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Semesterization Proposals Offer First-Year Flexibility

By David Cocke

Two proposals for making the first-year Law School curriculum more flexible were recently proposed to the faculty by the Committee on the First Year. The two plans, varying somewhat in approach, would both provide for "semesterization" of traditional first-year courses together with final examinations for credit at mid-year and the inclusion of electives in the second semester.

The first proposal is the more far-reaching. It would condense four of the present first-year courses into one semester, either by increasing the number of weekly class hours or by extending the length of the semester or both. The extended semester would start a week earlier in September — immediately after Labor Day — and run two weeks into January with final exams given at the end of the month. The increased hours per week would compensate for the "slow rate at which most first semester courses progress," according to the committee report. The better part of a semester's worth of electives would thereby be opened up to first-year students.

The second alternative would keep some year-long courses while shortening others, thus creating a more limited number of options in the second semester.

Among the options suggested by the committee were courses on the history of legal institutions, jurisprudence, some form of public law, the legal profession and the role of law in the assessment of the new technology. Some electives might include material eliminated from the required courses.

The committee report noted that all of the present first-year courses run for a full academic year, resulting in boredom, a

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HEW Spurs HLS To Recruit Woman For Professorship

By Jerry Snow

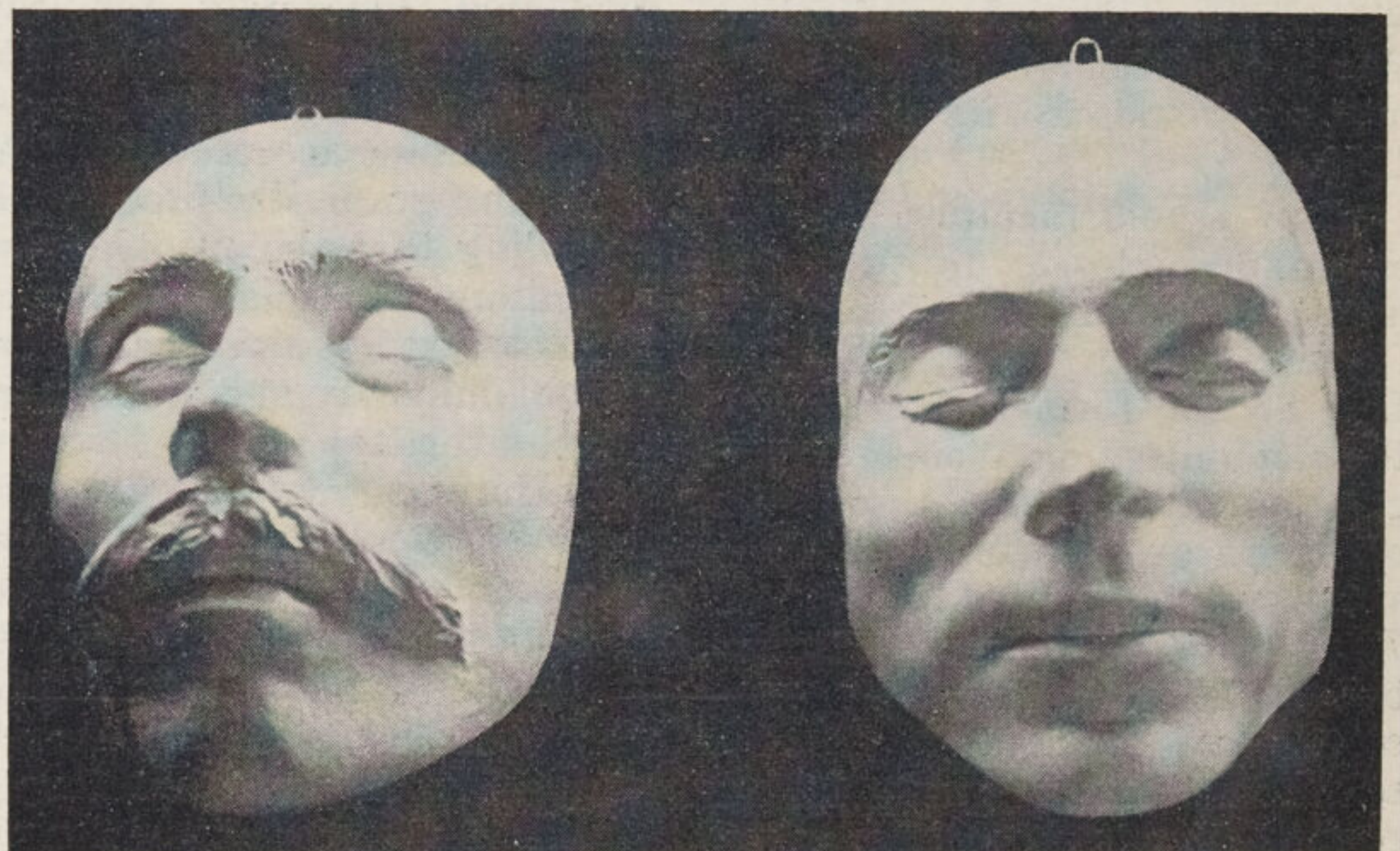
Harvard Law School may soon be able to boast the first woman professor in the history of the School. An intensive search is currently in progress to discover female candidates for a faculty appointment leading ultimately to the granting of full professorship and tenure.

"We are conducting a very thorough search," explained Dean Albert M. Sacks. "We are reviewing all possible females who might be qualified for a professorship and will do what we can to attract them." Sacks stated, however,

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Time Off page 8



Death masks of Sacco and Vanzetti on display in the library's Treasure Room in Langdell. Story on Page 8.

Charles Soberman

HEW Pressure Prompts School To Seek First Woman Law Prof

(Continued from Page 1)

that no quota or firm commitment had been established with respect to hiring one or more women by next fall.

The appointment of women to teaching positions at the Law School is not a wholly new phenomenon. This year there are four women included among the 95-odd faculty members listed in the Law School catalogue — Elizabeth Ann Owens, lecturer on law and director of research, International Tax Program; Karen S. Metzger, teaching fellow; Harriet King Tonskemper, teaching fellow; and Ruth Bader Ginsburg, lecturer on law and a professor of law at Rutgers Law School. Nevertheless, the last woman to hold the rank of professor at Harvard Law was Soia Mentschikoff, who taught here from 1947 to 1949 as a visiting professor. No woman has yet been accorded tenure, which accompanies the standing of full professor.

According to Sacks, the present quest for a woman to fill the role of professor reflects a definite change of emphasis gradually fostered in the last year or so under both Sacks and former Dean Derek C. Bok. Traditionally, law faculties have been a bastion of male conservatism in a predominantly male profession. The Law School first began admitting women to its classes in 1950.

"Law school faculties are still essentially closed to women," maintains Professor Daniel G. Collins of New York University Law School, former chairman of the Committee on Women in Legal Education of the Association of American Law Schools. In a statement attributed to him in *The New York Times* on November 22, 1971, Collins said: "Our committee's study of 76 law schools showed that only 4.3 per cent of the members of law school faculties were women, as of 1970, and only 2.3 per cent of the full

professors.

