

HARVARD LAW RECORD

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TWENTY CENTS

Bell Walks Out in Protest

Law Faculty Disciplines Blacks

In the wake of more than a week of confrontation and school-wide debate, the faculty proceeded on March 4 to uphold the penalties meted out by the Administrative Board to five black law students for their participation in fall term demonstrations against Harvard University hiring practices.

By a vote of 42 to 7 the faculty upheld the suspension of Gregory Pilkington, 2L, for one term for his part in three separate demonstrations, including the obstruction of the office of Ernest R. May, dean of the Faculty of Arts and Sciences. Pilkington was given the right to return in the fall or spring, however, despite the Ad Board's recommendation that he only be given permission to reapply.

The faculty also rejected two resolutions to modify the discipline imposed on the other four students. Two have been given "warnings," and the other two were placed on probation.

During the March 3 deliberations, Derrick Bell, Lecturer on Law, the only black faculty member, issued a statement announcing his withdrawal from all further faculty action on the matter.

"I withdrew from further participation on the deliberations at this time secure in my knowledge that I have performed my obligations as a faculty member in this matter far beyond any reasonable expectations, and with a firm be-

lief that my further participation, while of no value to you, would cause me emotional distress, difficult to explain, but impossible to endure," he said.

Bell criticized the faculty for its refusal to recognize "what is so

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Law School Expected To Appoint Boudin As Visiting Professor

Leonard B. Boudin, nationally renowned defense attorney and authority in the civil liberties and constitutional law fields, is expected to be named shortly as a visiting professor for 1970-71 at the Law School, once his appointment is approved by the Harvard Corporation, The RECORD learned this week.

Boudin, who has gained national recognition through his defense of Dr. Benjamin Spock and many other civil liberties defendants, will teach courses in Advanced Constitutional Law, and with Professor Alan Dershowitz, "The Legal Profession." Boudin has previously conducted seminars on constitutional law at Yale and New York University Law Schools.

When appointed, Boudin will become the third lawyer to be named as a "visiting professor from practice", a position held this year by Roderick M. Hills. Mr. Boudin is currently associated with the firm of Rabinowitz and Boudin in New York.



RECORD Photography Editor Max Oppenheimer made this multi-exposure shot of Saturday's eclipse of the sun. The eclipse was nice but by the end everyone was singing: Here Comes the Sun.

Drinan Makes War Main Campaign Issue

By Michelle Scott

Robert F. Drinan, S.J., peace candidate for the Democratic nomination in Massachusetts' Third Congressional District, recently spoke to the Harvard Law School Young Democrats on the war and domestic issues which underlie his candidacy.

The recently-resigned Dean of the Boston College Law School emphasized that the Vietnam conflict was his primary concern. He noted, however, that its continuing costs might best be brought home to voters in terms of its domestic effects.

Chosen by a Citizens Caucus of 1,000 peace movement supporters to challenge incumbent Democrat

Philip Philbin, Father Drinan described his impressions of growing opposition to American military involvement abroad.

Recalling his June, 1969, trip to Vietnam, Father Drinan said of his conversations with American servicemen, "I talked to the GI's over there. I didn't find anybody dedicated to the fool thing at all."

In discussing his political activities, Father Drinan insisted that there is no Church-State conflict. He said that the ACLU was ready to make a statement on his behalf should any dispute arise.

"I like to think I'm an educator and a dean," the candidate explained. "And some other people with similar backgrounds have ac-

complished much in politics. Not that I'm denying I'm a priest and a Jesuit," he added.

According to Father Drinan's evaluation, inflation is the major current domestic issue. Another controversial issue, welfare, will also receive campaign treatment. He indicated that the public must be educated to realize that preventive assistance must be provided to keep people off welfare and to understand that some people cannot get off welfare. He characterized the subject as a "sexy issue" for the voters.

His main advantage in the primary contest, he believes, will be his opponent's weaknesses. According to the former dean his opponent, "a man who will be 72 in May" and a promoter of the House Un-American Activities Committee, is beatable in the November general election. Although only one other incumbent, Joe Martin, has ever lost in Massachusetts, Father Drinan feels that Philbin too will be a losing candidate.

Although he concedes that he is facing an uphill battle against the regular party candidate, Father Drinan is encouraged by the national attention focused on his race and other contests which are part of the Referendum '70 anti-war effort.

From the outset, Father Drinan admits that working through the Democratic Party is a compromise. "I'm not too happy with the Democratic Party," he said, "but until we get a Peace Party or a Third Party, we have to stay with it."

In spite of predictions that his defeat is inevitable. Father Drinan insisted that he plans a serious effort.

"After all," he smiled, "at forty-two-five, they pay pretty well."

Under professional campaign managers, student workers are being organized by John Hurley at Boston College Law School and Joseph Gebhardt, 2L, president of the Harvard Young Democrats.

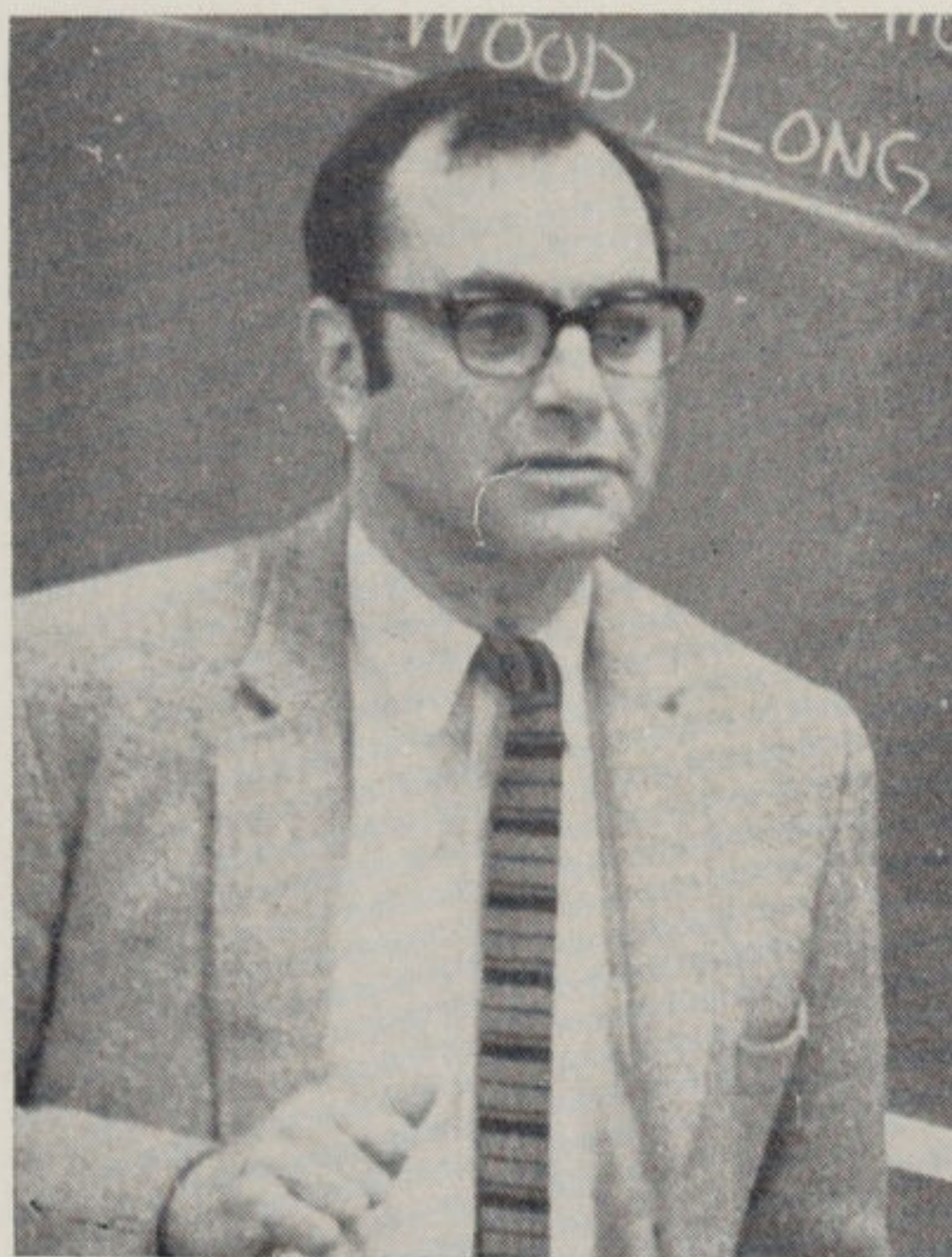
Center Deals with Education Problems

By Susan Carlson

With financial assistance from OEO, the Harvard Law School has combined forces with the School of Education in an effort to revolutionize American education through legal methods. According to Professor Abram Chayes, the Center for Law and Education is "an example of the relevance of a law school education."

