

HARVARD LAW RECORD

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TWENTY CENTS

Welfare Protestors Invade Finch Shares Forum Platform



McGee Grigsby

Welfare protestors speak as Secretary of Health, Education and Welfare Robert Finch listens.

By Michael Lurey

HEW Secretary Robert H. Finch came to a Harvard Law School Forum Friday to deliver an academic speech on the urgency of the problems of pollution threatening the United States. While delivering his remarks, Finch was literally engulfed in the also-pressing problems of welfare and hunger.

A group of 50 welfare mothers and friends invaded Sanders Theatre, site of the Forum, and swarmed onto the stage where the Secretary was concluding his prepared statement. En route, the group nearly bowled over a two-man Harvard police contingent who were clearly unable to cope with the situation.

While the overflow audience of 1,000 shouted their disapproval of the invasion, the demonstrators formed ranks behind Finch. Finch quieted the crowd by announcing he would be glad to give the dissidents time to speak once he had finished.

The Welfare group claimed that it had not been consulted by the Nixon Administration in drawing up the Family Assistance Program. They claimed the \$1,600 allowance for a family of four provided for by the program is wholly inadequate. "Finch knows he feeds his dog better than that," claimed Bruce Thomas, apparent leader of the group. "He educates his dog better than that."

The demonstrators passed out copies of their program, in which

3Ls Have High Rate of Attrition

There are 200 fewer students in this year's third year class than in the entering first year class, according to approximate figures compiled by Vice Dean William L. Bruce.

It's not that the flunkout rate has suddenly accelerated: only 10 students left the Law School for failure to maintain satisfactory academic standing last year. Combined impact of the draft and the means employed to escape its effect have reduced the 3L population this fall to 383. Last year, as 2Ls, the class totaled 439; it entered the school in the fall of 1967 540 strong.

The size of this year's second year class has also shrunk to 519

from the 600 enrolled as 1Ls last year. There are 601 students beginning studies as 1Ls this fall. The Law School also has enrolled 133 graduate and special students.

Dean Bruce reports that about 40 to 45 students are returning this fall from military duty or other leaves of absence. The 10 students who left the school for academic reasons included 6 first year students, 3 2Ls, and a single 3L who left at midyear last year.

Aside from reducing the enrollment in some seminars, the smaller size of the third-year class appears to have had little impact on school administration, Dean Bruce said.

(Continued on Page 13)

Firms Asked to Avoid Grades

Text of Letter Sent to Employers

To the Users of the Placement Office:

The Faculty last May passed the following vote:

Employers using the school's placement facilities shall be formally requested not to ask 2L students for information about their 1L grades. Implementation of this recommendation shall be committed to the Committee on Placement.

The purposes of this memorandum are to advise users of our facilities of this action and to give a brief explanation of it.

As most of you know, there was a widespread demand by last year's first-year students for a grading reform. A group of students prepared a lengthy document entitled "The Trouble with Grades," which contained many thoughtful and constructive suggestions. One of the proposals was that evaluation of examinations be on a "Pass-Fail" basis.

The Faculty had long been concerned about the overemphasis on first-year grades both within the school and outside, the consequences of which were likely to be harmful. On the other hand, the communication to the student of objective evaluation of his development in terms of grade categories offers him valuable guidance for his remaining years of study and in planning his career after law school.

The Faculty did not accept the "Pass-Fail" proposal as such, and voted to continue giving and recording grades as in the past. It did, however, decide to give each student his choice among three methods of having his grades in each course reported to him: (1) the present nine-category system ranging from A+ to failure, (2) a straight "Pass-Fail," and (3) a modified "Pass-Fail" with distinguished performance (A+, A, A-) and marginally satisfactory work (D) carved out of the "Pass" group.

Since the great majority of grades fall below A- and above D, this four-category scheme would inform the student only that his performance in a course was neither outstanding nor dangerously low. As a result of this

exercise of individual choices, slightly more than half of the first-year students received their letter-grades as before, with the remainder choosing one of the other two reporting methods.

The school will supply to others only the grade information the student elected to receive himself, and then only with the student's consent. Incidentally, members of the Faculty have no greater access to letter-grades than the student chose for himself.

This option arrangement is tentative and experimental. We consider it of prime importance in evaluating its success that prospective employers not ask for grades in connection with summer employment between the second and third years. It was considered unwise formally to ask students not to reveal their grades to employers. It is our earnest hope, however, that employers will do nothing to encourage such voluntary disclosure or draw any adverse inference against the student who does not volunteer his grades.

In this connection, two additional points should be made. First, the inference that only the students who were academically weak elected "Pass-Fail" is not warranted by the facts. Many of our excellent students sincerely believed in the "Pass-Fail" principle and made their election accordingly. Second, the choice was made before the beginning of the examination period. That choice was made irrevocable until after the reporting of the coming year's midyear grades. The purpose here was to lessen distractions over the wisdom of the option selected and possible gamesmanship over changing it.

It may be well to close on the note that our admission standards continue to rise and that any student who completes his work here satisfactorily has the potential to become a very good lawyer.

We will be glad to discuss these problems in more detail with any user of the Placement Office who is interested.

Very sincerely,
Richard H. Field
Chairman, Committee on Placement

Employers who use the Placement Office have been sent a letter by Professor Richard H. Field, chairman of the Committee on Placement, explaining the grade reporting options given to last year's first year class and requesting the employers not to ask members of that class about their grades.

The letter implements a policy expressed by the faculty last May when they resolved that, "Employers using the school's placement facilities shall be formally requested not to ask 2L students for information about their 1L grades."

Saying that the options system made available to the 1Ls is an experiment, Field writes that, "We consider it of prime importance in evaluating its success that prospective employers not ask for grades in connection with summer employment between the second and third years. It was considered unwise formally to ask students not to reveal their grades to employers. It is our earnest hope, however, that employers will do nothing to encourage such voluntary disclosure or draw any adverse inference against the student who does not volunteer his grades."

Field continues that a student who chooses pass-fail should not

'Pass-Fail Students

Not Deemed Inferior'

be deemed academically inferior to one who had his grades reported by the regular system and that the choice of which system to use was made by the student before exams began.

Professor Field's letter also gives a brief explanation of the choice of reporting options and of the reasons for a grading reform.

Two Radical Groups Sight Different Targets

By Bob Hernandez

Student power was the name of the game for a group of first year students who met last Thursday to discuss the present grading system.

But later in the evening that notion was rejected by many second and third year students in a meeting of the Radical Law Student Association.

About 40 1Ls met in Langdell South Middle through the initiative of Peter Aranella, whose

'Pass-Fail Students

Stigmatized if

Others Select Grades'

concern about the lack of information regarding Law School grading led him to call a meeting of interested classmates. The group selected a five-man steering committee consisting of Aranella, Alan Steier, Joseph G. Block, Andrew Schepard, and Edward Benedict, all 1Ls.

Although the steering committee will initially serve an educational function, by distributing copies of the Keeton Report and compiling a pamphlet to explain current grading options, it hopes to mobilize the first year class behind an obligatory pass-fail system.

