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N. Y. Times Editor *Faculty Tentatively Accepts* Critical of Assault *Joint Course With Kennedy* on Attica Inmates

By Richard J. McManus

Tom Wicker, *New York Times* editor and columnist, speaking on his experience as a reporter and a member of the inmate-requested negotiating committee at the Attica prison insurrection, told an overflow audience last November 18 in the Ames courtroom: "You don't understand the extreme, ultimate reliance of American society on armaments until you see it.

"American society," he said, "has come to rely on violence as a solution to social problems."

Wicker, in an address sponsored
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The Law School faculty has approved in principle an experimental 13-hour course of problem-related studies in public policy. The course, primarily for second-year law students, would be taught jointly by the Law School and the Kennedy School of Government.

The course would apply the analytical techniques of economics, political science, decision theory, and statistics to problems in law and public policy.

The proposed course was approved by a voice vote at the November 16 meeting of the faculty. It will be discussed again in January when the entire 1972-73 curriculum is reviewed.

At that time, the faculty will

consider whether enrollment in this course will affect a student's present freedom to cross-register for up to 10 hours of credit outside the Law School. The faculty may also discuss whether there will be a minimum or maximum number of hours of the public policy program that a student may elect in a single semester.

The proposal was prepared by Professor Philip B. Heymann with the collaboration of Dean Albert M. Sacks, Professor Lloyd L. Weinreb and Assistant Professor Laurence H. Tribe. Professor Heymann is also a member of the faculty of the Kennedy School.

According to Professor Heymann, the 13-hour course will be an edited version of the Kennedy School's 26-hour first-year program. Courses will emphasize three techniques: political analysis; fact-finding, incorporating statistics; and decision-making, using economists' and businessmen's approaches.

Proponents of the program hope that the jointly taught Law

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New York Times editor Tom Wicker speaks at Law School.

Peter Hlavacek

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Wicker Blasts Rockefeller on Attica

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by the Center for Criminal Justice, repeatedly criticized the decision of Governor Nelson Rockefeller to storm the prison which led to the killing of 42 inmates and hostages by assaulting police at the upstate New York correctional facility.

"One of the richest men in America," noted the columnist in his Carolina drawl, "ordered poor white people to go in and shoot poor black people."

The hard-hitting newsman spent four days as a negotiator between prison authorities and the defiant prisoners. The mildest comment he could make on the decision to go in shooting after those tense but bloodless days was "unreasonable."

"By Monday morning," he said, "the prisoners had established

four days of credibility. The hostages might have been harmed if there were panic conditions or if the leaders had lost control.

"But, even if they did lose control," he continued, "chances are it would have been to those

42 Lives: Basic Tenets of Society

prisoners who were frightened enough to accept the 28 points offered by the authorities. You have to balance, therefore, the slim chance of harm during negotiations with the absolute certainty that someone would be killed in an assault."

Wicker scorned Rockefeller's justification that negotiating with criminals would undermine the basic tenets of society. "I am inclined to believe," he said,

"that the lives of 42 people are basic tenets of society.

"The fundamental problem," he added, "is that prisoners are not considered human beings."

The widely-read columnist told his sympathetic audience that to understand the prisoners' point of view would necessitate dropping their own middle-class perspective.

"They see themselves as victims of a deficient society," he said. "They feel that they are scapegoats for society's shortcomings. This is why they refer to themselves as political prisoners."

Wicker called for a reform of the penal system with less emphasis on actual incarceration of convicts. He characterized prisons as "universities of crime" where prisoners took "graduate courses."

"We have to remember that these people will be back among us in two or three years in most cases," he said.

"After the *Gideon* case," Wicker noted, "Florida had to turn scores of prisoners loose. The rate of recidivism was very low. This raises what is perhaps a politically impossible question: If every prison door were opened

Course Receives Tentative Approval

(Continued from Page 1)

and Kennedy School classes will assist the lawyer, a generalist, in understanding and using specialists' methods. They note that law students cannot as a practical matter register for Kennedy School courses with the same ease as for Business School offerings.

During the faculty discussions, some professors expressed concern that the courses may become superficial forays into non-legal areas. Others questioned the expense, both in terms of faculty costs in assigning two professors to one class, and in terms of student costs in filling an entire semester's schedule.

Several faculty members predicted that the course will aid law students to perceive the limits of their own techniques and to understand the value of other methods which foster decision-oriented thinking.

Others, while maintaining reservations about the proposal, took the view that when fellow faculty members had devoted so much time and had expressed so great a desire to undertake a project, it would be inappropriate to hinder them.

The proposed program would be based on the four core courses in public policy now given at the Kennedy School: *Analytical Methods*, *Economic Theory*, *Statistical Methods*, and *Political Analysis*. These four courses, plus a "workshop" in which students apply these techniques to "real life" problems, comprise the first year of a two-year program leading to the degree of Master of Public Policy.

These courses are now open only to students at the Kennedy School.

Analytical Methods deals with computer simulation of models,

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Open Prison Doors To Cut Down Crime?

would we get more or less crime than if each inmate served out his term?"

He argued that reform would be more moral and more effective if done in the community.

Wicker concluded his speech declaring the prison problem in America to be "manageable and in our clear self-interest to do something about.

"If the great American people can't deal with prison reform," he said, "I don't think they will deal well with any of their problems."

Rehabilitated Con Fears Extradition

By Bert Halprin

The purpose of prison is to rehabilitate, right? So why is it then that so many people seem so anxious to put Malik Hakim, who could serve as a model for the rehabilitated convict, back in jail?

Officially the reason is that a refusal to extradite Hakim, who is wanted in Missouri on rape and assault charges and for parole violations, would be improper in view of the serious charges involved and would set a bad precedent.

Malik Hakim, born Albert Bradford, served 16 years of a life sentence given him at age 17 for armed robbery and rape before being paroled. (In the best tradition of American justice, Hakim claims that he didn't even realize he was pleading guilty to the rape in which he took no part. His attorney worked out a deal which he thought would give him a light sentence for a copped plea to the robbery charge.)

Finding that the terms of his parole did not allow him to use the consciousness and skills acquired in prison to aid his people, Hakim fled the state and came to Boston in 1968. While using a new name in place of his "slave name," he made no attempt to conceal his identity. In fact, he applied for a passport under his legal name of Bradford.

In Boston, Hakim was employed by the Joint Center for Inner City Change as a motivator; he became director of the Malcolm X Foundation of Roxbury; he participated on the Roxbury Crime Commission; he was one of the prime organizers of CURE, Inc.; and he was the organizer of the United Community Patrols in Roxbury.

He was unaware that new charges of rape and assault were outstanding against him, based on a crime committed the day he left Missouri. Many people question the validity of these charges.

"What we are concerned about," said David Nelson, lec-

turer on law at the Law School and former member of Hakim's defense team, "is that even if Malik beats these charges in Missouri, he will be put back in jail for parole violation." In fact, the restrictive parole laws which forced him to flee Missouri have been changed, but that won't help Hakim now.

Nelson, who prepared a writ of *habeas corpus* that is presently holding up extradition, has had to leave the case because of his appointment as head of the Consumer Affairs Division of the

**"Malik should be
applauded, not jailed."**

Massachusetts Attorney General's Office. The case is now being handled by Wally Sherwood of the Roxbury Defender Program, Don Sewell of the Joint Center for Inner City Change, and attorneys Bill Hollmans and Larry Shubow. While Nelson's involvement with Hakim's case has terminated, his concern has not.

Nelson sees three main reasons why Hakim should not be extradited. First, even if it turns out that the new charges are trumped up, Hakim will be jailed for the parole violation. Secondly, the brand of justice a black activist will receive in Missouri will quite possibly be unfair. And, thirdly, the work Hakim is doing in Boston's black community is important and effective.

"I'm opposed to punishment for punishment's sake," said Nelson. "Malik is a man who has rehabilitated himself and who should be applauded, not jailed, for violation of parole.