The staff of the Center is composed mainly of men who have graduated from law school within the past year or two. "With only brains and law school training, they have come up with some exciting new ideas," Chayes said.

One of the basic premises of the Center is that purely educational solutions will not work in ghetto schools, and the workers at the Center have "turned to law to develop institutional models to give poor people access to power over educational choice in hopes that a sense of being positively involved is itself part of a good education," according to Chayes. They also hope, he said, "that good approaches to education will emerge out of practice rather than out of advanced research."



Prof. Abram Chayes

One of the newest and most complex of the ideas that have come out of the Center during its first year of operation was advanced by Em Hall, a 1969 graduate of the Law School, who has been trying to apply collective bargaining techniques to decision making in public schools. Although this idea must be refined, Hall hopes to find a suburban school system that feels threat-

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Missing Books Plague Langdell Library

By Bob Hernandez

According to the 1969-1970 Law School Catalogue, the Law School library contains "over a million volumes." Reference Librarian Cesar J. Armstrong sets the figure at between 1.3 and 1.4 million. But the truth of the matter is that no one can accurately estimate the number of books in the library, because — as any student or professor can tell you — many of them just cannot be located.

One class was assigned readings from Fuller's *The Anatomy of the Law*. Although the library

"It's the most screwed-up system imaginable," said the professor, who prefers to remain unidentified. "The library has millions of books, and no one knows where they are, except Putnam [former Associate Librarian Philip A. Putnam] — and he's gone now — and Strait [Associate Librarian George A. Strait]. The people working there just don't seem to know where anything is."

In response to such criticisms, the library committee, chaired by Professor Louis Loss, plans to send out a letter to all students this week, urging them to check out books before removing them from the building. Librarian Earl C. Borgeson has made plans to install more check-out desks next semester.

"It's hard to say how big a problem this is," said Borgeson. "We're just not in a position to take an inventory. Much of it seems to be simply thoughtless misuse of the easy access to books in this library."

One measure of the size of the problem might be student frustration with the check-out desk, where they ask about books which are missing from the shelves. According to Diane Gregory, supervisor at the desk, over one-third of those books have not been checked out. She suggests that they might have been stolen, but whatever happened to them, "there's no record of them."

Nor is that the only problem confronted at the check-out desk. If the book has in fact been checked out, the student will not be told the name of the person who has it. The library personally requests the holder of the book to return it.

Of course the holder returns it at his own peril, and faculty members often disregard such requests for books they have checked out.

"I can keep books for months after I receive notice," said the unidentified professor. "I have no

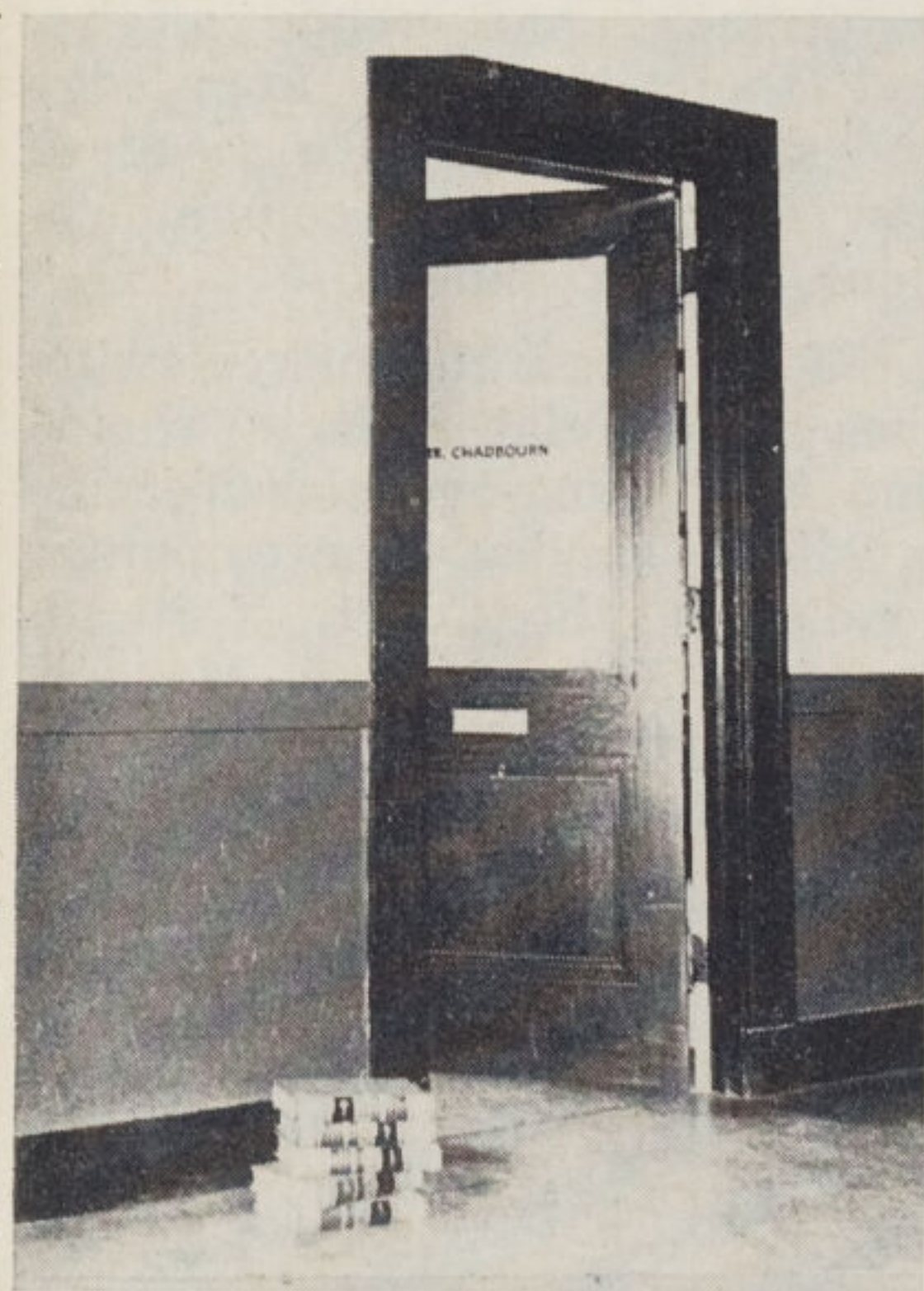
objections to others using the books, but I know I'll never see them again if I give them back to the library. If they'd give my name out, I'd be glad to make the book available to whoever needs it."

Still, Borgeson feels that students are the main culprits. "We hate to restrict free access to the Reading Room, because these are professional men we are dealing with. It's a shame that they do not show more respect for one another."

"The faculty are *not* the offending group because they do have a check-out system," said Borgeson. "And the graduate student body are assigned study spaces; they can charge out materials to that area. For the most part the LL.B. is the offender."

Borgeson also attributes a small portion of the loss of books to "the non-Harvard Law School audience." Books often find their way back to Langdell via other law libraries.