"One problem is that faculties looking for new members look for people who've been law clerks to judges. But many male faculty members won't recommend a woman for a clerkship, no matter how high she ranked in her class. It's all part of the closed system that operates against women."

But times are changing. The Department of Health, Education and Welfare has taken a hand in speeding things up. Harvard University, as a recipient of \$60 million in federal funds every year, is bound by the 1964 Civil Rights Act and subsequent execu-

his post as assistant dean and assistant director of admissions and financial aid at the Law School. "We have used very strong urging that all schools exert an affirmative effort to achieve equal employment opportunity," he said.

The Law School committed itself at the time of submission of the program to increase by February 1972 the number of its minority group employees in academic positions from four to six and in research, office and clerical positions from 20 to 27. As of November 1971 the respective figures are five and 25. Correspondingly, while it was not projected that the number of women in academic positions would increase, the total in that category has gone from two to

Discrimination Found in Most Law Faculties According to Law School Association Study

tive orders not only to a hiring policy of nondiscrimination on the basis of sex, race, color, national origin and religion, but also to an Affirmative Action Program designed to rectify present inequalities in its employment patterns.

Such a plan was submitted to HEW in November of last year and rejected as inadequate. Revised and submitted again in February, Harvard's "target figures" for minority and female hiring — calculated separately for each school and employment subdivision within the University — were this time accepted by HEW.

The program itself begins by conceding that the "University's commitment to equal opportunity has not realized significant numbers of minority and women employees throughout all levels of the University." It comes to focus particularly on the conspicuous absence of women among "teaching personnel, especially tenured faculty." Such absence is "very much a concern of the University," according to Walter J. Leonard, special assistant to President Bok on minority affairs, on leave this year from

four.

The Law School is currently in the process, together with the rest of the University, of rationalizing its job categories so that uniformity of statistical reporting can be achieved. Many jobs are undergoing reclassification. "The University is trying to come up with a management system, something we've never had before," explained Leonard. As it now stands, noncomparable figures were often added together in arriving at the numbers reported in the Affirmative Action Program. With Harvard thus shifting its basis of calculation, the previously submitted "target figures" have become meaningless and on October 12, HEW advised Harvard of its need to revise its program accordingly. The revision is due in the next few weeks.

In addition, a University Committee on Equal Employment Opportunity has been actively functioning in an attempt to coordinate the efforts of various departments of the University at compliance with HEW guidelines. Vice Dean William L. Bruce is the Law School's representative to the committee.

Crime Draws Administration Response

By Carol Plumb

[This is the second of a two-part article on crime in and around the Law School. In the first installment, Miss Plumb described the problems that have occurred this year in connection with increased muggings and burglaries. In this installment she presents the Law School administration's response to the crime wave and plans for controlling it.]

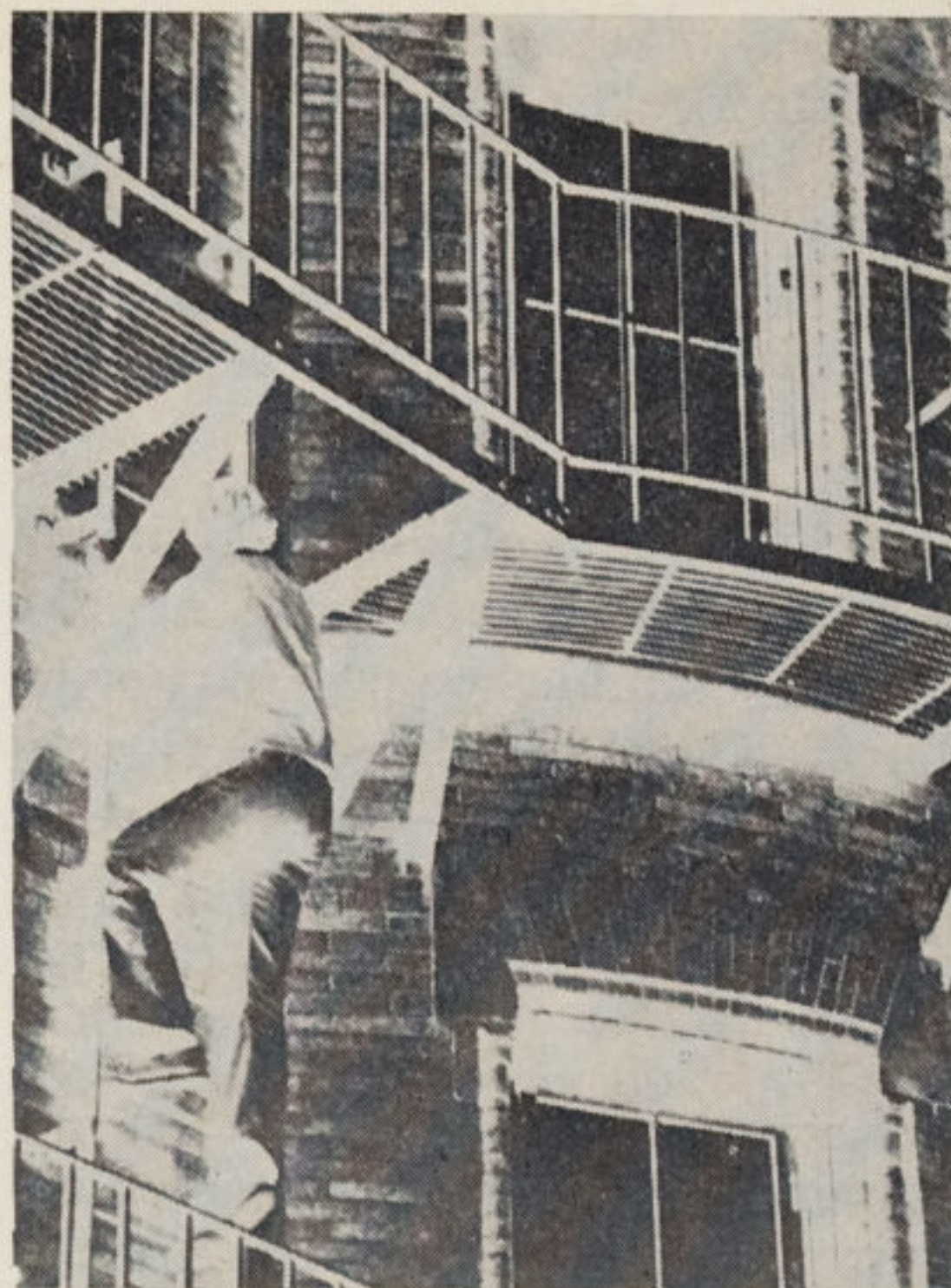
Outdoor lighting will be installed very soon — hopefully, within one week — in such critical areas of Law School territory as the corridor between Hastings Hall and the Harvard-Epworth Church, the front courtyard of Hastings, and the grounds around Langdell, ILS and Harkness Commons. This speedy response of the Harvard Law School administration is the result of a request sent to the University Planning Office by Vice Dean William L. Bruce, at the entreaty of the Dormitory Council, for an adequate outdoor lighting system around the Law School.

