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Owens to Be Named First Tenured Woman Professor

By Daniel Taubman

Elisabeth Ann Owens, lecturer on law and research director of the International Tax Program, is expected to receive a faculty appointment which would make her the first tenured woman professor at the Law School. It is believed that the faculty voted to appoint her during a closed session of its meeting Tuesday, January 18.

Owens has been named to teach a first-year small group course on

Legal Aspects of Sex-based Discrimination in place of Visiting Lecturer Ruth Ginsburg, who decided not to teach at Harvard this spring after having received a tenured professorship from Columbia Law School.

Asked to confirm or deny the offer to Owens, Professor Phillip E. Areeda, chairman of the faculty Appointments Committee, said he "regretted the proprieties of the situation prevented him from making any comment on the question." Owens also declined to comment.

Owens has been associated with the Law School since 1956 when she was appointed research assistant in law. She has been continuously associated with the Law School since that time and

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Clinical Crisis Intensifies; Bellow Appointment Near

Following a December decision by the Cambridge and Somerville Legal Services (CASLS) to cut its caseload next year from 1500 to 500 cases, the resulting decrease in the number of law students participating in that program has precipitated a sense of crisis concerning the future of clinical legal education at Harvard.

These events have occurred since that time:

— More than 130 law students signed a petition drawn up by the Ad Hoc Committee for Clinical Legal Education demanding that the Law School "act immediately to insure that each student interested in clinical education and in serving the community be given

that opportunity, whatever the cost";

— The faculty-student Committee on Clinical Legal Education has planned a survey which will be conducted next week to determine the extent of first- and second-year student interest in clinical legal education.

— Two teams of approximately five students each have been organized to work this spring on an experimental basis with the Boston Legal Assistance Program in Roxbury and East Boston.

— Visiting Professor Gary Bellow, is expected to accept a permanent tenured position on the faculty, subject to ratification by

(Continued on Page 4)

Classroom Scuffle Breeds Complaint

By Bob Hernandez

Four students at the Law School have lodged a complaint with Dean Albert M. Sacks in connection with another student's allegedly violent behavior during a *Business Planning* class last Thursday.

According to witnesses in the class taught by Professor David R. Herwitz, Edward L. Morris, 3L, pulled a non-student to the

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Owens Promotion Would End Sex Barrier

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taught courses in international taxation from 1963 to 1969. Last year she taught two courses on the management of natural resources.

Ginsburg, a tenured professor on the law faculty at Rutgers University since 1969, taught *Sex-Based Discrimination and the Law* during the fall semester, commuting weekly to Cambridge in order to teach the course. Reached at her New York City home last week, Ginsburg explained that she decided not to continue commuting because of her busy schedule.

In a letter to one of the leaders of the Women's Law Association, she wrote: "During the holidays I accepted a tenured professorship at Columbia Law School, and next fall will spend half time there and half time at the ACLU heading up a women's rights project. With these new associations and much deck-clearing to do this spring, the Harvard commute seemed a heavy burden and

that this (Ginsburg's leaving) completely destroyed it," Ballard said.

The two women criticized Sacks for not contacting the WLA about Ginsburg's leaving and for unilaterally deciding on her replacement. They also said that no effort was made to contact the students in Ginsburg's spring course and claimed that no effort was made to hire any one of several specialists on sex-based discrimination in the law residing in the Boston area.

"The reason they (the administration) didn't offer Mrs. Ginsburg a job was because they didn't feel *Sex-based Discrimination* was a well taught course," the spokeswomen maintained. They also criticized Areeda for not asking women about the quality of her course.

Areeda noted that "Mrs. Ginsburg asked to be relieved of her duties during the second semester." He said, however, that "we very much wanted her to stay on here."

toward women. "Harvard says it doesn't discriminate against women in hiring. I don't want to doubt the integrity of their spokesmen," she explained. She also noted, however, that Harvard's history has made it more difficult to hire women. There is a feeling on the part of some faculty members that women really don't belong, she added.

Areeda, commenting generally on the Law School's hiring policy, said, "We're constantly looking for qualified men and women, both in and out of teaching." He also admitted that a job offer had been extended last fall to one woman lawyer, but was declined. Ballard and Benshoof claimed that job offers had been extended to two and possibly three women, and that all these offers were declined.

Ballard said she was "pessimistic" about the possibility of there being a woman professor on the faculty next year, and said she would be astounded if one were hired.

If Owens receives an appointment she will be only the second woman professor in the Law School's history. The first was Soia Mentschikoff, who was a visiting professor of law from 1947 to 1949.

Owens, author of *The Foreign Tax Credit*, was graduated from Yale Law School in 1951 and from Smith College in 1940. She received her M.A. from the University of Chicago in 1941. She has been given consecutive one-year appointments as a Lecturer on Law since 1956.

Ginsburg Drops Discrimination Course To Accept Appointment at Columbia Law

I asked [Dean] Sacks to relieve me of it. His understanding and Betty Owens' agreement to take over the first year spring seminar on sex-based discrimination make life much easier for me."

Owens, a specialist in international tax law, said she didn't feel "especially handicapped" about teaching Ginsburg's course. She is currently being assisted by Teaching Fellow Harriet K. Tonskemper.

Alice W. Ballard, 2L, and Janet L. Benshoof, 3L, spokeswomen for the Women's Law Association, expressed their dismay with the Law School's handling of the situation. "The Women's Law Association had felt that confidence had been building up between the administration and the Women's Law Association and

Ginsburg, who has been at Rutgers nine years, explained that "I informed Harvard that I had an invitation from Columbia and that I didn't think it would be fair to wait too long in responding."

Asked if she was disappointed about not receiving an offer from Harvard, Ginsburg said, "I am very pleased with my association at Columbia." She also expressed confidence that "Betty Owens will do a good job with her first-year course."

Ginsburg was mildly critical of the Law School's hiring practices

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First-year Split Receives Go-ahead

By Paul Weiner

The faculty meeting on Tuesday, Dec. 14 approved by a vote of 34-1 the proposal of the Committee on the First Year that the first year program starting in 1972-73 be divided into semesters, with *Criminal Law* and *Torts* given complete in the fall and *Property* and one or two elective courses given complete in the spring. (See RECORD, Nov. 12 and Dec. 10, 1971.)

The faculty further voted that the current three first-year grading options be preserved. Students will be given the choice of receiving either the conventional law school letter grades, grades from a four-category scale, or pass-fail grades in each course.

The only change in the grading system is that students will be called on to make this choice twice, once before the January exams and once before the May exams.

If a student elects pass-fail or the four-category system in January and then opts for letter grades in May, he will be able to have his January and May letter grades reported at the same time. If he elects to have his letter grades reported in January, he will not be able to change the January grades to pass-fail, but he will be able to have his June grades reported on a pass-fail basis.

The first year, starting next year, will be divided into a fall semester of 15 weeks and a spring semester of 16 weeks. (The current breakdown is 14-17.)

Many of those who spoke towards the end of the debate on semesterization opposed the plan, or accepted it grudgingly. Several professors feared that the retention of *Contracts* as a six-hour all-year course while *Criminal Law* and *Torts* were cut back to a single semester would convince students, prospective students, and faculty that Harvard considered commercial law more important than other fields.

