

HARVARD LAW RECORD

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TWENTY CENTS

Lack of Money Factor

Report Dissects Financial Aid Picture

By Lawrence Gartner

From reading the tentative report of two committees on financial aid the major problem is apparent: there just isn't enough money.

The 63 page "Tentative Report of the Committee on Financial Aid and the Subcommittee on Financial Aid of the Joint Student-Faculty Committee" which was issued this month after almost two years of study is an extensive documentation of the history, current administration, and problems of the Law School's financial aid programs with tentative suggestions for improvements.

But time and time again, the committees are hampered in recommending what should be done by the lack of funds and must

instead settle for what can be done.

This problem arose also in the sparsely attended open meeting held last Thursday in the Ames Courtroom to discuss the report and receive suggestions from students on it and financial aid in general.

One student pointed out, for example, that students who borrowed money from banks under federal and state guaranteed loan programs paid higher interest rates than those who received loans from the Law School.

(Before loaning a student money from Law School funds, the Law School requires him to attempt to borrow first from a private source under a federal or state program.)

The problem is that the Law

School does not have enough money to loan to everyone and relies heavily on students receiving private loans. Professor Andrew Kaufman, chairman of the faculty's Committee on Financial Aid, said the School realized that there was an inequity in interest rates but "if it shifted everyone out of the state and federal loan programs and into the law school loan program the picture would be dismal."

The report, however, does tentatively propose that students with high debts or planning to go into low income, public service work after graduation be given the preference for Law School loans, but Professor Kaufman says that the School will have to go slowly in this to see what the effect will be.

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Yale Bubbles Up to Harvard's Hark



Don Kaplan

Man from Mars? No — Bubble from Yale!

By Richard Hughes

A contingent of Yale Law School students brought the spirit of the revolution to Harvard in a huge plastic bubble this past weekend.

The Elis, whose number at times was as high as 40, arrived at Harkness Commons early Friday afternoon and erected the "bubble" — actually an inflated square plastic tent about 50 feet on a side — in the courtyard near the Commons. Throughout the evening the bubble was the scene of

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Yale's Bickel Challenges Warren Court

By Jerry Snow

The relevance and permanence of the most important decisions of the Warren Court came under challenge by Professor Alexander M. Bickel of Yale, in the annual Holmes lectures, held last October 6, 7, and 8 in the Ames Courtroom.

Successfully holding his audience through three successive evenings, Professor Bickel undertook to place the Warren Court in the context of its legal heritage, its aspirations, and his own rather controversial assessment of its achievements. Progress, he stated, was the theme of the Court, progress as conceived in the broadest vision of an Egalitarian Society — a vision which transcended when necessary what it considered to be lesser priorities of "method, logic, or even intellectual coherence." This was the goal the Justices of the Court "steered by," said Professor Bickel, "as Marshall did by his vision of a nation, in the belief that progress, called history, would validate their course."

The underlying tension in this vision is the contest between judicial supremacy and political democracy — in its most basic terms, the contest between faith and reason. Whereas at the turn of the century, the philosophy of the Court was imbued with almost religious faith in the Constitution and in the inherent nature of social progress, the Progressive realists of the post-World War I era displaced the old Constitutional faith with their assertion of the primacy of reason and the inherent ability of — and hence obligation upon — man to forge his own progress. "To the extent that progress is man-made, however," Professor Bickel pointed out, "the discovery of its true direction is crucial." In the end, such a discovery is just as much an act of faith as any that went before. And inasmuch as judges find themselves

the interpreters of that faith, its executors and statesmen — "like other statesmen, judges must generate norms" — they become, in effect, formulators of social policy and thus come in conflict with the democratic notions of their society.

The Justices of the Thirties — Frankfurter, Brandeis, Holmes — were not unaware of the tension or the dangers inherent in the idea of judicial supremacy. Policy made by judges, even though made in all self-awareness, was in any case undemocratic and often quite rigid besides. But in the transitional era of the Thirties, the Court was not faced with the affirmative obligation of formulating progressive social policy; it had, for the most part, only to acquiesce as the hitherto inviolable beliefs in the sanctity of property and freedom of enterprise fell before the sweep of the progressive legislation of the time. As a result, judicial supremacy was not often, nor broadly invoked; judgment was confined to a "small compass," to the "interstitial," to non-absolutist stances. Thus were so-called legal realists of that era able to proclaim the "science of law," to reject faith and embrace rationalism. But when the invitation to make and implement its *own* definition of progress was thrust upon the Court, the old problem of faith was revived. And there was simply no way around the truth, as Justice Frankfurter so clearly perceived, that "judicial judgment could never be more than statesmanship superimposed on the democratic political process" — its final vindication to rest perforce with future events.

Displayed Willingness

The Warren Court displayed a willingness to accept the invitation. The majority of the Court was possessed of a bold vision of the future and was disposed to undertake the task of shaping it, despite the pitfalls of judicial policy-making. Confident in the justice, or the aptness, of the chosen goal, the Court often saw no need "to submit to the discipline of the analytically tenable distinction" in arriving at its decisions. There was thus a failure of process, exhibited in instances of willful simplification of history, intellectual incoherence, *ad hoc* subjectivity, and arbitrariness. "Not quite sure of the true direction of progress," said Professor Bickel, "but unwilling to pay the price of its uncertainty," the Court floundered its way to many a decision.

The Supreme Court is not an institution of the political market place, not subject to the buffetings, nor tempered by the restraining influences of that environment. The justification for such political and judicial autonomy, remarked Professor Bickel, can only lie in the Court's pursuit of reason and

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Dan Chill

Students March, Canvass, Listen Moratorium Came to HLS

By Bob Hernandez

Law School students and faculty cast aside the traditional study of law last October 15, Vietnam Moratorium Day, in favor of protesting the War in Vietnam by marching to a massive rally on the Boston Common, canvassing Cambridge and surrounding communities to gain anti-war support, and listening to speeches in the Ames Courtroom.

Moratorium Committee Chairman Joseph Gebhardt, 2L, announced 594 students provided the manpower for canvassing nearby communities. He said the participation was significantly larger than that of other schools in the Boston area. In three shifts beginning as early as 6 a.m., the canvassers distributed leaflets to workers, commuters, shoppers, housewives, and other students in an effort to convince people to call for an end to the War.

Provided Manpower

Harvard Law students provided the manpower for all the canvassing in seven communities — East Boston, Revere, Chelsea, Winthrop, Everett, Charlestown, and Norwood — and for a major role in Roxbury, Dorchester, Somerville, Belmont, Cambridge, and others.

Most professors cancelled classes, and not many attended those classes which were still held. Second and third year attendance was generally higher than first year; but as few as eleven students attended some first and third year classes.