At a November 4 meeting attended by Dean Bruce, the Dorm Council executive committee, the dormitory proctors and Captain George Walsh of the University Police, Harold Goyette of the University Planning Office, who is responsible for the overall University lighting plan, announced that

Light Shall Shine At Harvard Law

lights would shine around HLS in the very near future.

The decision as to what kind of lights these will be is still in the dark. Dean Bruce, who oversees security measures at HLS, insists on several prerequisites for any lighting system adopted. The lights must meet certain aesthetic standards, they must be vandal proof and, since the School will need a large number of them, they



must involve a feasible capital cost.

The Planning Office has recently installed mercury vapor lights in the Harvard Yard. Although Dean Bruce feels they look somewhat "like toad stools in a rain forest," he also noted with approval that they are "very unobtrusive amidst the trees." He is not adverse to lighting the Law areas in a similar manner.

Throughout the entire University, security has been given the highest priority this fall. Following a series of assaults and thefts at Harvard, President Derek C. Bok last week appointed University Police Sergeant George A. Hill as full-time security coordinator for the University. In an effort to halt the burgeoning burglary situation, such un-Harvard-like procedures have been recommended as: limited access to all Harvard grounds after dark; a major University poster and pamphlet campaign to make the Harvard community security-conscious; the addition of personnel, notably University policemen; and even the installation of closed-circuit television surveillance of building entrances.

In addition to numerous student complaints, the Law School administration itself has been made only too painfully aware of pro-

nounced pilfering. Dean Bruce notes frequent additions to the mournful inventory of purloined property: "They've stolen four easy chairs and a couch out of a ladies' lounge in Langdell, not to mention the brand-new drapes which were swiped from another ladies' lounge. Four of the six sofa cushions in the ILS lounge are gone — all this since the beginning of the academic year."

Just last week, all the floor lamps were stolen from Harkness Commons and persons unknown managed to remove all the outside furniture from the roof of the Criminal Justice Center. The need for greater protection at the Law School is self-evident.

Already Hastings Hall has been fortified by new door locks on all six exterior doors. Hastings is in a vulnerable position, right on Massachusetts Avenue, so the administration has also recently put screen locks on all first floor windows. "People can raise their window six inches and lock it and no one can get in without

Hastings Fortified While Harkness Lamps Vanish

breaking the glass, which they don't want to do because of the noise," says the vice dean, who is, reluctantly, becoming more and more of an expert on technical details of the security devices industry. He has had the key system installed in the elevators in the Pound Building and has just finished "at enormous cost and inconvenience" having all School office electric typewriters bolted to their desks.

Bruce's most recent thwarting attempt has been to order the lights kept on all night at the parking garage. Students will also be allowed to park on the lower floors of the garage at night; all entrances except one will be barred; the pedestrian entrance will be bolted shut.

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Exiled Lawyer Condemns South Africa

By Michelle Scott

Exiled South African attorney Joel Carlson addressed a small Harvard Law School Forum audience in Lowell Lecture Hall last Friday evening on his experiences as champion of South African blacks and on the role of American investment in South Africa.

A native South African, Carlson, 42, became prominent as a

Carlson became an attorney, he explained, "to expose the injustices I knew to exist." Seventeen years later, he bitterly left his homeland with "the distinguished record of having more clients in prison than out of it."

While a student, Carlson worked as court clerk at the Bantu Commissioner's in Fordsburg. There he witnessed the en-

The new security legislation broadened the definitions of communist and terrorist crimes. It instituted guilt by association, a presumption of guilt, double jeopardy and arbitrary lengthening of sentences. Detainees can be kept incommunicado, in solitary confinement for interrogation, without notice to any outside persons, even a court.

Carlson attested to the use of torture and mindbreaking techniques and read prosecution witnesses' testimony from court transcripts describing such practices. An unknown number of detainees, he said, have died from torture or killed themselves.

According to Carlson, the South African economy is based on apartheid. The black population is controlled to provide a cheap labor force when and where needed. In return for their labor, the majority of blacks do not receive even a subsistence wage. Educational opportunities are nil.

American and other foreign investment, Carlson reported, has helped South Africa boom, especially in the last decade. But it has in no way improved the black South African's lot. Despite much publicity about opposing apartheid policies and other inequities by working within the system,

(Continued on Page 16)

**"To work within the system
is to work for it."**

defense lawyer for South African blacks accused of violating that country's discriminatory pass laws and as counsel for defendants accused and tortured for political offenses. Because of his work, Carlson and his family were threatened, his office and home endangered by shooting incidents and bomb threats, and in 1969, his passport withdrawn. Under mounting pressure, Carlson fled South Africa in early 1970 and now teaches at the Center for International Studies, New York University.

A reserved, stocky man, with old-fashioned, wire-framed glasses and an unruly blond cowlick, Carlson, in his undemonstrative manner and soft, British inflections, bore little resemblance to the flamboyant or emotional appearance of many American civil libertarians at other Forums. Yet his quiet manner served to emphasize his intensity and to increase his credibility.

forcement of pass laws, which require each black South African to carry, under threat of arrest, a 96-page book, conclusively documenting the bearer's rights regarding residence, travel, work and taxation.

"No (black) African," Carlson stated, "is entitled to any rights, to be anywhere, at any time, without the necessary permission."

In 1960, an anti-pass law campaign marked by the Sharpeville massacre, moved the government to invoke a state of emergency, still in effect in certain areas today. Security legislation, enacted by a Parliament elected by the approximately two million white adults who alone enjoy suffrage, followed.

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Image of NYC Firms Challenged

By Daniel M. Taubman

A partner in a major New York City law firm told nearly 100 first-year students Monday that they would not be dealing with "crusty old reactionaries" in choosing to go the traditional corporate route.

Frederick A. O. Schwarz, '60 explained that law firms are changing from what they were 15



Charles Soberman

Frederick A. O. Schwarz tells students of Wall Street possibilities.

or 30 years ago and are increasingly becoming "rather open places." He spoke in the third of a series of lectures entitled "Perspectives on Law and the Legal Profession."

Schwarz, who has been associated with the prestigious firm of Cravath, Swaine & Moore since 1963, described the different types of litigation with which he has been involved. His principal case now involves an antitrust suit against IBM brought by its competitors, for which Schwarz must take 2,700 depositions.

He contrasted the complexity of his IBM litigation with a case in which he defended the Columbia Broadcasting System's sponsorship of a "Who's Afraid of Virginia Woolf?" parody in a suit by Metro Goldwyn Mayer. Schwarz won that case by answering MGM's complaint before 9 a.m.,

forcing the court to rule on the basis of favorable New York precedents and denying it access to unfavorable California cases, since California courts were not open at that hour.

Schwarz also wrote an appellate brief in a "speedy trial" case, which resulted in the requirement that alleged criminals be indicted within six months or else have the charges against them dropped. With several other firm attorneys, he is representing the widows or the parents of the black students shot last year at Jackson State. Schwarz commented that "this will be a very hard case to win" because of "proof problems," but that his firm will seek to use the theory of *res ipsa loquitur* and hold the Jackson police chief and the city of Jackson responsible for inadequate training of police officers.

