

HARVARD LAW RECORD

VOL. 48 NO. 10

MAY 1, 1969

FIFTEEN CENTS

Legal Aid Ends Grade Standard



Dan Chill

The men at the movie projector are Mark Brown and Don Passman, both 2L, who are showing their film, "The Lakeside Project," which was produced for the course on Youth and Crime taught by Professors Livingston Hall and Lloyd Ohlin. The film was accepted in lieu of the usual exam or paper, and deals with the use of peer-group pressure to rehabilitate juveniles at an institution in Burlington, Vt.

M.B.A.-J.D. Program Approved

The Law School faculty voted Tuesday to approve the proposed four-year M.B.A.-J.D. program, which had already won the approval of the Business School.

Since about 25 places have been reserved for current 1Ls by the Business School, the program will be able to go into effect next term.

There was no opposition at the faculty meeting Tuesday to the plan as presented by Professor Abram Chayes, who headed the committee which prepared the scheme.

The meeting, which was opened to approximately 20 invited students as part of a new policy established recently by the school

administration, also discussed a tentative proposal by the Keeton Committee (Special Committee on Examinations, Grading and Related Matters).

Mainly concerned with solving any problems which would face the honorary organizations (Law Review and Board of Student Advisers) if grade reforms are effected, the meeting preceded a scheduled vote on the final Keeton panel report set for May 13.

The committee's tentative recommendations stressed the use of diversified means of student evaluation, requests to employers not to ask for first-year grades, pos-

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By John York

The Harvard Legal Aid Bureau will no longer use grades to select members. In addition, membership requirements for the Law School's other two honoraries — the Law Review and the Board of Student Advisers — may also undergo radical change.

First year grades will be substantially reduced as a basis for selecting members for the Review and the Board if steps recommended by the faculty's Special Committee on Examinations, Grading and Related Matters (the Keeton Committee) are accepted by the faculty.

The Keeton Committee's proposals do not involve Legal Aid since that organization has changed its selection criteria. In the future, twenty members will be selected at random from all applicants. Additional members will be taken from students who have worked on the Bureau's summer program or in another poverty law program. If still more members are needed to bring the Bureau up to full strength, a second round of random selection will be conducted.

The motivation behind the Bureau's voluntary change was "that at this stage of graduate education, efforts to make fine differentiations among people in terms of quality may constitute at best a gross waste of time, at worst an invidious destroyer of morale," according to an open letter to first year students. The Bureau feels that its reputation results not from how well its members have done on first year

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Liberal Arts Fellows Study Law as Outsiders

By Joseph Rafalowicz

Unbeknownst to most students, there have been for nine years now a group of people at the Harvard Law School who have been attending their classes in a somewhat random, almost at will, type of pattern. These people, who seem to dart in and out of classes with no fixed schedule, also seem to be somewhat older than the average law student.

Who are they? They are probably the least known academic personalities in the entire law school. They are the Liberal Arts Fellows in Law. The Liberal Arts Fellowship Program has not really been publicized to law students at all and is, unfortunately, one of the least utilized programs for their benefit.

In 1960, as part of its long standing commitment that legal studies are an integral part of the entire university, the Law School inaugurated the Liberal Arts Fellowship Program to allow each year a group of mature scholars in the social sciences and humanities to receive a basic training in the law. Four Fellows were chosen for 1968-69 and are now in residence at the Law School.

Scholars Receive Basic Training In the Law

They are Robert Lekachman, professor of economics and chairman of the department at the State University of New York at Stony Brook; Richard E. Morgan, assistant professor of government at Columbia University who will be leaving there next year to become associate professor of government at Bowdoin College; Frederick A. Siegler, associate professor of philosophy at the University of Washington; and David A. Ward, professor of sociology at the University of Minnesota.

Prof. Harold J. Berman has,

more than anyone else, been the motivating force behind the program since its very inception. He is chairman of the Committee on Liberal Arts Fellowships which also includes Profs. Jerome A. Cohen and Arthur E. Sutherland and is responsible for administering the program.

"The principal purpose of these fellowships," according to Prof. Berman, "is to enable teachers in the social sciences and humanities to study fundamental techniques, concepts and aims of the law so that, in their teaching and research, they will be better able to use legal materials and legal insights which are relevant to their own disciplines."

While recognizing that the study of law has largely been neglected in the liberal arts curriculums of colleges and universities in this country and that "the departmentalization of American university faculties hasn't helped encourage such a trend," Prof. Berman hopes that this program will be a modest beginning toward building bridges between the law and other scholarly disciplines in the university.

Other purposes of the program, according to Berman, include laying a foundation for the Fellows to evaluate and criticize law and legal institutions from the perspective of their own disciplines; offering an opportunity for individual research and study to those Fellows who are teaching, or might be interested in teaching, courses on law in the liberal arts curricula of their colleges or universities; and providing the faculty and student body with an opportunity for close contact with scholars in other related disciplines.

The program has, in its short period of existence, yielded some concrete results, though it is far too early yet to determine the long range effects of what is essentially a slow, seeping process of integrating the study of law with other scholarly disciplines. At least five former Fellows have al-

ready introduced general courses into the liberal arts curriculums of several colleges and universities. Many former Fellows have found that the legal materials they learned while here filled in gaps in their own knowledge and have, subsequently, integrated

Legal Materials Integrated Into Teachings

these new legal materials into their own teachings. Studies have been published which show fellowship program influence. The faculty, on the whole, has been very pleased and excited about the program and has, on occasion, drawn on the talents of some of the Fellows in their courses and even more so in their seminars. It is unfortunately the students who have had little or no benefit from the program to date.

The Liberal Arts Fellows themselves are chosen by the committee according to two mutually important criteria. First, they are required to be outstanding scholars in other disciplines who might be able to utilize the legal materials and methods learned here to contribute both to increasing the understanding of law and to furthering scholarship in their own disciplines. Second, they are required to be excellent teachers who play a lively role in the intellectual community of their colleges and universities and could influence the contents and methods of teaching there.