The Law School took no official stand on cancelling classes for the Moratorium, and the decision on whether to hold class was left to each faculty member.

"It was much more successful than the original sponsors had thought it would be," Gebhardt said. "I'm really happy with the way it turned out."

Most students limited their participation to the class boycott or to the Harvard Law Forum's



Mike Lurey

Students listen to Harvard Prof. George Wald at Cambridge Common Moratorium Rally.

"Mini-forum" on the War. Some students joined the march from Cambridge Common to Boston Common to hear Senator George McGovern and others speak; but one student charged that the march turned out to be largely composed of "a mob of middle-aged malcontents."

Refused to Participate

Many of the more radical students refused to participate in activities sponsored by the Moratorium Committee and designed their own "work-action projects" directed mainly at high school students.

The Political Study Committee of the Harvard Radical Law Students' Group distributed to boycotting students a six-page leaflet, which claimed the efforts of the Moratorium were an "inadequate" tactic for bringing the war to an end.

The leaflet called on all participants in the Moratorium to partake in meaningful action to end the war by supporting the November Action Coalition in the first week of November.

"The war in Vietnam will be stopped only by a movement that can confront and defeat the institutions that carry on the war . . .

Only a movement organized to struggle against the roots of U.S. power and policy can force the U.S. to withdraw from Vietnam and make the cost of similar adventures too high for the existing system to bear," the leaflet said.

Increased Participation

Plans for a two day Moratorium in November call for increased participation by the Law School in Boston activities as a result of the October 15 success. A central theme of activities for November will be "Bring the Congressman Home." Moratorium leaders hope to influence all Members of Congress from this area to return and address businessmen, unions, and other groups in order to explain their position on the War.

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Law Firm for John Q. Public

By Oliver Henry

The idea of a law firm with just the general public as its "client" came a little closer to reality as a group of law students met to discuss the possibilities of establishing such a "Public Interest Law Firm" and the problems associated with it.

Discussed at the Law School since last Spring, the idea received additional momentum from the recent appearances of crusader Ralph Nader '58 and civil rights lawyers Leonard Boudin and William Kunstler.

At the present time, no final plans have been made as to the organization, control, and financing of the proposed public interest firm. But the student group spearheading the drive for the project has focused on problems which must be resolved prior to the establishment of the firm, hopefully — next Fall.

One suggested organizational format would feature a corps of permanent experienced lawyers as the nucleus of the proposed firm. These staff attorneys would be supplemented by attorneys, on "sabbatical" from other positions, who had some interest in the objectives of the firm. Student investigators would comprise the third component of this organizational plan.

Policy control of the proposed firm represents a problem closely connected with that of organization. A fundamental question is whether the firm should be controlled by the permanent staff or by financiers and contributors. One student challenged the view that control of the proposed firm should rest with contributors. "Why not try to make the

firm self supporting. When people give you money, they try to pull strings on you."

Adequate financing represents the problem of most immediate concern to the advocates of public interest firms. Various funding proposals have been suggested, including requests for support from foundations, corporations, wealthy individuals, labor unions, and private firms. One suggestion is that interested lawyers support the proposed public interest firm by contributing a small percentage of their income. "If 100 graduates of the Law School committed themselves to a \$200 contribution for five years, \$100,000 would be raised," one student said.

Any initial funding arrangements will most likely be tentative. The proponents of the public service firm realize that the stability and continuity of the firm rests upon its acquisition of a substantial endowment.

Another basic question is the goal of the public service firm. Should it be concerned primarily with one specific area, for example the administrative process of regulatory agencies such as the Federal Trade Commission, Federal Communications Commission, or the Interstate Commerce Commission. Or should the firm concentrate on the local problems of water and air pollution, community control of the police, and land use? Or, maybe, some combination of both?

Solutions to the problems confronting the public service firm are still in the process of formulation. The "Ad Hoc Committee for a Public Interest Law Firm" invites all Law School students to submit ideas, in writing, to the *Journal on Legislation* in Langdell Hall.

Forum Trio Advocates Vietnam War End

by Bob Hernandez

"How will this war ever end?"

Everyone is probably asking that question now, so the Forum used Moratorium Day to try to find some answers, as the Ames Court Room was packed for the year's first "Mini-forum." Professor Lawrence Tribe moderated for the all-star cast of John Kenneth Galbraith, Alan M. Dershowitz, and Gerald A. Berlin, Chairman of the Massachusetts Civil Liberties Union.

Tribe made it evident that the question is harder to answer than might first appear, as he suggested that Vietnam is only a

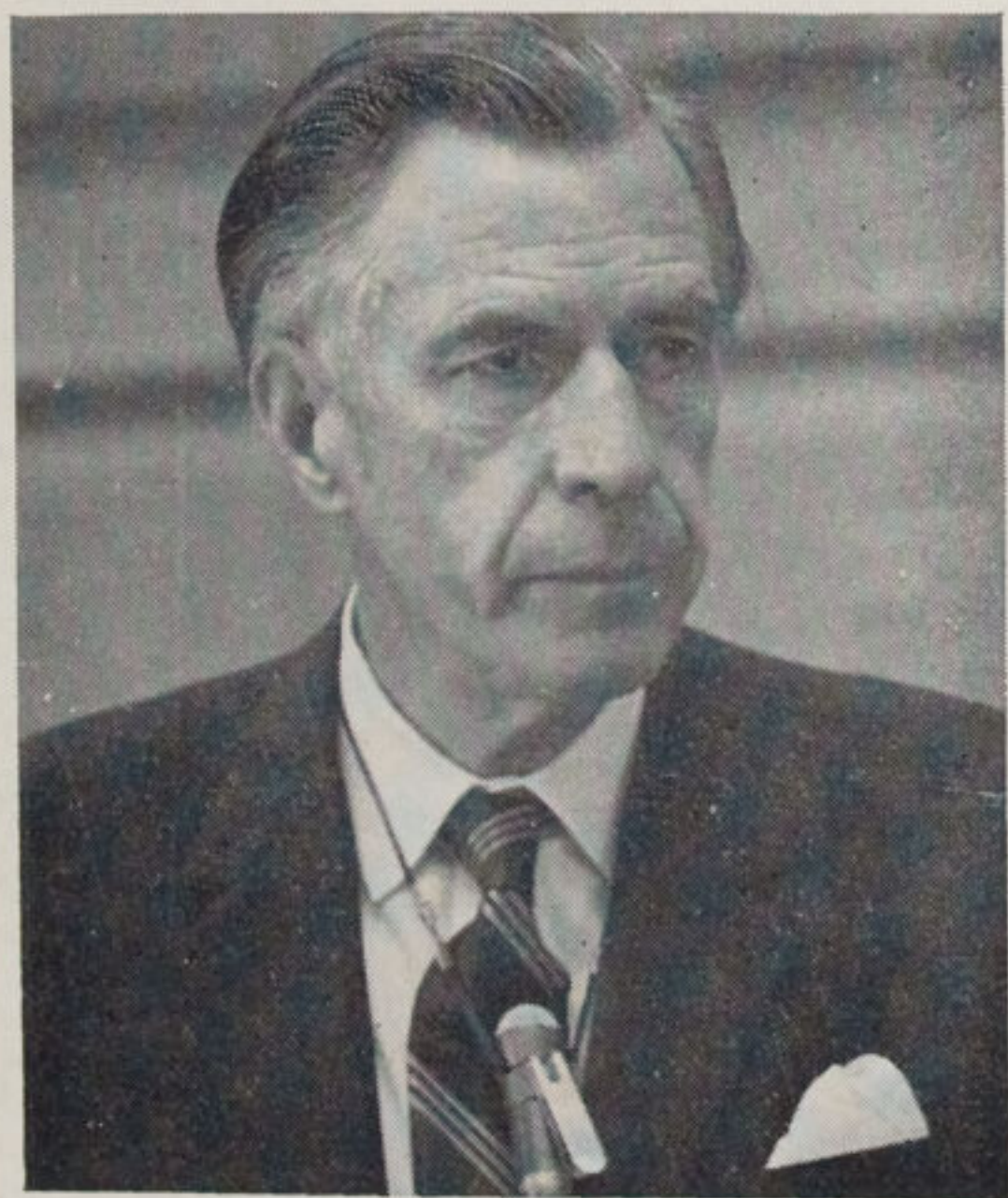
small part of a broader conflict.