"Malik is an extremely sensitive and tender man, although he is very sharp minded. Any acts of violence by this man would contradict the character I know. He is loaded with charisma. In fact, he would probably make a good politician."

It is the politicians who are now at center stage in this po-

tentially tragic saga. Governor Francis Sargent has it within his discretion to refuse extradition but has not done so. While refusing to speculate on the outcome of the *habeas corpus* proceeding, Nelson feels that the issue will basically come down to a question in which political and moral pressure will be necessary if Malik is to keep working in the community. "Being black, of course, will, if anything, make it harder for Malik to win his case to stay."

Hakim, in an interview with the *Phoenix* published November 24, expressed a great desire to have the new charges against him settled, but not by going back to Missouri.

"If I thought I could take all those witnesses and the prosecuting attorney and that lying detective back to Massachusetts and be tried, then I'd stand trial tomorrow. Right here. And I'd defend myself against Attorney General Quinn because I know I'm innocent.

"But I wouldn't take Attorney General Quinn back to Missouri to be my attorney in that case. That's how much faith I got in Missouri justice. Because when I was 17 they proved they didn't care nothing about me."

Governor Sargent has indicated that Hakim would not be extradited were only parole violation charges pending against him. Perhaps a fuller investigation of the nature of the additional charges is in order, therefore, before depriving the black community of one of its most valuable and committed members. Or is the Missouri penal system to be given a second chance to correct its "failure" to really "rehabilitate" Hakim?

Hakim is currently awaiting a decision on his appeal for bail pending a final disposition of his *habeas corpus* petition. He can be contacted through the Malik Hakim Legal Defense Fund, Unity Bank, 416 Warren Street, Roxbury.

Large Number of Professors Schedule Time-Off This Year

By Greg Ward

An "unusually" high number of faculty members are on leave this year, said Dean Albert M. Sacks. Thirteen professors will experience some type of leave this year, with twelve professors on leave during the spring semester.

Some students who have expressed a dismay over the lack of course offerings in the spring have placed a large amount of blame on the fact that one-fifth of the permanent law school faculty are on leave that semester. Dean Sacks, however, pointed out that all leaves are subject to the needs of the teaching schedule.

While the granting of leaves is a complex task on paper, said Sacks, the actual procedure loses its complexity in its day-to-day operation. Basically there are three kinds of leaves. The most widely-recognized type of leave is the sabbatical, eligibility for which is governed by rules of the University. In general every faculty member is entitled to a sabbatical once every seven years after achieving tenure — although some credit is given for non-tenure years. Faculty on sabbatical are allowed to choose between taking a half-year leave at full pay or a full year at half pay.

The second type of leave is research status, a more complicated form of leave administered through the Committee on Faculty Research, headed by Professor John P. Dawson. "As we have used it in the past," said Sacks, "it amounts to relief from teaching or from other burdens such as heavy committee assignments."

As it was set up, research status can be used for either a half or a full year, to enable the faculty to work on some research project or program. "In practice most faculty request a half-year," said Sacks.

While the research status mechanism was set up on the assumption that the requests would exceed supply, this has rarely been the case, and those who ask for such status can generally obtain it. Research status brings with it the continuation of regular salary with the relief from teaching obligations.

Dean Sacks pointed out that not all research qualifies under the system. "Putting out the second edition of a treatise doesn't qualify," said Sacks as an example, "as the costs could be financed by the publisher. Nor does work on a casebook qualify — we have no trouble getting professors to put out casebooks."

Lack of Spring Course Offerings Blamed On Loss of One-Fifth of Faculty

The third type of leave is leave without pay. This kind of leave exists when the faculty make arrangements to do something other than teach at the School, such as teaching at another school, going into a government office, or becoming involved in a research project which is independently financed.

All leaves are subject to general limitations, one of which is that no faculty member should be relieved from teaching more often than one year in three. This limitation is qualified, said Sacks, to accommodate those professors who receive requests that could not have been anticipated, either to be away for another year during the three year period or to be away for more than one year — Sacks gave government service as an example of leave which could

legitimately last longer than one year.

Another general limitation — the needs of the teaching schedule — acts to limit faculty leaves. "If given enough warning," said Sacks "we can arrange to get a visitor." Sacks also stated that he is going to make an effort to warn students that a course might not be given next year, although he admitted that it is difficult to give warning with respect to courses offered in the fall, since the faculty do not usually know their plans at this early date.

Faculty members on leave this year include (for full year): Paul M. Bator (at Stanford Law School), Richard R. Baxter (State Department), Robert E. Keeton (University of Minnesota Law School), Jerome A. Cohen (Japan), Abram J. Chayes, Alan M. Dershowitz (Institute for Ad-

vanced Study, Stanford, Calif.), Charles Fried (Centre Universitaire International, Paris), and Adam Yarmolinsky (Welfare Island).

Faculty members on leave for part of the academic year are: Vern Countryman (spring), Harold J. Berman (spring), Paul A. Freund (spring), James H. Chadbourn (spring), Charles R. Nelson and John H. Mansfield (fall).

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Law Students Form Public Interest Firm

By David Cocke

A new organization at the Law School is taking on that vastly neglected subject of state and local government. Joseph Hill Associates, formed this summer by two energetic law students, John Isaacson, 2L, of Harvard and Bob Reich from Yale, is presently funded by the Rockefeller Foundation to act as a public interest consulting firm for state and local officials.

"After working on ten or fifteen major projects we hope to establish a certain credibility with various New England political leaders," said Isaacson. "If it works we expect to be called on regularly by these state governments and collect a fee for part of our services."

Joseph Hill Associates, although centered at the Law School, will also recruit student assistants from the John F. Kennedy School, the Business and other graduate schools to aid in its non-partisan research and action operations. "We'll be different than other legislative research bodies," said Isaacson. "We intend to be a part of the political process even though remaining non-partisan. By concentrating in one geographical area each of our projects should lead to others covering many of the central concerns of our New England state and local governments."

"This will be an operational project, not research," he said. "We'll work with the bureaucracies, but the net result will be change. We don't do research projects that land on someone's shelf."

Reich and Isaacson began the project with a planning grant from the John D. Rockefeller III Fund. This was followed by a larger grant from the Rockefeller family that supported a summer project involving about ten students. The Law School has now taken an interest in the project and is supplying an office and other administrative support.

"We have a guarantee from the School that will at least keep us going for a while. The organization should be funded permanently, however," remarked Isaacson.

The two founders are both graduates of Dartmouth and were Rhodes Scholars at Oxford University. Both participated in a number of political campaigns, especially in New Hampshire. "It was our political experience that

for this kind of support. Meanwhile we intend to be around to aid these governments with as much help as we can give."

The name of the association was inspired by the near-legendary labor organizer of the same name, recently idolized by a Joan Baez ballad. It was chosen over names of other radical figures by virtue of its also being the most frequently appearing name in a

Interdisciplinary Teams to Consult For Local, State Governments

revealed to us the relative incompetence of local politicians," said Isaacson, "They either didn't know how to deal with governmental problems or they didn't have adequate back-up support."

This problem was compounded by what the founders saw as a "cultural gap" between academic institutions such as Harvard and these local governmental agencies. "Graduates of Harvard and other institutions were lured into federal agencies by greater opportunities and local politicians were unknowledgeable about where to go for technical assistance," explained Isaacson.

State and local governments have also been lax in providing adequate staff for legislative and administrative bodies, according to the founders of Joseph Hill Associates. "The state of New Hampshire has one part-time researcher and two University of New Hampshire interns for their entire legislature," said Isaacson. "In Maine there are two elderly clerks and a minimally-staffed legislative research committee. Massachusetts is somewhat better but its legislature may only have one staff member assigned to an important committee."

"Joseph Hill may demonstrate to these legislatures what a staff can do. Hopefully these bodies will make more money available

listing of Harvard graduates "who were otherwise undistinguished," according to Isaacson. "We thought the name would be more appropriate than just another impressive title."

