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Dorm Crimes Up; Need for Security Measures Crucial

By Carol Plumb

It's rip-off time here at the Harvard Law School. Whether or not this year's crop of thefts, robberies and muggings amounts to a "crime wave" of increasingly alarming proportions in comparison to other years, is a moot question. Statistics are lacking and no one officially concerned
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Information Lack Hinders Appraisal of Court Choices

By Mark Goldowitz

President Nixon's latest two nominees to the Supreme Court, Lewis Powell and William Rehnquist, have received mixed reactions from the Harvard Law School community, largely due to the general lack of hard information on either candidate. Neither is a sitting judge, so the problem of evaluating technical competence and political philosophy is much harder than it was

for Haynsworth, Carswell or Lilie.

Professor Laurence Tribe captured much of the sentiment about Rehnquist in his remark, "He has a spectacularly fine Nineteenth Century mind." Tribe points to Rehnquist's self-professed desire to undo many of the advances of constitutional doctrine in the areas of the rights of privacy, due process for criminal defendants, and protection of First Amendment freedoms which have been made by the Supreme Court in the past 15 years.

Many see these last two nominations as further evidence that the President has no respect for the Court as an independent institution and that he wants to remake it in his own image of political conservatism or reactionism despite his formal protests to the contrary.

In saying that he thinks the Senate should reject Rehnquist, Professor James Vorenberg explained, "It should take account of the importance of diversity of point of view. The Senate should say enough is enough — Haynsworth, Carswell, Blackmun, Burger, Poff, Byrd — the six all represent one homogeneous point of view."

Nixon's evident determination to turn the court around is undoubtedly even more irksome to some because he is a minority President. Nixon received only 32



Charles Soberman

Rip-off in progress? Not quite, but this scene on Hastings Hall fire escape is illustrative of recent increase in dormitory robberies.

(Continued on Page 8)

Graduate Placement Trends Steady,

By Paul Weiner

More members of the class of 1971 have taken jobs with state and federal government agencies than in any other class since 1958, according to statistics released by the Law School Placement Office. Judicial clerkships set an all time high at 68, up from 63 last year, though this represented a decrease in popularity from 21 to 18 per cent of the class. Six graduates opted for public interest jobs, an increase of five since last year when the category was started. And for the first time, the records show three graduates who have joined a law commune.

Law firms, ever the mainstay of the graduating classes, remain solid with 198 new recruits, though their popularity is down slightly from last year (61 to 55 per cent). However, the armed forces only managed to recruit two diehards — by far the lowest

number since the Placement Office began keeping statistics in 1950, and probably the lowest since before World War II. (Last year, six graduates entered the military; in 1969, 75; and in 1968, 100.) With the abolition of graduate deferments in 1968, graduates in 1970 and 1971 had either to enter the service or find some exemption before finishing law school.

According to the Placement Office, it has been eight years since the last graduate hung up his own shingle, but in the early 50's about five members of each class would try to set up their own practices.

A slightly lesser percentage of the women and blacks in the class of '71, whose job categories are known, are working for law firms than are other graduates (41% of the women and 50% of the blacks, as opposed to 55% of the class as a whole). Somewhat more women

and fewer (one) blacks are working as clerks for judges. One third of the black graduates whose jobs are known to the Placement Office have received fellowships or are pursuing graduate studies, as opposed to only five per cent of the graduating class. (See Table B.)

Sixty-two of the recent graduates have taken jobs in Washington, D.C., the largest number on record. In 1970, only 33 did so. This trend is no doubt an effect of the rising popularity of government work. New York still attracted more graduates (88) than any other state, virtually all of them presumably in the New York City area. New York was followed by the District of Columbia (62), Massachusetts (50), California (37), Illinois (17), Pennsylvania (13), Georgia (11), and Ohio (10).

Outside the District of Columbia, the proportion of graduates

TABLE A
PERCENTAGE OF EACH CLASS ENTERING GIVEN FIELDS 1956-1971

	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Law Offices	52%	52%	52%	50%	61%	54%	48%	49%	50%	50%	49%	44%	44%	49%	61%	55%
Business Concerns	3	5	5	5	5	2	4	4	2	3	2	4	4	1	3	2
Government	6	5	11	6	10	9	9	9	6	8	7	8	8	6	4	11
Judicial Clerkships	6	6	7	10	8	8	11	10	12	14	13	12	12	12	21	18
Banks, Accounting & Insurance	3	3	1	1	4	1	1	2	2	1	2	2	—	2	2	1
Teaching	—	—	—	1	1	2	—	1	—	2	2	3	5	3	1	1
Research & Study	4	4	4	4	5	10	5	8	8	6	4	2	2	4	3	2
Legal Services	—	—	—	—	—	—	—	—	—	—	1	2	3	4	3	3
Fellowships	—	—	—	—	—	—	—	—	—	4	5	2	2	1	1	3
Peace Corps	—	—	—	—	—	—	—	—	—	—	3	1	—	—	1	—
VISTA	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—	—
Management/ Urban	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1
Public Interest	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2
Law Commune	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
Miscellaneous	2	—	—	2	1	—	—	1	3	1	1	—	1	1	1	1
Without jobs	23	23	18	15	4	14	20	14	12	10	10	15	20	15	22	21
Number in Class	452	473	464	496	468	476	468	489	514	515	515	513	517	520	381	520

*1971 statistics are not entirely comparable because, unlike the other years, they are based on the activities of the class immediately after graduation instead of one year later. For this reason, the 1971 statistics are based on only 70 percent of the entire class while figures for the earlier years are based on substantially more than 90 percent.

Stats Reveal; Feds Gain Slightly

going to work in the New England and Pacific regions declined noticeably, while the percentage going to the Middle Atlantic states, the South, the Midwest, and the Rocky Mountain region increased slightly. (See Table C.)

The regional distribution of first jobs since 1950 has been surprisingly stable. The only important trends are an increase in the number going to the Pacific states (principally California), most of which took place between 1950 and 1960; a marked long-term increase in the number working in Washington, D.C.; and a slow decline in the number taking first jobs in the Midwest.

As in past years, New York, Massachusetts, and the District of Columbia accounted for a 55 percent majority (200) of the (363) graduates whose whereabouts were known. In 1970, these same three jurisdictions included 56 percent of the recent graduates — 170 out of 304 reporting. Moreover, all 170 were concentrated in three metropolitan areas — New York, Boston, and Washington. This situation is by no means new — in 1950, the same three states accounted for 51 percent of the graduating class' first jobs.

Of the 311 students who had summer clerkships with law firms, at least 87 accepted jobs with the same firm after graduation. Sixty others went to work for other law firms in the same city.