Schwarz's nonfirm activities have included drafting a guideline for demonstrations for the New York City police, work on a commission concerning the decentralization of New York City government, and work on a second commission involved with courtroom conduct (which arose after the Chicago Seven trial).

Schwarz explained that his firm, which employs 44 partners and 120 associates, is organized into five areas of specialty: litigation, corporate advice (mergers and acquisitions), tax, personal advice (trusts and wills), and real estate.

Advantages of working for a large firm include "fantastic support" (i.e., a large secretarial staff), work flexibility and specialists, he said.

Some firms spend much time getting clients and getting paid by them. To the extent that you don't have to do this, he said, "you have freed yourself for the work of a lawyer."

"There isn't anything called firm time and free time," the former campaigner for Robert Kennedy said. He explained that it didn't matter whether he

worked on his personal matters during the day or in the evening, as long as he got his work done.

A firm generally requires associates to handle assigned cases, while partners are free to choose their own. When forced to represent "evil clients," one may argue that everyone is entitled to a lawyer, or that issues are more complex than they seem, or one may apply one's own judgment as to what is right when advising one's client, Schwarz maintained.

Firm lawyers must always ask themselves "Am I doing enough?" and "How is the institution for which I work changing?" in order to maintain a proper perspective on their work, said Schwarz. He also noted that Cravath, Swaine & Moore operates on a "get up or get out" principle, according to which associates are expected to

Cravath Partner Casts Firms As Open Places

become partners within nine years, or else seek other work.

Schwarz, who estimated he works a 60-hour week, noted that between nine and 11 of the 14 lawyers the firm hires each year will leave within five years. Devotion and hard work are the keys to corporate success, he said.

"Widen your mind as much as you can on as many different things" while at law school, Schwarz urged his audience. "At law school you don't learn a single thing about how to try a case, and you can't."

"If you don't know how to think like a lawyer after your first-year *Contracts* course, you'll never be able to," Schwarz declared, suggesting that second- and third-year courses serve to widen the scope of one's legal knowledge.

Asked whether the "blueness of one's blood" affects advancement in the corporate firm, Schwarz replied that good firms are interested primarily in quality but conceded that some firms are interested in one's family background.

First Year Small Group Courses Offer Timely Topics, Optional Field Work

By Paul Weiner

The Law School will offer 20 small group courses to first-year students in the spring of 1972. Eleven of these subjects have not been offered in small group courses before.

Four of the 11 new courses deal with the effect of law on the environment and two with racial or sexual discrimination. At least two of the courses will depart from the usual lecture, discussion, or seminar format of Law School classes.

In *Field Work in Low Income Housing*, to be taught by Professor Charles M. Haar, students will prepare papers based on field work and interviews in the Boston area.

Tutorial — Social Aspects of Property Relations will not meet as a group. Students will meet individually with the instructor, Carl D. Lohmann, Ezra Ripley Thayer Teaching Fellow, while studying one property relationship in the light of law, economics, sociology, psychology, or other social sciences.

Each first-year student must enroll in one of the small group courses. The courses meet for twelve weeks, from the beginning of the second semester until spring vacation, usually for one and a half hours each week. There will be about 25 students in each group.

First-year students must return their choice forms to the receptionist in Langdell Hall by 5 p.m. today, Friday, November 12, or be assigned at random.

Each course will require a substantial amount of written work. Grades will be based largely on the written work; no professor has indicated that he will give an examination. Students have the option of taking the small group course on a pass-fail basis.

The four new courses on law and the environment include Professor Haar's course mentioned above. Professor Lance M. Liebman will teach *Integrating the Suburbs* which may also involve empirical research.

In *Evaluation and Guidance of Land Use in California*, Professor Frank I. Michelman will use as a text the recent study of California land ownership and use published by the Center for the Study of Responsive Law, Ralph Nader's organization.

The two new courses on discrimination are *Racial and Sexual Discrimination in Employment*, to be taught by Visiting Professor William B. Gould and *Legal Aspects of Sex-Based Discrimination* to be taught by Mrs. Ruth B. Ginsburg.

The list of small group courses is not final; groups may be cancelled or added depending on student preferences.

The small group courses were instituted in the spring of 1971; they serve to add variety to the required first-year curriculum. They superseded the various Development of Legal Institutions courses which had previously fulfilled that function.

Trial Plans

By Kermit Kubitz

[This is the third and last of a series of articles on the provision of legal services to the great middle income strata of American society. The first two articles discussed the development of Attorneys for Students, and the American Bar Association's position on group and prepaid legal services.]

In January, 1971, a prepaid legal services plan was instituted in Shreveport, Louisiana, with the blessing of the American Bar Association. The Shreveport plan, jointly administered by the local laborers union and the Shreveport bar is an experiment to determine if legal insurance will work to fulfill the legal needs of union members.

In supporting both administratively and financially the Prepaid Legal Service Plan of the Shreveport Bar Association and Construction and General Laborers Local Union No. 229, the ABA has made an about-face from its stand of previous years. Perhaps taking its cue from the increasing participation of government in medicine and education, the ABA is now urging local and state bar associations to experiment with prepaid legal service plans similar to the Shreveport example.

If successful in Louisiana and in Southern California, where 2000 teachers recently began contributing to a legal insurance plan, the scheme for prepaid legal services may prevent a takeover of the legal profession by either government agencies or private group legal service plans. (See RECORD Oct. 22 and 29, 1971.)

Plans for provision of legal services through an intermediary have traditionally been opposed on the grounds that the intermediary might create a conflict of interest between the client and his attorney. It is also feared that selection of an attorney by the intermediary may lead to commercialization of the profession,

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at the expense of its standards and clients.

The Shreveport plan hopes to avoid these perils by providing merely legal insurance, which, for a selected list of legal services, will pay benefits to any attorney whom the union member may

Plan Subscribers May Pick Own Lawyers

choose. One of the first surprising results of the experiment was that 29 of the first 30 persons to use the service already knew or had received service from the lawyer they chose. Only one client needed referral assistance. It was surprising to the union and to the administrators that the members had this much knowledge of the Shreveport bar.

The benefits of the plan are available to each member in good standing of Laborers Local 229, his wife (presumably none of the members are women), and unmarried children less than 19 years old, or less than 23 years old if they are in college and dependent upon the employee for support. If the case involves domestic relations, coverage is restricted solely to the covered member. A call to the offices of the union revealed that in its 11th month, the benefits of the plan had been applied to approximately 10 divorce cases.

The benefits of the plan, paid for by a contribution from the dues of members of the union

who wish to participate, provides: (1) all costs for advice or consultation up to \$25 per visit or \$100 per year; (2) \$10 deductible benefits up to \$250 for legal office work, including conferences and negotiation, title examination, taking statements of witnesses, and drafting of documents, but excluding legal research; and (3) in court cases in which the member is a plaintiff, the plan will pay, subject to a \$25 deductible clause, up to \$325 in legal services.

