

HARVARD LAW RECORD

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TWENTY CENTS

Professors Freund and Dershowitz Quit

According to official sources in the Dean's Office, Paul A. Freund, Carl M. Loeb University Professor, and Professor Alan M. Dershowitz have quit.



Professor Alan M. Dershowitz

Freund '31, S.J.D. '32, the nationally recognized constitutional law authority, joined the faculty in 1939. In addition to his Law School courses, he teaches an enormously popular course on *Constitutional Law* at Harvard College.

Dershowitz, a 1962 graduate of Yale Law School, joined the Harvard faculty in 1964. A *Criminal Law* specialist, he also teaches *Prediction and Prevention of Harmful Conduct*.

Although faculty sources indicated that both professors' actions had been prompted by persistent student pressures, each arrived independently at his decision to quit. Several professors, who requested anonymity, confirmed that the faculty has known of the Freund and Dershowitz

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Professor Paul A. Freund

Law School Surpasses B-School, Leads Nation In Marital Malfunction

By Judy Carmack York

A titillating survey by the American Bar Association revealed this week that 49.6 per cent of married couples at the Harvard Law School are seeking divorce during or immediately following their third year at the Law School.

This percentage, which has been rising steadily for the past five years, is well above both the national average (33 per cent) and the Harvard Business School's (48 per cent).

(Continued on Page 2)

Tuition Increase Proposed

By Bob Hernandez

Tuition may be up to \$5200 next year according to a member of the Law School administration, who preferred to remain anonymous.

Plans for the unprecedented hike have been "under serious consideration" for the last four months, according to this source, because of the mounting costs of a legal education. Noting that the School has to cope with the twenty-five per cent across-the-board salary increase granted to professors and staff for next year, he referred to the planned increase, which is scheduled to be officially announced next week,

as "regrettable, but very necessary."

The Law School may simultaneously cut back drastically on financial aid offered to students. According to a report, still being considered, scholarship students perform remarkably worse than their non-financial aid counterparts in the Law School. A major reduction in loans and scholarships, according to Assistant Dean Russell A. Simpson, director of admissions, would significantly improve the quality of students at the Law School and free large resources for other educational purposes.

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HLS Marriages: No Love Story

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The RECORD delved into the problem by quizzing this semester's guest lecturer and counselor at the Harvard Medical School, Dr. Joyce Brothers.

"In my talks with both husbands and wives at the Law School I have discovered that this third year is somewhat like the third-year option in marriage that was recently proposed," she said. "This is a crucial time for all those eager beavers, both husbands and wives, and after the Harvard Law School experience many are deciding they don't want to renew their option."

Dr. Brothers agreed that the LAW RECORD could name names, provide seamy details and stress the lurid parts of her T-groups with Law School couples.

In a starched white gown which only hinted at her curves, Dr. Brothers gave her theories.

"First the couple starts off the law school experience with one thought in mind for both — the

town in Colorado find happiness as the wife of a New York lawyer with a \$16,500 a year starting salary and a Harvard Law degree?"

The ability of students to get "quickie" divorces through the campus Legal Aid Society has also speeded up the divorce rate.

Stan Tortericelli: "In this way the wives have to pay you alimony, or at least enough to get us through the bar exam . . . can you imagine what a wad we'd have to pay them if we waited until next year?"

Dr. Brothers is quick to point out that it's not only the husband's affair with the law that is breaking up the couples but also the wife's indiscretions.

Lottie Libertine: "Ever since the law wives club dropped book discussion night and the faculty cocktail party and began the swinger's nights, my life hasn't been the same. We just tell our husband that it's bridge group night again, and then boy do we swing over at the Harvard Houses and the B-School."

Several wives have been caught playing computer simulation games with B-School students.

Whispering in the confidential tone she usually reserves for TV interviews, Dr. Brothers reveals:

"Several wives have literally taken to the streets for money and other reasons."

One wife was seen with a streak of white paint down her face and an orange robe on dancing with a group of guys in the Square.

Another was ringing a bell with an older man in front of the Harvard Trust at Christmas-time.

"These incidents show that there is many a cuckolded husband in the stacks of Langdell," Dr. Brothers said, letting a blonde curl slide almost wantonly over her forehead.

Before telling it to the judge, several couples agreed to attend a special T-Group session which

Dr. Brothers plans to publish, using the casebook format, in the *National Inquirer*.

Here's why some are divorcing:

Sally McGraw: "Well, you know, I saw the movie, *Love Story*, and I mean, you know, what if I got leukemia or something like Jenny a year or so after he gets out of Law School and I quit my job at the Hark? I'm getting out now and starting to live."

Abe S. Clubb: "This Atlanta firm asked us down to interview, and Mary just blew it. She answered every question wrong. Now I want a divorce."

Mary: "All I did was say no, I don't play bridge, I hadn't planned on joining the Junior League, and gee I can't have an associate for dinner every Thursday, that's yoga night."

Claire Cosmopolitan: "One of the turning points in my marriage was the talk we heard at the law wives club by Helen Gurley Brown on her new book, *Sex and the New Single Girl*. I just decided I wanted to have one — and be the other."

Simulation Games

Amuse Law Wives

husband. Then the disparity of interest begins, the husband gets interested in the law as well as himself.

"During the third year, and for the somewhat more precocious who are on the *Law Review* the second year, the husband broadens his interest to include his future law practice," she explained.

Will Case: "My wife is a great secretary, a spick-and-span scrubber and she sure makes the best tuna casserole in town. But e-e-ck, who wants a wife who can scrub and make tuna casseroles when you're on Wall Street?"

Many of the examples in Dr. Brothers' files show the same complaint from husbands: "My wife hasn't grown with me." Sterling Cromwell: "I mean how can a girl from a small mining

Law Notes

President-elect Bok is using a weathervane, given to him by the Dorm Council and Employees Association, to get a sense of direction before selecting the new dean. Students for a Democratic Society immediately protested that you don't need a weathervane to tell which way the wind is blowing.

* * *

The *Harvard Law Review* will be closed for Passover.

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The Rector delivered the problem by putting the law school's guest lecturer and community at the Harvard Medical School.

Dr. Joyce Brothers.

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Simulation Games Announce Law Wives

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Will Case? "My wife is a great assistant, a quick and sharp thinker and she sure makes the best law mistakes in town. But she who wants a wife who can think and make law cases—when you're on Wall Street?"

Many of the examples in Dr. Brothers' files show the same complaint from husbands: "My wife hasn't grown with me."

Brothers' answer: "I mean how can a girl from a small village

grow in Columbia and become as the wife of a law professor with a \$15,000 a year salary? It's not a fair and law school."

The subject of students to law schools, Brothers thought the answer was in the law school itself. "The law school is the place where you have to pay for an education, not a law school to get a degree for the law."

Dr. Brothers is quick to point out that it's not only the law school's fault with the law that is breaking up the couples but also the wife's indifference.

Justice Liberman: "When these law wives club together back discussion night and the faculty cocktail party and began the lawyer's nights, my husband's been the same. We just tell our husband that it's his job to stay up at night, and then say to us, 'I'm over at the Harvard House and the B-School.'"

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Law Notes

Professor of Law and a woman who was seen to be in the law school and a woman who was seen to be in the law school and a woman who was seen to be in the law school.