"It is a war in Laos and over the ABM," he said. "It is a war which transfers the domestic economy from one of life to one of death. It is a war which the military wages against all of us."

He suggested that the Vietnam phase must be brought to an end today. "We don't want to end it because we can't win it, but we can't. We don't want to end it because it distorts our domestic system, but it does. We want to end it because it is wrong."

Galbraith saw the Vietnam war as a "contest between the public

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McGee Grigsby

John Kenneth Galbraith

Report Discusses Financial Aid Picture

(Continued from Page 1)

In any case, the difference between interest paid on the two different types of loans is lessened by the fact that the student pays interest on the Law School loan while in school and does not on the private loan.

Another example of where the report had to settle for what could be done rather than what should be done is in discussing ways to help high debt students who want to go into low income, public service jobs.

It quotes from the 1964 report of the Faculty Committee on Planning and Development which studied the financial aid program as part of a study of the long range needs of the Law School. "The Committee on Planning and Development recommended that the 'debt ceiling beyond which all additional assistance is awarded as grants be maintained at as low a level as funds permit' to avoid the career distortion that might result from too heavy a debt load. This policy has only been followed to the limited extent that grant money is currently available to support it," the report said.

The most ideal way to help high debt students go into low income but socially useful jobs would be to grant them full scholarships or cancel their loans. But the Law School does not have enough money to do this.

The report, however, recommends that the current 50/50 grant/loan which is given to most financial aid students be somewhat readjusted so that students who receive aid of up to \$500 be given all loan money, freeing extra grant money for those who have the greatest needs and the highest debts. The report further recommends that the Law School make clear that it is willing to extend the date for repayment longer in such cases.

"Obviously," the report states, "this is not as good a program as a grant originally or as forgiveness of the loan. At the moment, we do not have the funds for that desirable solution to the problem, although the School is attempting to find them. But extension is a way of helping to make it possible for some such students to undertake the kind of useful career they envisage for themselves."

According to Vice Dean Walter Leonard, the Law School is trying to get foundation money for a loan-forgiveness program, which would cancel a certain percentage of loans for so many years in low-paying public service work.

But even if the Law School does not have the money to provide as much financial aid as it wants, it must be remembered, as Professor Kaufman said, that "the interesting thing about the Law School financial aid program is

how big it is and how much it has grown in a short time."

In 1947-48, \$30,600 in grant funds were awarded to 117 LL.B. candidates in a student body of 2131. By 1967-68, \$610,882 in grant funds were awarded to 608 LL.B. candidates in a student body of 1591. Thus, in twenty years the percentage of students assisted with grant funds rose from 5.5% to 38% of the student body.

In those years, the major source of support for the financial aid program had been gifts from outside sources, mostly alumni. In 1947-48, alumni gave \$1150 for scholarship use while in 1967-68, alumni gave \$138,666.

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The Coop Asks You to Vote

On about October 10 I am sending every Coop member a copy of the proposed revisions to the by-laws, a supplement explaining the revisions, and a ballot. The editorial in the September 27 edition of the *Harvard Crimson*, reprinted below, sums up the situation exactly. I urge every Coop member to cast a ballot.

MILTON P. BROWN President, Harvard Cooperative Society
Professor of Retailing
Harvard Business School

PAGE TWO

The Harvard Crimson

The University Daily, Founded 1873

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James M. Fallows '70, President

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SATURDAY, SEPTEMBER 27, 1969

Brass Tacks

Coop Reform

LAST YEAR'S nearly successful coup at the Coop is beginning to yield results. Next month Coop members will have the chance to approve some long-overdue revisions in the Coop's by-laws. If at least 25 per cent of the members bother to return their ballots, the structure of the Coop can become more representative of the membership and open to future improvements.

The main changes proposed by a committee of the board of directors and already approved by the ten stockholders encompass:

- Democratizing the stockholders and board of directors to give students half the seats on each.
- Replacing the annual meeting with an election by mail.
- Allowing any member to run for the board if he can get a petition with 100 member signatures.

The amendments also implement a proportional voting system in which students will vote for student candidates and non-students (alumni, officers, employees) vote for non-students. Voting by mail with proportional representation will safeguard the Coop from a sudden takeover by a small number of members, while offering a way for minorities to have representatives on the board.

If no one petitions to be a candidate or if at least five per cent of the members don't vote, then, as

before, all bets are off and the stockholders' nominations automatically take office. Even if nobody cares enough to run for an office this year, the structure will at least be there for the future.

The amendments offered by the Coop shift virtually all decision-making power from the stockholders, who are self-appointed, to the directors, who would more than ever represent the membership. The directors instead of the "trustee" stockholders would set the rebate rate, for example. While continuing to hold the 500 shares of Coop stock in trust, the stockholders will become no more than a nominating board for the directors.

If the Coop is ever going to change, now is its chance. To approve any amendment affecting the relationship between management and membership at least 25 per cent of the members must vote. Last fall about a thousand members expressed interest in changing the Coop; this fall at least fifteen thousand have to react. The management plans to publicize the changes widely and to allow voting by mail. Only about 30 per cent of Harvard's alumni ever bother to vote for the Board of Overseers.