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Table B. Placement of Women and Blacks in the Class of 1971

Job Category	Women		Blacks		Entire Class	
	No.	Percent	No.	Percent	No.	Percent
Law Firm	9	41%	6	50%	198	55%
Judicial Clerkship	5	23	1	8	68	18
Fellowship or Graduate Study	1	4	4	33	20	5
Legal Services	3	14	—	0	11	3
Other Categories	4	18	1	8	65	18
Total — Job Category Known	22	100	12	99	362	99
Total in Class	37		19		520	

Multiple Voting Alleged

Council Election Suspect

As the RECORD went to press, at least two formal complaints alleging irregularities in the Law School Council elections held last Tuesday, October 26, had been submitted to members of the Governance Committee. Hal M. Mickelson, 1L, filed a written complaint with Harry Spence, 2L, alleging that he saw one student mark about 20 ballots in the first-year primary elections held in Section I.

In the second complaint, according to Spence, a 1L who had wanted to run for the council complained that his name had been crossed off in the book on the receptionist's desk in Langdell which would-be candidates were supposed to sign.

Some 1Ls complained unofficially that they had been listed on the ballot for at-large class representative when they had indicated in the sign-up book that

they only wanted to run for section representative.

Members of the Governance Committee contacted on election night acknowledged that the complaints had been made, but stated that no action had yet been taken. According to Robert J. Dwyer, 3L, the complaints will be brought before the full Governance Committee. If the Governance Committee decides that the complaints have merit, it will hold formal hearings to further investigate the charges. Should the charges be substantiated, the committee will take appropriate action. Conceivably, the election may have to be held again.

Though it is likely that the Governance Committee will consider the complaints, Spence thought that the complaints might be brought before the newly elected Law School Council, excluding only the one or two whose credentials are in doubt.

Mugging, Burglary on Rise; Dorm Council Asks for Lights

(Continued from Page 1)

with security measures at the School is sure enough of the comparative figures to want to venture an opinion.

What is fact and not conjecture is that since the start of the fall semester, incidents such as the following have taken place on Law School grounds:

(1) One law student just last week had \$350 worth of damage done to his car while it was parked in the Parking Garage at the corner of Mass Avenue and Everett Street. Someone ripped out the ignition wires and took assorted parts out of the car.

(2) At approximately 8:30 p.m. on Tuesday, October 13th, a law student who was walking between the Langdell Library and Harkness Common was relieved of his wallet by a three-man mugging team.

(3) A thief reached inside the safety gate on the Wyeth Hall fire escape, cut the wires of the alarm system (he need not have bothered; the system was not turned on at the time), climbed up the fire escape, entered three students' rooms and made off with a ladies' ring, bank books and a camera.

(4) There have been several "substantial" burglaries — usually involving stereo equipment, tape decks, etc. — at Hastings Hall and the new dormitory complex.

Officers of the Dormitory Council, which has been seriously concerned with the need for increased security measures on Law School property, are united in stressing two overall security measures they consider most crucial: (a) more and brighter lights on Law School grounds, and (b) increased awareness and cooperation of students in recognizing and challenging (verbally) persons with no legitimate reason to be in the

buildings comprising the Harvard Law School.

"We need extensive lighting around the whole Law School grounds, particularly in areas such as the front courtyard at Hastings which presently has NO lighting whatsoever, between Harkness, Pound and the ILS building where there is a lot of traffic all the time," exclaims Joseph H. Newberg, 3L, president of the Dormitory Council. "The present outdoor night lighting system is totally inadequate."

"I would feel bad and I'm sure the Law School would feel very bad if someone got hurt," continues Newberg.

Students Asked To Conceal Valuables, Report People Looking for "Joe Schmertz"

Newberg and Carleton C. Eastlake, 3L, vice president of the Dorm Council, are Hastings residents. They have had personal experience with the problem of unlawful dorm entry. "Students have got to be more careful about leaving their possessions out in the open, on their desks, for example. They've got to lock their rooms whenever they leave them because one of the biggest problems in the dorms lately is that people are breaking in *while the rooms are occupied*. We had a theft this year on the third floor; a girl left the door of her suite open and while she was studying in her room someone tiptoed in and quietly made off with a tape deck from one of the adjoining rooms in the suite."

Eastlake has a first floor room at Hastings, and three times in the past year, he has been alerted by the sounds of someone attempting to open his window. The latest incident, which occurred earlier this month, was especially

ironic because the would-be thief used the safety bars covering the basement windows of Hastings to get a foothold to climb up to the first floor window.

"Students don't report strangers in their dorms," states Eastlake. Proctors at every dormitory echoed this sentiment. The great Pretending-to-Look-for-My-Buddy racket is a popular burglar's means of dorm rip-off. Thieves who look enough like students prowl the dormitory halls testing doorknobs. If it opens to disclose a law student inside, the intruder simply says that he is looking for Joe Schmertz (a legitimate student name, which he has gotten from the mailboxes in another dormitory). Law students at Harvard, who seem to feel criminal law exists exclusively in casebooks, so far have been universally taken in by this. In fact, nine times out of ten, dormi-

tory proctors report, the trusting student goes out of his way to be helpful to the artful dodger and gives instructions on how to reach good old Schmertz over in dormitory X. His visitor, thus, is free to go on plying his little game. Sooner or later he encounters an unlocked door with no one inside. Quickly, he rifles everything of value easily seen and easily carried, and makes his exit.

"Students should put away their precious things," cautions Herbert L. Braverman, 3L, proctor at Wyeth Hall. "A thief will probably grab just what's in sight; he doesn't want to hang around, especially in a crowded dorm where there is a constant chance of being discovered."

Robert E. Hebda, 2L, secretary of the Dorm Council and resident at Wyeth, reiterates the need for students to stop being "good guys." "We're too afraid of offending anyone, but there are

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Lefcourt Calls for 'People's Lawyers'

By Bert Halprin

Gerald Lefcourt, the New York lawyer best known for his role as chief defense counsel in the Panther 21 trial, called on law students to actively seek alternatives to "selling their souls" to big corporations in a speech at Lowell Lecture Hall, Thursday, October 21.

