You become supercritical of the men. Part of it is because you see them at their worst: shaking as they answer questions, being cut down in class. The white knight image disappears."

"It's a buyer's market here."

"Girls have never had so many invitations for dates before in their lives. Sometimes you go out, dragging your feet, 'cause you've run out of excuses. So many people ask."

"There are just so many men . . . and then they

— Female Scholars Sound Off



you in face-to-face contact with clients.' So they give us work with estates and taxation, if anything."

"I've even been told I wouldn't be able to travel: the firm's wives would object."

"It's discouraging to find these attitudes after spending three years learning the law. Change is slow. It's only as our numbers increase in the law school that opportunities will expand."

"Most of the time, bias or discrimination is quiet or hidden. There are so many clandestine elitists here."

"Lincoln's Inn is a perfect symptom of those attitudes."

"I often hear the question: 'And why are you in law school?' I love to give what I think is a valid and sincere answer, and then ask the same question back again. So often I hear the reply, 'Oh, I don't know; I guess . . .'"

"It's struck me many times that we women are far more highly motivated and sure of our reasons than are the great percentage of the men. Yet we are the ones challenged."

"You know, I figured that all men wanted to do was to reinforce their stereotype of a female law student as a 'law school mother' and 'little cook.' I was afraid that this article was going to be another one of those."

"Well, girls, I should imag. . . ."

"Would you like another doughnut before we leave? I must get back to Contracts, and Mary has Antitrust."

Finis:

And what are little girls made of? Sugar and spice, and Creditor's Rights. Is that what little girls are made of?

spend a lot of money, maybe 'cause they think you're rich — but that makes me suspicious."

"Actually, things get better after your first year. The men begin to believe you are serious, and they began to treat you like a real person. Also, the awful first year competitive pressure is off."

"I've heard the men are animalistic in competition in the dorms — a psychotic attitude builds up there that you don't see among the women."

"I guess most girls aren't really motivated to grind so hard as to be best. It's unfeminine. Besides, there's no reward for being top if you're a woman; at least not as much as for a man."

"When you interview firms, you find some bias. Occasionally they'll even tell you: 'We don't want

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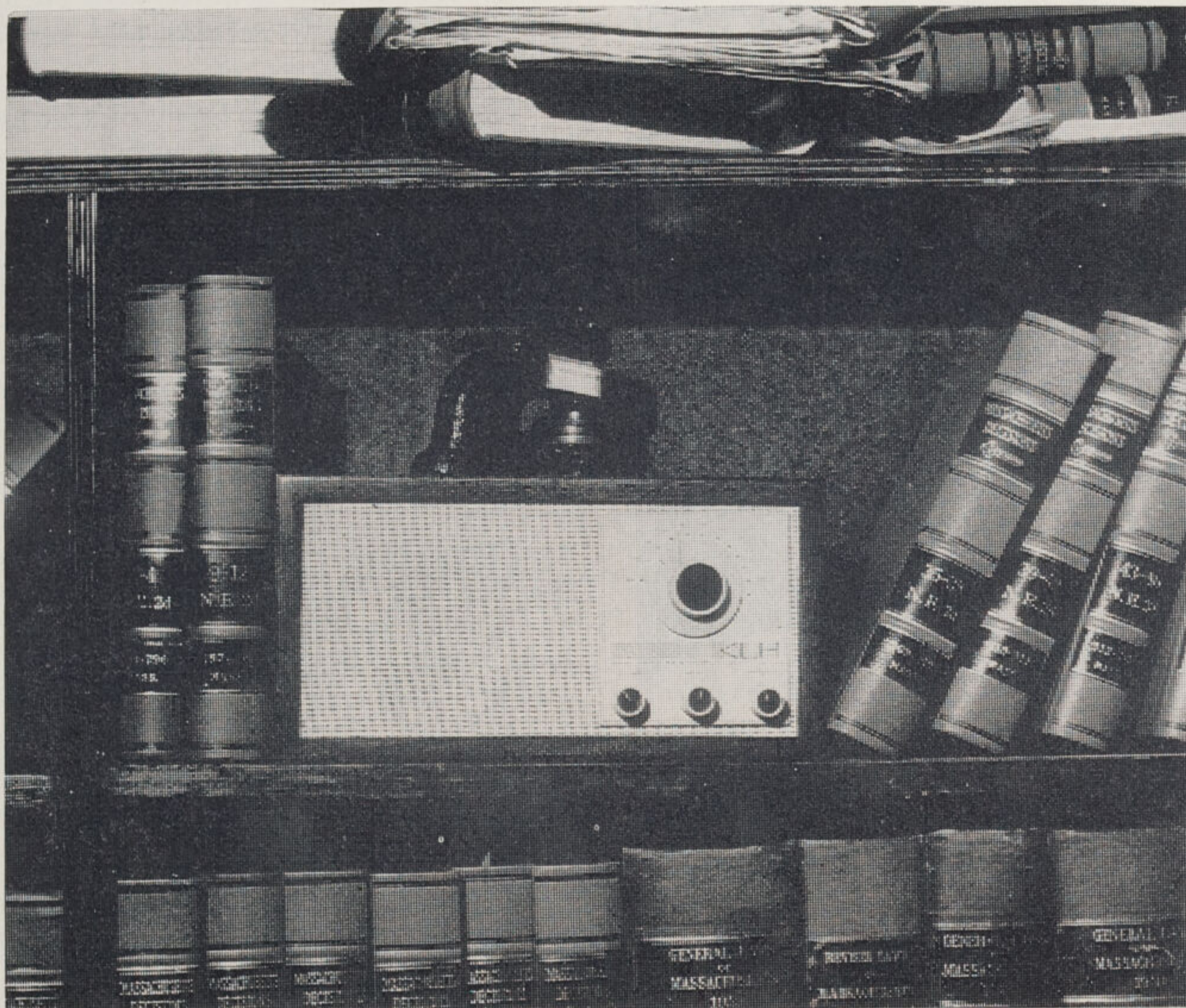
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Clark Now Considers Miranda 'Pretty Reasonable'

