

HARVARD LAW RECORD

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TWENTY CENTS

Moratorium Enters Phase Two

200 Head for Washington

Local Action Also Slated

The Law School leader of the November Vietnam Moratorium Joseph Gebhart, 2L, predicts that several hundred law students will be in the nation's Capitol this weekend to help provide legal help in case violence should occur.

But he is confident, nevertheless, that any violence will be no more than small, isolated incidents.

In addition, he expects many students to take part in activities centered around the Boston area.

"We're not anticipating any violence," says Edward Radlo, a 1L who is the head of the New Mobilization Committee at the Law School, "although it seems that the Government has been trying to force a confrontation. The Mobilization Committee has constantly stressed its non-violent position, and by denying the group a permit to march past the White House on Saturday and starting rumors of violence, Government leaders are seriously endangering that position."

This month's Moratorium efforts are being conducted by two national groups — the National Moratorium Committee which has encouraged local action and "Bring the Congressman Home"

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Jan Gray

Students demonstrating against Boston law firm of Ropes & Gray huddle on Placement Office porch.

Pickets Confront Ropes & Gray, Then Press Deans on Placement

By Bob Hernandez

Signs were soggy and demonstrators were drenched, but spirits were high as an ad hoc group of 20 Law School students confronted recruiters from the Boston law firm of Ropes & Gray October 5 at the Placement Office.

The students, picketing and leafleting in the rain in front of the Office, charged that the firm represents interests which are blocking mine safety legislation.

They hoped to influence other students to avoid interviewing with the firm.

Coming out of the building for their lunch break, the recruiters were questioned as to this and other charges.

When they refused comment, the students followed them through Law School buildings, chanting slogans, until persuaded by Vice Dean William L. Bruce

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Moratorium Action Zeroes in on Washington

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programs, and the New Mobilization Committee which has organized the massive Saturday demonstration in Washington.

Radlo expects about 200 Law School students to participate in the Washington demonstration as "Law Marshals." In the case of incidents, the Marshals will be expected to make an accurate report of the cause and call other Marshals at police precincts to make a follow-up report.

The Mobilization committee hopes this will discourage provocative police actions which might flare into violence. Besides the law marshals, who will have armbands for identification, numerous lawyers will be present and available to consult with any demonstrators who might be arrested or mistreated by the police.

Students in Washington, who wish to act as marshals should report to the Law Marshals' office in the Lincoln Room of the New York Avenue Presbyterian

Church, 1313 New York Ave., N.W.

At the time of publication, the New Mobilization Committee had no plans to march on Pennsylvania Avenue on Saturday, although it hopes that the Government might yet change its position on the denial of a parade permit. By avoiding steps which might lead to confrontation, the Committee feels that it is doing what it can to prevent violence. All participating organizations have promised to support the goal of non-violence, and such groups as the SDS have chosen not to participate. But as a coalition of over fifty groups, from the Urban League to the American Friends Service to the Communist Party, the march may attract some militants, as counterdemonstrators if not demonstrators.

Activities in Washington

Washington activities begin long before the Saturday demonstration: a March Against Death begins at 6 p.m. tonight. The March will be a single-file procession from the Arlington Cemetery. Each participant will carry a piece of paper with the name of a war dead from his state, read it off in front of the White House and deposit it in a casket at the Capitol. The Massachusetts contingent will probably leave at about 4 a.m. Friday, and participants can arrive there as late as 6 a.m.

The Saturday demonstration will assemble at the Mall (on Third Street) at 9 a.m. Marchers will leave from 11 to 2. At noon numerous rock groups will perform for the demonstrators, including Peter, Paul and Mary, the cast from Hair, Tom Paxton, Arlo Guthrie, and Jimmie Hendrix. From 2 to 5 numerous national figures will address the demonstrators, including, possibly, Senator Charles Goodell and Coretta King.

The New Mobilization Committee expects 250,000 to 500,000 participants.

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Profs Urge Students to Join March

Professor Alan M. Dershowitz and Assistant Professor Stephen G. Breyer called on students to join in Saturday's march in Washington at a meeting on Monday in Ames Courtroom.

Dershowitz declared that he was "moved by Agnew's obscene utterances" to go to Washington. He noted that when combined with Nixon's speech on Vietnam and Attorney General John Mitchell's statement that Agnew may have understated the problem, he felt compelled to join the demonstrators if only to "overcome the image of a massive assault on the police by pocket-books."

He further accused the Justice Department of having "conspired to cause riot." All moderates must join the protest, he insisted, "to isolate out people like the Weathermen from the Peace Movement and others like them who favor violence. Don't let this movement be taken over by the Nixon-SDS conspiracy."

Breyer, also, emphasized the importance of putting a large moderate buffer between the

police and more militant members of the peace movement.

"What Nixon wants most is a small number of demonstrators who are violent in character, so that he can point to the lack of broad support of the peace movement and the violent nature of those few supporters."

Buddy Berkson, 2L, noted that the people most likely to stay home as a result of the Justice Department's warnings are those who do not want violence, leaving Washington to the militants.

Professor Charles Nesson mentioned rumors he had heard regarding plans for violence after the main demonstration, during a separate march on the Justice Department to present petitions against the Chicago Conspiracy trial. David Rockwell, 2L, President of the Student Bar Association, replied that the only possibility of violence would be from Yippie leader Jerry Rubin's challenge to confront the Attorney General with a pair of boxing gloves for a "fair fight" at the end of that march.

5% Not Participating

First Year Ames Runs Into Trouble

While students complain each year about the way Ames Competition is being run, this year the new format adopted by the faculty and the decision by the Administration to approve other student activities which preempt Ames have created new grounds for student dissatisfaction.

Instances have been reported of students having to prepare cases without partners or with partners assigned after much of the research had been completed. In at least one case, the Board of Student Advisors attempted to change cases after students had begun work on their memorandums.

And this dissatisfaction is heightened by the fact that five per cent of the first year class is not participating in Ames.

Under the new format, students are split into four man sections, with two students, operating as partners, arguing each side of the case. Two or four of these sections work on the same case under the guidance of a faculty member. This contrasts the old scheme, where students argued one-on-one in the fall round of the Competition with any number of two man groups arguing the same case.