Among the projects already developed by the group is a series of amendments to the Massachusetts Cable Television Bill passed in this term of the legislature. In this same field the organization was responsible for helping the city of Somerville release itself from an unfavorable CATV franchise. As a result of these successes Joseph Hill Associates has been asked by Mayor S. Lester Ralph to aid Somerville in designing a more efficient tax collection procedure and by the Commerce and Labor Committee of the Massachusetts legislature to serve as staff to the overworked committee.

Other areas soon to be tackled by interdisciplinary teams from JHA include Massachusetts civil service reform, a prison reform bill for the Bay State, and land use planning for the state of New Hampshire.

Staff for these and other projects will be recruited from the Law School at an open meeting of the Associates on December 9 at 4:30 p.m. in Langdell South.

Women's Rights Amendment—

By Joel Seligman

[Mary Gallagher assisted in the preparation of this article.]

I

The Equal Rights Amendment

Section One: Equality of rights shall not be denied or abridged by the United States or by any state on account of sex.

Section Two: The Congress shall have the power to enforce by appropriate legislation the provisions of this Article.

Section Three: This Amendment shall take effect two years after the date of ratification.

In *Born Female*, Caroline Bird argued that women are generally precluded from the top echelons of government and business; women are paid substantially less for the performance of a particular job than a man; and women face tougher admissions standards than men when applying to the professional educational institutions that prepare people for the most important executive positions, if rigid quotas do not in fact exclude them altogether.

The Equal Rights Amendment would prohibit discrimination on account of sex and proscribe the customs and practices that institutionalize the type of inequity that Ms. Bird described.

Proponents argue that judicial and executive application of the Equal Protection Clause and specific legislation have failed to effectively protect the legal position of women. An immediate mandate establishing a uniform national policy of sexual equality is necessary to buttress individual and

Amendment Would Have Legal, Political, Psychological Impact

political efforts to end such discrimination. Without such a mandate women's status will never be accorded the special concern in law which race receives because of the Fourteenth Amendment.

Proponents see the results of such an amendment going far beyond the legal system. First, the political and psychological impact of adopting this constitutional amendment will be of great significance in terminating woman's relegation to an inferior position in society. Second, the Equal Rights Amendment will protect individual females against the effect of broad class judgment against their sex.

The most effective opposition to the Equal Rights Amendment rests on the argument that

there may indeed be a need for some legislation but the Equal Rights Amendment is not its most appropriate embodiment. Professor Paul Freund wrote in the March 1971 issue of the *Harvard Civil Rights-Civil Liberties Law Review* that the passage of so broad a law would achieve "a single standard of sameness on the position of the sexes in all multifarious roles regulated by law — marital support, parental obligations, social security, industrial employment, activities in public schools, and military service, to mention the most prominent . . . [This would result] in anomalies, uncertainties, and injustices."

Rights Bill Is Not Panacea, But Emblem of Change

He suggested approaching the problem "through paramount federal standards or to overcome invidious classifications on the grounds that they are presently unconstitutional. The choice resembles that in medicine between a single broad-spectrum drug with uncertain and unwanted side-effects and a selection of specific pills for specific ills."

Freund concluded, "If we want to see more women in law firms, in the medical profession, in the cabinet . . . we must turn elsewhere than to the proposed Amendment."

II

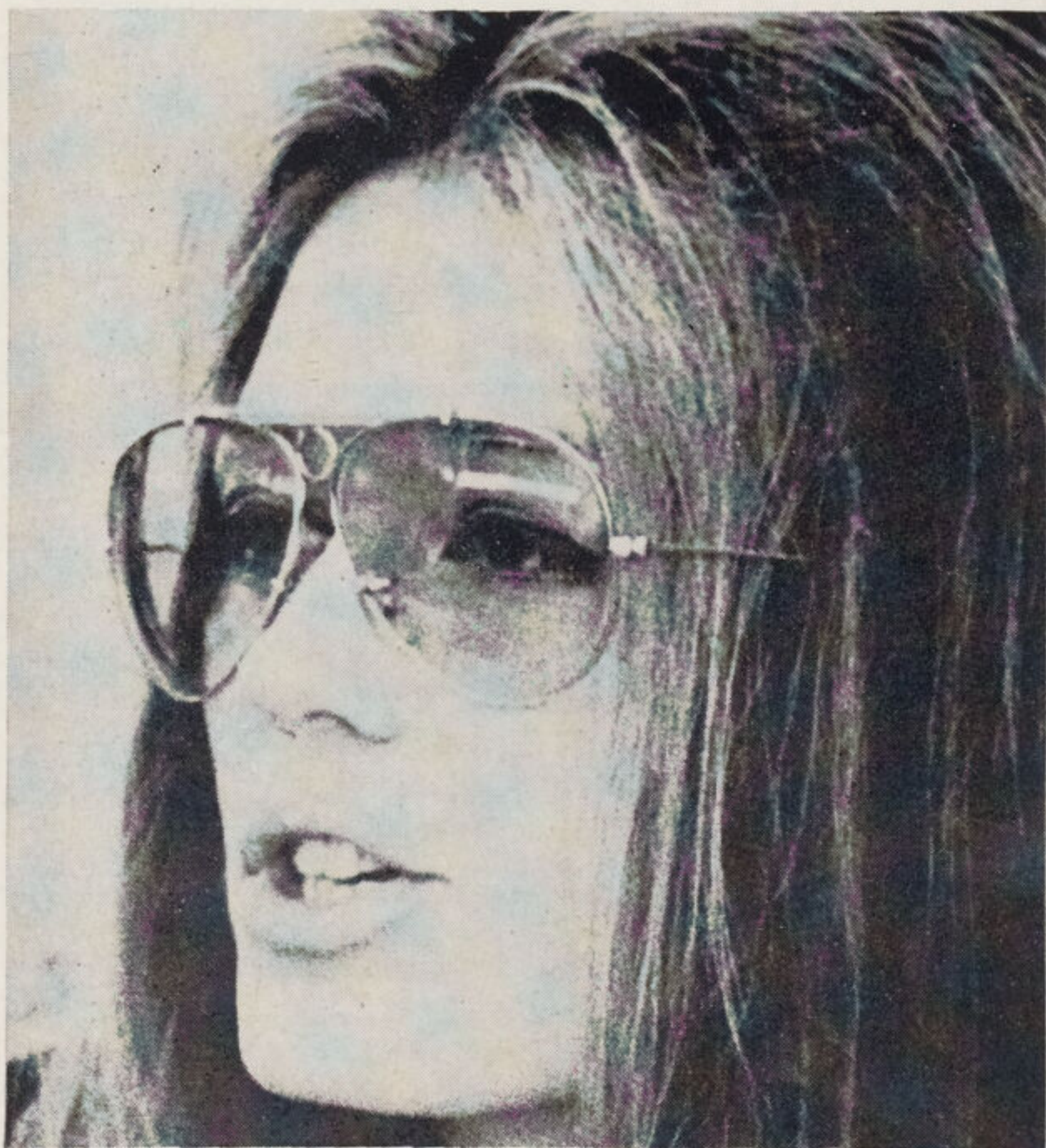
The advocates of Women's Rights believe that legal change is only one aspect of broader social change that must take place. In an interview with the *RECORD*, prominent women's liberationist and journalist Gloria Steinem emphasized that the amendment is not so much a legal panacea as an emblem of change in "the moral atmosphere of the nation." The anomalies and injustices that Freund described could also be dealt with by specific legislation. But specific legislation would not have the significance of the passage of a constitutional amendment in changing the outlook of women and men. She argued that what is needed is a "Humanist Revolution," not just occasional humane laws.

Experience has taught the Women's Movement that to change a specific law without changing broader social consciousness is not enough. In 1962, President Kennedy directed the Justice Department to execute orders requiring the civil service to consider women on an equal basis with men in requesting candidates for promotion. Ostensibly the civil service complied: the EEOC, an enforcement agency, was created to regulate the new or-

Needed Step, But Not an End

ders. Yet today only three per cent of the positions considered "executive" are held by women.