By Larry Pressler

Retired U. S. Supreme Court Justice Tom C. Clark, speaking in his folksy Texas manner, won a standing ovation from a Harvard Law School Forum audience in Lowell Lecture Hall last Friday night. Mr. Justice Clark spoke on "How the Judicial Process Functions." His wide-ranging, humorous talk chronologically traced the advancement of the law from his days as prosecuting attorney in Dallas County, Texas, through his years as U. S. Attorney-General and finally as a Supreme Court Justice.

He recalled the early days of his career when a criminal court didn't even make a transcript of proceedings — unless the accused was able to pay for it. The Supreme Court corrected that situation by declaring that an indigent criminal could get a transcript without paying for it. "Then we said, what good is a record if the accused doesn't have a lawyer? So we got him a lawyer in *Escobedo*."

Clark, the first Texan to serve on the high court and one of President Truman's four appointments, said that, although he had dissented from the 1966 *Miranda* decision, he now thinks the decision was "pretty reasonable." The *Miranda* decision held that police have to tell prisoners they had a right to a lawyer during interrogation, and that one would be supplied if they wished.

"The FBI says their conviction rate is as high as before *Miranda*. Statistical indices of crimes against property show that persons aged thirteen commit the most crimes; persons aged sixteen are second and those age seventeen are third. *Miranda* has no effect on those people. The correction of crime in this country is far more a matter of somehow reaching the teenage criminal than of any action the Supreme Court has taken or will take," Clark said.

"Before *Miranda*," said the 69-year-old former justice, "the police would usually stop investigating if they got a confession. Later if the confession were thrown out on some grounds, the prosecutor would have nothing left. Since *Miranda*, the police have been forced to record a more thorough investigation, and this frequently helps a prosecutor."

Justice Clark feels the most important and far-reaching decision in his 18 years on the court was *Baker v. Carr*. "Although the 1954 *Brown* decision gave us a strong, virile 14th amendment that is maturing into manhood, nothing, in terms of total impact, is more important than the right to vote — provided that vote is counted and has the same weight as other men's votes."

He said he didn't want to "talk the *Brown* decision down, but it just isn't being obeyed. The whole

problem of segregation will take a lot of crusading and soul-searching to educate the hearts and minds of people."

Frequently, Supreme Court decisions are widely misunderstood, Clark said. His opinion in the 1963 school-prayer decision caused an old friend to write him, "You have kicked God out the front door and let the Communists in the back door."

"Actually," said Clark, "comparative religion can be taught in schools and religion can be discussed. Many people just don't understand that, and that is where you young lay students can help — by interpreting and explaining some of these decisions to people."

The justice's talk was sprinkled with observations from past experiences. His old neighbor, Felix Frankfurter, had "more bounce per ounce than Pepsi Cola." Clark agreed with Justice Black's recent statement that the words, "with all deliberate speed," used in the *Brown* decision, were probably a mistake. "We on the court could have made a mistake by asking people to move too quickly. We are just human too."

Responding to questions, Clark said he didn't think there were any absolutes in the Chicago police controversy. "Sometimes I think the police were right; sometimes I think the other people were right . . . the police probably would have been better off had they allowed the demonstrators to blow off a little steam."

Nixon's appointee for Chief Justice, Clark declared, should be a lawyer, have had some public experience, be a good administrator, and have a common touch. "I agree with Justice Black that we might well have some associate justices from fields other than the law, but the Chief Justice almost has to know procedure and therefore should be a lawyer."

Regarding the proposals to modify the Fifth Amendment, the Justice said, "In short, I'm against it. The minute you start tampering with it, it will be gone."

The final question of the evening pointed out that although Justice Clark had expressed a commitment to compassionate ideals in his speech, his record, particularly while he was Attorney-General, was far from compassionate with regard to immigrants and other under-privileged peoples.

Clark pointed out that frequently the cases that many cite as evidence that he wasn't a compassionate Attorney-General came before boards within his office. He frequently only reviewed the decisions of these boards. But, he concluded, "Maybe I saw some of them wrong. I've made a lot of decisions in my day. I am ready to admit that I probably called some of them wrong."

Pillsbury's Practices . . .

Two Harvard Law students have charged the firm of Pillsbury, Madison & Sutro of San Francisco with using questionable, and perhaps even unethical, hiring practices. Specifically, these students charge that the Pillsbury firm made 31 offers for only 15 positions and then withdrew 16 of the offers after the 15 were filled. Their sources of information, according to one of the students, were members of the Pillsbury firm.

