

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 54, NO. 9

APRIL 21, 1972

TWENTY CENTS

McGovern Makes Impressive Gains In New Law Poll

By Mark Rutzick

Senator George S. McGovern (D.-S. D.) is now the overwhelming favorite for president in 1972 in the Law School, according to a poll taken last week. McGovern was the choice of 58% of the students sampled, with President Nixon trailing far behind in second place with 14%. Senator Edmund S. Muskie (D.-Me.) received only 8%, and Congresswoman Shirley Chisholm (D.-N.Y.) had 6%.

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George Romney, secretary of Housing and Urban Development, will speak on "Integration of the Suburbs" tonight at the Harvard Law Forum at 8:30 p.m. in the Ames Courtroom.

ABA Proposal Would Test Character of New Students

By Paul Weiner

A special committee of the American Bar Association has proposed that a test be developed which could be given to every first-year law student in the country "to identify those significant elements of character that may predictably give rise to misconduct in violation of professional responsibilities."

This test or questionnaire would be given by the law school, but graded or interpreted by the state bar admission committee.

The report of the ABA Special Committee on the Feasibility of Establishing a Procedure for Reviewing the Character and Fitness of Candidates for Law School Admission Prior to Their Acceptance as Students also recommended "that all approved law schools shall release to any admission authorities in any state to which the student ultimately applies for admission any information relevant to his admission to the bar, in the law school files or coming to its attention by any means other than confidential communications by a student to a law school officer or teacher made during the time of the student's law school enrollment."

Dean Albert M. Sacks said Tuesday that "my general reaction is that I'm very much opposed to it. I just don't see either the feasibility or desirability of having a general procedure of the sort they talk about here."

"I'm surprised at their not having distributed the report to law

schools before the Council of the Section of Legal Education acted on it."

Sacks himself did not see the proposal until the RECORD gave him a copy a few hours before this interview; he does not think the proposal was seen by anyone on the Harvard Law faculty.

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New Loan Plan May Make Use Of Endowments

The Law School will "shortly" propose to the Harvard Corporation that law students be able to take out loans from the University's endowment funds as part of the federal Guaranteed Insurance Loan Program (GILP), according to Professor Andrew L. Kaufman, chairman of the Financial Aid Committee.

The Financial Aid Committee will discuss the proposal with students at a meeting in room I-2 in ILS at 1:40 p.m. on Tuesday, April 25, and possibly at additional meetings before presenting it to the Corporation.

If approved, the plan would go into effect in 1972-73.

The new University lending program was announced in January. That announcement concerned loans made only to students in the Faculty of Arts and

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Sacks Opposes Character Tests

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Sacks thought that by its terms the proposal, if passed by the ABA, would not be binding on law schools or bar admissions committees, but "it seems to me an expression of opposition to this proposal is important."

The proposal, approved in February by the Council of the Section of Legal Education will be presented to the ABA Board of Governors in May. If passed by the Board of Governors, it will go to the ABA House of Delegates.

The Board of Governors of the ABA Law Student Division (LSD) on Sunday, April 16, unanimously passed a resolution condemning the proposal. The vote came during the LSD's three-day spring meeting in Chicago.

"Thursday and Friday I didn't believe that this was real," said Peter C. Kirby, 1L, a member of the LSD's Board of Governors. "Most of us d'dn't, as a matter of fact, because there had been an understanding all through the year that there would be no action without consulting us."

On Sunday, when the information about the proposal first became definite, "the actual debate was whether to condemn all or part of it." For example, the section (9) calling for improved law school courses in legal ethics was unobjectionable.

In the end, the entire proposal was condemned.

Last Sunday's *New York Times* quoted Michael Sovern, dean of the Columbia Law School, as saying "My reaction to this report is so extraordinary that I want to check to see if it is genuine."

Dean Abraham Goldstein of Yale Law School, according to the *Times*, called the proposed uniform test "an absolutely terrible idea," adding that "Talking about devising a test for this purpose when you're dealing with as diverse a constituency as the law school population — I think it's

ridiculous."

The proposal cites as a reason for these measures the growing number of applicants to law schools. An early screening procedure would allow scarce law school places to be given only to those both morally and intellectually suitable for admission to the bar. A student of "deficient" character would find out during his first year or before he entered that he would be ineligible for admission to the bar and thus saved two or three years of wasted efforts.

Law Student

By Greg Ward

Peter C. Kirby, 1L, has begun a one-man campaign to reinstate the Law Student Division of the American Bar Association in the Law School and New England. Kirby began his campaign in high style, being elected governor of the First Circuit at the circuit conference on April 8.

Kirby achieved the position almost by accident, filling out the LSD membership card nestled between the pages of the *Code of Professional Ethics*. Scanning the pages of the *Student Lawyer Journal*, the LSD publication, for

Text of ABA Special Committee

REPORT OF SPECIAL COMMITTEE

[Approved at New Orleans, February, 1972 by Council of the Section of Legal Education, will be presented to ABA Board of Governors in May, 1972.]