The group is apprehensive about the effects of an "optional pass-fail" on the entire philosophy of pass-fail. So long as some students may select not to participate in the system and so long as students may retroactively withdraw from the system, a stigma is imposed on all those who select and retain pass-fail grading, Aranella argues.

1Ls last year had a choice of three systems by which they could be graded. (See the September 18 RECORD for a story on the options and breakdown of choices among students.)

Aranella also expressed some concern about the lack of enthusiasm among second and third year students. "They are apparently tired of playing an active role in this thing, but some have promised to give us tactical help."

These suspicions were confirmed by the organizational meeting of the Radical Law Students. Gerald Billow, 3L and a founder of the group, presented the audience of about 80 people with various programs to keep the Radical "political" while he is in law school. Absent from the presentation were any Law School-oriented, student power themes.

When first year students noted this omission, second and third year response was cynical. In answer to a suggestion that the group seek to educate and mobilize law students against recruitment by certain large firms, one second year man said, "forget about them. If a student hasn't been radicalized by the time he reaches law school, you have to recognize him as the enemy."

Most of the meeting was directed to radical action outside the Law School, as various project chairmen presented first year students with various projects.

Anthony Sager, 2L, stressed the importance of organizing appropriate political study groups for the law student to "keep up with the movement." This, he emphasized, must be coupled with "Research Action Projects," to bring about concrete results from the talk of the study groups.

"Our role is to change peoples' ideas about the courts, to show them how the courts aren't neutral. We have to be the vanguard in de-legitimizing the legal system," he said. He also stressed the importance of investigating the "vulnerable" law firms and making their activities known to the public.

Bernard Nevas, a 2L, spoke about the work of the Committee for Legal Research on the Draft. He invited first year students to a meeting tonight at 7:30 p.m. in the Faculty Office Building's classroom.

On Community Action Projects, Samuel Stonefield, 2L, described the work of radicals who are

'Unless Radicalized

Before Law School,

Student is Enemy'

creating a neighborhood socialism in Somerville and Chelsea to develop "allies for the revolution." He explained the unique benefits of community action from either an honest radical or a "do-gooder" perspective. In Somerville organizers are optimistic about the prospects of establishing a strong rival to ailing OEO projects through the Community Development Corporation.

Stephen Barley, attorney for the Massachusetts Welfare Rights Organization, called on those who were sincere in labelling themselves "radical" and willing to give the bulk of their time to the cause

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New Andrew Carnegie Hits Scene

By Bob Junghans

The shift from campus radical to No. 1 entrepreneur at Harvard Law School isn't really as great a transition as it first may seem. Ask Bob O'Connell.

O'Connell migrated from southern California (UCLA) in the fall of 1968 along with his wife Carole, whose maiden name was also O'Connell and who has an uncle named Bob O'Connell who has . . . never mind. That's another story.

Anyway, as a 1L O'Connell's reputation as a radical quickly coagulated. His heated, rapid-fire rhetoric usually centered around the issue of student rights and student power. "Actually, you would probably say it was more of a student unionism," O'Connell explains. "I wrote some things and got involved with some people. I just wanted to see that the student got what he was looking for and what he had coming."

"I got screwed a couple of times last year by the merchants in Cambridge," he said, using one of his favorite phrases. "I was new here and didn't know quite who I was looking for. They really took advantage of me."

"I didn't like it!"

That is turning out to be an action that the Cambridge merchants are beginning to rue.

In case you don't know who O'Connell is, drop by "the store"

on the first floor of Harkness. That's his base of operation. But it really is only a token of what he has going for him.

While a 1L, O'Connell worked at the Harkness booth for Lowell Schecter '69. This year he agreed to take over its operation. He's currently doing about four times the business — and still expanding. From a place that sold newspapers, candy and cigarettes, O'Connell's operation has ballooned into one that will serve nearly anything law students need. Case and hornbooks, paperbacks, greeting cards, toiletries, school supplies, the morning London or LA Times; you name it, he has it — or will get it.

"I'll buy or sell anything," he says. "The things that are too big to buy, I'll act as a broker for."

Besides what is on the racks at his Harkness store, O'Connell has started such operations as: selling coffee and donuts in the Elihu Root Room of the library; laundry, dry cleaning, clothes repair and tailoring (all operating out of "the store"); a car brokerage business and a furniture exchange. He's currently working on a bar near the law school, limited clothing supply and systems by which students can acquire roommates, a ride (short & long distance), information about hornbooks and outlines and gen-



Dan Chill

African figurines examples of unusual merchandise on sale.

eral directory information on how to contact nearly anyone involved with the Law School.

O'Connell maintains that he can save the average student at least \$100 per year. And he knows that he can MAKE money for some equally ambitious students.

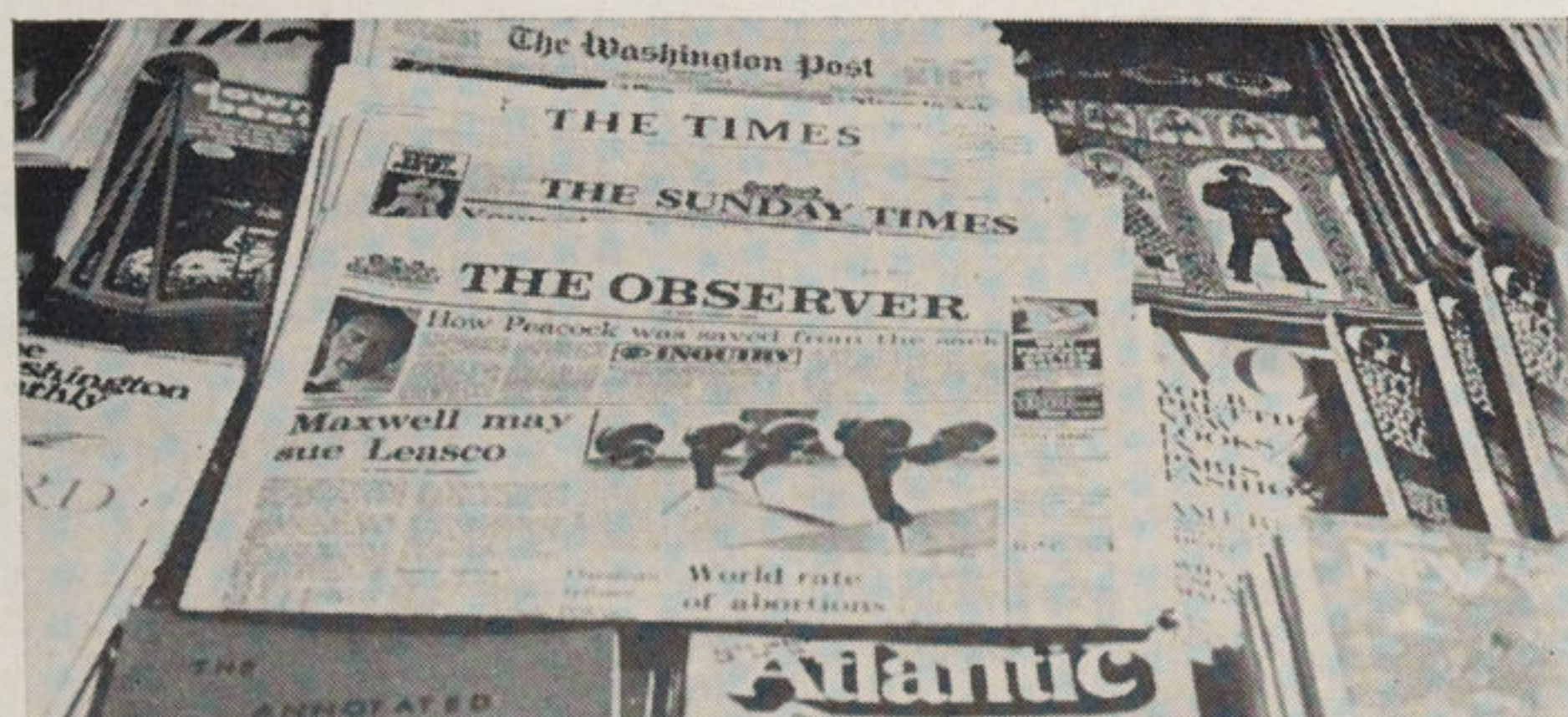
"I work on two theories," he explains. "First, the people of Cambridge have been screwing students and getting rich off them. They have fantastic margins of profit. I've just cut their margins. I'll sell anything for less than anyone else in Cambridge can. If I can't, I won't sell it."

