

# HARVARD LAW RECORD

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TWENTY CENTS

## Student Cooks Up Monitoring System

By Greg Ward

Parolees walk the streets of Cambridge wearing leather vests, chains, and two small units — each about the size of a paperback book — in their back pockets. These men are subjects in the continuing work of Dr. Ralph K. Schwitzgebel, 3L, who hopes that the devices they wear may soon prove an alternative to imprisonment. Schwitzgebel suggests replacing prison walls with electronic equipment which allows observers to track the wearer, to pinpoint his location and to give information about his behavior.

"I got the idea watching West Side Story," said Schwitzgebel, who then reconstructed the scene in which a police officer asked Jet and Shark gangmembers where the rumble was going to be and no one would tell him. "I had the

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Parolee's monitoring unit, carried in hip pocket, gives his location.

## Yearbook Editor Reappoints Himself To 1970-71 Position Worth \$1500

Richard L. Farren, 2L, Editor of the 1970 Yearbook, announced this week that the Editor of the 1971 Yearbook will be Richard L. Farren, 2L. Farren succeeds himself to the \$1500 a year position under the Yearbook charter which provides for the appointment of the new Editor by the current Editor with the approval of the faculty advisor, Dean William L. Bruce.

"I will succeed myself," said Farren when asked about his appointment. "This is the first time it's happened. From an organizational point of view it's about the best thing that could have happened."

Farren explained that it takes a year to learn how to run the Yearbook, and only then can the Editor start to make changes in

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## LSAT's Play Small Part in IL Selections

By Bob Hernandez

Veterans of the past two years' pass-fail wars will recall with a certain abhorrence those undergraduate days of competitive grade-grubbing. Yet when all is said and done, grades got them into Harvard Law, and grades will determine who will be in the Law School's class of 1973.

Contrary to the expectations of many applicants, the Law School Admissions Test plays a rather minor role in the admissions process. According to Russell A. Simpson, Assistant Dean and Director of Admissions, the LSAT's are the last factor considered in the admissions process, and used then only to distinguish those applicants who cannot be otherwise distinguished.

To date fewer than 3,500 applications have been considered from over 5,000. The Law School is seeking a class of 530, and 654 have already been offered admission. Of these 80 have withdrawn their applications, and 354 have paid deposits.

As usual, the number of qualified applicants has grown, partly because of the increase in the total number of applications. "A larger number of college graduates are less interested in graduate schools and teaching," Simpson commented. "They are interested by the intellectual challenge of law school and the opportunity to change society which it seems to represent."

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# Simpson on Admissions

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Stiff competition, however, has complicated the task of the Admissions Committee in developing an adequate means of comparing and rating the applicants. Of all those applicants judged "qualified" to enter the Law School, approximately 30 per cent have such superior credentials as to be accepted immediately. Applicants in



Dean Russell A. Simpson

the remaining group must be further evaluated for sufficient "distinctions" to emerge successful from the competition.

It is at this point that objective measures such as the LSAT cease to be sufficient, according to Simpson. Although he recognizes the potential value of a standard

measure for skills of applicants from several regions and different schools, he questions the present level of sophistication of the examinations. A person's ability to cope with the academic workload, he feels, is a more accurate indicator of his ability to perform at Harvard.

Furthermore, in the past several years applicants' scores have generally been uniformly high. Last year the median score was 632 for all applicants considered, and 685 for all those accepted.

Therefore, the score has been pushed into the background for purposes of evaluating applicants. In fact, the Law School has already accepted one applicant to the new class who scored in the high 200's.

Academic performance as an undergraduate, then, has been the main factor used to separate the acceptances from rejections, according to Simpson.

"The academic hurdle is foremost," he said. "The applicant has to demonstrate that he can cope with the work at the Law School before he will be considered. Once his academic credentials have been established, we consider his personal qualifications — from personal recommendations and his activities, both academic and outside."

Comparing academic perform-

ance of students who have attended different colleges is in itself a major problem. Simpson explained that the Law School has received from only a dozen a sufficient volume of applications to objectively measure academic performance. "Other than that, there is no very good way to do it."

With numerous limitations on objective evaluation, the determination of admission finally rests on the over-all appearance of the application. "The process can't be described very well except in terms of the individual decision."

This means that the individual who falls in the "qualified" group, must somehow make his applica-

## An Applicant Reacts: Letter on Page 9

tion stand out. The Committee, in its search for distinction and diversity, must recognize some potential contribution to the Law School from the applicant's presence in the class.

This also means that all else being equal, the applicant from a minority group or an under-represented section of the country, will be accepted over another applicant.

The Committee has financed recruiting efforts to predominately black southern colleges as well as for Mexican-American and Indian students at Southwestern schools.

One notable gap in recruitment, however, has been in efforts to secure women applicants. This year funds were made available for the recruitment of women for the first time at the request of members of the Women's Law Group. (See RECORD, February 26.) Some members of that group see active discrimination in the admissions process. Since women self-select before even applying, they claim that the average woman applicant is more highly qualified than her male counterpart. This, they urge, should be re-

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# Miss Glancy Surveys HLS Alumnae

By Linda Standridge and Michelle Scott

Women law students' chances of succeeding as practicing lawyers and leaders in the profession is the subject of an extensive survey undertaken by Dorothy Glancy, 3L.

The survey was based on questionnaires sent several months ago to all women who have graduated from the Law School since 1953. Male graduates whose grades matched those of the women surveyed were also questioned. The purpose was to see how men and women graduates' career patterns, life styles, and attitudes differed. Respondents included 400 men, 165 women and one sexually anonymous lawyer.

Results of the survey will be the subject of an article by Miss Glancy, which will be published in the June *Bulletin*. The June issue will be devoted exclusively to law articles by and about women.

Discussions by the Women's Law Group last fall on what happens to women students after they leave law school inspired the study. The object was to expode the myth that "women just get married and don't use their legal education" and are therefore thought not as desirable to hire as men. The \$700 cost of the survey is being borne by the Law School.

"If we can show in fact that past women graduates of the Law School have pursued serious and successful careers, we can present this information to the legal profession, and particularly to those law firms hiring through the placement office, with the hope that it will affect their hiring practices, and thus help do away with discrimination against women in hiring," noted Miss Glancy.

Men and women agreed generally on their reasons for job choice: location, money, intellectual stimulation, opportunities for advancement. Yet, survey results indicated that many more women find positions outside law firms than men do. While 72 per cent of the men go into the law firms, only 52 per cent of the women do. Miss Glancy felt that the reason for this difference was not women's disinterest in law firms or in making money, but rather evidence of discrimination. Business and law firms appear less willing to give good jobs to women.