According to Jerry Stubbs, 2L, First Year Ames Chairman, the new format is better in many respects. Fewer cases are being used which means individual cases are drafted better. And with faculty involvement, there is better advising and judging.

However, one of the problems of the new system, Stubbs said,

is finding replacements for students who drop out of the Competition. Under the old scheme, whenever two students dropped out, the remaining twosome could be matched. This matching is not possible when a foursome is the basic unit of competition.

Further, having sections working on individual cases has necessitated finding students willing to switch from one case to another.

No Changes

The Board of Student Advisors, which oversees the competition, decided that even with students willing, case changes should not be made after the fourth day. With eight rounds of competition, Stubbs said it was fairly easy to fill vacancies during early rounds. But in later rounds, it has become increasingly difficult to find anyone willing to make the shift.

One source of vacancies in the Competition was "administrative error." Stubbs said that 15 students were included in initial competition lists who had either never registered at the Law School or withdrawn before the competition.

Two students have dropped out of Ames because of "illness".

Major Source

But the major source of withdrawals has been the letter to first-year students issued by Dean Derek C. Bok about one week before Ames was to begin. According to Stubbs, the letter came out just three days before competition lists were to be drawn up.

While copies of the letter are not presently available, either from the offices of Dean Bok or Secretary of the Law School, Stephen M. Bernardi, or from the Board, the letter apparently stated the Administration's position that participation in Ames Competition was desirable. The letter continued, however, that students who seriously desired to work on a project other than

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Charles Warren Fellows Engage In American Legal Research

A group of thirteen legal scholars will work on American Legal History and related subjects at the Law School this year in the Charles Warren Program in American Legal History.

Now in its second year, the program is designed to stimulate research and teaching in American Legal History by training lawyers in history and historians in the law. It honors the late Washington lawyer and historian of the Supreme Court, and was funded by a bequest from his widow, Annie Louise Bliss Warren.

Participants in the program this year include three Charles Warren Fellows, two Liberal Arts Fellows, two Senior Visiting Scholars, a Teaching Fellow, two graduate students, a Research Associate at the Warren Center, a first year law student and a third year law student.

The three Charles Warren Fellows are:

Morton Jay Horwitz, who is preparing a book on law and economic development in America before the Civil War. Now in his second year as a Warren Fellow, Mr. Horwitz is also Ezra Ripley Thayer Teaching Fellow. He is teaching a course in the second year in American Legal History. He holds the Ph.D. (1964) and LL.B. (1967) from Harvard.

Kenneth Laurence, who is editing the papers of Daniel Webster in three volumes for the Harvard University Press under an appointment from Dartmouth College and the William Nelson Cromwell Foundation. He is in his second year as a Fellow. He holds the LL.B. (1962) from Harvard, and he is now candidate for Harvard's Ph.D. in American history.

William E. Nelson is completing a doctoral dissertation on legal change deriving from the

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Pickets Confront Boston Law Firm

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to bring their complaints to him and Dean Derek C. Bok rather than follow the recruiters.

A leaflet distributed by the demonstrators charged that Ropes & Gray has close ties with the Eastern Associated Coal Company, "one of the nation's leading coal producers and one of the

largest mine operators in West Virginia."

Eastern Associated has joined with other mine owners, the leaflet claimed, to block legislation which would protect coal miners from Black Lung disease and other unsafe conditions in mines.

"Ropes & Gray aids those people who exploit the coal miners.

This firm has accepted diseased money for years. Don't you have something better to do with your talents than to sell them to Ropes & Gray?" the leaflet said.

Apart from the coal mine issues, individual demonstrators had their own reasons for singling out the Boston firm for the protest.

"I'd really like to see Ropes & Gray disband as a prelude to the break-up of the entire capitalist social system," explained Thomas Geretz, 1L. "This placement office is set up to allow those people who have money to interview at the expense of those who don't. We oppose this collaboration with the capitalist system. Ropes & Gray is the type of firm which is particularly obnoxious in the systematic exploitation of the people."

Anne Thornton, 1L, explained her participation in terms of the firm's composition. "It's a lily-white firm, that doesn't stand for anything we stand for. It doesn't have any women partners."

David Rockwell, 2L, president of the Student Bar Association, condemned the firm as a symbol

Moratorium: Boston Area

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In the meantime, the Moratorium Committee has equally extensive plans for the Boston area, under the leadership of Gebhart, who is also serving as state-wide coordinator for community activities. Today, the group plans a repeat performance of October's extensive canvassing of the Boston area.

"We have to provide a rebuttal to Nixon's speech," Gebhart explained. "We have to get the pendulum of public opinion to swing back once again against the War today."

Canvassars will be leaving from Memorial Hall throughout the day, hoping to catch people as they get to work or go shopping. Shifts were tentatively scheduled to begin at 6:30 a.m., 10, 12:30, and 3:30. The Committee plans to distribute a reprint from the November 18 issue of *Look Magazine*, entitled "The Necessity for a Prompt Withdrawal." Douglas P. Haffer, 1L, is the state-wide coordinator for canvassing.

Depending on the number of participants, the group may also picket draft boards in the area.

Tomorrow, the Moratorium Committee is planning clean-up projects for the Model City program in Boston, and several areas in Cambridge and Somerville. Participants will meet at Langdell's main entrance or in Harkness at 9:30 and 12:30. Work

will consist mainly of unskilled carpentry, painting, and repairing empty housing shells.

The third part of the Moratorium Committee's program, "Bring the Congressman Home," is directed to community groups outside the Law School. State-wide coordinator for this project, Dennis Kannin, 2L, hoped to bring back all twelve Congressmen as well as both Senators for Massachusetts.

Four Congressmen have definitely agreed to speak to their constituents about the War: Harold Donohue, 4th District; Brad Morse, 5th District; Michael Harrington, 6th District; and Thomas "Tip" O'Neill of the 8th District, which includes Cambridge. O'Neill will speak tonight at 8 p.m. at the First Congregational Church, 11 Garden Street, Cambridge, and tomorrow at 7:30 p.m. at the Brighton High School.

Gebhart noted that there was no way for the Moratorium-New Mobilization Committee to judge response for the November activities, mainly because a major portion of the planning was done after November 3. "I expect the turn-out to be somewhat lighter than in October," he said.