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M. Stul Oppenheimer

This is the library's return system.

files claim several copies, the students found that the only copy on the shelves was in Chinese.

When a professor requested some books from the library for an article he was writing, it was only after a delay of four months that the books were brought to him.

When an officer of the *Law Review* wanted to double-check a citation he had noted a few days earlier, he discovered that the book was missing, never to be found again.

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Sees Broad Constitutional Power

Cox Advises Senate on Voting Changes

By Madeline Nesse

Professor Archibald Cox, speaking before the Senate Subcommittee on Constitutional Rights recently, advised that the Congress could constitutionally eliminate residence requirements for voting in Presidential elections, abolish all literacy tests, and reduce the age for voting from twenty-one to eighteen.

According to Cox, a state law violates the Equal Protection Clause if it "works an arbitrary and unreasonable discrimination or an invidious classification". On the residency requirement issue, a court has to balance the voter's interest in political participation and in freedom to move to a new home against the state interest in

administrative convenience and in preventing fraudulent claims of residence.

The nature of the judiciary requires that it defer, to some extent, to the findings of the state legislature.

Under Section 5 of the Fourteenth Amendment, Congress has power to find the facts itself and make its own evaluation of the opposing interests. "In this sense," said Cox, "Congress has constitutional power to determine what the Equal Protection Clause requires."

In reviewing a law, "the only question for the judiciary is whether it can perceive a basis upon which Congress *might* view the removal of the classification

as necessary to secure equal protection of the laws," Cox said.

As long as Congress has a rational basis for concluding that residency requirements, literacy standards, and the 21-year demarcation line impose invidious classifications, these may be abolished by statute.

As to the last-mentioned, Congress may wish to bear in mind "the spread and improvement of education, the age at which young people take jobs, pay taxes, marry and have children, the tremendous interest of young people in government and public affairs, and their increased knowledge and sophistication as a result of new forms of mass communications," Cox remarked.

"If Congress upon reviewing these and related facts should find the voting-age classification invidious under contemporary conditions, the Court, if it adhered to *Katzenbach v. Morgan*, should sustain the legislation."

"Of course," he added, "constitutional decisions do not rest upon logic alone. Our mobility has outmoded residency requirements at least in Presidential elections, as radio and television have outmoded literacy tests."

"But the traditional attitude towards the voting age seems to be more deeply ingrained, and it is not impossible that the Court would adhere to that tradition until changed by constitutional amendment," the former Solicitor General warned the Subcommittee.

As a second caveat, Cox felt that an act of Congress reducing the voting age might be the subject of serious constitutional litigation. Possibly, enough votes would be involved to cast doubt upon the outcome of a Presidential or major state election, a calamitous result if the doubt remained the full time required for a Supreme Court decision.

Alumni Contributions Move Ahead of Last Year's Pace

By Jerry Snow

Rumors to the contrary notwithstanding, the Harvard Law School Fund is in no trouble. If anything, alumni contributions are running slightly ahead of last year's pace.

According to Wilson H. Pile, Assistant Director of the Harvard Law School Fund, alumni contributions for the present school year, as of the end of February, amount to over \$442,000. Total contributions, including non-alumni gifts as well, are up over \$504,000.

These figures are \$11-12,000, or roughly 2-3% higher than the corresponding figures at the end of February last year. However, the actual number of alumni contributors is down so far by about 90, or again 2%.

In an interview with the RECORD, Mr. Pile was asked whether this drop in the number of alumni contributors in any way reflected

a disaffection with the Law School, perhaps a result of recent radical student activism. The question was prompted by a letter to the Fund from an indignant alumnus.

"This much of a variation is not statistically significant," replied Pile. "The letter of one alumnus solicitor alone which may not yet have gone out might bring in those 90."

"To date," continued Pile, "there have been no signs, other than isolated cases, of adverse alumni reaction, at least as far as the Fund is concerned. I see no cause for alarm."

Last year, the Fund fell short of its goal of \$900,000 by a large margin, collecting only \$762,000. This year's goal is again \$900,000. According to Pile, the Directors of the Fund expect to come much closer to achieving their goal this

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Modern Art Brightens New Building

By Judy Carmack York

After 152 years of existence, the Harvard Law School — which for some of those years has decorated its halls with pictures of bewigged barristers — has discovered modern art.

In the Law School's new classroom building, there is the whimsy of whiz-whurr objects in brazed metal, the clean edge of geometry, and the enigma of golden abstractions.

Four works — two metal sculptures and paintings — now hang in the partially opened building. On loan from the Cambridge Art Association, they were chosen by Dean Derek Bok and Mrs. Louis Loss as part of a continuing experiment with modern art.

"We had a feeling that students were tired of wise old men in red robes," Dean Bok commented. "You could say that the art shows the inscrutibility of the present student generation.

"Actually, it was a question of harmony achievement. For this

on a stark white canvas which seems to depict a smoggy city at twilight. Described by Dean Bok as a possible view of the "environmental decade," its title is "Aztec Gold." It is the work of Immi Casagrande, daughter of Harvard Engineering Professor Leo Casagrande.

Dean Bok and Mrs. Loss are experimenting with the effects of light sparkling off the gold objects which hang on slate-colored walls. By changing overhead lighting on the sculptures, they hope to create the visual drama of the single band of light which streams into the M.I.T. Chapel.

The two gold sculptures, done by retired M.I.T. Professor C. Fayette Taylor, create different images. Slender bands of metal enwrap strands which appear to be wheat or arrows in the untitled work at the top of the stairs from the first floor. The other, "Ikon," resembles a humorous Paul Klee with its collage of faces, loops, pinwheels, and gadgets. The artist brazed the gold onto the metal's surface.

Professor Taylor, who remarked that he was "inspired by the building itself," is now doing another sculpture for this setting.

Still another gold sculpture will hang across from "Aztec Gold" to mirror its glittering quality.

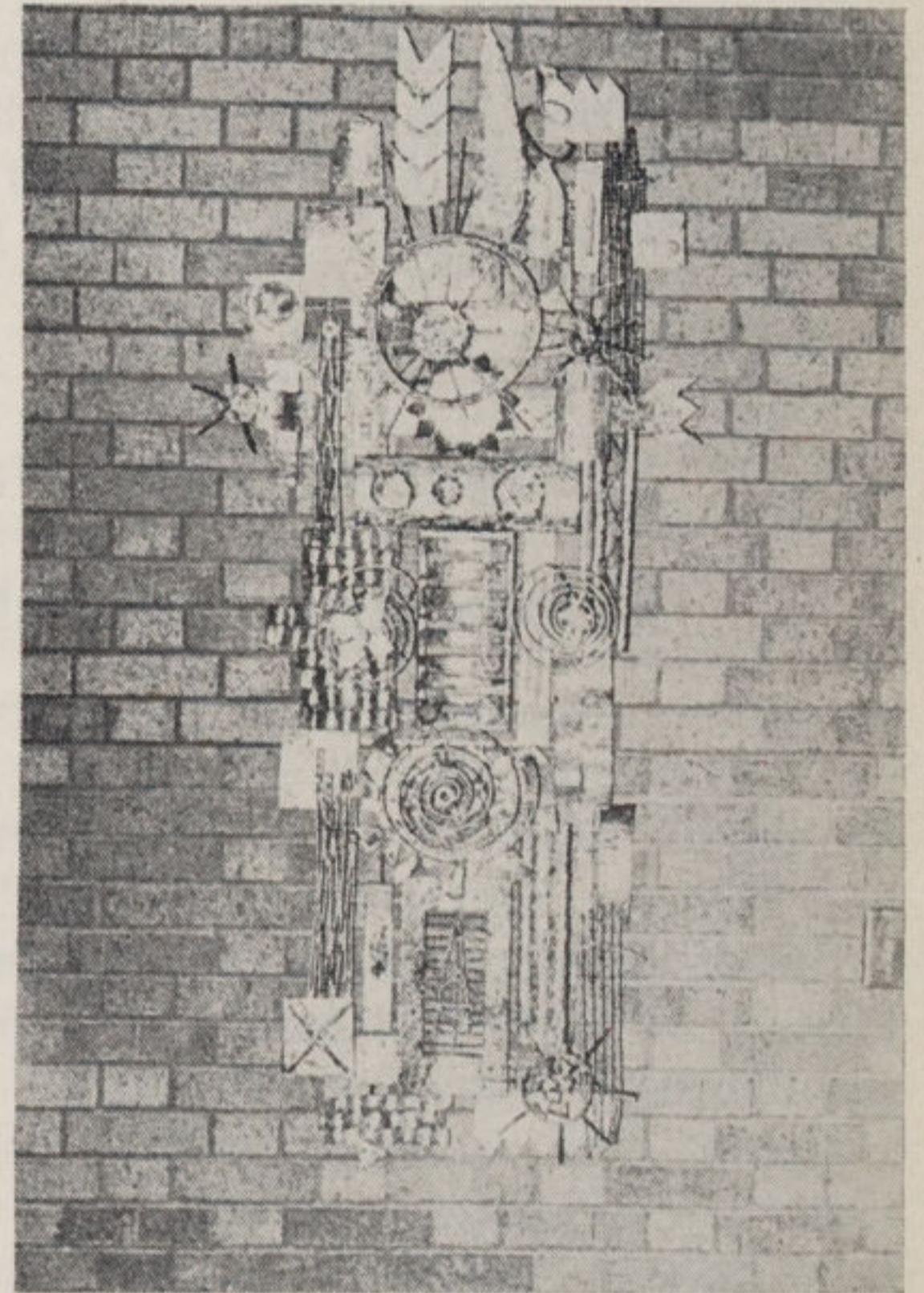
"Inner Circle," a cool example of sculptural painting, shows a red circle contained in squares of yellow and green. Its creator is Mrs. Loss, a professional artist who was influenced by the vibrant colors of the building to do the painting. A slender band of gold frames the work.

