

HARVARD LAW RECORD

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TWENTY CENTS

Only 10% Answer Questionnaire *Law Firm Survey Response Small*

By Michael Lurey

Barely ten percent of the law firms interviewing at the Law School have so far responded to the Law Firm Questionnaire drawn up by several students and supported by eleven student organizations and sixty percent of the student body, according to Mark Green, 3L, one of the drafters.

The Questionnaire asks firms about their political and social views, and policies on hiring and ethical problems. (See RECORD, Sept. 18).

Green feels it is an insult to the Law School that so few firms have replied. The questionnaire is not just a letter, he said, but a peti-

tion bearing signatures of the greater portion of the student body of the Law School.

While a complete breakdown of the firms responding is not yet available, certain generalizations can be made. First, the rate of reply was disproportionately low from eastern cities: New York, Boston and Washington; and proportionately higher from western cities: Los Angeles and San Francisco. This trend is further supported by the concededly sketchy results of a similar effort, the *Law Firm Guide* (RECORD, Oct. 9) where none of ten New York firms and now five of eight California firms replied.

Secondly, most of the replies

were from smaller firms. Green notes one obvious factor in this. Smaller firms might have felt they stood to gain stature by answering, while larger firms felt they could afford to ignore the questionnaire.

A further cause of concern to Green was the extent to which replies were unresponsive to the intent of the questionnaire. One problem was the number of firms which simply returned the questionnaire with yes's, no's and maybe's, and occasional phrases scattered about, in answer to questions which clearly required paragraphs.

But a greater problem was
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'Schools Need Law Clinics,' Kinoy Says

By Lawrence Gartner

Arthur Kinoy told an audience of about 200 students and professors last Friday night in the Ames Courtroom that legal education is now facing a real crisis and that the solution for this 1969 crisis is a suggestion made in 1933 by Judge Jerome Frank.



Mike Lurey

Arthur Kinoy

The radical New York lawyer and professor of law at Rutgers Law School said there are many problems apparent in today's law schools, but "the issue is beginning to be verbalized increasingly in terms of whether legal education is relevant to the contemporary American society."

And the solution is one proposed long ago by Jerome Frank: to have within the law school itself a law office or clinic in which teachers must combine teaching and practice as they deal with the most exciting legal problems of the time.

Kinoy was the first speaker in a series which will present a number of radical lawyers.

After rejecting a request to put a microphone around his neck ("Several years ago I had troubles with people putting things around my neck" — a reference to his being bodily removed from hearings of the House Un-American Activities Committee by a U.S. marshal holding his head in an armlock), Kinoy said that the central problem is whether American law schools can meet new challenges to the legal profession.

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Four Professors of Law Elected To Occupy Distinguished Chairs

Four Law School professors have been elected to distinguished chairs at the Law School.

As the Dane Professor of Law, Albert M. Sacks will succeed the late Henry M. Hart, Jr.

As the Story Professor of Law, Richard H. Field will follow W. Barton Leach, who retired last June.

Ernest J. Brown will occupy the Langdell Professorship, vacated by former Dean Erwin N. Griswold who became Solicitor General of the United States.

And James H. Chadbourn has been named to the Fessenden Professorship formerly held by David F. Cavers, who retired last June.

Endowed professorships were the origin of the Law School. The Royall Professorship (1815) antedated its founding. Its first incumbent, in his inaugural lecture, expressed the hope that a law school might be added to the professorship.

Nathan Dane's 1829 endowment of a professorship for United States Chief Justice Joseph Story was according to the late Dean Roscoe Pound, "A turning point in American legal education . . . the spirit and methods of academic training were com-

bined with the spirit and aims of professional training."

The Story Professorship, honoring the first Dane Professor, was established in 1875, when Christopher Langdell, founder of the 'case system' was Dean of the Harvard Law Faculty. In 1903, the Langdell Professorship honored the former Dean who himself had occupied the Dane chair. The Fessenden Professorship of Law, established in 1932, resulted from the residuary bequest of Franklin G. Fessenden, LL.B. 1872.

Albert M. Sacks, the new Dane Professor, is a specialist in legal process, who joined the Law School faculty in 1952 and became professor in 1955. Since 1968 he has been Associate Dean of the Law School. He was chairman of three key faculty committees, on

planning and development, on race relations, and on legal education.

He graduated from City College of New York and at the end of an accelerated course in 1948 received the LL.B. from the Law School. He was president of the *Law Review*. He was law clerk to Judge Augustus Hand on the U.S. Circuit Court of Appeals in New York and to Justice Felix Frankfurter of the U.S. Supreme Court.

Richard Field, now the Story Professor, joined the faculty in 1948.

Professor Field was the Reporter of the Advisory Committee on Rules of Civil Procedure for the State of Maine in 1958-59, and drafted the rules of procedure now governing civil practice in Maine.

Field received the A.B. from Harvard in 1926. At the Law School, from which he graduated

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Clark Speaks at Dedication

Former U.S. Attorney General Ramsey Clark delivered the principal speech at last Saturday's dedication of the Roscoe Pound-American Trial Lawyers Foundation Law and Research Center.

In his address opening the \$1 million, neo-Georgian structure Clark said that for man to control his destiny, the law must be an effective and affirmative institution for social change.

In comments after his dedication speech, Clark said that Presi-

dent Richard Nixon's support of Judge Clement R. Haynsworth's nomination to the Supreme Court is a mistake. Clark also scored the Justice Department's desegregation slowdown.