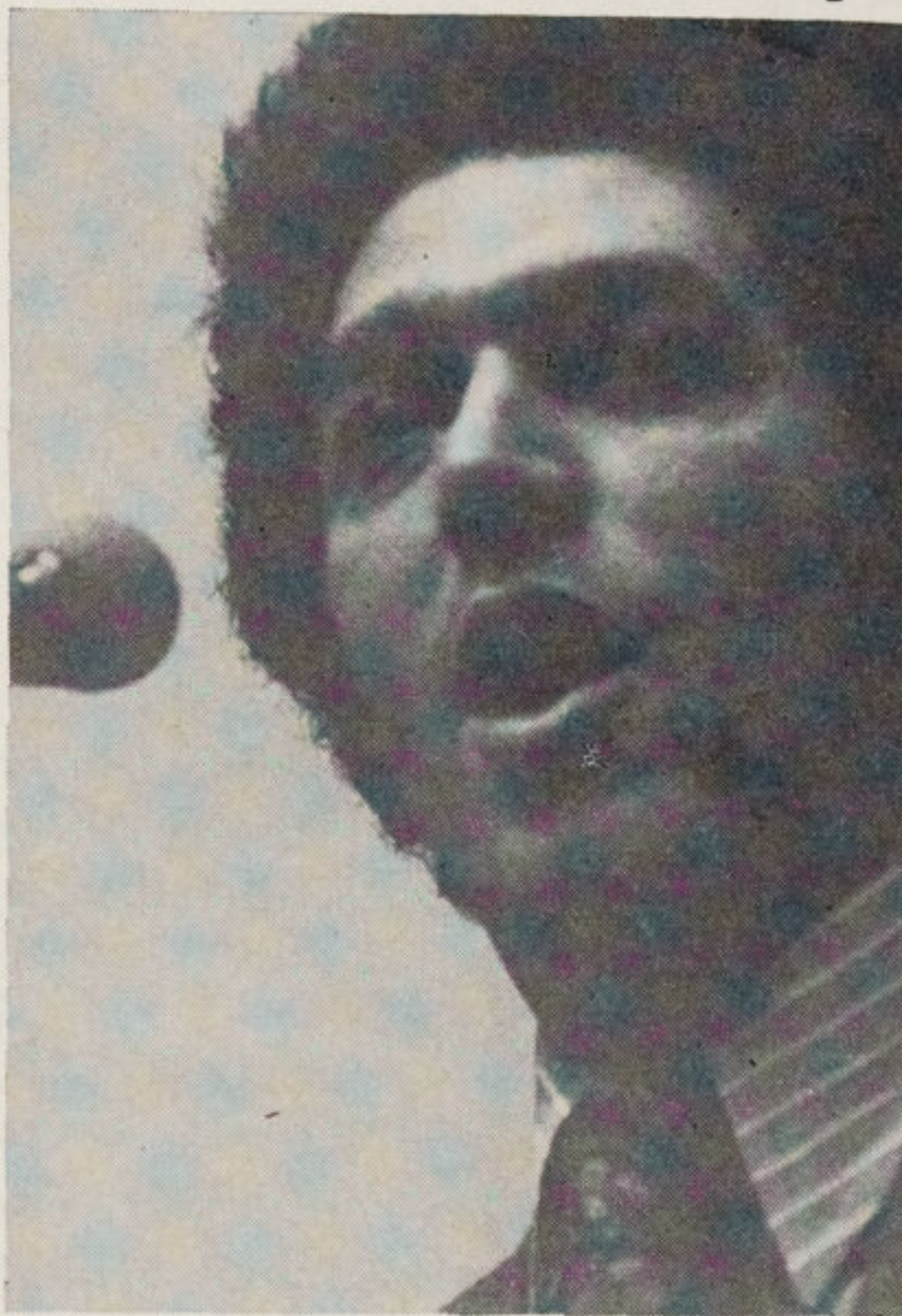
Instead they should become "people's lawyers," he said. "It is especially important," he explained, "that lawyers not be separated from their clients and that they not make decisions that affect the lives of other people without involving those people."

Lefcourt held up the New York Law Commune, which he helped found, as a possible alternative. In addition to handling the defense of the Panther 21, the Law Commune has been responsible for defending the Buffalo Nine and working with several community groups in New York.

Lefcourt dealt at great length with the Panther 21 trial which recently concluded with the acquittal of each of the 13 defendants who stood trial — others of the 21 originally indicted having eluded capture or jumped bail — on multiple counts involving an alleged conspiracy to bomb targets ranging from government offices to department stores.

"The verdict restored my faith in the power of the people to do anything," he said, characterizing the trial as "the most unusual and most complicated in United States history. While other trials certainly are equally important, in contrast to dealing with a single question like in the Bobby Seale and Angela Davis cases, the Panther trial dealt with the entire activity of a group of people for a full year.

"This case began when government agents set up the New York chapter of the Black Panther Party so they could control and later destroy it," Lefcourt continued. It was built through the use of the most extensive government



Gerald Lefcourt, chief defense counsel in Panther 21 trial, was Law Forum speaker October 21.

surveillance this country has ever seen, he added.

The audience was substantially smaller for Lefcourt's speech, third in the Law School Forum series, than for the appearances of Senators Kennedy and Harris, but it was generally responsive. Lefcourt did receive some adverse comment from the audience as a result of his lukewarm criticism of Ralph Nader. ("Sure he does some good but he never seems to follow through. He seems to hold a press conference every nine and a half days.") One questioner said he found these remarks of Lefcourt "shallow."

Lefcourt received the warmest applause of the night when he labelled President Nixon's nomination of Lewis Powell and William Rehnquist to the Supreme Court earlier that evening as "the old Statue of Liberty play. There's no reason we can't take to the streets to oppose this latest move to curtail our liberties," he said.

The most important choice the new lawyer has to make, Lefcourt concluded, is whom to be with in the struggle. "I hope you'll join the right side and commit yourselves to a fight for change, meaningful change."

Lefcourt was introduced by Boston attorney John Flynn, who described their first meeting on the steps of the Chicago conspiracy trial courtroom. "From all I had heard about Gerry, I thought he'd been around for 30,000 years. When I first saw him it was quite a shock." Lefcourt, 29, is a 1968 graduate of Brooklyn Law School.

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Crime Rises at Law School

(Continued from Page 4)

ways of politely stopping a stranger in the hall and asking 'Who do you want to see?' If he gives a name, ask for the room number and offer to escort him there. Or go down immediately and inform the dorm proctor someone who doesn't seem to belong is in the dorm. A lot of this problem could be handled by more careful student residents' cooperation."

**"There was this guy
in the shower room;
I thought maybe he
was an interviewer."**

An example of student failure to question unauthorized and unknown characters in the dormitories was brought to light in a recent RECORD phone call to Ames Hall. "Oh, yes," said the student who happened to answer the telephone, "there have been lots of strange persons appearing in our dorm this fall. Just yesterday there was this guy who showed up in our shower room. He was an old fellow and for a moment, I thought maybe he was an interviewer. He didn't have a towel

or anything, but he just took off his clothes and started to take a shower.

"Nobody asked him what he was doing there. He just took his shower, got dressed and, as far as I know, left the dorm."

Thanks, in part, to student laxness in reporting strange faces, the vending machines in the dorms have been consistently robbed. Sometimes, though, it is hard to tell an unlawful intruder from an invitee. At least 8 or 10 pay telephones have been ripped off dorm walls in the past year and the men who were seen by students walking out with the phones were dressed like typical phone company repairmen. The Dormitory Council had to make up the guaranteed amount of revenue to the phone company. This amounted to over \$200 in the past year; money that the Dorm Council officers would much have preferred to spend in other ways.

[This is the first of a two-part article on crime in and around the Law School. Next week Miss Plumb will report on the administration's response to the crime wave and plans for controlling it.]

Group Legal

By Kermit Kubitz

This is the second in a series of articles dealing with problems and issues related to the provision of legal services to middle income groups of American society.