One student indicated that the original offers weren't conditioned on acceptance before the 15 places had been filled. Under the rules of the Placement Office the interviewing firm agrees not to require an acceptance of an offer before December 15. One of the two students was hired after Placement Office interviews but the firm withdrew the offer before December 15.

Immediately following the withdrawal of offers, news of the incident shot through the Law School. A note was posted on the *Law Review* bulletin board describing the incident, and students went out of their way to spread the word. The reason for this rapid spread of attacks on Pillsbury resulted in part from that firm's alleged conduct in last year's interviews. According to Miss Eleanor Appel, Director of Placement, Pillsbury was reprimanded last year because after requesting a special interviewing day, they left the interviews without seeing six students who had signed up.

The report of the withdrawals also revived memories of students who were incensed by the "arrogant" treatment they claim they and their friends received from the firm's interviewers last year. Reports of a student boycott of Pillsbury's second year interviews followed, even though the reason that many students failed to show up resulted from lack of notice of the interview due to a computer breakdown.

But even without the exaggerated reports engendered by animosity toward Pillsbury, the firm's alleged practice of making more than twice as many offers as there are positions available is unfair to students and to other law firms that spurn such practices. Through such a practice a law firm can prevent itself from losing a number of students who would have already accepted other firms' offers. It would be well for law firms, however powerful and prestigious, to remember that they are dealing with sensitive human beings not highly efficient machines.

Harvard Law Record

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Michael Lurey Photo Editor
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Cartoons by John York

Staff: Ned Hines, Chris Walker, Jack Chenoweth, Ronald Nussbaum, Randall Schmidt, Kevin Kane, Norman Barclay, Ronald Kadden, Ronald Patterson, Robert Patterson, Jared Stamell, William Stephens, Barry Chase, and Bev Bair.

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Secretary: Sylvia Sirignano.

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Fenno

Just so you leave for vacation in holiday spirits, knowing how lucky you are to be a Harvard law student, consider the following letter reprinted in its entirety, received by a friend recently after he complained to Harvard Student Agencies that his refrigerator hadn't been installed and his magazines hadn't been arriving:

"Dear —,

"Our agency has handled 2-3,000 subscriptions of one sort or another since Sept. 6. Every year one of the salesmen sells some New Yorker subscriptions without collecting the money for them. The point is — There were 18 New Yorker subscriptions of this type and at least 2,000 other subs to process before we could get to them. Last year nothing was done about you guys and your subscriptions. At least you got a form letter this year.

"So you see we are not morons, in fact, quite the contrary. The people in the Law School are. I have delivered papers up there and tried to collect bills. No tolerance. They refused to pay in full because 3 days during the winter the papers didn't make it from N.Y. because of the snow. All kinds of sh-- like this. When I was late because of the snow I ruined "your" day because "you" couldn't get to the library by 9 A.M. You are all authoritarian and absolutist. There are more Nixon-Agnew signs in the law dorms than anywhere else.

"90% of the newspaper subscriptions were signed: Doe, John, where at the college a simple non-authoritarian John Doe was used.

"I have nothing to do with refrigerators but if I did the law school would be the last place to get their's.

"Why don't you take a look around you and see why you write letters like the one I got — Take a look around — everyone is already shoved themselves into a rut & act accordingly.

"In deepest sympathy
"Charlie Albert"

Our friend advises us that his magazines and refrigerator arrived shortly after this letter. But he confides that he's really sorry he hasn't had the chance to take some courses over at Harvard College. "Dem guys really teach ya how to express yourself over dere, don't dey?" he contends.

Asks Courses Aimed Toward Public Benefit

To the Editor:

Hurrahs to Ralph Nader (and the HARVARD LAW RECORD) for his Ames Courtroom speech urging the building of public interest law firms, and for your editorial urging Harvard Law School to aid in bringing large private corporations to public responsibility.

Each class at Harvard Law School has graduated men whose ideals led them to public service. From my class of 1951, to mention only three, Professor James Vorenberg has contributed immensely to the administration of justice in his work as Executive Director of U.S. President's Commission on Law Enforcement and the Administration of Justice; Clarence Ferguson, Dean of the Howard Law School, has contributed to the advancement of civil rights and the education of public interest lawyers; and Fred Nassar, Corporation Counsel of the City of Utica, New York, is the architect of a movement that defeated last year the combined efforts of a discredited forty year-old Democratic machine and four term incumbent, but grossly incompetent Republican Mayor, and by electing Dominick N. Assaro, a reform Mayor, now providing Utica with progressive, creative, and humane government.

Harvard Law School is not going to change men's natures. Men like Vorenberg, Ferguson and Nassar were formed before they came to Harvard. But the Law School can give more emphasis to public service and to courses leading to public rather than private benefit, and we graduates might learn to respect more a lawyer in a neighborhood legal service, than one in a Wall Street law firm.

Nathan J. Siegel '51
Utica, N.Y.

Law-Related Work in the Military

To the Editor:

Law students facing the draft will want to know of one possibility for law-related work open to enlisted men. They can become legal clerks (MOS code 71D).

A military legal clerk does not do research and brief-writing, like a civilian clerk. He is a legal secretary, in charge of preparing forms and letters and filing records of legal proceedings. The job requires very precise

Letters to the Editor of the RECORD

application of complicated and highly detailed regulations governing the form of legal papers.