The Harvard Law School will be closed for a week.

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Simpson Disclaims \$3,100 Tuition Hike

(Continued from Page 1)

"They're just trying to squeeze out the middle-class," blurted out one angry student after hearing of the plans.

"It's a plan to selectively eliminate dissident elements who have been critical of University policies toward minority group admittances, discriminatory hiring practices, lack of student participation in University decision-making, contributions to the Indochina war effort, and anti-consumer endorsements of management policies of the corporations in which the University has financial interests," commented David Stockwell, leader of the Radical Bar Students.

In response Dean Simpson has said, "Nonsense."

The anonymous source mentioned that the study leading to the tuition-hike decision was made possible by a General Motors grant to study alternative means of financing legal educations. He denies, however, that the donor's pressure had any significant influences on the outcome.

The study shows that the tuition plan will lead to a fifty- to fifty-three per cent decrease in enrollment for next year, the largest loss falling in next year's second-year class. "That shouldn't present too great a problem," said the source. "We expect that with all the college graduates begging for a chance to get into the Law School we will be able to double the size of next year's first-year class. By dropping the deadwood who don't pull their financial weight around here, we should manage to pull the Law School out of the red."

When asked whether he meant *red* or *Red*, he said, "Our first concern is to provide a balanced budget. Of course, we're always interested in preserving the institution's academic freedom and political neutrality on all issues. We won't complain if the tuition increase cleans the place up a bit.

Practice Review Selects ILs

By Nick McGaw
and Bob Akerman

The Faculty Committee on Continuing Legal Education in conjunction with the *Harvard Law Review* announced Tuesday the selection of the five first-year law students for the first staff of the *Practice Law Review*. Students were chosen on the basis of grades received on their January practice law exams. Students selected for the high honor are: 617-868-5008; 617-492-3392;

Law Review Scores Class Attendance

202-456-1414; 617-495-4601; and 203-227-0460. Individual names were not announced to insure confidentiality.

The establishment of the *Practice Law Review* was the compromised outgrowth of a student demand for provision of meaningful activities for overly competitive aggressive law students.

Participation in the PLR program (1) will count for the student but not against him, (2) will facilitate gradual psychological transition into elitism and (3) will enable *Law Review* to more fully indoctrinate the students with the nuances of the profession.

"Many of the 2Ls are slow at joining into the activities of the *Law Review*. Some of them are still regularly attending classes when they should be skipping at

least 90 per cent of them," one *Review* editor said. "We hope the PLR will speed up the students' assimilation into the *Law Review*."

Close supervision of the PLR editors will insure their attainment of proficiency in the following activities:

- *Memorizing all the real *Law Review* editors' first names, so they can be referred to as such in class.

- *Carrying "galley proofs" wherever they go especially on Saturday nights.

- *Complaining when Langdell Library closes Saturday nights.

- *Complaining when Langdell Library closes at midnight.

- *Spending at least six hours per day at Gannett House, but only on the first two floors.

- *Learning to operate the coffee percolator at Gannett House.

- *Attending classes infrequently, and when attending, speaking at length on the topic at hand, even though unprepared.

- *Memorizing cases from the "advance sheets" so they can be cited dispositively in class discussion.

- *"Really" caring about whether a case has a parallel cite or not.

- *Snubbing members of the Board of Student Advisers.

- *Learning the names of the top ten law firms in the nation and blotting from memory all others as non-existent.

The PLR staff will publish daily issues in cartoon form in the sports section of the *Boston Globe*; in verbal form as sung by the Hare Krishna choir in the Square; and in X-rated shorts appearing at the Washington Street Theaters. Editorial contributions will be accepted and may be submitted in plain brown wrappers at Tony's Submarine Shop.

Why, we can't even have Strom Thurmond come to speak here without some hissing from some of those financial aid kids."

Asked whether any faculty resignations were expected in protest, he responded, "Of course not. These professors know where their salary increases are coming from. They're not about to bite the hand that feeds them. That just wouldn't make any sense. Besides, we run this place by consensus, and they know

what the appearance of less-than-unanimity would do to the faculty's image."

Dean Simpson, while officially denying the plans for the increase, has commented that if there are any changes in the making, the blame must fall with "all those who cheat on their financial aid applications. They can't fool us. We know that they've all got cars and go home two or three times a year. We've got our informers."

Rice Ipsa Loquitur

BEARDED
JULIA CLAIBORNE:
THE GOATEED GOURMAND
TODAY'S DISH:
Rice Ipsa Loquitur

The origin of this culinary delight, also known as "talking rice," may be traced to the romantic colonial courtship of John "Rice" Alden, nicknamed "minute Rice" because of his small stature.

Alden, wooing as a Rule 14 proxy on behalf of his commanding officer, proposed marriage (among other things) to the lovely Priscilla Mullens, who replied to his offer in those now immortalized words: "Speak for yourself, you wild Rice, you!"

At the subsequent marriage of John and Priscilla, rice, rather than being tossed at the happy couple, fell in a tasty casserole from a third-story window, causing the immediate demise of Mrs. Alden. Later investigation uncovered Captain Noah Standish, the rejected lover, in Apartment 3G exercising his exclusive control over a pot of Uncle Ben's.

The later attempt of his astute and resolute former substitute to prosecute in hot pursuit the dispute over whether to execute the dissolute brute resulted in a non-suit, but the plummeting casserole was henceforth christened *Rice Ipsa Loquitur* after the doctrine under which Alden pleaded his case.

Happily for the neophyte chef, this dish, with its distinct Latin flavor, does not normally occur in the absence of negligence. The first step in preparation is to assemble (under the First Amendment) the following ingredients (available at your local *Arizona Grocery*):

Constitutional rice
Court of clams (approximately 4 cups)
Minimum sage
Thymely requests
Filthy lucre (a much-kneaded dough)
Place the first four ingredients in a two-court casserole. Divide the dough into 4 separate but equal dumplings,

and arrange the dumplings on top of the rice mixture, assuring equal apportionment (*Baker v. Carr*).

Cook at third degree until legally tender and color of law. Serve with subpoenas, strawberry torts and fudged opinions. NEXT WEEK: Justice-Burgers and Frankfurters!

By Lisa Friedman

Freund and Dershowitz Quit

(Continued from Page 1)

plans since the last faculty meeting, March 17. However, they expected no formal announcement would be made.

Although neither quitting professor informed his students of his decision, several students reported recent revelatory statements by both Freund and Dershowitz. Neither professor would admit outright that he had decided to quit making anti-feminist remarks but reports suggest their attitudes are mellowing.

According to Toni C. Lichstein, 2L, Dershowitz made a major concession to feminist attitudes when he recently conceded, "I now admit rape is not a mere slap in the face. It's at least a punch."

Freund likewise appears to have changed his views. Still opposed to the Equal Rights Amendment, he nevertheless stated after class last week, "I think women should be allowed any employment they want — barmaids, bartenders, even barflies."



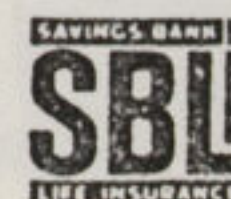
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APRIL 1,
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Corporate Relations Committee Suggests Profit Maximization

By Bob Hernandez

"Maximum return" should remain the primary consideration in determining University investment policy, concluded the seven-man Committee on University Relations with Corporate Enterprise in its report released on March 5.