A score of state and national officials, leading jurists, and law school faculty also participated in Saturday's ceremonies.

The center is situated a short distance from the Law School on Garden Street. Roscoe Pound, in whose memory the Center is named, served the Law School as Dean for 20 years and as a law professor for 37 years. He died five years ago at the age of 94.

A Pound library — containing the Dean's Library collection as well as many mementoes of his life — will be open for research to the public, lawyers, and law students. More than 1,000 books and articles authored by Dean Pound will be available.



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HLS Financial Aid Budget Unrealistic

By Terry J. Liverman
and Larry L. Pressler

The *Harvard Law School Financial Aid Guide* for 1969-70 states that an unmarried student can expect his costs per year to be \$3,700. The *Guide* is sent to applicants to help them assess what law school will cost. It also represents the official position of the Harvard Law School in determining financial aid awards based on '69-'70 needs. The \$3,700 figure is set forth under the heading, "Basic Law School Budgets for Single Students." It suggests the following costs based on nine school months:

Tuition	\$1750.
Medical Fee	95.
Books & Educational Supplies	140.
Room & Board	1215.
Other Expenses	500.
TOTAL	\$3700.

Based on interviews with thirty-seven 2nd and 3rd year students, we question this official figure of \$3700.00 and suggest that it is at least \$1000 below actual costs — even assuming austere living conditions. The results of our thirty-seven interviews suggest that the real costs of attending Harvard Law School, while living with reasonable frugality, is close to \$5000 per year.

To illustrate the information we have collected, we have created a hypothetical Harvard Law School student. We will assume that he is a conservative spender; that he lives in an average priced dormitory room; that he neither smokes nor drinks; that he has less than one date per week; that his home is in Chicago; and that he shares expenses as much as possible.

His budget for one law school year (nine months) appears below:

Costs		Explanation
1) Tuition	\$1750.00	Standard.
2) Medical Fee	\$120.00	The <i>Guide</i> lists this fee as \$95.00. However, students are automatically billed \$120 per year unless they file a request to withdraw from Blue Cross coverage within two weeks of registration and declare that they have similar coverage.
3) Books and Educational Supplies	\$225.00	This assumes the student buys a mixture of new and used books and resells many of them at the end of the year. The figure includes allowances for notebooks, stationery, xeroxing, pencils, outlines and other general supply items.
4) Room	\$550.00	This represents an average priced room in a dormitory. The Law School offers rooms ranging from \$440 to \$660 per year.
5) Food	\$900.00	This assumes the student is on a fifteen-meal-a-week contract at Harkness; that he eats in cafeterias on weekends; that he pays for his own meals during vacations, except during Christmas vacation when he is at home; and that he has a 25¢ snack sometime each day.
6) Dating	\$200.00	This assumes the student goes on 20 movie dates a year at \$7.00 a date (\$1.50 in subway charges, \$4.00 for tickets and \$1.50 for a snack) and 4 expensive dates such as the symphony, a night club, football game, or dinner at \$15.00 a date.
7) Cleaning, laundry and linen	\$150.00	This allows \$30.00 for Gordon Linen and \$120.00 for general cleaning expenses.
8) Purchase of clothing including shoes	\$200.00	Given the nature of the law school, the student needs to buy at least one new suit, one pair of shoes, some underwear, several shirts, and some ties each year.
9) Room decorations	\$60.00	This assumes that the student purchases a lamp, a small rug, curtains, a peg board or desk mat, and several posters.
10) Club dues	\$30.00	This assumes that the student joins some organizations such as the Black Law Students Association (\$10.00), an Ames Club (\$10.00-\$15.00) and Bull & Bear Club (\$5.00).

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Law Review Adds New Staffers

By David Ehrenwerth

In its second year of choosing some members by means other than grades, the *Harvard Law Review* recently selected nine new members via its writing competition — more than twice the number so chosen last year.

The nine new members are: David S. Davenport, Robert J. Domrese, William A. Falik, Lewis H. Ferguson, William T. Pizzi, Charles B. Rosenberg, Antonio Rossman, Henry W. Shaeffer, and John D. Taurnam.

The competition was conducted in two stages. In the first stage the competitors were given the first draft of a hypothetical Review case comment to improve through criticism. They were to identify specific mistakes and inadequacies in the draft, to explain

clearly the reasons why they believed the text to be wrong or inadequate, to suggest appropriate changes, and to give the reasons for those changes. In the comment — which was on a civil procedure case before the Supreme Court — some of the “built-in” errors were blatant and others quite subtle, the test being to simulate a task regularly performed by the Review’s own “sub-citecheckers.”

The competitors had two and a half days to complete this stage. Of the 120 students who took out materials for the competition, 67 returned the completed materials to the *Review*. Of these 67, 32 were chosen to compete in the next stage of the competition. Michael Helfer, 3L, Treasurer and Developments Editor of the

Review, stressed that this number was not arbitrary, being what he called “a natural breaking point.”

Each competitor’s work was graded independently by three returning third-year members, the identity of the competitors not being revealed to the graders. Each essay was marked on an objective list of errors to be recognized, as well as and by a subjective overall evaluation.