Legal clerks start in pay grade E-5 (buck sergeant with three chevrons, or spec. 5), higher than most men will reach in two years of active service. That will present no problem if there happens to be a need for legal clerks where you are stationed. Each battalion (700 men) has one legal clerk, and there are more at higher levels. Annual turnover is not great, but landing the job depends heavily on being in the right place at the right time anyway. Caution: Because of the specialized, essentially clerical nature of the work, your civilian legal experience will give you little or no advantage over other applicants.

Your first step should be somehow to escape the Infantry and receive training as a general clerk (MOS code 70A10) after basic training. This is a formal prerequisite for a legal clerkship, and involves routine office skills.

Next, make yourself known to the judge advocate on your post. He will be sympathetic toward a fellow lawyer and will keep you in mind if he finds an opening. He may employ you temporarily even if you are not a trained clerk, but this is unpredictable.

Do not get your hopes up. The needs of the Army come first. And if the RECORD's predictions are applied to other law schools, there will be many more law students in uniform next year than legal clerkships available. The situation with regard to general clerkships will be no better; you will compete against every other kind of student there. Voluntary enlistment should help, however.

P. David Park, 3L

Nader Smashes Icons and Giant Firms

To the Editor:

Ralph Nader recently delivered a speech at the Harvard Law School which was reported in the HARVARD LAW RECORD of November 7, 1968.

The speech smashed many icons, especially the giant law firms and their giant clients.

Nader is quoted as asking and answering the rhetorical question, "Can an individual ever prevail in court against a determined corporation, no matter what the justice of his case, no matter what evidence he has? — I think the answer is, 'no'."

Nader's personal experience in an action he has brought against a large corporation, is cited in point. "Two years have passed and we are now at the following stage: the first level of appeal of their motion to dismiss. . . . My estimate of their legal expenses . . . is close to \$300,000.00. . . ."

This much of Mr. Nader's speech highlights a problem that has disturbed me for years. That is, what can the small businessman or middle class person do to prosecute or defend a large law suit?

The poor have legal aid and other organizations to look after many of their rights. The affluent individual or corporation can afford legal service.

What can those neither rich nor poor afford?

It is true that certain fields of law, such as negligence and collections, can and are handled on a contingent basis, but there is a vast amount of legal work that Legal Aid won't handle for even the poor.

In the commercial law or patent and
(Continued on Page 11)

RECORD Election

Richard B. Hoffman, 2L, of Mount Vernon, N. Y., and a graduate of Cornell University, has been elected president of The RECORD. At Cornell, he studied industrial and labor relations and served as managing editor of The Cornell Daily Sun.

Jack Tate, 3L, retiring fall semester President, will become executive editor.

Lawrence J. Gartner, 2L, of Los Angeles, Calif., was chosen managing editor. He is a graduate of the University of California, Berkeley, where he was city editor of The Daily Californian.

Continuing as business manager is Richard Goldman, 3L, of Detroit and the University of Michigan. Michael S. Lurey, 2L, erstwhile engineer from Chicago, via Northwestern University, remains photography editor.

Randall W. S. Schmidt, 1L, of East Troy, Wis., Carthage College, and the University of Pennsylvania was named news editor. John York, 1L, will serve as corporation secretary.

Law Student Spouses May Receive Clinical Care

By Barry Chase

In the face of a married population of more than 30%, there is no plan for dependents of Harvard Law students to procure clinical care from the University Health Services. While married law students themselves are currently covered for both major medical expenses (\$11 fee per semester) and everyday clinic coverage (\$36.50 per semester), their wives and children must look elsewhere for clinical care and can obtain major medical coverage only at much higher rates.

Recognizing this situation, Dean Derek Bok has requested President Nathan Pusey to open serious discussion of the problem, either in the Council of Deans or in "some other appropriate body."

While 537 married students are now enrolled, there is no familiar place to turn for medical care when disease or injury to a dependent strikes. At present, University Health Services offer a referral to a "qualified local physician," whose fees may or may not be within a student budget.

In at least one recent case, a single office visit to such a private doctor, including routine tests, resulted in a bill of over \$40. This one fee exceeds the amount now paid for a full semester of clinical coverage on the University's health plan. Several married students have complained that the prospect of such an unanticipated financial blow has caused them to hesitate before having their wives see a doctor.

Dr. Dana L. Farnsworth, director of the University Health Services, is alert to these conditions, and feels the University ought to respond to the need as soon as possible. He and Assistant Director M. F. Peterson have discussed the issue with a committee

sufficient facilities for handling the medical problems of both students and their dependents.

MIT has had a comprehensive plan of dependent coverage for eight years, and according to sources there, this program has worked well. In addition, a dependent coverage program was launched this year at the Harvard Medical School and is performing smoothly. As Dr. Farnsworth notes, one of the basic reasons for Harvard's tardiness in extending benefits to all dependents has been the evident apathy of the married student population.

On the other hand, both he and Peterson feel that the rationale behind the student benefits — assurance of competent, convenient care — would apply equally as well to a voluntary program of dependent coverage. They recognize, however, that while the financial obstacles are far from insuperable, it will take some time before an allocation of extra space could be made to handle the addition of 15,000 dependents to the present burden of 29,000 students and others.