Nevertheless, recognizing the need to consider certain social, legal and moral factors, the committee suggested the appointment of a new University officer who, with a small staff, would "invite and sift suggestions from all members of the University community with respect to what might be termed the non-financial aspects of the University's role

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Views on Deanship Reported

Forty-four persons were named as prospective deanship candidates in the report of the Law School Committee on Governance to University President Nathan M. Pusey.

The list included all persons suggested by students during the two-month canvassing of the student body, which involved a series of open meetings, attended by approximately 75 students, a questionnaire, of which 60 were completed and returned, and informal contacts with the committee members.

The list of "every one of those mentioned in any way" includes 34 professors and three judges. Only one suggested candidate is a woman; sixteen would be considered as coming from "outside" the Law School.

The report stated that quite a few students argued for an outsider, and some for a person entirely outside the legal education field. These students felt that only an outsider could ensure a fresh perspective on the problems of the School.

Concern over the problems of the Law School was reported by the committee in their summary of student views on issues of legal education. The committee said that "it must be said that the great majority of comments made to Committee members, through whatever channel, expressed in some degree a dissatisfaction with one or more aspects of the School as it is."

Among those remarks made by the students were comments

directed to the content of the curriculum and an asserted emphasis on corporate law; teaching methods, particularly the socratic and case methods and the neglect of clinical work; grading; the size and homogeneity of the faculty; and responsiveness to views of students and the limited par-

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Hickel Calls SST Classic Battle In Government Priorities War

By Nick Akerman
and Bob McGaw

In a time of rising unemployment, the nation's most famous unemployed, former Secretary of the Interior, Walter Hickel, spoke before the Law School Forum last Wednesday night, only five hours after the Senate killed the SST and the Nixon administration charged that the Senate's rejection of the SST would result in even further unemployment.

Mr. Hickel spoke on "A Civil War of Priorities" and with regard to the SST flatly stated that "In the civil war of priorities, a classic battle is the SST. The real question is, what problem are we trying to solve? . . . Is it supersonic travel, or is it unemployment in America? If it is the latter, and I suspect it is, let's face it. Let's put the people to work, but by creating something that is at the top, not the bottom, of our priority list.

"It would be criminal in this day and age to put a quarter of a billion dollars into building a pyramid," said Hickel. "We just don't need it, and we just don't need an SST."

Hickel stressed the need for educating people on their private respon-

sibilities towards the environmental problem, but added that there are limits to individual freedom "when it infringes on the rights of others.

"Any man should be free to produce for market," said Hickel, "but his freedom ends when his factory pollutes

(Continued on Page 16)



Charles Soberman

Former Secretary of the Interior
Walter Hickel.

Report Urges Maximum Return

(Continued from Page 5)

as investor, act as fact-finder (though in not too elaborate a manner), and in turn make suggestions to the Corporation."

The primary display of social consciousness by the University, however, should be in the formation of a new Interdisciplinary Faculty for the Study of Social Problems as "a place to which both members of the University Community and other segments of society could bring problems of a societal nature, interdisciplinary in kind and affecting many segments of society, for a professional, broad-based attack."

Formed in the aftermath of last spring's proxy fight of "Cam-

Five Axioms Guide Investment

paign G.M." in which Ralph Nader and others sought to have the University vote its shares in General Motors against the management, the committee was chaired by Professor Robert W. Austin of the Business School. Other Committee members were: Professors A. James Casner and Louis Loss of the Law School; Professor C. Roland Christensen of the Business School; Professor James S. Duesenberry of the Faculty of Economics; University Professor Edwin O. Reischauer; Clinical Professor Carl W. Walter of the School of Surgery.

Five "axioms" furnished the basis for the committee's conclusions and recommendations: (1) "The University must remain, before anything else, a center of free inquiry."; (2) "The University can best serve society by concentrating on that function, and maintaining a neutral stance as a university on all political and social questions except those propositions (and it is a small list) where there is no longer room for argument among people who accept our basic socio-economic-political system. . . ."; (3) "The persons who comprise 'the University' have every

right as *individuals* — as well as a moral and civic obligation — to take positions and to do good works."; (4) "It cannot be assumed that society would indefinitely permit universities to use their financial resources, accumulated with the blessing of tax exemptions and spent without political responsibility, to depart from the essentially neutral pursuit of truth."; (5) "[T]he University is a charity" whose donors "might well observe . . . that it is up to them to decide individually how much of their funds they want to expend for this or that good work, and that it is not for the administrators of the University to subvert to other uses a portion of the funds that the University's donors have earmarked for educational purposes."

The report allows that the University might have a "limited activist role" in some areas which affect its classic interests; for example, it might oppose proposed legislation restricting academic freedom. It goes so far as to recognize the University's "obligation to be a good corporate citizen of the community in which it lives," a proposition which might include replacing housing it has appropriated for its own use in the Cambridge community, but would definitely exclude investment of funds in a bank in Harlem which would not be "on the basis purely of maximization of return."

The University's obligation to repair the "social injury" it has done to its surrounding community, the Committee finds, "is obvious, not on moral grounds alone but also out of the purely selfish consideration that the University cannot perform its traditional functions efficiently if it is surrounded by hostile neighbors."

The report further recognizes that against the problem of "potential drying up of financial resources" must be weighed the danger that the University's pol-

icies might "heat up" the academic climate to the point where the scholars and students that make up the University are distracted from their pursuit of knowledge."

Denying that any objective criteria could be set up by which to judge the social implications of Harvard's investments in a hundred odd companies, the committee concluded that any policy but maximized return would "embark the University on uncharted seas; maximization of return is a matter of sheer necessity in this era of spiraling costs that may threaten the very existence of the private university as we know it, or at very least cut severely into the amount of financial aid that can be given to students. . . .

"[W]hatever societal improvement might be achieved by a different investment policy must be balanced against the loss to society from the University's having reduced the means to carry forward its teaching and research, which after all are the ways in which the University makes its most direct impact on society."

No mention was made in the report of alternate means of ac-

(Continued on Page 14)

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Report Urges Maximum Return

(Continued from Page 2)

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(1) "The University must remain before anything else a non-profit institution."

(2) "The University can best serve society by concentrating on that part of the total human effort which is essential to the maintenance of a high standard of living for all people."

(3) "The University should not be a social and political laboratory (and it is a small list) where there is no longer room for argument among people who accept our basic socioeconomic-political system."

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right as individuals—as well as a moral and civic obligation—to take positions and to do good works." (1) "It cannot be assumed that society would interfere with the University's freedom of action and spend without profit and responsibility to depart from the essentially neutral position of the University." (2) "The University is a charity" whose donors "might well observe . . . that it is up to them to decide whether they want to expand for this or that good work, and that it is not for the administrators of the University to submit to other uses a portion of the funds that the University's donors have earmarked for educational purposes."

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(Continued on Page 4)

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Panel Finds Vietnam-Yamashita Parallels

By Jerry Snow

Parallels between the conduct of General William Westmoreland and General Yamashita, commander of Japanese occupation forces in the Philippines at the close of World War II, were the topic of a panel presentation April 19 in Lowell Lecture Hall. The session was sponsored by the International Law Club and heavily covered by the Japanese press.