With this stage completed, the 32 candidates invited to compete in the final round were required to analyze the opinions presented in an actual Supreme Court case. Sixteen cases were used; two competitors independently criticized each case. Here again, the task was similar to one actually

(Continued on Page 11)

Radicals Continue Fight Against Firms

By Oliver Henry

Last year a tremor emanating from the international youth rebellion against the status quo jogged the Law School when a small group of students picketed the prestigious Wall Street law firm of Milbank, Tweed, Hadley, and McCloy.

The purpose of the protest was to publicize an alleged relationship between exploitation and oppression existing in the world and the role many firms which recruit at the Law School have in maintaining those conditions.

This year, the group which organized the picketing of Milbank continues its investigation of what they say is the part played by recruiting law firms in the perpetuation and expansion of “the corporate capitalist system.” The group, which has no formal name, hopes to formulate a “radical critique of the American system.” Students interested in its work can contact the Civil Rights-Civil Liberties Research Committee in Langdell Hall.

In their demonstration against Milbank, Tweed last December, the students alleged that the firm “through its work as counsel and through the power and financial interests of its partners, . . . played a leading role in furnishing American economic and political support to South Africa.” With the development of a radical analysis, the group believes that law students may become more aware of the contribution they make toward the continua-

tion of conditions like those which exist in South Africa when a decision is made to work for firms similar to Milbank.

These students are also concerned with what they say is the palliative quality of the “released time” provisions by which many firms allow young lawyers to perform “public interest” law work such as legal aid, consumer protection, and air pollution.

“Released time is not anything,” commented one student, “when you see the connection between everyday work and the worldwide corporate capitalist system. Law firms, because of what they do, aid that system. And, if a firm gives you four hours of released time, you’re still aiding that system in the other 36 hours of the week.”

Whether their investigation deals with the tacit support given by Milbank to the maintenance of apartheid in South Africa or focuses on a firm serving as counsel to coal mine operators presently attempting to frustrate mine safety regulations designed to decrease the incidence of *black lung* disease among miners, this group of radical students plans to continue to strive toward making Law School students a bit more “conscious” of the interrelatedness of the “system,” and the relationship of some law firms in perpetuating its evils.

“We’re going to have demonstrations like those conducted against Dow Chemical,” said a member of the group.

Judge 'Stoned on Geritol'

Chicago Defendant Describes Trial

By Joseph Rafolowicz

Abbie Hoffman, aging *Wunder-kind* of the Yippie Movement who spent his years growing up in Concord, Mass., finally made it to Harvard last Sunday night. Describing his debut here as the "death of reason," Hoffman went on to delight the overflow crowd at Lowell Lecture Hall with his surrealistic description of the Chicago Conspiracy Trial. He and seven others are being prosecuted under the interstate anti-riot provision of the 1968 Civil Rights Act for allegedly conspiring to incite street riots during the 1968 Democratic National Convention in Chicago.

"Fascism . . . Chicago . . . walking through the revolving door of that courthouse is like walking through the door of Fascism, U.S.A., 1969," mused Hoffman.

His appearance was part of a scheduled program entitled Political Repression in the United States, sponsored by the Massachusetts Lawyers Guild. Also speaking were radical lawyers Leonard Weinglass, chief counsel for the "Chicago 8," and Gerald Lefcourt, chief counsel for the "Panther 21" in New York.

Referring to presiding Judge Julius J. Hoffman as "Julius the Just" and "Julie," the Yippie caricatured the Judge's voice and mannerisms, describing him as "way beyond the generation gap . . . stoned on Geritol." Then gesturing — as if putting on a pair of glasses — Hoffman told the audience that the Judge had two pairs of glasses: "one for the rest of the courtroom and one for us defendants."

"Johnson and that pig Daley started the whole thing in Chi-

cago," he said, "and Nixon and that bastard Attorney General Mitchell are trying to finish it. They are constantly trying to bait us into contempt.

"Our approach is to be on the offensive," Hoffman added. "We don't recognize the trial at all. The circus, the games, and the antics we carry on are just theater. The courtroom as theater — just think of that."

Referring to the numerous contempt citations which have been handed down in the case against both attorneys and defendants, Hoffman said, "Every minute we're in there we are in contempt of the courtroom and in contempt of the system represented by that courtroom."

Hoffman, who received a standing ovation at the end of his oration, warned the audience that the conspiracy trial "is sort of the way that Fascism is going to come . . . or is already here."

(Continued on Page 14)

Six Elected to New Committee

Three third year students and three second year students have been elected to the new Committee on Governance, set up by Dean Derek C. Bok to study decision-making at the Law School.

The 3L members are James H. Bierman, Robert C. Fellmuth, and

Howard A. Sweet. Elected by the 2Ls were Joseph D. Gebhardt, Alfred Kim Guggenheim, and John A. Newman.

Elections for three student members from the first year class will be held in November.

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**Tom Atkins has
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for:

- Hot lunch programs for the elderly and all school children . . .
- Creating local Urban Insurance Offices to advise citizens how to counteract the practices of insurance companies which refuse to issue policies . . .
- Neighborhood participation in the In-Fill Housing Program . . .
- Requiring the 450,000 non-resident commuters to pay a fair share of city services . . .
- Public support for neighborhood-run Teen Centers . . .
- Elected Urban Renewal Committees for Charlestown and the South End . . .
- Reduced MBTA fares for the elderly . . .

against:

- The arrogant and ruthless expansion of the airport in East Boston . . .
- The dumping of garbage and trash in Franklin Park by callous City officials . . .
- The kind of cavalier indifference to human life which sent huge construction trucks rumbling over residential streets of W. Roxbury . . .
- Dumping the sprawling Cambridge MBTA car yards into Mattapan Square . . .
- The proposed Southwest Expressway which threatens to uproot and scatter hundreds of homes and businesses in W. Roxbury, Jamaica Plain and the South End . . .

