

HARVARD LAW RECORD

VOL. 50 NO. 9

APRIL 24, 1970

TWENTY CENTS

Clinical Law Training Suffers Criticism in Griswold Speech

By Richard Hoffman

"I hope Harvard Law School won't go overboard on clinical legal training," Solicitor-General Erwin N. Griswold, former Dean of the Law School, warned an audience of Visiting Committeemen and leaders of the Sesquicentennial Fund drive last Saturday night.

"This is a law school for lawyers who will practice law in the grand manner," the former dean declared, citing law reform and bar leadership as examples of the activities in which he expected Law School graduates to work.

The dinner, which was the first ever held in the all-purpose room of the new Classroom-Administration Building, celebrated the Sesquicentennial Fund's success in raising its goal of \$15 million for the Law School.

The Solicitor-General expressed the hope (his address was entitled "Hopes — Past and Future") that the Law School could allow its students to perform clinical work "with awareness of its limited usefulness and limited rele-

vance to the basic functions of the Law School."

Griswold criticized clinical-legal education's role as outside the Law School's aim to provide intellectual training at a high level. "The essence of preparation must be in the fundamentals: straight thinking and cliché avoidance," he said.

"The demand for relevance," he contended, "is almost always superficial. Today's relevance is not always tomorrow's needs."

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Erwin N. Griswold

Three Harvard Law Students Arrested After Square Melee

Three law students were arrested in the aftermath of April 15 Harvard Square disturbances following the Moratorium Rally at the Boston Commons.

All three students — Stephen J. Hausman, 2L, Ray L. Fuller and Joseph R. Rackman, 1L — were on or near the Law School

campus at the time of their arrest.

In a statement to the RECORD Hausman and Fuller asserted that one of them had been "run off" the campus by the police and ar-

**Text of Statement
On Page 4**

Placement Internships Proposed

By Greg Ward

Under an employment program proposed by a special subcommittee of the Law School Placement Committee, two minutes and a little bit of luck may be all that is necessary to land a \$300 a week summer job next year. By matching interested second year law students with law firms and other

legal opportunities which meet their preferences as to location, type of work, and minimum salary, an internship system is expected to remedy the defects in the existing interview system and make summer employment relate directly to the educational program of the law school.

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rested when caught in a cross-fire of stones between the police and young people.

According to the pair, the police continually directed abusive language toward them, and physically assaulted one other student in their presence.

The statement criticizes the University for its lack of assistance after either arrest or ar-

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2L Internships Proposed

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The deficiencies of the interview system are well-known and testified-to by the over 350 second year students who go through the process each year. B. Owen Williams, 2L and member of the Placement Committee, pointed out that almost all 2Ls felt disappointed at the information they had received from the interviewing firms.

"Like most 2Ls I interviewed between 15 and 30 firms," said Williams. "After 5 or 6, depending on the size, I could predict the information I'd get."

Each interview takes 15-20 minutes and the waiting time for each is anywhere from 15 minutes to an hour (not to mention the time needed to "remove the morning's breath and put on a three-piece suit.") One of the major criticisms of interviewing is its time-consuming nature and the subsequent disruption of classroom and extra-curricular activities.

While decreasing the amount of time required to find a summer position, it is hoped that the internship program will result in a significant increase in the number of summer opportunities. Many legal services, small and distant firms, and public interest organizations have found the costs of interviewing prohibitive, but may now offer positions to Harvard students.

The most severe criticism leveled at the system of interviews, however, has been that of discrimination. Discrimination against blacks and other minority groups, women, and students who elected to receive their first-year grades on a pass-fail basis has existed despite contrary law school policies. The internship program will completely eliminate the possibility of discrimination in the future.

The elimination of discrimination from the employment-seeking process has been the principal task of the Committee on Placement for the last three or four

years. During that time, however, the Committee has not always existed as a student-alumni board, and until this year had been a solely faculty committee. With the ascension of Professor Richard H. Field to the chair this year, the entire Committee was reorganized. It now consists of six alumni, six student, and four faculty-administration members.

Five alumni members were chosen from among the many law-firm alumni who expressed an interest in serving on the Committee. The ultimate decision was

based on the size of the firm, geographical location, and other criteria. The five members are: Stanhope S. Brown (Deckert, Price and Rhoads in Philadelphia), Allan B. Goldman (Wyman, Bautzer, Finell, Rothman and Kuchel in Beverly Hills, California), Ralph I. Lancaster (Pierce, Atwood, Scribner, Allen and McKusick in Portland, Maine), Rhodes G. Lockwood (Choate, Hall and Stewart in Boston); and Frederick A. O. Schwartz, Jr. (Cravath, Swaine and Moore in New York).

The sixth alumni member, Allan G. Rodgers, Director of the

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Radical Law Students Protest Law School Visiting Committee

By Joseph Rafalowicz

Last Friday afternoon the Harvard Radical Law Students Group led a protest demonstration against the Law School Visiting Committee outside Harkness Commons.

In a statement distributed earlier in the day, the Group declared the purpose of the demonstration was to express rejection of the Visiting Committee and the legal, governmental and judicial interests that its members represent.

The statement concluded that the Law School's problems are not due to the Law Schools' lack of relevancy, but rather to its all too relevant relationship to the institutional interests represented by the Committee.

The demonstration began with a march by 35 people to Harkness Commons. The crowd grew to almost 150 as the Harvard-Radcliffe Radical Arts Troupe staged a skit to ridicule government, big business and university interests. Members of the Visiting Committee looked on from the top floor of the New Classroom Building.

The Radical Law Students Group next presented a P.I.G. (Profits for Imperial Greed) Award for Distinguished Service

to Harvard Law School, to the CIA and to Visiting Committeeman Robert Amory, Jr., a former professor at the Law School and former Deputy Director for Intelligence at the CIA. Amory was honored by Dean Bok for his fund raising work for the Harvard Law School Sesquicentennial Fund.

"In stark contrast to what many of us believe," Mike Haroz, 3L, a spokesman for the Group, told the crowd, "these men of the Visiting Committee all deeply love and respect the Law School and the role it plays in the legal system and all believe in the overall goodness of the existing legal, political, economic and social systems."

"The Law School is all too relevant for what they want it to be," he added, "and we have to make some fundamental changes here and all throughout the legal system."

Amory, who had been observing the demonstration from the New Classroom Building, came down and addressed the crowd of now nearly 200.

He stated that he had been opposed to American involvement in Vietnam since 1955 and later stated that he would advocate a

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Weinglass Discusses Profession

By Bob Hernandez

In an address to an audience of 200 in the Ames Courtroom last Thursday night, Leonard Weinglass, co-counsel of the Chicago Conspiracy defendants, urged law students who are dissatisfied with the system to develop legal skills and to get their degree.