This latter benefit will pay for fees and expenses attendant upon civil, criminal, or administrative hearings before any court or agency of federal, state, or local government. It will also cover \$40 in court costs or witness fees and \$150 in expenses for depositions, scientific tests, or medical examinations.

When the member is hauled into court as a defendant, the plan will pay 80% of the first \$1000 in expenses beyond those covered under (3) above.

The plan excludes: legal fees in connection with a business venture where legal expenses would be permissible federal income tax deductions as a business expense; controversies involving immediate parties to the plan; contingent fee cases; and cases in which legal representation is provided by any insurance policy.

The explanation of plan benefits which is provided to members includes a few hopeful words about the billing conduct of attorneys under the plan. The trustees of the plan request that "... all attorneys conduct themselves, their offices and their routine billing and professional practices for persons participating in this plan in the same manner as if the plan did not exist."

The pamphlet notes that "[M]any persons think that the advent of medical insurance precipitated the disastrous rise in medical costs that has taken place over the last ten years.

"The organized bar," asserts the pamphlet, "would hope that such charge might never be leveled at the legal profession on account of legal insurance."

In the view of the union, at least, the plan has paid its own way. Over the first 11 months, an estimated 75 to 100 members of the union have participated in the plan. With 30 cases still awaiting payment of benefits, some \$11,000 has been paid out to participating attorneys, leading to an average cost per case of between \$160 and \$240. In that same period of time, over \$12,000 has been paid into the plan by participating union members.

Whether prepaid legal services is the direction of the future for that portion of the bar that tends to the legal needs of the middle class is yet to be determined. It is certain that in sponsoring this plan, the American Bar Association has come a long way from the days in 1951 when its journal scathingly criticized the English Legal Aid and Advice Act, designed to ease the financial burden of legal fees.

Bar Must Adapt To New Techniques

The competition between group and prepaid legal services, the introduction of paralegal personnel to fill the gap between secretary and lawyer, and the application of computer tools to tasks ranging from initial interviews with indigent clients to drafting of standard legal documents are all healthy challenges for the profession. If it can meet these challenges and use these new techniques, the bar will have taken a long step toward becoming advocates for 100% of our society, as ABA President-elect Robert W. Meserve has expressed the hope. If not, then the independent attorney may well go the way of the medicine man or the snake oil salesman.

The Center for Criminal Justice presents N.Y. Times Associate Editor and Attica Mediation Committee Member

Tom Wicker

"Reflections on Attica, Prisons and Justice"

8:00 p.m., Thurs., Nov. 18,
Ames Court Room, Austin Hall

Real World Returnees Enjoy Time Off,

By Richard J. McManus
and David Cocke

Since draft deferments for graduate students were discontinued in January, 1968, hundreds of Harvard Law students have interrupted the traditional three-year course to fulfill military commitments or pursue alternatives.

Contact with the "real world" has, according to these students, enriched their Law School experience upon return.

More than 250 students left between 1968 and 1970 and the great majority have since returned. They had a variety of

Fears Borne Out: Army Not Rewarding

non-academic positions such as infantry rifleman, VISTA Volunteer, paralegal aide, world traveler, life insurance salesman, news reporter, health researcher and Nader raider.

Most left at the beginning of the 1968-69 school year in anticipation of the draft as their student deferments expired. The change in the draft law the previous January eliminated such deferments for law students with less than one year toward their degree so the class of 1972 was drastically reduced in size. Of the draft-eligible who stayed on during the winter of 1968-69 several were inducted and found themselves in the combat zone within a year.

But by far the greater number of those who failed to escape the armed forces "volunteered" for the National Guard and reserve forces and now, returned from six months active duty, attend military "drills" during the academic year. An estimated 125 to 150 chose this route.

Not surprisingly, those who have spent or are spending time

in the military do not, for the most part, find it a particularly valuable or rewarding experience in itself, but many said that it gives them a new slant on life at the Law School.

"I didn't think anything could be worse than the first year at Harvard Law School," said one Vietnam combat vet, "but I was wrong."

Another vet, Rick Zimmerman, 2L, who spent a year in an Army personnel office in Pleiku, said, "I can't really say that the law is more relevant to me because of it. I am still concerned about what is being done to the Vietnamese people and that is a political question."

"I am not sorry I went through that experience, but there are many things that could have been more rewarding."

Reservists, of course, escaped the tragedy of Vietnam battle-

fields but many find their frequent drills and annual summer camp oppressive. One 2L recently received a conscientious objector discharge from the reserves.

Most, however, reluctantly put up with the part-time military life. Ronald Bocage, 3L, put it this way: "I lost some weight but otherwise it was completely valueless. I still type with two fingers."

By way of contrast, a number of current returnees left the Law School one year ago to get out of the Army. These were a dozen or so students who, while members of Harvard's graduate student ROTC program, received high lottery numbers in the initial 1969 drawing. The only way out of the program was to leave school for at least one year.

Walter Birkel, 2L, sold life insurance, got married, ran in the Boston Marathon, and escaped the Army's clutches all in his one year out. "It was a great year to take

Sacco and Vanzetti

By Paul Weiner

The Law School library is currently displaying an exhibit entitled "The Case That Will Not Die: Sacco and Vanzetti in Retrospect." The exhibit has thirteen sections which follow the case from background material on "The Temper of the Time," through the murder trial of Sacco and Vanzetti which ended in a verdict of guilty on July 14, 1921, through six years of imprisonment and many futile appeals leading to death by electrocution on August 23, 1927. The exhibit combines factual accounts of the case and fictional works based upon it from the time of the trial to the present.

The stimulus for the exhibit was the donation to the library of the Sacco and Vanzetti collection of the late Herbert B. Ehrmann in December, 1970. Ehrmann, who died in 1970, was the last survivor of those connected

with either the prosecution or the defense in the trial and subsequent appeals. Ehrmann graduated from Harvard College in 1912, from the Law School in 1914 and was assistant to counsel for the defense from 1926 to just before the execution.

Ehrmann was convinced that the paymaster and guard had been murdered by members of the Morelli gang, which had robbed freight cars from the factory near which the murder took place, and not by Sacco or Vanzetti. To prove his thesis, he wrote two books: *The Untried Case: The Sacco-Vanzetti Case and the Morelli Gang*, published in 1933, and *The Case that Will Not Die: Commonwealth v. Sacco and Vanzetti*, published in 1969.

After Ehrmann's death, Mrs. Ehrmann gave his papers to the Law School library, knowing that this had always been his intention. Mrs. Ehrmann herself had

Find Law School Experience Enriched

off," he said. "After coming back I have a much greater dedication to the law."

Others who engaged in nonmilitary pursuits during their time out uniformly agreed with Berkel's sentiments.

James McGrew, 1L, who left the Law School four years ago and performed the alternative service required of conscientious objectors as a research assistant in a Boston mental hospital, said, "The experience did me an incredible amount of good, but I wouldn't voluntarily take so much time away from law school. I have a much better perspective now of the law. Returning students don't seem to be so worried about the competition."