Professor David Westfall introduced a resolution that it was the sense of the faculty that the spring semester of *Contracts* be reduced from three hours to two hours as soon as a suitable number of spring elective courses became available. The motion was defeated 15-24.

Several of the *Property* teachers attacked the downgrading of *Property* under the Committee's proposal. The proposal will leave *Contracts* and *Civil Procedure*, the two other six-hour first-year courses, intact, while reducing *Property* to a "castrated, condensed" four and a half hours in the spring term.

Others were wary of tampering with the current first-year program, "one of the major glories" of the Law School. One professor asked how many of his fellows would vote for semesterization if it were presented as a secret ballot.

Proponents of the change replied that the first year had been a "strait-jacket" with an "undue emphasis on private law." They added that semesterization of the first year would facilitate constructive changes in the second and third years, such as programs of concentration.

Deferred Admission to be Offered To Eighty Entering Law Students

In an experimental program, the Committee on Admissions will offer 80 successful applicants to the Law School class entering in September, 1972, a chance to postpone their entrance until September, 1973 or 1974.

Russell A. Simpson, director of admissions, cited as one reason for the experiment his belief that on the whole people who have had some experience outside undergraduate school tend to enjoy Law School more.

The 80 students to whom this offer will be made will be picked at random out of the first 400 applicants admitted whose records show that they have not taken any significant amount of time off before, during, or after undergraduate work.

After 80 applicants have been so selected or May 1, 1972, whichever comes first, the offer will not be extended to any others.

Simpson emphasized that the Admissions Committee is asking these 80 applicants only "to think seriously" about taking a year or two off. A student who was hitting his academic peak in his

senior year in college, however, might be better off entering the Law School immediately.

In his letter to students given the postponed entrance option, Simpson states that "We believe that the startling upward trend in competition for places in our recent entering classes may well have led many applicants who have been admitted to enroll immediately when their personal preferences and interests would have been to do something else for a year or two before beginning law school."

If this experiment proves successful, this option may in coming years be extended to all successful applicants. "We intend to follow this group very closely," said Simpson.

As of January 19, the Law School had received 4471 applications to the J.D. program, compared with 4110 at the same time last year.

Last year, the School received a total of 6400 applications; this year, Simpson expects that the total will be in the 7000-8000 range. The deadline for applications is March 1.

Clinical Education 'Crisis' Precipitated

(Continued from Page 1)
the University's Board of Overseers.

—Dean Sacks has appointed Robert Williams, assistant dean of admissions, to work on the problem of opportunities for students in a clinical capacity. He has been asked to consider both credit and noncredit alternatives, as well as modifications to courses which presently have clinical components. Williams has been meeting regularly with the faculty-student Committee on Clinical Legal Education since the beginning of the year.

At the present time, the Law School has not officially reacted to these developments. Dean Albert M. Sacks said in an interview that he was reserving all comment pending receipt of proposals by the faculty-student Committee on Clinical Legal Education, due to be delivered in early March.

"I'm waiting to see what they [the committee] report. They are operating actively and energetically." While Sacks said that what the committee is doing is "being generally supported," he cautioned that he did not want to "prejudge the issues they're thinking about."

Sacks said the faculty generally viewed clinical legal education as still in an experimental stage, but noted they are "quite sympathetic" to it.

The petition asking University support for increased clinical education opportunities was delivered to Sacks Tuesday, December 14, following an open meeting called by the ad hoc committee in response to the announced CASLS cutback which would limit student participation to one semester in Bellow's course.

Over 300 2Ls and 3Ls are currently participating in some form of clinical legal project, and another 100 requested clinical legal experience last year but were unable to be placed.

More than 150 students and several faculty members listened

as Eric D. Witkin, 3L urged them that "it's up to you here to show the Dean that a need exists at the Law School for more clinical slots." Witkin requested students to sign the petition while others discussed the CASLS cutback and possible alternatives.

Ronald Cheney, acting executive director of CASLS — which is funded by the Office of Economic Opportunity — explained his group's decision as an effort to provide quality rather than quantity service. "Either we go out and try to serve everybody and become a sop to the poor, or we limit cases and provide higher quality," he said. He noted that the CASLS decision "wasn't made easily," and added, "we understand and appreciate efforts over the past four years of CLAO [Community Legal Assistance Office] and the past two years at Cambridge Legal Services."

In response to a question concerning clinical legal education courses for the 1972-1973 academic year, Professor Frank Sander, chairman of the faculty-student committee, cautioned that "there aren't a lot of Gary Bellows around the United States. It's very hard to find people to integrate good clinical work with academic work of the kind Gary Bellow has done."

Frank K. Upham, 2L, a member of the faculty-student committee, explained the group's survey would seek to determine interest in clinical legal education generally and in specific courses in particular. At present, the only courses with clinical field experience are *The Lawyering Process* and *Criminal Trial Advocacy* taught by Bellow.

Upham explained the committee's general view is that for an effective clinical program "stu-

Student-run Clinical Legal Organization Being Considered to Help Fill Gap

Cheney also pointed out that the planned cutback would not include domestic relations cases.

One proposal offered at the meeting was the creation of a new student-run clinical education organization funded by Harvard. The organization, operating on a \$100,000 budget, would employ three staff attorneys and five other staff members, and would provide clinical opportunities for some 50 students, who would work in teams of five. The team approach was suggested to solve the problem faced at CASLS of eager and inexperienced students who were not working with maximum possible effectiveness.

Cheney agreed there is a "potential need" for such an organization.

Other alternatives mentioned included finding student positions with the Boston Legal Assistance Program and with a women's group designing a commune for divorced women.

dents are going to have to commit themselves to a fairly large block of time over the week and a fairly large length of time during the semester." He said that if students overwhelmingly support the concept of a new clinical education organization, "there is a chance Harvard might shell out some money."

The faculty-student committee is scheduled to meet next week to discuss the results of the survey and to begin formulating a proposal to present to the faculty in March. Upham, who was on the committee last year, expressed his hope that the committee would act quickly since "time is getting short."

Asked if the faculty would face any problems in implementing the committee proposals, assuming they are presented sometime in March, Sacks replied, "I would hope not."

Richard A. Gross, 2L, a member of the ad hoc committee, ex-

By Cutbacks in CASLS Participation

plained that the proposed Law School association with the Boston Legal Assistance Project arose after BLAP contacted Harvard in November requesting student assistance. Gross, who will be working with BLAP this semester, pointed out that there is a backlog of 120 welfare fair hearings with which students can work. The team in East Boston will specialize in juvenile work, he added.

All but one of the students who will work with BLAP have taken Bellow's course. Each team will have one supervising attorney, and the students will be expected to work one full day weekly in an office, and an equal amount of time outside. Gross predicted that each team would be able to handle some 70 cases during the semester, more than the five team members would be able to handle on an individual basis. Students working with CASLS handle approximately eight to ten cases per semester, he said.

BLAP has a potential for 25 to 50 students, either volunteers

or those in Bellow's course, according to Gross. Upham was more optimistic, claiming there is an "almost unlimited source of placements" with BLAP which could conceivably fill the entire student body's demands for clinical education opportunities.

"We consider it [clinical work]

but that specific projects are still in the planning stage.