**Tom Atkins will
continue to fight
for you . . .**

for:

- An immediate city plan to deal with the economic effects of peace in Viet Nam . . .
- A municipal convention of neighborhood residents to recommend revisions in the City Government and Charter . . .
- A Boston Housing Court . . .
- Release more Policemen for active duty on the street by relieving them of such non-police functions as census-taking, hospital runs, and licensing . . .
- A crash City Program to demolish unusable and abandoned buildings . . .
- Neighborhood-run vest pocket parks to provide recreation and relaxation for our young and elderly . . .
- A City Property Managers Licensing Board which will guarantee adequate maintenance and service . . .
- Requiring charitable institutions to pay taxes on revenue-producing property . . .

against:

- Diverting \$75 million of City Funds to build Expo '76 since the economic consequences for the City are presently unknown . . .
- Using public funds to build a needed stadium which should be built with private funds . . .
- The present practice of constantly increasing homeowner taxes while granting tax concessions to big developers . . .

TOM ATKINS NEEDS YOUR HELP

Tom Atkins (H.L.S. '69) is running a tough race for re-election to the Boston City Council.

- He needs T.V. to get out his voters.
- He needs students to work on election day.

Please give all you can:
either time or money.

And remember, this is the year
Louise Day Hicks returns to the Council.

-Think about that.

**Call 262-1810
and tell them you want to work.**

Election Day is Tuesday, November 4.

Beware the Murphy Amendment

We knew it was too good to be true.

For a few years now many legal services programs funded by the Office of Economic Opportunity have been providing quality legal representation to those who cannot afford it. Not only have OEO lawyers been providing the poor with counsel in individual legal matters, but they have also been protecting their interests vis-a-vis local and state governments. For example, lawyers from one of the best and most well-known programs, California Rural Legal Assistance, successfully stopped cuts in the welfare budget of the state of California.

Now this most important function of OEO legal services is in extreme jeopardy. On October 14 the U.S. Senate passed an amendment proposed by Sen. George Murphy (R-Calif) to the effect that the governor of each state would have a veto over the funding of any OEO legal services program. If the amendment is passed by the House and signed into law, it will allow any governor to virtually cripple a legal services program in his state which tries to do more than handle divorce cases. Then Governor Ronald Reagan of California will have the means to break California Rural Legal Assistance, as he has wanted to do for so long.

Maynard J. Toll, president of the National Legal Aid and Defender Association, strongly opposes the Murphy Amendment. "To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance," he says, "would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic handout meant to deceive but not to help effectively."

We urge all students, faculty, and alumni to voice their opposition to the Murphy-Reagan attempt to wreck the legal services programs. If not, then we'll probably go back to the pre-1960's when the poor received the hand-outs, and the rich virtually owned the courts.

Support Tom Atkins

Just two years ago former law student Thomas Atkins '69 was elected to the Boston City Council largely through a massive student effort, much of it from the Law School. Since that time, Atkins has been one of the most progressive and intelligent members of the Council. He has a tough campaign for re-election, and he again needs major Law School support. We urge that you give him that support. Atkins' running for office may not be as novel as it was two years ago, but it's just as important.

HARVARD LAW RECORD

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Fenno

"Hi Bunky," I said cheerfully as I burst into his room while he was trying to decide whether to attempt the Saturday Review's Double-Croctic or try to answer Prof. Andrews' tax questions. "Don't look so lost. At least the Double-Croctic has an answer.

"Besides," I continued, "let's go hear the radical lawyer speaking in Ames Courtroom tonight."

"Not another radical lawyer," cried Bunky as he chucked both the Double-Croctic and the tax book aside in favor of the latest Fantastic Four. "When I came to this school I had visions of three-piece suits, huge starting salaries, and a subscription to the Review. Now I find that I might as well have gone to Yale or Chicago."

"Don't knock it Bunky," I said. "We had lots of radicals come speak at the Law School last year, and we got optional pass-fail, a seminar on corporate enterprise in the getto, and new management in the Hark."

"But we know what he's going to say, Fenno. First, he'll tell us that legal education today isn't worth the price of a Mighty Moe. Then he'll tell us that the legal profession lacks relevance to the society. And finally, he'll recommend that we all get involved in radical law cases and save our souls. But it won't work, Fenno. We can't all defend Abbie Hoffman!"

"This speaker's different, Bunky. I read an article of his, and he recommends we shave, get a haircut, and go to work for a big Wall Street law firm. Then, when we're all 50, living in suburbia, and making 100 grand a year, we show our true colors and sock it to the corrupt capitalist society."

"You're right, Fenno. This radical is different, and I think he'll get a big response around the Law School."

"But it's a little sad, Bunky. It will probably mean the end of guys like Jack Greenberg and Ralph Nader. Now everyone will want to practice corporate law or teach and do their radical thing on the side."

"Don't be so sure, Fenno. There will always be some unfortunates who don't go to the radical lawyers' talks because they're too busy working at CLAO or on draft research."