Ken Meizer, 2L, one of more than 30 students who served as a VISTA Volunteer — which, until spring 1970, used to be good for a deferment — said, "After

working with lawyers for an exciting three years, it is hard to come back and learn how to be one."

Meizer worked in the Camden (N.J.) Legal Services Program, which is leading the fight for adequate relocation housing in urban renewal. "My first year *Property* course was totally inadequate to deal with the zoning problems we faced," he said.

'Dear John' Letters Take Annual Toll

Even if they are still not entirely happy with the Law School, returning students seem to have a greater commitment to becoming lawyers than they may have had before they left. Vice Dean William Bruce, reflecting on this phenomenon, said, "Students who have been out in the 'real' world seem to know what they want and, better, how to get there.

They are not so intimidated by the competitive atmosphere. In their time away from school they have discovered their own standards and their own ability to live up to them."

Dean Bruce also noted that the great exodus of draft-related dropouts has now ended and that the number of students leaving has returned to the pre-1968 "normal" rate of 15 to 20 a year. "And most of these," he said, "are due to 'Dear John' letters."

Not all "normal" dropouts are for such unpleasant reasons, however. Steve Burbank, 2L, hit the jackpot with the award of a Sheldon Traveling Fellowship which he used to tour the Mediterranean on the year-long holiday required of those receiving this unique stipend from Harvard. Burbank accepted the award as a Harvard undergraduate but used it last year traveling with his wife. "Superb!" he said.

Exhibit Combines Fact, Fiction

been so moved by the case that she devoted the rest of her life to the abolition of capital punishment.

On exhibit are letters of Sacco and Vanzetti, pages from the official record of their trial and appeals, photographs, drawings, books, pamphlets, and newspaper clippings. Also on display are assorted mementos of the trial:

Exhibit 43 of the original trial, a cap taken from Sacco's home which was compared with another found near the scene of the crime allegedly belonging to Sacco, though it was in fact a quarter size too small for his head;

An American Express Company receipt book, the fruit of a frantic canvass by Ehrmann of all the fish dealers on Boston's Atlantic Avenue and at the South Boston Fish Pier. It testified to the receipt by Bartolomeo Vanzetti of a number of eels for delivery on

December 24, 1920, the day of the crime, and was used in an appeal to Governor Fuller for clemency;

A necklace of white and green beads presented by Vanzetti as a gift to Mrs. Ehrmann. He had bought it from a fellow prisoner who had made it in the prison's workshop;

The death masks of Sacco and Vanzetti, cast by the Caproni Studio of Boston and lent by Allan Fox. They are probably the only things on exhibit which are not part of the library's collection.

Perhaps the most striking documents on display are a page of the typewritten transcript of the trial on the wall on the left as one enters the Reading Room, and the handwritten letters of Sacco and Vanzetti in two cases at the far end of the Treasure Room.

Some lines from the cross-examination of Sacco:

"Q. You can't say whether you

loved the United States of America one week before the day you enlisted for the first draft? A. I can't say in one word, Mr. Katzman.

Q. You can't tell the jury whether you loved the country or not?"

Six years later, Vanzetti dates a letter:

"Morning of June 11, 1927
My 39th Birthday
Most probably my last
In Dedham jail for frame-up
Mass."

The exhibit draws on five of the library's collections in addition to the Ehrmann papers. Shortly after the execution, members of both the prosecution and the defense groups deposited papers with the library. The Felix Frankfurter Papers contain correspondence, documents, and material about the case, most of it dealing

(Continued on Page 15)

A Woman Professor?

Query: Which is harder to find, a qualified woman candidate for the Supreme Court of the United States or a qualified woman candidate for a professorship at Harvard Law School?

The question itself might appear to beg an issue: whether the search for a woman professor at HLS is to be confined to filling only one slot. One in nine is hardly comparable to one in fifty-three (tenured professors), even were the comparison justified. There are some who fear that the end result of the quest for a woman professor at the Law School may only be a brand of tokenism. While that remains to be seen, it is at least true that there must be one woman professor before there are two. As a practical matter, Harvard Law School is unlikely to break traditional ice more than a crack at a time.

But will the School have even *one* woman professor — be she only a visiting professor to start out with — by next fall? No firm commitment to that goal has been made. It would seem rather implausible for the School to fail to come up with a long list of qualified women candidates for a professorship; neither should it experience quite the same difficulty in filling its opening(s) as did President Nixon. Moreover, it would be imprudent for the administration to concentrate its recruiting efforts prematurely on only one or two individuals leaving other qualified candidates aside. No insurmountable obstacles loom to block the path of real intent.

Admittedly, there is a *relative* dearth of women in the legal profession from whom to choose. According to statistics cited in *The New York Times* last October 22, there are only 9,103 graduate women lawyers out of a total of 324,318 lawyers in the country — 2.8 per cent. Whether this imbalance is to continue depends on many factors, not least of which is the willingness of schools such as Harvard to employ women on its faculty in positions of equality with men.

Both President Bok and Dean Sacks are on record as favoring steps that will reverse traditional trends and bring more women into all phases of the legal profession. Their leadership is highly visible and highly important, and their expressed commitment to equal employment opportunity is certainly welcome. But of course, the majority of those in the group most affected will understandably be impressed in the long run only by tangible results.

Harvard Law School eagerly awaits its first tenured woman professor.

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Fenno

Enter Fenno.

*O for a Justice of fire, that would
ascend the brightest heaven of Juris-
prudence,*

*A courtroom for a stage, Holmeses to
act,*

*And Bickels to behold the swelling
scene!*

*Then should the warlike Laurence, like
himself,*

*Assume the part of Borah; and at his
heels,*

*Leash'd in like hounds, should ideology,
Politics and Senate votes*

Crouch for employment.

But pardon, gentles all,

*The flat unraised spirits that have
dared*

*In this unworthy forum to bring forth
So great a subject; can one casebook
hold*

*The vasty briefs of Brandeis? or may
we*

*Cram within the four corners of this
instrument the very words*

*That did affright the air at Conference
Time?*

*O pardon! since a crooked figure may
Attest in little place a million;*

*And let me, student of this great array,
On your imaginary forces work.*

*Suppose within the confines of this
page*

*Are now set down Nine Mighty Jus-
tices,*

*Whose high upreared and most learned
views*

*The perilous tide of politics renders
void.*

*Into a thousand parts divide one
Court;*

And make imaginary puissance;

Think, when we talk of Marshall,

*That you see him, reading words that
Jeff'son wished were not.*

*For 'tis your thoughts that now must
deck our J's,*

*Carry them here and there; jumping
o'er times;*

*Turning the accomplishment of many
years*

*Into a column now; for the which
supply,*

Admit me Fenno to this history;

*Who, waspish-like, your humble pa-
tience ask,*

Gently to read, kindly to view, my task.

Letters to the Editor of the RECORD

Not Harvard Law But Good Anyhow

To the Editor:

I was interested to read your editorial "Supreme Court Indignity." It seems to me significant that the worst that the group of signatories to this letter entitled "Supreme Court Indignity" can come up with as a charge against the President is what he did not do. I would hope that the Harvard Law School RECORD would have a similar comment on the outstanding calibre of the appointees that the President did make, as contrasted with those that he did not make. Even though the two appointees were not number one in their class at Harvard, each of them was number one in his class at his respective Law School.