The circular relationship of law to social change is exemplified by the growing Women's Movement. For Movement goals to be realized, the conscience of American society must first change. As this change occurs, it will be reflected initially in the



Charles Soberman

Gloria Steinem seeks change in nation's moral atmosphere as prerequisite to sexual equality.

more favorable interpretation of existing laws and substantially in new laws. The passage of a constitutional amendment would not only reflect this change in consciousness but would tend to reinforce it. The passage of a law of the stature of a constitutional amendment is, in effect, insurance that a favorable consciousness not only will be maintained, but probably will be broadened.

The current Women's Movement is predominantly one of articulators: journalists such as Betty Friedan, Germaine Greer, Kate Millet and Gloria Steinem and spokeswomen such as Bella Abzug, Shirley Chisholm, Florynce Kennedy et al. Unlike most organizations interested in effecting social change, the Movement is not directed by lawyers. The greater challenge, as the Movement sees it at present, is to change social consciousness so that such favorable legislation as is passed can work.

While interviewing Ms. Steinem I mentioned that female enrollment at Harvard Law School has risen from about five or six per cent two years ago to 12 per cent this year and was expected to further increase to 15 or 20 per cent next year. I

argued this was an effect of the Movement that had not required legislation of any sort.

Ms. Steinem described similar situations in other schools and in the field of employment where female participation in the absence of mandating law rose as high as 25 or 30 per cent. But then virulent opposition checked any further increase and in some cases reduced the percentage. She underlined that only a mandate such as the Equal Rights Amendment would give advocates of equality of opportunity the ability to overcome this type of entrenched opposition.

In context of Harvard Law School, this was taken to mean that given the unlikelihood of the School's voluntarily abandoning a female admissions quota or other forms of sex discrimination, the enactment of an Equal Rights Amendment

Movement May Atrophy If Legal Mandate Fails

giving Congress "the power to enforce by appropriate legislation the provisions of this Article," — coupled with more stringent HEW guidelines and favorable judicial interpretation of class action suits — would probably be necessary in obtaining HLS compliance.

While the initial increase in female enrollment and the possibility of national legislation ending sexual discrimination is attributable to the success of the Women's Movement in changing social consciousness, the passage of the Equal Rights Amendment is necessary for the Movement to succeed in achieving lasting nondiscriminatory reforms. Otherwise, noted Ms. Steinem, if a legal mandate is not secured, the strength of the Movement may atrophy when the impetus of the present effort peaks.

III

The parallels between the current Women's Movement and the Abolitionists of the 19th Century are revealing.

Like the Abolitionists, the Women's Movement seeks not so much to secure particular rights from a society as to redefine the foundations of society. The Abolitionists began with the pamphlets of men like William Lloyd Garrison, were sustained by works such as *Uncle Tom's Cabin* that generated political actions. It was the outrage that men and women felt at the *Dred Scott* decision, at the legal sanction of the massacre of John Brown, that gave the Abolitionists impetus to struggle for Emancipation. Consciousness changed, in part in response

(Continued on Page 16)

Reporter Assaults Miller's Privacy—

By Paul Weiner

Visiting Professor Arthur R. Miller started out at the University of Rochester as a metallurgical engineering major because being an engineer seemed to satisfy the "middle class Brooklyn Jewish ethic of security."

Part of the required first-year curriculum for aspiring metallurgical engineers was a calculus course which met at a very early hour in the morning. "It was then," said Miller, "that I learned that I was a night person."



Will the real middle class ex-metallurgical engineering major from Brooklyn please stand up.

The second week, Miller fell asleep in the middle of the calculus class. The next thing he knew, he was lying on the floor next to his overturned desk chair. Miller got up, walked out, went to the registrar's office and dropped calculus and metallurgical engineering.

Miller next turned to history, planning to be a history professor. But in his senior year, his history professors told him what a miserable profession teaching history was, that there was no money in it, that it was hard to find a job, and so on.

Miller then went to his adviser, and asked what field his freshman aptitude tests indicated he should go into. His adviser looked at the scores, and told him they were about the same in all fields, but that there was an interesting hook-up for law. "But I can't be a lawyer," he protested. "My father is a lawyer and my mother says there's no security in practicing law."

Despite these misgivings, Miller entered Harvard Law School in 1955. "I was sort of an aimless character when I came here," he recalls. "I knew about as much about being a lawyer when I arrived as I did about being a metallurgical engineer when I went to college." But, "from the moment I started I fell in love with it: the process, the craftsmanship, the professional tone."

Miller was very much affected by his first year teachers, especially three who are still teaching — Benjamin Kaplan, Robert E. Keeton, and David R. Herwitz. (His casebook on *Civil Procedure* is dedicated to Professors Richard H. Field and Kaplan, authors of their own civil procedure casebook.)

Though he is a great believer in classroom debate today, Miller was reluctant to participate in it when he was a student. Once when Kaplan asked him, "Mr.

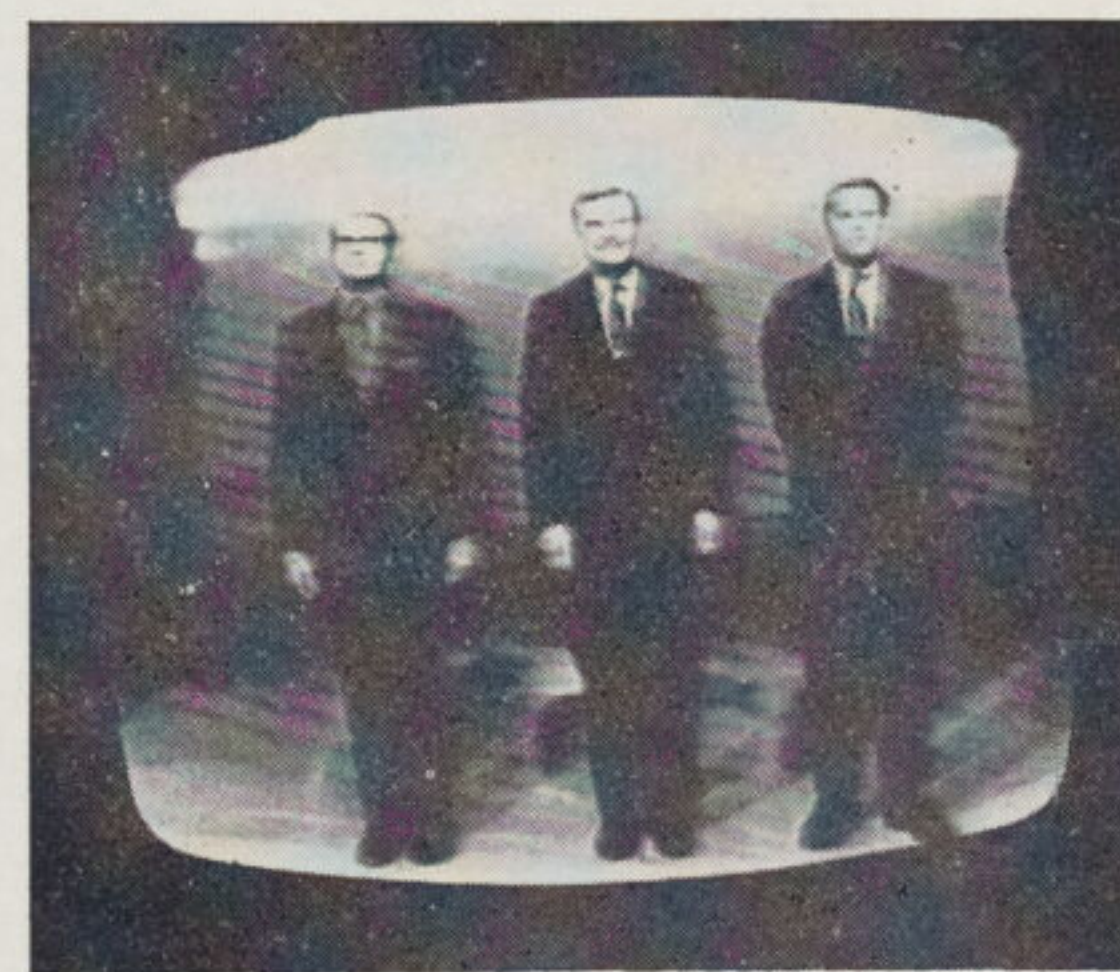


Miller, you have a dispute between a Californian and a New Yorker, where should it be tried?" he answered "In Iowa?"