From the responses, Miss Glancy has discovered



M. Stul Oppenheimer

Dorothy J. Glancy

some general attitudes. There were definite tendencies not to expect women to become partners, not to think they make good litigators, not to think

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## Stork: Unrebuttable Presumption

For the upcoming school year, each married University enrollee who carries Blue Cross dependant's insurance on his spouse will be compelled to also take mandatory maternity coverage.

Special provisions can be made for shifting the coverage if the wife is the student.

The compulsory addition will add \$36 a year to the present bases (1) of dependant-wife coverage at \$112 annually or (2) of dependant-wife/children coverage at \$204 a year.

According to Miss Judy Rand of the Student Health Insurance Office, "Maternity coverage can't be optional because then the only ones who would take it would be

those having children — their premium cost would be almost the actual cost of childbirth."

The added coverage is being implemented by Blue Cross at the request of students. Arthur Klein, a student in the Graduate School of Arts and Science, was a prime mover in the change.

"We sent out over 2,000 questionnaires in January," he said, "getting 52 per cent of them back. Of those answering, 70 per cent favored the plan, saying generally that it was long overdue and that the next step is to provide obstetrical care at the University Health Services."

"Reasons cited in the 30 per cent of negative responses," Klein

continued, "were that the policy addition is too expensive (and I agree), that the ones planning their parenthood would be paying for others' babies, or that they were leaving the University next year."

Klein said that since the response rate for a mailed questionnaire such as this one is normally about 30 per cent, the figures which he obtained are "fairly projectable." He maintained that "to change the outcome, 70 per cent of those not responding would have to vote 'no,' which is unlikely."

According to Miss Rand there is currently no University maternity coverage available for unmarried female students.

# Zeal / Boredom Mark Reaction to Earth Day

## Muskie, Commoner Speak at Sanders

By Jerry Snow

"Those who think the environmental crisis refers only to trees and not to people are wrong," an ecology-minded audience in Sanders Theatre heard Senator Edmund Muskie (D-Maine) declare on the eve of Earth Day last April 21.

Senator Muskie was one of seven featured participants in what was billed as a panel discussion that included Dr. Barry Commoner, nationally prominent ecologist, and George Wald, Nobel Prize-winning professor of biology at Harvard. Sponsored by the Harvard University Ecology Coalition, the evening was carried live over National Education Television (NET).

"All of us face a personal — in a sense, a moral — frontier," Muskie continued. "Human greatness should not have to take a back seat to technological expertise. We must rethink our outlook on costs. We must rethink our values."

Sounding a recurrent theme for the evening, he said, "We must outgrow our traditional way of solving problems one at a time. All our problems are intertwined. This is not simply a summertime war."

"Go to the ballot box," he challenged his audience, "go to stockholders' meetings and to the cash register with an environmental conscience. Public opinion in this country is still the ultimate power."

Commoner voiced optimism in the future of the ecology movement. "Earth Day is a day of mourning to many," he said, "but to me it is a day of joy — a new birthday for the earth."

Nor will the concern for the environment divert from other pressing social needs, he asserted, for "none of our problems will be solved unless they are all solved. We are in a crisis of survival, but we are determined to survive."

He appealed to the activism of the youth. "You are the first generation to be born with DDT in your fat and strontium 90 in your bones," he told them.

"One of the first laws of ecology," he explained, "is that there is no such thing as waste. Everything in nature has a built-in provision for its own burial. Everything has to go somewhere."

"Our technology, on the other hand, isn't so farsighted and interlocking. Thus, a clash between technology and the environment is inevitable. However, the en-

vironment got here first and will be here last!"

Concluding, Dr. Commoner called on his audience not to leave the future in the hands of the nation's leaders. He cited instead the power of the informed individual and of the university community: "We have a commodity that is in short supply in industrial and government circles: the truth."

Wald warned of "traps" awaiting the ecology movement. "We mustn't let the environment distract from other issues, such as the militarization of our country and the termination of the Vietnam War. Nor must we let anti-pollution become our newest multi-billion dollar business."

Taking a swing at the space program, he expressed relief at the safe return of the Apollo 13 astronauts. "There's only one thing to add," he said. "They shouldn't have gone. There's nothing anywhere else in the solar system as precious as one acre here on earth."

"We must begin to repossess America," he declared, "and to repossess our common humanity."

The audience also heard Massa-

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## Pollution Mini-Forum Draws Small Crowd

By Will R. Knedlik

They finally called a war and nobody came. The war, unfortunately, was on pollution.

The HLS Mini-Forum held on Earth Day in the Ames Court Room was really mini — drawing a small crowd that filled less than a third, probably less than a fourth, of the seats. It would be kind to suggest that battle-fatigue had set in by 8:30 p.m. on a battle-filled Earth Day, but it would be a lie.

No one came to the rally at Park Street Station either — and it was held early in the afternoon. The Boston TV stations failed to make the 500 or 1000 at that rally represent millions of concerned middle-class, silent-majority-type solid citizens.

People just were not going to come listen to anti-pollution talk at a mini-forum. Most already know what the goals of any Environmental Society would be in sponsoring an Earth Day discussion: 'education' and 'personal action.'

Moderating the forum was Law School Professor Laurence Tribe. The panel included: Harvard Professor Frederick E. Smith, Boston

### News Analysis

attorney Jesse E. Kasowitz, Allen H. Morgan of the Massachusetts Audubon Society, Benjamin W. Nason of the Conservation Law Foundation, and Stephen F. Ells of the Massachusetts Department of Natural Resources. David L. Burre of General Electric Co. spoke for industry.

The men on the panel were distinguished. But the answers were standard and obvious.

*Tribe:* Do we Americans need to reorder our values?

*Panelist 1:* Yes.

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# Schwitzgebel Invents Monitor

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idea," continued Schwitzgebel, "that if it were possible to monitor the location of just one of the kids, you could have stopped the fight."

While recognizing the beneficial uses of such a tracking device, Schwitzgebel was equally concerned with the harms and dangers of its misuse.

He began talking with people about his idea. Generally, how-

possible to monitor additional external and internal information to a degree which is limited only by moral and constitutional restraints. A system is being designed for medical purposes. It will permit the monitoring of a patient's heart rate every thirty seconds.

In an almost Kafkaesque law review note (80 Harvard Law Review 403), such uses as enforcing juvenile curfews, checking-up on

portation is experimenting with a monitoring system which would prevent the tendency of buses to group together along their routes.

Schwitzgebel's own work is in monitoring mental patients, businessmen, and — through cooperation with the Cambridge police department — parolees. At the present time, use of the system is entirely voluntary, and parolees who refuse later to wear the equipment are not sent back to jail. In fact, their refusal is of great concern to Schwitzgebel, who is primarily interested in observing what effects the monitoring system has on people both psychologically and socially.

While he sees a future for his system as an alternative to imprisonment, Schwitzgebel feels that careful statistics must first be obtained on its long term therapeutic effects, particularly on the rate of recidivism after the equipment has been taken off. It appears, however, that the system will come into use initially through the backdoor in the name of health.