Bellow refused to comment on whether he is planning to be here next year, or on whether he had been given a job offer by the faculty. He did say, however, that "Dean Sacks gave me strong reason to believe" that *The Lawyer-*

BLAP Available to Meet Demands For Clinical Education Opportunities

the most important part of our education," Gross commented. "Most of us would rather spend all our time working on this than going to classes."

Gross, who proposed the plan for a new clinical legal organization funded by Harvard, believes the group could be student-run and operate in coordination with a community board.

Bellow said Monday in an interview there are now opportunities for up to 20 students to work this semester with BLAP,

ing Process and Criminal Trial Advocacy courses would be taught next year.

It is not yet known whether additional courses will be taught with clinical components next year, Bellow explained. He said he felt the faculty is "very interested in exploring the possibilities of clinical education", and suggested that *Trial Practice* is one likely area for the expansion of clinical courses.

Bellow feels clinical education is a methodology and "a very useful one." Bellow, a member of the faculty-student committee, supports the expansion of clinical legal education.

Williams said in an interview Monday he has only recently begun meeting with the faculty-student committee because he had been busy with admissions work. "Al Sacks and other members of the faculty recognized student interest in this area [clinical education], and we wanted to work with students in developing a program.

Williams, who has been at the Law School since September, said he felt there are already sufficient legal services in Cambridge, and that new clinical programs should expand to other areas.

The faculty-student committee will probably present the faculty with several proposals and a projected budget. Then an agreement with the faculty will be sought, Williams said.

— By Dan Taubman



Charles Soberman

Dr. Eleanor T. and Professor Emeritus Sheldon Glueck watched as Pound 201 was dedicated the Sheldon and Eleanor Glueck Room on Friday, December 17. The Gluecks have devoted their lives to the study of the psychology and criminology of juvenile offenders. Professor Glueck has been a member of the Law School faculty since 1929.

Tax Axed From 2L Sections

By Paul Weiner

On Tuesday, Jan. 18 the faculty approved a recommendation of the Committee on Legal Education to divorce the course in *Taxation* from the second-year sections. The faculty also proceeded to elect seven of its members to form a pool from which a committee to hear complaints against faculty members would be drawn.

Change Allows 2Ls Greater Flexibility

The Committee on Legal Education recommended that *Taxation* be removed from the sections in order to allow students greater flexibility in scheduling their basic second-year courses.

It is expected that next year *Taxation* will be offered as a three-hour course complete in the fall and in two sections as a four-hour course meeting through the year.

Professor Frank E. A. Sander will again offer his experimental, limited enrollment five-hour section of *Taxation* which involves intensive work on a series of problems.

By choosing a section which offers *Constitutional Law* or *Corporations* complete in the fall and the fall term *Taxation* section, it is expected that a student will be able to take all but two hours of the basic second-year program in the fall term.

In order to implement the University-wide Recommendations Concerning Discipline of Officers, which were issued last spring and approved by the Law School faculty, the faculty elected five tenured members and two untenured members to serve as a pool from which hearing committees will be selected.

The tenured members are Professors William D. Andrews, Vern Countryman, Philip B. Heymann, Milton Katz, and Donald T. Trautman. The untenured members are Professors Morton J. Horwitz and Duncan M. Kennedy.

It was also voted that the Screening Committee for the Law School consist of the teaching faculty members of the Administrative Board.

The Screening Committee will be charged with developing appropriate procedures for the submission and consideration of complaints. These members will consult with administrator members of the Board and student consultants to the Board as they consider appropriate.

The present members of the Screening Committee are Professors David R. Herwitz, Donald F. Turner, and James Vorenberg.

Exercise

By Greg Ward

Debate over the role of clinical legal aid programs in the Law School curriculum is over for the 75 students who participated in one of the experimental clinical courses this year. For most of these students, if not all, clinical legal education was a long time coming. To some it saved an otherwise lackluster tour of three years.

An unresolved part of the continuing debate is just what the "magic" ingredient was. Was it the "clinical" aspect — the ability to tie real-life experience to the classroom? Was it the nature of the classroom experience itself — the teaching of "tricks of the trade" which would have been learned only after many years of trial experience? Or was it Gary Bellow — the experienced, committed, amicable professor? Fortunately for those in this year's program the answer is all three in combination.

Bellow is not the first professor to call students by their first names, abandon the Socratic method and be liked and enjoyed by his students. He is, however, the first professor to conduct courses of the type of *Criminal Trial Advocacy* and *The Law-yring Process*, and he brought to these courses a sense of interest which infected his student lawyers. While "experimental" may be dropped next year, Bellow's name will probably continue to be used to identify the courses for some time to come.

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In Clinical Education Proves Worth

Criminal Trial Advocacy was a small class of 25 enrolled students — although this number was usually doubled by auditors — who worked by choice for either CASLS, Roxbury Defenders or the Student District Attorney Project. Teaching Fellows John C. Cratsley and Robert Bohn supervised the clinical work of the students. Bellow provided the link with legal education.

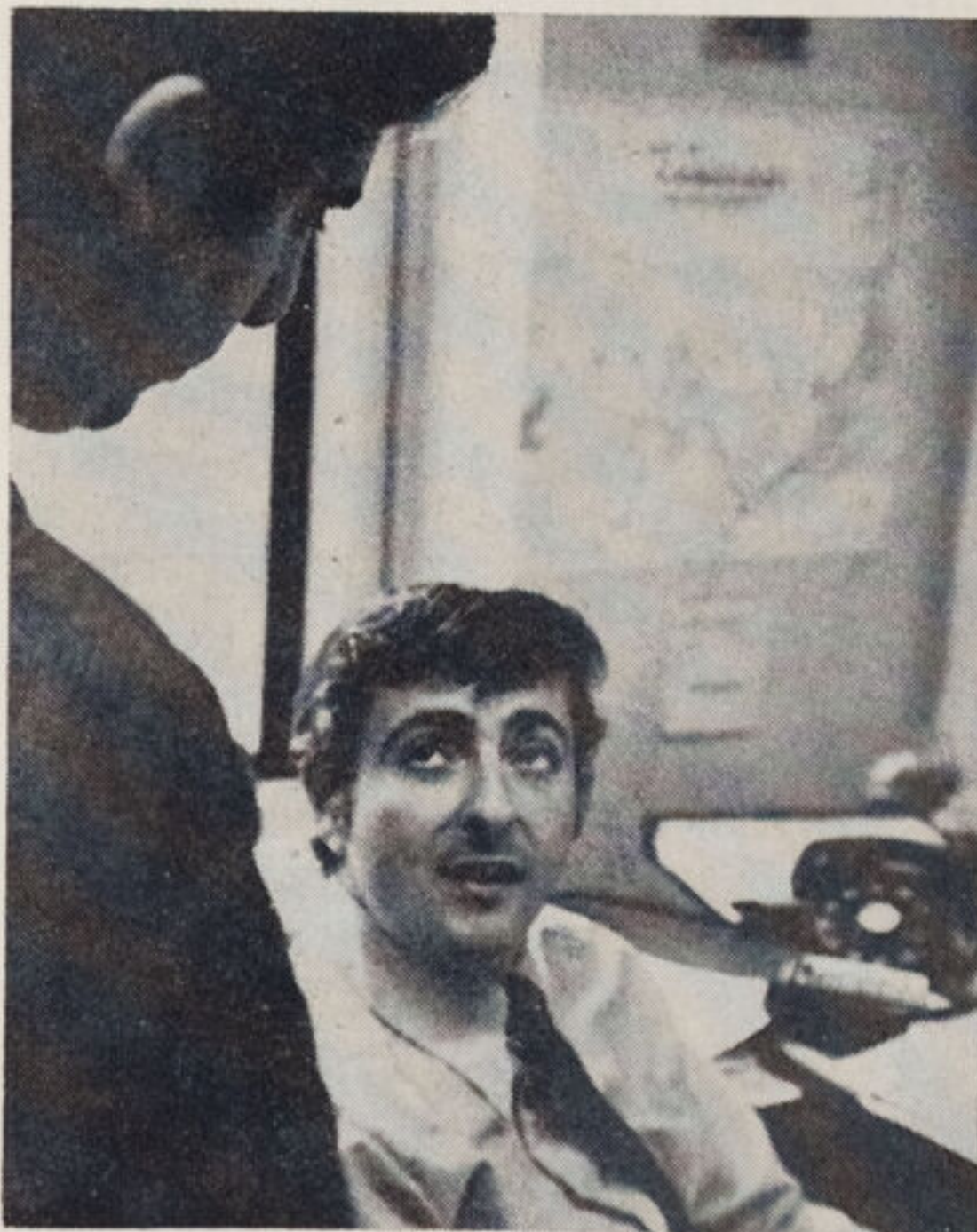
"An important aspect of this course," said Bellow on the first day of class, "is building a predictive system." Identifying problems, laying out and weighing alternatives, figuring out priorities — these are the fundamentals which give meaning to the phrase "thinking like a lawyer" which is heard so often during the first year.