The Special Committee on the Feasibility of Establishing a Procedure for Reviewing the Character and Fitness of Candidates for Law School Admission Prior to their Acceptance as Students submits the following recommendations and report to the Council of the Section of Legal Education and Admissions to the Bar:

Recommendations:

1. That the ABA recognize that the primary responsibility for character evaluation of law students for future practice of law, as with discipline of admitted lawyers, rests with the bar and the courts.

2. That nonetheless, approved law schools should, as a part of their function in the legal profession, cooperate with the authorities charged with responsibility for character evaluation of those seeking a license to practice law, by administering to their students such uniform tests or questionnaires (without being required to evaluate or make judgements on the results thereof) as the appropriate admission authorities may find useful and relevant and which are within the constitutionally permissible scope of inquiry.

3. That the approved law schools shall in catalogues, admission applications and other contacts with student applicants make explicitly clear that admission to practice law depends not only upon adequate academic accomplishments in law school and successful completion of the bar examination, but upon satisfying the requirements of the particular jurisdiction as to proof of good character — and that these requirements differ from state to state.

4. That all states be urged by the ABA to adopt serious and vigorously enforced law student pre-registration requirements in accord with Standards 11 and 12 of the Code of Recommended Standards for Bar Examiners, adopted by the National Conference of Bar Examiners, Assoc. of American Law Schools, and the American Bar Association. Pre-registration requires a law student at the earliest feasible stage of his legal education to make known his intention to apply for admission to the bar in the state of his choice, together with such information as to character required by that state. (Dean O'Toole expresses misgivings as to the efficacy of pre-registration and accordingly does not concur in this recommendation.)

5. That all approved law schools shall release to any admission authorities in any state to which the student ultimately applies for admission any information relevant to his admission to the bar, in the law

Published weekly ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 495-4418. Subscription price: \$3.00 semester, \$6 year mailed; students, \$3.00 year distributed at the Law School. Individual copies: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1972 by The Harvard Law School Record Corporation.

Pushes LSD as N.E. Governor

news of First Circuit happenings, Kirby saw nothing until the announcement of the conference. He attended, and was elected.

"There's really not much of an active group anywhere," said Kirby, with respect to the reason for his sudden rise to power. While there are exceptions, particularly the Ninth Circuit where the LSD has a weekly newsletter to serve its many members, most divisions are small, with the First Circuit being particularly apathetic. At the conference, only Harvard, Suffolk and New England School of Law were represented of the nine schools that

compose the circuit.

But the potential for the division, says Kirby, is fantastic, and he is trying to get these opportunities opened up to students in the First Circuit. Among the benefits available through the LSD are:

Funding — the LSD has a large chunk of money which they are able to allocate each year for student projects. Kirby says that such groups as Joseph Hill Associates and the Black Law Students Association would be able to apply to the LSD for funds.

Section Liaisons — Regarded as the most rewarding involvement,

students are allowed to act as liaisons to the existing 21 Sections of the ABA. The liaison gets to travel at ABA expense to the various meetings, and make substantive and voting contributions on projects and resolutions. Eighteen of the 21 positions will be open soon.

Lobbying — As the largest organization of law students in the country, the LSD can be an effective spokesman for student interests.

Resolutions — Resolutions passed by the LSD are automatically considered by the ABA House of Delegates. Among the recent resolutions of the LSD which have been adopted by the ABA are statements of fair hiring standards, support for clinical legal education, and an increased commitment to minority recruitment.

And then, of course, you can become the governor of a circuit. Kirby just returned from the 3-day spring meeting of the LSD governors in Chicago (at ABA expense). At this meeting, the governors unanimously expressed opposition to the ABA's proposed pre-law school screening of applicants (see related article in this issue), and committed 25 per cent of their funding program to minority interests, such as minority recruitment and placement. The LSD governors have approximately \$35,000 to allocate to law student groups who wish to apply for funding.

"The idea," says Kirby, "is to lobby for students at a national level." The first step, however, is increasing student awareness of the organization and its potential. As a means to this end, Kirby is calling a meeting to debate and vote on resolutions of LSD members and potential members on April 29, 1972 in room I-2 of the International Legal Studies Building, at 10:00 a.m. Any law student may attend, but only LSD members will be allowed to vote on the resolutions which will be presented.

Kirby urges all students who are interested in the Law Student Division of the ABA to contact him at 498-4802.

Report on Character Evaluation

school files or coming to its attention by any means other than confidential communications by a student to a law school officer or teacher made during the time of the student's law school enrollment. This policy shall be announced by the law school to all applicants.

