

HARVARD LAW RECORD

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TWENTY CENTS

Students Flock to Film Preview ¹⁶¹¹

By Bob Hernandez

One thousand Harvard Law students and faculty spent Monday night at the movies last week, as guests of Paramount Pictures for a preview of *The Lawyer* at the Harvard Square Theater.

During a panel discussion fol-

lowing the showing, the director of the film walked out, confounded by the "Harvard hiss" and criticism of the film by members of the audience.

The Lawyer, based on the Sam Shepard trial which brought F. Lee Bailey to national prom-

inence, cast Barry Newman in the title role. Like 95 per cent of the cast, Newman makes his film debut with this picture.

Newman received a masters degree in anthropology from Brandeis. He has had roles in half a dozen Broadway plays and was a two-and-a-half year member of "The Edge of Night" television series.

In *The Lawyer* he plays a Dustin Hoffman-type anti-hero, recently graduated from Harvard Law and trying to "make it" somewhere in the southwest. Cocky, a compulsive speeder, he is an aggressive lawyer with a strong sense of justice and good sense of humor. He is *The Graduate* now grown up, facing the real world of assault, sex crimes, and murder.

Following the screening for "the world's toughest audience," Newman joined F. Lee Bailey, director Sidney J. Furie, producer Brad Dexter, and Boston University Professor Robert Steele to

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Movie Review: 'The Lawyer'

If You've Seen One Perry Mason

By Linda Standridge

If you've seen Perry Mason, then you've seen "*The Lawyer*." Mildly entertaining, but definitely neither profound nor unique.

The plot revolves around a Harvard-educated lawyer practicing in a small western town. He screeches around in a beat-up camper, breaks all traffic laws, and ardently pursues a career of defending drunks. One day, however, a case comes his way concerning a doctor

who is accused of killing his wife. This creates the typically small-town reaction: moral outrage which presumes guilt before trial (despite the state's case being based purely on circumstantial evidence — which is not even very strong).

Barry Newman, as the lawyer, does an excellent acting job with his style and his antics. He is a somewhat arrogant man placed among hicks; but an arrogant man with a

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Black Law Students Face Disciplinary Decision

The Law School has been asked to discipline black law students involved in December's demonstrations against Harvard University employment practices, according to reliable sources.

The faculty has reached no decision yet as to whether the Law School should handle the matter — rather than a special University-wide body — and, if it does, whether normal or special procedures should be used, the same sources said.

Professor James Vorenberg, chairman of the Administrative Board, which would normally handle serious Law School disciplinary matters, told the RECORD that any discussion of the situation by him would be inappropriate because the matter is still pending.

Black students who might be subject to possible disciplinary measures could not be reached for

comment. Those students have reportedly received letters telling them that the Law School will handle any possible disciplinary measures against them.

The controversy arose over what the Organization for Black Unity — OBU — called discriminatory hiring practices by the University. It culminated in an early-morning takeover of the Faculty Club by OBU members, and a day-long occupation.

Conservation Meeting Planned

By Michael Lurey

The Harvard Law School Conservation Society will be playing host this weekend to a meeting of the New England Student Environmental Coalition in preparation for a nation-wide Teach-In on environment to be held April 21 and 22.

An informational meeting of the Conservation Society will be held this afternoon, for interested students, at a time and place to be announced.

For the weekend symposium delegates from each college in New England will gather in the Ames Courtroom at 10 a.m. Saturday. Four hundred people are expected. However, Law students are welcome to the extent space permits.

After the general meeting, the group will break into smaller sessions, where task forces will work on preparing a constitution and handbook, and organizing local Teach-In and fund-raising projects.

The purpose of this weekend's symposium is basically to continue organizing and co-ordinating efforts for the April Teach-In. However, Tony Rossmann, past chairman of the Society, hopes to build a structure of a more permanent nature. For example, he mentioned that the Law School group has already been in contact with a similar California organization.

Plans for the Teach-In itself are still in the formative stage. The main event will be the symposium Tuesday night, April 21st, in Sanders Theatre. George Ball will be moderator for the session. Dr. Barry Commoner, nationally-known ecologist from Washington University, and State Sen. John Moakley of South Boston will be present, as will Prof. Theodore Levitt of the Business School.

Invitations have been sent out to other well-known figures, in-

cluding Ralph Nader and several prominent politicians.

The Conservation Society hopes to convince the Law School Administration and Faculty to devote classes on Wednesday April 22nd to consideration of the environment and the lawyer's role. Whether to ask that these discussions be worked into regular class work or that the hour be entirely taken from course subject matter has not been decided.

Finally, on the evening of the 22nd, there will be a symposium of students and faculty at the Law School. This will also be directed to the lawyer's role in environmental matters.

According to Rossmann, the planners hope to avoid the pitfall of most symposiums on environment which tend to conclude: "The environment's a mess. Let's clean it up." Rather, they are

hoping to evoke a personal commitment on the part of both students and faculty.

The Society is continuing projects begun in the fall, and taking on other new ones. One project is to assist a Quincy lawyer in suing to enforce the Federal Wetlands Act in South Boston Harbor.

Several professors have announced a willingness to permit such projects to count toward credit in their courses.

The Society is continuing work on putting together a library on conservation. Materials are being solicited from both within and without the Harvard community.

In a luncheon meeting last week, Scott Lang, 2L, was elected Chairman of the Society for the coming semester. The Society's offices continue to be in Langdell Room 19.

New Forum Officers Announced

Officers for the Spring, 1970 Harvard Law School Forum were elected December 15 at an open staff meeting. Those chosen were Michael H. Diamant, president;

Louis A. Bradbury, vice president-administration; Linda L. Standridge, vice president-promotions; John C. Lovett, secretary; Larry L. Pressler and Cedric W. Vogel, directors.

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Club Offers Summer Placement

By Michael Lurey

The Bull and Bear Club has instituted a placement program which offers an alternative to the Law School's standard placement procedures.

According to James O. Rodner, 3L, President of the Club, the program is an attempt to widen the spectrum of opportunities available to Law School graduates. Begun last fall, it started with solicitation of interest from firms in the fields of commercial and investment banking, management consulting, insurance, and from brokerage houses.

The Club has already received requests for resumes of interested students from companies in all of these fields.