"I know it's discouraging to think that they may start disbarment proceedings against you after you argue your first case," said Weinglass, "but the spirit in the law schools today is the only hope I can see for the legal profession."

In sharp contrast to the highly emotional speech delivered by William Kunstler the week before (See RECORD, April 16), Weinglass spoke calmly and logically of the events of the conspiracy trial.

"There really was no concerted effort to undermine that trial," he said. But the defendants "decided among themselves that the defense must reflect who they are and what they represent."

Judge Julius Hoffman must bear full responsibility for the disruptions, according to Weinglass. "What he did was to undermine completely any ability we might have had to control the defendants."

Despite Judge Hoffman's hostility to the defendants, said Weinglass, they refrained from disruptive behavior during most of the early parts of the trial. "Of the 175 contempt citations, 54 were handed down because of protests while Bobby Seale was bound and gagged. From September 24 to January 5 there were no incidents leading to contempt except for that period when Bobby Seale was restrained and a kiss that Abbie Hoffman blew to the jury."

It was exasperation with Judge Hoffman's rulings and attitudes, Weinglass explained, which led the defendants and lawyers to act in such a way as to bring down contempt citations. Refusal to admit evidence, refusal to hear

defense witnesses and sarcasm, all contributed to the deterioration of the courtroom atmosphere.

As an example of Judge Hoffman's attitude, Weinglass cited his decision to extend court hours from the 10 to 4 sessions held during the state's presentation to



Buddy Warner

Leonard Weinglass

the 10 to 5:30 or 6 sessions held during the defense's presentation. Neither defense counsel was allowed to leave the courtroom during their case, forcing them to spend most of their nights in preparation for the next day's session.

When Judge Hoffman demanded that a Saturday session begin at 9:30, Kunstler protested, asking the judge to "quit acting like a child."

"Taken out of context it would seem like a contempt," said Weinglass. "A lawyer shouldn't address the court like that. But I feel it was justified under the circumstances."

Weinglass noted that the government may be preparing further contempt citations beyond the 175 already handed down.

He also noted the irony of conspiracy proceedings which have

been scheduled to begin against Bobby Seale in Chicago despite the acquittal of the seven other defendants on the same conspiracy charges. "Part of the underlying nature of the Black Panthers seems to be their unique ability to conspire by themselves."

Weinglass expressed doubt that reform would be sufficient to correct the deficiencies in the present-day judicial system. "When you look at the twelve thousand judges across the country, maybe 125 have had some real contact with the community. About half were public prosecutors and most of the rest come from the lower echelons of the bar. The whole selection process seems to preclude meaningful change there."

He did note some "rare exceptions" on the bench, however, including Judge Parker in California and Judge Crockett in Detroit. "The system has one flaw. It's wide open. A judge can acquit anyone he wants to. Unfortunately the system isn't going to permit people like that to stay on the bench."

When asked whether change would have to be violent, Weinglass expressed some uncertainty. "Attorneys change by seeing the system in operation. I've been studying the lives of attorneys who became revolutionaries as a result of their experience in the system, including Fidel Castro, James Wilson of Pennsylvania, and Alexander Hamilton. Even a respectable lawyer may someday decide to take on an empire."

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Militant Mood Pervades Peace

By Will Knedlik

The events of April 15 were bound to be compared to last fall's October 15 Moratorium. Differences between the two occasions, however, stood out immediately at the Cambridge Common pre-march rally: for instance, the smaller crowds and the more militant mood.

Perhaps it was inevitable on a day when classes were not cancelled that only the more dedicated (read if you choose: *militant*) would turn out. But whatever the cause, the rally on Cambridge Common had a much different tone from that held there on October 15. Instead of a grandfatherly Professor Wald quietly commenting on what a nice fall day it was for a march, a young fiery socialist harangued for thirty minutes on all sorts of topics, but nothing as placid as the spring weather.

Rather, Peter Camejo, Socialist Workers Party candidate for the U.S. Senate, had a Beantown crowd repeatedly booing Ted Kennedy and his "warmongering" brothers.

There were, however, some lighter touches. The Gay Liberation Front's brightly colored signs, for instance, added a new

Gay Liberation Makes Colorful Plea

dimension to the often used placard-demand: "Bring the boys home."

But on the whole the march to Boston Common was not as friendly as that of last fall. There was no singing of the October 15 favorite: "All we are saying is give peace a chance." And that absence was obviously appropriate since six months

later the marchers were asking much more.

The crowd was screaming loud and clear "Peace Now" and punctuating the sentiment with cries of "Free Bobby Seale." And the chant of the day was a much more militant:

Black, black power to the black, black people;

Women power to the women people;

Worker power to the working people;

Power to the people — off the pigs.

As the Cambridge contingent arrived at the Boston Common, a speaker was promising that within the year freedom or facism would prevail in America. And perhaps with that prediction in mind, various factions fought throughout the afternoon, near and on the speakers' platform, for the right to provide leadership in the imminent revolution. Progressive Labor people chanted "Let Fran Speak" and wrestled their way onto the platform until Fran Weinelling was allowed the microphone for about ten minutes. She proceeded to denounce all that had gone before — insisting that it had "all sounded alike."

Actually, Miss Weinelling's suggestion did not seem quite accurate. Although Julian Bond never did show up, there was still quite a bit of variety on the speakers' platform, both before and after she talked.

Douglas Miranda, a Panther, had for instance denounced "talking, marching and playing songs" — insisting that "it's not 'off the pigs' anymore, it's 'kill the pigs'" (A sentiment quite different from John Lennon's telegram suggesting "Love now and peace will follow.") Again different in important respects was State Representative James Shea's (sponsor of the Massachusetts Vietnam Challenge Bill) insistence that what was needed

Arrested Students Statements

Statement by Ray L. Fuller, 1L, and Stephen J. Hausman, 2L:

Our arrests resulted from an invasion of the property of Harvard Law School by cops on Wednesday night. Squads of police, given no provocation and giving no warning, ran at full speed onto the campus on either side of Gannett House and clubbed and arrested people at will. One of us was arrested while walking from Gannett House toward Hemenway Gym. The other was run off campus by the cops and arrested when he was caught between young people and police, both throwing stones at each other on Massachusetts Avenue.

One arresting officer kept saying, "I got mine, I got mine." There were derogatory references to peace buttons and "long" hair. And the police vocabulary included "motherf-----s" and "god-damn bastards" in good supply.

Twice, once as we were being transported by bus and once in the police station, a cop told his prisoner that "I should have killed you out there instead of bringing you

in." One student was physically assaulted in our presence, and one of us was shoved around and verbally abused in the fingerprinting room.