"There is no doubt in my mind that the system will be used for medical purposes," said Schwitzgebel. "I can't see many people objecting to the monitoring of heart attacks."

Schwitzgebel pointed out that 42 per cent of those stricken by heart attacks are dead on arrival at the hospital. Part of this high rate is due to the delay in getting to the person. A monitoring system would not only inform watchers of a heart attack but could also indicate the dysrhythmia that precedes an attack, alerting medical personnel even before an attack occurs.

But Schwitzgebel by his own admission remains a "discouraged optimist" at the present time, and he closed his interview with almost the same words with which it began — "The problem is how we can draw reasonable lines to prevent its misuse."



Dr. Ralph K. Schwitzgebel scans transceiver screen for location of parolees.

ever, he was ignored — there were "too many other problems" to be concerned about something that was mere science-fiction.

"It was difficult to get anyone to think of the long range consequences of monitoring," said Schwitzgebel. "I decided that it was necessary to build a crude prototype system to help formulate a policy for the regulation of these systems."

The system constructed by Schwitzgebel consists of two small units. One contains batteries and the other contains a transceiver that emits radio signals. As the wearer walks through a monitored area, his transceiver activates repeater stations which retransmit his signal to the base station, and the patterning of these signals allows a determination of the person's geographical location.

From this basic system, it is

employees and measuring blood alcohol levels were mentioned. The note even suggested administering rewards and punishments through electrical stimulation of the brain in order to condition parolees to socially acceptable conduct.

It is suggestions like these which have bothered Schwitzgebel from the outset and which might make him question the desirability of designing the system in the first place. To help prevent the misuse of his system, Schwitzgebel has set up an advisory committee. But he has discovered that while people favorable to the system wish to participate in the committee's activities, those opposed refuse to even think about the effects of the system.

Schwitzgebel indicated that those interested in using the system are continuing development of it. The Department of Trans-

# Profs React to Blackmun Nomination

By Bob Junghans

It has been so long since the United States Supreme Court has sat with nine fully operative justices, an eight-member high court threatens to become part of the common law.

A strict constructionist can't take such a change lightly. With this (and the old baseball adage of three-strikes-and-you're out) in mind, President Nixon appears to have come up with a nominee acceptable to most people (maybe even a majority of the Senate) in Judge Harry A. Blackmun of the U.S. Court of Appeals for the 8th Circuit.

**Although first reaction appears positive, a big "if" hangs over the nomination.**

"Administration (meaning Attorney General John Mitchell and crew) did such an incredibly shoddy job of investigating the first two nominees

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## Initial Reaction Positive But Big "If" Lingers

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that everyone is holding their breath over this one," stated Professor Richard H. Field, noting the questionable activities of Judges Clement Haynsworth and G. Harrold Carswell which were uncovered after the administration had given them a clean bill of health.

Professor Robert Braucher put the present attitude a bit more candidly. "The current fashion is to throw all the mud you can find at a present or would-be justice, he said. "Everyone is waiting to see how much, if any, of the mud sticks."

In one degree or another, a good many things are at stake in the nomination. One of the smaller interests is held by Harvard, from which Judge Blackmun graduated summa cum laude in mathematics. He went on to pick up his law degree here in 1932. Although he did not graduate from the law school with the same academic accolades that he had received as an undergraduate, he was a finalist in the Ames competition as a 3L.

In 1959 he was appointed to his present judgeship. He held forth there without particular notoriety until cast into the limelight by his nomination. A sample of faculty opinion does nothing to discredit the notion that President Nixon may have hit upon the catalyst which can weld together 51 Senate votes.

Assistant Professor Stephen Breyer voiced the majority view when he said, "I don't know much more about him than what I read in the newspapers. From what I have heard and read, it appears that he's an intelligent capable judge. Other than that, I can't really say very much about him."

Professor James Vorenberg noted that a member of an organization which operates in the

Eighth Circuit indicated to him that Judge Blackmun had been "fair and good" in civil rights cases which had come before him."

That fact and the thoughtfulness of his opinions marks him "considerably more distinguished than Carswell" in Braucher's opinion.

But if civil rights will not stand between him and the vacant post, "conflict of interest" such as led to Judge Haynsworth's downfall, may. Upon learning of his nomination Judge Blackmun personally reviewed all 900 decisions in which he had taken part during his 11 years on the bench. He found three — two involving Ford Motor Co. and one American Telephone & Telegraph — in which he had taken part in the decision although he owned small amounts of stock in those companies. However, after the Haynsworth controversy, Blackmun did disqualify himself last November from a case involving Ford.

"It comes down to how picky you're going to get on disqualification questions," Braucher stated. "If a judge has to disqualify himself every time there is a case where the outcome will affect his net worth by \$5.00 because it's a conflict of interests it's pretty foolish. And expensive for the litigants."

In the two Ford cases, Judge Blackmun once voted in favor of Ford and once against. But though the amount was small and the decisions split, they were technically violations of discretion. Haynsworth backers aren't likely to draw the distinctions between their favorite's actions and those of Blackmun.

"They're more likely to see it as an example of the truth of Nixon's statement that a Southern judge couldn't be confirmed," stated Vorenberg.

Regardless of the political ramifications on that front, it does appear, at present, that Blackman has a relatively clear path to the high court. Both of Minnesota's Democratic Senators have indicated their support for their home state product. The shift of those two votes alone would very nearly make the difference if the two previous votes are to be used as indicators.

Further, as Field notes, there is no visible indication, other than the fact that Nixon appointed him, that Judge Blackmun is a strict constructionist. Judge Blackmun has stated that he would not be surprised to see the death penalty abolished as cruel and unusual punishment.

"It's very difficult to gauge lower court judges and how they'll act once they're appointed to the Supreme Court," continued Field. "In the lower courts they have to follow what has been laid down as guidelines for them. In the Supreme Court they have their head, so to speak."

One need only think back a few years to a gentleman named Earl Warren for the personification of that comment.

# NYC Cop: Criminal Fellow

By Will Knedlik

Joseph McNamara was born in New York City in 1934; Irish and Catholic he almost had to grow up to be a NYC cop. Thirty-six years later, with a B.S. degree from John Jay College of Criminal Justice, with ten years experience as a patrolman and a patrol supervisor in Harlem, and with three years experience as an instructor at the New York Police Academy, Lt. McNamara is a fellow at the Center for Criminal Justice.

In the flexible new Center program, McNamara attends several courses and seminars relating to criminal law. And he contributes expertise to a number of the Center's various projects. According to Professor James Vorenberg, he has especially aided "those segments of the methadone project design relating to information to be furnished by the New York Police Department."