Last year, advertisements were placed in five scholarly journals that yielded nearly a hundred applications. Most of the applications, as expected, came from historians, political scientists, sociologists, economists, and philosophers though the application procedure did yield such unlikely candidates as a Slavic languages

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Black Self-Help Advocated by Rhody McCoy

By Julian Fowles

Rhody McCoy, Unit Administrator of the embattled Ocean-Hill-Brownsville Demonstration School District in Brooklyn, N.Y., told an audience Friday night that "blacks are handicapped like infants in a very sophisticated world. It is up to the black community to bring about the needed changes itself."

Speaking in Langdell South Middle at a meeting arranged by the Harvard Black Law Students Association, McCoy stated that the problems precipitating the Ocean Hill-Brownsville crisis "were not restricted to educational issues. They reflected the white community's attempt to see that the black community remains inoperative."

The issue in the crisis last fall was whether the Board of Education was flexible in allowing new perspectives of operation. According to McCoy, the Board was "ready to give community control until they (citizens) acted up."

Community control and the need to effectuate a program providing for the best education of the children were repressed in the dispute, he contended. Instead, the mayor and the school commissioner conspired, McCoy alleged, to effect an agreement to put three principals out of work, appeasing the people and ending the strike. McCoy asserted that the board is another example of big business with a self-interest power base.

The present system is not responsive to the needs of the black community, he said. High school students are finding, he contended, that they are cheated out of an education: the institution farms them into learning, for example, the baking trade. Later, they can't join the unions, he said. Non-trade, or straight academic diplomas, were granted to few blacks.

Experimentation by the Board "is in fact playing games with black children." In order to bring about meaningful change and to



Julian Fowles

Rhody McCoy

instill the children with new attitudes, the inclusion of parents in all levels of the educational process is vital, McCoy said. Such a program in the district had produced an eighteen month reading growth among the school children.

McCoy feels that the pending state legislative bill for school decentralization is being involved in political and economic, rather than meaningful debate. The proposal only allows control over

fixed-cost items and other ten-year prepaid items: just paperwork. Moreover, he argued, only 14 of 206 legislators are black, yet the problem is one affecting the black and Puerto Rican constituency in New York City.

McCoy stressed that the public school system in order to survive needs tremendous resources to use the legal system and prevent domination by the legislature.

In response to questions concerning the fostering of separatism by community control, McCoy responded that the black community has always been open to integration with whites. It is the white community which had forced blacks into wanting separate black institutions by refusing to allow them into their society, he said.

The black community is changing its own institutions to counter the degrading effects inflicted by white society. McCoy said that community control is the best system not only for blacks but for the white community as well. Whereas the white community has experienced such control, the blacks rarely, or never have, he concluded.

Placement Violator Sanctioned

The San Francisco law firm of Pillsbury, Madison & Sutro — charged with breaking Placement Office rules last December — will not use the Office facilities at all next year, according to the Student Subcommittee on Placement.

The Subcommittee had recommended to the Faculty Placement Committee that the Pillsbury firm "be sanctioned for violating Placement Office regulations and be required to submit a statement of compliance with Placement Office policy as a condition to future use of the Placement Office facilities. The sanction recommended was placing the firm at the end of the 1969 interviewing calendar." The faculty committee accepted the recommendation.

The Subcommittee said that Pillsbury "indicated that they are willing to submit an express written statement of compliance with the Placement Office regulations" but that they would not use the Office next year "in view of all the circumstances involved."

Pillsbury was a subject of a complaint by two 3Ls that the law firm broke Placement Office rules by withdrawing offers for employment before December 15. The rules require that offers made to 3Ls be held open until that date.

The firm contended that the date deadlines set by the Office bestow practical difficulties both on the law firm and the student.

Gluecks Cite 'Under the Roof'

By Russell George

After 40 years of research, study and writing, Harvard Law School's irrepressible Doctors Sheldon and Eleanor Glueck are still gathering facts about the causes, treatment and prevention of delinquency and criminality. Why? Because the Gluecks have always emphasized the importance of a continuing study of their subjects.

The first fifteen years of the Gluecks' criminological researches (1925-1939) were devoted to a study of the effectiveness of various forms of peno-correctional treatment. Since 1939 their emphasis has shifted to a study of causation, to help determine the bases for crime-preventive programs and effective therapy.

As a basis for this revolutionary research, they matched 500 persistently delinquent boys with 500 non-delinquent boys as to ethnic background, age, intelligence quotient and residence in under-privileged areas. The 1000 boys were then classified anthropologically according to body types and were given medical psychiatric examinations, intelligence and achievement tests and the Rorschach Test. The family, school and community background of each boy was thoroughly investigated by skilled social workers. As a result of this intensive multi-disciplinary approach, the Gluecks arrived at a synthesis of the dynamic factors involved in juvenile delinquency.

From among the factors found most markedly to differentiate delinquents from non-delinquents, the Gluecks developed prediction tables whereby they believe it feasible to differentiate between potential juvenile offenders and non-offenders at early ages. This series of diagnostic or prediction tables have, as Mrs. Glueck puts it, "a solid basis of scientifically gathered data and can therefore be relied upon to accomplish in the hands of highly skilled social workers, probation officers, teachers, psychologists, and psychiatrists two vitally important tasks: to 'spot' children likely to develop into serious offenders unless they are deflected from their course; and to distinguish from among children 'in trouble' in or out of school those who are true delinquents from those who are merely trying their wings in the process of growing up."

The goal of the Gluecks is to make these tables widely available to educators and psychological clinicians to help children with behavioral problems. The key to preventing juvenile delinquency is to reach the children early because, as the Gluecks have discovered, "50% of all delinquents studied started getting into trouble before the age of 8 and 90% before age 11." Other uses for prediction tables have been found by some judges in trying to predict the behavior of a criminal about to be sentenced or paroled. Mr. Glueck emphasizes



Dr. and Mrs. Sheldon Glueck

that the tables are not perfect but are very useful in cases involving the discretion of the court.

The Gluecks point out that they are not promoters of their works or ideas, but rather that they are researchers only. But they do spend much time working with others who are using their material and promoting their techniques. Also they make their research data available to other carefully selected and qualified researchers.

The next project for the Gluecks is an interpretive and digested summary of all their works: a monumental task anxiously awaited by professionals in several fields who cannot keep up with this highly prolific pair of scholars.

The Glueck name has become a tradition at Harvard and around the world. One quickly becomes so overwhelmed by the enormous amount of top quality material published under the name that it is easy to forget that these scholastic giants are real people. But one needs only to meet Sheldon and Eleanor Glueck to realize how human they are.