The police were simply attempting to provoke some kind of response from us which would allow them to use violence against us (in which case they would charge us with assault, naturally). And while in our cells we heard people begging the police to stop hitting them. Students with bloodied heads were everywhere.

The police for two and one-half hours were immune to the pleas of prisoners for medical treatment, and only the arrival of lawyers (from ACLU and the Lawyers' Guild) changed that situation. Indeed, one lawyer told us that he had volunteered his services because he feared for our physical safety even in our cells. So we payed high bails to escape that nightmare. We reserve

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e March and Square Disturbance



Timothy Carlson

Demonstrator throws rock in Harvard Square disturbance.

was shrewd, aggressive political action. He was advocating nothing more revolutionary than a Vietnam referendum for November.

Needless to say, Abbie Hoffman was, *sui generis*, different from everyone else. He managed a fantastic crescendo of poetically phrased and cadenced profanities to describe and villify Boston as thoroughly as seemed possible. Then he brought huge cheers from the crowd by announcing his great gladness at being "back home."

The cast of "Hair" ended the Boston Common activities by moving the handholding crowd to its feet with a joyfully raucous rendition of "Sunshine." Even the suggestion that the crowd pick up its trash ("so they won't be calling us pigs") brought only good-natured boos from the by-then - considerably - diminished throng. But the audience did proceed to do a lot of cleaning-up.

However, there was soon more scuffling on the platform. One group tried to use the mike to urge the crowd to take the subway home. Another fought for the mike in order to urge the

people to march to Harvard Square. Eventually about three or four thousand people began the march back to Cambridge led by the Bobby Seale contingent.

Though this march was more militant than the one earlier in the day, it was still on the whole orderly. The chill of evening started to set in fairly rapidly and people started to link arms as dusk came on. But still only a few rocks were thrown — the crowd generally disapproved.

Arriving at the Square, however, the crowd changed somewhat. It did not seem, on the

Police Pursue, Beat Onlookers

whole, to know exactly what to do or how to break up. At first people sat in the streets. Then a few rocks were hurled through windows at Holyoke Center. Finally a few trash fires were started in the streets.

But it was not until after the police tried to find some leaders to negotiate with (and could not) that the first attempt to break up

the crowd was made. Even the first closed-formation police march at the kids sitting in the streets was fairly academic. But from somewhere, and not necessarily from the kids sitting in the streets, rocks and bricks started to fly. It was at about this point that the real trashing began.

People started to appear on top of buildings. Rocks and sticks were dropped on the police and, as one should expect, things became less friendly. Cops began to swing clubs rather than just march towards demonstrators. Eventually cops were throwing bricks back at demonstrators, onlookers, photographers, reporters and anything else that was handy — including, of all things, windows. People were pursued into business establishments and were beaten by the police. Customers who happened, by some bad fortune, to be in such establishments were also beaten on occasion.

By this time things were really hectic. Fires were being set in buildings; jewelry and window displays were being looted. Tear gas, being used to disperse the crowd, was all around.

But throughout the whole mad affair only a small percentage of the people present were actually throwing anything. The vast majority were onlookers who still did not seem to want to go home and did not want to miss what was going on.

Eventually about thirty-five people were arrested (three of the six Harvard students arrested are in the Law School) and a couple of hundred were hurt. The whole thing at all times had a surrealistic circus atmosphere about it that kept one from believing any such thing was really happening. The cops would charge and the kids would run — observers less quick-of-foot often being the ones who were beaten by police clubs, while the real demonstrators ran ahead smashing windows as they went.

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Countryman Attacks House Derelicts

By Mark Goldowitz

In a recent speech at the Law School, Professor Vern Countryman severely criticized the House Internal Security Committee (HISC), calling its members incompetent and its functions destructive of fundamental liberties.

Countryman claimed that the committee's indiscriminate use of informers, subpoenas and questionable procedures poses a greater danger to free society than does the Communist propaganda it seeks to surpress. Referring to committee members as "derelicts of the House," Countryman recommended the committee's abolition. He suggested that the House Judiciary Committee could assume HISC's legitimate functions.

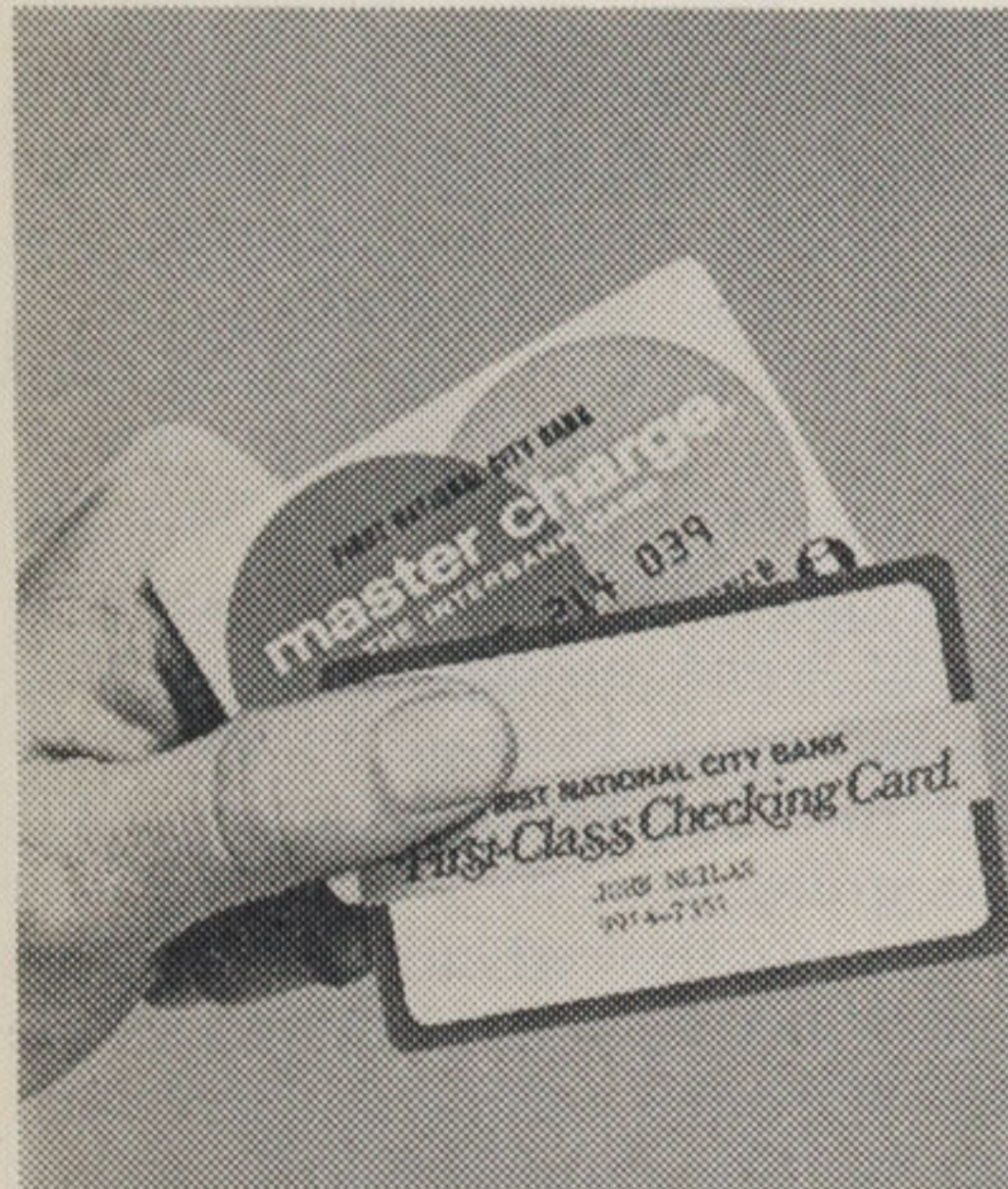
The main thrust of Countryman's attack was the Defense Facilities and Industrial Security Act of 1970 drafted by HISC. Designed to tighten security measures in defense facilities, the bill would grant broad discretion to the executive branch. Countryman reiterated the criticism of the measure by House Judiciary Chairman Emanuel Celler. Celler has asserted it would give virtually dictatorial powers to the Secretary of Defense.