Miller is amused when students complain about the austerity of the Law School. In the 50's, students not on the *Law Review* hardly ever had anything to do with faculty members outside of class. Two and a third of the three years of courses were required. The only practical work was in one course, *Trial Practice*; everything else was "straight and narrow."

Miller was elected to the *Law Review*, and in his third year served as articles editor. He graduated *magna cum laude* in 1958 and for three years was associated with Cleary, Gottlieb, Steen & Hamilton, working in the New York firm's litigation department.

Miller enjoyed practice, but he never gave up his original aim of becoming a professor. In 1961 he became a lecturer at Columbia Law School. After Columbia, he taught at Minnesota. Since 1965, he has been professor of law at



Charles Soberman

the University of Michigan. Following in the footsteps of Kaplan, he has specialized in civil procedure and copyright law.

In the fall of 1966 Miller received a telephone call from Dr. James G. Miller (no relation), then director of the University of Michigan's Mental Health Institute. Dr. Miller wanted to discover the legal consequences of computerizing copyrighted material. Miller learned that Dr. Miller was exploring the possibility of setting up a national multi-media information network which would provide a pool of scholarly works and educational services accessible to every college or university in the country. With this phone call, Miller began to work on the problems created by computerized data networks as they affected not only the law of copyright, but the individual's right to privacy.

In 1966, Miller testified in Senate hearings on the proposed National Data Center. In 1967, his

True Story of Ex-Super Prof Bared

article on "The National Data Center and Personal Privacy" was published in *The Atlantic Monthly*. That article, he reflects, was probably read by more people than were all the books he had written on civil procedure. "The whole thing just snowballed from there."

Since then, Miller has testified before a number of Senate subcommittees on problems of government data banks, privacy and the computer, the census, and credit bureaus. He is now working with the staff of Senator Sam Ervin's Subcommittee on Constitutional Rights, which plans to draw up proposed legislation to regulate computer data banks, in the hope that the ready availability of dossiers of computerized information and misinformation will not become a menace to the individuals so inventoried.

Many of Miller's ideas on the computer and privacy are set forth in *The Assault on Privacy* which was published this year by the University of Michigan Press. (Reviewed in the RECORD, May 6, 1971.) The book describes

Miller also worked with Kaplan in drafting proposals for the revised U. S. copyright bill. The original proposed revision seemed to him to be unduly protective and influenced by the publishing companies. That revision would have made it difficult to use copyrighted material in connection with a computerized data network

on "To Tell the Truth," he received two votes, tying Ward M. Miller, Jr., a member of the class preceding his at the Law School. (Again, no relation. Are HLS graduates fungible?) "For the first time, when they said 'Will the real Arthur Miller please stand up?' they meant me."

Miller will appear in an ABC

**"I must be on the mailing list
of every paranoid in the country"**

or data retrieval system.

Miller thinks that with current technology, "The book no longer should be the model for copyright legislation. The whole concept of copy makes no sense." Images now are evanescent. With knowledge in some fields turning over every eight or nine years, a copyright for 56 years or for life plus 50 years does not seem reasonable. Miller thinks new copyright laws must provide for compulsory licensing to allow data systems freely to reproduce copyrighted material upon payment of royalties, a broad "fair use" exemption to allow certain uses of material without payment of royalties, and exemptions for some educational uses of material. Some book publishers have responded by attacking Miller as an anarchist.

Miller's interest in privacy has put him in the public view. He appears frequently on television. When he was the mystery guest

documentary on privacy which is scheduled for airing January 8 and on William Buckley's "Firing Line" which will also be shown in January. The documentary may include segments showing Miller lecturing in Langdell South.

As a result of his writings on privacy and surveillance, Miller thinks "I must be on the mailing list of every paranoid in the country." Like clockwork, two days after each article on privacy is



Miller lives high life on the tube as mystery guest, but panelists prefer namesake.

the threats to privacy inherent in computerized data networks and modern surveillance devices, and calls for regulation by an autonomous federal agency of all networks containing data on individuals.

According to Miller, the book has been "not widely sold, but widely reviewed. My publisher is unfortunately a university publisher and likes to keep the copies of the book that it has safely protected."



Charles Soberman

published, the letters come; typically from people "who think the FBI has placed a transmitter in their brain and is talking to them, or is tuned in to their brain waves." One man went into Miller's office, locked the doors and closed the windows and unfurled a six-foot map of Detroit with places marked where the Detroit police, the Michigan state police, the FBI, and Henry Ford were jointly introducing low-voltage
(Continued from Page 14)

The Interdisciplinary Approach

Two recent and related developments at the Law School are worth drawing attention to. (See stories, this issue.) In one, at its November 16 meeting the faculty approved in principle a proposed joint course of study with the Kennedy School of Government — an edited 13-unit version of the Kennedy School's first year of its two-year master's degree program in public policy. Thus, the option of an entire semester's worth of work in non-Law School courses would be engrafted into the Law School curriculum, just as many Business School courses now are.

Details of the proposed course remain to be worked out, such as its impact on present cross-registration restrictions. And as with any experimental program, doubts and misgivings were expressed at the outset. There are those who fear a dilution of the curriculum or of the Harvard degree. While any widening of the Law School curriculum at all is welcome it would be unfortunate if this experiment is not accorded full latitude to demonstrate its potential. Let not the faculty feel constrained to give with one hand only to take back with the other by cutting back on currently existing options in other areas as a measure of "compensation" for this enlargement. The spirit of the venture runs counter to narrowly counting the cost or jealously guarding the "integrity" of the existing curriculum.

The second development is the appearance of Joseph Hill Associates, founded by a law student from Harvard and one from Yale. What began as a summer experiment has grown into something considerably larger, with a grant from the Rockefeller Foundation and the support of the Law School furnishing needed backing. Joseph Hill Associates is a public interest consulting firm to state and local governments, staffed and run by students, and drawing upon the expertise of student assistants from the Kennedy and Business School as well as the Law School.

So far the firm has enjoyed dramatic success, and there is presently more demand for their services than can be met. (Volunteers are needed.) The idea has gained rapid acceptance on the part of those whom it is intended to help, apparently filling a genuine need.

Both these developments illustrate and suggest the potential of the interdisciplinary approach, which is increasingly the mode being adopted to deal with complex problems. The curriculum experiment merits the encouragement, suggestions for improvement, and support of students, as does Joseph Hill Associates.

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Fenno

Dear Fenno: I have heard certain rumours lately. I wonder whether you can clear them up. Is it true that a certain *Review* wizard ghostwrites Professor Byse's Ad. Law lectures?

Absolutely not. Though Falstaffian in appearance, this Reviewer is Lilliputian in class attendance and Herculean in his aversion to work of any kind. He can usually be found lolling in the basement of Gannett House, sipping sack.

Dear Fenno: It it true that Orson Welles' voice in *Citizen Kane* was dubbed in by Professor Steiner?

No. But it is a common error.

Dear Fenno: It has come to my attention that you have registered for several courses all of which meet MTW 12. Please drop in at your convenience so we can chat about this. The Registrar.

To the Registrar: I am leaving the jurisdiction. See Dutton v. Evans.

Dear Fenno: I think I saw Professor Kingsfield, the English legal historian sneaking a book out of the Library the other day. This is disgraceful. Will you comment?