Wading through materials on decision-making, interpersonal communication, persuasion and negotiation theories, the class began to construct models for the different aspects of pre-trial preparation and the criminal trial. Interviewing, investigation, plea bargaining, pre-trial motions, voir dire, direct exam, cross exam, argument — all were broken down into their component parts and separately investigated.

'Role-playing in Gary's class is different...'

In addition to the written materials and actual court experience this investigation was aided by in-class and video-taped role-playing. The video-tape seemed particularly useful for teaching advocacy, providing more experience to the players while offering an illustration of a point being made in class. Bellow would stop the tape, turn to the student and ask: "Why did you ask that?" Once the advocate has suffered the consequences of a poorly planned inquiry or reaped the

benefits of setting the witness up for the answer he is looking for, he understands that *how* you ask a question is at least as important as *what* you ask.



Charles Soberman

Clinical educator Gary Bellow, Professor of *Criminal Trial Advocacy*.

"The type of role-playing in Gary's class is different from that in *Trial Practice*," said a veteran of both courses. Because all of the students were involved in the criminal process and knew the preparation and concerns of the players, he said, the role-playing of others was educational. "The two weeks you do the role-playing in *Trial Practice* it's as helpful as Gary's class," he concluded.

But it was the clinical experience that formed the classroom lessons into workable reality. "As the semester progressed," said one student prosecutor, "I got more and more out of the class, simply because I had more experience."

"The actual experience is just invaluable," he continued. "It has prepared me psychologically for litigation. Once you start to appear at the lower level you find that it's not that awesome an experience. In fact, in some cases it's comical."

For most of the students it was the ability to get out of the

ethereal world of the Law School and develop a sense of involvement with the criminal justice system that gave the course both its appeal and its educational power. The desire to put into practice tomorrow the insights, tactics and concerns which were being developed today became all important.

For some the exposure to the system was overwhelming, as the necessity of resorting to subtle tactics was recognized as incompatible with the notion that a system of justice should not be dominated by those who are the best actors and orators. Many of these students cannot be honest with themselves and still work within such a system — but none will deny the value of the experience which led them to this conclusion.

Those who do go into the criminal justice system cannot doubt the value of the program. Compliments from court personnel have abounded. "During one trial," said a student in the DA project, "the defense counsel came up to me when the jury was out and asked about the program. He was amazed at my courtroom skills and said that I was years ahead of most trial attorneys who were just starting out. I consider that a tribute to Gary's course."

In addition to the advantage of having regular class meetings to develop these trial skills, the integration of clinical work into the curriculum was appreciated for another reason. "Had I not been able to get course credit," said one student who will join a corporate law firm after graduation, "I would have been afraid I wouldn't have had enough time to do clinical work. Some people are so uptight about getting good grades they're shying away [from committing so many credits to clinical work] and I think it will be to their detriment."

Thieves Take Students' Cars;

By Paul Weiner

The entrance and exit of the Everett Street parking garage are now closed by chains between 1 a.m. and 7 a.m. every night. Vice Dean William L. Bruce, chairman of the University Parking Committee, ordered this security measure taken, effective Saturday, Jan. 22, in response to at least six thefts and several attempted thefts since September of cars parked in the garage.

In the wake of the thefts University police also agreed to patrol the garage more frequently.

Bruce took action on the basis of complaints made to him by student victims and by the Dorm Council.

One student had his car stolen twice within ten days, Wednesday, Jan. 5 and Friday, Jan. 14. It was recovered both times in Boston.

Randy Sim, 3L, whose room in Story Hall faces the garage, heard a clink coming from the garage at 4:10 a.m. Friday, Jan. 14. Four minutes later, he heard the siren on the car next to his go off. He went to call the

Harvard Police. They arrived within four minutes, but by that time both his car and the neighboring car were gone. His car was found in Foxboro.

Eliot Disner, 3L, had his car stolen during the Christmas vacation. It was discovered in Somerville on Dec. 25, burnt and almost totally destroyed. It was towed to a "foreign body shop" in Somerville where Disner located it on Jan. 14. Disner had

car stolen from the garage between 10 p.m. Monday, Oct. 25 and 2 p.m. the next day. It was found in Somerville Wednesday, Oct. 27 stripped of about \$1500 worth of parts.

Several students reported that their ignition switches had been broken or removed in unsuccessful thefts. Fred Manning, 2L, had three attempts made to steal his car. In April, 1971, thieves not as resourceful as those who

Theft Suspect With Stolen Bursar's Card Convinced Dean, Police He Was Student

taken his license plates home over Christmas; his car was found with plates stolen from another car parked in the garage.

Disner's car was stolen despite his having installed a "crook-lock" before he left for vacation. The "crook-lock" is a solid steel bar locking the steering wheel to the brake pedal; the thieves sawed through it.

Larry Wernick, 2L, had his

attacked Disner's car drove his car into a wall. They were unable to remove the "crook-lock" and thus unable to steer.

Tim Chorba, 3L, had his car vandalized in September and again in October, the thieves making off with parts from his grill and engine. It was stolen over Thanksgiving weekend. His car has never been recovered.