While the panel generally agreed on the appropriate answer to the question posed in the evening's title—"Westmoreland and Yamashita: Is There a Parallel?"—the three participants differed as to the implications of the answer.

The first speaker, introduced by Professor Milton Katz, who acted as moderator, was Professor Richard R. Baxter, an expert on the law of war. Professor Baxter outlined the legal framework within which war crimes are defined and judged, admitting that the complexity of such codes as the Geneva Convention and the practical difficulty of educating the average soldier to recognize and observe reasonable limits in the midst of combat operations foreclosed much of the usefulness of the law of war.

With respect to higher echelon responsibility, Baxter noted that a commander is accountable for war crimes committed by his subordinates if he had or should have had knowledge that they were going to be committed and did nothing to prevent it, or that such crimes had been committed and he failed to take appropriate punitive action against them.

Baxter expressed doubt that high-level U.S. military leaders knew about the My Lai massacre in advance, although he granted that some leaders acquired actual knowledge of the incident afterwards and covered it up.

The standard that Professor Baxter finally distilled from his analysis of the law of war was one remarkably like that of the reasonably prudent man of tort law: reasonable conduct under all the circumstances. "A commander is not the insurer of acts of his subordinates," he concluded.

A. Frank Reel '31, the second panel member, was General Yamashita's defense counsel at his Manila court martial. Reel pictured Yamashita as a scapegoat for the atrocities committed by Japanese soldiers on Philippine civilians in the closing days of World War II, while Yamashita was holed up in the mountains of Luzon, out of

touch with his forces as Americans retook the islands. He had neither actual nor a reasonably imputable knowledge of the conduct of his troops and was powerless to control them even if he had had knowledge.

Yamashita was charged under the theory of "command responsibility"



Michael Pappone

Professor Richard R. Baxter addresses ILC forum audience.

with having "unlawfully disregarded and failed to discharge" his "duty to take such appropriate measures as are within his power to control the troops under his command for the prevention of . . . violations of the law of war . . . which are likely to attend the occupation of hostile territory by an uncontrolled soldiery. . . ." He was convicted and the U.S. Supreme Court upheld the conviction. (*In re Yamashita*, 327 U.S. 1.)

"Even General Creighton Abrams or President Lyndon Johnson, as well as Westmoreland, could take Yamashita's place," Reel asserted. "They have no better defense than Yamashita had."

Reel pointed out that at the time of My Lai, General Westmoreland headed the Military Assistance Command in Vietnam and was under none of the disabilities of a breakdown of communications or severe enemy pressure that beset Yamashita.

"Must we admit that equal protection of the laws is a farce, that we have one law for the vanquished and another for ourselves?" he asked. "Or that Westmoreland and Johnson are likewise culpable?"

(Continued on Page 13)

Concerned Alumni Nominate Lenzner for Overseer Post

By Michelle Scott

The Committee of Concerned Alumni (CCA), a group of recent Harvard graduates interested in University responsiveness, investment policy and community relations, have nominated Terry Falk Lenzner as a candidate in the 1971 election of Overseers.

Lenzner, 31, graduated from Harvard College in 1961 and from the Law School in 1964. Presently a public interest lawyer in Washington, D.C., he is the former national director of OEO Legal Services. He was drafted as a candidate by the CCA which is seeking to influence University policies and to affect electoral reforms in the current Overseer election.

The CCA developed from the Tenth Reunion committee of the College Class of 1960. According to reunion chairman, Brett Donham, the decision to nominate an Overseer candidate grew

out of concern about the governing structure of the University.

At the class reunion, widespread discontent with the University's inaction in Campaign GM and with its financial administration, coupled with inadequate knowledge of Harvard's administration and operation prompted formation of a committee to study Harvard's structure and to issue a report.

In its report, the committee concluded that power and control of the University are in the hands of a few men who act beyond the direct influence of those affected by their power. Members of the Corporation were felt to act as trustees, relatively unaffected by pressures or by popular sentiment.

"Education, the original and final purpose of the University," said the report, "is an affair between students

(Continued on Page 13)

Rutgers Professor Brudney Accepts

By Jerry Snow

Life begins at 48.

That is, if you just completed the first 48 years of your life remote from the ivied halls of learning and pedagogy which you now propose to enter, and your name happens to be Victor Brudney.

In 1965, after a varied and successful career in the practice of law which culminated in achieving name-partner status in a New York law firm, Victor Brudney took the first big step down a pathway that would eventually lead him beyond legal practice and into the field of legal education. He accepted a professorship at Rutgers Law School in Newark, New Jersey, just across the river from his corporate law offices.

"But that was only four days a week at first," Brudney said. "I still went in to the office one day a week."

For the following four years Professor Brudney taught *Corporations*, *Corporate Finance* and *Securities Regulation* at Rutgers — four days a week. Then, on New Year's Day in 1969, the practitioner-turned-professor resigned his position with Hellerstein, Rosier & Brudney in New York to turn full attention to his newly blossoming career. The world of academe had caught him.

"However, I remained 'of counsel,'" Brudney hastened to point out. "In my field it's still important to keep a foot in the door, to keep in touch with the realities that tie the theories down to the real world."

There was an interlude. In the academic year 1967-68, Professor Brudney went to Yale Law

Second Visiting Professorship In Six Years of Teaching

School as a visiting professor, an experience which he found "great fun."

There was soon to be another interlude. In 1970 Brudney accepted the invitation to fill a visiting professorship at Harvard Law School for the current school year, his second in six years of teaching.

"Harvard is an exciting, stimulating place," declared Brudney, "both the faculty and the students."

But why, after so many years in practice, did he decide to get into legal education?

"I found I was more interested in longer range, more reflective problems than in the resolution of the day-to-day questions encountered in practice," Brudney explained.

But it was not always thus. "Over the years I had found the challenges of practice more fascinating — I *hate* that word — than the reflective life," he said. Apparently, the cumulative impact of years of practice and exposure to the new freedom of the academic life were to alter that disposition.

Where did it all begin?

In the Bronx. "I was born and raised there," Brudney narrated. Ah, was he a Yankee fan? "Absolutely! Still am. When I grew up, Babe Ruth was in his heyday." Ambitions towards the Stadium, perhaps? "Nope. We played a lot of stick ball in the streets, and baseball in the sandlots. But I never wanted to be a baseball player."

In 1937, Brudney graduated from City College of New York with a B.A. in history. "I graduated in January and had six months to kill before law school, so I went back and got an M.S. in education from C.C.N.Y.," he added.

The fall of 1937 saw Victor Brudney a freshman law student at Columbia.

"In 1937, career opportunities were best in the professions," he recalled. "I more or less stumbled into it, by process of elimination. I considered teaching history out of C.C.N.Y., but that seemed to me too remote from the active world. Not that I was such a bloody activist in my life," he qualified.

If he had it to do over again, Brudney stated, "I *think* I would still study law. Poss-s-s-ibly . . . I mean, I don't know what the hell a young man thinks of now. Thinking as I do now, yes I would," he concluded more decisively.