Although most teachers have not cancelled classes, he expects attendance to be down in general, as a result of "the atmosphere and spirit of the Moratorium."

—by Bob Hernandez

Students Condemn Firm's Associations

of oppression of many groups, including women, and Jews. "A lot of things are going to have to change," he warned.

One of the organizers of the demonstration, Thomas Crough, 1L, explained that the group was particularly concerned with the firm's unwillingness to discuss its position on these issues with the students. He said he was completely unsuccessful in an earlier attempt to talk to one of the recruiters, Ernest Sargent.

"He just said, 'it's raining,' and 'it's a bad day for demonstrations,' and 'what's happening at MIT?'" said Crough.

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Women Lawyers Discuss Rights . . .

By Gail Miller

"Women are notoriously masochistic," mistaking "bullshit and orange blossoms" for their rights and freedom from oppression, prominent black female attorney Florence Kennedy announced to a meeting of interested women and men at Radcliffe College on Friday evening, November 7.

The key drafter of abortion reform legislation for the state of New York was joined by Diane Schulder and Anne Garfinkle — both members of the Lawyers' Commune in New York — in discussing women, politics, and the law.

The event was the second in a series of talks by and with radical lawyers sponsored by the Harvard Student Bar Association, the Draft Research Committee, the Civil Rights-Civil Liberties Law Review, and the Civil Rights-Civil Liberties Research Committee.

Although the guest speakers' arrival was delayed by foul weather, discussion began on schedule in their absence. Centering on the Washington March and women's rights in the Law School, much of the earlier give-and-take was a dialogue between Law School Professor Robert Braucher and others

in attendance. The discussion focused on the discrimination by job interviewers against women and the complicity of the Law School in this discrimination.

It was almost 10 p.m. when the three women lawyers finally arrived, yet the crowd had scarcely diminished. The three immediately defined the meeting as an occasion for continuing discussion rather than one for lecturing, each indicating areas in which she would entertain questions.

"Lawyers have never been able to stop the screwing of the oppressed — they have only been able to dispense vaseline," Kennedy opened. She indicated that her interests centered upon the phenomenon of oppression, whether it occurred in minority rights or in women's rights. Favoring tactics shaped by common sense to fit the situation rather than being tied to political or litigative tactics, Kennedy said, "I'm doing what I think every middle-aged colored lady ought to be doing."

No mention was made of the individual marital status of the three. The subject just never came up.

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As Law School Women Organize

By Michelle Scott

A Harvard Law version of "women's liberation" came to the Law School last week as nearly 50 women law students met in Harkness Commons to organize a group which would devote itself to their interests, concerns, and — if need be — their rights.

"When Lincoln's Inn turned us away in September," one 1L woman observed, "we began to wonder if there were other discriminatory situations facing women law students."

Women in the second and third year classes have asserted that discrimination did exist, especially in job prospects.

Cynthia Mollenkopf, 1L, noted that career prospects were the major worry of most women.

"The Placement Office does have some little blurb that the law school requires non-discriminatory hiring practices," she said, "but there's no enforcement. And there is evidence of discrimination that's pretty bad."

Plans to survey the experiences of women graduates, to investigate the type and extent of dis-

crimination, and to inquire generally about employers' practices regarding women with families are now being formulated. Mrs. Mollenkopf said that, "Some firms do have special arrangements. Perhaps we could find out about these ideas and propagate them, using the Law School as an educator."

One effort to investigate hiring practices has already begun with the distribution of questionnaires to all 2L and 3L women who are interviewing firms at the Placement Office.

This project is designed to document experiences like that of Penny Howe, 3L, who reported, "I had at least one firm representative say 'I'm sure we're not going to be hiring any girls this year' and others who said almost that."

Mrs. Mollenkopf also noted the "conspicuous absence" of women in the faculty and in the administration and the fact that women compose only six per cent of the student body. The group hopes to encourage recruitment of women students and women educators, and several of the women stu-

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First Year Ames Runs Into Trouble

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Ames would be permitted to do so subject to the approval of Secretary Bernardi.

Stubbs said that while the letter established the start of competition as the deadline for withdrawing, that deadline had not been observed. And the consequences have led to a serious disruption in the operating of Ames.

Board records indicate that 15 students withdrew before the deadline. Thirteen students planned to do legal research on the draft; two stated they intended to work for the *Civil Rights-Civil Liberties Law Review*.

Eleven students dropped out of Ames after the deadline. Nine were "excused" to work on a special project for Professor Alan M. Dershowitz. Two others were "excused" to work on the *Civil Rights Review*.

Stubbs indicated the word excused should be quoted because Secretary Bernardi's policy has been that students should not be excused after the deadline; but since there is no effective means

to compel participation in Ames, the students have been permitted to opt out.

This same policy led Dean Bok to issue the letter recognizing student desires to choose not to participate in the first place. Stubbs said no one on the Board had any advance warning that Bok was going to issue the statement.

Shortly afterward, however, the Dean met with the Board. His position was that with Ames being made more meaningful, by improving cases and judging, and by increasing feedback through use of faculty advisors, first year students would want to participate. According to Stubbs, the Dean felt that few students would decide against participation.

Some Vacancies

The Board has been unable to fill all the vacancies created by students dropping out late. The result is that there are presently eleven three-person groups, which means that eleven students have had to proceed without a partner.

But this statistic does not reflect the fact that many students were well into the Competition before being assigned partners. In one case a student did not have a partner until after the four day limit, and the partner she ultimately received was a foreign student who allowed that he does not know how to do research in American lawbooks.

Other problems have resulted from faculty participation in Ames. Several professors complained about the selection of cases. Professor Calabresi, for example, whose field of expertise is torts, is apparently advising a property case.

Student complaints generally have been directed to what appears to be haphazard organization of the Competition. As far as Bok's letter is concerned, one student stated, "I had no idea you could get out of Ames, but now I'm hearing stories." This perhaps points up the inherent weakness of the Law School's distribution process, which involves post-

ing notices on relevant bulletin boards and handing them out at the Receptionist's desk.

Another student, though aware of the letter, complained that "there was no statement of how to avoid Ames, no statement of what the standards are in determining whether the other activity qualified to replace Ames."

A member of Professor Calabresi's court was startled when a member of the Board showed up at the memo conference after the students had done all of their research and tried to switch cases.