"I have little overhead and I'm not trying to make a huge profit. My prices are lower than anyone else's and they're going to get lower."

The second theory is that students will work harder if they're working for themselves.

"I know when I used to work for somebody, I'd just do what I had to in order to get by," he explains. "When I worked for myself I tried to do it a little better than I thought was possible. I think most people are that way

(Continued on Page 5)



Dan Chill

Available literature has been expanded to include such exotic periodicals as the London Observer.

Student Participation Committee Formed

The formation of a Committee on Governance, to deal with questions of student participation in Law School affairs, has been announced by Dean Derek C. Bok.

Faculty members appointed to the new committee are Professors Abram J. Chayes, Charles M. Haar, and Stanley S. Surrey. Student members will be chosen with the assistance of the Joint Student-Faculty Committee.

Currently, students who participate in the work of faculty committees, such as Admissions, Legal Education, etc., were chosen last spring by lot from those who expressed interest. In addition, students have attended several faculty meetings as observers, also chosen by lot. The new com-

mittee will review these procedures and recommend if there should be any changes.

The Joint Committee is considering the following means of electing students to the new committee:

- Three students will be elected in October by each of the second and third year classes, and three additional students will be elected by the first year class in late November or early December.

- Any 2L or 3L who wishes to serve on the new committee will be asked to submit his name to the Law School receptionist on or before Monday, October 6.

- On Tuesday, October 7, a list of the students who have sub-

mitted their names will be published.

- On Monday, October 13, a primary election will be held in each of the second and third year classes. If there are more than six candidates from a class, the six who receive the most votes will participate in a runoff election to be held on Friday, October 17 (or Monday, October 20). If there are no more than six candidates from a class, no runoff election will be required. In each election, each student will be able to vote for one member of his own class.

Any comments on this voting proposal should be submitted to the Joint Committee before its next meeting on Tuesday, September 30. The comments, preferably in writing, may be submitted to any member of the Committee or to the office of its chairman, Professor David L. Shapiro, in Room 303 of the Faculty Office Building.

Store Takes on New Operations

(Continued from Page 4)

and that's why I'm willing to set up students in any kind of business they think is possible or with ideas that I have."

That, O'Connell hopes, will be the eventual outcome of his "hustling." He seeks to put his numerous operations in the hands of other students so that he can get back to his casebooks (something he has forsaken thus far this academic year) and other businesses he has in mind.

"I hope just to act as supervisor and coordinator after I get this whole thing set up, but right now I'm completely flexible," he says. "If anyone has an idea, or wants a job to run a business, they should look me up. And if anyone knows of anything I don't have, tell me or someone at the store and I'll get it. Right now I'll expand by demand. If there isn't a market, I'll stop selling it, but it's up to the students to tell me what is in demand."

O'Connell credits a major share of his success to the consideration

he has received from two men, Vice Dean William Bruce and Sheldon Cohen who runs "Out of Town News and Reading International" at the Square.

"He's the one who ultimately makes this all possible," said O'Connell of Dean Bruce. "Don't thank me for the expanded operation. Thank Dean Bruce. Few students realize how much he does for them."

Cohen helped Harvard's newest businessman get out of some early tight spots and get set up with various wholesalers.

"What it all boils down to," O'Connell summed up, "is that I'm trying to give the student a break while getting some kind of reasonable return for my time and effort."

There's little doubt that he'll succeed, for his zeal and ambition are infectious.

This writer went to get an interview — and came away with a story and two businesses to run.

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Law Students Form Conservation Group

A new student group called the Harvard Law Conservation Society has been formed in order to learn about conservation and environmental law and to make contributions in that field. The Society is associated with the Sierra Club, a nationwide conservation organization.

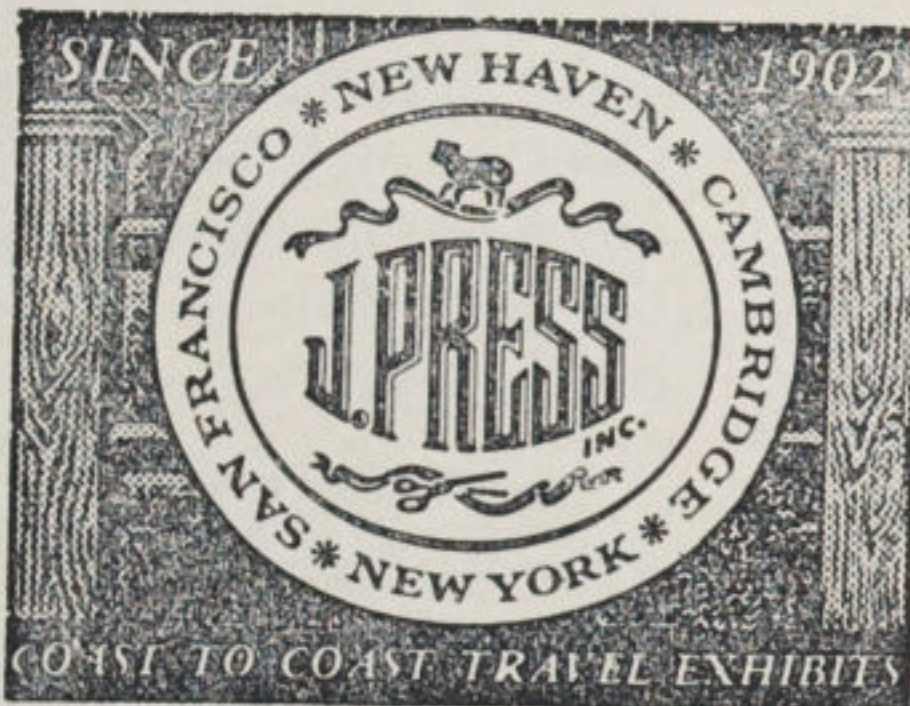
The first meeting of the group will be held on September 29 from

1 p.m. to 2:30 p.m. in the Mallory Smith Room at which Alan Morgan, executive vice president of the Massachusetts Audubon Society, will speak on "Pesticides and Other Environmental Threats."