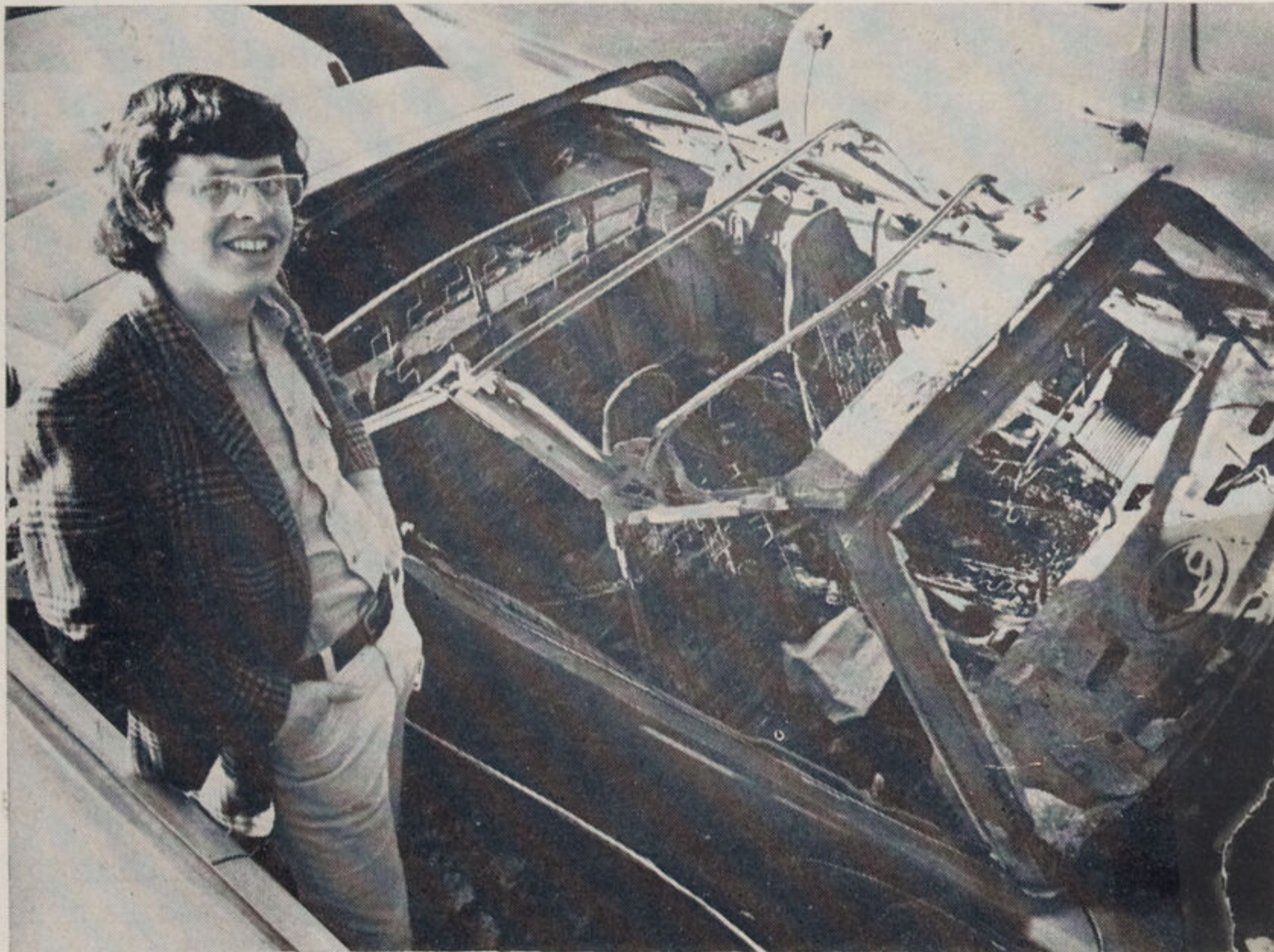
On Friday, December 3, a Chevrolet involved in a collision in Kenmore Square took off at high speed and crossed into Cambridge. Cambridge police pursued the car, which eluded them at high speed, careening around corners on two wheels.

The Cambridge police eventually managed to halt the car and arrest its driver.

The police discovered that the Chevrolet had been reported stolen by someone in Methuen. The car bore the New York license plates taken from Chorba's car.

The driver was booked at Cambridge police headquarters in Central Square. He presented as identification a Harvard Law School student's bursar's card.

(The bursar's card he presented belonged in fact to a Law School student whose wallet had been stolen during the preceding month. The student had not reported the theft.)



Charles Soberman

Would you buy a used car from this man? Eliot Disner, 3L looks over the remains of his 1970 Dodge convertible, stolen from the Everett Street garage.

Garage Chained Shut at Night

When the suspect identified himself as a Harvard student, the Cambridge police notified the University police. They in turn called Assistant Dean Stephen M. Bernardi, who went down to the Cambridge police headquarters.

Bernardi, a Harvard policeman, and a Cambridge policeman then compared the suspect's appearance with the picture in the booklet of first-year students of the student whose bursar's card the suspect presented. They tentatively identified the suspect as the student. (Bernardi is not sure which of the three made the identification.)

The suspect was then booked in the name of the student whose stolen bursar's card he carried. A preliminary hearing was scheduled for the coming week.

The suspect had been injured, so the University police then took him to Stillman Infirmary. A bail bondsman came to Stillman and

The suspect, after leaving, visited one of the people in Methuen whose car he had stolen and asked them to return some flutes which he had left in their car when he was captured. The theft victim was so startled by that request that he didn't call the police, and the suspect left.

The suspect was finally arrested by a Cambridge policeman in Harvard Square around the beginning of the year. The policeman had seen the fugitive's mug shots.



Everett Street Garage Closed 1-7 a.m. In Attempt to Prevent Further Thefts

the suspect used his own money to post bail. The next morning he felt better and left.

When the unsuspecting student didn't appear for the preliminary hearing the next week, the Cambridge police notified the Harvard police who notified Bernardi and Vice Dean William L. Bruce. Bernardi and Bruce then located the student.

Bernardi and the student went to the courthouse. The arresting officer told the judge that the student was not the man he had arrested.

A fugitive warrant was issued for the suspect.

Members of the Dorm Council had suggested that the chain be placed across the ramp leading to the fifth or sixth level of the garage instead of at the ground level so that students arriving after 1 a.m. could park on a lower level and take the risk of theft or vandalism. Bruce said that thieves with equipment to cut through a "crook-lock" could easily cut through the padlocks of a chain if they could work on it out of sight from the street. They might be reluctant to work on a chain in full view. Also, thieves could strip a car and push the parts under the chain to a get-

away car if the chain were inside the garage.

A guard is now on duty during the day and evening. Bruce said that it would cost \$13,000 a year to provide a guard 24 hours a day. Also, a guard must leave his post occasionally, allowing thieves a chance to enter or leave.

Bruce added that at least one car has been stolen during the day.

Members of the Dorm Council and some of the theft victims suggested that a gate be provided and keys or coded cards issued to those using the garage. Bruce was afraid that a gate would be out of order every week or so and impatient garage users might drive right through it.

The gate which used to stand at the entrance to the garage was knocked down when an irate faculty member drove through it. (He was not a member of the Law School faculty.)

Bruce pointed out that the parking garage was put up primarily for faculty, staff, and commuting students. (Cambridge zoning ordinances require it.) Students living in the dorms are given what space is left.

Members of the Dorm Council had complained that resident students were given spaces on the fifth or sixth floors and had suggested that resident students be allowed to park on the ground level at night. Thieves find it more convenient to work on cars on upper levels.