The bill provides for control of personnel with access to defense facilities or information, for the establishment of restricted areas, and for compulsory appearances by witnesses under penalty of contempt or perjury. The bill also limits the jurisdiction of federal courts in cases involving access to defense facilities and information.

According to Countryman, there is a danger that the executive may broadly construe such vague but vital terms as "defense facilities," "sensitive areas" and "acts of subversion." Countryman speculated that the bill might extend to a General Electric plant, could ban petitions circulated among federal employees and limit public criticism of agencies such as the CIA.

Countryman also feared that the bill might be interpreted to include as subversive those organizations seeking to change the U.S. Constitution, even by legal, peaceful means.

Passed by a 65 vote margin in the House on January 29, the bill is now awaiting action by the Senate Judiciary Committee. Countryman is leading opposition to the bill. He has sent a letter to law professors throughout the country urging them to protest the measure.



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Boston Lawyers Protest Vietnam Policy

Members of the greater Boston legal community publicly registered their dissatisfaction with President Nixon's policy on Vietnam and Southeast Asia during a press conference on April 14, urging withdrawal of all U.S. military personnel and military aid from South Vietnam, Laos and Cambodia by December 1, 1970.

Two organizations, the Boston Lawyers' Vietnam Moratorium Committee and a group of Boston-area law faculty and students joined together for the press conference, organized by Joe Gebhart, 2L, and Jon Souweine, 1L.

The peace proposals were announced by Harvard Law Professor Abram Chayes, Hans Loeser (senior partner in Foley, Hoag and Eliot and chairman of the Lawyers' Moratorium Committee), and Father Robert Drinan, S.J. (former Dean of Boston College Law School and peace candidate for Congress.)

Chayes presented a petition signed by over 1000 students and faculty—including 23 faculty and over 600 students from Harvard—which called for a total

Total Withdrawal Demanded in 1970

withdrawal of American forces from Vietnam and cessation of military aid, preferably by December 1, 1970, for a political settlement in Southeast Asia, and for stepped-up negotiations by the United States towards that end.

"The essential purpose of the petition," according to Gebhart, one of the drafters of the petition, "was for the U.S. Senate leadership to unite behind one peace proposal, one that could be used as the focus of a national lobbying campaign on the order of the anti-ABM and the recent opposition to the Supreme Court nominations. We have shifted our focus away from a completely un-

responsive President toward Senate leaders, who should be in the forefront taking a much stronger position and leading the fight for a bill to end the war."

The statement by the Boston Lawyers' Vietnam Moratorium Committee was similar to the law school petition, calling for the government to "put into effect at once a plan for the orderly cessation this year of all American military operations in Vietnam and neighboring countries."

Loeser reported that the Lawyers' Committee had collected nearly 700 signatures from the Boston area lawyers six months ago. He said that the Committee's goal for April is to top last fall's number of signatures. The Lawyers' Committee statement is scheduled to run as an advertisement in the Boston newspapers this week.

Chayes strongly criticized the Administration's Vietnam policy, calling on Congress to take the lead. "The President's Vietnamization policy is not a way to end the war. It does not look toward termination of the war; it does not look toward American military disengagement from Southeast Asia. It looks to turning the war down to an acceptable level for the American public. President Nixon and his associates have been given enough time."

Concurring with Chayes on this point, Drinan pointed out that "General Creighton Abrams has stated that 'the U.S. cannot win the war militarily.' And one-half of the Vietnamese babies do not live to the age of five. There

is no way to justify what we are doing in Vietnam. We must press for a political settlement and withdraw our troops."

Drinan concluded by urging the public to bring pressure on Congress. "Congress, particularly the House, has abdicated its responsibility in connection with the war in Vietnam. It has continued to vote appropriations over and over again. It has continued to allow the war to be conducted."

Peace March . . .

(Continued from Page 5)

Rumors were also flying. The Coop was reported to be burned to the ground. Observers, running from the police, would often converse with fellow runners about their amazement at being "shot" at by police firing tear-gas. After getting away, they would pant until the coast was clear and then—eyes often still tearing—run back out into the streets in order to take some more pictures.

The radio news unfortunately covered it live and eventually high-school kids were riding up on the MBTA just to be able to throw rocks and experience tear gas. There was plenty of both for everyone. But the day eventually ran its course. Harvard Square had been trashed. Many people had been initiated to tear-gas. Finally onlookers, picture-takers and demonstrators got tired and went home.

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Clinical Legal Education

One hesitates to argue with such a legal eminence as former Dean Erwin Griswold, but we believe that the Dean mildly overstates the case against a clinical legal program.

Dean Griswold expressed caution that any clinical legal program be not allowed to interfere with the Law School's basic functions of first teaching lawyers how to think and second being part of the intellectual leadership of the legal profession.

We don't believe a clinical legal program would conflict with or even overshadow these goals. To the contrary, such a program would provide a vitally needed element to a more successful implementation of them.