George D. Webster '48

Sexist IRC Sections Scored by Alumna

To the Editor:

I am interested to read in your October 22 issue of the great increase in the number of women students at the Law School. If Harvard really supports this trend I wish some of its effort would go into combatting the most serious discrimination we face, which is the Internal Revenue Code.

The deductibility of business expenses from gross income is basic, and yet the most vital business expense of most professional women is not deductible. This is the cost of household and child care help. Availability of education and jobs are fine for starters, but most women also want families (which most men take for granted) and if we are going to be able to work professionally we must have help at home. When that help has to be paid from after-tax dollars as is now the case, there are two results. One is to depress wages for household workers, thereby further diminishing the supply of competent people willing to do this kind of work. The second is to depress the professional's real net income to the point where many of us, if we looked

honestly at the whole picture, would have to admit that we would be dollars ahead to stay home.

Since so much is now being invested in training women, Harvard Law School as an institution could appropriately lead the effort to make sure that once women are educated and placed in jobs they can afford to keep them.

(Mrs.) Elizabeth Woodruff Pine '60

Placement Statistics Mangled by Record

To the Editor:

In reference to Table A appearing on Page 2 of the October 29 Harvard Law RECORD, I would like to bring to your attention the fact that the category "Without Jobs" is not a percentage, but is in numbers. Please don't confuse the two—there is a large difference between 21 per-cent and a total of 21 students without jobs. We are glad to give you our statistics, but please don't mangle them!!!

Eleanor R. Appel
Placement Director

Law Review Blows Billing Procedure

To the Editor:

If you have space in your letters to the editor column for a little humor you might run this:

In his classes in *Civil Procedure*, Professor Scott posed the hypothetical case of the man who was sued by the Harvard Coop after having paid once for goods he never purchased.

Here is a real case of a man who paid twice for goods he never ordered and was billed a third time—by the Harvard Law Review. Let's hope the computer has been put in order over the summer.

[Excerpt from Letter of Jan. 27, 1971]

[Bill of Feb. 1971]

Robert A. Riegert '53

Law Notes

New York Times columnist Tom Wicker will speak Thursday, November 18, on "Attica, Prison and Justice." Wicker was a member of the ad hoc mediation committee and was inside the prison during the recent inmate take-over and subsequent massacre. The lecture is sponsored by the Center for Criminal Justice and will be in Ames Court Room, Austin Hall. Open to all.

* * *

UNICEF greeting cards help needy children in 119 countries. On sale after November 29 at the Cambridge Savings Bank, the Prep Shop, the Memorial Drive Stop and Shop and the Mt. Auburn St. Star Market.

* * *

Noted hairstylists from Boston's Salon Boccaccio will set, style and comb out the coiffures of five volunteers at the Wednesday, November 17, meeting of the Harvard Law Wives. All welcome.

The Role of Women's Studies at Harvard

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1L Electives?

(Continued from Page 1)

feeling by some students that courses are "too extended for their subject matter," and a frustration for lack of alternatives to traditional first-year subjects. Another problem cited was that too much of a student's academic status depended upon the five year-end examinations.

The report emphasized the need to continue the present required courses — *Civil Procedure, Contracts, Property, Torts and Criminal Law* — as "building blocks" in a legal education. While these courses might be shortened, they should include material "necessary to impart the skills, knowledge, and basic vocabulary that are essential to comprehend other courses . . . and . . . are essential parts of a lawyer's equipment."

The committee commented that while mid-year examinations run some risk of distorting a student's true ability and hence might weigh less heavily in any composite grading, a mid-year break was important in that it would provide an incentive to review the first semester material and help to relieve the pressure on June examinations whether or not the elective system were adopted.

After releasing the proposals the committee announced a plan to solicit the reactions of every twentieth student in the upper two law classes concerning the changes. This informal poll of student opinion is being administered by the student members of the committee and will be submitted to the faculty before any action is taken. Professor John P. Dawson, chairman of the committee, said he hoped the faculty would act on the two plans before the Christmas break.

Dawson stressed that he and the whole committee would appreciate other student responses to the proposals. Copies are available at the Langdell receptionist's desk. "I would appreciate it if all comments be in writing," he said.

Military Law Course Suggested

By Alan Lederman

Due to the efforts of Robert Farb, 2L, a member of the Committee for Legal Research on the Draft, Harvard Law School may offer instruction in military law during the 1972-73 academic year. Farb, who entered the Law School in 1968, was drafted in 1969 and served until discharged as a conscientious objector, has submitted a proposal for such a course to the faculty.

There has been increasing interest in recent years in military law, which affects the lives of millions of servicemen and their dependents. The law schools of Yale, Columbia, Duke, New York University, and Wisconsin, among others, have recognized the need for instruction on this topic. In all of these schools, student interest has been high.

Farb proposes that the course include such topics as military court interpretations of the Bill of Rights, rights of appeal, political rights of military personnel, and possible changes in the administration of military law.

He expects that guest speakers would be invited to provide different viewpoints. Presently, it is not known whether a Harvard professor would lead the course, or if a lawyer from outside the faculty would be asked to teach it.

Initial faculty response has been positive. Action on the proposal is expected within the next few months.

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GROWTH AND TAXES

The Boston Consulting Group

The present form of income tax on corporations is hard to justify. It takes money from the wrong companies at the wrong time. It produces less revenue than it could or should while interfering with the productivity of the economy.

Successful businesses must grow. Growth takes capital. Capital is primarily retained earnings. An income tax is a withdrawal of capital from companies who use capital most effectively. This is doubly detrimental since the ability to borrow depends on the amount of retained capital.

Most fast growth economies have tax structures that provide added capital to successful businesses. In Sweden the company itself decides how much depreciation to take. It need pay no income tax until all investment has been recovered. In Italy the tax is effectively a turnover tax, not an income tax. Since these taxes are collected several years later than an income tax, the effect is to supply large amounts of capital to growing businesses. In Japan the government-banking-business relationship results in large amounts of capital being provided as debt to successful companies.

Almost all fast-growing economies find ways to uncouple the growth rate from the level of profitability. The result is lower prices for consumers, more net tax revenue, and a more dynamic economy.

The U.S. might be well advised to tax dividends instead of income. A relatively low tax on undistributed profits would pay the interest on the deferral of cash receipts. No company would keep funds on which it could not earn more than the cost of interest, but companies with investment opportunities above that level would be encouraged to invest rather than pay the funds out as dividends. The government would, in effect, be lending money to successful companies in return for both the interest and half the profit earned on the capital.

Why not? The real beneficiary would be the consumer and society as a whole.

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Students Told Not To Play Hero

(Continued from Page 3)

The increased cost of protection, which must become a part of this year's operating expense, is especially galling to Dean Bruce because he is also in charge of the financial aid program. "In this year of recession, many more students than usual are having financial problems. All this money which must be spent on lights, locks, replacing stolen equipment, etc., is money which won't be available for academic purposes.