Mr. Glueck, who was educated at George Washington University, National University Law School and Harvard, proudly claims that his greatest honor has been to serve as the first Roscoe Pound Professor of Law at Harvard. Mrs. Glueck, educated at Barnard College, New York School of Social Work, and Harvard, notes that she and her husband have gained great inspiration from the lives of Pierre and Marie Curie—perhaps the world's most famous husband and wife research team.

Together the Gluecks hold many distinguished awards for their work. Among these are the Baccaria Medal from the German Criminological So-

Family Culture

ciety, a gold medal from the Italian Criminological Society, the 1957 Big Brother Award, presented to them by then Vice-President Nixon, and the August Vallmer Award of the American Society of Criminology in 1961. The Gluecks are the only couple in history to hold joint Honorary Doctor of Science Degrees from Harvard. They are currently serving as joint vice-presidents of the Social Problems Section of the American Association for the Advancement of Science.

Today's growing crime problems and the nation's attempts to solve them are of special concern to the Gluecks. They believe that most criminologists are underestimating the fact that they are dealing with the finished product when they deal with criminals.

In an attempt to improve our understanding of criminals and to increase our problem-solving capacity, Mr. Glueck has a unique plan of education. Part of this plan is the creation of a number of Legal Interdisciplinary Institutes which would operate under the auspices of several distinguished law schools. The purpose of the institutes would be to combine the work of several disciplines to anticipate future social problems. This is in conformity with the Gluecks' life-long belief that true knowledge does not know the arbitrary boundaries of "different" disciplines.

The other part of the educational plan is the founding of a "West Point of Criminal Justice" by the Federal government as an educational and training institution that would be dedicated to raising the standards and visions of police officials, prosecutors, judges, correctional administrators and others concerned with criminal justice. This proposal has attracted much attention around the country and was introduced as bills in both the Senate and the House of Representatives during the 88th and 89th Congresses.

What points do the Gluecks emphasize at this stage of their work? They are convinced more firmly than ever that delinquency is caused in the home. Their research rejects poverty as a basic cause of crime, while it cites the father's discipline and affection, the mother's supervision and affection, and the family's cohesiveness as crucial bases. It is the "under the roof" culture that holds the key to understanding and controlling juvenile delinquency.

They still stand by the proposition that research must be a pure search for long-range goals. They deplore the present-day over-emphasis on applied research and short-range goals. In the same vein they firmly contend that theories must arise after the facts are known and cannot precede the search for the facts.

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Students Should

By Bruce Wasserstein
and Don Kozusko

Up to this point, law firms have all too often dictated the going wages and conditions for young associates. Obviously the "going rate" is not meta-physical; yet graduating law students have little to say about what the terms of their employment should be.

The time is ripe for students to set up standards for the larger firms. For example, we could demand that one afternoon a week be donated to legal aid or other public work. If a student happens to join the self-funding, public interest, law firm program mentioned below, we could ask for some type of matching system. Regarding interviewing sessions itself, we could all decide that if a firm engages in "unfair recruiting practices" we would boycott it. Furthermore, we could decide that no student will discuss his LSAT scores with an employer because these are inherently even more of an irrational standard than grades; or if pass-fail is approved, we could force employers to evaluate written work by refusing to discuss in detail college grades.

Obviously, the specific standards should be for the law student body as a whole to work out. But what is needed now is an agreement among students to follow standards set up and the establishment of a mechanism to propose specific ideas.

Moved by current proposals for a public-interest law firm, we have developed a funding system which may prove useful. Essentially we would fund the firm through contributions by law school graduates of a proportion of their earnings and provide positions on a rotational basis for these donors. Operationally the program would be a self-funding pro bonum publico sabbatical, but it has the advantage of concentrating such service through the law firm institution. Thus the firm structure would develop expertise and continuity, enable a lawyer to do meaningful public service during sabbaticals, and mobilize abstract good intentions into a group effort more durable than "personal commitment" alone.

Where the Money Comes From

Students in their last year of law school would enter a "gentleman's agreement" (not legally binding) to pay a given percentage of their income to the non-profit foundation sponsoring the public-interest law firm. This obligation would be a continuing one; thus as the average income of the graduates increased, the absolute donation would increase. The agreement would be on the condition that a sufficient number of students also join the program, e.g. 100. These contributions are especially feasible after the recent salary increases by corporate law firms.

Set Standards for Law Firms

We should try to structure the foundation so that the donations are tax deductible. Many corporations now match an employee's contribution to his college; hopefully, law firms would be persuaded or pressured to give similar assistance. A flexible graduated system of contributions would be necessary to meet the problem of students with varying incomes and financial obligations. This is especially important because many students graduate with outstanding debts and/or enter the military service. We could borrow aspects of the Internal Revenue Code or devise a more appropriate system.

A board of prominent persons and practicing lawyers would provide guidance, which is particularly beneficial during the initial stages — incorporating, securing tax rulings, and developing the goals of the firm.

Where the Money Is Going

Current student interest as well as political realities demand a firm which would have a measurable impact in lobbying, law reform, and administrative hearings. We don't want to establish simply a glorified legal aid society. Once the cycle of the firm has been established, skilled lawyers would be employed for a sustained period at wages comparable to their earnings in private practice.

Initially the firm would be organized from the graduates of one year at one law school; later a better mix of schooling, experience, and age would develop as more schools and more classes join.

Specifically, members would rotate for terms of one year. A limited permanent staff and staggered terms would provide continuity. Those persons to serve in a given year would be selected at random from those members who have not yet served and choose to do so. A major problem exists in trading off size of donations and number of members against the length of the cycle. Low donations means large membership, which in turn requires a member to wait longer before his opportunity to serve comes up. Most persons interested enough to

donate money will also want to serve.

However, this problem is somewhat alleviated by two factors. First of all, for some members the donations will be enough of a commitment and they may never choose to serve. A program has recently been established at Oxford to which graduates pledge a given percent of their income for projects in underdeveloped nations has been quite successful. Secondly, an upper limit will be set on salaries paid by the firm somewhere below the upper limit of the member's earning power in private practice.