6. That the ABA, through appropriate channels, such as the American Bar Foundation, encourage research studies to determine whether character traits can be usefully tested prior to application for admission to the bar, beginning with the following two studies:

A. An interdisciplinary inquiry into what is now being done or projected in other professions or businesses: (Examples as targets for such inquiry might be psychologists, philosophers, theologians, physicians, including psychiatrists, behavioral scientists, accountants, public officials, officers of banks, fidelity insurance companies, personnel and management associations.)

(1) To identify those significant elements of character that may predictably give rise to misconduct in violation of professional responsibilities.

(2) To estimate the capacity of those inimical elements to persist despite the maturing process of the individual and the impact of the stabilizing influence of legal education.

B. A "hindsight" study of selected cases of proven dereliction of lawyers to ascertain whether any discoverable predictive information could have been obtained at the law student level by feasible question-

naires or investigation; and if so, what type of inquiry would have been fruitful. The results of such a study might suggest a future format which would not trespass upon constitutional rights as determined by the Supreme Court but would still furnish worthwhile information in this context.

7. That, based upon such information as the suggested studies reveal, the National Conference of Bar Examiners be urged to continue to develop recommended uniform character questionnaires (and investigations, to the extent feasible) for first year law students to be given as early as possible after matriculation.

8. That (while probably beyond the scope of this Committee's assignment) the organized bar and the Supreme Courts of the various jurisdictions be urged to continue and increase their efforts to root out the *known*, as distinguished from the potential, character risks already engaged in the practice of law.

9. That the law schools should continue their efforts to make progress in improving the quality and quantity of instruction in professional ethics.

Respectfully submitted,

Thomas G. Greaves, Jr.

Robert E. Mathews

Thomas J. O'Toole '44

E. Marshall Thomas

Philip E. vonAmmon

Donald Weckstein

Peter H. Holme, Jr., Chairman
(attended HLS 1939-41)

Nixon Interpreter Relates China Highlights

By Nick Akerman

Charles W. Freeman, who acted as Secretary of State Rogers' interpreter on President Nixon's China trip, spoke to the Harvard Law Forum last Thursday evening. Freeman, a former Harvard Law student, is 29 years old and has been in the Foreign Service of the State Department since December, 1965. It was only in 1969 that he began to learn to read, write and speak Mandarin Chinese. In his talk Freeman related his experiences in China and outlined some of his observations on the new Nixon China policy.

In line with his interpreting duties, Freeman accompanied Secretary Rogers to the evening banquets and sat at the head table with President and Mrs. Nixon, Henry Kissinger, President Chou En-Lai and other Chinese government officials. "The table was so huge that to speak to people on the other side I had to shout across it. These banquets were a fantastic opportunity to talk to the great leaders of China on an informal basis. The toasts during the banquets by Nixon and Chou had a distinct Alice - in - Wonderland quality. There was Nixon toasting the murderous mastermind of the

'seek an open world in which no people great or small must live in isolation.' In 1969 President Nixon began a thorough process of abolishing restrictions on travel and trade to China. The President made efforts as early as 1969 to reach direct contacts with



Charles Soberman

Charles W. Freeman

China. In the fall of 1971 the Chinese began responding directly through private channels, and President Nixon began referring to China no longer as Communist China but as the People's Republic of China."

Preparations had also been made so that the Nixon party was in constant contact with Washington through satellite and telephone communications. Freeman described how this communication system proved to be of invaluable assistance during the talks with the Chinese. "In discussing cultural exchanges, the Chinese raised a question as to whether the American visa law would require Chinese travelling to the United States to be fingerprinted. The Chinese have strong feelings against fingerprinting because the pre-revolutionary Chinese landlords used to fingerprint the peasants. Secretary Rogers scratched his head and said that as attorney general he thought he had abolished the fingerprinting requirement. He turned to one of his associates and asked him to investigate the matter. This associate went into the Great Hall of the People, and picked up a phone which was directly connected to the White House. Within eight minutes we were able to tell the Chinese that the fingerprinting requirement had long been abolished.

"If we look back at the 1950's, these agreements represent real achievement," said Freeman. "There was discussion of third country problems but no special deals were made with respect to Japan or Viet Nam. There have been some misunderstandings in this country and abroad on Taiwan. There is the impression that the United States has agreed that Taiwan is a part of the People's Republic of China. This is not the case. The United States left itself ambiguous and uncommitted on this point. In the final analysis, the most important thing out of the trip for both the United States and China was to set a policy of seeking common ground despite our differences. Relations will continue to improve — although perhaps not as fast as some may anticipate."

Nixon Toasts 'Murderous Mastermind Of the Maoist Marxist Menace'

Maoist Marxist menace while the Chinese Army Band played 'Turkey in the Straw.'"