Letters to the Editor of the RECORD

Disturbed By Anti-War Editorial

To the Record:

I am disturbed by the tone and content of your editorial of 9 October. Not that I disagree with the idea that those who oppose the present Vietnam policy should set aside a day in which to express their protest in an organized manner. Rather, I am dismayed at the smug certainty which pervades your words. You express an attitude which I believe inimical to critical, rational analysis. One can detect a good deal of this kind of thinking abroad today: that the issues about the war are settled and that only the immortality and stupidity of our leaders avoids an immediate end to the conflict.

I dissent from that position. I believe that it is possible for reasonable men to decide that the war is not the greatest moral crisis to confront the nation, that the aims of the United States are not reprehensible, and that the cost of the war is not so great as to justify the abandonment of those aims, which would be the probable

result of a cessation of American activity.

The fact that this war, like most armed conflicts, brings carnage to the land on which it is fought does not make it *per se* immoral. One may believe that the Italian Campaign of World War II was a waste of lives and property, that the bombing of Dresden and the great fire-bomb raid on Tokyo, in which 125,000 people died, were criminal, and still believe that that war was morally justifiable. The fact that many people have made many mistakes about this war, and that these mistakes often cost lives is tragic, but it is not determinative. No moral system of which I am aware has made stupidity a synonym for immorality.

It is, further, possible for one reasonably to believe that Communism is an undesirable system, so undesirable that at times it may be justifiable to oppose it by force of arms. In reading Harrison Salisbury's book *The 900 Days*, I was appalled by the tragic manner in which the Soviet Government cruelly silenced, and in the case of those who led, executed those

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Law Notes

Edward F. Sherman, formerly a teaching fellow here and currently a member of the law faculty at Indiana University, has an article in the October 20 issue of *The Nation* on the Green Beret case and the system of military justice. An interview with Mr. Sherman on the subject of military justice appeared in the November 21, 1968 issue of the RECORD.

* * *

The Harvard Law Wives will present Harvard Professor John Kenneth Galbraith at 8 p.m. in Harkness Commons on November 15. Galbraith, former ambassador to India and co-author of *Indian Paintings, Scene, Themes, and Legends*, will speak on Indian art. Students, husbands, and wives are welcome.

* * *

George Annas, president of the Law School's St. Thomas More Society, had a letter in the Oct. 24 *Boston Globe* reaffirming that organization's call for immediate withdrawal of combat troops from Vietnam.

* * *

The proceedings of an unprecedented American Bar Association National Institute on "Business in the Ghetto" held last spring have been published as a special issue of *The Business Lawyer*, quarterly journal of the ABA Section of Corporation, Banking and Business Law. Copies may be obtained for \$1.50 each from: American Bar Association, Division of Legal Practice and Education, 1155 East 60th St., Chicago, Illinois 60637.

Subjects under discussion included public and private financing, franchising problems, involvement in depressed communities by national companies and consumer credit.

* * *

Gremlins have asked us to note that the Law School has a lost and found in the mailroom in Langdell Hall. Deposited there are such goodies as casebooks, notebooks, and briefcases.

* * *

If you've bitched about the Coop — and who hasn't — now's your chance to help change it. You have until Nov. 7 to vote for a revision of the by-laws giving students more say in the Coop's management. If you still don't know what it's all about, read the ad on page ten of this issue.



"Some of these new clinical-legal programs are certainly rewarding."

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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Photo Ed. for this Issue: Christopher H. Ripman '70
Ed. Night Ed. for this Issue: Thomas H. Geoghan '71

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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Coop**

Ballots must be in by Nov. 7th!

Review Selects Nine from Writing Competition

(Continued from Page 4)

performed by *Law Review* members. Basically, the competitors were this time to prepare the first draft of a case comment. Although *Law Review* members usually have a week to complete such a project, the candidates were required to complete it in five days.

Two faculty members each read and graded eight competitors' work, and the president of the *Review* read the drafts submitted by all 32 entries. Again looking for a "natural breaking point," these nine students listed above were asked to join the *Review* staff.

The nine joined 22 of their classmates selected over the summer for *Review* membership on the basis of academic standing alone. Those chosen earlier for outstanding first-year grades were: Philip J. Bakes, Kevin M. Clermont, Robert E. Denham, Kenneth S. Geller, Edward L. Glazer, Ira G. Greenberg, John E. Kennedy, William Kolasky, Gordon E. Krischer, Marvin R. Lange, Ira C. Lupu, James R. McGibbon, Joel M. Martel, Mark R.

Moskowitz, Michael L. Rodburg, Gerald M. Rosberg, Louis M. Seidman, Jerry L. Shulman, Allen R. Snyder, Stuart C. Stock, Jack M. Weiss III, and Michael Yourshaw.

Also added to the *Review* staff on a grade basis were an exceptionally large number of third-year students, thirteen in all: Peter J. Barack, Francis B. Butler, Robert M. Hager, Donald Harrison, Daniel K. Hennessy, Joel I. Klein, Franklin D. Kramer, Stephen H. Marcus, Arthur D. Melamed, Covert E. Parnell III, Peter J. Rubin, David J. Saylor, and H. Wayne Taylor.

Although there seems to be general agreement that the writing competition has merit, there is no consensus as to how widely it should be used.

Jack Shinkle, case editor, believes that the competition should be used only in a limited manner. "Because grades test so much more than any competition possibly could, they must still be the primary criteria for selecting new members," he said.

On the other hand, Helfer, who was one of the co-ordinators of

the competition, stresses that the *Review* members realize that the present exam system does not let everyone fully demonstrate his abilities. He argues that Law School exams do not test the ability to think originally about a new problem when given a reasonable amount of time or the ability to do original research thoroughly and critically.