While one of the advantages of the firm is a pay scale comparable to private practice, an upper limit of, for example, \$20,000 per year would not significantly undermine this advantage. This would enable the cycle to move faster. For example, 200 graduates earning \$10,000 their first year (providing for "deductions" for loans, etc.) and donating 5% could support 10 lawyers at \$10,000 per year. Ten years later however, the average private income may well be \$26,000 per year which could support 17 lawyers at \$15,000.

This problem of trade-off plus the cost of overhead, lag in payments, and failures to pay may lead the firm to seek some outside financial support. However, the self-funding aspect continues to be advantageous because outside contributors would be more readily available since they do not have to bear the entire financial burden. Conversely, outside support may help sell undecided law students.

What Should be Done Now

Immediate possibilities include: soliciting some "seed" money for further idea development, concrete planning, organizational expenses, and starting a student movement at this law school. We believe most students here have been openly and continually questioning the aims and methods of corporate legal practice. Even for the less concerned, this plan would offer a resolution for their ambivalence toward the traditional work performed by the legal profession.

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A Beginning

As this RECORD year draws to a close, there's much to be said in citing accomplishments at the Law School this term. We now will be getting J.D.'s, and some of us will have the opportunity to leave Cambridge with an M.B.A. as well. Saturday classes will evaporate and students have begun to function on faculty committees.

Our presence at the faculty meeting Tuesday enabled us to consider what remains to be done. The major problem yet to be resolved is grading, and subsidiary topics — hiring and the honoraries — must be dealt with simultaneously.

The meeting Tuesday gave the students present a chance to observe the anticipated high level of professional discussion. Grading was the major item on the agenda (once the M.B.A.-J.D. was approved) and it was illuminating to realize how much remains unsettled about the grading system.

For it was obvious that grading, as one professor put it, is the symbolic manifestation of the entire educational system at the Law School. That's just the problem.

For most of the meeting, the fate of the Law Review was mulled. The last student to speak declared that the faculty might well sacrifice the quality of that august institution if the overall quality of all students' education were to be improved.

The Law Review's representatives contented themselves with stressing the importance of their magazine and the harm any major change in selection effected this year would cause. Neither they nor many of the professors bothered to recognize that there are other activities which may rival the Review in value to participants, if not in subsequent pecuniary reward.

Even if the Review staffers were capable of thinking in any wider boundaries than the walls of Gannett House, we would hope that in the two weeks before the Keeton panel presents its final report, the professors might consider thoroughly the benefits of immediate institution of competition for the Review, which for too long has been revered instead of reshaped to serve the student body and the Law School as well as its members.

On the other hand, we applaud the plan to change the means of choosing the Board of Student Advisers. And another means suggested, involving utilization of Ames finalists to staff the board, would be even better, using to advantage students with proven interest and competence in the board's work.

Enjoy exam week and the summer, wherever you may be. Goin' fishing.

Fenno

Having edited and written for various school annuals in my youth, I'm not about to take on that venerable institution, the Harvard Law School Yearbook, without immediately indicating sympathy for the perpetrators of the latest yearly outrage.

It is a super horror show, yet would you want to publish a book which *has* to contain every student's pic, faculty spreads, and hordes of organizations. I contend that the book need not include all this garbage, but even if it must, I quote one of the men to whom it's dedicated — Robert Kennedy — who put it: "I believe that we can do better."

You may be asking: just what's so awful about the yearbook this year? It *does* fit on the shelf like the others, after all.

First, it's entirely devoid of imagination. Take the student pictures. Why everybody's every year? To sell yearbooks, I presume. As it is now, if you want to know the classes surrounding you, only buy one book, when you're a 2L.

That would allow more space for the creative efforts to flower. Instead of citing articles in the faculty writeups, why not brief profiles? Next, get rid of that wretched bench in front of Langdell.

If all the activity groups are to be included, make them pose with flair, as the Dramatic Society is wont to do. The descriptive paragraphs are painfully pedestrian as well.

And if Ames fades away, I fear that the charming final line of the Bull Warren Club page — "His club will survive for another ten thousand years." — might have to go, along with the club pix.

While they're at it, why not break out of clammy Law School tradition? Put the Law Review page after the Board and give everyone a heart attack.

This year's book is technically poor. Contrast in photos means more than darkness. Why has Professor Jaffe been the only original contributor, as good as his piece is?

How about some class history, or satire, poetry or humor, articles by old grads? There's lots happening here that never makes the yearbook: reform movements, lectures, mixers, model trials. Isn't it about time the yearbook staff began to earn its substantial profit? (See RECORD, Oct. 14, 1966.)

HARVARD LAW RECORD

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Published Thursdays ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 868-7600, extension 4418. Subscription price: \$2.50 semester, \$5 year mailed; students, \$2.50 year distributed at the law school. Individual copies: 15 cents at the law school, 25 cents mailed. Second class postage paid at Boston, Mass.

Letters to the Editor of The RECORD

Writer Suggests Exam Reform Steps

To the Editor:

I agree with Charles D. T. Lennhoff, whose letter appeared in your April 10, 1969 issue pointing out that benefits result from enduring pressure at the law school. The practice of law and the rendering of service to clients of necessity is done under pressures of many types. While pressure should not be generated artificially, neither should it be removed artificially from the lawyer's training.

This does not mean that the examination and grading procedures cannot be improved. Shortly after Dean Bok was installed, he was quoted in The RECORD as saying the potential of the examination process as an opportunity for learning must be realized. Some simple steps in this direction could be taken. After each examination, either a key prepared by the professor or a selection of the best answers to each question written on the examination by the students could be published. The blue books should be returned to or available to the students as a matter of routine. Each question should be sepa-

ately graded and an indication of the grade of each question should be marked on the blue book. This would make it possible for each student to compare his individual performance with the key.

The suggested steps would perhaps require both more intensive and extensive effort on the part of the graders. This may be beyond the limited time available to the professors themselves. However, if the professor established a key, teaching fellows or other qualified persons could do the grading.

If the law school really intends that the grade for the entire course should be based solely on the final examination, the blue books should be anonymous.

William L. Boyan

Sharma v. Kamisar & Lewis, Again

To the Editor:

By coincidence, just six weeks before, when the United States Supreme Court handed down its decision in Kaufman v. United States, The New York Times (Mar. 25, 1969, at 26) wrote:

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"Me? This summer I'm working for the firm of Nixon, Agnew, Laird and Hershey in Ft. Benning, Georgia."