Plans of the Society for this year include formation of interest groups to perform legal research and drafting on such areas as

pesticide legislation and the Boston Harbor preservation, monthly luncheon meetings to hear conservation leaders, a drive to have a seminar on environmental protection included in the curriculum, and publication of a report on developments of the law in this field.

Coordinator of the group is Tony Rossmann, 2L, and one of the co-founders is Keith Roberts '68, who is now secretary of the New England Sierra Club.



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Law Athletes Seeking Extended Gym Schedule

By Richard Hoffman

If it weren't for Hemenway Gym with its convenient basketball and squash courts, Dean Derek C. Bok is fond of saying, the dean might not have survived the rigors of his three student years at Harvard Law School. Law students, who pay \$40 a year for access to Hemenway facilities, are now seeking to keep the gym open for longer hours and are waiting to learn whether the dean or anyone else here will successfully move the stodgy Harvard athletic bureaucracy to action.

The gym's doors are now open for play between 11 a.m. and 5:30 p.m. weekdays and the building closes at 6 p.m. After the football season ends, the gym opens on Saturdays and the Law School assumes the costs of keeping the building open week nights for Dorm Council intramural basketball league play.

Sought to Extend Hours

Users of the basketball courts sought last year to extend the hours to 9 p.m. But so far, the athletic department has put off any possible changes until next month, according to Guy Blynn, 3L, who headed the Dorm Council's athletic committee last year.

"There is a possibility of opening the building for more evening time but we must look at costs based on this year's labor schedule, and last year's summaries have been here only a few weeks," Blynn was recently advised in a letter from Eric Cutler, assistant director of athletics.

The leisurely approach indicated in Cutler's letter points up the difficulties law students have had in dealing with the athletic department. Hemenway is convenient for law students, but there the positive side of the story ends. Law students must pay \$40 a year for a participation ticket because the school does not include that sum in the tuition and fee total charged students on term bills. Most other Harvard units include athletic privilege costs in the fee total, but few would contend that individual choice is unreasonable here.

Athletic Dept. Cites Costs

The athletic department has previously said that it cannot afford to keep the gym open longer. Even now, with only one court, only 20 can play basketball at any one time. Hemenway serves all graduate students. Facilities for basketball are limited at the university in any event, since the Indoor Athletic Building's court is reserved for varsity team use much of the year.

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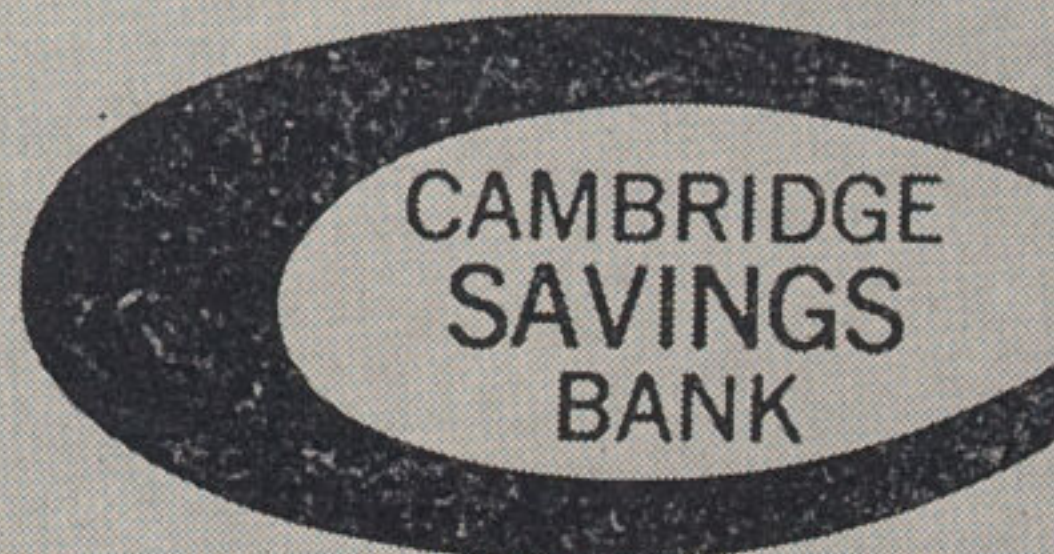
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Student Decision-Making

The Law School has announced the formation of a new committee to study how students can participate in decision-making here. To be called the Committee on Governance, it already has several faculty members, and a proposal for election of students to it has been put forth by the Joint Student-Faculty Committee and is published in this issue of the RECORD on page 5.

We recommend that those interested in how students are selected for this new committee carefully read the proposal and forward suggestions for changes to a member of the Joint Committee or to the office of its chairman, Professor David Shapiro.

But once the issue of how students will be selected for the new committee is settled, the more important discussion should begin. What topics should be discussed? How much power in decision-making at the Law School is rightfully the students'?

At the present, students have no institutional power. They have no vote on regular faculty committees; they have no say in how school policies are administered.

To be sure, students have made themselves heard in recent years and have been given institutional opportunities to be heard. The Joint Committee has been in operation for several years, and last year students were given the opportunity to work closely with several important regular faculty committees. Student representatives were allowed to attend faculty meetings at the end of last year and to make presentations.

But to allow students to talk but not to have the power to decide is merely patronizing. Persuasion is a necessary art to master, but students also have the right to exercise the art of making decisions. The exact amount of votes to be given to students is a complex question to be decided by the new committee, but we believe that the faculty monopoly on the power to decide must come to an end.

In addition, students should also have some say in the routine administrative decisions made at the Law School. Why not have an ombudsman to hear complaints about dormitories, registration procedures, and the like, investigate them, and then present the findings to a committee dealing with such problems?

Student power is a word which brings fear into the hearts of some. But it shouldn't. Ideal power is responsible decision-making, and that's one of the things students are at the Law School to learn.

HARVARD LAW RECORD

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Fenno

"Did you get a chance to go to the Harvard Law Forum, Fenno?" Bunky said over coffee in the Hark after he stopped admiring the new panelling.

"I went, Bunky. But I didn't get much of a chance to see Bob Finch. I think I saw some of those welfare mothers in the Superbowl. You should have seen one submarine the Harvard cop."

"You don't sound very sympathetic towards their goals."