Initially, the program is being directed to first- and second-year students looking for summer jobs. The program has particular importance for 1Ls who cannot use

regular Law School placement for the summer.

Next year, the program may be extended to include permanent placement for third-year students.

Interested Club members should deposit resumes in the Club mailbox in Langdell Hall. Resumes will be mailed to interested companies and applicants will then be contacted directly by the potential employer.

Rodner stresses that the Club is seeking both legal and non-legal positions. Much will depend upon the nature of the work in the respective companies. A prime source of employment will be small- to medium-sized corporations interested in training house counsel.

Rodner thinks the chief advantage of a career with a smaller corporation is that it offers the young ambitious attorney a greater growth potential. The

young lawyer's career growth is much more closely related to the corporation than his counterpart in the large law firm. Further, in a small corporation, the young lawyer has greater influence on company policy.

In a time when law firms are under strong attack because of the conflicts between young lawyers' views of social change and firms' commitments to their clients, Rodner felt that working with a small corporation was less likely to give rise to such conflicts. Further, "this would give our generation an inside view of the 'Establishment' and an influential voice in its change," said Rodner.

If this year's drive for summer jobs is successful, the Bull and Bear Club intends to expand its efforts next year. It will seek to encourage third year students to consider business alternatives to law firms. The Club also intends to press for some arrangement by which Law students can use the Business School's placement facilities.

First-Year Poll Rates Pass-Fail

No Faculty Response

By Bob Hernandez

Results of a poll of first year students on grade reform have been submitted to the faculty and Law School Community by "The Ad Hoc Committee on Grade Reform" in a December 10 Open Letter.

Committee members Andrew Schepard, Jonathan Souweine and Buddy Warner, all 1L's, have received no response from the faculty to date and are disappointed by the lack of enthusiasm on the part of students for a mandatory pass-fail system.

Three major questions and two "special questions" were submitted to the students by sections, to discover attitudes on the grading system, feed-back, and the establishment of a joint student-faculty committee "to investigate long range problems of the law school, including tuition, size of the student body, size of the faculty."

A slim majority (50.7 per cent) of the 467 responses indicated a preference for mandatory pass-fail in either the first year or all three years; 19.7 per cent favored a mandatory 9 tier or 4 tier system for all three years; 18.7 per cent favored a choice for all three years; and 4.9 per cent favored maintaining the present system of choice in the first year and 9 tier grading in the last two years.

Large majorities indicated a preference for more evaluation and mid-year exams, while a small majority indicated a desire for more written work. A suggestion for study and research projects evaluated by students and the Board of Student Advisors failed to attract a majority.

Eighty per cent of those polled endorsed the suggestion for a new student-faculty committee, with only 6.7 per cent indicating opposition.

Among those indicating a pref-

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From Berkeley to Cambridge:

By Michelle Scott

Melvin A. Eisenberg has returned to the Law School this fall for a one-year appointment as visiting professor of law almost ten years after earning his own degree here.

Eisenberg is teaching classes in Contracts and Corporations, the same courses which he has taught as acting professor at the University of California School of Law at Berkeley (Boalt Hall) since 1966. Although he sees many similarities between the two schools, he is especially aware of the changes in the Harvard community since he began his own law school career in 1956.

Sitting in his office off the first floor landing in Langdell Hall, Eisenberg reflected on the atmosphere currently pervading the Law School.

"It's hard for me to say," he admitted. "I come with a different perspective now. There does seem to be more interchange today. It's perhaps freer than when I was here ten years ago. I feel it from the students. In class, the students here always put their views forth. Now, outside of class too, there is a lot more communication between students and teachers."

Before Eisenberg could complete his sentence, someone knocked insistently on his office door. "Come in!"

Immediately, a first-year student entered, and without introduction, Hoffer Kaback asked for a case citation mentioned in the morning's class. As the student left, Eisenberg smiled at the incident which proved his point. "I seldom went to see teachers when I was a student," he recalled. "But now students seem pretty relaxed about it."

Eisenberg fully endorsed the meetings of 1L sections with their professors for open discussion.

"I thought that was an excellent idea," he commented. "I'd like to see it taken up at Berkeley." In addition to providing a forum for student com-

aren't unique in this. Of course, competition is not a good in itself."

Apparently Eisenberg withstood the rigors of competition when he was student. He was on the Board of the Law Review and graduated summa cum laude in 1959.

While maintaining some preference for grades, Eisenberg expressed interest in innovation for other areas, such as an elective two-year law school.

"Most of your legal method you really get in the first year," he explained. "Three more years of a passive sort of existence after four years of college creates substantial morale problems, just sitting there and raising your hand while still not creating. I haven't really thought it through, and there would probably be some opposition from the bar, though. It would likely cut their prestige somewhat."

Although teaching is now his greatest concern, Eisenberg admits that he became a professor quite indirectly. As an undergraduate at Columbia College, the Queens, New York, native majored in English literature.

"I took a core English program, a Beowulf to Virginia Woolf kind of thing," he said, "with small classes and a lot of written critical work. It was a terrific experience."

In 1956 he received his bachelor's degree and enrolled at the Law School. "I decided that I didn't want to teach English, at least at that point," Eisenberg explained. "I went to law school like most people, I suppose, go to law school. I did not want to be a doctor, an engineer or go into business."

"Actually I love teaching," Eisenberg insisted. "But I didn't want to teach English, though I do recommend it as a good major. But if I had taught, I would have liked to do something with Shakespeare — like most people in English. In my fourth year, I worked on the Jacobians and Elizabethans."

Firmly committed to the profession of law, Eisenberg yet admits that he might attempt a literature-oriented course.

"Oh, I might like to teach a course in great books," he mused. "We could start from Aristotle's *Politics* and from there I guess. . . ."

Eisenberg's literary background probably accounts in large measure for his verbal facility. His puns provoke memorably long hissing incidents, and he warns his captive audience, "I can't help it; you're just going to have to get used to these things."

While insisting that his humor is unplanned, Eisenberg admits, "I guess I've always enjoyed puns, though it increased when I began teaching."

Greater Student-Faculty Communication Than Before

plaints, Eisenberg noted, the meetings gave faculty and administration a chance to explain firsthand problems such as lack of resources, which might not otherwise be adequately presented to students.