No Policy Change

Secretary Bernardi conceded that there has been "some, but not a tremendous amount of student interest in doing other things." He did not think that Dean Bok's letter represented any change in policy on the importance of Ames, but was rather an attempt at accommodation.

In response to a question to what extent he had come across student disenchantment with Ames, Bernardi reiterated that it was a question of interest in other areas, rather than a disinterest in Ames which led to most student withdrawals. He noted that perhaps two or three students had expressed disenchantment.

Finally, the Secretary said that with the changes in format and increased faculty feedback in Ames, everyone was treating this semester as an experiment. He commented, "we hope the response will be favorable." But since the faculty proposal on Ames went only to the current year, he anticipated the faculty might well take a close look at the program for next year.

Stubbs' final word was that the Board was not opposed to students being permitted to withdraw from Ames. But, he said, a deadline should be established and well advertised so there will not be the same incidence of people dropping out late, since it is the late withdrawal which creates the problems for students staying in Ames.

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Remember 'Middle Americans' Javits Says

By Oliver Henry

"The party providing a program that meets the needs of the unfortunates while maintaining — not taking from — the position of the 'middle Americans' will gain the support of a majority of the American people and become the dominant party in this country," said Senator Jacob K. Javits, New York Republican, at Monday night's Harvard Law Forum.

In a speech detailing the effect of the recent New York City election on the Republican Party, the cities, and the nation, Javits asserted that "a lot was learned from the 1969 elections. The central theme was the reaffirmation of a trend away from the traditional two party system."

Voters now place more emphasis on specific issues and candidates. Except for in the South, "there is no longer any such thing as a 'safe' district," he added.

Though the New York election, highlighted by the reelection of Mayor John V. Lindsay, indicated anew the slow decline of American party politics, "the two party system remains viable as to organization and somewhat as to ideology," commented Javits.

Organization Needed

"The extent of the organization required to reelect John Lindsay in the city would be appalling if we had to do it on a statewide basis," he continued.

"We organized 11,000 poll watchers; a political party could do that without much trouble and that's why political parties, on the strength of their organizational abilities, remain viable today."

While the degeneration of American political parties represented one major theme in the recent election, another important aspect was the unrest apparent among so-called "middle Americans," a catch-all phrase for those lower middle income whites upset by high taxes, rising crime rates, deterioration of schools, urban

tension and decay. In short, those concerned about matters that bother any ordinary American citizen.

"The 'middle Americans' are in revolt against what they see as the over attention afforded by our government to our minorities. But it is a dubious revolt; for, though disturbed and reacting negatively to many policies, these people are still left of center on the bread and butter issues which benefit not only themselves, but also the poorer members of American society," asserted Javits.

Who Speaks?

"Middle Americans are asking, 'Who speaks for me?' I'm eighty per cent and he's (meaning Negroes, Puerto Ricans, and assorted others) only twenty per cent," said Javits.

In order to decrease the alienation felt by many "middle Americans," Javits said that the nation must "retain, improve, and increase the base erected under them — unemployment compensation, social security, medicare, veteran's benefits — without appeasing 'middle Americans' by letting up in our effort to secure the rights due the minorities.

"It will take a determined effort by the federal government to give the have-nots a larger share of the opportunities available in

American life," he said. And, the "critical problems" facing the country are the maintenance of quality as more schools become integrated, the stability of property values as neighborhoods become open to all Americans, and the creation of more jobs for both minorities and 'middle Americans'.

No Alienation

"We must not continue to alienate 'middle Americans'," said Javits, "because that would lead to even more problems for our society."

"We can win 'middle America' to what we're trying to do for the have-nots because our effort actually represents an attempt to pursue social, educational, and economic advancement for all."

Commenting upon the political impact of the revolt by "middle Americans" and President Nixon's disavowed but widely touted southern strategy, the Senator claimed that "fundamentally the southern strategy will not work because it would be against the law of the land. It just means compromising the rights of the Negroes to mollify the South and other disgruntled elements. History is against it. And the Supreme Court is against it. The strategy would lead to turmoil.

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Lawyers as 'Hired Guns'

Perhaps a minor demonstration — complete with picket signs and chants — against a particular law firm isn't the best road toward a rational discourse about the most serious problem facing lawyers, law students, and law schools today, but anything which helps to initiate such a discourse is worthwhile.

While the specific charges against the Boston firm of Ropes & Gray are serious enough to warrant discussion on their own merits, the problem is much greater in scope. Can lawyers and law firms continue to justify representing interests against the public welfare by conjuring up the image of the lawyer as a hired servant and defender of the damned? Can we still accept the image of the lawyer as a "hired gun" who offers his skills to the highest bidder, regardless of the use?

This is the question which various speakers at the Law School — such as Ralph Nader and Arthur Kinoy — have posed this year. This is the problem which the student-initiated Law Firm Questionnaire attempts to deal with. This is the issue which the demonstrators are putting to their fellow students when they ask them not to work for Ropes & Gray.

Ethical courage in a lawyer is not in avoiding a conflict of interest between two wealthy clients; it is in telling a client that he will not use his skills for something that is wrong — like trying to water down mine safety legislation. Ethical courage in a law student is refusing a job because the law firm is more concerned with money than society's problems.

We need a radical change in assumptions as to what a lawyer is and does. Is the purpose of a law firm to make as much money as possible? Is the purpose of a lawyer to be merely representative?

We believe that the legal profession — in deed rather than in words — should assert that lawyers have an important responsibility, not merely to do the most craftsman-like job possible, but to refuse to advance the interests of those things which worsen rather than alleviate the problems of our society.

The legal profession does not have to change in structure; law students don't all have to work in poverty law offices or radical law communes. But they do have to shuck off the idea of the "hired gun," of working for anybody, doing anything as long as the client is respectable and solvent.

There is room for morality in the legal profession. Lot's of room.

HARVARD LAW RECORD

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Fenno

Bunky and I were just beginning to drool over the latest Playmate pic last week when the door to my room swung open and in burst a law school chick by the name of Frieda.

"You dirty male racists are all the same," she screeched. "You won't hire us for any decent jobs; you look down at us in class; and not letting us into Lincoln's Inn was just the last straw. We're not going to take it lying down anymore."

I was too much of a gentleman to point out that that was going to create real difficulties, and Bunky came to our rescue anyway.