Users of the garage pay annual fees ranging from \$40 to \$90. The Law School adds to this a subsidy of \$60. Both the individual fee and the subsidy are paid to the University.

One Down, Two To Go

Several disparate happenings, all of which reflect on the educational goals of the Law School, have again drawn attention to the role the School must play in educating future lawyers.

— The anticipated appointment of Elisabeth A. Owens must be recognized by all as a long overdue move. The RECORD congratulates Ms. Owens and, incidentally, the Law School for its slow but necessary first step.

— While considered by many a “tempest in a teapot”, the alleged assault in a Law School classroom raises an important issue in the law which deserves discussion. Those who decry administrative inaction are not so concerned that the “attacker” be brought to justice as with the question of why such action is condoned inside the Law School environment while it may be criminal outside. The issue of different treatment of identical conduct is a difficult one, and should not be ignored by those concerned with justice as well as law.

— But the biggest issue affecting the quality of legal education at Harvard is the continuation of serious thought on the development of clinical opportunities. The School has long recognized the value of clinical programs, and one can count on strong administrative support to create needed positions. Debate will continue, however, on the necessity for integration of such programs into the curriculum.

The experimental Bellow courses have given strength to those advocating expansion of clinical programs. The value of the classroom experience cannot be overemphasized. Students who participated in the program have continually been congratulated on their work, both by judges and opposing counsel. More importantly, even the trial work of conventional legal aid organizations has been seen to be less than completely effective in comparison.

This is not to say that inadequate service is being supplied by those without the benefit of a clinical course. But more effective service could be given if the student were able to develop a sense of what constitutes a “good job.” Without the benefit of case-by-case evaluation of his work, observation of other highly skilled lawyers (infrequent in the District Court) or classroom or group discussion, the student is unable to derive a model from which to operate.

Clinical courses unquestionably provide this model and aid in the development of skills useful to any practitioner who will find himself in the role of an advocate. It would seem that the Law School owes a clinical education both to its students and to the community.

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Fenno

Cambridge, January 27. . . . Sy Enta, 3L has filed a class action under 10b-5 on behalf of all the poor slobs who lugged typewriters to Louis Loss' *Sec Reg* final. Sy also alleges that Louis conditioned the market. Professor Loss, who was throwing darts at the stock market page when reached by Yours Truly, refused comment. . . .

There is no truth to the rumour that Archibald Cox will be the March “Playmate of the Month” The RECORD, however, is in the process of preparing a series of articles to be entitled “Archie and His Gang” White roses superior to red roses, Prof. Thorne points out. . . . Ran into brilliant former classmate, now working in Puerto Rico, at Cambridge nitespot last month. . . .

Weld Professor of Law A. J. Casner (no relation to A. J. Foyt) has announced that he is leaving the Law School at the end of this academic year. Mr. Casner will be taking up permanent residence in Lichtenstein. He will, however, commute semi-monthly to lecture at the University of Bermuda School of Law. . . .

Professor of Law Laurence H. Tribe seen double-counting his change at the Faculty dining room. . . . One of the top men at *Review* recently felled by flu bug. . . . Professor Derrick Bell considered easy grader by his first-year class. . . .

Confidential to Blue-Eyes: don't plan ahead. . . . Key *Review* officers credited with diplomatically successful, clandestine, critical mission to Bangla Desh last month. “Really, it was nothing,” the Reviewers indicated self-effacedly. . . . A hospital-get-together for Smedley Goulash, who narrowly avoided strangulation in a seamless web, will be held next week. Cider and rum punch will be available for 25¢. . . .

Offer-and-Acceptance Dept.: Salonika Trask, aged 15, has filed charges against an Editor of the RECORD. . . . Sibelius Goombah will be clerking for the Supreme Court of Tahiti next year. “I'll be handling a lot of forms,” Sibelius remarked. . . .

That's Fenno for now.

Letters to the Editor of the RECORD

Tribe Coverage 'Beggars' Question'

To the Editor:

Your coverage and editorial on the FBI questions put to Professor Tribe "beg the question."

The auspices, motivation, intent, and purpose of the Professor's investigation of the Supreme Court candidates are indeed relevant. They would aid any appraisal of the validity, accuracy, completeness, and objectivity of his findings.

The FBI was charged with investigating the background and qualifications of the candidates. It would have been derelict of them not to question Professor Tribe once his investigations came to their attention. Part of their inquiry should surely relate to the framework within which Tribe was investigating to fit his information into the total pattern of their findings on the candidates.

If he found the FBI's manner "intimidating" and "chilling," it is just possible that this was a subjective reaction arising out of any bias with which he was approaching his work on the subject.

Perhaps Professor Tribe would care to state for the record just who asked him to make his investigation, who, if anyone, paid for it, and to what purpose it was put. When this is clear, you could undoubtedly write a more meaningful editorial on the matter.

John O. Green, Jr. '48

Wicker Sinks to New Low in Demagoguery

To the Editor:

Political columnist Tom Wicker sank to a new low in irresponsible demagoguery when he told a "sympathetic audience" at the Law School, about Attica: "one of the richest men in America ordered poor white people to go in and shoot poor black people." It is difficult to imagine any statement more packed with malice than this one, or a more superficial simplistic approach to a complex problem.

We have a weird treatment of political personalities when every action of Mr. Rockefeller is attributed to his financial status, while no such allusions are made to the millionaire status of the Kennedys and the Roosevelts.

It would make as much sense to read some other popular prejudices into the events at Attica. For example — "balding Governor orders short-haired guards to kill long-haired prisoners;" "divorced man orders bachelors to slaughter married men" — or "Baptist commander orders Catholic laymen to murder Holy Rollers," etc., etc. I guess Wicker's picturesque speech is worse than my variations on the theme.

Richard H. Lee '28

Glibness Stirs Alum Nostalgia

To the Editor:

When Bert Halprin, in your December 3rd issue, suggested that a guilty plea by an innocent victim was "in the best tradition of American justice," little did he think that he would, by his sweeping condemnation, bring back an old timer's nostalgic remembrance of Cambridge. When I first entered law school, my landlady's brother-in-law, a Harvard graduate with judgment equally dispassionate and analytical, informed me that the only good Indian was a dead Indian.

George D. Jagels '32



"John! They wouldn't let you drop the course!"

Law Notes

The *International Law Journal* will hold its second semester organizational meeting on Wednesday, February 2 at 4 p.m. in Pound 106. All 1Ls, 2Ls, and graduate students interested in writing, research, editing, or business management are invited to attend. For additional information call the *Journal* office at 495-3146.

* * *

The Law School Library is now presenting two exhibits, one on Sir Edward Coke and the other on capital punishment.

* * *

The Cambridge School Volunteer Project is looking for student volunteers to work two or three hours a week with non-English speaking children, slow learners, and children with reading problems from the Cambridge public school system. A training program for tutors and other volunteers will begin in February. Interested students are urged to call 492-7046 from 9 to 1 for more information.

* * *

A course entitled *Law and Policy Concerning American Indians* will be offered to law students on a non-credit basis in the spring semester. The course will be under the direction of Mr. Daniel M. Rosenfelt, a lawyer and member of the faculty of the Graduate School of Education. He will be assisted by Indian students from the Harvard community, staff members at the Center for Law and Education and several Law School professors. The course will meet at the Law School from 4 to 6 on Wednesday afternoons, starting February 9, in Pound 100.