On the continuing debate about pass-fail grading, Eisenberg remarked, "My own feeling is that the idea of competition being a detrimental thing is overworked. It's easy to say this, I know, but it is a question of the right state of mind. Schools

Eisenberg Returns to Harvard



Norm Bessman

Prof. Melvin A. Eisenberg

Before, in a law firm, to some extent you're dealing with 'serious' business, so the opportunity is missing. But I find the class hour electric; I 'get up' for it. I try not to anticipate things, but once in a while, some things are so good, I can't resist."

Eisenberg conducts his class maestro-style with an antique number-two lead pencil." His hands gesture rapidly, alternately clasped in almost prayerful attentiveness or outstretched in disbelief. The only thing which seems to exasperate him is his inability to associate seating chart portraits with actual faces.

Conscientiously addressing each student by name, Eisenberg tries to draw as many as possible into class discussion. "To some extent, I am aware of the different personalities in a class and I try not to play on it," he said. "In fact I try to go in the other direction. Of course subconsciously, I don't know."

Like most law school professors, Eisenberg started teaching without any prior pedagogical experience. "It's like swimming," he said. "You're just dumped in and sink or swim. I liked it from the outset, from the first day."

At Boalt Hall he participated in a teaching seminar during his first year. Eisenberg found the reading and practical criticism helpful, but pointed out: "Even that didn't occur until four months after I'd started."

Eisenberg feels that his seven years' experience

practicing with the New York firm of Kaye, Scholer, Fierman, Hayes & Handler helped his own teaching.

"It makes me at least more confident. I think I have a feel for what happens," he explained. "But there are very brilliant and good teachers who haven't practiced. It's not essential. In many cases it is good for you as a person to be working in a situation where you have close supervision under people. You don't get that in college or law school."

In addition to his years in private practice, Eisenberg draws on the experience of his service as assistant counsel on the President's Commission on the Assassination of President Kennedy, as assistant corporation counsel for the City of New York, and on the Mayor's Task Force on the Reorganization of New York City Government and the Mayor's Task Force on New York City Transportation Reorganization.

While Eisenberg's professional career adds weight and depth to his teaching, the personal character of his classes is closer to the boldface headlines in the New York Daily News. He displays a penchant for hypothetical cases involving such personalities as F. Lee Bailey, Elvis Presley and Bill Rigney.

His favorite hypothetical, however, resulted from the theft of his 1954 Oldsmobile, nicknamed the Black Beauty. "Black Beauty got stolen and formed the basis of a hypo in my remedies class", he recounted. "When the car was stolen, my insurance policy provided I could rent a car at the company's

'Black Beauty' Formed Basis of Remedies Hypo

expense — of course any car would be better than that one. Now, I think, rentals are limited to \$300."

Before traveling east to Cambridge, Eisenberg sold the recovered Black Beauty and his second car, The Green Hornet, a 1952 Cadillac. In Massachusetts he is driving a more conservative 1960 Chrysler New Yorker. "Actually this is a very good car," he claimed. "It's out of character for me!"

With his children, Bonnie, 11, and David, 8, enrolled in local schools for the year, Eisenberg is taking advantage of his office location near the library and faculty stacks. Yet, his visit to Cambridge is hardly being spent in solitary research, for his interest and eagerness in involvement with the law school and with students, as well as the law, is already evident and welcomed.

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Stipends will be liberal in amount and are intended to be in line with one's prior experience.

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3. Academic record.

Applications will be received until February 15, but some awards may be made before that date, soon after an application is completed. Further information about the program and applications may be obtained from, and completed applications should be returned to:

CHAIRMAN, COMMITTEE ON THE LEGAL SERVICES PROGRAM
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Labor Experts Hear Argument on Rights

Do black employees have bargaining rights? Six members of visiting Professor Roderick M. Hills' Collective Bargaining class presented this issue Monday night to three labor law experts.

For "employers" Michael S. Helfer and Arthur D. Melamed, 3L's, "unionists" Martin C. Giddeonse and Richard M. Grimsrud, 2L's, and "Black Caucus mem-

bers" John T. Rose and Samuel V. Thomas, 2L's, the moot court argument represented their final examination in the course.

Sitting as the tribunal were Harvard labor law professor David L. Shapiro, Professor William B. Gould of the Wayne State University Law School (former Consultant to the Equal Employment Opportunity Commission),

and Robert M. Segal, a leading New England labor lawyer, who also teaches labor law at the Harvard Business School's Trade Union Programs.

"If a duty were imposed on unions to develop a plan to protect minority rights, then there would be modest hope for an alternative to the Philadelphia Plan." Hills said.

"If the law were to evolve in the direction urged by the blacks," he continued, "it could channel the problem of black employees' bargaining rights through collective bargaining rather than through the Equal Employment Opportunity Commission."

First-Year Poll Rates Pass-Fail

(Continued from Page 3)
erence for a mandatory pass-fail system in either the first year or for all three years, only 37.2 per cent indicated that they would definitely take pass-fail, while 19.8 indicated that they would not.

In their letter to the faculty, the committee noted, "It is absolutely certain that the present system . . . has little support. It seems to represent no coherent educational philosophy but was instituted as a palatable political compromise. Its detrimental effects as evidenced by the problems of grade disclosure to employers and invidious inferences drawn against those who take pass-fail, necessitate a reexamination of the entire grading problem."

With reference to the small percentage of pass-fail advocates who have now decided to take pass-fail, the letter said, "This we have termed the coercive nature the option system. We feel

that in order to eliminate this coercion, all first year students must have a uniform system of grading."

The letter also called for immediate steps to establish the committee suggested by the poll.

At present the Ad Hoc Committee is waiting for some indication of strong student interest before seeking to implement a mandatory pass-fail system for the first year.

Schepard is disappointed at the lack of response from either faculty or students since the poll was completed. He attributes present disinterest mainly to the Christmas break and exams, and he hopes to gauge interest through section meetings in the near future.

"We've done all we can do at this point," he said. "Unless there is a massive display of support for pass-fail soon, I assume it will be forgotten."

Applications Due

Under the Joint-Professional option in the Public Policy Program of the Kennedy School of Government, a law student can receive a joint J.D.-M.P.P. degree by fulfilling a one year residency requirement at the Kennedy School in addition to his Law School curriculum.

The application deadline for the program is February 1.