And so, three years reeled away behind the casebooks. One of those years witnessed Victor Brudney as decisions editor on the *Columbia Law Review*, a fact which emerged only after some probing. "I don't like trotting out old medals," he explained.

In 1940, upon his graduation, Brudney went to work for the SEC in Washington, D.C. An opportunity to clerk for Supreme Court Justice James F. Byrnes came his way in the summer of 1942 but lasted only until October of that year when Justice Byrnes resigned.

For the next six months Brudney worked in the Solicitor General's Office. "I had an office right next to Archie Cox," he recalled. In February of 1943 another opportunity to clerk presented itself, this time with Justice Wiley B. Rutledge, who had eventually taken Justice Byrnes' place. It proved to be of somewhat longer tenure than the first clerkship, lasting a year-and-a-half.

In 1944 Brudney became an assistant to Director of Economic Stabilization Fred M. Vinson, who soon thereafter was to become Chief Justice of the Supreme Court. Before that could happen, Brud-

Invitation to Teach at Harvard Law

ney went to Europe for a year as a legal-economic adviser with the post-war Mission for Economic Affairs.

Returning from Europe, he headed for New York, where he took a job with a law firm for all of six months and then "hung out my own shingle. That was in 1947." That lasted only two years. In 1949 he joined another firm by the name of Hellerstein & Rosier, with whom he was to remain until the thought of teaching should cross his mind, years later. In the late 50's, Hellerstein & Rosier became Hellerstein, Rosier & Brudney and it would



Charles Soberman

Visiting Professor Victor Brudney

seem that Victor Brudney had found himself a permanent niche.

But the situation was not without portents of a possible redirection. Brudney's senior partner Hellerstein was himself a professor at NYU. The precedent had been set. In 1965 came the chance to teach at Rutgers and away went the second third of the firm's masthead. "That left poor old Rosier to handle the shop," Brudney noted.

And now that he is ensconced in legal education will this be the final stopping place, one wonders?

"It literally has never occurred to me what I'm going to do with the rest of my life," Brudney reflected. "It's enough that I'm going to spend the next few years teaching.

"I don't ever want to retire," Brudney stated with conviction. "I want to keep working until I leave the earth.

"Swanning" is a pleasant enough occupation. But you need to have work or something as a focus, or you grow tired of it in a hurry." Swanning? That's British for sightseeing — have you ever observed a swan's neck?

"And when I go," mused Brudney, "in the words of T. S. Eliot, I want to go 'not with a bang, but with a whimper.'"

Coming back with some difficulty to a more mundane topic: "How would I compare Harvard and Rutgers? My classes at Rutgers were not signifi-

cantly smaller, as a matter of fact. But the students here are more articulate and verbal, more willing if not anxious to speak. As a result classroom discussions are more animated."

Women? "The women lawyers I've encountered are every bit as good — and as bad — as men lawyers. The number one 'man' in my class was a woman, by a long shot," Brudney confessed. "And as far as student activism is concerned, I'm open, I'm willing to be educated. Students *have* a role to play in the administration of the school, but just how much is the question. There is the problem of their transiency.

"I would like to see more social sciences integrated into the law school curriculum," he continued. "Clinical legal education has to be experimented with, but it will require a lot more work before the returns are in. Cutting formal classwork to two years, for example, with one year of clinical work, is worth considering. But the basic policy question has to be answered whether the primary purpose of clinical legal education is to motivate or to educate, and how much of one at the expense of the other."

In his own classroom, Brudney holds his place calmly behind the desk or table before him, dressed in a conservative business suit, unaffected by some of the more entertaining and distracting mannerisms of many of his colleagues. Instead, he stimulates attention with aggressive questioning — "*If you don't know the facts, you're dead!*"; with unexpected confessions — "*It's touching that you ask me this, but I don't know what the hell the case means*" or "*I'm afraid we're loose in an utterly trackless sea*"; with sarcastic repartees — "*Is that any way to run a candy store?*" or "*We can articulate general standards from now until hell freezes over*"; and with simple drolleries — "*There were things going on inside that company that couldn't stand the light of day.*"

Outside of the Law School, Victor Brudney is a family man, with a wife and four children, who all remained in New York this year as number two son was only a year away from graduation from his high school.

But the family is almost grown. What then? "I'm looking for something — reading, walking — something to take up the extra time, if any." But the law keeps him plenty busy. At the moment he is collaborating on a casebook and looks forward to research.

Well, what about golf at least as a pastime? "Golf?! I'm terrible at it. I can barely go around a course. It's only a way of walking in the sun. But I do like the beach and sailing."

Anything by way of a concluding remark?

"None, except that I don't want to be quoted on anything," Brudney proffered, half hoping.

Happy sailing!

Invitation to Teach at Harvard Law

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I would like to see more model sessions introduced into the law school curriculum, the concept of "clinical legal education" has to be explored. But it will require a lot more work before the returns are in. Cutting formal class-work to two years, for example, with one year of clinical work, is worth considering. But the basic policy question has to be answered whether the primary purpose of clinical legal education is to motivate or to educate, and how much of one at the expense of the other.

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Visiting Professor Victor Brudney
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Student - Faculty Split

In a report to the faculty issued Tuesday, March 30, the faculty and student members of the Committee on Legal Education disagree on a proposal to review the first-year grading system this spring.

Professors Breyer, Casner, Keeton, Sacks and Shapiro and Assistant Dean Bernardi in a statement of the majority position trace the history of the current three-option grading plan and reject requests by a large number of 1Ls to review the grading system. The faculty members state they perceive no new circumstances warranting reconsideration so soon after the intensive 1969 study of the subject, and say that such a review now would interfere with work on other high priority educational efforts. They suggest review be undertaken this summer. Postponing further discussion until next semester, the faculty members emphasize they find a mandatory, unqualified pass-fail system unacceptable on its merits.

The three student members of the committee, Mary Louise Frampton, 3L, Andrew Schepard, 2L, and David R. Riemer, 1L, dissent from the majority-faculty statement. Urging adoption of a uniform pass-fail system for 1Ls with evaluative feedback throughout the first year, they criticize the present system, calling it a political compromise representing no coherent educational philosophy. They believe that the profound concern of the present first-year class requires review be undertaken this spring.

This faculty-student split on the grading issue reflects the deeper division between a large segment of the student body and the faculty with regard to their views on the purposes and methods of legal education. The minority statement and the grade movement among 1Ls confirm the widespread discontent within the Law School, acknowledged in the Governance Committee's report on the deanship.

While students may be forced to accept faculty intractability on the specific issue of grading, their deeper dissatisfaction must be recognized by the administration and faculty. Review of first-year grading and of the overall educational methods and evaluative techniques at the Law School is imperative and, hopefully, can still produce reforms. But, success depends on students recognizing the practical limits of faculty concessions and the faculty at last acknowledging the depth of student disenchantment and their legitimate concerns and goals.

Deanship

(Continued from Page 5)

participation of students in Law School decision-making.

The committee pointed out that a number of students noted the financial constraints on some kinds of changes and expressed concern over maintenance of the high academic standards of the School.

"Although the evidence before us does not necessarily support the conclusion that all, or even the majority of students, share the dissatisfactions expressed by most of our respondents," said the report, "some of our number believe that it represents a rather widespread attitude. But all of us are convinced that it would be wrong to conclude that these are only sentiments of a small, vocal minority. They seem to us to be held by a significant segment of the student body, and if some within it may be dissenters by temperament, it includes many reflective students as well."