With respect to President Nixon's reversal on American China Policy, Freeman stated that "there is an impression that the new China policy began with the ping pong incident in April, 1971. This impression deserves a bit of correcting. In his inaugural address the President referred inexplicitly to the People's Republic of China when he said he would

Freeman also discussed preparations that were made for the China Talks. "We spent two months preparing briefing materials. We worked extensively from verbatim transcripts of Dr. Kissinger's talks with Chou En-Lai. As a result of our efforts, the Chinese said little that we did not anticipate. In a like manner the Chinese were also excellently well briefed and President Chou was extremely familiar with all facets of American political life."

Reformist Cratsley on New Board

By David Cocke

John C. Cratsley, a teaching fellow and assistant in Professor Gary Bellow's *Lawyering Process* and *Criminal Trial Advocacy* courses, was sworn in Wednesday as a member of the newly expanded Massachusetts State Parole Board. Cratsley is the first of two board members to be appointed by the governor as part of a recent reform in the penal parole system.

The purpose of the legislation was to "remove the activities of the parole board from political influence" according to the new appointee and to "provide additional appointments of individuals with backgrounds in such fields as law, psychiatry, social work and penology." The statute provides that nominees are to be chosen by the governor from a list of candidates recommended by a blue-ribbon panel of legal and administrative experts. So far Cratsley has been the only person to be named to the parole board by this process.

Cratsley is encouraged by the opportunity to expand his own activities from the classroom and clinical work to practical application. "It is a particularly good time to be involved in this field in Massachusetts," he said, citing the recent appointment of Commissioner of Corrections John Boone and the support of the governor for prison reform. "It is also a good time for Harvard to expand its activities into such areas as prison reform," he concluded.

The new board member is a 1966 graduate of Chicago Law School and began his association with the Law School three years ago with the old Community Legal Assistance Office. It was in this office that he first became interested in prison issues while representing neighborhood clients. One of his cases involved a lawsuit against the parole board for inadequate procedures in a parole revocation situation. Crats-

ley argued that his client had a right to a hearing and a right to counsel, issues that are now at the forefront of national interest. Both issues could be resolved this term by cases now before the Supreme Court.

Cratsley continued his interest

Beyond voting on individual cases the new appointee will be responsible with others for developing new policies for the entire parole board, including review of parole release procedures, conditions of parole and the parole revocation process. "I hope we can

Newly Appointed Parole Board Member Seeks to 'Humanize' Release Process

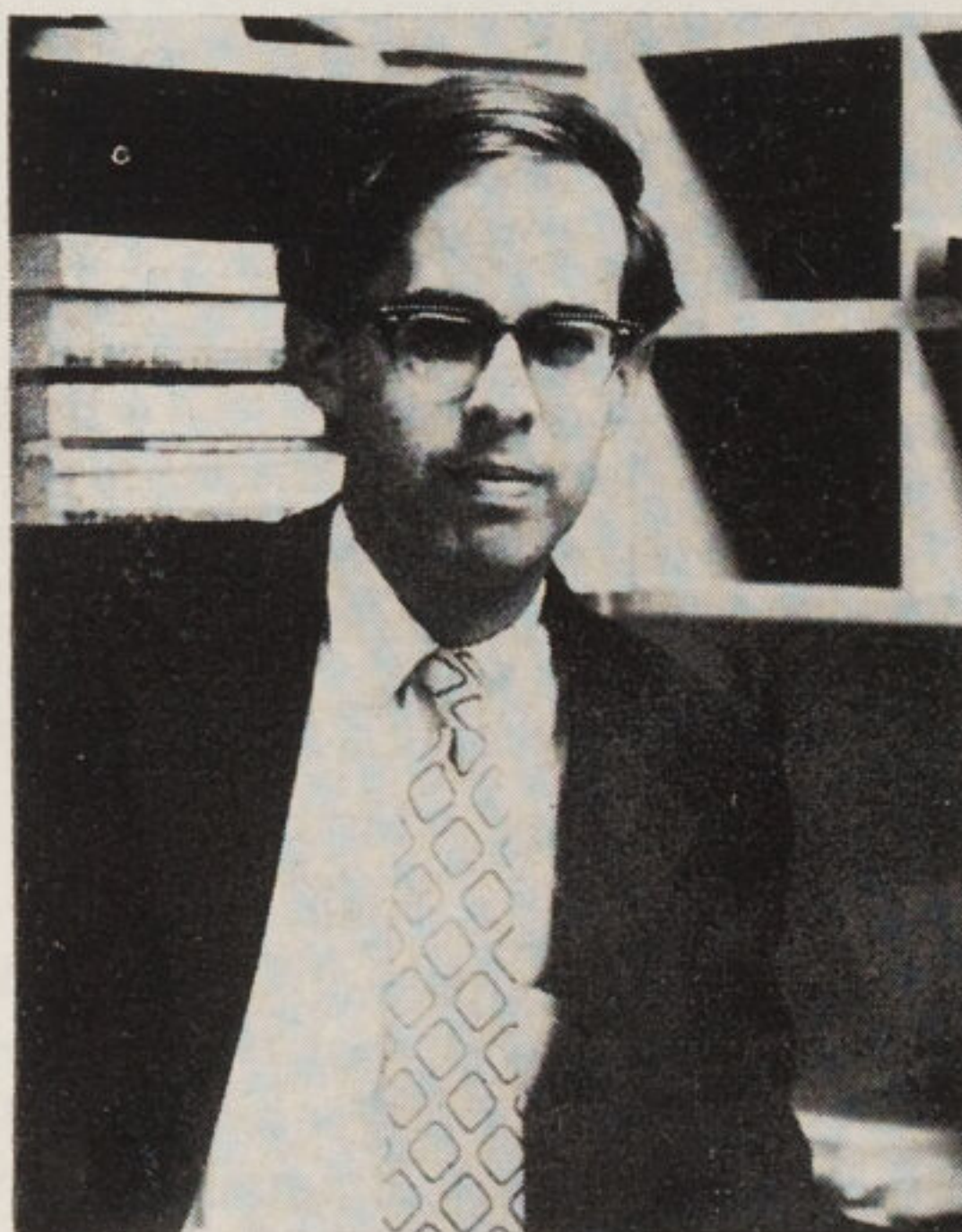
in penal problems when he transferred his activities to the Law School as a clinical supervisor in Bellow's *Criminal Trial Advocacy* course. Many of his students handled a variety of criminal and