The first article, appearing in last week's RECORD (October 22, 1971), described the creation of the Office of Students' Attorney, whereby college students are afforded legal representation as a group. A form of legal insurance, the Office of Students' Attorney is subsidized by fees assessed against virtually the entire student body. This article will attempt to explore the position of the American Bar Association toward group legal services and prepaid legal cost insurance.

Increasing interest in the provision of legal services to people of moderate means is the result of many factors. One of these is the recently increased availability of legal services to the poor, traceable in part to the Supreme Court's decision in *Gideon v. Wainwright* — the landmark opinion for which the late Justice Black will likely be best remembered. The poor have benefited greatly from their expanded access to legal resources and it is easy to conclude that the middle income classes would also benefit from more legal advice.

Another factor in the growth of interest and experimentation in legal insurance is the competing thrust of group legal services. Both methods are based on the insurance principle of risk- and cost-spreading. However, legal insurance leaves the insured, whether he is individually protected or as a member of a group, free to select his own attorney and to deal with him on a one-to-one basis; group legal services presupposes membership in a group which collectively enters a relationship with an attorney of the group's choosing — more like a large firm — and which functions in many respects as a middleman between the attorney or firm and the group's members.

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Services: Hope for Future?

Previous to 1967, group legal services were prohibited by Canon 35 of the ABA, which reads: "A lawyer may accept employment from any organization, such as an association, club, or trade organization, to render legal services in any matter in which the organization, as an entity, is interested, but this employment should not include the rendering of legal services to the members of such organization in respect to their individual affairs."

In 1967, the Supreme Court of the United States, in *United Mine Workers District 12 v. Illinois State Bar Association*, 389 U.S. 217, rejected a strict interpretation of Canon 35 when weighed against the rights of members of the union to associate freely.

ABA opposition to group legal services arises in part out of fear that competition by very large law firms for group business would lead to destruction of the bar's fee schedules as groups take bids for legal services. Also, the marginal lawyer would be endangered by the loss of some or all of his day-to-day business — criminal cases, contract drafting, short consultations. The traditional attorney-client relationship would suffer. These probable effects of the mass marketing of legal services on a competitive basis cause the bar to favor prepaid legal insurance as a way of providing legal services to large middle income segments of the population.

In Lincoln, Nebraska, last month, ABA President-elect Robert W. Meserve of Boston urged the bar to meet the legal needs of the middle class, noting, "The poor are increasingly assured of adequate legal representation.

"The rich, of course, have always been able to afford legal services, and most wealthy people have become quite conscious of the desirability of legal help at every stage of activity.

"But," he continued, "we must concern ourselves with the vast middle economic group — the peo-

ple of moderate means whom I would define as that part of our population between the poor, the lowest 20% in income, and the wealthy, the highest 10% in income."

This group comprises about 140 million Americans. According to Meserve, unless the organized bar provides more accessible legal services to middle America, outside forces not "restrained by professional, ethical requirements" will produce fundamental changes in the practice of law.

In the three states which require disclosure of group legal services — California, Florida, and Missouri — there are 200 such plans. Meserve estimated that there may be 4000 similar plans throughout the country.

ABA Fears Effects Of Mass Marketing

The New York Times of September 23, 1971, noted the growth of prepaid legal services in a story on the front page of its financial section, describing the interest of unions and insurance companies in the various plans.

Unions are the group most responsible so far for the demand for prepaid and/or group legal services, especially as a negotiated fringe benefit of collective bargaining. A February, 1971, report of the ABA's Special Committee on Prepaid Legal Services noted that "[t]his demand will probably increase and is almost certain to do so if, as some predict, a national health insurance program is enacted by Congress thereby freeing literally billions of dollars worth of fringe benefit money."

This same report noted that unions representing the 750,000 employees of the Federal Postal Corporation, as well as district councils of the Laborer's Union in Connecticut, Rhode Island, Massachusetts, Maryland, West Virginia, Illinois, Missouri, Indiana, Kentucky, and Pennsylvania, have begun to negotiate for prepaid

legal services programs.

The unions have been limited by Section 302(c) of the Taft-Hartley Act, which does not allow employer contribution to a jointly administered plan of legal service benefits. However, Senators Hart and Magnuson introduced in the last session of Congress Senate Bill 948 that would amend the Taft-Hartley Act to make legal services a permissible benefit.

In the midst of all this activity, one very real question remains unanswered. Is there in fact a significant unfulfilled need for legal services in the middle class? Since January 22, 1971, the ABA has been attempting to answer that question on the basis of an experiment with prepaid legal insurance in Shreveport, Louisiana. With assistance from the Ford Foundation, the Shreveport Bar Association and Construction and General Laborers Union No. 229 have implemented a legal insurance plan for 500 of the local's members. The next article in this series will be a report on that experiment. The ABA will be reporting on Shreveport, and on a pilot project involving 2000 Southern California teachers, at a Conference on Prepaid Legal Services in Los Angeles November 12 and 13.

The results of the Shreveport experiment will influence the form of the legal profession for years to come. As future ABA President Meserve put it, "We all want to achieve or at least approach the goal of being advocate and counsellor to 100% of our society. To do this we must live in this century, not the last."

[Brown, "Legal-Cost Insurance," 1952 *Ins. L.J.* 475, is generally credited with originating the idea of legal insurance, according to Preble Stolz, a professor at the University of California's Boalt Hall School of Law. Stolz's 1968 article, "Insurance For Legal Services: A Preliminary Study of Feasibility," 35 *U. of Chicago L.R.* 417, is a starting point for anyone interested in the subject. The article has been reprinted by and is available from the American Bar Foundation for \$1.00.]

Ideological Spread Lacking in Nixon

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million votes for president in 1968, of a total 73 million votes cast and a voting age population of about 120 million.

There has been major disagreement over how qualified the two candidates are, particularly Rehnquist. Since neither are sitting judges, the most accessible index to future judicial behavior — written opinions — is not available. As Tribe noted of Rehnquist — though it is not quite as

Rehnquist's reactionary reputation is best illustrated by his emphasis on the necessary powers of the state rather than the constitutional liberties of the individual. In testimony before Senator Ervin's subcommittee on Constitutional Rights earlier this year, he said that the federal government has a constitutional right to put the Senator under surveillance, and has the right to gather information on citizens so long as it does not force the individual to disclose the information or does

had joined more militant black leaders "in slandering his own government and in inciting violation of draft laws." He said that individuals who "incite riots and rebellion should be treated as the most dangerous of criminals and relentlessly prosecuted."

Powell also warned in 1968 that campus disturbances would continue as long as university administrators lacked willingness to meet lawlessness with "appropriate force" rather than with "supine toleration of marching mobs of mindless demonstrators." On the racial front, Powell is a long-standing member of two segregated clubs in Richmond, Virginia, and he has written a brief opposing the concept of racial balance in public schools as a constitutional requirement.