A practical awareness of the problems of law in practice would, we believe, provide many students with even more incentive to intellectually grapple with the law. For some, the purely intellectual study of the law can be very unexciting unless associated with some practical aspect.

Furthermore, we think the demand for relevance is well justified. The intellectual methods which the lawyer uses to confront and solve legal problems can be learned in a context of poverty law as well as corporation law, and there is certainly room for the two at the Law School, as there already is.

If the Law School is to prepare lawyers for what they will do ten to twenty years from now, where was the preparation ten to twenty years ago for the growing fields of poverty law, environmental law, and the like? A clinical legal program can help define the problems of the law which will become increasingly important in the years to come.

A clinical legal program is not a cure-all to the current questions at the Law School as to relevance, etc. And it should complement rather than overshadow the traditional functions of the Law School. But we think that some sort of viable clinical program would be most educational and is definitely needed here.

HARVARD LAW RECORD

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Published Thursdays ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 868-7600, extension 4418. Subscription price: \$2.50 semester, \$5 year mailed; students, \$2.50 year distributed at the law school. Individual copies: 20 cents at the law school, 35 cents mailed. Second class postage paid at Boston, Mass.

Fenno

"Did you get your new catalogue yesterday, Fenno?" inquired my first-year friend as he attempted to figure out just who "Mr. Ross", who'll be teaching legal economics courses, is.

"Yep," I answered, but this copy I have here has some pretty funny course descriptions. Guess I got the wrong one. Listen to some of this:

Strict Construction. This course aims to correct everything you learned in last year's Constitutional Law course. Only open to students from places north of the Mason-Dixon line. Everybody else knows it already. No course materials since it will take at least one term to figure out just what the course title means. Hard hats required. Professor MITCHELL with Mr. VOLPE for roadwork.

Prediction & Prevention of Radical Conduct. This course will weed out the troublemakers who infest our landscape today. Tests will determine who will be sent to the salt mines at age six. Married students with children aged 6-8 only. Take a last look at your little anarchist. Dr. HUTCHS-NECKER and staff of computers.

Trashing. A practical course, given by members of the Law School's clinical legal education staff. Students will study FBI films of the most destructive riots, peruse Bank of America ads and learn the fastest way to smash plate-glass. No final exam but a practical exercise is scheduled in front of the Coop. Professor RUDD and WEATHER-MEN.

Backslapping. Washington practice being what it is, the potential lawyer-lobbyist had better be prepared to get things done most effectively. This course will teach you how to delay an administrative proceeding for at least a decade. Remember, it's not what you know but who you know. Professor AUSTERN and cronies.

Pressure Cooker Law. This is a field course which meets for two straight weeks only. Transportation is provided to New York City and back. Students experience the style of life as lived in the large law firm. Students are paid \$500 for the two weeks but are advised to bring plenty of NoDoz. Professors PAUL, WEISS, GOLDBERG, RIFKIND, SULLIVAN, CROMWELL, SIMPSON, THACHER, BARTLETT, etc.

Bell Rebuffs Freedman Attack

To the Editor:

Georgetown Law Professor Monroe H. Freedman's letter in your April 16 edition, obviously intended as a personal attack, inspires more pity than wrath.

He questions the sincerity of my recent distress over Harvard's action in the University Hall takeover cases by asserting that while I was on HEW's civil rights staff some years ago, I failed to respond vigorously to complaints of job discrimination filed by black grounds maintenance employees.

His comments assume that I had the power at HEW to actually correct racial injustices that were brought to my attention. Based on this assumption (complimentary to me but hardly equatable with the reality of life in a government civil rights agency), Professor Freedman might well have broadened his attack and condemned my failure to eliminate the far more widespread discrimination experienced by thousands of black children in hundreds of segregated school districts that continued to receive federal funds while in violation of Title VI of the 1964 Civil Rights Act administered by my office.

He could have pointed out as well the hundreds of hospitals and other federally funded facilities that maintained policies of sophisticated racial discrimination, despite the prohibitions contained in the same Act.

With the details of my career apparently available to Professor Freedman, he might have commented on the civil rights litigation I initiated during my years as an NAACP Legal Defense Fund attorney. Many of these cases provided only symbolic victories for my black clients, and in many instances, particularly the school cases filed in the early 1960's, litigation continues with effective desegregation a still remote goal.

In the HEW maintenance workers' case Professor Freedman reports that I turned the matter over to a white bureaucrat.

I recognize the criticism, but continue to believe that there are white people in this society capable of handling civil rights matters with skill and concern. As I recall, the staff member assigned to the then seven-year-old case was not ineffective, as Professor Freedman reports, and was successful in obtaining a hearing and findings of discrimination.

Perhaps Professor Freedman's fail-

Letters to the Editor of the RECORD

ure to obtain implementation of these findings for his clients after all these years explains his long delayed attack on my sincerity and commitment. Certainly such failures have created a serious credibility gap between minority group clients and civil rights lawyers, black and white. I doubt whether Professor Freedman's letter will suffice to restore his clients' faith in either the law or him.

Finally, his suggestion that my withdrawal from the faculty discussion reflected a kind of opportunistic militancy, not displayed at HEW, is generous if inaccurate. It is not militancy but frustration and despair that motivated my actions and, on more than a few occasions, my similar demonstrations at HEW. This manifestation of "impotent rage" is a reaction which law professors who dabble in civil rights as a hobby might find difficult to understand. But I assume, despite the tone of his letter, that Professor Freedman is sincere in his efforts to improve the plight of black workers at HEW and elsewhere.

I suggest to him that this goal will not be furthered by his public exposure of our mutual ineffectiveness.

Derrick A. Bell, Jr.
Lecturer on Law

Eisenberg Valentine: Female Chauvinism?

To the Editor:

I read with interest the exposé of Ladies' Day appearing on page 9 of the March 9th issue of the RECORD. Naturally, I was horrified when I turned the page and saw that fourteen first year girls had signed a valentine to one of their professors. Since no men signed the valentine, there appears to be a rebuttable presumption that the ladies discriminated against them. Certainly, the professor should have refused the greeting unless the signers demonstrated that an attempt had been made to recruit male signatures.

Could it be that these first year students believe that there is some difference between the sexes?

Even more frightening, could they believe that such differences as may exist should result in different social behavior? We can only be grateful that these are first year students. Perhaps in another two years they will gain the proper perspective on these matters.

Pierre R. Paradis '63

Grad Looks At Current Issues

To the Editor:

After reading many articles about student faculty relations at the Law School this year, I would like to make some observations.

First, the Faculty has the absolute right to caucus, or meet, by itself at any time without interference, just as the students claim such right for themselves. There is, I assume, no support for the idea that the entire Faculty or a committee thereof must be invited whenever five or more students gather to talk things over.