To Dean Bok, color was crucial in the totality of design. He worked with the architect, Ben Thompson, to brighten the building.

"One of my major efforts was to bring in more color. Cambridge weather is pretty bleak for most of the time that students are here. There should be colorful interiors

to counter this," Bok said. "By carpeting and other accents one can get a warmer, less austere visual effect.

"Although no one realizes better than I that the atmosphere of the classroom is determined by



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C. Fayette Taylor's "Ikon"

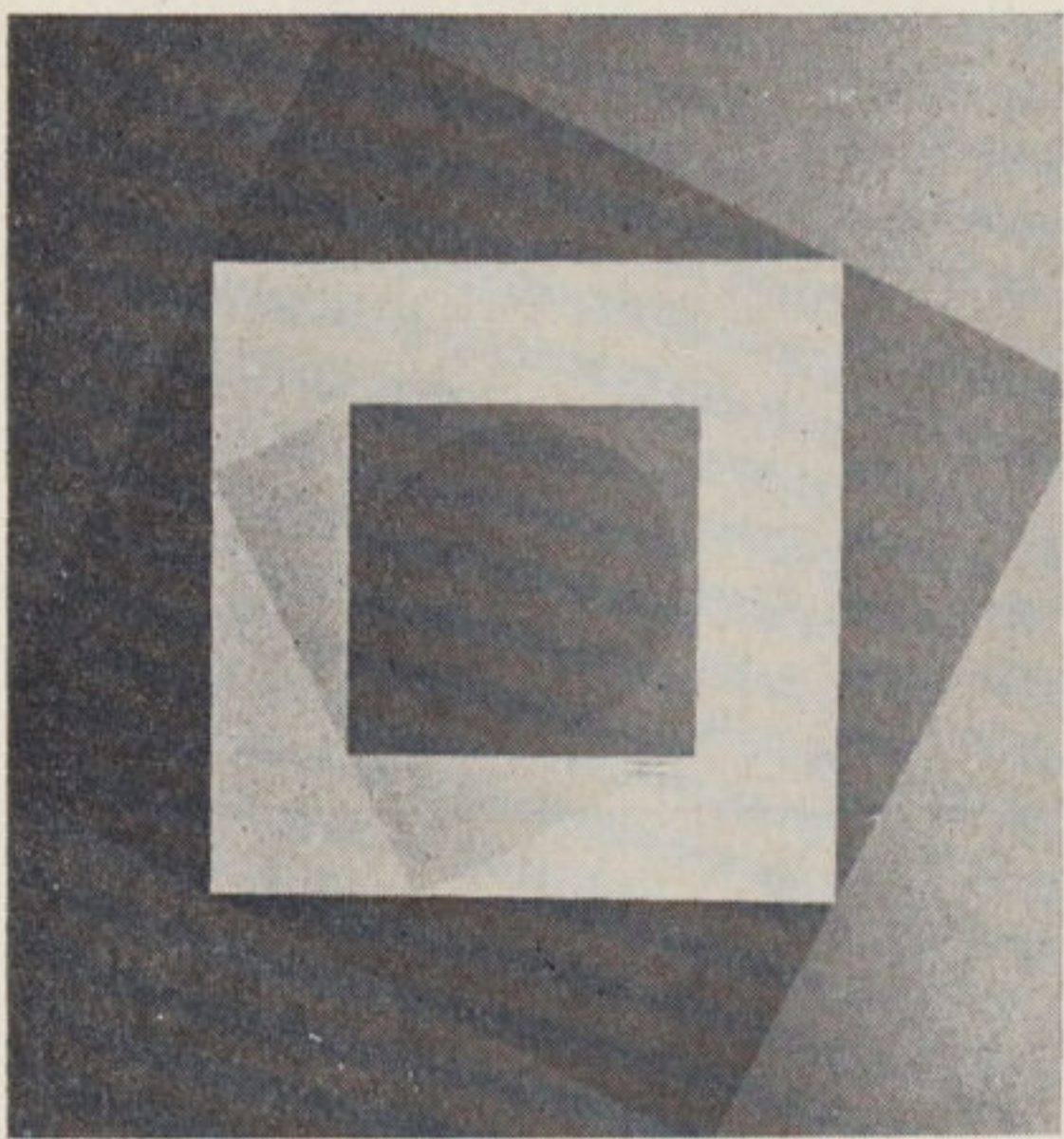
the interaction of individuals, and that furniture and color actually play a minimal role in this, I still feel that with a little time and effort you can make the building a little nicer," Dean Bok said.

The small size of the class and seminar rooms with wide windows and soft lighting do serve to improve the atmosphere.

"The architect did an extraordinary job placing the building in a small space where it is surrounded by incredibly different styles," Dean Bok added. "It still gives the feeling of size and independence by its layout and use of windows."

The idea of brighter color extends to the evergreen trees, planted recently around the new building. Two bay trees, supposedly full and green for most of the year, were brought from another part of the campus for the lobby.

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M. Stul Oppenheimer

Mrs. Louis Loss' "Inner Circle"

particular building, modern art seemed appropriate, and would create more interest."

The art works will be shifted throughout the building for variety and experimentation.

Hanging by one of the entrances is a gold circle centered

Bell Lectures on Racism, Law

By Linda Standridge

Derrick A. Bell, Jr., sat perched on my side of his desk as we talked: a friendly, cooperative gesture which put me at ease. This is indicative of the open-minded and "with it" man that I met, a man, in addition, with a very impressive record of scholarly achievement, and a man who keeps his level-headed cool, despite a very intense schedule this year which keeps him running.

Bell, before his appointment here as Lecturer in Law, was Adjunct Professor of Law at the University of Southern California Law Center and

Taught at Southern Cal Before Appointment Here

Executive Director of the Western Center on Law and Poverty, an OEO funded legal services project.

The highest ranking black member of the faculty, he is currently teaching a course called Race, Racism and American Law.

From 1960 to 1966, Bell was Staff Attorney of the NAACP Legal Defense and Education Fund, Inc., and, during that time, he handled civil rights litigation in virtually every southern state.