Those who were chosen for membership through the competition disagree among themselves as to the merits of the competition. John Taurnam feels that only the competition and not exams gave him the opportunity to determine his ability to use research techniques and to thoroughly organize and edit material.

Conversely, Henry Shaeffer maintains that during the competition he was using basically the same skills that exams tested.

The successful competitors also disagreed as to whether their having several days instead of 4 hours to write an answer increased or decreased the pressure on them. Henry Shaeffer explains

(Continued on Page 12)

Sports Briefs

By Jim Schuyler

Intramurals . . . Football news remains chaotic. Each team should have completed four games on its schedule by the end of this week, but it is not known whether this has occurred. The problem involves reporting of scores. According to the rules, scores must be reported to the Football Commissioner, Roger Holt, by Sunday night (12 midnight). This has not happened. In addition, there have been conflicts of facts relating to games and forfeits. Hopefully, all will be clarified this week.

Football . . . Harvard suffered its second loss in Ivy League competition last weekend. That just about

ends talk about the Crimson as a "strong contender" in defense of its title. Both Dartmouth, last week's opponent, and Princeton remain undefeated in league play. Coach Yovicsin's squad might play the role of spoilers as they face the Princeton Tigers at home next Saturday. This weekend, they go against Penn, in a fairly even match since both teams lack a consistent quarterback. At the Dartmouth contest, it was reassuring to see a good turnout from the Law School community.

Pro sports . . . As Harvard's fortunes fade, the sports fan in Boston finds other worthwhile alternatives. The Celtics and the Bruins alter-

nate at Boston Garden to form an active winter schedule. Although the Celtics are off to an incredibly poor start, Lew Alcindor and his Milwaukee Bucks will be here on November 11 and they are a genuine Eastern Division contender. The Bruins, on the other hand, are currently leading in the East with an undefeated 5-0-1 mark. The New York Rangers will visit on November 15.

Hemenway . . . a weekly feature. Some law students are now questioning when weights will be available in the gym's exercise room. We hope to find out about this situation as soon as possible.

Law Firm Questionnaire Garneres Response from Only 10% So Far

(Continued from Page 1)

posed by the firms which answered questions selectively. Two types of response fell into this category. First, there were firms which stated that "these are the only questions we care to deal with" and ignored the remainder.

Several responses, however, including one from Cravath, Swaine & Moore, a large New York firm, were copies of the response the firms made to a questionnaire distributed by Yale Law School. (Cravath said they were still considering the other questions.)

Green was particularly troubled with these responses because of the differences between the two polls. Yale's consisted of questions which duplicated only the first three of 16 questions on the Harvard poll, dealing with discriminatory hiring and *pro bono* work. Green thought the most challenging aspects of the poll were raised by later questions dealing with ethical problems arising from the firm's relationships with its clients, particularly

where client interests are *adverse* to the interests of society in general.

Green and the other sponsors, Andra Hotchkiss, 2L, and Mike Haroz, 3L, are currently considering ways of presenting the results of the questionnaire. As the cover letter to the law firms promised, responses are being catalogued and the replies placed in book form for the scrutiny of interested students.

But Green admits that he is more interested in making students aware of those firms which chose not to reply. He thinks this information is relevant to any student deciding which law firm to join.

Green is presently considering issuing a statement or distributing a leaflet listing the firms which did not respond. He may take out an advertisement in the *RECORD*.

Random discussion with interviewers indicates that perhaps the major objection to the questionnaire is that it presupposes that

law firms have set policies. "Law firms don't have policies," said one interviewer, "only individual lawyers do."

Green disputes this premise. "If the question is whether an associate can do *pro bono* work without jeopardizing his future with the firm, or whether the firm should keep a client, it is not up to an individual partner to make the decision. There must be some committee decision."

Further, said Green, this position would not justify the firm's not answering either individual questions or the questionnaire itself. The firm has the option of saying several partners feel one way, others feel otherwise. And since the declared purpose of the questionnaire is to provide prospective associates with information pertinent to future employment, such a breakdown would give an even more realistic basis upon which to appraise the law firms.

One possible reply to this is that it is a very time-consuming and fruitless process to draft paragraph answers to the subjective questions asked by the questionnaire. One interviewer recounted that last Spring he drew up a position paper on the Vietnam War. By the time other partners had taken a whack at it, and the result was submitted to associates for their views, his original effort was unrecognizable. "And," said the interviewer, "we still haven't finished with the darn thing."

The *Guide*, however, attempted to resolve this problem by using objective questions, aiming at one-word or one-line answers. William Alsup, 3L-Special, would-be author of the *Guide*, told of a recent response from a San Francisco firm which sent him its reply to the Law Firm Questionnaire. In a cover letter, the firm stated it could not give short answers to the questions being asked, and that its response to the questionnaire shows the "qualifying language necessary to make any answer meaningful."

Nine Selected for Law Review

(Continued from Page 11)

that although there was pressure on him, since it was "self-created" pressure, it was not as bad as during an exam situation.

David Davenport feels that the pressure was worse during the writing competition. He believes that to be under such heavy pressure for almost a week was harder than the pressure of a 4 hour exam.

Another successful competitor compares the pressure to that provided by the Ames Competition. He wanted to do well, but winning was not a life and death matter to him. The new members do believe that the competition is at least a worthwhile supplement to the traditional way of selecting new members.