"Well, I say that if they all went and got jobs instead of invading the Forum and interrupting the high-level intellectual discussion, there wouldn't be any need for welfare. Besides, I was just catching up on some sleep when the commotion began. Say—maybe we can hire some of them as Harvard cops."

"Fenno, I heard that almost 200 3Ls didn't come back to the Law School."

"I didn't know that Archie flunked out that many," I said, nervously clutching at my Labor book. "Besides, there are more important issues. Did you hear that they increased the price of Cokes and gave us smaller bottles?"

"That's old politics," Bunky told me. "We have to move fast to save this country. Since I'm in law school, I think I ought to do something about the firms. Next summer, Ralph Nader's going to run a program to train fourth-graders to infiltrate the FCC."

"That's good," I replied, "because I heard that Cravath, Swaine & Moore is planning to interview third-graders this fall to get the beat on the New York firms early."

"They'll have to. With all the time they're giving away to new associates to do poverty work, there's no one left to find tax loopholes anymore."

"Don't be silly, Bunky. No one really believes those law firm letters posted in the placement office. They're just to set our minds at ease when we go off to the barber."

"Well, Fenno, I have to run. My directed reading seminar is meeting for only one time so that the prof. can collect the slips for the duplicated material."

Letters to the Editor of the RECORD

More Support For Course on Firms

To the Editor:

In his letter in the September 18 issue of the RECORD, John Hellegers refers to my belief that man is now an endangered species as one source of support for his plea that the Harvard Law School inaugurate a course that examines the social and economic role being played by large law firms in American society.

I strongly support his recommendation. Law students deserve the opportunity to become self-aware about their principal career prospects and how these prospects help or hinder in the creation of the kind of society that they would like to live in.

It is my suspicion that at this stage of our development as a country, large law firms are not playing a very socially useful role. This is not, by and large, through any fault of their own. It is rather primarily a consequence of the growing contradiction between the maximization of corporate

gain and the general welfare of the society.

We live at a time when the dynamics of corporate operation and growth often menaces our supportive environment. Each year our air and water grows more poisonous. Our wilderness areas diminish. In such a context, the need is to bring the system under greater social control rather than helping corporate managers to "live with" the burdens of public regulation.

Lawyers from Big Firms

It is lawyers from the big firms who are entrusted—with great economic rewards and professional recognition—with such tasks as defending the Union Oil Company against angry citizens contending that the harbor and beaches of Santa Barbara have been ruined by the big blow-out of January 1969. How many big firms would turn down clients such as the Union Oil Company because of their concern with the environment?

On the other hand, big law firms have been notoriously reluctant to handle cases involving contentions that

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Law Notes

It's already started. The new Harkness Commons has been in operation for only a few weeks, and already one student has been moved to action. The disgruntled revolutionary, unhappy because his Mighty Moe was cold despite those new-fangled warming lights, took it down to Manager David Laughlin and dumped it on Laughlin's desk. Those Mighty Moes are good, but they're messy.

* * *

Boston city councilman Thomas Atkins, who graduated from the Law School last year, is a lecturer in political science this year at Wellesley College. He will teach a course in urban politics which will combine lectures with practical field experience.

Atkins was elected to the city council while a law student and had major support in his campaign from Law School faculty and students.

* * *

To make a point in a recent Anti-trust class, one student charged, in effect, that Professor Phillip Areeda violated the Sherman Act by dominating classroom discussion. While there are serious doubts about Professor Areeda being interstate commerce, and the fact situation is really one of first impression, we sincerely hope that the professor will not voluntarily disincorporate.

* * *

The 1969 edition of Federal Government Job Opportunities for Young Attorneys is now available for \$2 from the Law Student Division, American Bar Association, 1155 East 60th St., Chicago, Ill. 60637. More than 2,000 job opportunities are listed in the 140-page publication.

* * *

The Cambridge School Volunteer Project, which places men and women in the Cambridge public schools as aides to teachers, will have an information meeting tonight from 8 p.m. to 10 p.m. at Agassiz House on Mason Street in Cambridge.

Volunteers help in the classroom and library, in the Guidance Center for vocational information, work with retarded children, assemble exhibits for use in the classroom, and perform other functions. For more information, one may call 492-7046. The program is beginning its fourth year and had 150 volunteers last year.



"I think the butler did it in the library with the candlestick. Your move."

Sports Briefs

By Jim Schuyler

The outlook for Crimson sports this year is quite encouraging. The pre-season talk about Harvard football has captured the attention of many of us here. A capsule summary of last season's surprising events on the gridiron should help you understand why Coach John Yovicsin grins when he says, "I'll be very happy if we do as well as we did last year."

The football squad went undefeated in 1968 with an 8-0-1 record. But the excitement came during the unbelievable "miracle minute" against Yale in the final contest of the season. The Crimson produced 16 points in the final 42 seconds to gain a 29-29 tie and a share of the Ivy League crown.

The Ivy co-champions begin their 96th season this Saturday at Harvard Stadium against Holy Cross. This team has the ingredients to

repeat last year's success. A number of returning starters should provide the experience. Captain John Kramer, All-Ivy end last year, leads a defense that is Coach Yovicsin's major concern. The scoring potential is evident with the hero of the Yale game, quarterback Frank Champi, guiding the offense. He will be aided by halfback Ray Hornblower and end Pete Varney, both veterans, and soph halfback Steve Harrison, one of the top freshman backs in Harvard history.

The Holy Cross meeting (as well as next week's BU game at Harvard) will be the team's test of whether they can repeat as Ivy champs. Last year, the Crimson relied upon a strong second-half rally to defeat HC. Trailing 13-0, and then 20-12, the Big "H" scored twice in the fourth period to yield a 27-20 triumph. Kickoff is at 2 P.M.

Other news of more than passing interest. . . . This column hopes to

provide coverage of football intramurals at the Law School in the near future. . . . Rumblings over Hemenway Gym include complaints about the athletic participation fee and the limited hours at the gym (no evenings or weekends). See article on page 7. . . . NY Jet football fans: Broadway Joe and Co. will visit the hapless Patriots at Boston College Stadium on Sunday, October 5. Tickets at \$4.00 (unreserved) and \$7.50 are still available. This contest, originally scheduled as a Jet home game, was moved to Boston because Shea Stadium's other tenant may be involved in some post-season activity at that time. . . . It is still premature to report but Harvard's freshman basketball team should be one of the strongest in the East this year. . . . One final note: Coach John Yovicsin is aiming for his 101st career win and the Crimson's third consecutive victory over the Crusaders of Holy Cross as the season opens this weekend.

Trial Course Offered

There is a special student rate available for a ten-week course in "Trial Tactics, Techniques and Selected Problems of Evidence in Massachusetts Courts" sponsored by Massachusetts Continuing Legal Education, Inc.

The student rate is \$56.50 (which includes a copy of Professor Robert E. Keeton's *Trial Tactics and Methods*) for the course, which will be taught Monday evenings, beginning Sept. 29 and continuing until Dec. 8, from 7 p.m. to 9 p.m. in Ames Courtroom.