NO MATTER what happens to the by-law proposals, the Coop is working to push the rebate back up. The rates this year have slipped again to 5.5 per cent for charge and 7.5 per cent for cash. Because of a new charge arrangement with Harvard Trust, the Coop will now be able to cut billing expenses.

No one has to use the new Coop-CAP cards. Cash business will continue as usual, but anyone wishing to charge will now receive a monthly bill from the bank, listing Coop expenditures and any charges at stores honoring CAP. Since the bank is now handling all billing and immediately reimbursing the Coop for all charges, the Coop will give a rebate on all purchases, even ones not paid within a month.

Harvard Trust will have a tougher credit policy than did the Coop, but no tougher than the Coop planned for itself this fall. Because of the high cost of money the Coop was planning to tighten credit and tack a 1.5 per cent interest charge on overdue bills.

The new system, therefore, offers a chance for students to establish credit and for the Coop to cut expenses. The Coop's increased profits will flow back to members, which, after all, is what a cooperative society is all about. — ALAN S. GEISMER JR.

If you do not receive a ballot in the mail, please stop at any Coop store cashier's counter and pick up a ballot.

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in by Nov. 7th!**

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Faculty Join 1L Grade Debate

By Bob Hernandez

First year students met resistance in their drive for a mandatory pass-fail system, as faculty members attacked the idea during an October 7 meeting in the Ames Courtroom.

Edward Berlin, 1L, presided at the meeting of about 100, which had been called to discuss progress and prospects of establishing obligatory pass-fail and other grade reforms. The meeting indicated that opposition to the proposal has been growing.

After some discussion, repeating the arguments of previous meetings, several professors were

invited to contribute their views on the proposal.

Guido Calabresi, visiting professor from Yale, said, "If you tear something down, you have to have something to put in its place. As long as more of you want more things in life, you have to decide how you will be rated, what ranking system will replace grades, and whether it's more equitable. And I'm not talking just about law firms—I'm talking about whatever you decide to do."

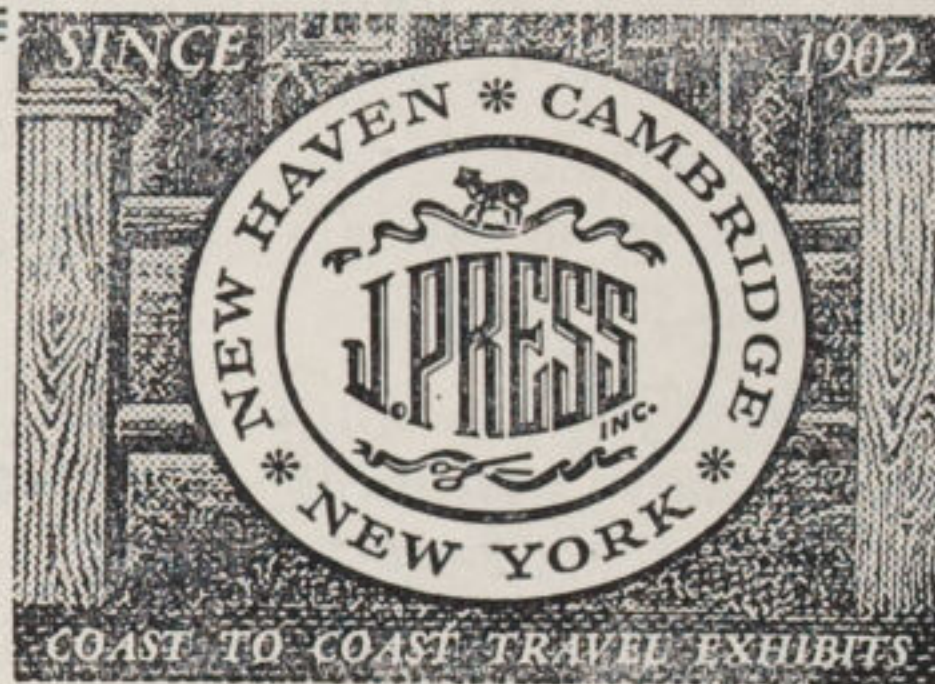
Calabresi argued that, without grades, all potential employers will be forced to use what may in fact be less desirable methods, in-

cluding, perhaps, employing a larger number of new associates, with a high attrition rate in the first year. This would replace the competition in the present grading system with a cut-throat competition after graduation.

Prof. Alan M. Dershowitz joined his former teacher in questioning the value of the proposed pass-fail system. He argued that the real objectives of reform in the Law School cannot be accomplished by mere establishment of mandatory pass-fail, since this would merely skim the surface of the problem. Competition, he insisted, would continue to exist.

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Financial Aid

It is highly unfortunate that so few students knew or cared enough about the open meeting on financial aid to attend. The problems of financial aid are certainly equal to those of grading, for without such aid many of us would not be at the Law School, and because of the loans which are part of that aid, some of us may be affected in our career choices.

The major problem with financial aid is money, the lack of it; the major question is the allocation of a scarce resource. Who should get the money and why? How should the program be administered?

The tentative report issued by the faculty and student committees studying the area for the last two years is both thorough and perceptive; it is required reading for anyone wishing to make intelligent comment on financial aid. But there are policy questions which cannot be resolved by mere study. These are questions to which students, especially those currently receiving financial aid, can and should address themselves.

The report suggests, for example, that preferences be given to students with high debts, and students who wish to work in low paying public service areas, such as poverty law. Perhaps even more preference should be given than is suggested. Why not eliminate scholarships? Make all Law School financial aid loans and then call in the loans according to future earnings. Then the student who later is financially successful will simply repay all of his financial aid while the student in a low paying, public service job would get a 100% grant.

But the only solution to many of the problems of financial aid is making more money available. Law School alumni have been most generous in recent years, allowing a great expansion of financial aid. More money is needed, however, from foundations and other sources. More alumni support is required.

Harvard College is rich and has a tremendous endowment; but that can't be used for the Law School. Perhaps the reason is that law is a profession, and law students are expected to make a great deal of money once out of school. But that's no longer necessarily true. Many students, who wish to devote a portion of their lives to public service, will not earn great sums. And they deserve the financial support of the rest of us.

Both alumni and the student body should give deep thought to the needs and priorities of the financial aid program and the Law School budget in general. Such thought is vitally needed to keep the Law School progressing in a useful and socially relevant direction.

HARVARD LAW RECORD

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Fenno

"Hey Fenno. What did you do on Moratorium Day?" asked Bunky.

"I was going to go to the picnic on the Common, Bunky. But I had to stay home to watch 'As the World Turns' for my Family Law course."

"You should've gone. I haven't had so much fun since the last gremmie war in college. Why the cheering section was even better than Cal's."