Four Students Enter Complaint in Assault Case

(Continued from Page 1)

ground after the latter had interrupted the class to denounce the study of corporate law.

The victim of the assault — who is an undergraduate, although still unidentified — arrived before the beginning of the class and sat in a vacant seat. About fifteen minutes later, early in the discussion of stockholders' rights of exchange, he raised his hand and was recognized by Herwitz. He stood up and announced

by a student's radical rhetoric while the class was preparing a surprise party.

In Herwitz' opinion, Morris did not intend to harm the non-student, but rather was trying to "grab the fellow by the scruff of the neck" and "steer him to the door." He received a note of apology from Morris on the following day.

"I don't think we should totally overlook the fact that the college student was not an invited guest

One member of the class had been approached by the undergraduate earlier in the day. "He showed himself to be completely harmless," he commented. "He asked me about the Law School catalogue, suggesting that some of the courses were training us to be prostitutes for the establishment. I just told him I had to be someplace else."

The intruder's speech was described as "slow, evangelical rather than radical." The class reacted with "mostly derision, changing to open-mouthed silence as we saw the law student over-react."

Victim Urges Students to Work For People Instead of Corporations

that the only rights of exchange in which the students should be interested were the exchange of souls involved in their study of corporate law. He proceeded to urge the students to work for "the people" instead of for the corporations.

At this point Morris allegedly stood up and, with abusive epithets, told the intruder to shut up, that he had paid "good money" to take the course and that he did not want his time wasted. Morris "used about every word in the book," according to one witness, who described the class's reaction as one of "stunned disbelief." He then approached the intruder from behind, grabbed the hood of his parka and pulled him backwards, causing him to fall down.

Herwitz then placed himself between the two, asked whether they knew each other and, upon being told that they did not, accompanied the undergraduate to the door.

Herwitz then sat down and "told a little story," according to members of the class. He explained that he did not act sooner because he had just heard of an incident in another class in which the professor had been diverted

of the class," Herwitz told the RECORD.

Nevertheless, several students were critical of Herwitz' handling of the matter and thought that some action should be taken against Morris. Four signed a letter to Sacks requesting an investigation by the Law School. The Dean would not comment on the situation until after he had spoken to the authors of the letter.

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DIRECTORS

Directors have two overriding responsibilities. The first is to select the chief executive and hold him responsible. The other is to evaluate and approve the deployment of corporate resources. Unfortunately, directors are rarely in a position to discharge these responsibilities. Furthermore, they are chosen for other reasons.

Selection of the chief executive requires matching the man to the job. That implies an intimate knowledge of both. Few outside directors can ever achieve that degree of insight. Outside directors may have the objectivity and experience, but they have neither the time nor the information required. Often, they do not have sufficient interest either.

Few inside directors can be sufficiently uninhibited and objective to be useful in selecting the chief executive. If they speak their minds, they may seriously risk their careers, unless they themselves are selected. Any inside director is a possible candidate for chief executive. Such a possibility automatically causes conflict of interest as well as discounting objectivity.

The allocation of resources function is symbolized by the universal practice of Board approval for major capital expenditures. This approval, however, is only a symbol. The critical allocation is to the future and to alternative business areas. Board approval of individual projects required for implementation is a sterile exercise. Choice of future direction requires careful staff work, depth analysis, and detailed knowledge. It is unfortunately true that few Boards provide more than perfunctory guidance of the allocations of resources.

In most companies, the Board's activities are more ceremonial than functional. Outside directors are selected for their cosmetic value, not their potential contribution. Inside directorships are conferred as awards, rather than as responsibilities for the policies of his direct superiors.

As presently constituted and operated, most Boards are figureheads, except for corporations in extreme circumstances. Under extreme circumstances, Boards can function as the court

of last resort. However, the need to do this is rare and in itself provides circumstantial evidence of previous Board neglect.

The problem is structural. It is not lack of competence or good will on the part of directors. Most directors are just in no position to perform their duties, regardless of their ability.

A fully functioning director must:

- Devote enough time to the company to understand its problems and resources thoroughly, as well as get to know the key executives well. This would probably require at least 10 percent of his working time and, under most conditions for large companies, nearer 25 percent as a minimum.
- Be more than adequately compensated for the time and responsibility required.
- Have nothing further to gain or lose indirectly by the discharge of his duties as a director.
- Represent all stockholders rather than any special interest.

These conditions eliminate all inside directors except the designated chief executive officer. They eliminate all bankers, lawyers, consultants, suppliers and customers. They eliminate all prestige directors who have major full-time jobs elsewhere. They eliminate all representatives of minorities or special interests of any kind.

A competent, useful, fully functional Board would probably require a major reform in most companies. The preferred choice seems to be a full-time Board with no authority or responsibility, except as a group. The next best alternative seems to be a Board composed of professional directors with fixed terms. However, such directors are not easy to find with the required capability.

The best of all Boards cannot function without adequate information about corporate objectives and plans. Perhaps the best test of any Board is the competence it displays in evaluating the corporate strategy in depth. Unfortunately most companies do not have an explicit strategy and most Boards do not ask for it.

Facs Foil Feds in Phase Four, 7-6

By Bob Dwyer

SAN CLEMENTE, Jan. 23.—After years of engaging in combat with hypothetical opponents, the HLS faculty and official Washington met here today for the first decennial Super Judico-Politico Bowl.

Washington, playing its Democratic team in the first half, had trouble moving the ball. The Harris - Kennedy - Muskie - McGovern backfield ran every play to the left, into the strength of the HLS defense, anchored by right defensive end Areeda. The D.C. offense, used to scoring heavily on itself, picked up early in the second quarter, when the

ways, the offense failed to gel. Defensive halfback Mitchell successfully played bump-and-run on flanker Dershowitz, detaining him long enough at the line of scrimmage to prevent any long bombs.

After a scoreless first half, D.C. substituted the Republicans, introducing the innovative wish-bone offense behind an unbalanced line right. Quarterback Nixon refused to handoff, pitch-out or pass, running wide sweeps for small gains behind vicious downfield blocks. D.C.'s bench strength enabled them to wear down the quicker HLS team.

Midway through the fourth

it over behind Agnew for the touchdown. Left safety Tribe came from nowhere to block Mitchell's placement try, and D.C. led 6-0 with two minutes to play.

Coach Jaffe called time out (from Key Biscayne where he had gone for the game) and advised Captain Freund to call for a fair Katz on the kickoff, sacrificing Field position to avoid a Loss, which Freund relayed to the team. "See how yond justice rails upon yond simple thief. Hark in thine ear: change places; and handy-dandy, which is the justice, which is the thief."

Stone attempted a hidden reverse on the kickoff and was dropped on his own 1, but unsportsmanlike conduct by Hoover on Tribe gave HLS the ball on its own 19. Quarterback Casner, behind a trusting team, ate up the real estate by executing down-and-outs at will. With fourth down and 15 seconds left, Coach Kaplan sent in Frankfurter with the Guaranty Trust play, which determined the game's outcome. Dawson's long scoring run and Keeton's conversion provided the insurance for a 7-6 HLS victory. Middle linebacker Sacks summed up his team's feelings: "Justice has triumphed."