The effects of the competition on the *Review* itself obviously can not be determined yet. The officers of the *Review* agree that the four students selected for membership by this method last year have done adequate work for the *Review*. One of the four has become an officer.

There is, however, some sentiment on the faculty that if the academic standing of the *Review* staff decreases, the *Review* will lose its rigorous standards and hence will fall in quality. Some professors maintain that if the *Review* staff is not composed of the top of the class it will become just another one of several journals published by the Law School.

Law School Financial Aid Budget Is Unrealistic

(Continued from Page 3)

<i>Costs</i>		<i>Explanation</i>
11)	Charitable contributions \$10.00	This assumes that the student makes some contribution to his church, Phillip Brooks' House and Biafra Fund.
12)	Travel Expenses \$250.00	This assumes that the student lives in Chicago (as a median geographical example) and makes two round trips a year to his home.
13)	Dental, optometry, pharmaceutical expenses \$40.00	No explanation needed.
14)	Shaving cream, toiletry, deodorants, razor blades, soap \$60.00	No explanation needed.
15)	Gifts to friends and family \$25.00	No explanation needed.
16)	Newspaper and magazine subscriptions \$36.00	This assumes that the student shares with someone a full subscription to the New York Times, two news magazines and the Harvard Law Record.
17)	Typewriter maintenance and cleaning \$15.00	No explanation needed.
18)	Multilith materials \$25.00	The Law School automatically adds charges for multilithed course material to a students bill. Last year it frequently was over \$25.00
19)	Social expenditures other than with dates \$40.00	This assumes the occasional movie, athletic event, charges for tennis playing, and mixer expenses.
20)	Admission to speeches and political events \$15.00	For example, there are charges to attend Forums, Cesar Chavez and Allard Lowenstein-type speeches, as well as Young Republican picnic charges.
Total Year Expenditures \$4701.00		

Thus, our hypothetical student has a cost budget \$1000 above the official estimates. Some possible optional expenditures that are not included in his \$4701 budget are:

Shared telephone expenses	\$ 30.
Shared refrigerator expense	10.
Gymnasium fee	40.
Percolator expense	10.
Minimal record, radio and novel expense	60.
Interest on loans	30.
TOTAL	\$180

Among our thirty-seven interviewees, five had optional expenses above \$180, seventeen had about \$180 and none had less than \$100.

Thus we conclude that a year of reasonably frugal living at Harvard Law costs \$4700.00 without including optional expenses.

Students entering the school, parents, and state loan agencies are being seriously misled by the current official information. Students are frequently put in an awkward position in applying for state loans, asking their parents for additional aid, and planning their own financial position because they rely upon the school's excessively conservative estimates. We strongly urge that a revision be made.

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Chicago Defendant, Lawyers Depict Trial

(Continued from Page 5)

At the opening of the meeting, Eric Sykes of the National Lawyers Guild announced plans for mass demonstrations against the Chicago trial at Federal Court Houses on November 13 and in Washington at the Justice Department on November 15.

Gerald Lefcourt, who was indicted for contempt at the Chicago trial and is now conducting the defense of the Panther 21 in New York, said, "The ruling class . . . the government in this country has embarked on a calculated and deliberate decision to eliminate all Black Panthers and other radical groups." He urged lawyers and law students to get involved in acts of political education to help educate large segments of the American public to repression of those who disagree with the American government's policy.

Leonard Weinglass, who is actually conducting the trial defense in Chicago along with William Kunstler, was cited for contempt when trying to make his opening statement to the jury. He urged law students to come to Chicago and see the "myth of due process and justice under law exploded."

Weinglass went on to describe the extensive frisking and harassment which one must undergo just to enter the courtroom, and the Kafka-like atmosphere pervading the entire ultra-modern courtroom itself.

He is very pessimistic about the chances of reversal on appeal although many have told him that the numerous mistakes made at the trial make it a certainty. He pointed to the Rosenberg, Sacco-Vanzetti, Haymarket, and other political trials that were not overturned on appeal. Criticizing the anti-riot provision under which the defendants are being prosecuted, Weinglass said that "the government doesn't have to show that they intended to incite a riot.

It doesn't have to show a cause-and-effect relationship between their actions and the riots. All it has to show is that they had a 'state of mind' intending to incite a riot. This is the first federal prosecution for somebody's state of mind."

"Our only hope is to politically educate the jury," Weinglass continued, "so that the government's excesses will create a negative reaction in the jury box and save our defendants."

Four Profs to Fill Chairs

(Continued from Page 2)

magna cum laude in 1929, he was an editor and treasurer of the *Law Review*. In 1942 he became Regional Attorney in Boston for the Office of Price Administration, and from 1943 to 1946 served as O.P.A. general counsel, in Washington, D.C.

Ernest J. Brown, now the Langdell Professor, was Acting Dean at the University of Buffalo Law School before coming to the Law School as Visiting Professor in 1946. He became Professor of Law in 1947.

Brown received the A.B. in 1927 from Princeton University, and the LL.B. magna cum laude in 1931 from the Law School. He was a member of the *Law Review* and participated in the Legal Aid Bureau.

At the Law School Professor Brown was chairman of the com-

mittee which recommended adopting the J.D. degree instead of the LL.B. He was Visiting Professor at the University of Pennsylvania 1967-68, and is on leave for the academic year 1969-70.