"Frieda, we're all good liberals and radicals. Just as soon as we solve the world's problems, we'll solve yours, too. Besides, Fenno and I couldn't even get into Lincoln's Inn ourselves."

But this didn't placate Frieda. She went on ranting and raving about equality and opportunity and such other ridiculous things. It was silly — after all, women have the right to vote. It's too bad women are too emotional to make good lawyers.

But then Bunky lost his temper, and I don't blame him.

"Look Frieda. If you want equal rights and opportunities, we'll give them to you. But then we'll stop opening doors for you, and sending flowers, and all the other things that make life worth living for girls."

After that Frieda launched into a diatribe replete with language that I don't think even General MacArthur had heard.

"We're not rejecting our femininity, Bunky," said Frieda, as she stamped down with her machinist boots to emphasize the point. "We just want the opportunity to be successful people in our own right."

After that, Frieda checked out the latest Playmate, then tore up the picture and stormed out of the room.

"Fenno," said Bunky. "That convinces me. When I'm the hiring partner in Poohbah and Poohbah, no women are ever going to work for me, even in estate planning."

"Don't be silly, Bunky," I chuckled. "I think we ought to fight to get them hired in the big corporate firms. Not only will we teach them a lesson, but we'll also be doing our bit for the overthrow of the corrupt corporate system."

Demonstrators Confront Boston Law Firm

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The demonstration came to a head as the recruiters, Sargent and Truman Casner, both Law School graduates, left the Placement Office for lunch. Demonstrators asked for answers to their questions about the firm's activities, alleging among other things, unprincipled conduct on the question of mine safety and connections with South Africa.

The recruiters ignored the questions, and as soon as they had passed the pickets, the demonstrators followed them, chanting "Ropes, Ropes, Ropes & Gray. How many lungs did you ruin today?"

The parade proceeded through Harkness and to the Langdell reception desk, where Vice Dean Bruce persuaded the demonstrators to bring their complaints to him and to Dean Bok rather than to continue to pursue the two recruiters.

At Bok's office, Bruce answered questions from the protestors until the Dean returned from lunch. The demonstrators complained of the use of Placement Office facilities by firms which, they claim, actively discriminate against women and minority groups, and they demanded that the Law School require all firms which use the Placement Office to answer a law student questionnaire concerning the firm's hiring practices and philosophical bases. (See RECORD, Sept. 18, Oct. 30).

Refusal to Answer

Crough said the group was concentrating on Ropes & Gray because its refusal to answer the questionnaire was particularly unreasonable in view of the fact that it represents Harvard University.

"That should mean that it's working for us, too. Why doesn't the University look into it?" he asked.

Michael Haroz, 3L, one of the

initiators of the questionnaire, charged that it was only through the leverage of the University that law firms could be forced to answer the questions. "I'm very critical of the School's hesitance to use that leverage."

Information Important

Bruce replied that while the information might be important to individual students considering a job with a law firm, the type of information contained in the questionnaire might better be answered directly by the interviewer rather than in an open questionnaire.

"What you are seeking is public exposure, and while that may be a desirable end, I don't think the University or Law School should be used for that purpose," he said. "In my view the ethical standard of firms is extremely high. Their record on women is good and getting better."

Dean Bok said that the notion of coercing any firm to answer questions or face an open meeting was repugnant to him, although he recognized that the students and faculty might feel that this was within the scope of placement functions.

Present Proposals

He suggested that the group present their proposals to the Placement Committee for consideration and possible action, noting that this faculty-student committee was set up to handle problems in this area.

Miss Eleanor Appel, Placement Director, stated that her office had no reason to believe that Ropes & Gray practiced discriminatory hiring practices. "Almost all firms here have been accused in recent years. We expect all of them to

(Continued on Page 14)



Our main purpose is to change the traditional image of the woman in society.

Law Wives

Reverend Vartan Hartunian, author of *Neither To Laugh Nor To Weep*, will speak on the background of the Armenian genocide at the November 19 meeting of the Harvard Law Wives.

Law School Alumna Writes Letter

To the Editor:

I have never written a "Letter to the Editor" before, but I suppose the time has come because my friends seem to be getting tired of my bitching, and they keep saying to me, "Why don't you write a letter to the editor?"

The general theme of this letter is to say I was very pleased to read your article on the job market situation for lawyers who happen to be female and the accompanying editorial in your October 2, 1969 issue. So much for introductions. Please excuse the true confessions autobiography your issue has inspired and which follows.

When I was four years old, I wanted to be a tap dancer with triplets when I grew up. A pretty exhausting choice, but I knew I could handle it. When I was eight years old, I wanted to be a doctor, a movie star, an army sergeant, a fashion designer, a writer, and the president of the United States, all at the same time. A pretty immature choice, but I knew I could do it.

When I was a senior in college, I didn't know what I wanted to be, but it seemed like a waste of money (my father's hard earned) to settle down into a dull job. And the story that was told to us—that if you became the secretary to Melvin Fudd and worked hard for a year, you would become president of N.B.C.—somehow didn't ring true. But nothing was available that seemed at all interesting.

That should have been my tip-off: that our society really doesn't use the brains that are trained to write the

College Success Story Didn't Ring True

analytical papers that Wellesley requires, but I didn't read the sign right. I just figured I needed to go to graduate school to get a good job like everybody was saying.

Since I didn't want to delve into one small area of history and I didn't want to teach, working for a master's or doctorate seemed pretty silly. But law school seemed like a good choice be-

Editor's Note: This letter from Mary Jane Gillespie '67 would ordinarily be considered too long for publication in the RECORD. But we believe her letter so illuminating of the problems of women in the law that space considerations were cast aside. We hope you read it through; it's worth it.

cause everyone said there were so many things you could do with a law degree, even if you didn't want to practice law.

So I entered Harvard Law in the fall of 1964, and I became one of those weird ducks who really did like the place. (There are few enough of us in recent classes.) Oh, of course, I hated being called on; I still have nightmares of my second semester in my third year when Professor Kaplan discovered my name on his chart and called on me *twice*, for God's sake. And I did feel like a dummy most of the time, but I had felt the same way at Wellesley, so it didn't bother me too much. And I agree with most of the changes that have occurred since, and, if I had to do it all over again, there are some courses I would take and others I would not take, but, generally, I enjoyed studying law at Harvard.