The space problem is particularly acute in the area of infirmary facilities, where a large extra complex would be necessary to provide for wives and children. For this reason, Dr. Farnsworth doesn't expect that coverage could be offered to dependents for at least two or three years, depending on how clear the student demand becomes and how quickly space and personnel can be procured.

Since the entire administration of the University Health Services appears enthusiastic about an extension of coverage, it is hoped that Dean Bok's letter will be the first step in dispelling the inertia of present conditions. It is clear to the officers at Holyoke Center that Harvard students, more than most, come to an unfamiliar area when they journey to Cambridge.

December 6, 1968
Dear President Pusey:

I am writing to inquire whether the Council of Deans or some other appropriate body might consider the question of extending the medical plan to dependents of students. I have had inquiries on this subject by law students. I have also talked briefly with Dr. Farnsworth and have learned that an extension of coverage is not impossible: that the Visiting Committee to the Health Services has twice recommended such an extension, and that the problems of financing and space are not insuperable. From my limited knowledge, therefore, I would like to see the question pursued further if this can conveniently be arranged.

Best wishes,

Sincerely yours,
Derek C. Bok
Dean

of the University's Visiting Board of Overseers and have elicited a favorable response to the general principle of extended coverage.

Dr. Leo Cass, physician to the Law School, feels that development of a dependent coverage plan is "inevitable in the next few years." He adds that the new larger Law School Clinic, to be opened next fall, would provide

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Letters . . .

(Continued from Page 9)

trade mark field, for instance, the small company or many individuals often cannot afford to stand up for their rights or defend them.

Many good rights die on the vine because they cannot be handled on a contingency.

Not so long ago at a professional meeting, a well-known Federal judge assured me unequivocally that legal counsel in a patent infringement suit could not obtain an adjournment on the ground that his fees were unpaid. I believe counsel in such instance might

even encounter difficulty in withdrawing just before a trial. Thus, even the lawyer is in jeopardy where a client may not be able to pay his bills during the course of a litigation.

What can the inbetweens do: in between rich and poor? It seems to me they have nowhere to turn where expensive litigation is to be undertaken which cannot be taken on a contingency.

It seems anomalous in this modern democratic society to have in effect a disenfranchised middle of the human and commercial populus denied justice because of insufficient money.

Even Mr. Nader's concept of "Public Interest" law firms would probably not vindicate the rights of the inbetweens.