"We may have to get special exterior door locks in all the graduate dorms," he continues, "although we hate to do that because the residents really hate it. Still, this is a serious problem and the best thing is to enlist the entire community against it."

Dean Bruce stresses that no member of the Law School community should try to confront a thief by force. He feels that if students make a point of politely accosting every person they see who "seems to be just hanging around with no connection with the School," trespassers will be discouraged because they'll know that they will be challenged, albeit in a polite way, if they enter Law School premises.

Additional suggestions on how students can protect themselves and their property were given by Detective Sergeant James Roscoe, the officer in charge of the Harvard area, to a recent visitor to his second floor office at Cambridge Police headquarters.

Detective Roscoe recommends "deadlocks" on all student dorm

rooms, if possible. This is a double lock which has a square bolt, which makes it much harder to open than ordinary bevel type locks. (Presently most doors in the School dormitories do not have deadlocks. A number of students have tried self-help by putting tacks in front of the bolt so that a card can't be slipped around it. Many students feel the safety locks supplied by the Law School on request often break or don't work.)

"It's most important that the area be well lit. There should also be outside locks on each door," says Detective Roscoe.

Another very important precaution Roscoe suggests is to make a list of all the serial numbers on one's possessions and keep it in a separate place, which would

most of the current crime rate in Cambridge to drugs, but he doesn't think local crime is increasing. Indeed, he believes it has decreased in the last year. Good enforcement has also played its part: "Right now we're battling almost 1000 as far as crimes of violence are concerned. There are more men on the street, less in the station. You law students may not like this, but in my opinion President Nixon has done a lot to help the police cut down on crime. He's done this by increasing federal funds.

"Our walkie-talkies are one result of this. Every man on the Cambridge police force now carries one and they are enormously effective. We can have two or three cars converge on an area in just a couple of minutes."

Dean Bruce Asks Law Students To Politely Challenge Loiterers

aid in legally retrieving one's property. "Lots of times the police recover property when they arrest someone; or the stuff is often pawned. But, unless you have a serial number or a bill of sale, you can't, under law, prove ownership. A mere description of the goods is not enough. If you lost a Sears TV, for example — there are maybe one hundred thousand in existence; what's to show this one is yours just because you claim it?"

Detective Roscoe attributes

Detective Roscoe also cautions students "not to play hero. For a woman, the best weapon she has is the loudest scream she can manage. Even for men, if there are two or three assailants, the best thing is to simply get a good description — height, approximate age, what kind of clothing they're wearing. Call the police and they'll take you around in a cruiser. The police are your best witnesses for identification."

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Sacco-Vanzetti

(Continued from Page 9)

with the 1927-28 period. A collection of the letters of Sacco and Vanzetti were given to the library by Marion Denman Frankfurter (Mrs. Felix Frankfurter) and Gardner Jackson, who had collected them for their edition of *The Letters of Sacco and Vanzetti*, published in 1928.

The ten Harvard Law School Scrapbooks, sometimes called the "Blackbooks," contain newspaper clippings, mainly from the final stages of the case. It is thought that they were donated by William G. Thompson, counsel for the defense. Finally, the Trial Collection of the Law School contains books, pamphlets, and documents not only on the Sacco and Vanzetti case but on many famous trials.

The entire exhibit is in the Law School library in Langdell. Miscellaneous newspaper clippings of the 1927 period drawn from the Sacco-Vanzetti Scrapbooks ("Blackbooks") are displayed on the lower level of the library. The rest of the exhibit is on the main floor. For the most part, material from the period from trial to execution is in the Treasure Room; earlier and later material is in the Reading Room near the main entrance.

A printed catalog of the entire exhibit is available free of charge at the reference desk in the reading room.

The exhibit was arranged by Mrs. Erika S. Chadbourn, curator of Manuscripts and Archives, with the assistance of Karen Brudney.

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Larry & Joe

Sports Briefs

"A" League Pennant up for Grabs

By Willard Fraumann

As the intramurals head into the last week of the regular season, three of the leagues have their champions. The Crimson Swine held on to defeat the Red Pigs 12-6 in a hard fought tilt to clinch the B league. Ron Sensaki, Steve Schroeder and Greg Long led the CS to their big win. In the C league, Fat City blasted their way into the victory circle with a 4 and 0 record. Dennis Meier, Henry Chatham and Carl Hawkinson were the Farlin Garii Flashes' stalwarts as the

FGF took the D League Championship.

The Championship of the A League is still up for grabs, as the Backbenchers and the Yippies, Hippies, etc. are scheduled for the title this week. Watch for next week's exciting installment to find the results of this one!

NOTE: Will all team captains please turn in the results of their games (and results for the season) to Commissioner Spoor at 498-5196. The standings as compiled are very incomplete and inaccurate.

A LEAGUE

Backbenchers	4-0
Yippies, Hippies, etc.	3-0
Heartbreak of Psoriasis	2-1-1
Grovinators	2-2-1
Spiritual Unity	1-4
Story Steamers	0-5

B LEAGUE

Crimson Swine	5-0
Red Pigs	4-1
Grizzlies	2-2
Concerned Prune	1-2
Alumni Assoc.	0-2
Garvey's Ghost	0-2
All Stop	0-2

C LEAGUE

Fat City	4-0
Legal Aid	2-1-1
Turkey Wimps	1-1-1
Learned Hands	1-1
Law Review	0-1
Number One	0-2
Married Maulers	0-2

D LEAGUE

Farlin Garii Flashes	4-0
Unprepared	2-2-1
Savages	1-0-1
Ball Team	0-2
Intentional Torts	0-3

COOP ELECTION

For Student Directors

Ballots have been mailed to student members of the Coop. If for any reason, you have not received your ballot, one may be picked up at the Cashier's Office in any Coop store.

The election closes November 15. Please vote early.

the
Coop

South African Recounts Racist Abuses

(Continued from Page 4)

the Polaroid Corporation, Carlson charged, still paid the majority of its workers less than a subsistence this year.

With opportunities legally closed to blacks, and 96.5 per cent of the voters supporting apartheid in 1970, Carlson said that foreign investors, particularly American investors, whose prestige outweighs even their dollars in significance, should realize their responsibility in the continuation of separatist policies. He charged that Americans are working in a system which prohibits democracy and destroys freedom.

"Of course one can work within the framework of law," Carlson commented. "It is profitable and always has been. To work within the system, is to work for it."

If pressure does not force change, Carlson concluded, revolutionary change appears inevitable in the country which symbolizes racism in today's world and which, Carlson suggested, serves as a measure of the world's progress.

Following Carlson, four young South Africans, Andrew Lukele, Margaret Marshall, Christopher Nteta and Richard Suzman spoke. All four ac-

knowledgeed Carlson's efforts, but insisted that only a black South African could understand the desolation of apartheid. The black panelists, Nteta and Lukele, emphasized their belief that whites could never sense nor convey their oppression. White South Africans Marshall and Suzman pessimistically predicted that only violent revolution would change their homeland.

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