"Possibly most exhaustive investigation ever made of Supreme Court nominees."

true of Powell — "He's taken so few publicly visible positions."

On one side, Professor Paul Freund, who had Rehnquist as a student, and Professor Donald Trautman, who clerked for Frankfurter the same year Rehnquist clerked for Jackson, agree with the President's judgment that Rehnquist has a brilliant mind. On the other side, Vorenberg disagrees, saying, "He has *not* had a distinguished or outstanding career in the public sphere. He has not shown the special qualities that Powell has shown. While he may be competent, he's not outstanding."

Whatever the disagreements over Rehnquist's technical competence, there is a general consensus that he is very far right in his political philosophy. As Tribe estimated, "He's probably to the right of Goldwater in political terms. He's probably much more conservative than 70 to 80 per cent of the members of the Senate."

From his experience of clerking with Rehnquist, Trautman recalls, "As I knew him, he was a reactionary. I would expect him to be a reactionary today, but you never know what a person will do once he's appointed."

not use such information in court. He stressed that "self-discipline" of the government was the best guarantee against abuses of information gathering.

Rehnquist — a Goldwater supporter in 1964 — is credited with having been highly instrumental in developing the Nixon Administration's wiretap policy. It is his belief that the government should be able to tap without court authorization. He has called radicals the "new barbarians" and once said that "law and order must be preserved at whatever cost in individual liberties and rights." He was instrumental in initiating prosecution of Dr. Daniel Ellsberg under the federal espionage laws.

Rehnquist also asserted that the Army's political surveillance of civilians did not inhibit people from exercising their rights to freedom of speech and assembly. Rehnquist is said to have been an important force in the 13,000 Mayday mass arrests in Washington, D.C., which the courts later held to be illegal.

Although not as obvious, Powell, too, has his blemishes. *The New York Times* has reported that in a 1967 speech he called civil disobedience legal "heresy" and said that Martin Luther King

The fight over the nominations will undoubtedly be particularly fierce regarding Rehnquist, who is only 47 years old. Present mortality rates would give him a full quarter of a century on the high bench. This is undoubtedly part of the reason that Rehnquist — and with him, Powell — will be undergoing what United Press has called "possibly the most exhaustive . . . investigation ever made of Supreme Court nominees."

This fight will undoubtedly be influenced by the growing pressure for the appointment of at least one qualified woman to the Supreme Court. If Rehnquist's nomination is defeated, that pressure should grow even stronger. Even at an institution such as Harvard Law School, which has often been accused of sexism, that pressure is being felt. One faculty member, who asked not to be identified, offered: "I think it would be great to have a woman on the Court."

The growing pressure for a woman member of the Supreme Court is the only convincing explanation of why Nixon went out of his way, after nominating

Court Picks

Powell and Rehnquist, to placate women. He attacked the ABA committee, which found Lillie unqualified, for not having a single woman on it. The day after announcing his nominations, he made a special point of predicting that "there will be a woman on the Supreme Court."

There are, in fact, many women in this country who would be highly competent Supreme Court justices. Nixon's problem is that all of the good ones are significantly more liberal than he is. But at least two women — Judge Shirley Hufstедler on the 9th Circuit, and Soia Mentschikoff at the University of Chicago — have more experience and probably would make far better justices than Rehnquist, if not also Powell. One faculty member spoke of Mentschikoff as "tremendous — immensely able."

The defeat of Rehnquist's nomination would also throw the way open for others, such as Pauli Murray of Brandeis, Republican Congresswoman Martha Griffiths, Ruth Ginsburg (who is teaching this year at the Law School), or Texas Federal District Judge Sara Hughes.

[This is the first of a two-part article on Nixon's Supreme Court nominees and reaction to them.]

Harvard Law School Forum

— • —
"The American Role
in South Africa:
The Polaroid Question"

— • —
Joel Carlson
Attorney, Reformer, Exile
&

A Panel of
South African Students

— • —
**Friday
November 5**

Lowell Lecture Hall
8:30 p.m.

Law Grad Runs for Mayor

By Robert E. McGaw

"When Dean Griswold gave his welcoming speech to us as first-year law students, he said, 'Look to your right and look to your left, one of you will be a congressman or a senator.'"

"I assumed it would be one of the other two people, but here I am, running for mayor of Cambridge," mused Steve R. Nelson, Cornell '62, Harvard Law School '65, Kennedy Institute of Politics '66.



Steven R. Nelson '65,
Cambridge mayoral candidate.

Why campaigning for the mayoralty?

"By accident, actually, I got involved in the non-establishment culture while managing the Boston Tea Party (an acid-rock night club). I gained insight into the municipal workings. We continually got hassled by the city officials. They were always trying to close the place down for insignificant reasons.

"I objected to the 'Be clean for Gene,' tack. I wanted to start by asking supporters to begin at the local level. I received an enthusiastic response, so I decided to run. I ran in the last campaign, and didn't do badly, so I'm running again.

"When I ran the last time, it

was such a fluke, they paid me no mind. Now, I am protection. If the candidates attacked me in this type 'P.R.' election, any press I received would help me, not the attacker."

What stand *vis-à-vis* Harvard and the city of Cambridge?

"Harvard has abused its position. But yelling and screaming for Harvard to reveal their public holdings doesn't do much. We should find constructive ways out of the situation. The University has a large budget, but why should it be squeezed out of the city? The University should operate in a more business-like manner.

"I would suggest that Harvard sell its products. Look how many books the faculty produces. Why does Little, Brown market those books? The Harvard University Press is a snob club for professors. It's not used to produce income. The Corporation thinks it dirty business to get into the book-selling business; they would rather invest in property.

"The University should be made to compete a little more. No, don't remove their tax protection. But the University's position should be reevaluated."

Steve Nelson also coauthored the book, *Sunsets Are Red, White and Blue*.

"My girl-friend and I took typewriters to a mountainside in western Massachusetts and wrote the book, which is a series of images. That's where we created the symbol that appears in my campaign. (The symbol consists of the letter "A" flanked by two wings of red, white and blue stripes.)

"It stands for the higher form of life that exists on the earth, of which we are cells. We're part of an entity and don't realize it. Look at how humans work to create a transportation system

(Continued on Page 14)

A Virtue of Obscurity

What does it signify that virtually no one on the Harvard Law School faculty — with the exception of Professors Freund and Trautman — knew much more about President Nixon's latest nominees to the Supreme Court than most of their fellow Americans? Is the faculty hopelessly out of touch with the courts and the legal profession?

Perhaps the explanation lies elsewhere. Perhaps Rehnquist and Powell — whatever their personal integrity — are simply rather obscure figures. Or perhaps it's just that the President has a penchant for mystery and surprise.

One question stands out above all others. Why, with so many outstanding judges and academicians of his own bent of mind — men such as Gignoux, Wisdom, Wright — did the President insist on reaching beyond the obviously qualified to those who have no track record? And why is it that President Nixon finds it so hard to come up with nominations to the Supreme Court that can command the respect of all people in this country?