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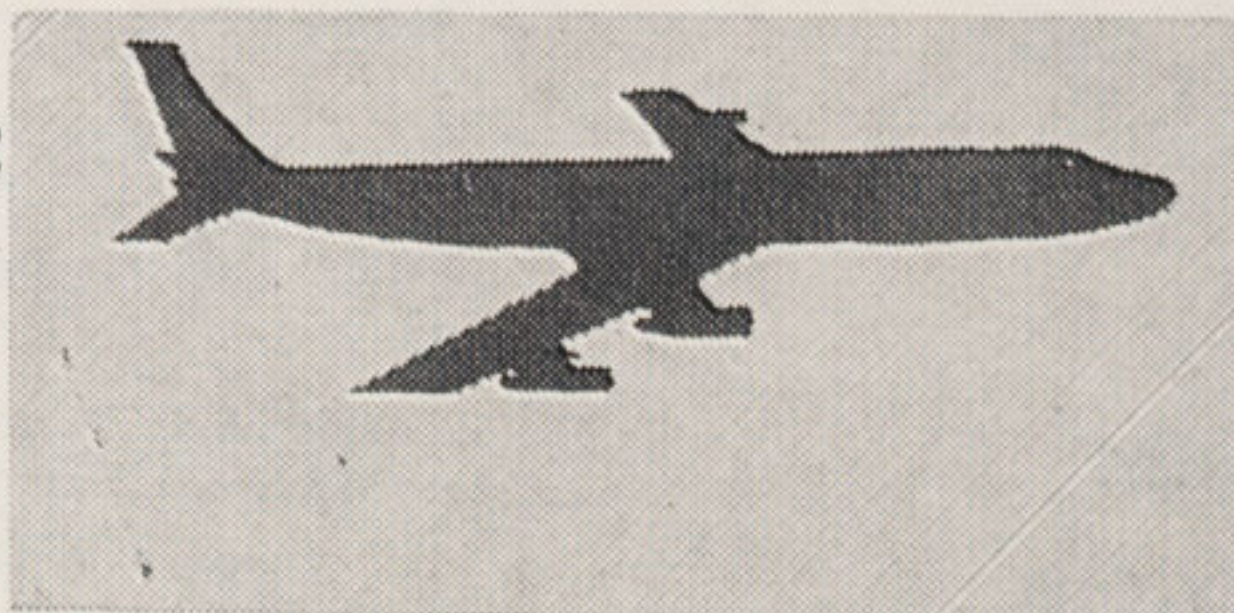
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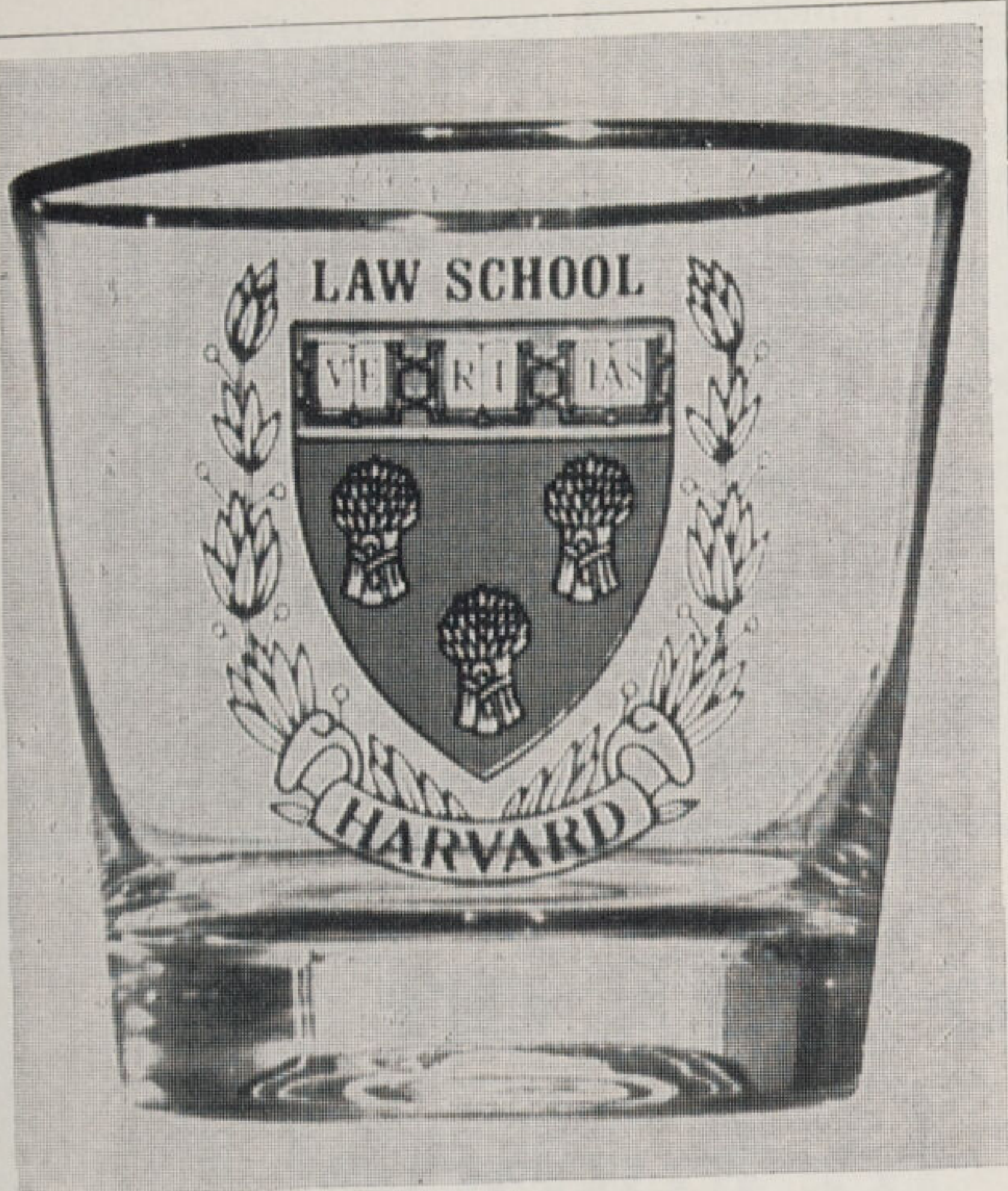
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Pillsbury. . .

(Continued from Page 1)

"In confirming an interviewing date an employer agrees that:

8) Offers made to third year students during the fall will not require an acceptance until at least December 15."

Mr. Miller said the firm considered the regulations only as guidelines.

Pillsbury, Mr. Miller said, "has never subscribed to the Placement Office guidelines." "I'd like to know whether all the firms are able to observe them," he continued. Strict adherence to the guidelines would make hiring extremely difficult, he contended.

Pillsbury last year was reprimanded for another questionable practice in placement interviewing. (see Editorial, p. 8).

Miss Eleanor Appel, director of placement, indicated that it was possible that Pillsbury would not be accepted for interviews here next fall, although she pointed out that exclusion is not up to her.

"As far as fairness," said Miller, who interviewed 3L's at the Placement Office this year, "there is no question that what we did was fair."

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Recent Book

What Lessons Were Learned at Columbia?

By Lawrence Gartner

Crisis at Columbia: Report of the Fact-Finding Commission Appointed to Investigate the Disturbances of Columbia University in April and May 1968, Vintage, \$1.25, 222 pages.

When about 800 students sat in at Sproul Hall, the administration building at the University of California, Berkeley, late in 1964, a new era might well have begun in the history of the American university. There had been organized student protests on university campuses before; there had even been previous sit-ins. But Berkeley was different. The protest and subsequent massive police action evolved into the wider political movement known as the Free Speech Movement, and the Berkeley campus has been in a state of unrest ever since.

The 1964 events have mushroomed into wider and more radical demands for university reform, both at the University of California and on other campuses, culminating, some thought, in the long and bloody student "revolt" at Columbia University last April and May. But student protest has become even more radical and violent since then, as evidenced by the very recent

shutdown at San Francisco State College with armies of police and students facing each other.