go beyond the expected Supreme Court decisions to humanize the release process," he said. "We must be able to tell the inmates what will be considered in parole hearings and where assistance can be found to help them."

He is also concerned about implementing existing legislation providing for pre-release guidance centers in neighborhood settings. Such programs would give inmates an opportunity to work "on the outside" and receive intense counseling programs before release. One such center has been proposed at Boston State Psychiatric Hospital and was greeted initially by hostile citizens from the surrounding neighborhood. "I think Commissioner Boone did an outstanding job of making a persuasive case for the guidance center," explained Cratsley, "and I think the sense of the community meeting was that it will be accepted."

One of the primary jobs of the parole board will be to combat a lack of public confidence in the penal system, brought on by high recidivism, said Cratsley. One of the solutions, he says, is to work for an increase in the board's flexibility, now thwarted by a requirement that most inmates of Massachusetts correctional institutions serve at least two-thirds of their minimum sentence. Cratsley would change this to one-third for prisoners who show signs of readiness to respond to community influences.

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Charles Soberman

John C. Cratsley

post conviction issues and had a measurable impact on the handling of these problems locally, he proudly explained. "As a result there is an increase in the tension level of the courts in Cambridge," said the young teacher, "but it is a very healthy tension. Cases are argued more strenuously and there is less tendency to 'plead' everybody."

Next year in addition to his new duties Cratsley will be a lecturer in law at the Law School and will teach a course he previously taught on the *Provision of Legal Services*.

By Bob McGaw

With the Massachusetts presidential preference primary but a few days away, political activity at Harvard Law School is at a low ebb. The little campaigning that exists is carried on by a handful of law students.

The McGovern campaigners are by far the most conspicuous, most numerous and most organized. This reflects the fact that McGovern is increasingly the favored candidate among the law students and the high priority which McGovern's strategists have given to the Massachusetts primary.

The McGovern workers are concentrating their efforts on the canvassing of the voters in the Cambridge area and on the recruitment of law students to help with canvassing.

According to Fred M. Geldon, 2L, one of the McGovern organizers, face-to-face canvassing is the tactic that proved so very successful for Senator McGovern's forces in the recent New Hampshire and Wisconsin primaries.

"But canvassing is not a new technique," Geldon explains. "It is the most traditional of all political techniques — having been refined by Mayor Curley here in Boston and Mayor Daley in Chicago.

"The big difference is that this time the canvassing is being done by volunteers, not persons who are on the political payroll or who expect material benefits," said Geldon.

"We are computerizing the names so that on election day we will be able to determine quickly which of the voters, previously identified as favorable to McGovern, have not voted so we can telephone them and remind them to vote," Geldon continues.

McGovern's workers plan to continue canvassing until the day before the primary, and then on election day they plan to have poll

watchers and campaigners at all the Cambridge polls.

Organizing for the Massachusetts primary didn't really begin until just before the Easter vacation. "We have noticed a recent swell in the number of law students who are interested in supporting McGovern for President," explained Geldon. "At a McGovern table in Harkness Commons we raised \$70 in three days and sold over 200 campaign buttons and numerous bumper stickers.

"We are now conducting a 'sign in the window' campaign. We are asking McGovern supporters to

put a large "McGovern" poster in their windows facing out so that his campaign can be made more visible and more widespread," Geldon added.