Any student, however, who enrolls in this course cannot later take the Law School course in Trial Practice.

Student Enrollment Forms are available from the receptionist in Langdell.

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Radicals . . .

(Continued from Page 3)

to enlist in his organization's efforts to give power to the poor people.

David Rockwell, 2L, urged law students to participate in the formation of a local chapter of the Lawyer's Guild, which he described as a "Communist Front organization of the 1930's which has gotten a lot of new blood with young lawyers lately." He explained the importance of the group in providing defense for Black Panthers under indictment throughout the country.

In a somewhat less revolutionary vein, Beverly Moore, 3L, asked for help in funding and organizing a Public Interest Law Firm, which would represent consumer and community interests against the large corporation or such institutions as the police.

Less-committed members of the audience filtered out of the meeting early, leaving the rest to discuss objectives and tactics informally among themselves as the night wore on.

Hemenway Gym . . .

(Continued from Page 7)

During the winter, the Hemenway squash courts, purportedly the best at Harvard, are reserved much of the time for the undergraduate varsity. Squash alumni footed most of the bill for refurbishing the courts; there thus appears to be little the Law School can do with regard to squash facilities.

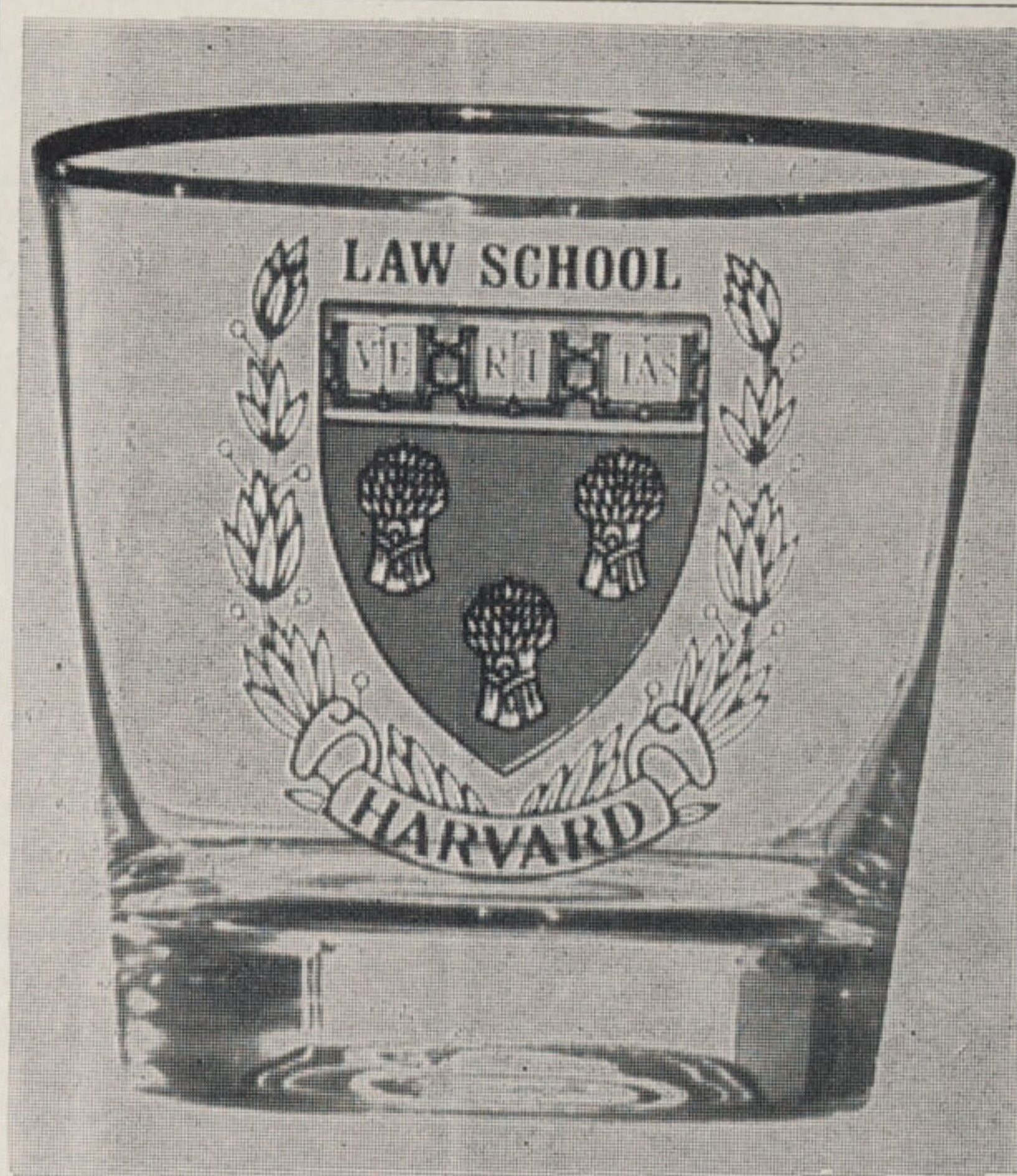
Nevertheless, students have objected to the system which allows faculty and staff members to reserve courts by telephone. "We are looking at the court reservations system with Mr. Barnaby to see if a more equitable situation can be realized," Cutler's letter comments. Jack Barnaby is the Harvard squash coach.

Fixing Weight Room

"We are fixing up the weight room as I had hoped; we possibly will be able to get some more lockers into the building," Cutler's letter continues. At present the locker situation is tight.

Law students who use Hemenway daily, especially basketball enthusiasts, have grown increasingly skeptical of the athletic department's slow reaction to complaints. The basketball players have told the department that even a shift in hours, to a 1 p.m. to 8 p.m. schedule, would help matters, but Cutler has said that costs must first be projected.

Last year there were murmurings of revolt among the hoopsters. The players have not yet ruled out the possibility of a "dribble-in" to dramatize the situation.



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Lectures Stress Justice Jackson's Independence

Mr. Justice Jackson: Four Lectures in His Honor by Charles S. Desmond, Paul A. Freund, Potter Stewart, and Lord Shawcross; Columbia University Press; \$5.00; 136 pages.

By Lawrence Gartner

It would be a cliché, and an erroneous one at that, to say that the late Mr. Justice Jackson was just like you or me. But law students rarely get a chance to know of a Supreme Court justice other than through his opinions or possibly brief anecdotes mentioned in class.

These four lectures, sponsored by the Association of the Bar of the City of New York and the William Nelson Cromwell Foundation, give us not only analysis of Justice Jackson's legal philosophy, but more importantly give us a brief, but often delightful, picture of the justice as a person.

After twenty years as a country lawyer in upstate New York, Jackson went to Washington in 1934 as a New Dealer and began one of the fastest rises in government. He started as General Counsel to the Bureau of Internal Revenue, became Assistant Attorney General in charge of the Tax Division, then became Chief of the Antitrust Division, was appointed Solicitor General, then became Attorney General, and finally, after only seven years, was appointed an Associate Justice of the Supreme Court in 1941. All this, and he was not even a law school graduate, having gone to Albany Law School for only one year.