"Is there a pattern in dealing with civil rights cases throughout the history of our nation?", asks Bell. He believes there is a definite pattern, and one which must be understood by civil rights lawyers in order for them to be able to effectively channel it.

"We are fighting an uphill battle, and we can't win on existing law. The lawyer for blacks must have sufficient *disrespect* for the law as it stands to argue for different results than those established in precedent," he insists.

While in the past blacks were willing to sit back and wait for the results of test cases, now the temper of blacks has changed and they are less patient, Bell said. Accordingly, a lawyer for blacks must have keen insight into how change can be brought about in our society. He must advise on what procedure has less risk involved than another, and he must be able to provide an effective defense for those arrested.

When Bell was asked what he thought of violence as used in student movements — referring to the situation that occurred at Harvard last spring, he replied that our country was created and is maintained on the basis of violence. It is one thing to abhor violence, and another to recognize the role violence has regrettably played in our history and in social change.

Bell observed that to make contracts that excluded minority groups from employment opportu-

nities was in fact a violence to the Harvard community, and a direct violence to the family of the unemployed black.

"One wrong doesn't justify another, it is true, but one wrong often leads to another," Bell said.

Last spring, students were demanding a greater role in the decision making process of the University. As a result, de facto changes were made, such as the University being much less likely to have policies abhorrent to a large number of students.

What is needed now, he said, is some official restructuring of policy and decision making apparatus with recognition to students' demands for involvement.

There are two levels on which this restructuring should be made: (1) Giving students a greater voice in policy making. (2) Giving them a larger role in determining what, if any, disciplinary action should be taken against students who have participated in disruptive action to dramatize opposition to existing policies.

Neither, Bell said, will be easy to accomplish, but we should be moving ahead with experiments along this line, rather than just establishing committees, which students see as merely escape valves for student discontent.

Bell's course on Race and Racism is being offered in a unique fashion. Groups of four or five students will form "law firms" that will develop expertise in one area of race relations law. Each law firm will be retained by a black "client group" (the congregation of the All-Souls Interdenominational Church).

Each law firm presents to the class an explanation of the current status of that area of law assigned to it. The firm members will indicate how the law got to its present stage, what mile posts were passed along the way, and what, if any, utility the law has for solving the problems which will likely be posed by the client group. The class

Students in Bell's Course Form Mock Law Firms

will judge the value of each law firm's suggestions, as members of the client group, and write criticisms.

Bell's course examines the development of American law in the racial area from the introduction of slavery to the present. Judicial and legislative action, first effecting the change in status of blacks from slaves to citizens, and then the various rights of citizenship — voting, education, employment,

From Civil Rights Experience



M. Stul Oppenheimer

Derrick A. Bell, Jr.

housing, and administration of justice, will be reviewed to determine the extent to which decisions bearing on fundamental rights of blacks were and are influenced by economic, political and social considerations.

An analysis of the substantive value of these decisions to blacks and whites will be made in an effort to ascertain the relevance of lawyers and the legal process in solving contemporary racial problems.

Over the years, and particularly in the last two decades, court decisions and statutes dealing with racial problems have received more public discussion, been more generally hailed and more soundly condemned than those in any other area of judicial or legislative activity, Bell commented. And yet for all the furor they caused and all the change in racial patterns and policies attributed to them, these "civil rights" cases and laws are today increasingly regarded as obsolete, and of little or no contemporary value.

Bell will examine in his course: Why are the hard won decisions protecting basic rights of black citizens from racial discrimination now rejected by militants and activists? What factors prevent civil rights laws from being more vigorously enforced? Do these cases and laws have value now only as historical documents or can they be utilized as launching platforms for new legal attacks on current racial problems?

Bell also taught a course offered in the fall that was coordinated jointly between the Law School and the Harvard Graduate School of Education.

The course, called The Alternative Schools Project, sought to provide feasible alternatives to the present system of public school education for low income and minority groups.

Students from both schools were involved in reviewing the possibilities and problems of securing quality education for the ghetto community. They studied what is involved in setting up and operating a private school; what are the legal problems and requirements of a state's board of education, the building, space, safety and health requirements; what funds, either private or public are available; and how children could benefit from such a study.

Bell expects that "eventually the study will produce a handbook that will provide community leaders with important data necessary for the setting up of private schools."

From 1966-1968 Mr. Bell was Deputy Special Assistant to the Secretary for Civil Rights and Deputy to the Director of the Health, Education and Welfare program to administer Title VI of the Civil Rights Act of 1964.

During his civil rights work, he participated in the following important cases: **Meredith v. Fair** (Univ. of Mississippi desegregation suit), **Bailey v. Patterson** (Miss. transportation desegregation case), and he served as chief attorney in school desegregation cases such as **Rogers v. Paul**, **Dowell v. Oklahoma City School Board**, **Evers v. Jackson, Miss. School Board**, **Davis v. Mobile School Board**, and **Stell v. Savannah, Ga. School Board**.

He received his A.B. degree from Duquesne University in 1952 and his LL.B. degree from the University of Pittsburgh Law School in 1957.

For two years after graduating from Law School, Bell worked in the office of Legal Counsel, Conscientious Objector Section and Civil Rights Division of the U. S. Department of Justice.

Peace Candidates Get Help

In preparation for this year's Congressional elections, two groups have set up research organizations in the Law School to provide anti-war candidates with materials on a broad range of issues.

Referendum 70 and the Vietnam Moratorium Committee are concentrating their efforts on behalf of candidates in their first bid for office against incumbent hawks.

Research bureau activities have already been initiated in the fields of pollution, oil import quotas and inflation, and will extend to housing, consumer protection, welfare reform, crime, ABM, and tax reforms.

Interested students should contact Dick Neustadt or Frank Martin, 1Ls.

The Discipline Decision

Now that the faculty has decided to sustain the disciplinary decisions of the Law School Administrative Board concerning the five black students after a week of protest and turbulence, we wonder what it all means. Fortunately, there was no confrontation between the faculty and a segment of the student body which would have caused serious and irreparable harm. And the Friday and Monday open meetings brought about a productive exchange of viewpoints.

Yet there is something disturbing about the faculty's action. One wonders how open-mindedly the faculty confronted the moral and philosophical questions which concerned many students here. One wonders if the faculty considered the open meetings as alleviating the pressure from the protest so it could go ahead and make a decision still based on its own system of values.

This is not to say that the mere fact the faculty confirmed the Administrative Board's decisions means they turned a deaf ear to the students' concerns. But the impression that the faculty allowed the students to express themselves and then went ahead and judged on the same values and principles which they would have before used is persistent.

The basic question of whether the reasons behind the demonstrations of last semester against the University justified the means of demonstration was not dealt with by the faculty in any real sense. Would the faculty ever consider the ends justifying the means? We just don't know.

Perhaps these issues will be formally threshed out between concerned faculty and students in the re-examination of the Law School's disciplinary procedures by the Ad Board and the Committee on Governance. Again, we're not quite sure what this re-examination is meant to entail. We hope it is intended to go beyond the issues of basic due process rights to examination of what constitutes the law of conduct for students and other members of the community and how that law is made.

Concern is the opposite of apathy. And the concern of students, as should be clear by now, is that they want a real voice in issues which affect them as members of the Law School community. We hope the faculty doesn't think that concern ends with an occasional open meeting with only a semblance of participation in the decision-making process. We don't think it will or should.

HARVARD LAW RECORD

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Fenno

"How does the faculty find time to get its work done, what with all those super-meetings like they had last week?" Waldo the Wonk asked me as he peered at my Raquel Welch poster which brightens my Dane Hall digs.

"I don't know, Waldo," I replied. "I guess they don't waste time writing to Captain Marvel comics to tell them that the stories contain inconsistencies. That's what some guy on the *Review's* doing."

"I just don't understand all this stuff, Fenno. Why, I'm three months behind in reading my Tax Ideas pamphlets! Where do guys around here get the time?"