Edmund Muskie, once the Democratic frontrunner, apparently has no students campaigning for him at the Law School. One Muskie supporter, James K. Dreyfus, 2L, attributed this to the nature of the Muskie campaign which has largely relied on winning the support and endorsement of big-name Democrats in the various states to sway voter support.

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Poll Shows Big Shift to McGovern

(Continued from Page 1)

The poll showed a dramatic shift toward McGovern in the past two months. The sample of students polled on April 13-14 had also been polled February 8-10. The February poll showed McGovern with 32%, Muskie 22%, Nixon 12%, John Lindsay 10% and Chisholm 8%, with the rest scattered or undecided.

The new poll reveals that McGovern has picked up strength from many sources, but the greatest gain came in a shift from Muskie. This change parallels the downward trend of the Muskie campaign across the nation in recent weeks. McGovern also gained support from followers of Lindsay, who is no longer in the race, and Chisholm, whose campaign has lagged.

McGovern is now the strong favorite among both Democrats and independents. His greatest gain was among Democrats, where he had trailed Muskie in the February poll by 35% to 26%. Now McGovern is the choice of 61% of the Democrats and Muskie of only 13%.

McGovern is just as solidly the

preferred candidate of independents in the Law School. He is the choice of 64% of this bloc, against 14% for Chisholm, 9% for Nixon and 5% for Muskie. McGovern had been the favorite among independents in the February poll, with 45%; nevertheless his gain seems to represent a significant consolidation of his position.

Among the small group of Republicans at the Law School, Nixon is still the choice of 60%, as he was in February. But McGovern has gained support to 20%, and Muskie has lost all of his support, going from 40% in February to 0% in April. (Note that there are only five Republicans in the sample.)

The poll demonstrated the large extent to which the Presidential preferences of students at the Law School have changed in the past two months. Almost half (44%) of the students sampled had changed their preference between February and April.

The poll consisted of a telephone survey of 50 students, randomly selected and properly weighted according to year, marital status and dormitory residence.

Political Almanac Wows Diggies

By Richard J. McManus

Now that politics has replaced pro football as the nation's leading spectator sport, it is only fitting that it should be the subject of one of those encyclopedic compilations of statistics, profiles of the stars, and meaningful trivia that provide so many happy hours to the true afficianado.

(Did you know that Rep. Barry Goldwater, Jr. was once seen snoozing in the Senate gallery during one of his father's speeches, or that his district, the 27th of California, is "the most grotesquely shaped" in the nation?)

The Almanac of American Politics (Gambit, \$4.95 in paperback, \$12.95 hardcover) has been a big seller since it appeared in bookstores this January. John Kenneth Galbraith called it "the single most useful political document I have ever encountered." John Chancellor said "I don't know of anything short of a wheelbarrow full of books which could take its place." Ralph Nader, William F. Buckley, Jr. and *The New York Times* liked it too.

2L Left Examination To Speed Publication

Inescapably such a national marvel has some connection with the Harvard Law School. One of its authors, Douglas Matthews is a second-year student. He and two former cronies from the *Harvard Crimson* — Mike Barone, a Yale Law graduate now practicing in Detroit, and Grant Ujifusa, a doctoral candidate in American Studies at Brown — hammered out the state-by-state, congressional district-by-district analysis during the 1970-71 academic year. Matthews admits that it took some time from his legal studies. He even left a *Contracts* exam to make some necessary phone calls.

The Law School administration

has duly noted Matthews' success. Dean Bruce wrote recently, Matthews says, to inform him that he would no longer be eligible for financial assistance and that, furthermore, the Law School expected that he would



Doug Matthews and Best Friend

act in an "honorable" fashion and repay his previous grants. Matthews says that the authors get about twenty-five cents per copy. The first printing of 40,000 is already sold out.

The red, gray and blue-covered, 1030-page goldmine gives an economic, demographic and political analysis of the constituency of each senator and representative. It further compares the district's federal tax burden versus federal expenditures within its boundaries and gives a short profile of

each federal legislator with a record of his votes on key issues, his overall rating by various interest groups and his performance in recent elections.

In their introduction, the authors say the object of the book "is to convey enough information to enable you to take the measure of the men and women who run the legislative branch of the federal government." More succinctly, Matthews calls it "an adequate rogues gallery."

Matthews says the "bent over backward" authors' objective. The three authors to be obnoxious have different suggestions — Matthews describes himself as a liberal Republican (he once edited the *Ripon Society* magazine); Barone is a Democrat; Ujifusa, an independent.

"If anything, there is an anti-beautiful people and an anti-old fart stance," says Matthews. He credits Barone, who, he says, has total recall of the results of all recent Congressional elections and has been studying political demography since he was 14, with much of the analysis. (How many other Kevin Philipases are running around?)