Much of his time as a fellow, however, is spent working on a project of his own — an experi-

## McNamara Designs Patrol Experiment

mental research design with which to evaluate just how relevant existing police patrol theory works in today's highly mobile society. McNamara, in his cubby-hole office deep in the Langdell stacks, adamantly insists that existing patrol techniques used in large American cities — techniques which have not really changed much in 140 years — are a disaster.

The logic underlying present patrols is that the sight of a uniformed policeman serves as a really effective deterrent to crime. McNamara convincingly argues that the sight of a uniformed policeman probably just changes the location of many, if not most, crimes.

His experimental design is a rather complex four-precinct con-

figuration which aims at measuring the impact on crime of partial shifts from uniformed to plain-clothes police patrols. While there are myriad measuring problems with which McNamara grapples, he insists that the failure of the present system and the need to improve it justify the effort.

He was quick to pull out his 1968 FBI statistics and point out that "under the present system, for every 100 known robberies, the clearance rate is a mere 32.8. Only 28.9 of the original 100 are finally charged, and then only 6.9 are found guilty as charged."

The Center encourages its fellows to publish the results of their individual research projects and Lt. McNamara — already the author of several articles on various other aspects of police work — expects that his design will be published in some police journal.

McNamara modestly maintains that he was selected by the New York Police Department for the program at the Center in large part because he is "in a middle rank as well as not being eligible for retirement for at least seven years."

He is the personable type who almost immediately draws one into his confidence with engaging homely anecdotes drawn from the different world a policeman lives in. He casually explains the inbred society of the police in personal terms: "non-police people eventually get tired of calling up with invitations to play bridge only to have my wife say that 'Joe has to work late again tonight.' So eventually you are forced to make friends who either understand why a cop must work late

so much or who also have the same rotten hours."

When McNamara tells the story, it makes sense. When he tells that though others have fired at him, he has never shot at another human being, one believes him. Even a cop-hater would.

When he came to the Law School he admits that he "didn't



M. Stul Oppenheimer

Joseph McNamara

really expect the students to be so open and friendly to a cop."

McNamara feels that he has benefitted by working under Vorenberg. The considerable quantity of speaking to various classes that he has done, though, he considers perhaps the most rewarding part of his year at the Law School.

Above all he emphasized that what has impressed him most is the sincere idealism of the students, coupled with their unexpected open-mindedness toward him and his presentation of police points-of-view.

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# Reason Should Continue

This year at the Law School has, like the one before it, been a year of turbulence, debate, and demand for change. Last year grades was the central issue. This year it was concern over the role played by law firms and lawyers in our society as well as concern over the Law School's disciplining of five black students for demonstrations against Harvard University hiring policies.

Many were disturbed by the protest. Some faculty reacted very strongly to what was the first real physical confrontation with radical law students over the discipline issue. Some alumni did not like reading about picketing and demonstrations on the front pages of the RECORD.

Yet buried under the debate and demonstration over the substantive issues of the dissatisfactions (and these are very important and timely issues which we would hope all concerned members of the legal profession will think about), there are important observations to be made about the process of change and protest at the Law School.

For various reasons, the Law School seems to handle this process better than most other institutions. Perhaps the difference is that both sides to the dispute seem more willing to use reason, persuasion, and debate to solve the problem. Indeed, the most disruptive of this year's activities — the refusal to leave a faculty meeting — can be termed a direct result of the faculty's seeming refusal to confront the issues.

Of course, debate is not the panacea for serious problems. But the willingness to listen to views contrary to one's own with an open mind helps greatly to avoid more serious conflict.

We were not disappointed that there has been conflict and debate at the Law School in these last few years. To the contrary, the Law School is becoming a leader in keeping the law relevant to the problems of our times. What encourages us is the usually reasonable movement towards solutions taken by the students, faculty, and administration. We hope it continues.

## HARVARD LAW RECORD

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## Fenno

"It's Law Day, Fenno! Aren't you excited?" Bunky exclaimed.

"I'd feel better if I had a summer job," I replied testily.

"I've got a couple of tickets to the Bruins' playoff game tonight," he answered, spreading the ducats before my greedy eyes.

"Gee, I'd like to go, Bunk, but I have to wrap up this Local Government paper."

"Hey Fenno!" the Weasel shouted. "A bunch of us are hitting the links this afternoon. Bet you can't break 90!"

"Sure I could, but I'm 1400 pages behind in Legal Process."

"The Brattle's showing *Casablanca*, *Intolerance* and *How to Stuff a Wild Bikini* today, Fenno. It's an end-of-term special!" Waldo the Wonk declared. "Interested in joining me?"

"Sounds great, Waldo, but my tax study group's meeting most of the afternoon."

"Coming over to the Free University, Fenno? We're getting ready for the big weekend in New Haven. Why don't you go down with us?" three first-year friends inquired.

"Well, I would, fellas, but Archie won't accept a bound edition of my columns in lieu of the last Con Law paper I decided to opt for, so have a good time."

"Fenno, the third floor is having its floor party out at Fresh Pond on Saturday," my friendly Dorm Council rep informed me. "All the beer you can drink."

"Guess I'll have to pass it up. I'm working on my CommTrans outline and I'm still mixed up about the Article Nine definitions section."

"Why don't you play some squash for an hour or so? I've got a court. Get some exercise," Big John grunted.

"Can't spare the time. I figured Baker & Cary would have a lot of pictures, like Seavey, Keeton & Keeton. But it's full of all that small type. Bad scene."

"Fenno, you owe it to yourself to attend the Law Day ceremonies," pontificated a 3L who just handed in his paper.

"Don't you guys understand? This is Law Day for me! Once a year I have to try to pay some attention to law. Didn't this time of year used to be called exam period?"

## Letters to the Editor of the RECORD

### Admissions Policy: One Woman's Nay

*Editor's Note: This is a copy of a letter sent to Dean of Admissions Russell A. Simpson.*

#### To the Editor:

Having had forty-eight hours to think about my interview with you, I can honestly say that it was one of the most unpleasant contacts I have ever had with Harvard University. Having worked for Harvard, and, through my job, known over one hundred second and third year law students, I had some misgivings about the Law School when I applied. The only good thing I have ever heard about Harvard was that the professors "knew their stuff"—not that they were good teachers, or enjoyed teaching. Everything else I heard warned me that I would find classes long and dull, the whole atmosphere of the school repressive and overly status-conscious, and, some have said, markedly discriminatory towards women.

My interview with you seemed to me the epitome of all the bad things I had heard about Harvard. At no time did I feel you had any real interest in me as a person or as a prospective law student; indeed, I doubt you listened to anything I said, or

thought much about anything you were saying to me. It was, as one of my friends had warned me, "like talking to a wall of wet spaghetti."