And I began to think that what I wanted to do next was to practice law in a big city in a small-to-medium size firm, which did a lot of corporate work and which would give me the opportunity to be a general associate for a few years and to see several areas of the law before I had to settle down into a specialty. I was naive enough to believe there really was no reason why I couldn't do it.

I should have been reading the tip-off signs a little better. Such as: the explanation from the Dean's mouth during my first year that Harvard Law had then reached an enrollment for women of 5% for each class; that Harvard would probably not go above that 5% level since that was Yale Law School's percentage; and that, after all, there could never be a great influx of women into the school (read blacks; read Jews; read Catholics) because the policy was never to give any man's

place to a woman; in other words, any additional women were additional places in the class. (Read quotas.) Why didn't I scream? Because I was an Uncle Tom like most of us.

Then in my second year, a friend of mine in the third year class, who happened to be a girl, began to pass down the word. "It's impossible", she said. "And Miss Appel's no help. She just says it's difficult for a girl to get a job before she's passed a bar exam."

That's hearsay of the worst kind, and I welcome Miss Appel to dispute it, but the point is that such a rumor was going around, and it did not exactly encourage me to march into Miss Appel's office in my third year and say, "Look here, Miss Appel, you find me a job *before* I pass a bar exam."

I thought that maybe my grades were a little better than my friend's. (My grades weren't spectacular; just the same good average as everybody else.) So I entered my third year, still not very aware of any problem. And I decided that I liked Boston, and I had a lot of friends here, so I planned

Interviews Were Awful, Funny, Sad

to sign up for an interview with every Boston law firm that interviewed at the law school until one offered me a job.

The point of this letter is not to go into my work experience with the one firm that finally did offer me a job. What I wanted to write about is those awful, funny, sad interviews, because your article indicates not much has changed in three years.

First of all, some of the firms I signed up to see didn't even schedule me for an interview. I don't know if they really did talk *only* to Law Review students, as was rumored, or if they just weren't interested in another woman for their ghetto. If the latter was their reason, they were among the most honest firms on the Boston list, and they didn't waste any of my time for which I'm grateful.

On Bias Against Women in the Law

I still have my interview cards; there are sixteen of them, unless I have lost a few. Looking through them, I see a succession of similar interviews, very dull and very quick, in which I made a few notes on what the firm did with new associates, which was my prime question.

I had begun to sense that the areas of law for women in Boston were: probate of estates, estate planning, real estate, and maybe some tax, and it really would not be difficult at all to get a job at a spiffy firm, if I would just say I would work *only* in one of those areas; or if I would say I would do *nothing* but research in their library. But I had made up my mind I wouldn't take that route, unless I absolutely had to.

It appears from the interview cards that the interviews were twenty minutes each. I remember that I was usually ushered in *at least* five or ten minutes late, but that I was always ushered out exactly on time. I must have been a pleasant coffee break for them, after that first crucial question was asked ("Would you be at all interested in working in estate planning?"), and thereafter they seemed to be rehearsing their spiel about their firm on me.

The unusual ones stand out. One interviewer had me in and out of the office in less than five minutes! The only notation I made on the card was that his firm had hired their first woman the year before. ("We have our one woman, one Jew, one Negro . . .")

And there was the guy who was cruelly honest. As soon as I walked into the room, he said he didn't want to waste my time, but the chances of his firm's hiring me were zero. It seems they had had a lady lawyer once, and it didn't work out at all because the secretaries didn't like her. And even though it was too bad that she was such a sour apple — a woman lawyer? *never* again!

He was very pleasant, and said I could stay and talk to him for the remaining fifteen minutes if I wanted. Why didn't I leave, and scream at Miss Appel, and tell her that such firms should be *made* to put "No women need apply" on their interview sheets, and stop wasting my time by scheduling phoney interviews with me? Because I was an Uncle Tom like most of us.

And there's the guy who smiled and said he hoped I wasn't like the one woman who had worked for his firm: she had been determined to work *only* in fields, like labor law, where no women worked. What I don't understand is why that was considered so awful, and yet offering me jobs *only* in fields where women worked was considered acceptable and reasonable. Neither concept makes any sense to me.

I finally blew my cool in one interview. It was scheduled for 5:00 p.m., and my usual practice was to go home after morning classes, but I wandered around the law school this long after-

noon waiting for this one five o'clock interview, and I went in and two very nice interviewers, who were also tired, began by getting to the point and asking me if I would be at all interested in doing estate work, and I said no, and they were eager to call it a day and get out, but somehow they felt compelled to explain their haste, so they said they weren't against hiring a woman as a general associate themselves, but that their clients wouldn't like it and they had to think of their business.

From somewhere I let loose a tirade of words about how they could substitute "black" for "woman" in everything they were saying and it would make as much "practical" sense, but they would be very embarrassed for having said it, for the country now recognized such prejudice against blacks was immoral and most educated people would be embarrassed to admit to it so blatantly.

And I said that their arguments, or excuses, were just plain immoral. (Unfortunately I didn't know enough to say "against the law of the land, you officers of the court.") And you know, the funny thing is that they just sat there and took it. When I was done, they *agreed* with me. And the only way they could find to end the interview was to say that it certainly had been interesting talking to me.

(Continued on Page 12)

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Alumna Writes on Bias Against Women Lawyers

(Continued from Page 11)

I want to give the correct impression of this interview. I do *not* feel these men were patronizing me or just letting me blow off steam. I felt like I really was communicating with them, and yet they, competent, practising lawyers, could offer *no* rebuttal to my arguments. The only explanation I can find for that is that they appreciated that their views were indefensible.

I did get asked to visit three law firms. I remember walking into one man's office on one of those meet-everybody tours they give you. This guy must have been a fairly important partner because his office was pretty large, but he didn't seem too old.

As soon as I sat down, his first question was, "Tell me, why aren't you married?" It's one of those situations you think about years later and say to yourself, "I should have said then" . . . I wish I had had the nerve to chuckle sinisterly and say, "Because I'm a dike," and watch him fall off his chair. But the trouble with that put-on is that I have the sneaking fear he would have answered matter-of-factly, "Of course. You went to law school," and then I really would have burst into tears. (I don't cry often but some things really are worth crying over.)