Law Notes

The following student organizations have announced the election of new officers:

Harvard Student Legislative Research Bureau — Donald D. Kozusko, president; James H. Breay, dir. of legislation; James N. Bierman, managing ed.; Stephen E. Habersfeld and Marc Glass, articles eds.; Harold B. Obstfeld, legislative developments; Michael G. Smooke, note editor; (all 2Ls) and Samuel A. Sherer, 3L, graduate staff advisor.

International Law Club — Duncan G. Calder, III, president; Constance M. Vecellio, vice-president; Douglas W. Hoffman, secretary; and Frank A. Mwine, treasurer. All are 2Ls.

Dormitory Council — Paul Robenstein, president; John Lovett, vice-president; Robert Duffy, secretary; Richard Dashefsky, treasurer; and John Hilbert, comptroller. Duffy and Dashefsky are 1Ls; the rest are 2Ls.

Bull and Bear Club — Jim Rodner, president; Ordway Burden, Ira McCown, and Fred Gerhart, vice-presidents; and George Annas, treasurer. Rodner and Annas are 2Ls, and the others, 1Ls.

St. Thomas More Society — George Annas, president; Tom Cliff, vice-president; Michael Denger, secretary; and Jim Rodner, treasurer. All are 2Ls except Cliff who is a 1L.

Harvard Civil Rights — Civil Liberties Law Review — Mark J. Green, editor-in-chief; Bruce Wasserstein, managing editor; John Evans and Beverly Moore, casenotes editors; William Bernard and Arthur Kaplan, articles editors; and Robert Hicks, Scott McQue, and Stu Israelson, business managers. All except the business managers are 1Ls.

Harvard Civil Rights — Civil Liberties Research Committee — Peter Buchsham, president; Marc Rohr and Bill Herman, vice-presidents; Charles Delbaum and Jeff Albert, research directors; and Robert Fellmeth, gadfly at large. All except Buchsham and Fellmeth, who are 2Ls, are 1Ls.

* * *

A symposium on the M.B.A.-J.D. program will be held at 112 Aldrich (at the Business School) at 4 p.m. on May 8. Applications for the program are due May 15.

* * *

This is the last issue of The RECORD for this year. The RECORD will resume publication in the fall, God rest ye merry, gentlemen.

Letters to the Editor of The RECORD

(Continued from Page 9)

"[T]he lawyer who argued for the State of Florida and was on the losing side in *Gideon v. Wainwright* won a significant ruling . . . in the Supreme Court—this time as the appointed counsel for a Federal prisoner." What an irony! The "classless" Jacob did win before the Supreme Court, yet Professor Yale Kamisar refuses to "confess error."

Since Professor Kamisar had referred to Professor Charles A. Wright's review, which uses "class" in identical context, I did not have the audacity to assume that a learned professor—whose right-to-counsel writings have indisputably been a tour de force—would be unaware of it. Regretfully, I did not quite realize that he put class in quotation marks because it was slang and not because he quoted it from Wright; but this is obviously a trivial point. Professor Kamisar's animated reply, however, obscured by this semantic camouflage and other non sequiturs, skirts the main thrust of my grievance: *Gideon's Trumpet* (and his review in particular) are unfair in their portrayal of Mr. Bruce Jacob.

As much as Mr. Anthony Lewis' efforts are otherwise not uncavalier, the touted accuracy of his presentation is nonetheless questionable. He draws a sharp contrast between the forces representing *Gideon* on the one hand, and Jacob on the other, and apparently this "nice irony" was one of the salient themes of the book. The disparities between Justice (then attorney) Fortas and Jacob, admittedly vast enough, stood unfairly magnified by Lewis' failure to mention important facts (pointed out in my review): that Jacob's superiors had prepared him through intensive training, experience and guidance in the handling of criminal appeals and cases involving right-to-counsel issues. Jacob was hardly the inexperienced novice portrayed by Lewis.

Utilizing *Gideon* as a vehicle, Lewis did write a readable description of the workings of the Supreme Court. What I asserted, and now reiterate, was that the book is not the historically accurate document throughout that some reviewers have claimed it to be, and I doubt that Lewis himself would air such claims. Non-fiction writings may have a theme or several themes, but their use should not render the writer's objectivity the first casualty, whether

it be for commercial reasons or otherwise. And it is possible to write such a book. Incidentally, Dean Daniel John Meador's book, *Preludes to Gideon* (1967), is a case in point which offers a marked contrast with Lewis' objectivity and accuracy in the presentation of *Gideon* and its background.

Professor Kamisar compounded the erroneous impressions left by *Gideon's Trumpet* in his 1965 book review. As I pointed out in my RECORD review he made some inaccurate statements implying that Jacob had been lax in not devoting sufficient time and effort to the preparation of the Florida brief. Then he "jammed the knife" in all the way:

If, when the case began, it found *Gideon* in his usual role of underdog, he did not stay there for long. When his case reached the Supreme Court . . . that role fell to an assistant attorney general of Florida, one Bruce R. Jacob. . . . [I]n the Supreme Court oral argument . . . Fortas's . . . "class"—and Jacob's lack of it—told heavily. . . .

. . . Jacob was "a boy . . . sent to do a man's work". . . .

A curious consistency possessed Florida's officials. If they minimized a defendant's need for legal skills, they were almost as unconcerned about their own. They practiced what they preached.

As we all now realize, nothing Jacob did or failed to do would have made slightest difference; the precise outcome of *Gideon* was historically inevitable. One wonders, then, how

Jacob's "class"—or lack of it—could have "told" at all. Further, Professor Kamisar's new-found concern with *how* the case was lost than *who* lost it is a canard the very utterance of which reveals its ridiculousness.