The committee also remarked that the most frequently cited quality for the deanship was responsiveness, with scholarship and academic standing mentioned next. Almost one-fourth of the questionnaires called for a person with firmness and strength of conviction, although some stressed the willingness to defend unpopular positions and others the ability to withstand the pressures of confrontation.

Following is the list of names appended to the Committee's report:

Anthony G. Amsterdam, William D. Andrews, Philip Areeda, Paul M. Bator, Derrick A. Bell, Jr., Gary Bellow, Alexander M. Bickel, Leonard B. Boudin, Justice Robert Braucher, Clark Byse, Guido Calabresi, Cesar Chavez, Abram Chayes, Ramsey Clark and Jerome A. Cohen.

Also, Vern Countryman, Archibald Cox, John P. Dawson, John H. Ely, Arthur Goldberg, Charles M. Haar, David R. Herwitz, Judge A. Leon Higgenbotham, Jr., Harry Kalven, Jr., Benjamin Kaplan, Milton B. Katz, Nicholas de B. Katzenbach, Andrew L. Kaufman, Robert E. Keeton and William Kunstler.

And, Frank I. Michaelman, Judge Constance Baker Mottley, Ralph Nader, Charles R. Nesson, Albert M. Sacks, Malcolm A. Salter, Frank E. A. Sander, David L. Shapiro, Stanley S. Surrey, Michael E. Tigar, Detlev F. Vagts, James Vorenberg, Lloyd L. Weinreb and David Westfall.

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Letters to the Editor of the RECORD

Mean Review Draws Criticism

To the Editor:

We protest your mean and disparaging review of the Harvard Law School Show. At least the review might have given some indication of the extent to which the show plainly and visibly delighted its audiences. In our opinion the delight was highly justified. The show was stylish, exhilarating, funny, and often brilliant. That the dedication, professionalism and high spirits of the participants should be so sourly dismissed says more about the RECORD than about the show.

Alice H. Bator
Paul M. Bator
Elizabeth Vorenberg
James Vorenberg

Nonsense Marks Open Meeting

To the Editor:

The cause of greater student participation in decision-making at H.L.S. was not notably advanced by the stridently asserted nonsense and plain incoherence that characterized most of the student remarks at the March 4 meeting on the future of legal education at Harvard. The only people whom I can imagine having been gratified are those who inveigh against "student power" as the harbinger of chaos, or worse.

It was really very hard to know just what many of the speakers were talking about. For one thing, there was the chimera, evoked about every five minutes, of the spectacle of flocks of students being shunted through the shearing pens of the curriculum, shorn of their fleecy idealism, numbed by "the minutia of procedure" and like horrors, at last awakening to find themselves docile sheep in the pastures of corporate America whose continued torpor is thereafter assured by bloating them with a steady diet of embarrassingly fat paychecks. . . .

The reality, of course, is that no one has ever been bludgeoned, hypnotized or mesmerized into seeking or accepting employment with Cravath, Swain & Moore, just to mention one of the more prominent conspirators in the plot to manipulate the placement process, according to current student demonology. The mundane reality is that if 75 percent or whatever of recent HLS graduates

took jobs with more or less conventional firms, they did so as a matter of free choice, either because they deemed it perfectly consonant with their moral values, or because they had no values, or because they could be cheaply bought.

Having a somewhat higher opinion of the generality of HLS students than that evinced by many of the speakers, I am inclined to the first of these explanations. In fact, I suspect it was precisely that such "immoral" employment was freely and wittingly chosen by so many of their recent predecessors that outraged these speakers, and that a few of the latter would prefer to see that choice eliminated, thereby forcing their more benighted colleagues to be free in the high Mar-cusian style.

The leitmotif of the evening was provided by speakers who, almost to a man, sounded their note of scorn and derision for the school's preoccupation with such trivia as legal craftsmanship and case analysis. . . . [T]he general idea seemed to be that students should spend the bulk of their time at HLS working themselves into a passionate frenzy against pollution, racism and poverty. . . . If opposing counsel turn out to be just a little more versed in the minutia of procedure and persuade the judge that jurisdiction was improperly invoked or that the class allegations didn't wash under Rule 23, that would only be further proof that courts are tools of vested interests.

The consensus seemed to be that law students should be trained, or rather left undistracted so they might become, experts in justice, and that Harvard's nit-picking in the law only diverts them from that lofty goal. There appeared to be little comprehension that in a diverse and pluralistic society such as ours, people are annoyingly free to entertain very different notions of what justice is in a variety of contexts. . . . [T]here remain many people who believe that justice consists in maximizing returns on stockholders investment and letting government deal with pollution, in not engaging in compensatory discrimination to favor minorities, and in not taking certain steps to overcome *de facto* segregation. . . .

One wonders, then, why the speakers apparently do not understand that if they are really concerned to make their ideas of justice prevail by the special and potent means that will be

available to them as lawyers, they should look to HLS to make them experts, not in justice, but in the techniques and processes by which the force of law is deployed on behalf of ideals and interests in our society. Whether, and to what extent, those ideals the speakers deem just do prevail will depend far more on their lawyerly skill than upon the intensity of their moral indignation. Lawyerly skill, needless to say, has a great deal to do with the minutia of procedure and much else besides.

Maurice J. Holland, Jr. '66
Teaching Fellow

Law Notes

The Women's Law Association has elected Alice W. Ballard, 1L, and Janet L. Benshoof, 2L, co-chairmen for the coming year. They hope to initiate the monthly publication of a women law students' newsletter.

* * *

Prizewinners for the best briefs in the fall Ames Contest were announced in classes last Thursday. First Place went to Thomas L. Greaney and Mary A. Caven. In a tie for second place were the teams of John E. Beerbower and Oswald Silvera and Daniel T. Broderick, III, and Arthur F. Dicker, III. Third place was won by Bradley C. Diggs and William A. Strauss. \$100 in gift certificates for law books will be distributed among the first, second and third place winners.

Those receiving honorable mentions for their briefs were Reid L. Ashinoff and Cary P. Bell, Charles W. Douglas and Harry R. Pringle, Michael T. Nations and George B. Washington, and John L. Rogers, III, and Jeffrey Widman.

* * *

New officers of the International Law Club are: J. Gregory Lynch, president; Stefan M. Lopatkiewicz, vice-president; Richard R. Kelly, secretary; and Arthur M. Mitchell, treasurer.

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Panel Applies Yamashita Model

(Continued from Page 7)

"We should do neither, but we should admit that the Yamashita case made bad law, that it was an exercise in vengeance because he was on the losing side.

"The fallacy in war crimes trials," Reel continued, "is that there are somehow two ways to fight a war, a nice way and a bad way. It only glorifies war to surround it with an aura of chivalry, with rules that read like the rules of a football game."

Ted Ensign, national coordinator of the Citizens Commission of Inquiry which conducted hearings last year in which Vietnam veterans testified on alleged war crimes, was the final speaker. He stated that the Commission's findings indicated that My Lai type practices were widespread in the Indo-Chinese war.