All of this, however, I could cope with, and have coped with before when it was necessary. However, what has made me very angry is what you said about my grades—that 6th in my class and eligible for Phi Beta Kappa is not good enough for Harvard. I have had the "factoring process" the admissions office uses explained to me many times, and, indeed, we discussed it briefly Monday. I think that this process is grossly discriminatory against small schools and schools which do not generally send people on to glorified trade schools such as Harvard Law School. If I am sixth in my class and my grades are not good enough, I suggest it would be a more honest admissions policy to state that "No applicants from small midwestern schools are accepted unless they are clearly exceptional candidates."

I also feel that what you said about not having sufficient statistical data to be able to compute how people from Lawrence University do at Harvard Law School is not a good reason for assigning Lawrence the low miscellaneous factor you have given it. To hold to this policy will prevent most other people from Lawrence from at-

tending Harvard Law School, and you will never have enough people to give you your "fair statistical sampling."

I might add that I have heard that most women's colleges (perhaps all but Radcliffe?) are given the same low factor that Lawrence is. This is directly discriminatory against women. Certainly, this is only hearsay, but I find nothing else in law school policy or that I have heard informally from law students, both male and female, which would contradict this discrimination.

For all these reasons, I have decided not to waste the time of my former professors at MIT by asking them to write more recommendations for me. I would not want to go to a school which is as grossly discriminatory, or perhaps I should say, as full of east coast, provincial snobbishness, as Harvard Law School.

Kindly withdraw my application.

Marcia Jane Wilson

### Can Legal Radicals Pay the Phone Bill?

#### To the Editor:

During the recent presence on campus of the Visiting Committee, the radical students made known, through their characteristic mode of communication—strident and boorish insult—their unhappiness at the association with the Law School of Messrs. Amory, Corcoran, Friendly and others of their Establishment ilk.

Given the notorious technique of the Wall Street-Pentagon axis of employing subsidies to chill or deflect revolutionary ardor, I assume that our embryonic guerrillas will promptly and indignantly abjure any further largesse from that source which is foisted upon them. I refer, of course, to the difference between what they pay annually in tuition to the Law School and what they would have to pay were the Amorys, Corcorans and the thousands of other "corporate lawyers" and "influence peddlers" of the alumni to accept the radicals' demand that they keep their blood-stained hands off HLS.

The corrupting tendency of this imperialist trick is, at \$5,000 to \$8,000 a year, not a pretty thing to contemplate. And, though I hesitate even to mention middle-class careerist considerations, such a compromising blot on their revolutionary integrity might well be misunderstood and held against them when at last the Liberation comes.

Lesser indiscretions have, in the

(Continued on Page 10)



"Write On!"

## Letters . . .

(Continued from Page 9)

radicals' Nirvana south of Miami, earned for some exclusion from the inner circle of the Party and enforced expiation of their bourgeois deviations in the cane fields. Mere enrollment at Harvard Law School could perhaps be excused as revolutionary cunning in mastering the techniques of the oppressor class. But having blithely accepted the fruits of imperialist exploitation might not go down well at all.

It may be that my misgivings are exaggerated, however, and our radicals will survive this travail with their purity and credentials intact. In their constant jabbering about "community" and "power to the people," while insisting that a segment of the Law School community (i.e., the vast majority of alumni whom the Visiting Committee fairly represents) which outnumbers them by perhaps 20 to 1 be in effect expelled therefrom, they are behaving in the manner which Djilas and others describe as typical of revolutionaries — elitist and totalitarian.

But the least that common decency and compassion compels us unreconstructed establishmentarians to do is ask that these crude subsidies be stopped for those who, one hopes, are grievously offended by their source.

M. J. Holland, Jr. '66

## Suggests Soulsearch For 'Playboy' Haters

To the Editor:

I have followed recent events at the Law School with increasing concern. Certainly, some allowance must be made for the dislocation of our time and profession; but, I had hoped to look to the Law School for some evidence of restraint and measured reason.

However, the activities of the "Women's Lib" as reported in your March 26 issue was particularly dis-

## Five Win Foreign Fellowships

Five members of the graduating class and one teaching fellow have received fellowships for a year's study or travel abroad.

Law students received four of the ten Frank Knox Memorial Travelling Fellowships awarded for study at a university within the British Commonwealth. Receiving the awards were: S. Arnold, a teaching fellow and a candidate for the LL.M. degree; Richard E. V. Harris and Stanley Helfman, members of Legal Aid; and H. Wayne Taylor, a Law Review member. All four expect to study in Great Britain next year.

Paul Mundie and Alan S. Weitz, both members of the Law Review, received two of the ten Sheldon Fellowships for travel abroad. Mundie and his wife — who received a Sheldon Fellowship through the City Planning Program at the School of Design — plan to study the preservation of historical and aesthetic buildings (and the legal implications thereof) in Great Britain, France, Italy, and Japan. Weitz intends

to travel to the Far East, visiting India, Thailand, and Japan.

According to David Smith, Secretary of International Legal Studies, the most important aspect of a student's application for either fellowship is his statement of project. Each Law School applicant discusses his project with Smith and submits a detailed statement of purpose, which is reviewed by a faculty committee and forwarded to the University Committee on General Scholarships.

Two important factors in the selection process are the intellectual content of the proposed project, and its relation to the student's educational background and his future plans.

Although applicants face substantial competition within the Law School and the University, Smith encourages anyone with a serious interest in travel or study abroad, who thinks that he might qualify, to see him. The application process begins in the fall of a student's year of graduation.

turbing. As a lawyer and — I hope — a somewhat enlightened person, I find repellent the concept that individuals feel justified in attempting to suppress activity which offends their sensibilities.

Personally, I am offended by such shrill paranoia — but it is the price that must be paid in a free society to correct inequities which may exist in our social structure. On a lighter vein, any group of people — even women — who feel threatened by such inconsequential drivel as "Playboy" should look into its own soul before it embarks on recreating the world in its own image.

R. H. Richards, III '62

## Anti-O'Connellites Considered Offensive

To the Editor:

Re: the O'Connell incident (RECORD, March 26, 1970).

If Mrs. Thornton was quoted accurately ("He's operating within a community, and the magazines are offensive to some. He should have some decency. . .") and the rest of the article was accurate, I find her views appalling. Male chauvinism and women's liberation aside, her statement reeks of implications so repugnant to the First Amendment as to boggle the mind.

John D. Leshy '69

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# Farren Reappoints Self

(Continued from Page 1)

the format of the book. Under ordinary circumstances the Associate Editor is appointed to the high post; however, this year this position was held by James W. Colbert III, 3L.

**"Quite often the Associate Editor doesn't have the incredible breadth of experience that I've had this year," said Farren.**

Farren also pointed out that no one had expressed any interest in the job, and he personally doubted that anyone in the Law School could be in a position to do as much with the 1971 Yearbook as he could.