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Need for Affirmative Action

The recent demonstrations of black students demanding changes in Harvard University's employment practices and hiring policies, namely that the University Administration assure non-discrimination by itself and its contractors and also take affirmative action to correct a previously discriminatory situation, were probably the most purposeful that the University has seen in the last few years. Racial (and sexual) discrimination in employment is one of the most serious problems in the nation today, and it seems proper that universities should be in the forefront of eliminating such discrimination.

For lawyers the problem is particularly pertinent since it is the policy of the nation, as clearly stated in Title VII of the 1964 Civil Rights Act, that there shall be no discrimination in employment on the basis of race or color.

And it would seem particularly unfortunate if in this case, as has happened so many times before, controversy over the means of the demonstration obscured the important issues which the demonstration was designed to bring into the open.

Perhaps the most controversial of these issues is the demand of the black students that the University set a target for itself and its contractors of at least a 20 per cent black work force. The counter-argument is that to set any particular percentage of blacks to be hired is discrimination in favor of blacks.

Discrimination may be ended overnight, but it cannot be corrected overnight. We believe that affirmative action must be taken to eliminate the effects of past discrimination, and if this requires the hiring of a certain percentage of black people, so be it. A sound legal argument can be made from Title VII and constitutional litigation in other areas of racial discrimination to support the requirement of affirmative action.

But as one eminently qualified observer has pointed out, dispute over the 20 per cent demand should not divert Harvard from the opportunity to lead in creating imaginative and viable solutions to this national problem. This observer suggests, for example, that Harvard convene a meeting of leaders of other non-profit, private and quasi-private institutions so that there will be a unified effort to deal affirmatively with the problem; and that Harvard establish a full-time, high-level administrator to deal with such matters on a continuing basis rather than relying on "trouble shooters" with responsibilities of their own as issues arise.

Harvard and all other universities must end discrimination on their campuses, correct the effects of past discrimination, and assure that no discrimination ever exists again.

HARVARD LAW RECORD

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Fenno

"Hey Bunky!" said Fenno, "why are you standing in front of the mirror hissing at yourself. I know the only job offer you got so far was an assistant city attorneyship in East Oshkosh, but you shouldn't take being the bottom man of your class so personally. After all, grades are just an arbitrary assessment of a man's worth."

"Well, it's not so arbitrary that I'm only worth \$4000 per year plus carfare plus a season ticket to the East Oshkosh Icebergs, but that's not why I'm hissing in the mirror. A friend of mine said my hissing at the discussion following *The Lawyer* was just atrocious. He said he heard a little old lady of 85 do better at a Moratorium rally."

"Now I understand, Bunky!" said Fenno. "If we let our hissing slide so that we're less than really rotten, what will become of the famed Harvard Hiss, the hiss that rings the rafters of the Harvard and Brattle Theaters, the hiss that drove Sidney Furie off the stage, the hiss that drove Ernie Brown into a leave of absence? Why, the hiss is so powerful, it's even sometimes a match for one of Phillip Areeda's puns."

"Sometimes I wonder though," said Bunky gaspingly as he practiced deep breathing for those really long, low hisses. "Maybe our hissing is wrong. You don't think people take it seriously?"

"Of course not," said Fenno. "Everyone knows that the Harvard Hiss isn't nasty or vulgar. It's just the Harvard way of showing amazement at a particular expression of ideas set in a context which may be somewhat different than our own. Really, you have to think of it like cheering at a football game."

"Oh I get it, Fenno. It's really an exercise in physically expressing one's basic emotions in order to provide for better mental health and well-being."

"Sure, that's it, Bunky. Essalen, T-Groups, the whole lick."

"That's right, Fenno! Now I'm going to practice my hissing all afternoon until I get it down just right. No telling when I'll need it to show my dissatisfaction."

"Right, Bunky. You just go back to your mirror and hiss and hiss and hiss just as much as you want until it makes you happy."

Alumnus Suggests Public Law Office

To the Editor:

An element in the Law School apparently feel that the function of the School is the training of lawyers in making trouble. Without discussing the opinions of half-baked radicals, I make a plea for the man in the street who needs legal advice. If he has any assets, the Legal Aid Bureau won't help him. Unable to pay the retainer which large firms require, he falls in the hands of a general practitioner, who may or may not render the service which the client needs.

I suggest the organization of a law office to which the large firms would refer clients whom they are not equipped to serve. The hypothetical office would accept any respectable case, civil or criminal, in New York County, and receive a fee commensurate with the client's ability to pay.

The young lawyers working in that office would render a genuine public service by filling the vacuum which presently exists in our metropolitan society. They would also receive a training in litigated practice which is almost non-existent in this City. They would learn how to try a case, civil or criminal, with or without a jury, and

Letters to the Editor of the RECORD

to argue an appeal, by actual experience in the courts.

The young lawyers with ability would develop a reputation as advocates which would enable them to name their own price when they left the people's law office. Their lives would be full of the human interest which their classmates who become experts in taxation or securities and exchange business never encounter.

Having learned the hard way, they would become real lawyers—and all too few of this breed exist in New York today.

Peyton Randolph Harris '15

Law Student's Budget Called Unrealistic

To the Editor:

I was interested to see your figures on what legal education costs at Harvard per year. The official school figure is totally unrealistic and probably always has been. I always suspected that the figure was set so low on the assumption that students and parents always understated their

assets. This is course works a great hardship on those who are honest.

When I was at Harvard (1960-63), I believe the official estimate was around \$2,600. I only met one student in three years who managed to live on that figure. I seem to recall that my budget ran around \$5,000. This was frugal living at that time—few dates, dorm living, and eating substantially all my meals at Harkness. I did, however, keep an automobile in Cambridge. Most of my friends spent considerably more.

I would suggest that your budget is probably almost as unrealistic as the law school's.

James T. Brennan '63

Impartial View On Grades

To the Editor:

As one who found both the study and practice of law uninteresting and left the practice of law, I would hope that I could comment on the question of grades and placement interviews without being considered an interested advocate of the large law firms.

Ultimately, the problem of grades at the Harvard Law School revolves mainly around one central fact. Students at the law school were almost exclusively in the top of their college classes. Unfortunately, at the law school a grading system will relegate one-half of these students to the bottom half of the class. Many students cannot stand the shock to their self-esteem of being in the bottom half of the class.