James H. Chadbourn, the new Fessenden Professor came to Harvard as Visiting Professor in 1961 and returned as Professor in 1963.

He graduated from The Citadel in 1926 and received the J.D. degree from the University of North Carolina in 1931, where he was Editor-in-Chief of the *Law Review*. He remained to teach at Chapel Hill from 1931 to 1936, and then taught from 1936 to 1939 at the University of Pennsylvania Law School, and from 1950 to 1963 at the University of California at Los Angeles. At U.C.L.A., he held the Cornell Professorship.

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'Law Schools Need Legal Clinics,' Kinoy Says

(Continued from Page 1)

Kinoy rejected formal changes in the administration of the law schools and in the methods of teaching as solutions to the crisis, while noting that this is what students and faculty usually look to first.

The initial response to pressures for reform, the small and peppery lawyer said, is usually a demand to eliminate or modify the case method. But Jerome Frank pointed out the problems with the case method over 30 years ago.

The second response is for changes in the curriculum. But most law schools now have "relevant" courses, Kinoy continued.

The third response is for some program of clinical education. But the suggested programs, he said, don't solve the problem.

The problem, Kinoy said, is rather one of substance and content. "The crisis in legal education reflects the basis crisis in the profession itself. The fundamental problem is how can the legal profession itself remain relevant to the basic problems of the contemporary American society."

Fantastic Opinion

For example, Kinoy said, the recent Supreme Court decision in *Jones v. Mayer*, interpreting the 13th Amendment to ban discrimination in housing as a "badge or indicia of slavery," is "a fantastic opinion which the legal profession has ignored and misunderstood."

He charged that the *Harvard Law Review* had simply dismissed the case as "an overreaching by the Court."

But, Kinoy continued, *Jones v. Mayer* is being used in Chicago today to attack the charging of blacks excessive prices in sales of private houses.

"By chance," he said, "there was some lawyer in the city of Chicago who had read *Jones v. Mayer*."

Using the case, an association of black homeowners has instituted a class action which is now going to trial.

This action, Kinoy added, has an importance beyond any legal remedies which the black homeowners may obtain. "It has been a tremendous assistance to the organization and struggle of the black people." The suit began with 100 plaintiffs, he said; now over 300 plaintiffs have joined the action.

Challenge to Profession

The challenge to the legal profession, Kinoy concluded from this example, is for lawyers and law students to take cases such as *Jones* and fashion them into weapons to help people.

Kinoy said the conspiracy trial of eight political leftists in Chicago presents a similar challenge to the lawyer.

The court in that case, he said, will not allow Bobby Seale, a Black Panther leader, to conduct his own defense. The only remedy available is ap-

peal after the trial is ended. The challenge, however, is whether a case such as *Jones* can be used to bypass the normal route of appeal so that Seale can speak now and not five years from now.

"There may be a total difference in the case of Bobby Seale," Kinoy said, "which would permit a collateral attack on the trial now which would allow Mr. Seale to defend himself rather than sit manacled and gagged in the courtroom while his political party is maligned by one government witness after another."

Such a collateral attack would be "way out" but a similar challenge to lawyers and a similar need for a solution which would best suit a client's needs

'New Role of Lawyer to Place Skills At Use of People's Movements'

resulted in the *Dumbrowski v. Pfister*, the first case which allowed a collateral attack on a criminal trial, Kinoy said.

"This is the kind of challenge which came out of the Southern black movement of the 60's," Kinoy said. "The new role of the lawyer is to place his skills at the use of people's movements." He calls these lawyers "people's lawyers" and the law they practice "people's law."

Then Kinoy quoted Jerome Frank on his idea of a law clinic in the law school to allow professors to combine teaching and practice.

The result of such a clinic, Kinoy said, would be for students to "learn how to develop theories and ideas to meet the real needs of real people."

Kinoy cited the Rutgers Law School which has such a clinic and which has sued to put the Newark, New Jersey police department under receivership and to forbid state agencies from keeping dossiers on radical activists.

Kinoy said that in the latter action "the 40 students who worked on that case learned more law than in two years of law school. They learned more substantive law; they learned more procedural law; they learned more real law."

Add to Excitement

Such involvement of the law schools with important legal actions would add to the excitement of legal education, Kinoy said.

The clinic at Rutgers is a course with full semester credit open to second and third year students. Each participant is assigned to work on a leading constitutional law case in the New York area, and the students work directly with the lawyers on the case. Each week, all members of the clinic meet and discuss one of the cases, with the lawyers participating in that session.

Kinoy concluded that "the primary responsibility for changing and improving the law school lies not with the students; the primary responsibility lies with the faculty."

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Letters . . .

(Continued from Page 9)

who had been most steadfast in its defense. A reader of Bernard Fall's account of the way in that North Vietnamese peasants who objected to the collectivization of lands promised them by the Viet Minh were machine-gunned for their efforts might conclude that anti-Communist sentiments are no more reprehensible today than anti-Fascist sentiments were in, say, 1936. And the Rape of Czechoslovakia and the mass murder of civilians in Hue during the Tet offensive might convince a dispassionate observer that the minions of Ho Chi Minh are not more noble nor charitable than those of Stalin.

I do not expect that the foregoing will change any opinions. That is not particularly important. What is important is that, whichever side one is on, he realize that he holds no stranglehold on Ultimate Truth. Or, as Mr. Justice Holmes more elegantly put it, "I learned a long time ago that I am not God."

Jonathan J. Margolis, 3L

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