The authors would like to make the almanac a permanent fixture on the political scene, coming out every two years. "We would like to give an even more practical evaluation of what these guys do all day," Matthews says, "for example, a 'red-nose index' — how much the guy drinks. It would be just that much more information to help judge him."

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Alumnus Offers Less Angelic Proposal

I read with interest the article by Arthur Angel, 3L, in your March 17, 1972 issue, headlined "Councilman Blasts Impotent Body, Blames Failure on Faculty Control." On reflection it seems to me that he has set his sights too low and perhaps thereby done an injustice, however unwittingly, to the faculty. My impression is that those unfortunates have been attempting to prepare law students to function in the legal system which is. Altogether too little attention has been given to taking that system apart and starting over. Just as Mr. Angel argues that control over education should be in those seeking it rather than in those dispensing it, so can it be argued that control over justice should be in those seeking it rather than in those dispensing it. Therefore, with due credit to Mr. Angel, I offer you:

Litigator Blasts Impotent Bodies, Blames Failure on Judicial Control By Craig McAtee

Craig McAtee '61 is a member of the San Francisco bar.

The common law judicial system was formed about 500 years ago, with a broad mandate: "The judges may direct their attention to most matters of policy or practice touching the interest of citizens, and shall serve as a forum for the resolution of citizens' disputes and concerns on such matters." Since its inception, the system has convened a number of times and, in essence, has failed to eliminate crime and disputation among the citizenry, as even a casual reading of the newspapers will attest. I believe there are several reasons behind the impotence of the judiciary, including: (1) the laziness of the lawyers; (2) the "don't care" attitude of some citizens; and (3) recognition that the establishment approved creation of the judicial system only to provide an illusion of participation by citizens or their advocates in the

resolution of their disputes, not meaning actually to give to litigants or their advocates the power to formulate the ultimate decision.

In hopes of altering (1) and (2), I am presenting herewith several concrete proposals aimed at broadening the type of litigation experience available to lawyers. These proposals include: (1) lawyer participation as judges on a voluntary basis; (2) win-lose option in individual litigation and motions at all stages; (3) lawyer-initiated litigation and independent research compensation; and (4) clinical legal opportunities. An elaboration of some of these proposals will be made below.

At the present time, a few words are in order about the role of lawyers in the decision-making process in the courts and the related matters of how lawyers are perceived by the judiciary. It is clear that the judiciary does not recognize any need to include lawyers representing litigants in the decision-making processes which shape the outcome of litigation. Lawyers do not always have a say in decisions in the litigation in which they participate, about court rules, or, indeed, about the passage of legislation which they are called upon to interpret. . . .

illustration of this has been the judiciary's strong antagonism to the oft-heard pleas for abolition of the adversary system. An important reason for many judges is that "the quality of the advocacy will go down." They assume that without the carrot of success in litigation and its worldly manifestations — compensation from the client or the development of a successful practice — or the stick of having no practice and consequently no income, lawyers would not conscientiously pursue their clients' causes. This ignores the high achievement motivation and compulsiveness (or, more charitably, dedication) of those who are admitted to the bar in the first place, and their pattern of learning, which is well established before they do so. . . .

The judicial system is based on an authoritarian, rather than a humanistic, educational model. Judges are the deified elite — omniscient and omnipotent (at least around the courtroom). And they use their decision-making powers to shape a legal environment which molds the law in their own image, rather than one which serves the individualized pecuniary and other characteristics of the litigants or the lawyers. Lawyers are the supplicants, graciously allowed to

Judges Mold Law Without Concern for Litigants' Pecuniary Interests

The unwillingness of judges to include lawyers, or, indeed, litigants, in their final decision-making process is a result of their basic conception of lawyers and litigants as "niggers". See, Bilbo, *The Nigger As Litigant*. Lawyers are sometimes seen as stupid, lazy, shiftless and irresponsible, to say nothing of self-interested, lacking the capacity to play a meaningful role in shaping the judicial decisions on litigation in which they participate. One

approach the feet of the masters to seek pearls which may be casually tossed aside. If the process is successfully completed, the lawyer may one day be able to tell a client that he has successfully represented his cause. . . .

Some judges have come to see their main responsibility not as helping the lawyers who appear before them to learn as best they can, but rather as distinguishing the "winning" cases from the "losing" cases (presumably as a pub-

for Modification of Our Judicial System

lic service for the law firms, other judges, government agencies and others who must know the law to meet their needs). The conceit of many judges is such that they really believe they can identify the "good" cases (those with the most "legal merit") by the "best" briefs and legal arguments which, after analysis, may prevail. But, as some have pointed out, Ralph Nader, the folk hero of the socially conscious non-law reviewers, does not necessarily think in the same terms.