Second, lawyers have for centuries been devising lawful and peaceful procedures and remedies to deal with social, economic and political problems. Any law student who falls back on physical coercion to win a point lacks either the moral qualities or intellectual capacity, or both, to be a lawyer and should seek a different line of work.

Third, there are people and issues involved in many Law School questions who cannot be, and are not, represented by any single generation of students, who cannot be allowed to arrogate to themselves power to make or compel decisions that may affect, not only alumni, but also future students, and judges, practicing attorneys and laymen who look to the Harvard Law School for scholarship and leadership in confidence that the work of the School is conducted in an atmosphere of reason, not in an atmosphere of disruption.

Fourth, for those issues concerning the resolution of which student participation is appropriate, the students should shoulder their full fair burden of responsibility. For example, if the use of a pass-fail marking system results in some employment disappointments because prospective employers utilize more subjective criteria to replace the lost objective criteria of grades, the students should accept this as a consequence of what they wanted. They may, and should, try to devise other means than grades to demonstrate ability and should leave open the option of number or letter grades for those who wish to compile such records for themselves.

David J. Kera, '55

Internship Proposal

(Continued from Page 2)

Massachusetts Law Reform Institute in Boston, was added to afford representation to the field of poverty law.

The interest expressed by these members gave added hope to the proponents of the internship program. While many law firms look upon the summer employment of 2Ls as "an engagement between student and firm with the idea of marriage" and it was feared that many would recoil at the idea of internships, the alumni members of the Placement Committee remarked that they might try the new system next year by offering one or two intern positions and then interviewing for the remainder.

Joining with Rodgers on the subcommittee on sanctions are Dean Russell A. Simpson and Jayne M. Kurzman, 2L. Despite the 75-100 informal complaints of discrimination made this year (chiefly on sex and pass-fail discrimination) only one discipline case has formally come before the subcommittee and this did not involve discrimination. The case involved a California law firm which failed to give its offerees until January 1 to accept its offer of employment, an act which violates the deadline rule of the Placement Office.

There are currently four sanctions open to the Placement Office, the least severe of which is issuing a warning or reprimand to the offending firm. Placing the firm at the foot of the calendar is next in severity, while moving the interviewing date to the end of the schedule accompanied by publication of the violation ranks third. Ordinarily firms are rotated and each seems to feel that there is a tremendous advantage in having first chance at the latest crop of students.

Suspension of the firm's use of the Office is the most extreme sanction available to the Commit-

tee at the present time, although stronger measures have been suggested, particularly by those concerned about sexual discrimination.

A nationwide blacklist has been proposed, and Professor Robert Braucher — currently a faculty Committee-member and next year's Chairman — feels that a "multi-law school trading of complaints" on a confidential basis may be a step in the right direction in handling sexual and racial discrimination. In the meantime, many women law students at other schools are resorting to various means of self-help, such as signing-up for all the slots on the interview schedule of "chauvinistic" law firms.

Most of the complaints received by the Placement Office this year have been handled informally by Field. It is hoped that the number of complaints will decrease next year. If such a reduction does occur, it may be attributed largely to the institution of the

internship system. In any event it will be the result of the continuing efforts of the Placement Committee.

Serving along with Williams and Miss Kurzman as student members are: Robert Fellmeth, 3L; Robert Feyer, 2L; Douglass Cassel, 1L; and Michael Wyatt, 1L.

Election

The following have been elected as the new officers of the Harvard Voluntary Defenders:

President: Martin C. Gideonse.
Vice President of Operations: Mark W. Foster. Vice-President of Training: James C. Moore. Vice-President of Mental Health: Timothy J. Wilton. Vice President of Research and Appeals: Benjamin G. Cox. Assistant Vice-President of Research & Appeals: Mary C. Kingsley. Assistant Vice-President of Research & Appeals: Howard T. Anderson. Vice-President of Prison Legal Assistance Program: Charles R. Hollen.

Statement by Arrested Students

(Continued from Page 4)

comment on our arraignment the next day.

No lawyer was sent by the University to look after its students either in jail or at the courthouse. One second-year law student from the Voluntary Defenders organization did show up in court, and the University sent two of its police who were instructed to take down names of all the Harvard students, for all we know looking toward disciplinary action.

Immediately after arraignment, the three law students arrested went to Dean Bok's office. We can only thank the Dean for his understanding and efforts to help with our defense.

The next day, we two tried to

see University officials to inquire what was being done for the defense of other Harvard students. We found the response surprisingly hostile. One of us was told that he was a "liar" when he said there were students beaten in the jail.

The University position seems to be that spectators are equivalent to rioters. We suggested to them that if the cops had used their clubs to break Harvard windows instead of its students' heads, the response of the University would have been considerably more vigorous.

Oh — one word of advice: the next time you're in a cell, try talking with your neighbors in a foreign language. Somehow cops find that unsettling.

Lenzner Visits

In an recent address to the Voluntary Defenders Terry Falk Lenzner '64, Director of the Office of Legal Services of the Office of Economic Opportunity, warned of the present danger to the Legal Services program because of a series of recent political confrontations.

"The continuing series of criticism and political crises that have arisen make me wonder whether the government, with taxpayers' money, will be allowed to continue to provide for this kind of program," Lenzner said.

He stressed the importance of the Office's efforts to provide "attorneys for indigents that are equivalent to attorneys provided for people who can afford them." Such efforts have led the organization to come into frequent confrontation with local and state officials.

Lenzner particularly noted the ire aroused by the defense of rent strikers in St. Louis, Missouri, and stoppage of highway construction through a ghetto in Camden, New Jersey.

Irrationalities in the criminal law, particularly disparities in sentencing, have led the poor to distrust the judicial system, according to Lenzner. "The disparities in the criminal system, like those in other institutions that affect indigents, are most damaging if those persons affected by the inequities observe directly this irrationality."

Therefore, Lenzner concluded, it is important to continue to make legal services available to indigents who have reason to feel oppressed by the system. "The cost of all this may seem astronomical. The alternative, however



Terry F. Lenzner

is to build to the breaking point the accumulation of grievances that now have no means of redress in our political or legal system. We already know that this cost is too high for our society to bear."

Arrested Students

(Continued from Page 1)

raignment. "The University position seems to be that spectators are equivalent to rioters," they said.

Both praised Dean Derek C. Bok for his evident willingness to help them in their preparation for trial.

Rackman was unavailable for comment.

Dorm Council

Dorm Council officers elected to the 1970-71 Executive Committee are Joe Newberg, Pres. (Ames 306); Michael Sonberg, V.P. (Shaw 218); Carleton Eastlake, Sec. (Shaw 313); Melvin Cox, Treas. (Story 311); Norm Bonner, Compt. (Ames 221).