Out of the Columbia demonstrations came a detailed report of the disturbances by a fact-finding commission, chaired by Professor Archibald Cox. The report deals with the deep-seated causes of the student unrest, a detailed history of the events, and the Commission's brief conclusions.

For those who want to know exactly what did happen at Columbia, and for those who want a general background on the problem of student unrest on the campus, the report is very good. It is carefully written, comprehensive, and as impartial as the basic liberal orientation of the members of the Commission allow it to be. It is clearly what one would expect from a fact-finding commission which included a majority of lawyers.

The important question, however, is how useful the report will be in trying to mitigate future tensions between both sides—students and administrators—and increase understanding in the future. Will college administrators understand and accept the notion that their students—and especially

undergraduates—are not just bodies to be taken care of paternalistically and run through the education machine? Will students—excluding committed radicals—accept the commission's values of dignified protest and adherence to the basic values of an orderly community?

One important matter which the report hints at extensively throughout its findings, but fails to stress enough, is that the radical students whose goal is a complete change of both societal and university structure are much better political actors than university administrators. The radicals know that it is the mass of liberal, conscientious students, who have a sense of injustice but still have a basic, if partially hidden allegiance to an orderly society of law, who are the ones who make a demonstration.

The radicals understand that when this group of students' sense of injustice grows strong enough on a particular issue, their normal inclination towards inaction will be overridden. Consequently, the radicals' strategy is to show the injustice of the university administration to be so patently unfair and insensitive that the bodies will be motivated to commitment.

The administration, on the other hand, sees most of the students as docile creatures out to get that coveted degree and, consequently, directs almost all of its energies to thwarting the "trouble-makers," until it is too late. Administrators, for some strange reason, fail to realize that many who wouldn't otherwise be motivated to act on radical goals, will be prodded into action when the administration violates some inherent notion of a sense of fair play, such as authoritarian disciplinary proceedings.

If, at Columbia, SDS leaders hadn't been singled out for punishment out of a vast number who had also engaged in a demonstration, if the administration had not been so authoritarian in dealing with discipline and other student demands, and if the administration had been more sensitive to the underlying causes of student dissatisfaction with their environment, then the administration might have taken the radicals' constituency away from them. But it didn't.

Another issue with which the report

(Continued on Page 14)

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Lessons of Columbia. . .

(Continued from Page 13)

fails to deal understandably however, since this was not an issue at Columbia, is the purpose of student demonstrations. Because of the radicals' and the administration's seemingly basic commitment to battle on political questions, i.e. disciplinary rules, involvement of the university in outside activities, campus rule-making, is not basic university reform of education left at the wayside?

It would seem that all this student energy ought to be directed towards improving the quality of education. Why not sit-in and strike, not because the university administration has intransigent disciplinary proceedings, but to provoke the administration into reforming the educational system, especially on the undergraduate level? If the university could direct itself, not towards trying to combat the radicals but towards genuine educational re-

form, the whole tenor of student unrest might be directed towards a more worthwhile goal and a more viable university community might be created.

The Cox Commission Report is a valuable document because it is a fair, and probably very accurate, account of a student revolt. But its main value will lie in provoking a new orientation in both administrations, faculties, and student bodies as to what kind of a university community is wanted. If administrators just use the report to try to patch up the old system by seeing where the tactical mistakes were made, such as when police should be called in, then it has failed. If students read the report to justify their conception of university administrations as reactionary adjuncts of the establishment trying to dampen student protest, then it has also failed. The problems are not tactical. The problem is to somehow, if possible, create a university community of scholars to learn, study, and criticize.

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Students Organize New Harvard District Attorney Group

A new student organization to be known as the Harvard Student District Attorneys has been formed to select second-year members and train them next spring to carry on the work of the Harvard Student District Attorney Project. The new organization will take over the management of the entire project including both second and third-year students.

The student organization is under the direction of an elected three-man Executive Committee consisting of 3L's Stephen Morse, chairman, Jerome Merin, and William Zarling.

The new organization will con-

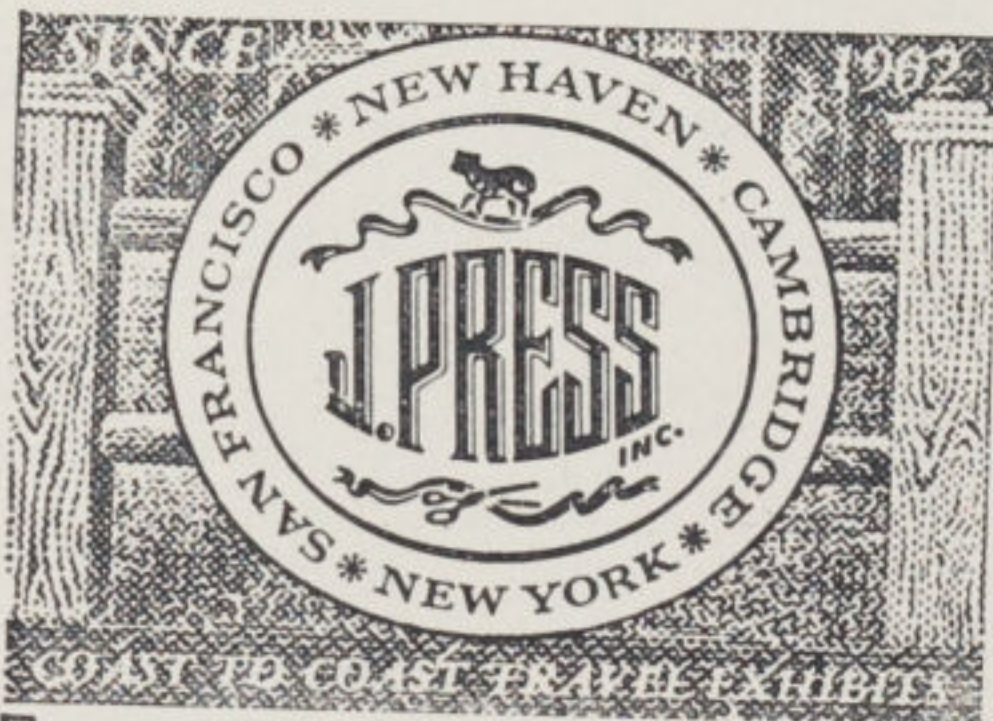
tinue to send third-year members into Boston Municipal Court and the District Courts of Eastern Middlesex, Somerville, and Newton, to try cases on behalf of the Commonwealth of Massachusetts. Qualified third-year members of the program will also be given an opportunity to try cases before six-man juries.