Consequently, they berate the law school, its teaching practices, and its grading system. Many things at the law school needed improvement when I attended. Therefore, many reforms instituted may well be for the good, but I have seen very little discussion of the psychological reasons which obviously motivate a great deal of the attack on the grading system.

If grades do measure the potential for success in practice, then the elimination of grades might well make it difficult for the most demanding law firms to hire the most able students;

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"Maybe if we went down and hit Carswell with the Harvard Hiss, he'd just go away. . . . It's worked before."

Letters to the Editor of the RECORD

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this will not be in the best interest of the firms or the students. If grades don't measure the potential for success in practice, law firms may discover this when they are forced to hire on the basis of other factors.

Therefore, the elimination of grades would eventually lead to a testing of

the current assumptions of law firms. However, the feeling of many students that grades are not important indicators of legal ability is probably based more on rationalizations formed to protect their own self-image rather than a thorough analysis of the merits of the grading system.

Robert Nordvall, '65

Library Change

The Reading Room of the library in Langdell Hall was rearranged during the Christmas holidays to make heavily demanded materials more accessible and to distribute them more evenly throughout the library.

A second set of Regional Re-
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An Example of Bias Against Women in the Law

Editor's Note: The following letters are published as an example of the discrimination which exists today against women in the law. "Mr. Jones" is a member of a large, midwestern law firm. "Miss X" is a second-year student at the Law School. "Miss Z" is a third-year student who worked for the firm last summer.

Mr. Jones' second letter came after Miss X lodged a complaint with Professor Richard Field, chairman of the Faculty Committee on Placement, and Prof. Field wrote to the firm. We deleted the names to protect the innocent and the not-so-innocent.

Dear Miss X:

I enjoyed very much our interview with you last week. We are sorry to report, however, that we will be unable to invite you for further interviews.

Our summer clerkship offers are extended only to persons we are quite sure we would want to hire on a permanent basis. Frankly, the "pass-fail" first year grading system will put some Harvard law students at a disadvantage in relation to second year applicants from other law schools with a good first year record.

I would be less than honest if I didn't admit to you that there are many lawyers that feel very few women, however capable, are really cut out to be lawyers. To this group your outstanding undergraduate work is impressive but not necessarily relevant to your future in this firm as a lawyer.

Next year, with the benefit of second year grades, this problem is eliminated. As you know, Miss Z in the third year

class clerked for us this past summer and has an offer of permanent employment.

We do hope that your interest in Y continues and that we may look forward to seeing you next year with respect to permanent employment.

Very truly yours,
Mr. Jones

Dear Professor Field:

I sincerely appreciate your letter regarding the reaction of Miss X and of Miss Z to my letter of November 12. On rereading it I can understand their interpretation. However, as I hope you and they will recognize, it represents a poorly articulated over-simplification of the problem which you and I discussed in Cambridge: in the absence of first year grades, the person who makes a strong favorable impression during the interview — the good salesman, if you will — has a definite advantage.

In addition, the president of the undergraduate student body, the captain of the debate or football team, or the person who has otherwise indicated special leadership or practice-oriented abilities, has a similar advantage.

While these factors obviously do not in any sense prevent invitations to women, as a practical matter they work to the detriment of a woman who is not a strong interviewee or has not engaged in such activities.

Miss X conducted herself well during the interview but it is fair to say that she was not the "salesman" that some of the other second year students we saw were. Her undergraduate academic record was excellent but her

activities did not, as such, indicate talents or qualities which would seem to specially qualify her for employment here. The practical fact is that on the available information had it been "Mr. X" instead of Miss X, no invitation would have been extended.

Miss X is correct that we did extend invitations to second year students with respect to whom we had no first year grades. Of the eight invitations extended (out of the nineteen second year students we interviewed), we have grade information on four.

The other four include two Rhodes scholar nominees with the credentials you would expect, the president of his undergraduate student association, and a veteran of some 750 intercollegiate debates who is currently assistant debate coach at MIT. Be this as it may, I want to emphasize that we are very much in the market for women lawyers — on the same basis as men. Miss Z did a fine job for us last summer, and we want her back very much. We also hope Miss X will give us another chance next year.

One final point: while as you know I presently personally favor disclosure of law school grades as a part of the interviewing process, I and my partners also recognize that there are sound arguments to be made in favor of the pass/fail system at a school of Harvard's quality. We will thus be interested in sharing the conclusions which you are able ultimately to draw from the current experiment, and will be more than happy to provide you with any information "from our end" which may assist in evaluating the results thereof.

Sincerely,
Mr. Jones

Senate Candidate Spaulding Speaks

By Michelle Scott

Josiah Spaulding, the first announced candidate for the Republican nomination to the U.S. Senate seat now occupied by Edward M. Kennedy, addressed a regular meeting of the Law Wives January 21 on "The Politics of the 70's."

Spaulding, Massachusetts chairman of the Republican Party, focused on the current national malaise, citing the range of social complaints from inflation to pollution. His entry into the Senate contest was motivated by his concern with these problems and his hope to involve more citizens in their solution.

"The thing that bothers me the most is the ever-widening gap between politics and the people," Spaulding said.

Although he is dissatisfied with the imprecision of current references to the "system," or the "establishment," Spaulding believes that American structures or institutions can be criticized. The system's greatest weakness, he feels, is its lack of vitality.

"The system, which boys go out and die for, which they go to war for," Spaulding observed, "is not turning people on."

Spaulding asserted that the Republican Party could get the system back to the people. In his view, Senator Kennedy could not accomplish this, because the state's senior senator is a product of the system and, as Senate Majority Whip, is a "member of the club."

"I'm not knocking Ted Kennedy as a man," Spaulding insisted, "but he can't break out of the rut . . . I consider him a product of the system, a defender of the status quo."

Although Spaulding said he shared many of the concerns and goals voiced by Senator Kennedy, he called on the incumbent Democrat to take further anti-establishment stands. In particular, Spaulding would like him to advocate the elimination of the Congressional seniority system for committee chairmen.

Spaulding fears that Kennedy's vested interest in the system and his ambitions might preclude support for useful administration programs.

"Ted Kennedy will oppose anything for political reasons," Spaulding claimed. "He'll oppose [a program], because he's Ted Kennedy. He's in the club and wants to stay there and wants to go on."

"When Ted Kennedy said 'I can do more for Massachusetts' in 1962, it was because his brother was in the White House," Spaulding asserted. In 1970, with a Republican President, Spaulding claims he could better serve the state.