Ensign's approach to war criminality, while not exonerating the

hindrance to airborne operations. "Not just the individual soldier is at fault, but American military strategy itself, backed up by American corporate interests. Hence, it is not comprehensible to just point a finger at some general, not helpful to put him in the docket, even though he may be responsible."

The purpose of the Citizens Commission, Ensign emphasized, is to create public awareness of the war's nature and its reflection of American values in the hope that Americans will then react strongly enough against it to reverse the course of the war.

Taking the floor briefly again at the question and answer period which followed, Professor Baxter acknowledged that the ultimate objective was a "complete and absolute abolition of war in this world." However, he asserted that the laws of war have some ameliorative effect and supported them saying that "until the millennium" what can be done ought to be done.

Reel charged that laws of war actually aggravated the situation and had no inhibitive influence. But he conceded that if the My Lai trial had any redeeming feature about it at all, it would be in the example of a country applying the laws of war to itself and not merely to the vanquished.

Terry Lenzner for Overseer

(Continued from Page 7)

and teachers and it is these two groups who have the least voice, particularly in relation to their interest, in what happens." Aside from the provision of funds, alumni influence on the University, the report found, could be exercised through the "remote" ability to nominate and elect Overseers.

In addition to Lenzner and Cynthia Crounse Smith, a 1969 Law School graduate, both of whom were nominated by petition, there are twelve candidates nominated by the Associated Harvard Alumni for the six vacancies on the 30-member Board of Overseers.

Before the ballots were printed, the CCA requested the Board of Overseers to include with the *precis* biography of each candidate a brief statement of his concerns. The CCA, suggesting an analogy to proxy practices in corporations, also requested that the AHA include in the ballot mailing a one-page statement by the Committee of Concerned Alumni describing their organization and aims. Both requests, presented on behalf of Mrs. Smith and Lenzner were refused.

A request to use University mailing services, at the candidates' own expense, was also refused, thus hindering the petition nominees' ability to contact alumni.

The CCA also wrote to each of the 14 candidates requesting a response to the question: "What would you like to accomplish as an Overseer of Harvard College?" Replies were to be published in the *Harvard Bulletin*.

According to Donham, the head of

the AHA nominating committee, Samuel P. Goddard Jr. thereupon wrote to the nominees calling the CCA inquiry well-meaning but unwise, and indicating that a response was not necessary. However, Donham has so far received replies from candidates Jerry F. Mechling '65, Peter F. Krogh '58, Mrs. Smith and Lenzner. Answers will be included in an article on the organization in the April 12 *Bulletin*. Ballots will be mailed to Harvard alumni on April 15.

Active on the CCA committee with Donham are K. Dun Gifford '60, '66, Michael W. Christian '60, '64, and Professor Charles R. Nesson.



Jan W. Paul

Overseer Candidate
Terry F. Lenzner

Errata

A RECORD article in the March 18, 1971, issue erroneously stated that Professor Richard R. Baxter will join the State Department as "Legal Adviser" this summer. He will in fact be counselor on international law in the Office of the Legal Adviser in the State Department for one year.

In the same article, Professor Milton Katz was credited with being "chairman for International Peace." His full title should read "chairman of the board of the Carnegie Endowment for International Peace."

soldier in the field or his commander in the rear, focused guilt on American society.

Ensign pointed to U.S. policy in the taking of prisoners of war, a practice which is discouraged and admittedly a

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Harvard Proxy Vote Neutral

(Continued from Page 6)

cruising funds for financial aid or research, such as the much-celebrated "Yale Plan" by which students would contract to pay the school a set percentage of their annual income after graduation.

With regard to present investments, which were a source of controversy last year in connection with "Campaign G.M.," the committee concluded that Harvard "should not go so far as to litigate or solicit proxies itself in favor of a policy that is considered to be socially desirable; nor should it join forces with other large, tax-exempt organizations in policing the conduct of business corporations." However, it also felt that the University "should not stand mute" in the face of grossly undesirable practices, such as the financing of all-white private "academies" organized to avoid recent court desegregation decisions. "Certainly the University should vote its stock on occasion in favor of change for the symbolic effect of a great university's taking a position on a social problem."

No sweeping proposals are contained in the report for modifying the University treasurer's control over University investment. Since 1948 the treasurer has operated in a triple capacity as the University's principal financial officer, a fellow of the Corporation, and the managing partner of State Street Research and Management Company of Boston. His decisions on investment are reviewed bi-weekly by the Corporation and annually by

the Visiting Committee and the Committee on Administration and Accounts of the Overseers.

The committee suggests that "universities are simply not very good at reaching collective decisions on questions with social or political overtones. And the individual who has the long-term responsibility for supplying the wherewithal to meet a considerable portion of the University's operating expenses must not be subjected to financially unrealistic strictures or to carping by the unsophisticated or by special interest groups."

Therefore, a type of buffer of-

New Interdisciplinary Faculty Proposed

fice is suggested: an official would solicit University community opinions on investment as influenced by non-financial criteria and would seek out financially competitive investments which might yield extra social benefit and which would be "promising enough to cover the extra cost of the effort required to find them."

Beyond social considerations the committee points out that the different capacities in which the treasurer serves at present may create potential conflict of interest problems, and suggests "thorough examination of these issues."

In its main proposal for change, the report turns its attention away from the problem of the University's affecting corporate policies and toward other University means of effecting social

change. It proposes that the President and the Fellows consider the creation of a new interdisciplinary faculty which would be committed to research of existing social problems.

"The new faculty would resemble the others in that it would have a dean, who would be authorized to seek financial support from all segments of society, and a Visiting Committee. But this faculty would not have permanent members; it would not offer programs leading to degrees; and it would not welcome as students persons who were not already enrolled in another school."

The report mentions other areas of university-corporate interaction which have been criticized, including fund-raising and placement problems, but concludes that "there do not seem to be any serious and repeated frictions in these areas."

With regard to hiring practices of University contractors, which have also been a source of controversy in recent years, the committee suggests that the officer proposed for non-financial considerations in investment be given similar functions in the area of Harvard's contractual relationships.

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(Continued from Page 6)

ending funds for financial aid or research, such as the much-discussed "Yale Plan" by which the school would contract to pay the annual income after graduation. With regard to present investment, which was a source of controversy last year in connection with "Company G.M.", the committee concluded that Harvard should not go so far as to highlight or publicize itself in favor of a policy that is considered to be socially desirable; nor should it join forces with other large, tax-exempt organizations in policing the conduct of business corporations. However, it also felt that the University "should not stand mute" in the face of grossly undesirable practices, such as the financing of atomic power "academies" organized to avoid recent court decisions. "Certainly the University should vote the stock on occasion in favor of changes for the symbolic effect of a great university's taking a position on a social problem."

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the Voting Committee and the Committee on Administration and Accounts of the University. The committee suggests that "universities are simply not very good at reaching collective decisions on questions with social or political overtones. And the individual who has the long-term responsibility for supplying the wherewithal to meet a considerable portion of the University's operating expenses must not be subjected to financially unrealistic demands or to carrying by the unscrutinized or by special-interest groups."