Yes. I am most sure he has been falsely accused. Check your facts. Honi soit qui mal y pense.

Dear Fenno: Can you tell me something about the background of the Editor of the *Harvard Law Review*?

Delighted. He was, in his early years, associated with a girlie magazine until he conceived the original idea of a quarterly with a somewhat wider appeal. The Review was born. The rest is history. He presently lives in a windowless mansion of 51 rooms. He has a private jet, but refuses to expand its seating capacity beyond that of the number of the present staff of the Review.

Fenno Darling: Thank you for the roses, darling. I love you and . . .

Anne, baby, I told you not to write me at the office.

Dear Fenno: Can you give me some information about this Louis Loss fellow? I am planning to make sure that he receives the formal moral condemnation of the community at the next Women's Lib meeting. Sweetly, Aunt Minnie.

Louis Loss is not associated with this Law School. He can, however, be reached in Hollywood, where he is dubbing "Orphans of the Storm."

Letters to the Editor of the RECORD

[Reminder to readers: It is the policy of the RECORD to accept only those letters bearing the signature and address of the writer. Names may be withheld in publication upon request.]

Front Page Articles Point Up Irony . . .

To the Editor:

After reading the first page of your issue of October 29, 1971, I became curious as to whether you had a sense of humor or a subtle sense of irony or merely were guilty of that inconsistency which characterizes so many of our so-called liberals.

The lead article on the left calls for law and order and complains of the lack thereof while the lead article on the right complains of the nomination of two judges who approve of law and order.

I am always astonished at the arrogance of law professors and law students who debate the rights of criminals while their halls are being plundered and still regard themselves as solely qualified to pass on the capabilities of judicial appointments while they disregard the voice and expressions of experienced lawyers who must practice before these judges and who, incidentally, have made their way in a world of reality rather than academic fantasy.

J. A. Bruggeman '31

. . . Inconsistencies In Harvard Thought

To the Editor:

Your issue of October 29, 1971, is a wonderful incentive to the writer who cares to send letters to the editor from time to time. It is fascinating to see so many areas of interest to the Law School, its faculty and student body given treatment in your pages, and then to marvel at the logical inconsistency of apparent present patterns of Harvard thought in such areas as crimes (when the students are the victims), Supreme Court choices, fraud by students in student elections, and the verbal abuse of a professor in his classroom by his students.

I suggest there is a glaring inconsistency in some of the criticisms directed at Mr. Rehnquist as a Supreme Court nominee by students and

faculty members as reported, and the posture of student and faculty thought about other problems which afflict the Law School. Nixon is attacked as having no respect for the Court because he wants to name justices to it who share his political philosophy. Does anyone care to give an example of any president who did not have that criteria as one of the controlling elements in his decisions about which people should be nominated to the Court?

Professor Vorenberg is quoted as complaining that enough is enough, and that Rehnquist should be rejected because diversity of point of view on the Court is important. His criticism of Nixon's nominee suggests that he accepts the view that Supreme Court personalities are going to be political. He apparently takes for granted we should no longer try to follow a practice of appointing judges on the basis of their legal knowledge and their willingness to be literally faithful to their oaths of office which require them to formally put aside all manner of partisanship when they sit and judge.

There is then a complaint that Nixon shouldn't be trying to turn around the Court philosophically because he is a minority president (having received only 32 million out of 73 million votes cast at his election). Of course, as a group those voting for Nixon were undoubtedly more moderate than those who cast their almost 10 million ballots for George Wallace. It seems clear a substantial majority of the voters in the last presidential election were more conservative than the then dominant liberal majority of the Supreme Court.

One of the strong criticisms directed against Mr. Rehnquist is that he believes, "Law and order must be preserved at whatever cost in individual liberties and rights." So let us turn next to the RECORD articles complaining that dormitory crimes against the property of students, as well as assaults for the purpose of committing theft, are mounting to a crime wave on campus. I believe that the report was carried in your paper not too many months back that the loss by theft, as well as mutilation of law texts kept on reserve in the law library, was becoming an increasingly severe problem, and that ever-intense security measures were being required. We also read that

(Continued on Page 12)

Law Notes

Auditions for the 1972 Law School Show will be held Sunday and Monday, December 5th and 6th, and again December 12th and 13th. Sunday auditions will be in the Mallory Smith Room of Harkness Commons from one until five in the afternoon. The Monday auditions will be in the Harkness meeting room from seven until ten in the evening. The show needs the talents of singers, dancers, actors, musicians, and technical help, and is open to the entire Law School community.

* * *

Patrick V. Murphy, Commissioner of Police of New York City, will be at the Center for Criminal Justice on Friday, December 10. He will meet informally with students from 3 to 4 p.m. in Room 101 of the Pound Building to talk about problems facing police administrators. All students are welcome.

* * *

The first annual Crafts Market sponsored by the Harvard Law Wives will be open Saturday, December 11, from 10 a.m. to 3 p.m. in Harkness Commons. Knitted and crocheted articles, candles and candleholders, paintings, crewel work, baked goods and Christmas decorations will be on sale. Coffee and cookies available to shoppers and browsers. Twenty per cent of the proceeds will go to the Harvard Law School Child Care Center.

* * *

A student-faculty cocktail party sponsored by the Harvard Law wives will be held on Saturday, December 4, from 6 to 8 p.m. in the Pound Building's Multi-purpose Room. Tickets are available at the receptionist's desk in Langdell Hall, from HLW board members, or at the door. Admission \$2 for singles, \$3 for faculty and dues-paid couples.

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Course Receives Initial Approval

(Continued from Page 2)

mathematical programming and optimization, decision theory, game theory, and the theory of bargaining and negotiation.

Economic Theory begins with an analysis of the price system and the behavior of markets, studying where markets in the economy work well or badly and how they can be created, suppressed, or manipulated to serve public policy goals. It goes on to consider the problems of fiscal (e.g., U. S. Treasury) and monetary (e.g., the Federal Reserve Board) policies.

Statistical Methods covers statistics and probability in a variety of public policy contexts. The course seeks to point out the "troubles and traps in statistics." Students use a computer through a time sharing system.

Political Analysis presents "[a] systematic framework for explaining and predicting and for trying to plan outcomes of governmental action; choosing aims; selecting tactics; assessing feasibility; and weighing risks in different policy sectors, foreign and domestic."



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Letters

(Continued from Page 11)

some of the law students are engaging in wholesale vote fraud against their fellow classmates. Further, how can it be that a member of the faculty is, to quote Professor Michelman, "... harassed in his classroom because he was not a signer [of a letter protesting rumored nominees for the Supreme Court by President Nixon]."

If you who are students of the Law School these days truly are more morally vigilant in detecting the abuses of our institutions and in struggling to root out the social evils of our day, as you seem to claim for yourselves, why is it not the case that student crime, election dishonesty, bad manners and infringement of academic freedom, and theft and damage of law school property are not at record lows in terms of incidence and severity? Is it conceivable, that instead of embodying the virtues you claim for yourselves, many of you put your personal interests foremost, even when the rights of others are infringed or denied as a direct result?

Of course strangers to the campus cause some of those problems, and some crime has always gone on — but not to anywhere near the present degree. I hope this is as troubling to the thoughtful among you as it is to those of us who see H.L.S. as worthy of perpetuation for the superb human qualities it has embodied over the years. The basic element in the success of Harvard Law School is the personal qualities of its students and faculty. The school can be destroyed in a generation. Is that process now well advanced, or are you, students and faculty, leaving your law school in as good or better shape as you found it?

John E. Fick '65

Schwarz' Timing Mystifies Alumnus

To the Editor:

Even Joey Beale would be mystified by Mr. Schwarz's hat rick in determining the applicable law by the timing of his answer; see "Image of NYC Firms Challenged" in your November 12 issue. Seasoned graduates of the Law School might be willing to take a summer course in *Conflicts* to learn how this can be accomplished.