"I know, Bunky. I tried to talk to people about the War. But my landlady was only interested in my rent, the TV repairman called me a Commie, and Dave at the Mustard Kup just wanted to talk about the bagel as a sociological phenomenon of the 60's."

"Say Fenno. I heard that the Board of Student Advisors is really going to go big time this year and get Judge Hoffman for the final round of Ames."

"Well, that's what I call really demolishing the Ivory Tower. I just hope the finalists can get out of jail soon enough to take exams."

"That's one of the troubles with Ames. By the time they finish writing their briefs, they may not want to get out to take the exams."

"Bunky. I may not have made it to the Moratorium rally, but I did get to go to the Financial Aid Committee open meeting. And I was able to get a better seat there than I could have at the rally."

"I'll bet the 15 students there really scrambled for the first row."

"It's really sad, Bunky, that more students didn't show up. But when you compare peace with money, you always know what interests law students more."

Letters to the Editor of the RECORD

Hills Corrects Misinterpretations

To the Editor:

I am moved by the response of several Harvard Law Alumni and particularly by the somewhat less restrained response of some Stanford Law Alumni to call your attention to two errors in your account of my interview with Mr. York that appeared in your October 2, issue.

As high as my regard is for the Harvard student body, I did not intend to suggest that there are 250 students here who are as good as the number one man at Stanford. My observation was only that there are 250 in the current first year class here who have a Law School Aptitude Test score as high or higher than that of the man who finished first in my own law school class at Stanford, 14 years ago.

I noted the limited relevance of LSAT scores but I argued that the overall increase of the median score indicates that the number of excellent students at Harvard and the other fine law schools has increased tre-

mendously in recent years. I should add that it is my understanding that the LSAT median score at Harvard and Stanford has been essentially the same for several years.

Also, my observations about the compensation that a young attorney can expect to receive was reported somewhat optimistically. I intended only to note that a lawyer with over ten years of practice who was still in his early 30's could expect an annual income of around \$50,000 a year. Such a man would then be billing about \$50.00 an hour for his time and could expect that rate to gradually increase over the years to as much as \$100.00 per hour. It is this increase in rate which affords substantial opportunity for the individual attorney to spend a significant amount of time on extra-legal activities and yet keep a comfortable income.

Apart from the above matters, the article quite accurately reflects my own views on the private practice of law. I appreciate the opportunity to see them in print.

Roderick M. Hills
Visiting Professor of Law



I feel that it's my moral obligation to teach class today.

OCTOBER 23, 1969

Almost All Are Men

To the Editor:

I have your issue of October 2, 1969 in relation to "Discrimination Against Women Lawyers."

What is your own reaction to the fact that all of your editors as well as your staff are men with the exception of one woman out of fourteen.

Should you not try to correct your own practices before calling others "bigots?"

David Berg '26

(Editor's Note: The RECORD welcomes and has always welcomed any student at the Law School—regardless of race, color, religion, sex, or national origin—to join its staff. We wish all members of the legal profession could and would make the same assertion with regard to hiring policies).

Put Scholarships Ahead of J.D.

To the Editor:

In my opinion, the Faculty and Administrative overhead and related cash outlays (for mailings and the like) attributable to the controversy over the Doctor's degree would have been better spent in giving scholarships to black and white students who could not otherwise obtain a law degree (whatever the name of the degree). The country is in urgent need of more able public and private lawyers. The labels don't matter. Performance does.

Leigh B. Trevor '62

Fellowships

Information on the Ford Foundation Foreign Area Fellowship Program for (1) Latin America, (2) Asia, and (3) Africa and the Near East is available in the office of David N. Smith, secretary, International Legal Studies. Deadlines for these applications are (1) November 1, (2) November 7, and (3) December 1.

Information is also available on two new fellowship opportunities for study in Germany and Sweden.

A general statement on foreign fellowship opportunities is also available in Mr. Smith's office.

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Labor Leader Speaks

Chavez Urges Boycott Grapes

By Michael Lurey

As Harvard students prepared for Vietnam Moratorium Day, Cesar Chavez, the charismatic leader of the United Farm Workers, urged them not to forget the California grape labor struggle.

Speaking to a packed Lowell Lecture Hall audience October 14, he appealed to the students to support the boycott of California table grapes.

Chavez, with an entourage of farm workers and union officials, came to Boston as part of a national tour to publicize the boycott. His message was that California grape workers are "killed and maimed every year" by the pesticides growers are using, and the grapes being put on the market are unsafe for human consumption.

According to Chavez, the central issue in the labor dispute, now in its fifth year, is "the right of workers to have their own unions without interference from their employers."

"What causes a man to give up his pay check for 48 months — 49 months now," Chavez said, "is the spirit of independence and freedom. They want to change things, to be independent. They want to run their own lives."

Chavez contrasted the task of organizing farm workers to organizing other laborers. With farm workers, he said, "there are no established rules save the law of the jungle. Only the fittest survive, and for 70 years the employers have seen to it that we don't survive."