This same guy also wanted to go through the what-if-I-get-married and what-if-I-have-children routine. I al-

then maybe I could get a job. (Digression on birth control: I *think*, although I'm not sure, that the story about the Boston law firm that asked a married female interviewee what form of birth control she used, is apocryphal.)

It was about this time that the fellow whose locker was next to mine, and whose average I guessed was about like mine, said to me one day, "Hi! I hear you're interviewing Boston firms. So am I. Gosh, it's hard — there are so many attractive firms to choose among . . ."

I wouldn't be boring you with all of these funny stories except there seems to have been very little change. I would like to say also that it was my impression, when I was there, that not *all* of the blame should be put on the law firms. There is a lot that could be done *within* the law school to stop this nonsense.

First of all, we are all too much Uncle Toms, and I wish the girls who are going through this now would scream bloody murder to whoever will listen, and *name* firm names. If the firms want to act that way, there's no reason we should let them sneak around about it. (The only reason I'm not naming firm names here, and I will if anyone asks me, is that I am giving them the benefit of the doubt that maybe one of them has gotten religion in the past three years.)

Next I would hope that there truly is a different attitude now on the part of the administration and faculty. My impression, when I was there, was that the faculty did take us pretty seriously as students and were not too patronizing; but, either they showed no interest in our job prospects, since, after all, we could always go to work for the government, or they thought of it as some kind of joke.

I'll never forget our class "day", or whatever they call it, in June, 1967, when everybody drinks on the green and makes speeches, and Professor Loss got up and said he was delighted to have been chosen to be the faculty member to handle job discrimination against women students, because his office would always be filled with pretty girls. Everybody laughed.

After my fun fall interviews, all I could do was swallow hard and say to myself, "Come on, kid. Big girls don't cry." (Which isn't all true. They do

cry — more often than little girls, because little girls still think they can be presidents.)

The crazy thing is I've been told by a pretty good source that Louis Loss is one hell of a sensitive guy and *very sensitive* on this issue, but his joke struck me about as funny as jokes about kikes or burrheads. Not very. I guess that's one reason I appreciated

Big Girls Still Cry

your editorial. I didn't find any of that sniggering, patronizing tone in it. And you called it by its proper ugly name: bigotry.

Allow me a few more random thoughts since I figure you will edit this however you want, or forget about it, anyway. To those who say that Boston is a lot worse than other cities, I say I find that appalling, because I like Boston. And if other cities are about as bad as Boston, as some say, I find that *even* more appalling.

There's a lot more to this whole thing, of course, than just Harvard or Boston law firms. A lot of my own hurt comes because I'm a Wasp, and my own particular educational experience, or maybe my own stupidity, conspired so that when I entered my third year of law school, I really believed I would be judged, as I had been in the past, only on my ability.

Finding discrimination at that age is like a white man waking up one morning to find his skin has turned black. I think it might hurt more than *growing up knowing* you'll be treated differently; but on the other hand, I've learned a lot from it. Isn't it sad though, that if anyone asked, I would have to say that the most important thing I learned at Harvard Law School was that discrimination hurts?

Of course, it's a problem throughout our society. I just came back from a gathering of old Wellesley friends and got an earful about the general attitude of women who work for IBM, a one-big-happy-family type corpora-

(Continued on Page 14)

Going Through the Marriage/Children Routine

ways came away from those interviews with the sound of wedding bells and the patter of little feet in my ears. I wondered if I looked pregnant.

When I had finished the interviews, I felt that if I took the vows of poverty (i.e., a salary of \$2,000 below the going rate with no prospect of ever getting a raise), chastity (or very adequate birth control measures), and obedience (i.e., accept estate planning and whatever else you are assigned and crazy hours because, after all, you wanted that man's job, didn't you?),

Women Lawyers . . .

(Continued from Page 5)

Garfinkle indicated her principal competence for the evening to be on the subject of the Lawyers' Commune, of which she is a member. The Commune, consisting of both lawyers and non-lawyers, raises money by seeking lucrative cases, particularly draft cases, or — in Garfinkle's own instance — obscenity cases. The money thus obtained is distributed among the members of the Commune in accordance with need. The bulk of their time is devoted to political cases, which may or may not yield revenues. Schulder's special contribution for the evening had to do with a course she is teaching at New York University School of Law entitled "How the Law Affects Women Differently Than Men."

All three are working together on an abortion case: over 200 plaintiffs are suing the state of New York. Mouthing her own views on abortion, Kennedy said, "If the fetus is a person, let it start bringing suits." The group is also planning a *cinema verite* film on abortion based upon real-life situations involving unwanted pregnancies.

The Dual Necessities

Much of the discussion revolved around the dual necessities of making the legal process political and of making women view their situation in both political and litigative terms.

First of all, it was remarked this means that some trials should become political, especially if they both affect large groups of people and offer a power base for political influence. Such trials need not be solely ones for a "worthy cause."

Secondly, one member outlined, sometimes the appropriate action should be purely political. "There is no point in suing an agency that has no power to solve a problem," it was posited.

The third point made was that women must recognize the fact of their oppression, learn from other oppressed classes, and ally with them to work for women's interests. Much was made of the fact that for eons women have actually consented to and therefore legitimated their own oppression. Now women, recognizing this, are beginning to withdraw that consent.

The New York abortion case with its 200 plaintiffs is seen as a beginning in ending the oppression of women. "Oppressed groups are frequently masochistic — women are an excellent example," Kennedy said. She suggested that they — like blacks — drop their masochism in favor of aggressively seeking their own interests, rather than "wallowing in sacrifice".

For women this will mean going to the courts, to the legislatures, and even demonstrating in the streets.

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Alumna Writes on Discrimination

(Continued from Page 12)

tion that professes no discrimination against women. Let me tell you, theys just doing de housework in dat big family, dat's all.

And I'm becoming prejudiced on the subject myself. I think these spiffy law firms are all run by guys who went to boys' prep schools, Ivy male colleges, and Harvard Law pre-women, and that they never got to know women very well except on a quickie weekend basis. And I think that's kind of too bad, because I think we're a creative, interesting group to know these days.