Robert B. Lisle '36

THE STOCKHOLDER

One organization is the beneficial owner of better than 80 percent of all U.S. profit making organizations. This is the U.S. Government, of course.

The U.S. Government receives in cash four times as much as the shareholders do in a normal year. Inflation increases the U.S. Government's proportionate share. Any acceleration of growth increases the Government's share.

The net effect of the U. S. tax structure is contra growth. If a company grows, the Government withdraws capital while the other shareholders reduce their income to supply capital.

The arithmetic is interesting. A company "reports" a profit of \$1.00. It therefore becomes liable for a tax on "reported" earnings of approximately \$0.50. The normal growth of the average company requires that at least half the remaining \$0.50 be retained for capital. Therefore, the shareholder receives a dividend of \$0.25.

However, the typical shareholder must pay taxes in the 40 percent bracket on the dividend. The Government takes $0.40 \times \$0.25 = \$0.10$, leaving the shareholder $\$0.25 - \$0.10 = \$0.15$.

The Government has received $\$0.50$ plus $\$0.10 = \$0.60$. The shareholder has received $\$0.15$. The ratio is $60/15 = 4:1$. **This ratio will stay constant into the indefinite future as long as inflation and growth stay constant.** The Government gets $\frac{4}{4+1} = 80$ percent of the total cash paid out as profit.

Any increase in growth will require more retained earnings to finance the growth. Unless profit margins go up, this must mean a reduction of dividends, assuming a constant debt/equity ratio. So growth in the economy means that the Government gets an increased proportion.

The Government withdraws capital if a company grows while the shareholder must reduce his income to replace the capital withdrawn by taxes. Obviously a corporate income tax is designed to inhibit growth.

Inflation is forced financial growth. The net effect of inflation is to reduce shareholder income and increase Government income if profit margins are held constant. Yet prices must go up by an amount equal to inflation **plus** the increase in tax to leave the shareholder unharmed. So either prices must go up **more** than inflation or the Government has automatically increased its proportionate share of the cash payment.

The consequences of such tax treatment are far reaching.

- If an inefficient competitor were displaced by an efficient one, the U.S. Government would receive 80 percent of the cost differential in taxes.
- Increases in prices by business are highly **deflationary**. The increase in price is the equivalent of an 80 **percent** sales tax on the increase.
- In terms of business strategy, the Government will provide 50 percent of the capital for new investment if that investment is expensed instead of capitalized. It will take 80 percent of the benefits in any case.
- In terms of its own policy, the Government would do well for itself to tax dividends instead of reported earnings. Since the government takes 80 percent of the proceeds, it will **increase** its tax take if the company earns pretax only $1\frac{1}{4}$ times the U.S. bond rate on the deferred taxes. If the cost reduction is passed on to the customer as lower prices, the Government can still recover the added value through its ability to tax the increase in national productivity.

If the U.S. Government is unable to rationalize its tax policies, then the financing of growth by debt should be a far more attractive and significant strategy. The benefits can be far reaching, as the Japanese have demonstrated.

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Miller Puts Substance In Civil Procedure

(Continued from Page 9)

current into the water supply in order to bug the city's plumbing. Once while Miller was sitting in the office of former Senator Edward V. Long (D.-Mo.) a woman walked in complaining that the FBI had tuned into her brain waves and that she could hear FBI agents sending her commands. The chief counsel of the subcommittee solemnly took a long chain of paper clips out of a desk drawer, touched one end to her head and another to a

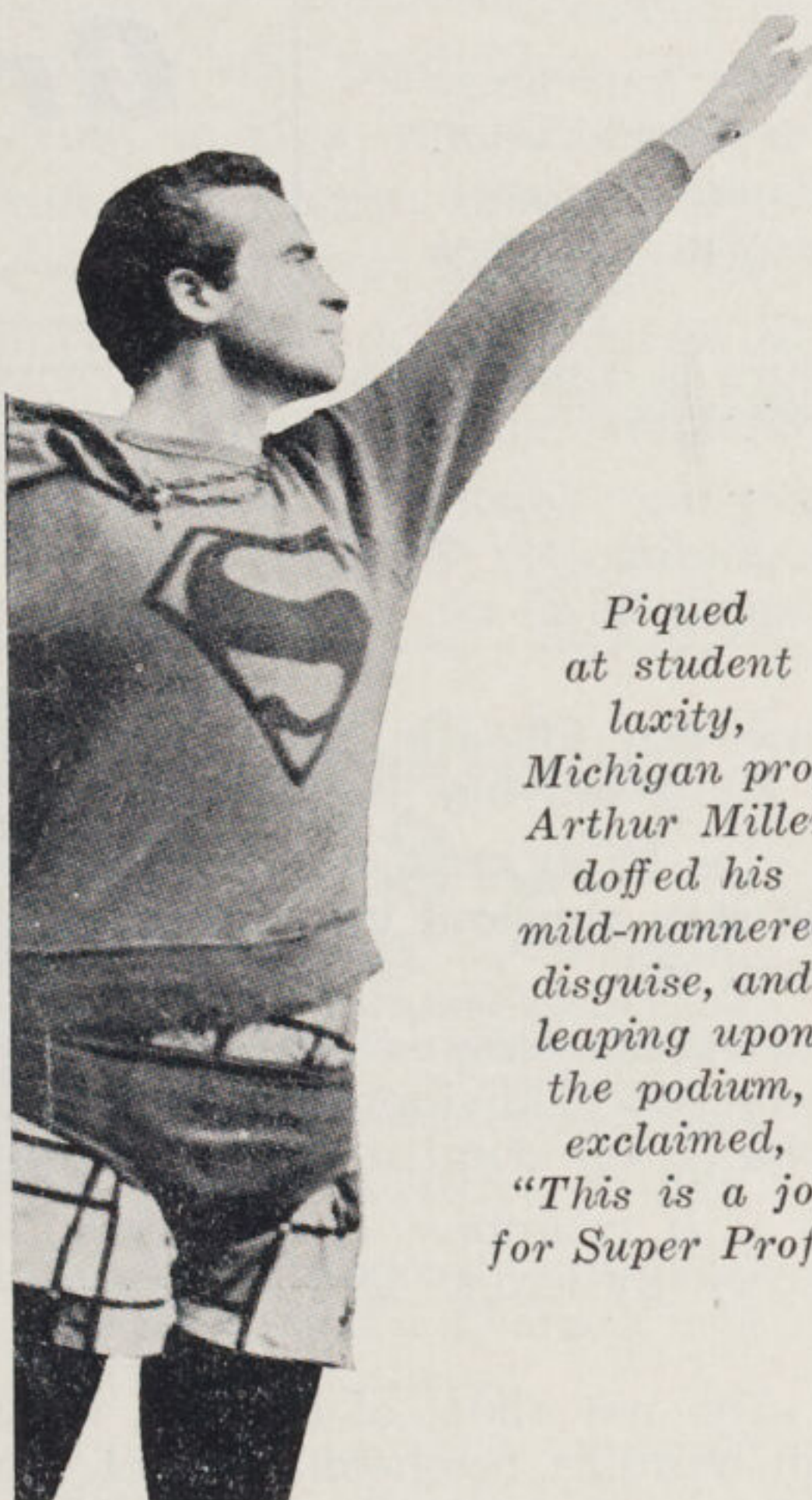
FBI Commands Fail; Clips Good Ground

radiator and told her she was grounded.

Miller has a reputation around Ann Arbor as an incessant worker, working seven days a week and long into the night. In his ten years of teaching law, he has published 18 books, all but one — *The Assault on Privacy* — about civil procedure. With Jack B. Weinstein and Harold L. Korn he has published an eight-volume treatise on *New York Civil Practice*, and *Manual — CPLR* (about New York's Civil Practice Law and Rules). With John J. Cound and Jack H. Friedenthal, he has published a casebook on *Pleading, Joinder, & Discovery* and a casebook and supplement on *Civil Procedure*. Perhaps his most ambitious project is *Federal Practice and Procedure*, a ten-volume treatise, including several volumes keyed to the *Federal Rules of Civil Procedure*, which he is writing with Charles A. Wright. Four volumes have already been published; two more will be published within a year. His dean at Michigan jokes that he has started his own Book-of-the-Month Club.