Applications will be accepted in early December. For further information call Harvard Student District Attorneys, 868-7600, x. 4109, or Professor Livingston Hall, Project Director, 868-7600, x. 3162.

Other programs are designed to aid the prosecution and the police

in areas of law and community relations, to provide clinical experience for third-year law students, and to foster interest in careers in the administration of criminal justice.

Students participating in the new program will be encouraged to take Evidence in their second year of law school. Attempts are also being made to open one section of Trial Practice for 30 second-year students. In addition, the new members of the organization will be offered lectures and will attend court with third-year members in order to familiarize themselves with court procedures.



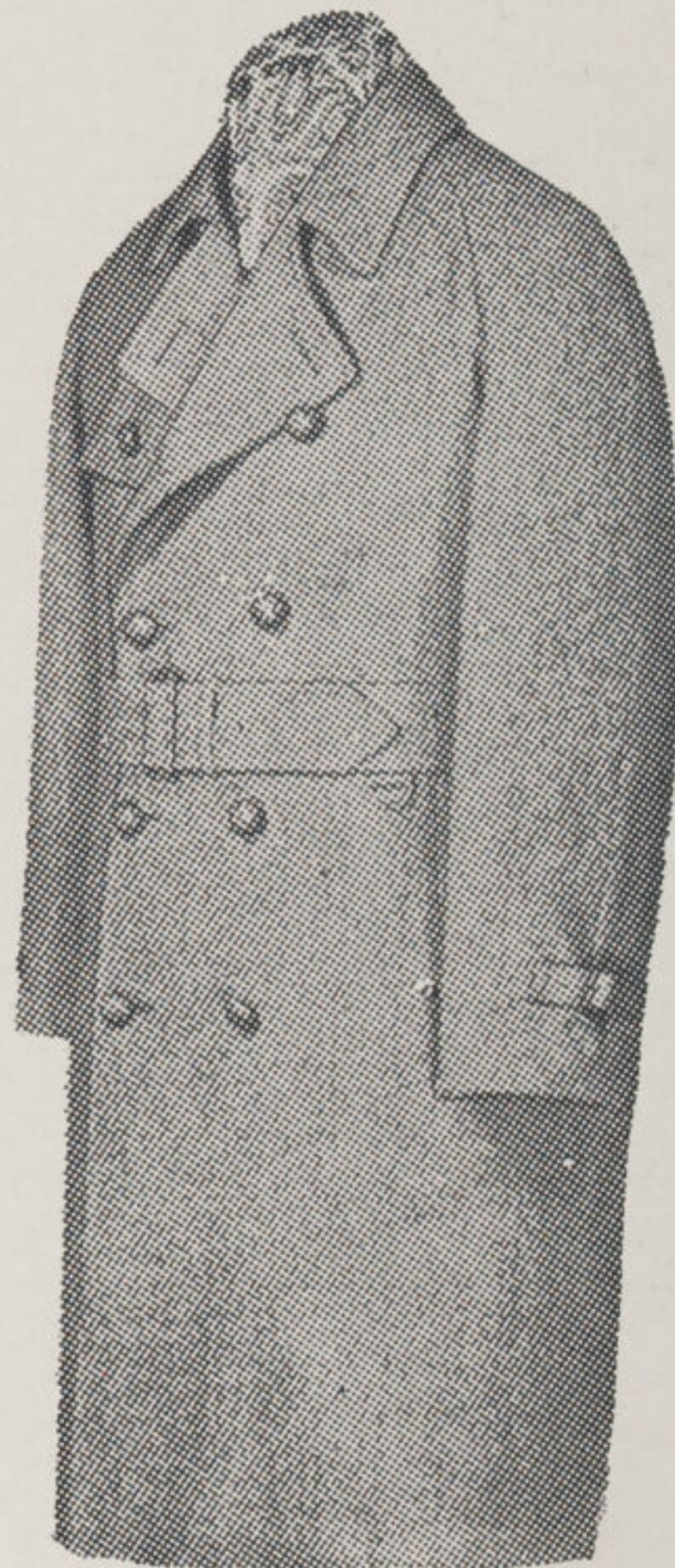
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