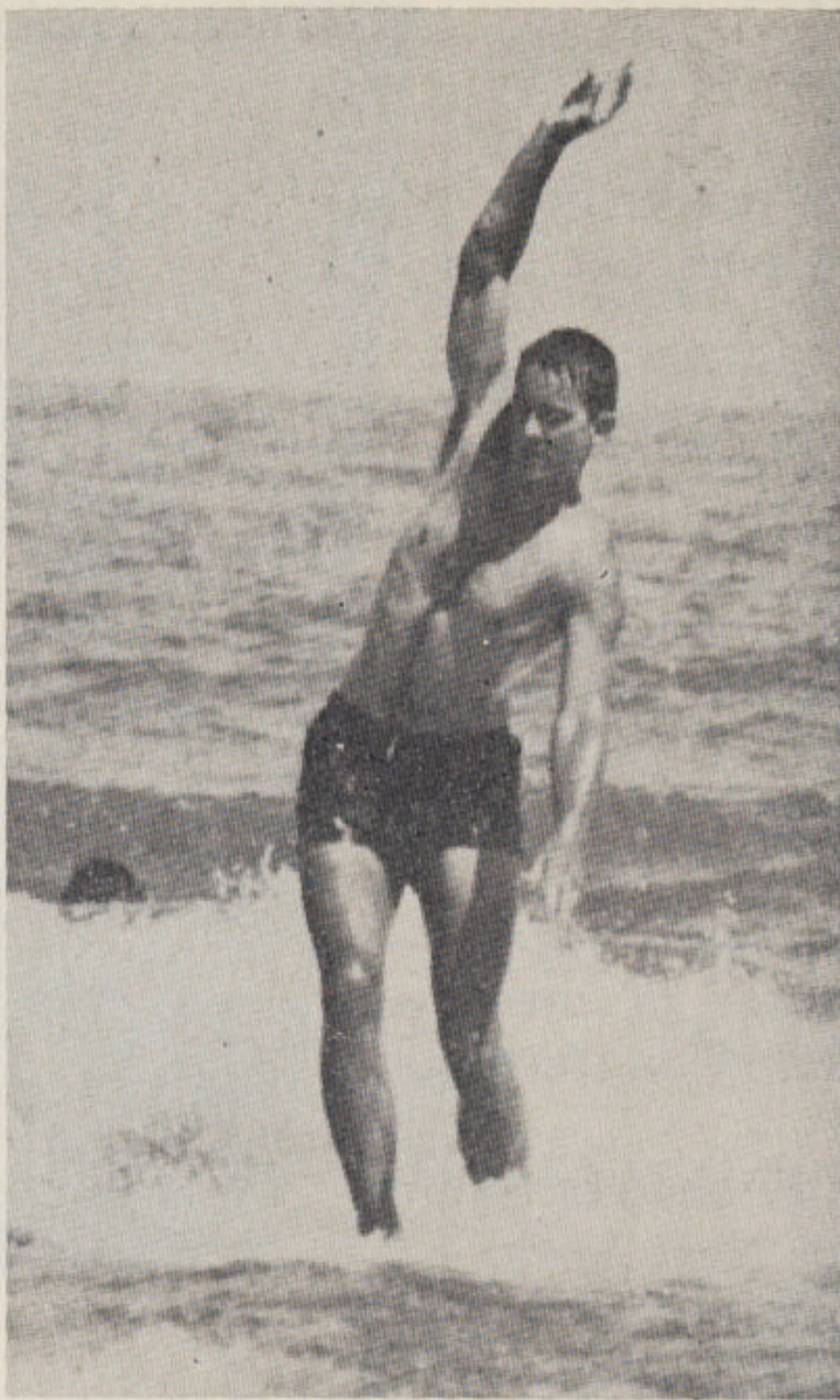
**"I've also got the files organized in my own system," said Farren.**

Yet another reason for Farren's staying on is a personal commitment which Farren has made to William Leyden, Associate Editor of the 1969 Yearbook. Farren stated that Leyden, who was drafted at the end of last year, will be returning to the Law School and he intends to appoint Leyden to the editorship of the 1972 book.

**"That's why I didn't encourage any 1Ls to become members of the board," said Farren. Under the appointment system of the Yearbook charter there was only a slight chance that a 1L could become Editor in even his third year. "The only way for a 1L to get Editor," said Farren, "would be if Leyden turned it down or was incapacitated in Viet Nam."**

It is possible, however, for 1Ls to aspire to other lucrative positions on the Yearbook staff. Farren pointed out that remuneration to staff members is made on the basis of work done and not on position, and that in fact the Associate Editor earned more than the editor last year.

The amount available for distribution among staff members is limited to \$4800 — this year Farren and Colbert III will split the lion's share of this amount, \$3000. The rest of the money will be shared by the other staff members. Approximately \$1000 of ex-



Farren rides crest of profits on page 233 of 1970 Yearbook.

cess profits will go into the Law School Scholarship Fund.

Since the Yearbook is a profit-making organization, it would appear that cutting corners would benefit the staff members financially. Because of the \$4800 limit, however, complete concern with economy is not required. The Scholarship Fund in fact suffers from any gross diseconomy and would have been \$200 greater had Farren not chosen to fly to Mont-

gomery, Alabama, to check out the proofs.

The yearbook is printed in Montgomery as a result of a two-year contract signed this year with Bradbury, Sayles, O'Neill-Paragon in New York. When asked if he bothered to look into the hiring practices of the firm, particularly in their printing office in Montgomery, Farren said that he didn't feel that this information was too important.

**"We have to take what we can get and it isn't worth our time to look at various companies in this regard," said Farren. "We have to go on the working relations with the people we meet." The two year contract was made strictly on the "great deal" that the firm offered.**

Farren's trip to the printing plant, however, produced some interesting findings. "There are lots of women employees," observed Farren, and they are primarily part-time employees." Of the 265 employees, 15 are black.

The printing shop itself is non-union. Farren pointed out that it is not a typical union situation because of the existence of an "off" season and the part-time help. **"It's mostly housewives who have nothing better to do with their time," said Farren.**

It appears, however, that the 1971 Yearbook will again be printed in Alabama and that the Editor will again be Farren.

— by Greg Ward

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Panelists

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# Law Alumnae Surveyed

(Continued from Page 3)

women make good law professors and to believe clients prefer men attorneys. On the latter issue, 60 per cent of the men thought clients prefer men attorneys, while significantly only 24 per cent of the women felt that was true.

Generally it was felt that these attitudes by men worked as a barrier to women lawyers' full participation in their profession.

"Harvard Law School" as opposed to simply "law school" seemed to be more important to women than men surveyed. The feeling among women was that this was a "means of getting credentials," of "being taken seriously," as Miss Glancy put it.

On the question of whether women should practice law, an almost identical percentage of men and women—38 per cent—"strongly" agreed they shouldn't.

More than four-fifths of the women graduates started work in the East—mainly in New York, Boston and Washington, D.C. Men tended to be

## Two Out of Three Alumnae Marry Lawyers

more widely located. Miss Glancy feels the reason may be that women are not so aggressive to go out into new places.