Independence of Character

What impressed me most about Justice Jackson was his independence of character. Time and time again throughout these lectures, incidents illustrating his independent mind are cited. In his introduction to the lecture on "The Role of the Country Lawyer," John Lord O'Brian mentions how, "The key to his whole career might be found in a single illustration of his independence." O'Brian then tells us how in Jamestown, during World War I, a group of workers struck and were indicted for criminal syndicalism. Jackson, not even admitted to the bar, volunteered his services to their defense when no member of the bar would. He secured

their acquittal, but for some time thereafter, the community was outraged at him and branded him a syndicalist and communist.

As Mr. O'Brian says, "That first act based on his conscientious conviction, was typical of his entire career."

O'Brian relates another incident, when rumors were going around Washington that the then Solicitor General Jackson would be appointed the new Attorney General. Jackson wrote a letter to President Roosevelt, saying he appreciated the compliment implied in the rumor but that he was not in sympathy with the policies of his predecessor.

Mr. O'Brian writes that Jackson "thought he ought not to be appointed Attorney General because he wished to say right now that if he were appointed he would not pursue any of those policies. President Roosevelt never answered that letter, but to his credit, a week later he appointed Jackson Attorney General of the United States."

Early Life

Former Chief Judge Charles S. Desmond of the New York Court of Appeals tells us about Jackson's early life as a country lawyer. Right at the beginning of his lecture he quotes the Justice on a definition of a country lawyer, and his quotation, too long to be repeated here, could be considered a guideline to lawyers everywhere, no matter what kind of practice they have.

During his tenure on the Supreme Court, Jackson wrote many memorable decisions, some of which are analyzed in lectures by Professor Paul Freund and Mr. Justice Potter Stewart.

Freund deals with the topic of "Jackson and Individual Rights."

Again, one of the major themes is Jackson's sense of the individual and his independence in society. An example is the following quotation from *American Communications Assn. v. Douds*:

"Progress generally begins in skepticism about accepted truths. The danger that citizens will think wrongly is serious, but less dangerous than atrophy from not thinking at all. Thought control is a copyright of totalitarianism, and we have no claim to it. It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."

Federal-State Relationships

But Justice Jackson was not a believer that the federal government was always the primary law-making body. As Mr. Justice Stewart writes in "Jackson on Federal-State Relationships," Jackson saw a significant role for the states under the federal system, especially to experiment. Not that he was unwilling to give the federal government its full power when it was

(Continued on Page 14)

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Finch Shares Platform With Welfare Protestors

(Continued from Page 1)

they cite the Department of Labor as finding "a minimum income for a family of four is \$5,500." "The Department of Agriculture says it takes \$1,600 just to feed a family of four."

Another provision of the Nixon program challenged by the welfare group was the forced work



McGee Grigsby

and work incentive plan, which provides that a husbandless mother on welfare must go out to work when her youngest child reaches age five. Two welfare mothers speaking for the group announced that when their youngest children approach age five, they would have more children, to circumvent the plan.

In response to the charges, Finch noted first that it was inaccurate to say that he has not been willing to discuss the Nixon proposals with welfare recipients. Finch said he has met with leaders of welfare organizations almost weekly since coming to Washington. Finch recognized the group as members of the National Welfare Rights Organization and said he spent three hours this past week speaking with Dr. George Wiley, director of that organization. (Dr. Wiley spoke at the Law School last March 20 at the invitation of the Harvard Black Law Students Association.)

Turning to the major contention, Finch conceded that \$1,600 is not a living income. However, he said, the whole concept of Family Assistance is to establish a minimum level of income, a base to which States may add.

The program was intended to eliminate complex overlapping programs of the past "with enormous administrative cost, not reaching the target areas. We recommend a substitute and recognize that the ultimate bet on human dignity was to put *hard cash* in the hands of those who could not always help themselves so they could compete in the market place for what they thought was important."

Finch laid the blame for the present crisis in welfare upon Congress. The Administration can only propose legislation he stated. It is for Congress to write the check, and in this case, Congress has "failed to respond."

Finch argued that the primary responsibility for welfare rests with state and local government, and it should not be the job of the federal government to take over all welfare. Even if it wanted to, "we simply do not have, in the present posture of things, the resources for the federal government to take over all of welfare and yet do what it must do in the health and education fields."

In his prepared remarks, Finch addressed himself to the problems facing our society of pollution, waste disposal and over-population.

"In its most stark formulation," said Finch, "the question is how much abuse, how much mindless, almost contemptuous injury can this human environment bear and still support the quality of life which we . . . expect to enjoy as a matter of course." It is a question of whether any life at

all will continue to exist. And the inquiry is not to be made "in some abstract time period," Finch warned, "but in the span of years available to most of us here."

While Finch did not offer any concrete answers, he said his speech was not an "exercise in alarmism." He said the destructive trends toward pollution and



McGee Grigsby

over-population, and toward mankind's drowning in its own waste are not irreversible. Finch called for "a strategy of survival" to reverse them. What is needed is: (1) an awareness of the problems and of their urgency and (2) involvement in seeking solutions.

According to Finch, it is also a question of the "capacity of our institutions to respond in a timely way to the compelling challenges for renewal, for change." He praised the present generation of youth for responding to the challenges, for working to bring about relevant change in our institutions, and for "consciously having chosen to be part of the solution and not just part of the problem." But he called on the

(Continued on Page 14)

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Letters to the Editor of the RECORD

(Continued from Page 9)

the war in Vietnam is unconstitutional and illegal. Is this disparity *only* a consequence of economic calculations? Or is there a wider alliance between the legal profession and the corporate structure? It seems plausible that partners in large law firms are also stockholders in large corporations.

I believe that the entire curriculum of the Law School should be reconsidered in light of the objective situation in which mankind now finds itself. Soon we will be compelled by environmental breakdowns to realize that a human emergency of global proportions exists. The combined effects of the danger of nuclear war, population pressure, resource shortage, and environmental decay almost guarantees a deteriorating future unless drastic corrective action is quickly taken.

What can law and lawyers do to convert this gloomy outlook into something more positive? I think that law schools and other academic departments in universities should begin to direct their efforts in such a way as to provide students with a response to this kind of question. Mr. Hellegers has proposed a beginning for this sort of inquiry, but only a beginning.

How Law Fits

We who are devoted to the craft and profession of law must begin to find out how law fits into the world that is evolving out of the excesses of our technological society. Surely, law, lawyers, and law schools will be bypassed in the great tasks of social reconstruction that need to lie ahead unless a fundamental reappraisal of legal education and the legal profession takes place at once.

Such a letter omits, by necessity of brevity, the reasoning and evidence that underlie its conclusions. My fuller views are in the process of being crystallized while I write a book to be called *This Endangered Planet*.