Profs Unable to Select Quarterback But Rally After Nixon's TD Plunge

twenty bishop-referees ejected Areeda, forcing old vet Braucher to come off the bench.

But then quarterback Harris faded back to set up a screen pass and was never seen again. He was replaced by Chisholm, but fullback Muskie felt the league was not ready for a black quarterback.

HLS, unable to select a quarterback, employed the single wing. With Michelman calling signals, the faculty incurred six successive delay-of-game penalties before getting off a play. Pierson ran a Post pattern, but was thrown for a loss when Fox failed to find the right hole. With ace tailback Nesson benched for breaking curfew, HLS relied on Kennedy, only a rookie, but the hottest prospect from Yale since Cal Hill.

The faculty's Socratic offense wavered back and forth, seemingly unable to focus on its game plan. In spite of stern blocking by Countryman, Chadbourn's procedural brilliance, and halfback Shapiro's ability to cut both

quarter, Nixon, with the ball on his own 10, looked upfield to pass as Kissinger, on a deep flanker reverse left, flew past Nixon to complete the Statue of Liberty play, and was dragged down on the HLS 12 by an Indian grad student.

Nixon lost 87 yards on three keepers, and then ran Kissinger on the same play to the HLS 1. Four plays later Nixon banged

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Full Investigation Called For in Classroom Assault

["The Backbencher" is a column of personal opinion open to staff writers of the RECORD.]

By Bob Hernandez

In a Law School classroom last week, a non-member of the Law School sat down, raised his hand, was recognized, made a political or religious speech and was assaulted by a law student. In the days that followed, many people have sought to avoid or minimize the issues presented by those events.

I found out about the incident in Professor Herwitz' class almost accidentally on Thursday night through someone who hadn't been there but who had heard about and been outraged by it. It disturbed me, but I was aware of the danger of overreaction on my part, so I sought to systematically investigate the incident, to find out whether it was as serious as it sounded and to study the Law School's response.

Clearly an assault in a classroom is something serious enough to require an investigation by the Law School, perhaps even proceedings before the Administrative Board. But nothing seemed to be happening. On Friday, Assistant Dean Bernardi told me that he had "heard about" the incident the day before and had "mentioned it" to Dean Sacks, but he did not feel that the matter was serious enough to require any further action on his part. Strangely enough, a student from the class was in his office to tell him about the incident when I arrived. He, apparently, felt it was serious enough to do something about it.

Professor Herwitz was busy preparing for his class on Friday morning and so couldn't speak to me about it ("It was really nothing very serious"),

but it was evidently serious enough for him to tell his class that afternoon that he had received a note of apology from the student and that he hoped nothing more would come of it. When I finally spoke with him on Monday he explained that the fact that the "victim" was not an "invited guest" was a consideration, and he refused to characterize the incident as violent.

confrontation of the issues clearly required. For the students or the administration to ignore the incident or minimize its importance can only mean that the Law School is hypocritical, that the "principles" it teaches are a gigantic hoax perpetrated upon its students and the outside world, that there is one set of standards for the people and a different set for the lawyers.

It's Easier to Study Law In Abstract Than to Confront Real-life Situations

Yet, when I spoke to several students in the class they were visibly and audibly shaken by the experience. ("I couldn't believe it was really happening!") Four found it serious or violent enough to write a formal letter of complaint.

Some students, on the other hand, were indignant that anyone would feel that the right of an intruder to be secure against physical assault would be of sufficient importance to warrant action against a law student.

There are obviously many reasons for wanting to minimize the incident, probably more than meet the eye. It's always difficult to have to judge a peer's behavior, even when it is clearly outrageous. It seems ignoble to demand action against a fellow law student when the victim is an outsider, even if in other contexts his actions might be deemed criminal. It is always much easier to study law or justice in the abstract than to face real-life situations which demand judgments of law or justice.

But here we do not have a hypothetical decision but a real one, with honest, open

Some students have told me that several respected members of the faculty and lawyers have expressed deep concern about the incident and that something will have to be done. I personally expect a white-wash although I hope I'm wrong. A University official to whom I spoke told me that he had indeed heard about the incident in which "a college student fell down in a Law School class." Will that be the official version to justify inaction?

Agreed, reasonable men must act with care rather than in haste. The formal complaint was lodged only on Monday, and much thought and preparation must go into any action by the Law School. We will see in the weeks ahead.

In the meantime, it might be a good idea for all those trained to look at precedent as a guide for their own behavior to keep their eyes and ears open. And perhaps to those signs forbidding solicitors and trespassers from entering the hallowed halls of the Law School a warning should be added: "Intruders—Enter at your own risk," or maybe, "Beware of Law Students."

Nunc Pro Tunc Victor in High-scoring Contest

By Willard Fraumann

The third week of the Law School basketball season ended with close races in all the leagues. There are two or more teams tied for first place with perfect records in all five leagues.

One of the highlights was the 164 points scored in a B League game between Process (71) and Nunc pro Tunc (93).

Some of the leading scorers have been: A League — Dennis Waldon, 2L (Radishes); Tom Pfister, 2L (MCM); and Eric Henrikson, 3L (Montezuma's Revenge).

B League — John Mathias, 3L (Xloti); Henry Drummonds, 3L (Aberrations); Xavier Suarez, 1L (Rabbits); and Jim Jardine, 1L (Process).

C League — John Blue, 3L (Preferred Stocks) and Mike Berman, 2L (Hollis Street Hoopers).

D League — Hank Willener, 3L (Harvard Voluntary De-

fenders); Dan Stroud (John Smith); and Carl Hawkinson, 2L (Most Fowl).

Starting the week of February 7 the scheduled days for each league will change. Check the bulletin board in Harkness Commons.

Starting Saturday, February 12, the games on Saturdays will start a half hour earlier.

A LEAGUE

Grovinators	3-0
Jackson 5	3-0
Mashuppee County Maulers	3-0
Montezuma's Revenge	2-0
Turkeys	1-2
Behemoths	0-2
Radishes	0-2
Sharks	0-3
Supremes	0-3

B LEAGUE

Rabbits	3-0
Nunc pro Tunc	2-0
Whopper	2-1
Aberrations	1-1
But c. i. c. s. p.	1-1
Roaches	1-1
Process	1-2
Xloti	0-2
IRN	0-3

C LEAGUE

Hollis Street Hoopers	3-0
Exhumators	2-0
Sky Kings	2-0
Houly's Hoopers	2-1
Preferred Stocks	1-1
Turkey Wimps P. P.	1-2
Harvard Legal Aid	0-3
Juggernaut	0-3
T. J. Hoopers	0-3

D LEAGUE

Great Danes	3-0
Most Fowl	3-0
Mau-Mauing Radicals	2-0
Justus Blacks	2-1
Crimson Swine	1-1
John Smith	1-2
Net Loss	0-2
Voluntary Defenders	0-3
Story Decisis	0-3

E LEAGUE

The Big Ten	3-0
Yale Law Journal	3-0
Red Pigs	2-0
The Supreme Court	2-1
Globelodders	1-1
Civil Pros	1-2
Intentional Torts	0-2
Cleveland Cavaliers	0-3
Contingent Remainders	0-3

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