Professor Kamisar now says that by "class" he meant "elegance, style and gracefulness." It would have been an herculean task for any lawyer defending *Betts v. Brady* in 1963 against the thundering broadsides fired by the Court to have appeared very elegant, stylish or graceful in the process. Lack of these attributes does not necessarily mean incompetence. But the word *class*, unfortunately, also connotes "quality" and "ability"; Professor Kamisar's statement that Jacob lacked "class"—not to mention his other inappropriately barbed remarks—reflects upon his (Jacob's—lest there be any mistake) general professional competence. This was a serious indictment for one of Professor Kamisar's stature to make (after he had conceded that Jacob wrote "a good, solid brief"), especially when it was based, according to his letter, upon nothing more than painfully short excerpts from the "cold" transcript of the oral argument. Within *Gideon's Trumpet* there were unfortunately some sketchy and misleading impressions, but Professor Kamisar transcended their implications. In so doing, he could have unwittingly damaged the reputation of a young lawyer going into law teaching. Among others things, I had hoped that my review would serve as a reminder to nonchalant reviewers (or revelers) that they should observe the ethics—what Professor Lon L. Fuller would call the "internal morality"—of book reviewing.

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RECORD Election

Lawrence Gartner, 2L, was elected editor-in-chief of The RECORD for next term at the annual meeting this week. He graduated from the University of California, where he majored in history and served as city editor of The Daily Californian. Gartner was born in Brooklyn.

Chosen as managing editor was Michael Lurey, 2L, a graduate of Northwestern, where he majored in science engineering. Lurey was typewriter editor for his grammar school newspaper.

R.W.S. Schmidt, whose given names are unknown, continues as editorial director.

John York, 1L, was appointed news editor. Dan Chill, 3L, will be photo editor.

Richard Goldman, 3L, retires after two spectacularly successful years as business manager. He is open to job offers.

Richard Hoffman, 2L, will serve as executive editor. On the whole, he'd rather be in Philadelphia.

Adam Brent Lurey has been named mascot of The RECORD. (RECORD, Apr. 1, 1969, p. 16)

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Computer Plays Number Games

By Randall Schmidt

Over the years Harvard Law School has admitted increasing percentages of students with LSAT scores over 700, but percentages of those who register have declined. In detailed computer print-out sheets released to the RECORD last week, interesting facts appear as to the distribution of scores among applicants, admittees, and registrants.

Though greater percentages of those with high scores decline to register at the Law School, the absolute number has vastly increased. In 1962, 73 of 110 accepted applicants with 700+ scores actually registered (66%). In 1968, 266 of 345 registered (48%): well over three times as many as in 1962. Meanwhile, those with lower scores decreased in numbers. In 1962, 394 registered with scores below 600; in 1968, only 211.

Legaldom's nemesis, the Law School Admission Test, was administered to over 50,000 persons this year. With it rides the hopes of many budding attorneys in their assaults upon law school admissions offices across the country. Dean Russell Simpson, admissions, is quick to point out however that the LSAT is but one of many factors considered. Even among the "highest LSAT" group, many are not admitted.

The accompanying chart shows breakdowns in two-year periods since 1962. For instance, in 1967 there were 406 applicants in the 550-599 range; 110 were accepted (27%), and 81 actually regis-

tered. On the other hand in this same score-group in 1968, there were 564 applicants; only 65 were accepted (12%), and 45 registered. The reduction in numbers of "lower scores" is significant: a decrease of approximately 40%.

Percentagewise, more and more people have been drawn from the 700-749 and 750+ groups. Fewer students over the years have come from the groups below 700, except, surprisingly, from the category of "below 550." Apparently the latter is at least partially due to the Law School's increasing efforts in recruiting from minority groups.

No Saturdays

Regular classes will no longer be held on Saturday, the Law School faculty decided April 15. However, Saturday mornings will still be used for make-up classes and other special activities.

The decision was based on the report and recommendation of the Continuing Committee on Legal Education, according to Dean Derek C. Bok. He cited the following reasons, among others, for the decision: the desire of students for more free time on Saturday for either recreation or sustained study; the reduced attendance and preparation in many Saturday classes; and the religious objections of a number of students.

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Legal Aid Bureau Abolishes Grades for Membership

(Continued from Page 1)

exams but from the quality of their work in the Bureau.

According to Prof. Robert E. Keeton, the Grading Committee's chairman, "the Committee welcomes and applauds the action of the Legal Aid Bureau as fully consistent with the aims underlying the Committee's recommendations concerning the other two of the three honoraries."

The Keeton Committee will submit its recommendations for the Law Review and the Board to the faculty at its April 29 and May 13 meetings. It is expected that voting on the proposals may begin at the second session.

Basing its recommendations to the Law Review to some extent on a memorandum from members of that body, the Committee suggests that the Law School report to the Law Review in the summer of 1969 only information sufficient to permit them to select students for membership on the following basis:

"(a) on the basis of 1L grades,

fifteen students in the 1L class of 1968-1969; (b) on the basis of combined 1L-2L grades, four students in the 2L class of 1968-69; and (c) on the basis of 2L grades only, eight students in the 2L class of 1968-69. Subject to the foregoing restrictions against the School's making information on grades available to the Law Review, the criteria for membership on the Law Review shall continue to be a matter for the Law Review's own determination."

The Law Review preferred having twenty 1L's chosen on a straight grade-average basis to help alleviate what it feels will be severe manpower problems in the fall until the rest of its incoming membership can be chosen by competition. The Review memorandum, however, said nothing about altering its present tradition of giving returning 3L Review non-officers no responsibility save that of writing a Supreme Court case (or possibly — as in this past year — aiding in conducting the limited membership-

by-writing competition for places on the Review.) Third-year non-officers on the Review are usually left free to take outside teaching or research commitments.

For the Board of Student Advisers the Keeton Committee is suggesting that new members for that group be selected by a new Committee on the Board of Student Advisers composed of three faculty members working closely with the Chairman of the Board of Student Advisers. The Committee would be charged with selecting those persons whom it judges best qualified for the work to which they are to be assigned, choosing from both students who apply and those about whom it obtains information in other ways. The Committee would also determine the number to be taken and the dates when they will be selected.

The Keeton Committee's original proposal provided for the Board Committee to be comprised of two faculty members and the Board Chairman.

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Recent Book

Eclectic Clinical Criminology Carefully Created

Treating the "Untreatable." By George K. Stürup. Baltimore: Johns Hopkins Press. 1968.

By Raymond D. Cotton

Treating the "Untreatable" is an expanded version of the author's Isaac Ray Award Lectures delivered in 1966 before the American Psychiatric Association. It presents a detailed and insightful view of a unique rehabilitation center for certain types of criminals and the institution's extraordinary superintendent, Dr. George Kristoffer Stürup. The Herstedvester Detention Centre is located about 10 miles from Copenhagen. In comparison with most prisons in this country it is quite small, servicing an inmate population that generally varies from 150 to 220 men.