Ferren Departs

By Jerry Snow

Ralph Nader was recently heard to remark that of the roughly 10,000 lawyers working in Washington, D.C., one would be hard put to find six fully employed in the public interest.

As of this June, if the numbers don't change, at least three of those six will be found with the firm of Hogan & Hartson in a newly-created Community Services Department.

John Ferren, Harvard Law '62, founder of the Community Legal Assistance Organization (CLAO), and currently director of the Legal Services Program at Harvard, has been named head of the new department. He will join the firm as a full partner with a staff of two other full-time lawyers.

Involvement in the growing field of public interest law is not altogether a new thing at Hogan & Hartson. As in the case of many other firms, *pro bono* work has hitherto been encouraged among members of the firm. However, the creation of a separate and independent department concerned solely with the public interest represents one of the first express commitments of this kind by a major law firm.

In an interview with the RECORD, Ferren said that it is expected most of the members of the firm will be drawn into some degree of involvement with the affairs of this department. Its creation is designed not to replace existing efforts in the area of *pro bono* work at the firm, but to centralize and coordinate such services. Thus, instead of being merely permissive, *pro bono* work among firm members will have the added status of being directly and institutionally promoted.

It is yet to be decided in just what area of *pro bono* work the new department will concentrate its major activity. Under the rubric of a community services department, Ferren and his asso-

(Continued on Page 13)

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CAMBRIDGE SAVINGS BANK — Right IN the Square

CLAO Aids Buyers

By Michelle Scott

The Community Legal Assistance Office (CLAO) has begun distribution of a new booklet researched and written by its staff, "Your Rights and Responsibilities As a Consumer."

In preparation for more than two years, the 40-page consumer guideline was recently completed under the direction of Mark Budnitz, CLAO attorney, and Howard Cohen, 2L. The booklet incorporates current developments in consumer rights and protections due to the latest federal and Massachusetts' laws.

Longest of the publications yet published by CLAO, the booklet was financed from funds in the general OEO budget for the Cambridge office. Copies are available to clients visiting the CLAO office at 235 Broadway. However distribution on a broader basis throughout the community is contemplated.

Focusing on consumer problems "before," "when," and "after" you buy, the text emphasizes the real costs and obligations involved in purchases. More than a third of the guide is devoted to explaining different types of credit arrangements and how to obtain them.

Warning shoppers about illegal sales practices, the booklet explains the pitfalls of bait advertising, home improvement schemes and loan consolidations among the "21 Dangers to Watch Out for When Buying." It also urges consumers to ask for true annual interest rates and provides a statistical table of interest charges and their real cost.

Consumer Guide Describes

21 Shopping Dangers

Consumers with credit problems are told of their rights in dealing with bouncing checks, pawnbrokers, credit card operations, debt collectors, garnishment and attachment. Court administered wage earner payment plans and bankruptcy procedures are discussed for those consumers who find they cannot pay their bills.

Cohen admits some dissatisfaction about the treatment of complex consumer problems. However, he reported that CLAO staffers had tried out the text on clients and that they could generally use it well.

Although clearly written, the text does demand some verbal and conceptual sophistication of its readers. In the treatment of loan consolidation, for example, it is assumed that the reader grasps the meaning of consolidation without any definition of the word or description of the process. Nevertheless, the booklet provides a very valuable and generally successful treatment of the consumer situation. It will be useful to the general public, not only CLAO clients.

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York Elected President

John York, 2L, was elected president of The RECORD at the annual meeting last week. York, who hails from Shawneetown, Ill., is a graduate of Vanderbilt University, where he majored in history, political science and sociology — interdepartmentally, of course. He served as executive editor of the Vanderbilt *Hustler*.

Robert L. Hernandez and Michelle Scott, both 1Ls, were named co-managing editors for next term. Hernandez is from Toms River, N.J. A Princeton graduate, he studied public and international affairs at the Woodrow Wilson School. Miss Scott is a graduate of Bryn Mawr College, where she majored in French literature. Her home is in Clifton, N.J.

Chosen news editor was Ger-

ald T. Snow, 1L, of Walnut Creek, Calif. Snow qualified for his RECORD job by earning a creative writing degree at Stanford.

Larry L. Pressler, 2L, is the new business manager of The RECORD. A native of Humboldt, S.D., Pressler graduated from the University of South Dakota. He then studied at Oxford.

Linda Standridge, 2L, becomes corporation secretary; James Schuyler, 1L, continues as sports editor, as does Max Oppenheimer, 1L, photography editor. Named associate editors were Joseph Rafalowicz, 2L, Susan Carlson and Greg Ward, who are both 1Ls.

Richard B. Hoffman, 2 1/2L, lingers on yet another term as *eminence grise*.

Ferren . . .

(Continued from Page 11)

ciates will be free to move in many different directions. The question of final priorities will have to await further research and on-the-job feedback.

Many other hard questions will have to be answered, such as possible conflicts of interest between large corporate clients and the public interest.

The undertaking by Hogan & Hartson, representing a sizeable commitment of manpower and resources, is indicative of the increasingly responsive mood of corporate law firms to concerns of a public and humanitarian nature.

It is certain that this project will be watched with more than passing interest by other law firms which may be considering involving themselves in a similar way.

Letters

To the Editor:

The Law Record seems to be particularly biased in favor of "Female Liberation." Why don't you publish some differing viewpoints? Not all of us believe that we are simply neuter intellectuals, and that sex is at best a virtually meaningless term referring to some irrelevant anatomical differences or at worst an "instrument of exploitation."

Some of us know there's something to sex — that the differences between men and women are real, important, complementary, and very necessary to an interesting and fulfilling life for any human being.

Robert E. Carr, 1L

Journal on Legislation Elects Staff

Philip Cook, 2L, has been elected President of the *Harvard Journal on Legislation* for 1970-1971.

Selected Senior Editor was Randall Bell, 2L; Managing Editor will be Michael Sonberg, 2L.

Other appointments are: Gary Banks, Ted Schaffner, Richard Smith and Eric Lieberman, Legislation Edi-

tors; Ben Berman, John Erickson, and Robert G. Heiss, Article Editors; Ronald Nussbaum, Lew Paper and Fred Schauer, Note Editors; and John York, Book Review Editor. All are 2Ls.

Gary Wolfstone, 1L, was chosen Business Manager.

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Expanded Text, Candid Distinguish Yearbook

By Fenno

Three cheers for the filthy capitalists who publish the Harvard Law School Yearbook! Yes, Bunky, praise is very definitely in order. Apparently taking our saucy words of a year ago to heart, the apostles of profit have begun to show that a fat earnings statement need not inevitably lead to mediocrity.