In any event, Nixon succeeded in upstaging everyone. The faculty letter to several large newspapers protesting Nixon's earlier list of six was moot almost before it was written. The men who occupy the relative pinnacle of their profession now stand confused and uncertain. Like most of the rest of us, Nixon has played a neat little game with the country; he won and the country lost.

Election Follies

The Law School Council elections are past and gone but not the suspicion that there has been wrongdoing on the part of some and bad planning on the part of others.

The Governance Committee has received charges that one first-year student submitted 20 ballots and that another 1L had his name crossed off the candidates list without his knowledge. (See story, this issue.) In one 2L section 3L ballots were distributed and then left uncollected. Many students had access to more than one ballot. Many other students did not get to vote at all because of the fact that ballots were made available only in selected sections.

It is for the Governance Committee now to decide what to do about the charges. The first-year election may have to be held again. If such is the case, there will be an opportunity to ensure a fairer and more efficient election — an opportunity to be taken.

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Fenno

It was dark and gloomy outside. I looked out the window of the Grill Room at the heavy clouds and, sipping my cup of non-potable coffee, waited for the rain to begin.

"I've been looking all over for you!" a breathless voice exclaimed. It was Bunky. "I need to talk to someone with acute powers of analysis."

"What's on your mind?" I said.

"There have been rumblings at the Law School. Not overt indications, to be sure, just rumblings. But I thought you might help me unravel their meanings."

"Speak and ye shall be heard."

"For one thing, there has been a significant increase in intra-faculty memos. I haven't been able to steal one 'Law School memorandum' pad all week, they've been in such demand."

"Secondly, Mr. Masters Johnson, undercover Sacksologist, told me yesterday that at the faculty luncheon a certain professor was seated on the dean's right, while the other deans were at the foot of the table."

"Wait a minute," I interjected. "Have there been any noticeable changes in the offices of these deans?"

"Yes. In each one, room temperature has been 11° centigrade for the past week."

"Hm. This is serious. Any other changes?"

"Yes. Dean Bernardi's extension has been changed to 0000; Dean Bruce's, to 1313. Dean Simpson's extension has been eliminated."

"In addition, Dean Simpson has been observed purchasing two ferocious Irish wolfhounds and a .38 caliber revolver."

"What is more, the secretaries of these three unfortunates have been ordered to turn in their IBM's and receive manual machines in their stead."

"To top it off, none of the three has received the RECORD this year. Their subscriptions have been mysteriously cancelled."

"This looks dark, indeed," I said gravely. "But you have come to me, Bunky, because you know that only I can put it all together and tell you who is behind it all."

"Yes, that's right, Fenno."

"There is only one mind incisive enough, brilliant enough, and fiendish enough to have co-ordinated this operation."

Bunky leaned forward expectantly. "Perry Moriearty."

Letters to the Editor of the RECORD

Michelman Scores Misconstrued Views

To the Editor:

As one of the co-authors of the letter praised in your October 22 editorial space, I offer some views in response to your gentle chiding of faculty members who did not sign. I am moved to write also by the appalling news that one colleague has been harassed in his classroom because he was not a signer.

It is obvious—or should be—that the absence of a person's signature from a letter of this sort cannot justify any inferences about his position with regard to the matters discussed. At least one was away from the school during the letter's circulation because of an illness in his family. At least one was disinclined to sign because he found the letter too moderate. Others felt that, by failing to draw specific distinctions among the six persons named in the list of candidates, the latter unfairly tarred them all with the same brush.

Behind the obtuseness of ascribing

views (or motives, or a place on the bravery-cowardice scale, or whatever) to a person by reason of his signature's absence from a given public statement lie more fundamental issues of intellectual freedom and respect for one another's personal dignity. Perhaps the most telling argument against resort to joint statements such as ours is precisely the risk they create that a non-subscribing member of the group will have his position misconstrued by hasty or peevish inference from his abstention, or else be forced to make his own public utterance though he may have preferred to remain silent.

For me, this risk has seemed to be balanced by the interest we all have in uninhibited freedom to speak out—in groups if we can thus speak with greater effect—whenever the need seems pressing. But overt chiding and harassment of colleagues who keep their own counsel will assuredly have a significant chilling effect on my willingness to participate in such endeavors.

Frank I. Michelman '60
Professor of Law



"Ah . . . Mr. Vorenberg? . . . There are a couple of gentlemen here to see you about applying for criminal justice fellowships . . ."

Law Notes

Final election results have been tallied for 11 of the 16 student representatives to the newly-created Law School Council. William O. Ligon is representative at-large of the first-year class. Jonathan R. Bell, Daniel T. Broderick, III, James W. Child, Wallace L. Ford, II, and Stephen H. Kaplan are the representatives of the second-year class. Arthur R. Angel, John H. Mathias, Jr., Virgil P. Roberts, Darrell S. Ross, and Michelle P. Scott are the representatives of the third-year class.

* * *

The International Law Society announces the election of six representatives to its executive board: Charles Wood, 1L; James Hitch, 1L; Robert Tortoriello, 1L; Gene Danaher, 2L; Tim Chorba, 3L; and Alan Tung, 2L. The ILS officers who were elected last spring are also members of the board: J. Gregory Lynch, 2L, president; Stefan Loptakiewicz, 2L, vice-president; Richard R. Kelly, 2L, secretary; and Arthur Mitchell, 2L, treasurer.

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The RECORD will be sold this year at

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Change As Legal Perspective -- Bellow

By Daniel M. Taubman

"Your future job stems from your own values, ambitions, and beliefs rather than your perspectives on the legal profession," visiting professor Gary Bellow '60 told a gathering of 100 1Ls October 20.

Bellow, first speaker in a series entitled "Perspectives on the Law and the Legal Profession," related his experiences in public interest law and attacked the present system of legal education.

"There is too much talk that education is a channeling process from the classroom to a job," he said. In reality, a great deal of chance and circumstance affects all kinds of career choices.

Bellow left the Washington, D.C., Legal Aid Agency office after three years because he was bored, not because of a change in legal perspectives. Later, when he resigned from the United Planning Association, the capital's poverty agency, to work for California Rural Legal Assistance, his move was motivated by a desire to work with "power and people" instead of paper.

Bellow said he and his fellow public interest lawyers did not question — as some law students do today — whether they wanted to be lawyers. "In a profession that tends to blur most moral issues, . . . we sought to work where controversy is taken as a given."

Most public interest lawyers opted to deal personally with individual clients, and "most of us wanted relationships more communal and egalitarian," he added.

Idealism also motivated Bellow and his colleagues. "Most of us chose work lives which responded to what we thought needed to be done." However, the concept of change has altered with time.

In 1962, public interest lawyers were involved with civil rights and criminal law. Today, restructuring of the economic and political system, redistribution of income, and a redefinition of national goals and foreign policy are their concerns.