But it's this type of male who usually recites the clichés: "Women are so good at detailed, thorough work." This statement was first said by the same great American who noted that all Negroes have good rhythm. (For "detailed, thorough work" read: the dull stuff nobody else wants to do.) Another familiar line is "My goodness, what is a sweet young thing like you doing being a lawyer?" I have gritted my teeth and smiled sweetly at this one so often, my teeth have dried out.

Another one that comes out at cocktail parties is: "The trouble with women is that they want the same rights as

men, but then they use all the female tricks to take advantages." I wish I knew concretely what we gained by taking all those so-called advantages. I really don't understand this charge. Sometimes I think they're saying we're too female for their male world.

It almost sounds like this type of man, who doesn't know women too well to begin with, and who lives in a unisexual world, except maybe for a weekend wife or a daily secretarial slave, is saying: "You're different. That won't do. I don't know how to handle difference. If you want to be like me, and be mannish, okay, you're welcome. But so long as you keep acting that funny different way, forget it."

In other words, it sounds like the white middle class liberal saying to the black man: "You're welcome, if you want to be a white middle class liberal like me." And like the Black Power advocates, I want to say: "Forget it, buddy. I'm a woman, and women are beautiful, and I'm not going to change. *Your* world is going to have to become bisexual, and accept me as I am."

Besides, if we are so awful about "taking advantages", isn't that the

answer to the charge that we're "not aggressive enough?"

Oh, well, I'm just a girl, and these opinions probably aren't worth much. Anyone can see I'm all too "sensitive", and all too "bitter", and all too "frustrated," and since I can still do a mean soft shoe, probably the best thing for me would be to start concentrating on getting those triplets. Yassuh, massah, will do.

Mary Jane Gillespie '67

Demonstration . . .

(Continued from Page 9)

be non-discriminatory. But we don't ascertain the percentage of women partners, for example," she said.

The recruiters from Ropes & Gray would not comment on the demonstration, and apparently few students were affected by it. According to the Placement Office, out of 41 third year students scheduled for interviews, only eight had cancelled for any reason, and five had replaced them. But two out of 18 students scheduled for interviews had not appeared before the end of the demonstration.

There were 129 2Ls scheduled to interview for summer employment at the Holiday Inn on the following day, although the protestors made no efforts to renew their demonstration at that time. Crough said that at least four 2Ls had told him they would not interview as a result of the demonstration on Wednesday.

The Ropes & Gray affair was not the first time a law firm had faced picketing while interviewing at Harvard.

Last December 13, a small number of students picketed the law firm of Milbank, Tweed, Handley & McCloy, charging the firm with indirect involvement in the economic activities of South Africa.

The students were then also attempting to discourage fellow law students from working for Milbank. It was reportedly the first time in the history of the Law School that law students had picketed a law firm interviewing here.

Javits Stresses 'Middle Americans'

(Continued from Page 7)

"Pursuit of the southern strategy would produce a resurgence of violence on campuses led by blacks and their allies and would touch off a reaction among southerners and 'middle Americans' thereby confirming the strategy." But, at the same time, stated the New York Republican, "it would wreck both the Republican Party and the nation."

Indeed the nation, its welfare, its potential, the very real possibilities and promises of American life constituted the basic theme of the Senator's address.

"The possibilities for change, as evidenced by the victory, a no ticket victory, of John Lindsay in New York, indicates that it is still

possible to work within the American system," he remarked. "Lindsay demonstrated that a viable party cannot be based on any southern strategy or on any effort to appease those disturbed by governmental efforts to aid the have-nots. Parties must be broad based in order to succeed."

Still, though Lindsay's reelection indicated to the Senator that possibilities for change existed within the system, he asked but one question of his predominantly youthful audience: "Can those in positions of responsibility serve as adequate trustees of the new generation?"

Perhaps because it was getting late or perhaps because of the downpour outside the lecture hall, no answer was forthcoming.

Law School Women Organize New Group

(Continued from Page 5)

dents indicated that they would like to speak to undergraduate women about applying to the Law School.

Barbara Cavanagh, 1L, discussed plans to invite practicing women attorneys to speak at the Law School about their own work.

"It would be good for our own attitude to meet women who don't have to be coy and apologetic about being a professional," she emphasized. "And it would certainly help to educate some of our male peers!"

While several women suggested involvement in women's-rights action, such as abortion reform and integration of the galleries of the U.S. House of

Representatives, most seemed to prefer an emphasis on practical and immediate problems. Expanded housing facilities for women will be sought. Many favored making at least part of the Law School dormitory complex co-ed or available as women's housing.

Although the group is disinclined to militant postures, the women students are determined to involve the entire Law School community in the effort to recognize their professional abilities and rights.

"We have trouble getting ourselves taken seriously," Nancy Gans, 3L, complained. "If this were discrimination against blacks, the whole thing would raise holy hell."

Warren Fellows Study American Legal History

(Continued from Page 3)

American Revolution. He holds the LL.B. (1965) from New York University, and came to Harvard as a Teaching Fellow in the Law School in 1968-69.

The Liberal Arts Fellows are:

Stanley Nider Katz, associate professor of history at the University of Wisconsin, who will work on a comparative study of the development of chancery courts and equity law in 18th century England and the American colonies. He received the Ph.D. (1961) from Harvard and holds a grant this year from the American Council of Learned Societies.

Jerold Stephen Auerbach, assistant professor of history at Brandeis University, is working on a book on lawyers and social change since 1900. A Ph.D. (1965) from Columbia, he holds grants this year from the Social Science Research Council and the American Philosophical Society.

Senior Visiting Scholars are:

Raoul Berger, former Regents Professor at the University of California, studying the evolution of impeachment in American law; and Sado Koyama, associate professor of law at Tohoku University, on a U.S. visit sponsored by the Harvard-Yenching Institute.

Other members of the Program

are: Morris Arnold, Teaching Fellow, who completed his undergraduate law work at the University of Arkansas; Jonathan Alpert (LL.B. Johns Hopkins '69), a graduate student in American Legal History; Maurice Holland (LL.B. '66 and Ph.D. candidate in English history at Harvard); L. Kinvin Wroth (LL.B. '57), Re-

search Associate, who is Professor of Law at the University of Maine; Edward G. White, a third-year law student who holds the Ph.D. from Yale in American history, and Thomas Green a first-year law student who has completed the requirements for the Ph.D. in English History at Harvard.

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