Spaulding admitted that he had opposed Richard Nixon's search for Republican delegates in the Massachusetts presidential primary election in 1968. He said, however, that his stand was motivated by practical, political considerations. Polls indicated that the full Republican state slate would have fared better in a ticket headed by Nelson

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CORE's Innis Addresses Forum

By Linda Standridge

A bombastic Roy Innis, national director of the Congress for Racial Equality, greeted a responsive audience December 12 at the Harvard Law School Forum. Innis almost did not come because of his support of the Harvard blacks who had recently taken over University Hall in an attempt to increase the number and to better the position and pay of black construction workers at the University. Innis criticized the Harvard administration for not fulfilling their demands.

Innis discussed his disappointment in desegregation progress. In the mid 1960's he was dissatisfied with CORE's efforts to desegregate the New York public schools and with the Civil Rights Act of 1964. His outspokenly neo-nationalist views came into vogue in CORE after 1964 when many idealistic integrationists left the cause for the peace and poverty movements. The chief goals of his ideology are the formation of black social, political, and economic institutions in black communities, the prevention of white racism by the elimination of black powerlessness, and the encouragement of black nationalism.

A forceful proponent of community controlled

quality education, Innis led a major fight for an independent board of education for Harlem. He submitted a successful proposal for independent school boards for other ghetto areas at the New York Constitutional Convention. He stated that he favors separatist black power goals. He sees separation of the races, a system in which whites and blacks each control their own institutions with neither race dominating the other, as the only way to rehabilitate black people and to avoid a destructive racial confrontation.

Under Innis, CORE drafted the Community Self-Determination Act of 1968. The bill proposed the establishment of community development corporations, in which the poor of the ghetto could buy shares for \$5 each, or the equivalent of \$5 in labor. It suggested tax incentives to encourage outside companies to set up plants in low income areas, train local people to run them, and then sell the plants at a profit to the community-development corporations. Institutions within the black community would be transferred to the control of the black community, thus hopefully maximizing the effect of the institutions on community

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Senate Candidate Speaks

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Rockefeller. In the general campaign, Spaulding did work for the Nixon-Agnew ticket.

While indicating support for the President, Spaulding admitted reservations about the slow end to the Vietnam conflict. He also emphasized his opposition to any "Southern strategy" and his disagreement with the strict-constructionist views of recent Supreme Court nominees.

President Nixon's proposals for revenue sharing and the cuts in Defense Department expenditures received Spaulding's approval. The Republican hopeful repeatedly cited his opposition to the "un-constitutional" Vietnam war and his desire to divert military funds to social needs.

Spaulding discussed the difficulty of balancing senatorial responsibilities to the nation at large and those special interests and problems of his home state. He said that Massachusetts might legitimately expect and receive some temporary aid, such as protective tariffs for the shoe industry. For long term commitments, Spaulding supported broader policy criteria.

Poverty and the related areas of housing and employment appear to Spaulding as the nation's major social problems. He expressed concern for the problems of blacks nationally, but said the situation was "not that bad in Massachusetts." His main objective in office would be to make the system work for all the people.

After a question and answer session, Spaulding joined the audience of wives and Young Republicans, who helped in arrangements, for coffee. Several students offered their assistance in running the campaign.

Innis Address...

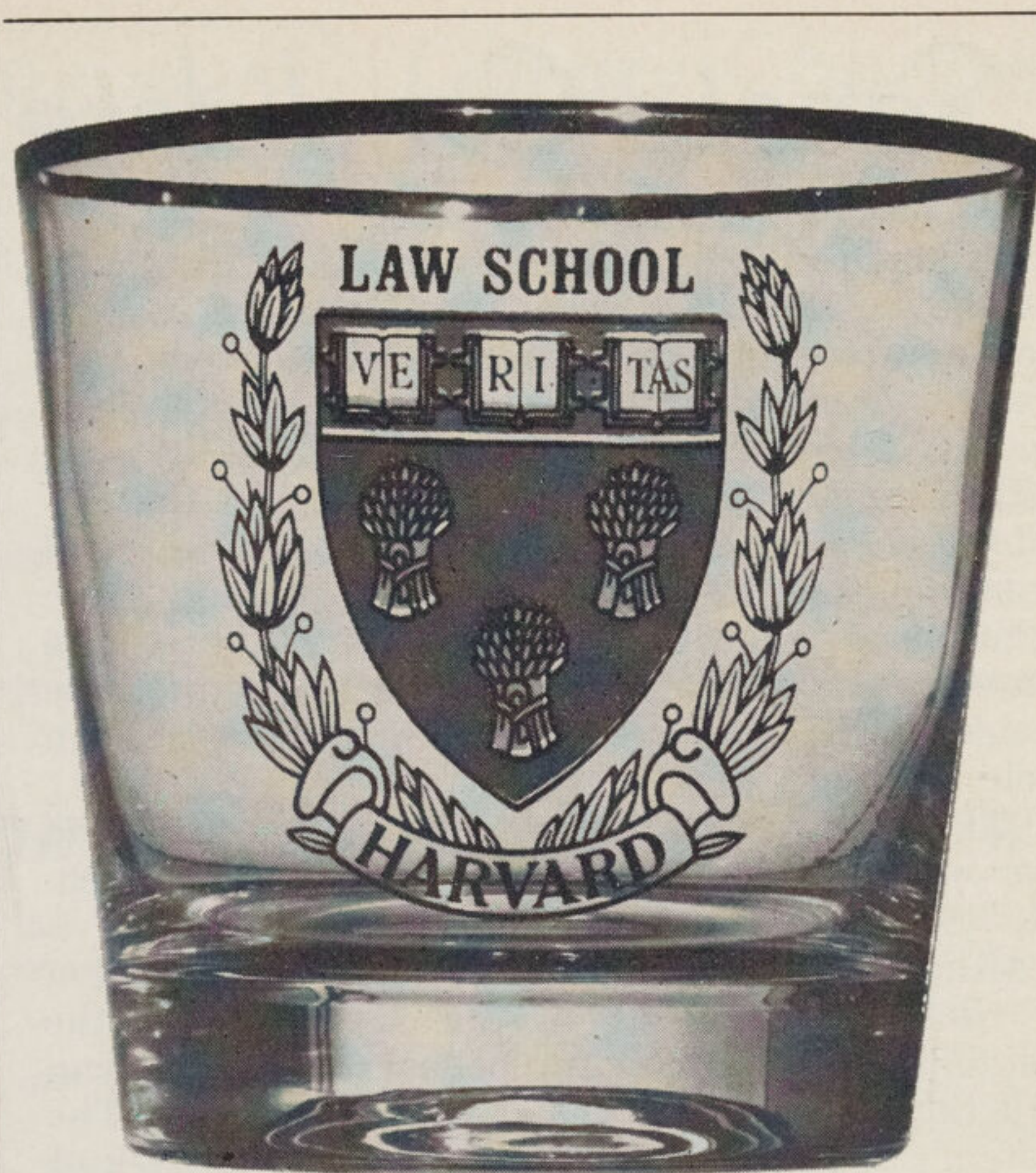
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stability.