"Waldo, nobody prepares any more. And the profs stopped reading third-year papers two years ago. You can get on the *Law Review* if you're willing to go through a competition. And guys are taking up Casner's old challenge to play golf with him for their grade."

"I don't believe it. Wall St. will find out about this, Fenno, and then you'll see everybody down at the unemployment office."

"They're down there already, Waldo, advising those guys of their rights. Where've you been?"

"Hey, Fenno, here comes the Weasel. Let's ask him what he thinks."

"I haven't gone to Louie Loss' Sec Reg and Corps classes more than twice, Waldo," the Weasel opined. "All I ever see of the Law School is Hemenway. And last term I beat Big John the Bookie in Insurance. He's still paying off."

"Maybe I ought to go to the Law School Show, Fenno," Waldo suggested. "Do they tell it like it is around here?"

"Nah, who wants to see some show an old vegetable peddler's putting on," the Weasel conjectured.

"I guess it's sex I'm missing out on. Maybe when they recruit those extra girls . . ." Waldo pondered.

"Nope, Waldo, women's lib is the thing now, and environment, and free legal services."

"What about the courses I was looking forward to taking next year?" Waldo cried. "Like Foreclosure, and Depriving Widows and Orphans of Their Property, and Legal Pollution, and Ways Around Equal Employment Opportunity."

"Waldo, you'd better transfer to Hastings. They're the only ones who remember that stuff."

Ends Did Not Justify Means

To the Editor:

I went to the meeting Friday in Ames Courtroom, (see RECORD, March 5), but I cannot agree with the positions the blacks who were disciplined took to justify their non-punishment for joining the building take-overs.

First, the question of whether their clean thoughts ought to absolve them from punishment is not one of jurisdiction, but substantive due process—i.e., “is it fair to punish students on these facts?” Some authoritative body must always determine whether they acted out of moral motives or not. The Ad Board is it.

Objections that it is not composed of students, and the like are questions of procedural due process and do not bear on whether the Ad Board is “legitimate.” Certainly it is more legitimate than an ad hoc group of friends of the accused is. And I think its decision that punishment was fair is supported by the precedents, where as here, the laws violated were themselves good and proper laws.

While it is true that there ought to be a remedy for every wrong, and that racism by the University is a wrong, the blacks are not absolved on that ground. They were not “forced” to take over the buildings; they had a remedy at law. Racism in employment is made actionable by Sec. 1977, Revised Stats., (42 U.S.C.S. 1981), giving all persons the same rights whites have in making contracts, cf. *Dobbins v. Local 212*, 292 F. Supp. 413 (S.D. Ohio, 1968). One would expect law students in particular to resort to the law first, and to force last, if at all.

Colin K. Kaufman, '36

Letters to the Editor of the RECORD

Faculty Decision Lacked Humanity

To the Editor:

The faculty's decision last week to uphold the recommendations of the Ad Board lacked the tolerance and humanity which one would expect from a group of highly educated men.

If you believe that Harvard's actions with regard to hiring have been utterly wrong, you will be more inclined to punish lightly than you would if you felt the University's conduct was only arguably immoral. The faculty seems to have felt, at least in Greg Pilkington's case, that only a limited mitigation from the ultimate punishment of expulsion was justified.

What enabled the faculty to pass on the morality of Harvard's conduct? In doing so they were reviewing the actions of an institution of which they are a very interested part. Their judgment was made in the face of opposite convictions held by the black protestors and many of their fellow students. The faculty should have tempered adherence to its rigid notions of proper protest with deference to the views of those who were in as good or better position to determine proper treatment of the five.

This deference would have been particularly well-taken given the University's tolerance of racially discriminatory hiring practices at a time when it was recruiting black students ostensibly to further racial justice.

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This deference to student opinion would also been grounded on the faculty's admission, signified by its present talk of new disciplinary procedures, that the procedures used for handling these five very sensitive cases were to some considerable extent defective.

I particularly wonder if the faculty ever pondered its competence to act as both advocate and judge? If it felt it was functioning as an appellate tribunal, it should have adopted the essentials of appellate argument, including independent counsel for both parties to the dispute.

Given a minority of faculty members, who have to live with their colleague in the future, the task of arguing for the students was not a wise method of procedure.

Peter Buchsbaum, 3L

Elections

The Harvard International Law Club held elections on Wednesday, February 17. The officers for 1970-71 are: President, David Corwin (2L), Vice President, William Pascoe (1L), Secretary, Andrew Vorkink (1L), Treasurer, Scott Tepper (2L).

* * *

The following second year law students have been selected as officers and directors of the Harvard Legal Aid Bureau for the next year:

S. Linn Williams, president; Richard B. Parker, vice-president; Donald J. Siegel, executive director; Michael D. Cahn, secretary; Richard W. Daily, treasurer; Dolores M. Coulter, research director; Robyn Cooper, associate director; Thomas L. Earp, associate director; Donald I. Mirisch, associate director.

Education Confabs

The Committee on Legal Education is holding a series of meetings to receive general proposals on the second and third year curriculums.

The meetings will be 10 a.m. today in LSM, 1 p.m. March 16 in AW, 11 a.m. March 17 in AW, and 1 p.m. March 23 in AW.

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Library Has Missing Book Problem

(Continued from Page 3)

The problem becomes particularly serious during the paper-writing season. Third-year papers seem to be accompanied by a spree of missing books. "All the books seem to be going home on this exercise. The students just don't want to stop their writing at eleven [when the Reading Room closes]. They prefer to go on all night, so the books go with them," explained Borgeson.

The entire process is self-perpetuating, as students fear the books might be missing the next time they need them unless they take them home.

"It tends to grow in self-protection. One student forgets to put a book back, so another makes sure it doesn't happen again by keeping a book or two himself."

A *Law Review* officer agrees

with Borgeson. "The *Law Review* tries to be pretty good about it, but we'll take books without checking them out on occasion. It's kind of retaliatory. It's just too easy to get stuck."

Borgeson feels that copying machines have helped alleviate the problem somewhat, "but they're not the total answers." Nor does he see a solution in suggestions of posting a "guard at every door. Even that can be beaten."

Over the summer the library hopes to improve the situation by putting check-out desks at five exit points, closing off all other exits, and allowing access to the stacks from the top floor to the basement.

Borgeson projects that this will be a costly operation. The payroll will have to increase at

least \$1000 a week to man the check-out desks. Doors will have to be rehinged and provisions made for fire regulations.

The ultimate success of the plans still depends on the students, said Borgeson. "We still need the student body to be responsive and responsible. They have to be willing to go through the little process of checking the book out. And the person at the desk must be willing to stop people leaving with books."

While students might feel intimidated by the check-out clerk, it is difficult to imagine a similar response from the faculty. With offices in or near the stacks, professors often find it inconvenient to stop to check books out.

The library currently sends staff members through faculty of-

(Continued on Page 14)

a new wine store on mass ave across from the acropolis

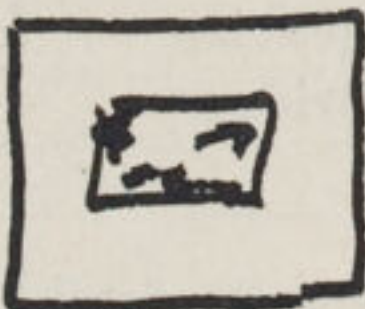
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Whatever Happened to Legal Aid?

By Richard Hoffman

One Robert T. Duffy, 2L, who as secretary of the Dorm Council prepares those lotsa-yocks minutes which are posted on dorm bulletin boards, deserves this week's Emperor-Has-No-Clothes Award. Duffy, doubtless pushed to the top of the hack-infested Dorm Council through that body's smoke-filled room process of dealing out largess to the faithful wheelhorses, noted in last week's joke-packed report of the council meeting that dorm proctorships were good sinecures.