New Interdisciplinary Faculty Proposed

It is suggested: an official world-wide University community should be established as an institution on investment as indicated by non-financial criteria and would seek out financially competitive investments which might yield extra social benefits and which would be "promising enough to cover the extra cost of the effort required to find them." Beyond social considerations the committee points out that the different capacities in which the treasurer serves at present may create potential conflict of interest problems and suggests "thorough examination of these is in order."

In its main proposal for change, the report turns its attention away from the problem of the University's effecting corporate policies and toward other University means of effecting social

change. It proposes that the President and the Fellows consider the creation of a new interdisciplinary faculty which would be committed to research of existing social problems.

"The new faculty would consist of the others in that it would have a dean, who would be authorized to seek financial support from all segments of society, and a Voting Committee. But this faculty would not have permanent members; it would not offer programs leading to degrees; and it would not welcome as students persons who were not already enrolled in another school."

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With regard to hiring practices of University contractors, which have also been a source of controversy in recent years, the committee suggests that the effort proposed for non-financial considerations in investment be given similar functions in the area of Harvard's contractual relationships.

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Hickel Hits Chevron

(Continued from Page 5)

the air of the general area or destroys the water flowing onto someone else's property, or desecrates beauty, or harms those around him in some other way. This is where government must come in."

Hickel affirmed that the job of government is to "maintain perspective and balance" with respect to the private interests whether they be "General Motors, a municipality, an association of governors, a conservation group or a society to protect tennis courts."

As an example of the role of government in protecting the environment, Hickel pointed to the major oil spill which had taken place last year after Chevron Oil Company's offshore pumping rigs caught fire in the Gulf of Mexico. "The cause of the fire was traced to a missing storm-choke. We ran a spot check and found hundreds of rigs operating without these essential safety devices. When I had the evidence in front of me I called in my solicitor. I knew if we went to court the case could drag on for months, even years, and possibly end up lost in a pile of legal briefs. I called John Mitchell in Florida and said, get me the best young lawyer you have in the Justice Department, we're taking Chevron to the grand jury. Chevron was indicted on 900 counts, and was fined the maximum—a total of one million dollars."

Hickel, however, stressed that "the environment is more than the oceans, the mountain streams and the forests. The environment can be a junk yard across the street. And the environment for 86 percent of America's population involves an urban situation. Unfortunately, many of our greatest ecologists and conservationists have written off our urban areas as being too complex and difficult to deal with: no wonder certain minority groups say they can't

Must Reclaim City From Automobile

be bothered with the environmental movement."

In reclaiming the urban environment Hickel said that the new main goals must be to establish more parks and to develop a strong network of mass rapid transit. "Government must take a strong hand now in getting parks to where people can reach them," said Hickel. "Above all we must reclaim our cities from the automobile and give them back to the people. It is time that a real portion of the money which now goes into the highway trust fund be turned over to mass rapid transit," a change which Hickel would give top priority. "We have subsidized the automobile long enough," he said.

Hickel had strong comments for the role of the law in fighting pollution.

"Let's have laws to make men free, to make them human, not just laws geared to monetary justice.

"Simple language is the best kind of a law—the finest example is the Ten Commandments. I find so many times, even in my great exposure to laws and legislation, that when a bill is once passed the only people who can interpret it are attorneys. In reality," he continued, "laws should be simple enough for the American public to read and interpret.

"We need a generation of lawyers who will clean up the language of the law so that the people, especially the poor and under-educated, can understand it and not be exploited by it."

Although many of Mr. Hickel's remarks were interrupted by applause, the audience was particularly responsive to his comments on the law. One enthusiastic student yelled out, "They should make law so that the law students can understand it."

Those who came to hear Hickel berate Nixon were disappointed, for throughout his talk nothing derogatory or extremely critical was said about his former boss. He did, however, intimate that he was disturbed by the people whom Nixon surrounded himself with.

Hickel described Nixon as a very analytical man who is skillfully able to digest and put into action the information which he is fed. Hickel believes, however, that Nixon's close White House advisors are feeding him the wrong information.

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Hickel Hits Chevron

(Continued from Page 5)

the air of the general area or destroy the water flowing into someone else's property, or otherwise destroy or damage those around him in some other way. This is where government must come in."

Hickel stressed that the job of government is to "maintain perspective and balance" with respect to the private interest whether they be "General Motors, a municipality, an association of government, a conservation group or a society to protect female cows."

As an example of the role of government in protecting the environment, Hickel pointed to the major oil spill which had taken place last year after Chevron Oil Company's offshore pump-jack rig caught fire in the Gulf of Mexico. "The cause of the fire was traced to a missing storm-check. We had a spot check and found hundreds of rigs operating without them at critical safety devices. When I had the evidence in front of me I called in my assistant. I know it was to cover the case could drag on for months, even years and possibly end up lost in a pile of legal briefs. I called John Mitchell in Florida and said, 'Let me see the best young lawyer you have in the Justice Department who's taking Chevron to the ground here. Chevron was indicted on 300 counts and was fined the maximum—a total of one million dollars.'"

Hickel, however, stressed that "the environment is more than the mountains, the streams and the forests. The environment can be a just yardstick across the street. And the environmental law is part of America's population involved in urban situations. Unfortunately, many of our greatest ecological and environmentalists have written off our urban areas as being too complex and difficult to deal with; no wonder certain minority groups say they can't be helped with the environmental movement."

Must Reclaim City From Automobile

In testimony before the subcommittee, Hickel said that the new urban goals must be to establish more parks and to develop a strong network of mass rapid transit. "Government must take a strong hand now in getting parks to where people can reach them," said Hickel. "Above all we must realize our cities from the automobile and give them back to the people. It is time that a real portion of the money which now goes into the highway trust fund be turned over to mass rapid transit, a change which Hickel would like to see passed. "We have subsidized the automobile long enough," he said. Hickel had strong comments for the role of the law in fighting pollution.

"Let's have laws to make sure that we make them human, not just laws geared to monetary justice."

"Simple language is the best kind of a law—the best example is the Clean Air Act. I had an example in mind, even in my great experience in laws and legislation, that when a bill is passed the only people who are interested in an amendment are the people who are interested in the amendment. They should be interested in the amendment, not in the amendment."

"We need a committee of lawyers who will clean up the language of the law so that the people, especially the poor and under-educated, can understand it and not be misled by it."

Although none of Mr. Hickel's remarks were interrupted by applause, the audience was particularly responsive to his comments on the law. "They understand the point," he said. "They should make sure that the law is drafted in a way that the people can understand it."

Those who came to hear Hickel believe Nixon was disappointed in the fact that the law-making process was not as efficient as it could be. "I'm not sure that he was disappointed," said Hickel. "I'm sure that he was disappointed by the people whom Nixon surrounded himself with."

Hickel described Nixon as a very analytical man who is "highly able to digest and put into action the information which he is fed. Hickel believed, however, that Nixon's close White House advisers are feeding him the wrong information."

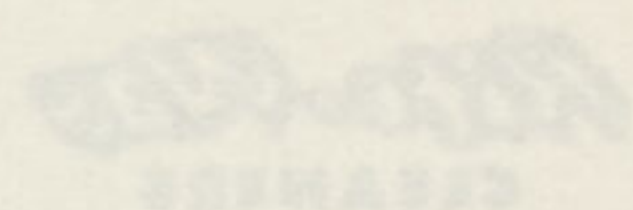
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