During his address, Innis interacted with the audience in a lively fashion, speaking directly to groups of blacks and asking them for response to his views.

Innis rose through the ranks of the New York Harlem Chapter of CORE. He was elected chairman of the Harlem Chapter in 1965, and permanent national director in 1968. Innis is also co-publisher of a weekly newspaper, the *Manhattan Tribune*, in the Upper West Side and Harlem. This publication aims to prevent crisis by informing whites of the troubles of the black community. It compensates, Innis feels, for the inability of the white press to communicate accurately the aspirations and problems of blacks. He is also co-director of a school of journalism for young Puerto Ricans and blacks.

Innis was introduced by Walter J. Leonard, Assistant Dean and Assistant Director of Administration and Financial Aid at the Harvard Law School.



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Students Flock to Film Preview

(Continued from Page 1)

answer the audience's questions about the film.

Furie, a Canadian, previously directed *The Young Ones*, *The Boys*, *The Leather Boys*, *Wonderful Life*, and *The Ipcress Files*. He also wrote the screenplay for *The Lawyer* with Harold Buchman.

Dexter is a veteran actor in films: (*The Asphalt Jungle* and *Von Ryan's Express* among others) and Broadway: (*Green Grow The Lilacs*, *Diamond Lil*, and *Magnolia Alley*). He also produced *The Naked Runner* for Sinatra Enterprises.

The first question from the audience, directed to Furie, began by condemning the film's depiction of justice received by a white doctor. "Why not deal with the fact that 21 Black Panthers are receiving injustice right now in New York and harassment all around the country? Where is justice for the poor people of this country? How do you have the nerve to show this film? Are you just after the buck?"

Furie, apparently taken aback, hedged on his answer. Bailey retorted: "Some of you, I am told, are law students, and the first thing you are going to have to learn if you want to practice law is the difference between a question and a speech."

The next question returned the attack, focusing on the film's use of violence and sex, referring primarily to a repeated flashback in which the defendant's wife — her nightgown pulled up to her neck — is being beaten to death. "That one part sticks out like a sore thumb," the questioner commented, "although otherwise the film is well done."

Furie's voice was choked as he answered. "Apparently a lot of you feel you know a great deal about film making. I only hope that you young film makers will someday have to face this. I know you won't understand this, and I know I'm going to be hissed, but I'm going to leave the stage now."

There were few hisses; once again Bailey filled the gap. "Look, let's call a spade a spade," he said.

"You can't sugarcoat life. In the court room, you have to describe it as it is. You can't be afraid of using a dirty word when you're trying a case, and each ugly detail has to be impressed in the jury's mind. That's what was happening here."

Bailey said that Furie had followed the transcript of the Shepard trial very closely. "It was the way the case was tried. This may not be the best system possible, but it's the best we've got."

Newman explained that Furie had left the stage partly because he had devoted three years to making the film which was now being criticized, and partly because it had always been his intention to donate a major part of his share of the proceeds from the film to black causes.

Furie explained his behavior the next day during a luncheon at the Ritz-Carlton in Boston, saying that this was the first time he had been in front of an audience, and he had taken the hissing as a personal attack, rather

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Sports Briefs

By Jim Schuyler

Baseball . . . Curt Flood, former St. Louis Cardinal centerfielder, had his Federal suit challenging baseball's reserve clause filed last week. The clause binds a player to his team organization until he is either traded or released.

Flood brought suit after he was traded to the Philadelphia Phillies on October 7, refusing to accept his involuntary transfer. His attorney, former Supreme Court Justice Arthur Goldberg, believes that Flood will have to give up any chance of playing this year since his suit, attempting to abolish a long-standing rule, may take two years.

A joint statement issued by the presidents of both leagues said, "When a player refuses to honor an assignment, he vio-

lates a contract, in which he agrees that assignments may be made and he violates the fundamental baseball rules, including the reserve clause, which experience has shown to be absolutely necessary to the successful operation of baseball."

The suit filed on behalf of Flood charged baseball with violation of the antitrust laws. The club owners contend that the Supreme Court has held or affirmed on four separate decisions that it was not the intention of Congress for baseball to come under antitrust regulations.

The baseball Players Association has stated that their aim in supporting Flood is to modify the reserve clause, but that the suit declaring it illegal became necessary because the

owners have refused to consider any serious change in the system. Coupled with recent NLRB action on the right of baseball umpires to unionize, and Yale's defiance of the NCAA by defending a college player's right to participate in international competition, the "reserve clause" case may indicate a new attitude in sports.

Intramurals . . . After four weeks of action in the basketball league, all five division leaders remain undefeated. "A" league leaders The Nameless Ones, "B"'s The Sh-ts, The Crimson Swine of "D" league, and "E"'s Prurient Interests are all at 4-0. "C" league leaders, Sons of Breaches, have won all three of its contests. The first round of the playoff tourney has been scheduled for March 17.

Students View New Film

(Continued from Page 13)

than as 'social commentary' by the Harvard audience

Most of the remaining questions were directed to Bailey. When asked how he could accept the principle that a man is innocent until proven guilty, despite the ability of criminals to escape punishment in this way, Bailey replied that the system was designed to provide a maximum of justice. "That final argument you saw, with all its truisms and repetitions, is the way it is. That's the way the ball game is."