The inmates themselves are said to be classifiable into two groups. The first is the "chronic criminals" or those who have been sentenced at least three times within a short period. The second group is actually quite the same as the first except that the intervals between sentences is longer and they are referred to as "intermittent criminals." About 60% of the total inmate population was detained after having committed property offenses, a bit more than 10% for aggressive offenses, and 25% to 30% for sexual offenses.

The guiding constraints, both of the man and of the institution, are set out in "Principles of Treatment" (Chapter I). Here it is said that "[t]reatment in the field of clinical criminology has limited goals, the chief one being a crime-free future for the offender. Our program has always been directed toward this practical objective and we have been eclectic, intuitively using whatever approach we thought most valuable in any given situation. . . . Our primary aim has been to help those unhappy, seriously criminal men who are allegedly untreatable (and are suffering from this very supposition) to feel somewhat better and to get them to dare once more to try to use the positive elements of their personalities." (p. 3)

Due consideration, states Dr. Stürup, must also be given to security since the staff's "primary duty is to protect society against the danger to other people's lives and health that the in-

mates' freedom would create." (p. 14) It is interesting to note the manner in which this duty is reconciled with the potentially conflicting responsibility to provide treatment: "The detention institution must be regarded neither as a mental hospital primarily dedicated to therapy nor as a prison dedicated to security for the most troublesome and dangerous offenders; it is a security institution, but one whose goal is rehabilitation." (p. 5)

The elements and mechanics of the treatment process extensively illustrated with case histories are presented in Chapter II. Every contact the inmate makes with his environment is an opportunity for treatment. Thus the process begins in earnest at the time of arrival at the institution. All observations made by the staff are recorded in a diary which becomes part of the treatment record. A picture of the individual begins to come into focus. Dr. Stürup, believing that the "chronic criminal is his own most important therapist" (p. ix), meets quite soon after arrival with 5 or 6 inmates at a time and explains in detail the philosophy and program of the Centre.

A vital element of the treatment program is the high degree of cooperation and coordination that takes place among the members of the staff. Daily meetings are held, and these are considered to be "the heart of the institution's life . . ." (p. 40)

In one particularly interesting subsection entitled "Special Psychotherapy," Dr. Stürup explains that "it

is often difficult to establish deep emotional contact with [the] inmates because many are primitive, some are not intelligent, and the majority are spineless and unaccustomed to any form of observation of their own emotional reactions." (p. 76) These special problems have encouraged the staff at times to try experimental and unorthodox forms of treatment. As part of the drug program, for instance, LSD (dysergic acid diethylamide) was administered to several patients, but the treatment had "no positive results" and was given up. As for other drugs, they are employed but "only when symptoms are exceptionally serious and usually only for short periods while the inmate is in the institution or on parole." (p. 99)

The process of termination presents a carefully planned and multiresponsive model that might well be followed in this country. Dr. Stürup has found that cessation of the detention period begins with preparing the inmate for release. For this purpose Herstedvester itself is sometimes employed as a halfway house by allowing detainees to continue living there while working on the outside. In addition, the Centre has its own reception home (Kastanienborg) where newly paroled inmates may live while they are looking for work.

Final discharge is generally not recommended by the staff until the man has spent at best four successful years on parole.

(Continued on Page 15)

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Liberal Arts Fellows Study Law as Outsiders

(Continued from Page 2)

professor, an Oriental languages and literature expert, a psychologist, a Latin American Studies professor, and a Spanish jurist. Applications came from as far away as Japan and Puerto Rico. This year, as previously listed, an economist, a political scientist, a philosopher, and a sociologist were awarded the fellowships.

A list of the thirty-seven Fellows who have participated in the program since 1960 discloses that eleven have been political scientists, six each have been sociologists, historians, and philosophers, four have been economists, two education professors, and one each a theologian and an English and American literature instructor. They come from all parts of the country and six have been chairmen of their departments when appointed while one has been a dean. Diversity, both geographical and scholarly, and a uniform excellence in the Fellows has been a strong point of the program.

The program of study that the Liberal Arts Fellows pursue is both fluid and diverse, molded to the personal needs of each individual according to his own discretion. Though the Fellows are entirely free to spend their year here as they wish and aren't actually required to take any classes or to produce any written work or to collaborate with professors here in any way, they have all at least accepted the committee's suggestion that they undergo the rigorous discipline of preparing for and attending classes. Though the number of courses they take varies considerably, depending on the needs and inclinations of each individual, the Fellows have participated in anywhere from 3 up to 10 courses at any one time.

Almost all of them accepted Prof. Berman's strong suggestions on course work and have taken at least two and often three, four, or even five of the first-year courses in addition to

more advanced courses and seminars. They are all encouraged to take basic first-year courses in Civil Procedure and in either or both Torts and Contracts. Many have also taken Criminal Law and the Legal Process.

Apart from taking these basic law courses, the Fellows have also pursued their own interests in other advanced courses, in the more specialized seminars, and in conversations and work with the faculty. A short seminar designed to analyze the doctrine of precedent in Anglo-American law and to raise harder questions of the relationship of law to the social sciences is also conducted for their benefit by Prof. Berman in the early part of the first semester. The Fellows are also invited to attend faculty seminars here, many of which deal with topics in their field of interests.

The program was originally funded by two generous three-year grants from the Carnegie Corporation covering the period from 1960 to 1966. When those grants expired and no other foundation support could be found, the Law School agreed to finance the program on a reduced basis for an additional three years, from 1966 to 1969, out of

general budget funds. As of next year, however, prospective Fellows will have to receive funds elsewhere as the Law School has decided to discontinue underwriting the entire cost of the program. The Law School, however, will do all it can to help prospective Fellows by strongly supporting their applications for funds elsewhere and will continue to pay for tuition charges, fees, and office space. According to Prof. Berman, the program is in no danger since five persons have already received sufficient funds to come here as Fellows. He doubts, however, that it can continue for very long without special financial support from some yet to be discovered benefactor.