At Harvard Miller is currently teaching a section of *Civil Procedure* and will give a seminar on *Computers and the Law* in the spring.

In the fall of 1969, a girl from the Michigan Law School newspaper, *Res Gestae*, wanted to do a profile on Miller and went to see him on a day when he was particularly busy. He suggested that instead of interviewing him and then writing something like "Born in Brooklyn, etc.," she base



Piqued
at student
laxity,
Michigan prof
Arthur Miller
doffed his
mild-mannered
disguise, and,
leaping upon
the podium,
exclaimed,
"This is a job
for Super Prof!"

the article on what she knew of him from her *Civil Procedure* class and seeing what his office was like. The article appeared that Friday under a huge headline: SUPER PROF. The story, says Miller, was written in "impressionistic, abstract, almost Beatle-like lyrics" and "captured the mood of the office and what kind of weird character I am."

Miller went up to the girl who had written the article in his *Civil Procedure* class and told her he would call on her with five minutes left in the hour and that she should say she wasn't prepared. Miller describes his teaching style until recently as "in terrorem." Anyone who was unprepared could expect to be thrown out of the class, lectured on parasitism,

or told that "all 100 of us will now wait until you read the case."

On cue, the girl answered that she was unprepared. Miller dramatically paced back and forth, then smashed his glasses down on the desk. "I've become convinced that this is no job for an ordinary professor. This is a job for Super Prof!" At which point he tore off his three-piece suit to reveal a Superman uniform that he was wearing underneath, and leaped up on the desk. The students didn't know what was going on; some of the girls started shrieking. Miller, a firm believer in not wasting class time, went back to the cases, though "[i]t was very difficult to teach with that god-damn cape and tights on."

Another time, a Michigan 2L wrote to *Res Gestae* saying he was annoyed there were no courses in what a lawyer really had to know, such as how to fill out a summons. This struck Mil-

Super Prof Miller Law Form Filler

ler as a particularly ridiculous subject to spend time teaching, since summons forms are usually available either from the courts or from books of forms for the state where a lawyer is practicing.

Miller took a long cardboard carton, painted it silver, installed flashing lights and made a hat out of a maze of wires. He distributed copies of the Washtenaw County form summons to everyone in his *Civil Procedure* class, then walked in wearing the carton, lights, and wires. He introduced himself as Rolo the Robot and said, "Professor Miller sent me in to satisfy a felt need in the Law School community. Where it says 'Plaintiff,' write your client's name," and so on. By the time he had finished, all the students, getting Miller's message, had made paper airplanes of the

(Continued on Page 16)

We Are Dead. Are You Satisfied, Middle America?

By Daniel M. Taubman

Nearly three months after the beginning of law school, one is struck by the pervasive complacency among one's classmates. We are supposed to belong to an activist generation — a generation of youths who have sought involvement in civil rights and antiwar activities in order to alleviate and eliminate injustices in America today. Yet it is remarkable that so little has moved students at the Law School since September — either first-year or second- and third-year students.

The war in Vietnam, the invasion and massacre in East Pakistan, the continuing conflict in the Middle East have not been subject to cries of outrage or calls for action, or even suggestions for reasonable political alternatives. Domestically, the riot at Attica provoked a meager petition signed by some 200 students, but most students calmly ignored Attica's implications within a week after it was all over. President Nixon's selection of six potential Supreme Court nominees of mediocre qualifications elicited a protest from 35 faculty members, but almost no concerted action from students. Similarly, such concerns as admission of women to the Law School and FBI investigation of professors have been lost among the "more pressing" concerns of Ames competition and the success of the New England Patriots.

It's easy to explain away this apathy, especially for first-year students. "It takes a while to get

used to law school"; "law school is just a game we have to go along with for three years in order to get a degree and then do what we really want to do"; or, "I'm going to work for a firm anyway, why get involved?"

And indeed one is often tempted to fall into the Law School routine. You go to classes, come back to your dorm room or apartment, read the newspaper, watch Walter Cronkite on the

Quiet Quaere Qualitative Quiescence

news, go through your assignments for the following day, and then forget about the rest of the world. In class, one listens to the faculty's pseudo-Socratic method: the professor questions his students in order to elicit certain responses, yet students seldom bother to test the assumptions on which the professor's queries rest.

From where are new ideas concerning the Law School pedagogy or curriculum to come? From *The Outlaw* which everyone avidly reads and quickly forgets? From the newly-elected taciturn Law School Council, whose members were chosen in a slipshod election which few students took seriously? From a faculty whose self-interests demand change at glacial speed?

Unfortunately, a deep cynicism pervades those who would otherwise take the initiative in seeking

change in the Law School's curriculum, pedagogy, and orientation. Too frequently students believe law school is simply a means to "making it" economically by working for a large corporate law firm, or that the law is just a means to accomplishing one's political objectives. That the law has something to do with a concept of justice is often forgotten. That we should be striving for a system of law where what seems "right" today will not seem easily "distinguishable" for reasons of political expediency tomorrow is a concept which is at times all but ignored.

Thus we stand, between apathetic unconcern and righteous indifference, between acquiescence and cynicism. Those in the first category might begin to question who they are and what they are doing with their lives only when and if corporate law firms began to mysteriously disappear. And those in the second group might be moved to act only in the face of another Cambodia or Watts.

A nagging feeling persists that we are returning to the indifference characteristic of the 1950's. The activism of the 1960's has paved the way for blacks and women in society, while scaling down the war in Vietnam has reduced the urgency of reordering national priorities. Certainly tension will continue, but perhaps no great social upheavals will occur in the 1970's. If so, we're in for a quiet three years at the Law School.

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Amendment Will Castigate Sexists' Drive

(Continued from Page 7)

to manifestation of the glaring inequity of the law. In due time, the law changed too. The passage of the Fourteenth Amendment in turn further modified social consciousness by forever eliminating the possibility of a return to slavery.

Historically, the greater criticism of the Abolitionists is that they stopped too soon. Believing the 14th Amendment to be a cure-all, they went home glowing to the 19th Century equivalent of "You've come a long way, baby!"

By contrast the Women's Movement views the Equal Rights Amendment as a key step towards a greater goal, but by no means the final step.

The passage of the amendment will give further strength to the Movement, strength enough, perhaps, to see to it that it is effectively enforced.

The relationship of men to women is primarily extra-legal and the law does not regulate any but a few aspects of this relationship. Law's more important function is to help inspire the general consciousness within which the extra-legal relationship of men to women occurs. When and if the amendment is passed, women will have to extend its spirit to all of their relationships for the actual goal of equality of the sexes to be realized.

Miller's Corn: Kernels of Truth

(Continued from Page 14)

Washtenaw County summonses and thrown them at "Rolo."

Miller's special appearances have become something of an annual tradition at Michigan. Miller always pulls them five minutes before the end of his *Civil Procedure* class so as not to waste too much time.

"I find nothing inconsistent between good teaching and an occasional resort to the uninhibited unexpected," says Miller. "I believe in changing the pace of the classroom dynamic.

"There's a tendency on the part

of some academics to be a little too serious. I don't see why I can't enjoy myself in class and still do the job."

But Miller is too serious about teaching to spend more than a few minutes a year on such pranks. His classes are fast-paced and lucid, with little digression from the course of study.

For despite all his writing on civil procedure and work on modernizing the laws of copyright and privacy to fit in with modern technology, Miller considers teaching his most important work. He believes that "one of the hallmarks

of a great law school is that people are exposed to a lot of different teaching methods," including lectures, small group work, and the Socratic method, whether "in *terrorem*" or "father-imagey."

Miller hopes to transmit to his students "some of the love for the profession and dedication to the social utility of law that was given to me by some of my teachers here."

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