This changed orientation of the

public defender has focused interest on the need to end the bar's control over who may provide the lawyering process, Bellow explained.

He called for the creation of paralegal professionals, and the establishment of a system of national legal insurance in order to expand legal services to poor people.

Some 2000 lawyers are now working with Legal Aid offices, but this is less than 10 percent of the need of those earning less than \$3,000 annually. "The legal profession has priced itself out of a large market," he noted.

Concept Has Changed, But Desire the Same

"You will be entering a profession which is as segregated as some of the most discriminatory trade unions in the country," Bellow warned his listeners.

He also criticized students' failure to think through "who you are and what you believe" in order to determine "what you will do." Our sense of the possible very quickly becomes a function of what has been done in the past. "We eschewed political organization because we were told that's not what lawyers do."

Bellow exhorted students interested in public interest law to challenge established practices and procedures in order to bring about change.

"I kind of like the life choice I made," Bellow commented. "I like

my friends and I am proud of my enemies."

Bellow, who is on leave from the University of Southern California this academic year, said that "academic life has a humanizing effect which for a while, I think, is a very good thing." He explained that teaching, unlike public interest work, forced him to consider both sides of most issues.

"There is a certain seduction in doing what is good or in doing what you think is good. But," Bellow continued, "no matter how much good you're doing, it's hot — 110 degrees — in the San Joaquin Valley."

Bellow counseled those interested in public interest law to deal with specifics, rather than with a generalized desire to help humanity. It is necessary to realize that the poor, as a group, are as good and bad as any other group of people.

Bellow criticized present legal education for failing to bridge the gap between theory and practice. Law school does not stress that "you will be responsible for your actions," but in practice "you must make decisions about your actions every day."

"You must ask questions about what you are learning and why," Bellow suggested. He said he thought faculty members are ready and willing to talk about these issues.

Dean Albert M. Sacks, who introduced Bellow, noted that the legal perspectives lecture series has been instituted "because of our sense that many of you are concerned about the role of the profession and your relationship to it."

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Antitrust Policy

The Boston Consulting Group

Most Americans favor competition — they see no other viable alternatives. They are opposed to dependence on the tender mercies of monopolists and fear the inflexibility and frustration of direct government regulation.

There is another alternative which is the direct outgrowth of unrestrained competition. The experience curve effect determines that in most industries and products a single producer should experience costs 20% to 30% less than the potential costs of two otherwise equivalent and equally competent producers who are one-half the single producer's size. Likewise, the aggregate costs of sixteen producers would be over 3 times the level of one producer of equivalent production size.

This analysis suggests that one reason for U.S. prices being high relative to the rest of the world is that U.S. antitrust policy has deliberately created overly-fragmented industries. Pricing tends to be at levels sufficiently high to allow the economic viability of smaller, higher cost producers. This means that even the smallest U.S. producer tends to make most of its profit in the specific products where it is the dominant or one of the leading producers. The competitive spur encourages him to continue to reduce costs so that profits will be increased, but does less to encourage him to reduce prices below the level that marginal producers need to survive.

A more rational policy would be to encourage lower cost production with government policy focusing on passing the benefits of these lower costs in the form of lower prices or lower taxes. That, in turn, will increase national productivity and the general standard of living as well as make better use of scarce resources.

What are the antitrust laws for? What should they be for?

This is an abstract from a publication written by The Boston Consulting Group. BCG is an international management consulting firm, and publishes articles on this and other subjects related to corporate strategy.

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Mayoral Hopeful Hits Radicals' Fear of

(Continued from Page 9)

analogous to that of living organisms. Moving energy around, communications, public transportation — all are like the blood system or the digestive system.

"I feel there are levels of organization above and below us. The world is becoming a living organism — one organic system. This riddle:

Adam was made from
billions of atoms.
What is made from bil-
lions of Adams?

sort of defines the question."

Nelson feels that the one organic system is "A" and that "A's" birth is the second coming.

"A" must become the source of all human law, because our social structures must serve one overriding purpose, the survival of 'A'. 'A' is a being struggling

to survive in the Universe, and in that struggle 'A' must destroy any cancerous human cells which threaten that survival. The political implications for us are incredible. Think about it."

Next, Steve discussed radicals.

"Radicals don't understand how to take over institutions. An institution is a means of preventing people from conflicting with each other too much. That's government's function. We need some institutions, if they are honest. I don't believe in anarchy. Remove the government and you have chaos. A people's coalition is bullshit, and won't work.

"There are some people who, if left alone, could get along beautifully; others, if left alone, would destroy. So first, we must find out which are which. Then, government must encourage those who can operate on their

own. Government must step in and be strong to stop the others. It must be authoritarian to those who demand authority and permissive to those who can handle it. The radicals demand permissiveness. But there are always some people around who need authority.

"The radicals assume that people are 'fucked-up' because the government is 'fucked-up.' Actu-

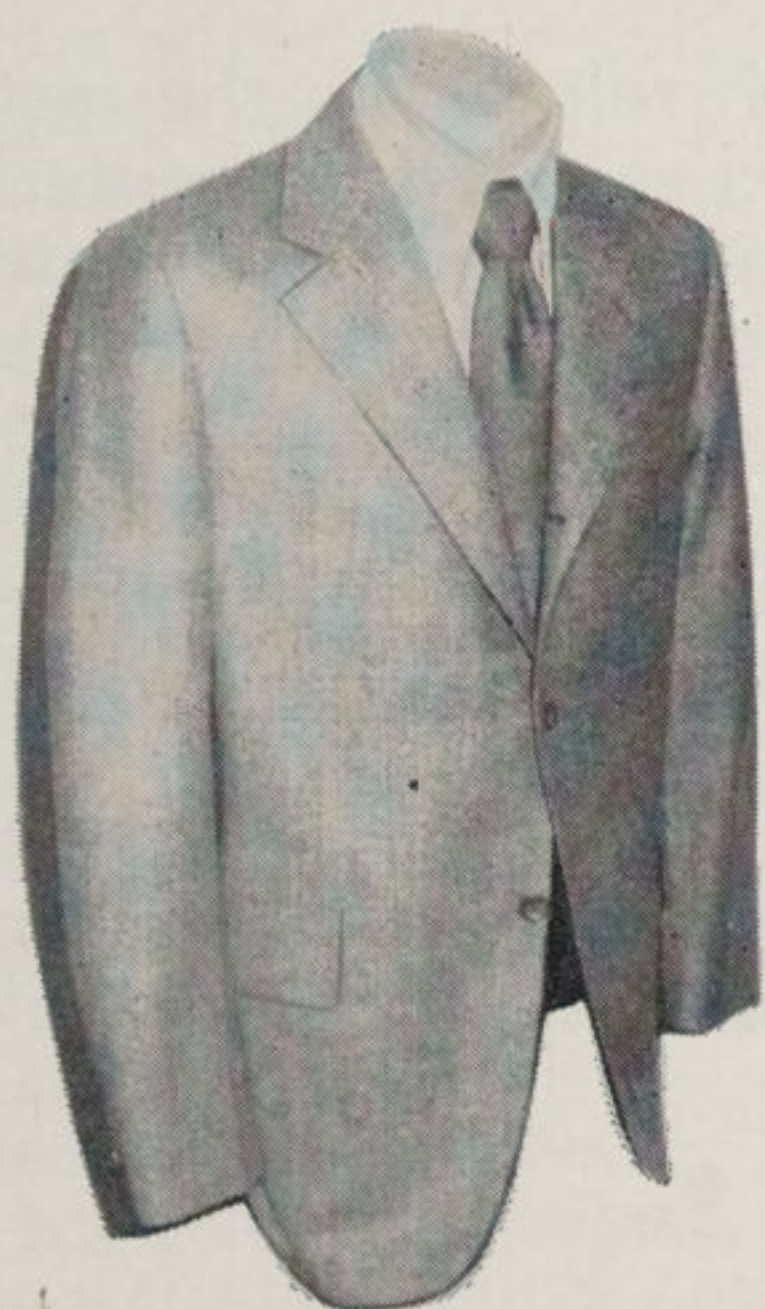
Candidate Nelson Wonders About 'A'