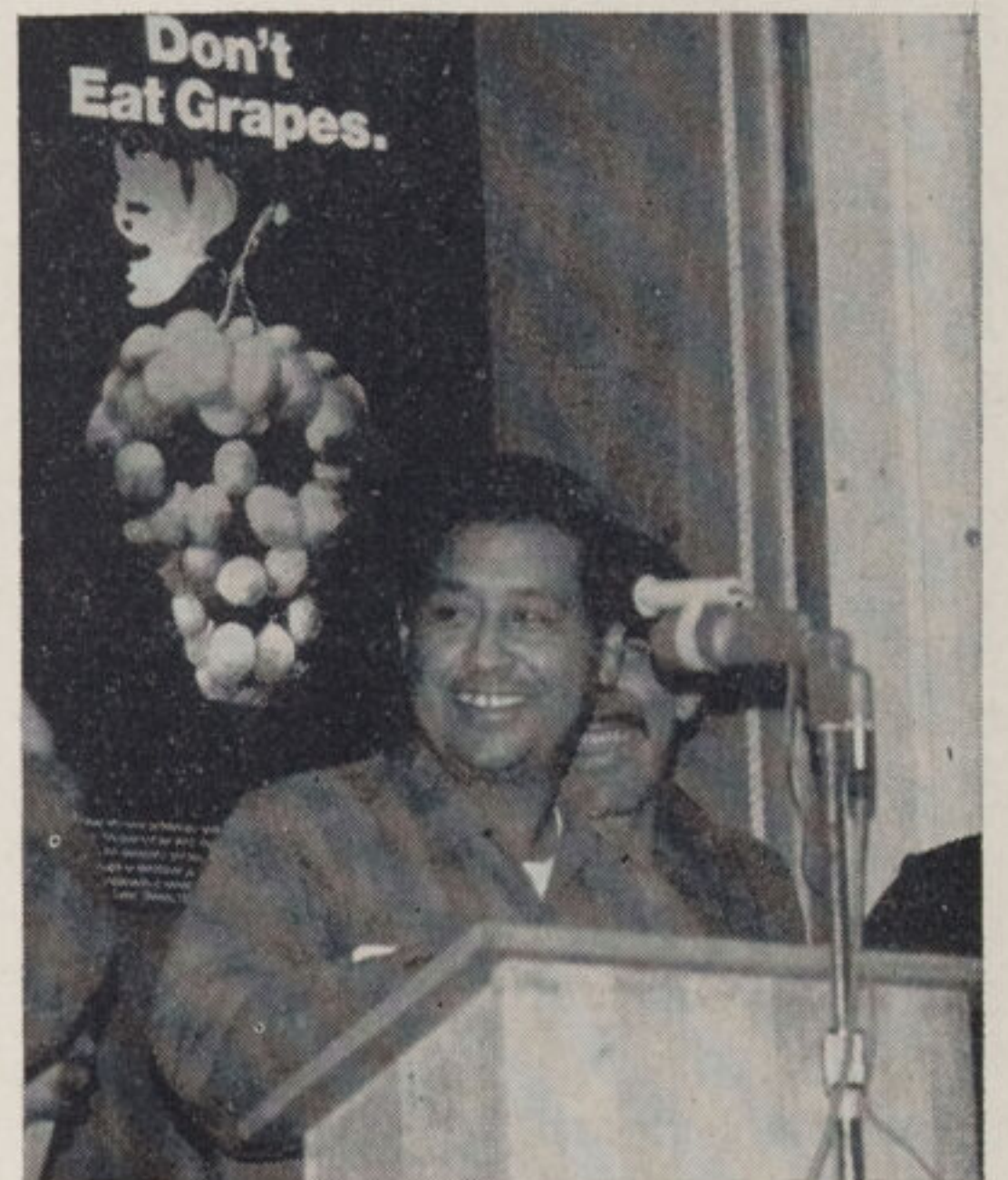
Chavez charged that the "major reason the growers are holding back on negotiations with the union is the Defense Department step-up in buying California grapes." He said that while the boycott has cut sales of grapes 30% nationally, the government has increased its purchases of grapes 800% and is shipping them to Vietnam. Yet, Chavez continued, the government

"claims they're remaining neutral." When the union questioned the increasing grape shipments, the Defense Department claimed there has been a "sudden craving for grapes by servicemen."

Joking with his audience, Chavez pointed to evidence that the grape boycott was succeeding. While sex education had been leading for a long time, "the John Birch Society now rates the grape movement the number one problem facing America," he said. "And Communism is a poor third. We knew we were important, but we didn't know we were **that** important."

Chavez said that publicity given the grape movement has "frightened" the growers and other powerful groups opposing the union. In the beginning, he said, "no one dared come near us." Only students supported the movement. Now, with the boycott succeeding, Chavez appealed for continued aid.

"As you do your work to bring to an end the war in Vietnam, do your work to remember us." And, Chavez promised, "Once organ-



Mike Lurey

ized, the farm workers will become a powerful force in our society. Then, we can work together with you for peace."

Chavez' appearance in Boston was countered by a press conference held by representatives of the growers. Fliers passed out at Lowell Lecture Hall exhorted the reader to "Buy California Grapes" and claimed that "98% of the migrant farm workers in California are NOT on strike."

Radical Lawyers to Speak Out

In a year in which Ralph Nader, William Kunstler, and Leonard Boudin have spoken at the Law School, several student groups are now sponsoring a series of speeches by radical, practicing attorneys to discuss the lawyers' career choices and life styles.

First speaker in the series will be Arthur Kinoy, a New York civil rights lawyer who was bodily removed from hearings of the House Un-American Activities Committee several years ago. Kinoy will speak tomorrow night at 8 p.m. in the Ames Courtroom.

Other speakers will include: three women lawyers from the Women's Liberation Movement, three O.E.O. Legal Services law-

yers, members of the New York Lawyers' Commune, members of a public interest law firm, lawyers working with Tenants' Unions, and a radical lawyer from the South.

Sponsoring the series is the Harvard Student Bar Association, the Draft Research Committee, the Civil Rights-Civil Liberties Law Review, and the Civil Rights-Civil Liberties Research Committee.

According to the groups, "the series is an attempt to bridge the gap between the individual law student's political and social beliefs and traditional career choices, which are often unrelated to, or in fundamental contradiction with, those beliefs."

Yale Men Do Their Thing at Harvard

(Continued from Page 1)

various group experiences, and after the festivities, the Yale students stretched their sleeping bags out on the bubble floor and spent the night there. They were joined by a few Harvard Law students.

Incredulous bystanders who inquired into the purpose of the "camp-in" received widely varying answers. It was, they were told "to pose an alternative to impersonal institutions"; "to symbolize our rejection of a competitive, anti-human society"; "to show law students the beauty of real personal relationships and uninhibited communication"; and even "to give us an excuse to get out of New Haven".

One of the organizers of the project, Jonathon Krown, a third-year student at Yale, however, rejected any notion of a purpose. "The whole thing is just to experience it and let your imagination go," he said.

The Yale group did all they could to give imaginations plenty to work with. After decorating the quad with flags and signs ("An Idea Whose Time Has

Come . . .," "People Should Get Used To Seeing Tents In Public Places"), they set up strobe lights and a stereo in the bubble. They cocked and served, to anyone who wanted some, a huge stew, and around 10 p.m. they attracted about 200 people (most of whom had been attending a mixer at the Commons) into the bubble for what was billed as a "Cosmic Show".

The audience was the show. With guidance from Krown and

his cohorts, the people (law students and mixer girls, most from Wellesley) took deep breaths in unison until all fell upon each other in tangles of bodies, passed bodies over their heads all through the tent, did chain dances and circle dances, and generally appeared to be having a grand time.

After a short while, various elements in the crowd began impro-

(Continued on Page 15)

Financial Aid Picture Discussed

(Continued from Page 5)

Still even though the Law School is the richest in the country, it is very poor compared to Harvard College, whose funds and endowment are quite large and quite unavailable for Law School use. The Law School has a small endowment and is run largely on tuition and outside contributions.

A major problem plaguing students that was brought out at the meeting was the questionable accuracy of the suggested budget for law students on financial aid.

The report allots many pages to this problem and Prof. Kaufman said it was the matter that most bothered the committees. Kaufman and Vice Dean William Bruce defended the budget, saying it was necessary and was administered flexibly, but some students questioned how realistic it was in light of inflationary costs, particularly housing.