Richard A. Falk
Milbank Professor of
International Law
Princeton University

Environmental Crises Must be Understood

To the Editor:

I have been requested to add my voice to a discussion of the Harvard Law School's role in contemporary affairs. In an increasingly overpopulated and polluted world, it would indeed be a shame if the Harvard Law

School should fail to maintain its leadership in the next few critical years. The population and environmental crises are matters that must be understood and dealt with in virtually every field of endeavor.

It would be completely appropriate, I feel, for a law school to examine the causes and development of these twin problems as they affect the United States and our foreign affairs; and what is perhaps even more important, how the legal system might be utilized to solve them.

Paul R. Ehrlich
Professor of Biology

Finch . . .

(Continued from Page 13)

audience as future lawyers and present activists to do more, to work for housing codes, for tax proposals and incentive programs to bring about the needed change.

In the question-and-answer period following, Finch was pressed concerning his withdrawal of the nomination of Dr. John Knowles for an under-secretaryship in HEW. Was his withdrawal of Knowles part of a deal in which President Nixon dropped the appointment for Southern support of the ABM? the questioner asked. Finch asserted there had been no tradeoff, that he had simply mishandled the appointment. Knowles' name was withdrawn because support had been lost and further hassling would have been futile.

On education, Finch claimed the Nixon Administration had made more progress in the last six months than had been made in 15 years since the Supreme Court decision in *Brown*. States which had been intransigent before, he said, are now submitting voluntary plans for desegregation.

In response to another question, Finch agreed with Vice-President Agnew's anti-bussing stand. While bussing is a viable means for desegregation, it is not realistic to demand students travel two and one half hours by bus to and from school.

Bull and Bear

The Bull and Bear Club is sponsoring a six-hour course in stock market analysis and investment techniques to be given by representatives of Bache and Company. The course will be held from 7:30 p.m. to 9 p.m. on September 30, October 7, 14, and 21.

There is no charge for the course, but it is open only to current members of Bull and Bear. Information on membership in the club and on the course will be available Tuesday, September 30, at 7:30 p.m. in the classroom in the Faculty Office Building.

Book Review

(Continued from Page 12)

its due; he believed the commerce clause, for example, should be read to its fullest extent to give a true unification to the nation's laws in that field.

The final lecture concerns Jackson's tenure as prosecutor for the United States during the Nuremberg Trials. He played a particularly strong role in developing the form of the trials, and, as Lord Shawcross writes, "I am still optimistic enough to think that in the pages of history, Justice Jackson will best be remembered for the leading part he played in promoting the growth of international law through the process at Nuremberg."

I certainly recommend this volume of lectures as a means to gain a better insight into one of the more interesting men to put on the judicial robes of a Supreme Court justice.

Many questions raised the issue of U.S. foreign policy. Finch jokingly confessed that HEW had not yet formed its own foreign policy, but he went on to state his own view that the "whole role of the United States as cop of the globe must be reassessed."

On other topics, Finch asserted that "convention platforms are almost a political anachronism," and he felt the federal government had no business going onto college campuses to end student disorders. Finch said the result of federal intervention would be an unwarranted "national student code of conduct."

Community Legal Assistance Office Appoints Staff

By Joseph Rafalowicz

The Community Legal Assistance Office (CLAO) begins its third year of operation with a new director, a new chief attorney, several new staff attorneys, and a whole new group of student staff assistants selected last spring under a newly devised two-track section system.

The new director, A. Van C. Lanckton, '66, has been with CLAO since it first opened its neighborhood office in Cambridge in October, 1966. During the past year, he was Chief Attorney of Operations and before that was a staff attorney. His special interest is public welfare law, and he has taken charge of considerable litigation in that area.

Lanckton, concerned with how valuable CLAO work is in educating Harvard lawyers for future legal needs, plans to make any necessary improvements in order to make CLAO participation a significant educational experience outside of the regular Law School curriculum.

The new Chief Attorney, Paul Newman, who received his law degree from Columbia in 1966, is also beginning his third year with CLAO, where he was once a Reginald Heber Smith Fellow. His special interest is housing, and he has assisted in forming public tenant housing councils and a parent Cambridge Tenant Council, for whom CLAO is legal counsel. He has also worked on putting together Housing and Urban Development (HUD) Modernization programs for Cambridge public housing projects in order to upgrade the quality of life there.

Beginning his second year as a staff attorney for CLAO is another former Smith Fellow, John C. Cratsley, J.D. 1966 from the University of Chicago and an LL.M. 1968 from Georgetown. Cratsley was a Prettyman Fellow at Georgetown, where he specialized in criminal trial advocacy. He occasionally acts as supervising attorney for Harvard Voluntary Defenders. In addition, Cratsley has worked with students in drafting the Cambridge Housing Convention rent control ordinance which was recently defeated by a close 5 to 4 vote.

New staff attorney Mrs. Louise Gans, who received her law degree from New York University, joined CLAO this month. Previously, she was in private practice in New York City and was with the Legal Aid Society of New York and Williamsburg (Brooklyn) Neighborhood Legal Services. She has had considerable experience in the areas of welfare, unemployment insurance and other public benefit programs, landlord-tenant law, and domestic relations problems, including child neglect.

Other new staff attorneys joining CLAO this fall include Wallace W. Sherwood, a Smith Fellow who

will also be pursuing his LL.M. at Harvard, and Mark E. Budnitz, '69, also a Smith Fellow, who has been a student staff assistant at CLAO for the past two years. Sherwood's special field of interest is economic development in the black community while Budnitz plans to concentrate on consumer protection.

Starting his second year as a VISTA Volunteer with CLAO is Thomas D. Stiener, A.B. 1967 from Dartmouth and Harvard Law School class of 1970. He works with community groups in Cambridge, especially public housing tenant councils, the Cambridge Housing Convention, and the Area Four Service Center.

Community worker Richard T. Andrews, B.A. 1968 from Swarthmore and University of Pennsylvania Law School class of 1971, joined CLAO this summer to spend his two years of alternative service working with the black community in Cambridge and helping CLAO become more useful to it.

Ninety-three out of 202 students who applied were accepted as CLAO staff assistants under a new selection process inaugurated last spring. All students interested were asked to submit a five page written application and be interviewed by a three-man committee who, among other things, confronted the candidates with hypothetical situations which they were likely to encounter in CLAO. Thirty-two applicants were automatically accepted on the basis of their interviews while another 60 were chosen by a random drawing of the remaining students who were not automatically rejected during the interviews.

However, only 60 of the 93 applicants accepted by this process returned for orientation this fall. An attempt to fill approximately 30 vacancies will begin this week by selecting from among those who applied last spring and from interested returnees.

The new CLAO assistants were given an intensive training session during a five day orientation

Only 60 of 93 applicants accepted return for orientation.

period beginning September 5. It consisted of lectures and discussions on such topics as the special problems of the Cambridge community, office procedures, interviewing techniques, family law, landlord-tenant law, consumer law including bankruptcy, and professional responsibility. In addition, students were given detailed procedural manuals to study in order to guide them very closely through routine matters.

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