You said it, Duffy old boy. We've been meaning to point this out for a long time. For instance, last spring, the old dorm proctors were asked by Mr. Bruce to aid in selection of new proctors. Great. Especially when four old proctors turned up disguised as four new ones. The job comes complete with free room, phone, Faculty Club privileges, etc. And after various 2Ls had applied for the jobs, someone decided that only 1Ls would be considered. Except for the 2Ls who were going for their second time around. Duffy, how about joining me in the autumn of your term in office and helping me throw the rascals out?

* * *

Whatever happened to Legal Aid? That, I am told, is the question the Bureau's newly-chosen officers sought to answer at a special meeting last night. After a year without the prestige guarantee which status as an honorary confers, the Bureau is searching desperately for a viable future at the Law School.

If you've recently read the account of the Bureau's welfare seminar program in the current (Feb.) issue of the *Law School Bulletin*, you might be pardoned for thinking that everything's fine and dandy over on the first floor of Gannett House. But aside from the welfare seminars, initiated by Barry Metzger '69 as part of "The Bureau's Minor Revolution," this year has found Legal Aid leadership sluggish and unimaginative in charting a new course for the group. Apparently, Mr. Metzger didn't understate.

One of Legal Aid's basic problems is deciding whether its function should resemble that of the Community Legal Assistance Office (CLAO). This year's officers got around to considering the question near the end of their terms; in the end, they left it for the newcomers to resolve. A proposed neighborhood office in Somerville would represent Legal Aid's assumption of a CLAO identity.

But some members still feel that although Legal Aid may no longer be an honorary, it still can play a special role at the Law School. To play this part, they would begin by "getting the Bureau out of divorce court;" in other words, by searching for significant test cases in lieu of taking on every case which comes in the front door (which most members concede the Bureau has an obligation to keep open).

Last year some members gained the chance to argue before a single justice of the Massachusetts Supreme Judicial Court. A promising program to release improperly committed persons from mental institu-

tions flourished. The latter project has collapsed from lack of interest. It's hard to understand why the few Legal Aid people concerned with defective delinquents didn't combine with those Voluntary Defenders similarly motivated.

In a year which demanded new directions, Legal Aid stagnated. Denied honorary status, the "resumé men," namely, those who stuck around long enough to write "Legal Aid Bureau" on their job applications in the fall, have vanished, and it's doubtful that they're missed. But this was a year which required real planning and the fact that the newly-elected leaders find unmade decisions flung in their laps gives some idea of how much planning was done this year.

Because suggestions for new approaches to Legal Aid's tasks were labelled as radical, and hence ill-advised, during last year's elections within the Bureau, fewer new ideas were produced this year. Even so, at long last a few members were importuned to investigate the prospects of mental cruelty as a ground for divorce.

It's reported that the new slate of Legal Aid officers recognizes the necessity to revitalize the organization and to halt the march toward moribundity. Indeed, happily enough, most members expect great things of the new leaders. Once the new men realize that Legal Aid's future doesn't lie in duplicating CLAO and that new ideas aren't necessarily subversive, they'll be on the right track. By calling a meeting immediately, they've already shown they're on that track.

Center Deals with Education

(Continued from Page 2)

ened by hippies and student militants, and that will give him a free hand to try out his ideas. He says that some liberal school administrators are so frightened they will try almost anything in hopes of co-opting the students before the school blows up.

In another project now underway, a "form book" is being written for suits to correct misuses of funds granted under Title I of the Elementary and Secondary Education Act. This do-it-yourself kit will include a model complaint, responses to motions to dismiss, interrogatories, etc. An-

other associate is working on a handbook for organizing community and independent schools.

"After less than one year of 'wildcat drilling' we have struck some very promising locations," said Chayes. He predicted that the Center would move forward into a "development" stage next year, with "production" farther in the future.

Frustration, Progress Mark Justice Center

By Bob Hernandez

Research in the area of criminal justice is "in many ways a lot harder than I thought," says Prof. James Vorenberg, director of the Law School's new Center for the Advancement of Criminal Justice.

Thus, frustration, as well as progress, have marked the first year of the Center, established through a \$1 million Ford Foundation grant.

On the plus side, the Center has enabled some law enforcement officials to attend Law School classes. An official from both the Boston and New York police forces, a member of the District of Columbia Legal Aid Office, and a corrections officer from the California Youth Authority have been granted fellowships by the Center.

"The Center's program has added to the life of the Law School just from having these people around," Vorenberg said. He expects to expand the fellowship program to six or eight next year.

But the Center's main activity is evaluation of New York city's Methadone treatment program for heroin addicts.

Lloyd E. Ohlin, professor of criminology, and four full-time Center staff members have been developing a research design to effectuate the evaluation. The design focuses on interview techniques which reveal the criminal involvement of addicts before and since the Methodone program began.

To date the Center has been successful in securing the addicts' confidence and cooperation. "I've been amazed at how open they are about their backgrounds in crime," said Vorenberg. "And it's great to see them beginning to feel like human beings again."

Vorenberg has found "getting out of the Law School and spending time at the addiction research center marvelous. I've discovered my misspent youth as a pool player to be an invaluable help with this project."

But he admits discouragement in his efforts to obtain necessary official records, and progress in the research has been slow.

The Center has also been studying the efforts of the Massachusetts Division of Youth Services to design changes in the treatment of youthful offenders. Under a new director, the Division has sought to "depend less on locking people up" and turned to training programs and other means of rehabilitation.

The Center has discovered that there are nu-

(Continued on Page 15)

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Modern Art

(Continued from Page 5)

As new floors are opened, Dean Bok will try other experiments with planting, color and modern art.

"We have very little money to spend on this project and actually it is more practical to get modern art. It's easier to rent, and rarely ever dull," Bok commented. "There will be lots of shifting for variety, and if the style seems successful we hope to purchase or be given some."

In addition, Oriental Art, on loan from Harvard's Fogg Museum, will be in a special display on the fourth floor.

"Full art plans won't be made until we get the furniture in place," Bok stated. "Its placement is crucial to the overall visual effect."

For many years Dean Bok has had a yen for landscape architecture and a zest for art.

"I like not just modern art but the very best renderings of any given style. I prefer the successful examples of any style," he said.

Japanese and French prints — modern and vibrant in style — hang in his office.

"My wife and I were married in Paris and several friends there gave us prints as gifts because they were light to carry," Bok said. "We have enjoyed these abstracts for several years."

Dean Bok, who describes himself as an "avid gardener," especially enjoys working on the new building's landscaping.

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Sports Briefs

By Jim Schuyler

Judge C. Edward Carter of the Ottawa Regional Criminal Court dismissed charges against National Hockey League player Wayne Maki last week. Maki was charged with assault because of a stick fight with Boston Bruins defenseman Teddy Green during an exhibition game between the St. Louis Blues and the Bruins. The contest took place in Ottawa last September 20. Green was severely injured, requiring two skull operations. He has not played all season.

The judge based his decision on the grounds that Maki was acting in self-defense. Green is facing the same charges this week. The court felt that the Crown had to prove that Maki attacked Green without provocation.

"There was no evidence that Maki used excessive force under the circumstances, and it was clear that Green, known for his aggressive, hard-hitting play, struck the first blow," Judge Carter said.

The Judge left room for future criminal action in this area.

"Although no criminal charges have been laid in the past pertaining to athletic events in the country, I

can see no reason why they could not in the future where the circumstances warrant," he said. (73 Hockey News 19)

Intramurals . . . Latest basketball results: The Nameless Ones retain their long lead in the "A" league at 8-0. Arch of Triumph trails at 5-3. In "B" action, The Sh-ts remain undefeated (8-0), while Net Losses challenge at 7-1. Tied for honors in the "C" division are Condors and Oscar Greeners, 7-1. Three teams vie for the league crown in the "D" and "E" leagues. Hermetic Seals (7-1), The Crimson Swine and Harold (both 6-2) are in the "D" race. The Meachamites and Prurient Interests share the "E" lead at 6-2, with Running Covenants still running and trailing at 5-3. First round playoffs begin next Tuesday.