"The ultimate hope embodied in the program of Liberal Arts Fellowship in Law," explains Prof. Berman, "is not only to infiltrate the insights of law into the social sciences and humanities but also, eventually, to infiltrate the insights of the social sciences and humanities into the study of the law."

Though it is a bit too early to assess the program on the basis of these objectives and though Prof. Berman readily admits that the program is a very small beginning toward achieving such a large purpose, he strongly believes that a beginning must be made somewhere and there is no better place to make it than to start with training people.

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Inmates Demonstrate Intriguing Differences

(Continued from Page 13)

Conspicuous by its absence in Chapter IV, "Results" is hard data and statistical evaluation. Dr. Stürup straightforwardly points out this lack saying, "[c]riminals demonstrate more intriguing differences than similarities, and [my staff and I] have found no satisfactory way of classifying them according to criminogenic situations." (p. 217)

The only graph in this chapter purports to show recidivism rates over the period 1935 to 1957. The crucial difficulty with this representation is that it lumps together the aggressive, the property, and the sexual offenders. Absent this sort of differentiation one is left with an average recidivism rate for all inmates released from the institution during the stated 23 years. Such data is of little predictive or evaluative worth.

Statistics concerning length of stay are more specific but also of dubious value. It is said that the length of time spent in Herstedvester by "property criminals" has been greatly reduced over the years. In a group received during 1935-1941 more than 50% stayed over 4 years, while only 4% of a similar group received during 1949-1951 stayed this long. It is difficult to assess the meaning of these facts without knowing the extent to which the groups were matched and their history following release. Unless and until such data is presented one cannot conclude that treatment at Herstedvester is becoming more successful.

An important point made by Dr. Stürup tends to be overlooked by those who demand statistical evaluation of programs such as are in operation at Herstedvester and would, on the basis of such data, recommend the continua-

tion or cessation of such programs. "We are concerned with short- and long-term elements of a man's life career, in crime, in institutionalization, and in postinstitutional adjustment. The possibility of gaining new and better knowledge of what happens to men engaged in crime for years and how to help them is worthwhile, even if our results do not prove to be statistically significant." (p. 219).

Mr. Cotton, who received his LL.B. from the Law School last year, is a candidate for Master of Science in Hygiene at the Harvard School of Public Health.

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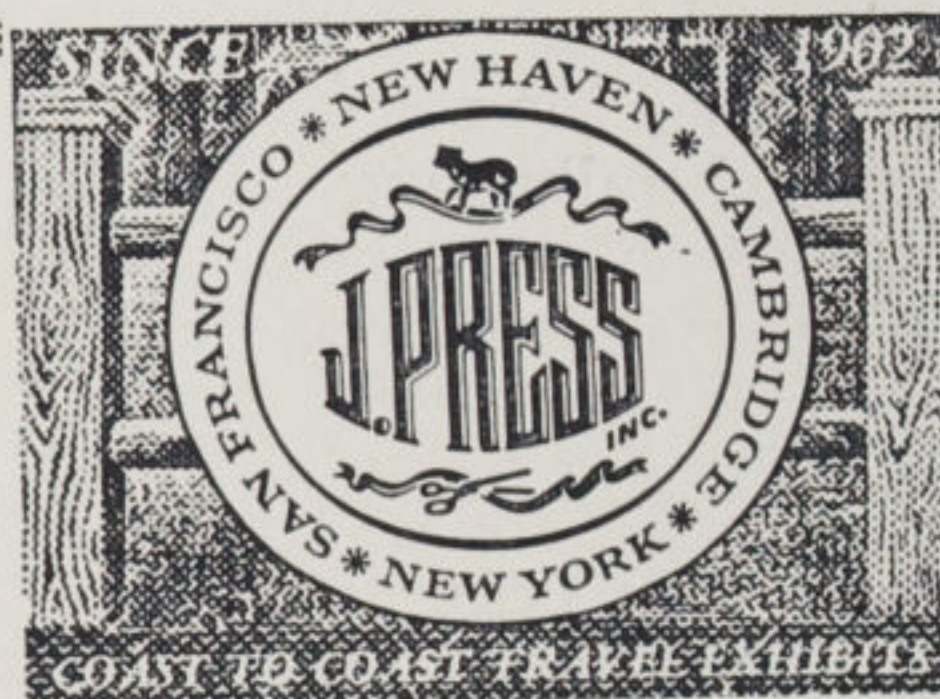
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Law Faculty Approves M.B.A.-J.D. Program

(Continued from Page 1)

sible pass-fail options for 1Ls, and provisions for "blind or anonymous grading."

With regard to the honoraries, the panel recommended that the Secretary of the Law School, William L. Bruce, be empowered to provide the Law Review with the names of the top 15 students in the class. The Law Review would also be told (and presumably would ask to join) the four top-ranking 2Ls (based on 1L and 2L grades) and 8 2Ls who ranked highest only using 2L grades in computation.

Two Law Review men contended that requiring them to choose a large part of their membership this year by competition would seriously diminish the quality of the 1969-70 volume.

The faculty discussed the problems at length, occasionally ranging into consideration of the whole first-year educational experience.

Two professors expressed concern that a spring competition might hurt efforts to spur writing in 1L small sections in the spring.

Another suggested that it would be well for the Law School to get out of the business of providing grade rank lists. His aim of establishing "more than one road to success here" was echoed by other professors.

Students who spoke later in the meeting noted that the faculty hadn't met their major complaints: that grades themselves

were at fault, not merely the reporting of grades.

A Correction

In last week's RECORD story about the events following the sit-in in the Yard, a scuffle outside the Ames courtroom was described. The RECORD has been informed by Mark Stern and others that as printed, that account was incorrect. Since at this time it is impossible for The RECORD to verify exactly what did occur, any disservice to Mark Stern caused by publication of the item is regretted.

The RECORD has received the following communication: "Having been present at the incident described above, we would like to further clarify the confusion . . . Although Mr. Stern did in fact approach Mr. Richard L. Brodsky, and chided him about his performance as moderator, he most certainly did not 'lunge at him' nor in any way physically provoke the attack which followed. Eric Harris and Ken David, 3Ls; Richard E. Brodsky, 1L."

Richard E. Brodsky, 1L, who has red hair and is from Providence, R.I., where he graduated from Brown, has asked that it be noted that he wasn't involved in the incident.

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