Another finding was that women tend to associate with smaller law firms than men do.

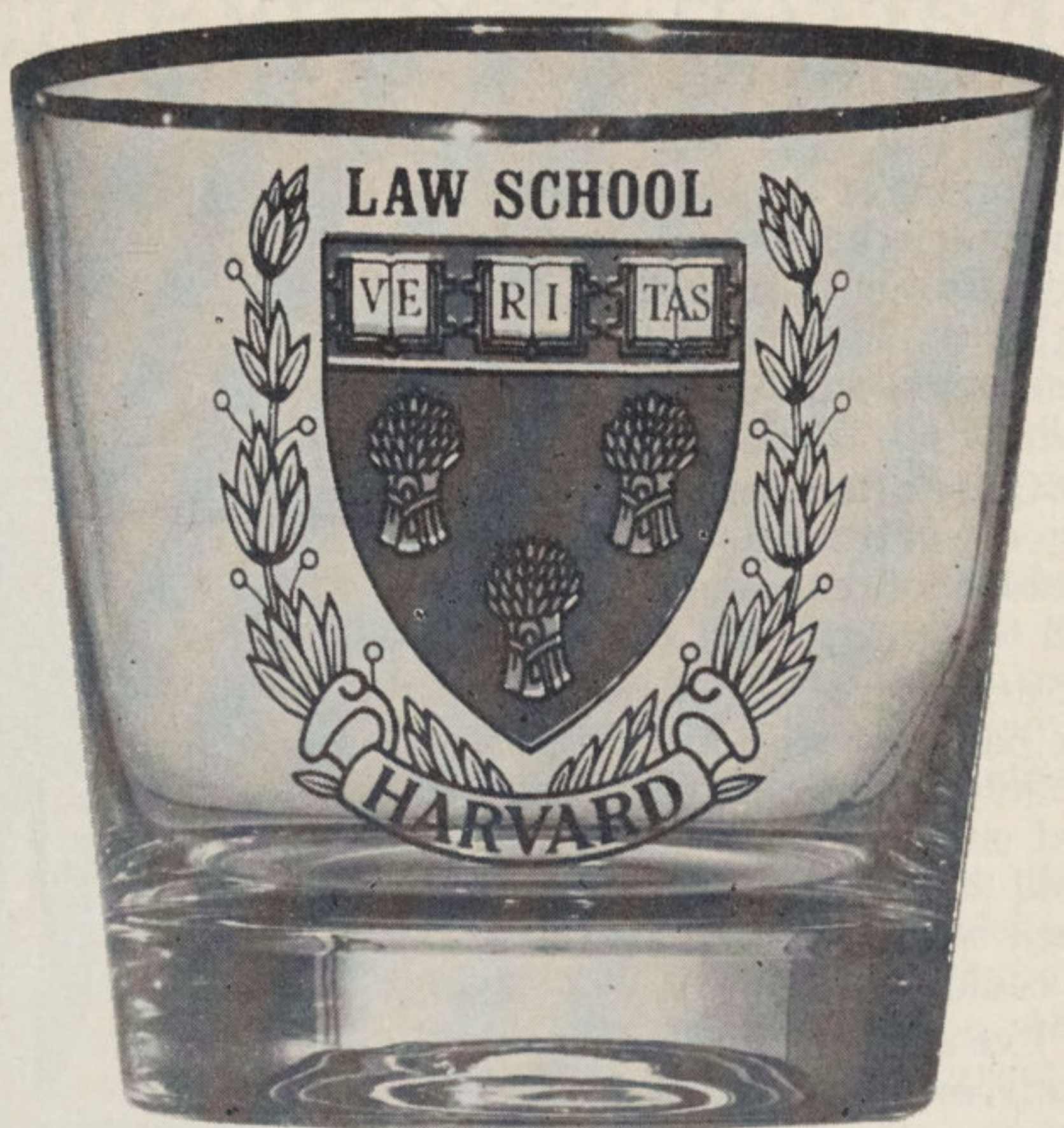
Two out of three women graduates marry lawyers. Only two in 100 men graduates marry their far fewer female counterparts. Husbands were enthusiastic and approving of their wives' careers, while the men's wives tended to be indifferent.

One revealing question on the survey described two successful lawyers, one a woman and the other a man, and requested comment. In the comments, more negative trappings of success were assigned to the woman. She might be "from a bad home" or "a neurotic."

Interest in the survey has already been expressed by the Bureau of the City of New York, the Atlantic Monthly, Harper's Bazaar and the Christian Science Monitor. Completed data will be filed and available in the Law School library and through Dean Bok's office.

A Wellesley College graduate, Miss Glancy will expand her study of woman's role next year. She has been awarded a traveling fellowship to continue her study "around the world."

Miss Glancy noted that Dean Bok and Professors Stone, Ohlin and Nesson assisted in the survey's preparation. Dr. Matina Horner of the Social Relations provided professional research assistance.



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# Pollution Mini-Forum Draws Few

(Continued from Page 4)

*Panelist 2:* Some sacrifices will be necessary.

*Audience:* Yawn.

*Panelist 3:* Fewer goods might be a result. Less convenience in private transportation will occur. And employment advancement will come more slowly if there is less population and economic growth as is being suggested.

*Tribe:* Are Americans really for this?

*Panelist 4:* We are all polluters. I throw away a beer can now and then from my car.

*Audience:* Snore.

*Tribe:* Yes, P4, but will Americans really change?

*Panelist 5:* (cutting in): It is incredible how the public has come around. They are all talking. I am hopeful.

*Panelist 6:* I am less hopeful. Talking is not exactly the same thing as action.

*Audience:* Sigh.

*Tribe:* Will anti-pollution legislation be token legislation?

*Panelist 4:* No. Pollution will be solved.

The lady in row four began knitting at this point. The first giggle was heard, now, 20 minutes into the last event of "Two Days to Save the World."

*Tribe:* Would anyone like to take issue with anything said? (Pause). Please?

*Panelist 6:* I disagree. I see no willingness to sacrifice. Environmental legislation is toothless.

The first two spectators leave. No late-comers enter to replace them. The lone TV camera-man takes 38 seconds of film and quickly leaves.

*Panelist 4:* Industries, communities, municipalities are taking the steps. It's people who aren't.

A few of the audience giggle. One guffaws. The Moderator gets panicky and promises that the questions will be starting at 9:30 — questions that will run as long

as people are willing to stay. Three more people leave.

*Tribe:* What is the best legal remedy? If any?

*Panelist 1:* Class action. No doubt about it. Of course there may be no effective action. You see we don't know just what we want to achieve. Courts are ineffective in judging such conduct. We should use the courts to make dramatic confrontations with which to spur legislation.

*Panelist 4:* I would like to agree in part, but. . . .

*Audience:* Sigh, yawn, cough, giggle, snore.