Harvard . . . The college basketball team completed its season at 7-19 overall, 1-13 in Ivy competition (last place). Coach Harrison is thinking "next year" with leading scorer Dale Dover (6-2) guard returning, and his choice from a 17-2 freshman squad. Two names that come to mind are center Floyd Lewis (22.5 avg) and forward James Brown (23.8 avg), both from the Washington, D.C. area.

fornia I studied with an able German who taught me what I know about gardening — mainly to enjoy it and to appreciate beautiful gardens," Dean Bok said.

"It's been fun exploring pos-

sible visual effects of the new building," he commented. "And it is one of the few situations in education where you can have clear, tangible and immediate results."

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Francis W. Phelan

Richard R. Ramsey

Law School Library Has Missing Book Problem

(Continued from Page 10)

fices daily in search of library books. Each library book is given a yellow slip of paper and, presumably, checked out to the professor. When the professor is finished with the books, he may leave them stacked outside the door, to be picked up by the library staff or whoever might be in search of law books.

Borgeson admits that this informal check-out system for the faculty may create some problems, but is certain that "most faculty offices are under pretty good control." He encourages faculty members to set aside a shelf in their office for books to be returned, to facilitate their recovery by the library staff during the daily book-hunt. He has also had three talks with the faculty secretaries to solicit their help. "They're our most important allies along with the research assistants."

But once the book leaves the stacks or Reading Room, there is little the library can do to maintain control over the books. The

professor can keep the book indefinitely, whether it is checked out officially or by the library staff during their rounds. In one instance a student—who would not disclose his "connection" in the library staff—was told the name of the faculty member who had a book he needed. The professor had checked out the book over a year before, and could not remember ever using the book, let alone checking it out.

"The library is too protective of the faculty," admits the unidentified professor. "They won't take a book away from a faculty member without his permission,

regardless of how long he has kept it or how many students have requested it."

"I'm upset whenever someone tells me he can't find a book," said Borgeson. "I try to respond to this, but it's tough to find a way to cut down on missing books."

But there is a bright note for those who shake their heads in disapproval at this behavior among men of law. Professor Loss of the Library Committee commented: "I've been told they have the same problem at the Divinity School."

Law Librarian Elected Selectman

George A. Strait, Associate Librarian of the Law School, has been elected to a two-year term as Selectman in Natick.

The first black ever elected to that board, Strait pledged to increase communications between

elected officials and the residents they serve.

Strait is distinguished for his co-sponsorship of the Human Rights Conference of 1964 and served as chairman of the United Fund of 1965. He was also vice-chairman of Natick Fair Housing.

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Frustration and Progress Mark Justice Center

(Continued from Page 12)

merous difficulties in effecting these changes. "Despite new people at the top with good ideas and new plans, when orders to bring change come down, very little happens," Vorenberg said. "We want to study why this is so."

Vorenberg recognizes that "things look different between the person at the top and the one who has to carry it out." A number of law students will conduct research to discover techniques for integrating planning at all levels in order to speed necessary reforms.

The students will serve "not only as observers, but also as participants. It's a very ambitious program, which calls on the resources of the Law School in a number of ways."

The Center has joined other organizations in creating the Prison Legal Aid Project, in which groups of students provide legal services for inmates of the Walpole State Prison, aiding them in civil as well as criminal legal matters.

"This particular project combines the service aspect with the research aspect. We are compiling an inventory of legal needs of the typical prison population," Vorenberg hopes to encourage government support for the program, enabling law students to apply their particular insights to the reform of correctional institutions.

Vorenberg said that five to eight summer grants will be made for students to undertake specific projects for the Center. Last summer a number of law students studied robbery with the Boston police force, and the project might be extended in

collaboration with the faculty and students of other law schools, particularly Brandeis, which has conducted a similar study in Newton.

Only six students are currently active in the Center's programs, but the number has been as high as twelve. Although primarily a collaborative venture, the Center encourages individual research projects in the area of criminal justice, and seeks students interested in year-long commitments.

Students do not receive course credit for work at the Center, although Vorenberg would like to initiate a supervised writing and reading course under the Center's auspices.

Despite the national interest in "law and order," Vorenberg has not found any evidence of increased federal money directed to research in the area of criminal justice.

"Of course, there could be serious problems if more federal money were forthcoming," he noted, "since it's undesirable to have any strings attached. It's more important to keep the foundations interested right now."

Continued interest by the foundations depends on concrete results from the Center's activities, and it is here that Vorenberg has seen the most difficulty.

"I'm glad we're in it. But in many ways, it's a lot harder than I thought. A lot slower. It's often frustrating to me and frustrating to the staff and students. It's hard to run an organized research project as a part of the Law School, when so many other schedules have to be taken into account."

Discipline

(Continued from Page 1)

painfully obvious to both me and to a sizeable percentage of our students. . . . I view the unwillingness to do justice now, but to promise to correct any future difficulties resulting from current injustice as the typical traditional willingness of whites to treat blacks as, at the moment, it pleases them, secure in the knowledge that at some later date they can call some other white men and clear up any problems."

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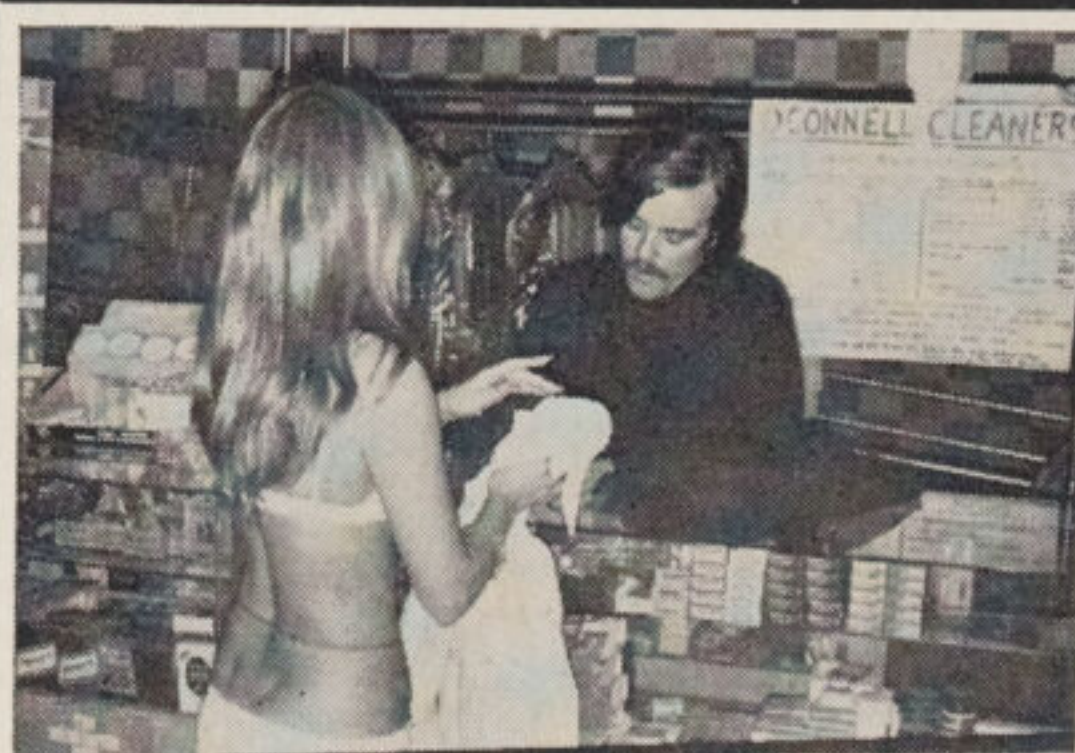
Alumni Contributions Ahead of Last Year

(Continued from Page 4)

year, now that the Sesquicentennial Fund drive is completed.

The Sesquicentennial Fund, commemorating the Law School's 150th anniversary, has over the

past two and a half years collected nearly 15 million dollars for use in designated areas of the Law School. Alumni contributions, for the most part, are non-restricted funds.



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