Copies of the report are in the library, and written suggestions and comments should be forwarded to Professor Kaufman's office.

Sports Briefs

By Jim Schuyler

There has been an extension of weekday hours at Hemenway Gym. The athletic facility will be open during the evening Monday through Thursday. Students will be admitted until 9:15 p.m. and will be required to complete all exercise by 9:45 p.m. The building will close at 10:30 p.m. This change has been in effect for the past week, but there has been almost no publicity indicating the longer hours.

This is another argument for the need for greater communication of matters of interest to law students in the Harvard community. The proposal of a Law School Gazette presenting in one place all of the material scattered on bulletin boards, and other information (such as Hemenway hours) that never makes the Langdell walls, seems quite logical.

It is clear that a great many people have not yet taken advantage of the new Hemenway service. It would be unfair if anyone assumed that the "felt need" that was demonstrated last month no longer exists. Hemenway Gym is open for students who have participation tickets and for those who want to pay an individual fee for use of the gym.

On the distaff side . . . Hemenway is now available for women who want to play squash. Co-eds are invited to use the main floor squash courts during the evening hours (after 6:30 p.m.). Reminder: there are no locker facilities for women at the gymnasium.

Football news . . . The Harvard gridders face unbeaten Dartmouth

at home this Saturday at 1:30 p.m. The Indians appear to be the toughest of the Ivies this season. They destroyed Brown in their last outing, 38-13, while the Crimson was being upset in Ithaca.

Intramurals . . . News on football intramurals is rather sketchy. By the end of this week, each team should have played at least three games. Since there have been so many disruptions in the normal school schedule (especially last week), it is not known whether all games have been played. Most contests take place on the field beyond the Business School. They are scheduled by the mutual agreement of the captains as to time and place. We hope to have the season's first standings by next week.

Speakers at Mini-Forum Against Vietnam War

(Continued from Page 4)

and the bureaucracy." That bureaucracy goes beyond the military establishment or the State Department, he argued. "We would make a great mistake if we were to assume that this is confined to the Federal Government."

Business's support for the anti-war movement has been "the Great Breakthrough" in the search for peace, according to Galbraith. However, he remains concerned that such support has been moral rather than active.

Galbraith urged the law students to upset this bureaucracy by asking pointed questions to recruiters regarding their attitudes on political positions. "Press it. It won't get you anywhere, but you'll cause a great deal of concern."

Galbraith said he was enheartened to see the conversion of so many former hawks to the cause of peace, including Clark Clifford and Dean Acheson. But some, he insisted, have missed the boat.

He singled out Hubert Humphrey, in this regard, as one about whom many had doubts last year. "When Humphrey came to the support of Nixon's policy, he was adding a minor footnote to his obituary. This confirms all of our suspicions that he is too close to the military. We won't make that mistake in the future."

Galbraith described the South Vietnamese army officers as "larcenists, cowards or mandarins, or all three, because they are a mirror of the Government they serve. Without our support this army and this government will fade away."

He attacked the Nixon notion of gradual Vietnamization of the war and called instead, for an immediate announcement of our determination to abandon the current regime. If Nixon does not do this, Galbraith said, he will not be remembered in history as the first President to lose a war,

but as the President "who inherited one and could not recognize that it was already lost."

Professor Dershowitz proposed an active political program to force peace in Vietnam. "The President has said that he wouldn't be affected by what is happening in this room and in other rooms around this country. I'm here to tell you, Mr. President, that you are wrong."

Peace Party Proposed

The best means of affecting the President, Dershowitz suggested, is to create a new political party, the Peace Party, with the single goal of bringing the War to an end. All issues other than the War must be eliminated from consideration, Dershowitz argued, using the Peace and Freedom Party of the 1968 elections as an illustration of the difficulties of uniting on more than one issue. "That experience shows us that there are more people for peace than for peace and freedom."

Concentrating on a single issue would allow "Republicans, Democrats, the SDS — both factions — Black Panthers and Whitney Young to join in the common effort."

Dershowitz maintained, "The party's own demise must be its

top goal." Once peace has been attained, the party would break up to permit its members to pursue whatever other objectives they might wish.

The Peace Party would approach all candidates for all offices and state its conditions for support. Wherever there is no office seeker willing to commit himself to immediate peace, the Party would nominate its own candidate.

"It is evident," Dershowitz concluded, "that President Nixon won't begin to make serious efforts for peace until the 1972 campaign begins. We must announce to the President that the 1972 campaign is starting now."

Gerald Berlin approached the problem as a self-described "Establishment Liberal" lawyer. He began to explain the special role of the new lawyer, who has emerged as a special type of "cultural hero," in the vein of Ralph Nader. The new tendency "to short-cut orthodox procedures" has given a new importance to this profession. The War has forced the lawyer to take a new interest in what he is doing and pay attention to such neglected subjects as draft law.

"My experiences show that war is too important to leave to generals, but law still needs the lawyers," he argued.

Berlin's remarks were cut short, however, as he fell ill before tying in the role of the lawyer with the question of ending the war.

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Yale's Bickel Challenges Warren Court

(Continued from Page 2)

principled judgment. Therein alone may it lay claim to rise above popular control. But even when the Court's reason fails it, the public is not without recourse. Judicial law, if it is ever to become effective, must have the assent and cooperation of the people, a precondition which depends in large measure on public confidence—on the Court's prestige, in short. Thus the Court is bound to consider its decisions not only in the light of reason, but in that of public acceptability and workability as well. It must exercise restrained judgment, judgment "of and by degree." It is bound to tailor its vision in accordance with these considerations or run the risk of suffering embarrassing reversals of its programs.

In this last respect, the Court's boldest interventions in the field of social policy have come under fire, not necessarily for being substantively incorrect—time will have the final say on that score—but rather for not having been worked out on a principled basis. The Court's noblest and most popular decisions, in the fields of segregation and apportionment, derivative as they were more from its vision of the future than from careful analysis, may be headed for "obsolescence and abandonment," precisely for that reason.

The Madisonian model of democracy, declared Professor Bickel, is still more appropriate to the American system than the majoritarian one. The problem of proper apportionment may in fact be an unsolvable one: how to determine the true majority, how to enable it to rule, and yet to preserve the "special constituency"—minority group representation. Factions are necessary, asserted Madison, to counter the danger of a tyranny of the majority, especially in smaller units of government. The one man, one vote rule is a political abstraction that simply ignores this fact of participatory democracy. As the political unit increases in size and as political authority becomes ever more centralized, the feasibility of the one man, one vote rule diminishes. The United States is not a classless society. There is not a single constituency but many, all crying out for a voice, all asserting their special interest. "The solution," says Professor Bickel, "is malapportionment by whatever name it is called." And the Court's legislative apportionment cases may well prove to be the prime obstacles to progress in this area in the next few years.