So if you were planning on remaining one of those clever chaps who buy a yearbook in the second year so as to have pictures of the classes fore and aft, reconsider. The 1970 volume may mark a turning-point: the year the yearbook got imagination.

The proceedings start off on a high note with Professor Herbert Wechsler's inspired tribute to the late Professor Hart, in whose memory the book is dedicated. We then are transported to Austin Hall, rarely my first choice for a sojourn, for an elaborate architectural and historical essay which might better have been placed further along in the book. With all the new edifices celebrated hereabouts, I suppose it's nice to give old Austin Hall its day in the sun, but I can't help reacting to the article as one friend did to the building: "I can't decide if it's really ugly or just dreary."

But articles of all kinds spice the book considerably this

year. The next is "The Decade Gap, If Any" by CLAO's not-terribly-angry young man, John M. Ferren. It's a good piece. The faculty section has been benefitted by many new pictures. The Chad and his cigar are priceless; overall, the professors' portraits are better. Some didn't want updated pix: more's the sorrow. And with regard to the group picture: no, Milton Katz's secret identity is not A. E. Sutherland.

Student photographs are a bit cleaner: the editors have reflected a new approach (one of responsibility) in providing purchasers with an errata sheet to explain a few layout foulups. Guy Blynn's class history was enjoyably chatty, even if he has this thing about Ralph Nader 'cause the Raiders are gonna get him if he don't watch out.

One of the best bits of writing in the book is Bruce Clark's analysis of the Ames Competition. Clark, as RECORD readers no doubt are aware, heads the Board of Student Advisers. Surprisingly, he's provided us with a cool, dispassionate survey of the Ames situation: just what's been needed. It seems to me that this sort of article is the kind the yearbook should aim for as it chronicles each activity group. Clark has shown the way. Maybe it's too much to ask other student potentates to behave as responsibly.

On that point, consider the Law Review's traditional writeup: doesn't any *esprit de corps* formed through Review toil really benefit the Review more than its alumni, who've gained enough educationally and financially without any extra *esprit*?

If a long article on "The Grade War-1969" aids alumni and others to gain some insight into the thinking which has dominated efforts for change at the Law School in recent years, it's worth the space it's allotted.

The candid photography in this year's book is superb. More should be planned for next year and it might be better dispersed through the volume. And if more of the ads resembled that of O'Connell Co., I wouldn't mind the space taken up by the law firm patron tombstones so much. Is an index to advertisers really needed?

But since yearbooks don't appear every day (see what a Harvard legal education can do for you?), trends are much more easily detected. And as a result of this year's volume, the vibrations are getting better, growing stronger . . . if not every day, why, then every year! The Law School deserves a first-class book and for the first time, it appears to have gotten one. Break out the Ripple!

Letters to the Editor

To the Editor:

At least one other from Harvard Law
Was much upset by what he saw,
"Cartoonist's bad" is what he said
In letter recent to the ed'.
February twenty six,
This fellow York thought just for kicks,
He'd slander clerks, not Julius Just,
For causing lawyers such disgust.
All York's art is pretty simple,

To find the villain, spot a pimple.
He has such trouble with the human form,
I hardly think you'd cause a storm
Retiring York—he sure can't draw,
God hopes he's better at studying law.

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Book Review

Guide to Organized Crime

The Crime Confederation by Ralph Salerno and John S. Tompkins, Doubleday, \$7.95, 424 pages.

Call it the Mafia, the Cosa Nostra, or the Crime Confederation, organized crime has, in the last few months, been prominent in the news. One could hardly ignore the sensational revelations of the organized crime network in New Jersey.

For most of us the details were sensational because our awareness of organized crime is abstract rather than concrete, distant rather than close at hand. We're vaguely aware of Cosa Nostra families, of governmental corruption, but it doesn't touch us as the possibility of being mugged while walking along the street.

Yet organized crime is very much part of our lives, as Ralph Salerno and John Tompkins point out in *The Crime Confederation*. And very astutely, that's how they begin their book on organized crime: with a chapter showing how organized crime is a very real, very vicious cancer in the real world.

Salerno, formerly with the Central Intelligence Bureau of

the New York City Police Department, is apparently one of the nation's leading experts on organized crime, and *The Crime Confederation* goes on to present a detailed outline of the structure of organized crime, its methods, and its strategies.

Organized crime, as Salerno presents it, is definitely big business; its leaders didn't go to the Harvard Business School, and its methods are somewhat more violent than a stock takeover.

The Crime Confederation is meant for the general reader to provide him with background on organized crime, background that necessarily supplements the recent newspaper revelations. It's a good book, easy to read, and it accomplishes its purposes well.

Drugs, crime on the streets, dissent against the war: these are the easy targets some of our politicians use to show how concerned they are with crime. When will they become concerned with the most cold-blooded and successful of crime, organized crime, or won't they ever want to be?

— L. Gartner

Griswold Reviews Legal Ed

(Continued from Page 1)

Griswold stressed that today's students must prepare for "what they'll do ten to twenty years from now."

With regard to campus violence, the former dean declared, "Any acceptance of illegitimate force is unacceptable and wholly inconsistent with the principles on which this University is founded."

In the first part of his talk, the former Dean recalled his own days as a law student here. "I've had fun all the way along with a certain amount of agony," he noted, "It's more fun for fine minds to be truly thorough on serious intellectual problems," he reflected. He called for renewed efforts at objectivity: "Truth is none the worse a goal because it's unattainable."

"Men of the caliber we have here can develop them (clinical skills) adequately in their first

few years out of law school inasmuch as they need them," Griswold said.

"In sum, I hope Harvard Law School will recognize its special mission and never become just another law school," the Solicitor-General concluded.

Griswold's address followed brief remarks of greeting by Harvard University President Nathan M. Pusey, presentation of awards to Sesquicentennial Fund leaders by Dean Derek C. Bok, and a response to the dean's presentation by Robert Amory, Jr., who headed the fund drive.

Amory, Stuart N. Scott and John Richardson were the alumni honored by the dean, who also praised all participants in the campaign which raised more than any other law school drive in American history. Austin Wakeman Scott, Dane Professor of Law Emeritus, was honorary chairman of the drive.

Students Protest

(Continued from Page 2)

pullout of all American forces within six months.

When questioned about his role in secret intelligence work, Amory admitted to less than a perfect record. "But I am a pragmatist," he added. He declared that his generation had "made a mess of it" and challenged the assembled students to "straighten it out."

At the conclusion of his speech, Amory declined an invitation from some of the students to join them in demonstrating in the streets.

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