Bailey argued that the film accurately depicted the courtroom, "with all the mistakes made and all the poor language. It was designed on the real world." He compared *The Lawyer* to *Anatomy of a Murder* in its accuracy of describing the underpinnings of the judicial system in a criminal case. "You may well be disturbed by everything you saw, but that's the way it is. That's the value of this film. The truth is that you frequently don't get the truth."

Complaining that the movie was "designed for the average twelve year-old," one questioner asked Bailey what he thought the effect of the dramatic trial would be on modern trial procedures. He answered that with the many apparent shortcomings of the system, "maybe some of you bright young people will try to change it."

Asked whether he would have done anything differently if Shepard had walked into his office and confessed to the murder of his wife, Bailey said that he would not have taken the case.

Several questioners complained of a "Perry Mason" quality in the film and in Newman. "I wonder why the lawyer is always so cool from beginning to end. You were just so cool, so good. Didn't that bother you?"

"That's just the kind of guy I chose to play," Newman replied, "and the kind of character Mr. Furie chose to write. He's the kind of lawyer that just wants to go straight ahead and does."

Bailey added that this is how

a good trial lawyer must be. "In the court room, if I made as bad a mistake as this character did in calling the queer hairdresser to the stand, I would have been shaking in my boots. But that's just when you've got to be cool."

One student asked the panel why the law school had been invited and what reaction had been expected. "You've got to realize first of all," said Newman, "that this film isn't primarily about jurisprudence. It mainly seeks to entertain."

"But we came here because we think that among all the people in the country, the most selective audience would be law students. We were interested in reactions, whether hostile or favorable. This was the toughest audience in the world to meet."

At a reception at the Harkness meeting room, following the discussion, the producer talked with students for the first time in the evening. Replying to repeated criticisms of the sex and violence in *The Lawyer*, Dexter commented, "The movie used sex and violence because the public likes sex and violence. Violence has great appeal. I'm not making a picture because I enjoy it. I make it because I want to make money."

RECORD Elections

Lawrence J. Gartner, who progressed to status as a third-year student here via Brooklyn, Los Angeles, and Berkeley, has been reelected editor of the RECORD. A history major at the University of California, Gartner was city editor of *The Daily Californian*. In his spare time he sleeps.

Renamed managing editor was Michael Lurey, 3L, a graduate of Northwestern University with a major in engineering. Lurey, as has previously been noted, was typewriter editor of his grammar school newspaper and along with most of the rest of the third-year class is growing a cute moustache, now that interviewing is over.

Moving up from news editor to associate editor is John York, 2L,

who graduated from Vanderbilt University with an inter-departmental major in history, political science, and sociology. The perfect Southern gentleman, York is inclined toward bow ties, and white and black saddle oxfords.

Michelle Scott and Robert Hernandez, both first year students, were named as the new news editors. Miss Scott graduated from Bryn Mawr with a major in French literature and worked for *The Herald News* in New Jersey. Hernandez graduated from the Woodrow Wilson School at Princeton.

The new feature editors for the RECORD are Oliver Henry and Jerry Snow, both 1Ls. Henry graduated from Columbia Univer-

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Movie Review

(Continued from Page 1)

heart. Newman quotes meticulous legal precedent only to discover that the judge prefers good old "common sense" and his own willfulness. Witnesses are the usual stock characters popular on T.V. today — such as a queer hairdresser.

The doctor is convicted of second degree murder, but the lawyer, getting fired up, is determined to get an appeal. He argues that the court was prejudiced because of the extensive publicity surrounding the whole trial.

A new trial is won. In this trial, the lawyer surprises the court by suggesting alternative series of events that could plausibly be based on the same circumstantial evidence used by the prosecution against the de-

fendant. The jury votes acquittal. The lawyer leaves the courthouse jubilant — only to see his camper being towed away for illegal parking.

Perhaps there are several intended messages in the movie. For example, that larger principles and great deeds are more important than petty regulations (i.e., traffic regulations). Ironically, the town was reversing this, saying: petty regulations that have to do with procedure and legal precedent are not very important when "we all know" a man is a murderer. Better keep a murderer locked up than let him go on the basis of some technicality.

The second lesson of the film is that small towns do not respect the letter of the law, and willingly suspend or overlook it for highly subjective reasons. This is bad.

Thirdly, in criminal law if

any other reasonable explanation besides guilt can be concocted from circumstantial evidence, this is sufficient to evoke "reasonable doubt" and acquit.

"*The Lawyer*" presents some of the problems lawyers face: an uncooperative client; conflict and accusations as to whether the lawyer is just trying to further his own career or really does believe in the appeal he is arguing; courtroom strategy; and finally, ignorance throughout about his client's guilt or innocence.

The trial was over-glamorized in Perry Mason style, and we know what the outcome will be. Trite nudity and violence predictably serve the modern taste. And the swearing is even boring, because it seems done for effect.

Good art is either timeless or it is new. This was just another "whodunit?" I wish they hadn't.

Seekers?

We're not going to get you that Cadillac or the villa in Shaker Heights or even a piece of that big pie in the sky. We're not going to make you brighter or sexier. Maybe all we can offer is a chance to express yourself, indulge in a bit of cynicism, and perhaps partake in a piece of the action.

You have to be a nut to be on newspapers; if you think you might be one, come to our cocktail party and meet the folks. Write, take pictures, intellectualize; we don't care.

Harvard Law Record — Cocktail Party

Holmes Hall

4-6 p.m.

Thursday, February 5

Black tie unnecessary.

Wonderful Library Changes

(Continued from Page 10)

porters is shelved in the South Reading Room to complement the North Reading Room set. English reports and all State Reports, except those of Massachusetts, are relocated in the stacks.

Complete sets of the American Law Reports are available in both the North and South areas. Shepard Citations to all Reading Room

reports will be placed in the colonnades at both ends of the Reading Room. Law reviews have been moved to the South Middle area.

Reserve materials occupy open shelves next to the check-out desk, State statutes are placed behind the check-out. For those who still prefer to study at home, a second photocopy machine has been installed in the Main Reading Room.

RECORD Election

(Continued from Page 14)

sity. He reportedly loves to read short stories. Snow graduated from The Farm, a school sometimes also known as Stanford University. He majored in creative writing.

Named sports editor was James Schuyler, a graduate of New York University with a major in politics. He was sports editor of the Heights Daily News there.

Miss Sylvia Sirignano, who actually runs the RECORD, will continue as secretary and general bon vivant.

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