In the case of *Brown v. Board of Education*, the Warren Court held that segregation in the public schools contributed to an inferior education for black children, indeed for all children. But while decreeing segregation by legislative sanction illegal, the Court's intentions went far beyond. It cherished

a conception of the mission of the public school as "assimilationist" and conceived of its task as that of shaping public education along those lines. But it may be that discrimination along socio-economic lines is far more damaging to the educational process than racial segregation, however achieved. In effect, the Court may have been misdirecting its efforts. Moreover, it has not been found possible, to eliminate *de facto* segregation or situations of "racial imbalance," either in the North or the South, particularly in large urban centers. Even where school administrative authority may be centralized, as it must be, in an attempt to overcome jurisdictional and financial impediments, whites within range of integration plans are still

Judicial Supremacy Questioned

free to flee to the suburbs, or to send their children to private schools. Judicial decisions cannot change the realities of the situation: assimilation is proving to be an unattainable goal.

What appears to be an emerging answer to educational deficiencies in many urban school districts is now the "community school," the school as an "extension of the self-directed home." Local school autonomy, regardless of the racial mix, linked to some system of tuition grants, may offer the greatest hope in the long run of improving the quality of education available to the poor and underprivileged. Yet here again, the greatest bar to this avenue of development is the Court's decision in *Brown v. Board of Education*.

The resolution of the problem of the proper role of judicial power in a political democracy such as our own, concluded Professor Bickel, lies in letting society "move forward in empirical fashion," discovering its truths for itself. Judicial supremacy simply is not possible or desirable in broad areas of social policy. The Court has often asserted that supremacy, and it has often proved to have erred. Yet, the Court has somehow endured, despite its failures—endured, precisely because the people were always free to accept or reject the proffered salvation, free to ignore the Court's ventures when it so chose. As Professor Bickel finally put it, "The true secret of the Court's survival is not, certainly, that in the universe of change it has been possessed of more permanent truth than other institutions, but rather that its authority . . . is in practice limited and ambivalent, and with respect to any given enterprise or field of policy, temporary. In this accommodation, the Court endures. But only in this accommodation. For by right, the idea of progress is common property."

Yale Invades

(Continued from Page 12)

vising, dreaming up and trying out new kinds of tactile experiences on their own. Not until around 1 a.m. did the last of the non-campers leave.

Saturday morning the Yale group deflated the bubble, folded it up and took off for Wellesley, where a similar program was put on for the young ladies there.

The idea for the camp-in was spawned in early September, during a two-week period in which about 20 Yale law students camped out in regular pup tents in the main courtyard at Yale Law School. The campers found the experience stimulating, and decided to bring the message to the wilderness of Cambridge. Arrangements were made by Krown with Harvard ABA chapter president David Rockwell, and the Law School student association here sent the Yalies an official invitation.

The bubble was purchased for about \$70 from three students in Yale's School of Art and Architecture. They made the structure in a day by taping together large strips of plastic. Besides the plastic shell, the bubble required only a fan to keep it inflated and ropes to hold it down.

Among those in the Yale group, besides Krown, were the president of the Yale Law School Student Association, Walter Wagoner, and the editor of *The Yale Advocate*, the law school newspaper, Ann Hill. Professor Charles Reich of Yale was with the contingent for most of Friday, and led some of the students on tours of the Harvard law library and classrooms.

The stages of the group's odyssey, from New Haven to Cambridge to Wellesley and home again, were filmed by Joanne Caplin, a film student at New York University, who will edit the footage into a short pop documentary. One of the moments caught on film was a slightly staged confrontation between sev-

eral of the Yale students and the persons in charge of the Friday night mixer at Harkness.

The students had been told they could perform a short show at the mixer, but were then informed they would still have to pay two dollars each for the privilege. They left, but came back to face the startled ticket-takers with cameras, lights, a tape recorder, and even two reporters

from the *Crimson*, in a wide-ranging discussion of why they should or should not have to pay. The ticket-takers prevailed, but it was a great moment for cinema; and the episode may have proved the point, that Harvard really needs more camp-ins.

(Editor's Note: Mr. Hughes is a student at the Yale Law School and a staff member of *The Yale Advocate*.)

Faculty Join in 1L Grade Debate

(Continued from Page 7)

The real problems which are causing the concern with grades are size of the classes and insufficient contact between professors and students. These can be corrected only by increasing the size of the faculty or decreasing the size of the student body, not in grade reform, he suggested. "Maybe we need a rise in the cost of education."

Dershowitz then proposed a system in which all students would contractually bind themselves to return 1 percent of their earnings after graduation in exchange for their education, thereby providing funds to correct the system.

David Ehrenwerth, 1L, then asked why more funds are not coming from Harvard, "reputed to be the most heavily endowed school in the country."

Dean Derek Bok explained that this course has been specifically rejected by the Law School, and no one has the power to change it at this time. Harvard itself is hard-pressed, he insisted.

"This is not just a matter of finances," he went on. "There is a question of what standard you want to maintain among the faculty. In a world full of great problems, it is questionable whether the Law School is where you want the money to go."

Dean Bok also attacked the contention that there is an overly-

competitive atmosphere, as had been suggested by Justin Simon, 1L.

"That just wasn't my experience. Is it remotely possible that each and every student is so concerned with his future that he can't regard anyone as anything but a competitor? If so, the problem may not be the grading system, but how you're reacting to it," Bok said.

Simon answered that he was disgusted with experiences and stories he had heard about laughing at other students' comments in class, hissing, and refusing to divulge assignments to others.

"I don't like this environment. The education system of this country is a prostitute of the corporate society. We should really be concerned about what we're trying to maximize here. Is it quality or qualifications?" he said.

Professor Frank Michelman, chairman of the First Year Committee, suggested that Simon was over-simplifying the problem and misinterpreting the faculty's position. Professors do not love grades either, he said, but they recognize the system as an inevitable means of ranking "in a world in which ranking will continue to exist." He described the work of his committee in attempting to overcome some problems beyond grade reform.

While the meeting did not destroy prospects for the grade re-

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Grade Reform

(Continued from Page 15)

form movement initiated by 1L's this fall, it did indicate divisions among the students on this issue as well as between students and faculty.

Leaders of the movement remained optimistic about the outcome of the proposal, noting that at least through debate it has brought to light many of the problems which the Law School has to confront.

Andrew Schepard, 1L, one of the organizers of the movement, felt that the meeting demonstrated that "there are a lot of currents of opinion" rather than major conflicts on the issue. "Pass-fail is not the burning, over-riding issue that it was last year because a lot of sting has been taken out by the present optional system," he argued.

Nevertheless, he feels that it would be beneficial and practical to institute mandatory pass-fail at least for first year work in the Law School.

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