Three more people leave. Then, as if it is infectious, two more people exit.

*Panelist 5:* We don't need any more laws, just the enforcement of what we have.

And there we were, with seven intelligent men repeating what the audience had known all along. The people who stayed at home were right.



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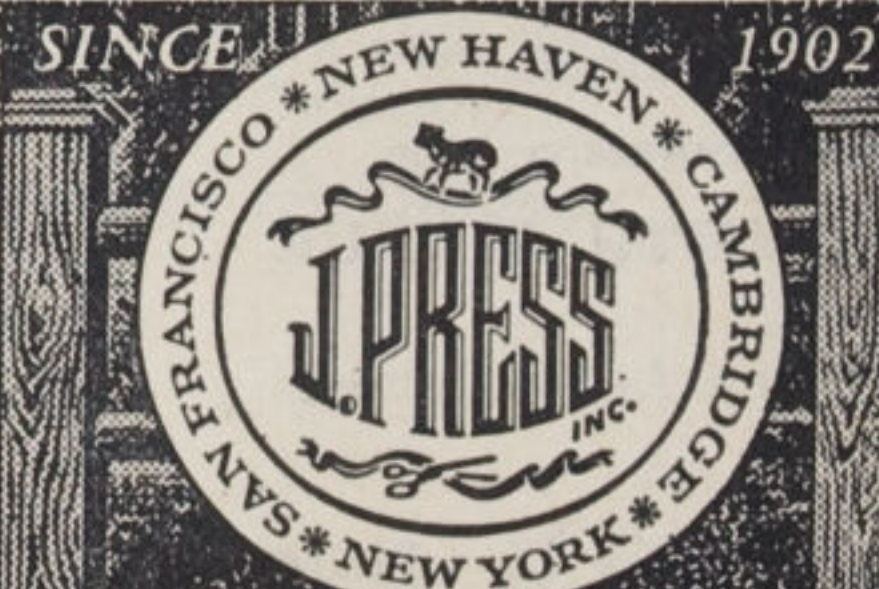
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COAST TO COAST TRAVEL EXHIBITS

# Sanders Panel

(Continued from Page 4)

chusetts State Senator John Moakley accuse the American public of "terminal consumerism." "Convenience," he charged, "has ranked far above pure air."

He called for a moratorium on the further construction of nuclear power plants in Massachusetts until an adequate study could be made of the risks involved.

Theodore Levitt, professor of business administration at Harvard Business School, chided the self-righteous, elitist tendency of the ecology movement, warning against a "moral outrage that risks consuming itself in its own rhetoric."

Malcolm Rivkin, a regional planner with Rivkin & Carson in Washington, D.C., expressed concern with the movement's direction. "For the ecology movement to articulate the paranoia of our times will gain it little."

"Even if pollution ceased," he declared "our present environment would still not be worth maintaining. American communities require major surgery. However, there is at present no

money, no land, and no national will to build ecologically balanced communities."

The concluding speaker was George Wiley, Executive Director of the National Welfare Rights Organization. Wiley sounded a similar warning concerning the problems of the inner city and of the poor. The costs of cleaning up the environment, he pointed out, would in all likelihood be passed on to those least able to

bear them, the poor people of America.

"The basic objective of the ecology movement," he said, "must be to end racism, poverty, and urban ills. To approach this movement in a half-serious way is going to hurt black and poor people."

The keynote speaker for the evening was Scott Lang, 2L, chairman of the Harvard Law School Environmental Law Society.

## Admissions . . .

(Continued from Page 2)

**flected in a higher percentage of acceptances among women than men.**

Simpson, however, denies that that such discrimination exists and points to the fact that there has been slightly higher percentage of acceptances among women in the past few years.

"In fact, there may be some advantage to being a woman applicant," he said, "in that everything else being equal, we will accept a woman applicant before a man. This is because we recognize that women are an underrepresented minority in the profession."

Special recruitment at women's colleges is unnecessary, he believes, because of their representation at coeducational institutions.

Simpson rejects any suggestion of quotas to ensure an increasing proportion of minority group representation. "We are accomplishing diversity without need for quotas. None of us like the idea of setting quotas, and I hope the system never comes to a point at which it is necessary to set quotas for diversity."

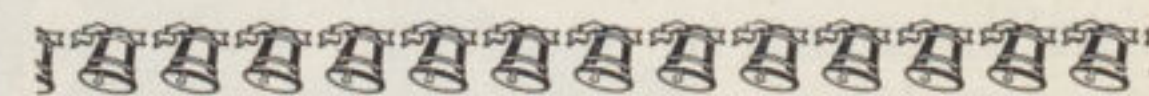
The large volume of applicants poses several other problems for the Admissions Committee. For example, some students accepted in previous years but unable to attend because of the draft would not qualify for admission under this year's more competitive standards.

"We haven't admitted anyone in that category yet," said Simpson. Their fate remains to be determined late in the year, although the Law School has never before denied readmission under those circumstances.

Because of the complexities of the admission process, "people are often encouraged when they shouldn't be, and vice versa," Simpson admitted. "Trying to describe the admissions process for the majority of applicants is simply impossible."



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*With this issue, The RECORD ends publication for the 1969-70 academic year, to resume Sept. 17, 1970.*

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# Horn Scores Indian Fate

By Jerry Muskrat

Kahn-Tineta Horn spoke at the Law School recently on Indian opposition to the Canadian government's efforts to terminate Indian reservations in Canada. Miss Horn specifically noted her own efforts on the Caughnawaga reservation in Quebec. She said that the Canadian government's termination policy is similar to a termination policy applied by the American government in the 1950's.

The American experience, according to Miss Horn, was a disaster for the Indian tribes involved and she predicted that the Canadian policy would be equally disastrous for Canadian Indians.

In place of termination, Miss Horn suggested that the Canadian government assist the Indians in retaining and developing their reservation lands. She outlined a plan which included government assistance for economic development, educational and retraining programs as well as health care. She also emphasized

the Indians' need to restore and retain their culture.

Miss Horn emphasized that she did not represent any organization but spoke only for herself. She noted that others involved in Indian activities had urged that the Indians adopt disruptive tactics, including civil disobedience, to secure their goals. However, she rejected violence and disruption.

She felt that as a small minority with no organization, Indians' use of such tactics would alienate necessary white support for the Indian cause: "Indians should act within the law and work through the courts for their objectives."

Rejecting Indian cooperation with other minority groups, Miss Horn argued that the problems of the Indians are unique and require different solutions. She also rejected both birth control (which might endanger Indian survival) and intermarriage with whites (which would remove needed Indian leadership from their communities).

Opposed to education for Indian women and active participation by them in Indian affairs, she felt they should confine themselves to being wives and mothers.

In a question and answer period following Miss Horn's presentation, several white and Indian students expressed strong disagreement with her ideas.

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