ally, the government is 'fucked-up' because the people are 'fucked-up.' Institutions don't drop out of the sky. The government we have at any point in time is the government we want. The question is, does it resolve the conflicts that it's supposed to? If people perceive it as screwing them, then the government is not doing its job."

What about the student vote?

"The student vote is the biggest issue in the Cambridge election. It was an attempt by political liberal groups to stir up something. Most students don't want to vote, and if they do, they want to vote elsewhere. The students don't feel that a 'sacred' right has been deprived when they aren't allowed to vote in the Cambridge election. I don't even think all students *should* vote in Cambridge.

"(Attorney General) Quinn knew his goal and wrote an opinion to get him there. The opinion doesn't speak of residence. The 26th Amendment says you can't discriminate by age, but the Amendment doesn't extend rights to students between 18 and 21 that those over 21 didn't have before. And Quinn



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Government

is planning to run for governor in 1974.

"In Cambridge, the complaint is how Harvard relates to the community. The ones yelling loudest for the student vote are the same ones complaining about Harvard's inconsideration towards Cambridge.

"The election commission is inconsistent and arbitrary. Rather than going to court the first time a student was not permitted to register, they should have insisted that the election commissioners set standards. But those 'Register-the-Students' people felt like heroes going to court. The decisions will come too late to help the students, however.

"You can't do the same thing here that was done in Berkeley, California, because the 'street freaks,' students, blacks and liberals don't add up to a majority of the Cambridge voters. The fear of a student takeover of City Hall will bring out the conservative vote.

"But the white radicals live in a Disneyland. After 'personal experiences,' where do you go? Some things aren't going to change. The streets still need cleaning. Revolutions involve sweeping changes. Even during the Russian revolution life was going on.

"Our society's greatest stability is its flexibility. The new inputs are absorbed very quickly and superficially. Look at how extensively the whole hippie idea was adopted. Nixon must be the only holdout with no sideburns."

Sports Briefs

Backbenchers Trounce Heartbreak

By Willard Fraumann

In the first big showdown of the early season, the Grovinators met the Heartbreak of Psoriasis in the "A" League, and with both teams showing strength, played to a 12-12 tie.

However, behind the excellent play of Richard Stoner, Jerry Lopex and Ed Fitzpatrick, the Backbenchers knocked the Heartbreak of Psoriasis from the unbeaten ranks in the latter's next outing, thus entrenching its hold on first place. Meanwhile, Bob Ufer led the

Yippies, Hippies, etc. to a tough victory over the Grovinators, which put the YHMD into the running for the league championship.

In the "B" League, Steve Schroeder, Greg Long and Ron Senzaki have led the Crimson Swine to a 2-0 record and a tie with the Red Pigs for the number one spot. Fat City of the "C" League and the Farlin Garii Flashes of the "D" League have established themselves as definite front runners in their respective leagues.

Standings as of October 25, 1971

A LEAGUE

Backbenchers	2-0
Yippies, Hippies, etc.	1-0
Heartbreak of Psoriasis	1-1-1
Grovinators	1-1-1
Spiritual Unity	0-2

B LEAGUE

Crimson Swine	2-0
Red Pigs	2-0
Concerned Prune	1-1
Grizzlies	1-1
Alumni Assoc.	0-1
Garvey's Ghost	0-1
All Stop	0-2

C LEAGUE

Fat City	3-0
Turkey Wimps	1-0-1
Legal Aid	1-1-1
Learned Hands	1-1
Number One	0-1
Law Review	0-1
Married Maulers	0-2

D LEAGUE

Farlin Garii Flashes	2-0
Savages	1-0-1
Unprepared	1-1-1
Ball Team	0-1
Intentional Torts	0-3
Latecomers	0-0

N. B.:

At 2:00 a.m. Sunday morning, October 31, 2:00 a.m. becomes 1:00 a.m. (Why . . . ?)

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Larry & Joe

Placement Trends

(Continued from Page 3)

Last year, representatives of 573 law firms, companies, government agencies, legal services, and other employers interviewed students at the Placement Office. Another 494 wrote to the Placement Office about hiring Law School students and graduates.

520 students received their JD's in June, 1971. Of these, at least 362 have jobs and had reported them to the Placement Office by July, 1971, or shortly thereafter. The remaining 158 include some who were still looking for jobs during the summer, some who had never registered with the Placement Office, and some who have simply not replied to the office's requests for information. More complete information on the class of 1971 will be compiled after June, 1972.

Table C. Region of First Job After Graduation

Class of	1950	1960	1969	1970	1971
New England	20% 70	18% 69	22% 84	23% 69	16% 59
Middle Atlantic ¹	37% 128	38% 145	33% 128	29% 88	30% 109
Dist. of Columbia	8% 29	11% 43	11% 41	11% 33	17% 62
South ²	6% 21	3% 13	7% 27	6% 17	7% 26
Midwest ³	18% 61	13% 52	11% 43	10% 29	12% 43
Rocky Mountain ⁴	2% 7	2% 9	1% 5	2% 7	3% 9
Pacific ⁵	6% 22	10% 40	13% 51	16% 49	13% 46
Foreign ⁶	2% 6	4% 16	4% 14	4% 12	3% 9
Total*	100% 344	100% 387	100% 344	100% 304	100% 363
Size of Class	445	468	520	381	520

*Excluding those entering military service and those on whom the Placement Office had no information.

¹New York, Pennsylvania, New Jersey, Delaware, and Maryland.

²Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

³Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin.

⁴Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming.

⁵California, Alaska, Hawaii, Oregon, Washington.

⁶Includes Puerto Rico and the Virgin Islands.

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