I submit that it is the function of the judicial system to help each lawyer and each citizen best realize his own learning, pecuniary and other potential in the most effective way possible. To meet these varied needs of lawyers and litigants seeking relief (or for some other role for which law is perceived as useful), different types of judicial functions must be made available. More basically, lawyers should be accepted as responsible adults and allowed a significant role in determining the decisions in the litigation in which they participate. Because I think it is not enough to point out where the judiciary has gone wrong, I offer the several proposals mentioned earlier, many of which may be viewed as highly original, as suggestions for a few modest steps toward making the judiciary more responsive to the educational and other needs of lawyers and litigants.

Within the parameters of the foregoing I suggest:

1. The term "trial" be eliminated and "encounter" be substituted therefor. The format should be changed so that the judge, now redesignated "group leader", the lawyers, litigants, bailiff, clerk, witnesses, jury and the usual courthouse drifters join hands in a large circle seated crosslegged on the floor of the courtroom. The imposing, intimidating and costly furniture and other accoutrements have been

removed to make the necessary space. The group leader, who, instead of being a more-or-less permanently appointed paid bureaucrat, is now a volunteer from the legal community, or other interested and qualified individual, opens the proceedings by saying something like, "Now Jim and

resolved in the same manner.

It is submitted that the foregoing will offer suitable opportunity for the exercise of the skills acquired by lawyers trained in the manner urged by Mr. Angel. It will free the law and the courts from outmoded formalisms and traps for the unwary. It will all

'Encounters' with Rubber Bats To Replace Trials for Litigants?

Bob have a little beef going. They've come here to ask us to help straighten it out."

2. Thereafter, a free exchange of views on various subjects passes between and among all participants, unfettered by the chilling effects now imposed by such archaic strictures as the oath, the laws of perjury or the rules of evidence. Foam rubber bats will be available for litigants (or lawyers acting as their champions) or others to use to swat each other should feelings begin to run too high, thereby achieving a healthy emotional release without inflicting serious harm. At some point, in the exercise of his sound discretion, the group leader will decide that it is time for the matter to be submitted.

3. Decision will be optional with each party and with the trier of fact. Thus the trier can decide that it doesn't like either litigant or simply wants to go home and may refuse to reach a decision. If it does reach a decision, compliance with it is optional with each party. Thus the winner can have the satisfaction of vindication by his peers without imposing on the loser the often serious consequences and trauma now attending the loss of litigation. This will free litigation of much of its present unseemly concern with matters involving money, and the puerile notion of "playing for keeps."

4. Appeals will be heard and

but eliminate docket congestion, since the need for discovery, motions, pleadings and the like will be greatly reduced, and, moreover, once the system is in wide use and leaders and practitioners have acquired the requisite skills, there is no reason why several disputes cannot be heard and resolved in the same session. Indeed, it may be possible for plaintiff and defendant in a given dispute to appear on different days, thereby permitting each to be vindicated without stigmatizing the other with an imputation of defeat. The participants will have the opportunity to release aggressions and tensions by stating freely just what they think of each other. In short, it is submitted that the system proposed offers relief from both the proud man's contumely and the law's delay, problems which have vexed observers of statecraft beginning at least three hundred years ago.

Undoubtedly refinements and improvements on these modest proposals can and will be offered. Some may cavil at the prospect of change. The author is receptive of any reasoned views, and, if the foregoing lacks boldness or imagination, can only offer by way of explanation, not excuse, that his education at the Harvard Law School was received during the days of a more structured curriculum than that advocated by Mr. Angel.

The proposal presently under consideration by the ABA on the feasibility of testing first-year students on their moral character has, fortunately, met with almost universal antipathy from those in the legal profession who have viewed it. Perhaps the resolution is not worthy of intelligent discussion — but apparently the special committee feels that this is a realistic proposal, and one must conclude that there may be substantial support for such a resolution at the ABA meeting in May.

Ostensibly drawn up as a means to cut down on the number of applicants to the nation's law schools, the report reveals itself to be no more than an attempt to punish socially-conscious activists, perpetuate the restricted club of lawyers and protect the judicial system as we now know it from change. Rather a strongly worded statement, but the report does not lend itself to subtle evaluations. Are we to assume that there are so many applicants deficient in character that the added deterrent of a first-year test will appreciably affect the burgeoning number of persons seeking law school admission? Hardly — the committee members are not so much concerned with the dilemma faced by the law schools as they are with the increasing number of lawyers — signalling a threat to their livelihood as well as to their concept of the judicial system, which has worked so well for them.

There is nothing new in this principle — the bar associations have long seen fit to pass on the morals of prospective members. What is new in the proposal is the belief that such character is deducible from a test. What is dangerous in the proposal is the further entrenchment of the idea that lawyers must subject themselves to character evaluations.

If the first-year testing represented a delegation of the existing bar association's role as morality overseer, it would perhaps be an advisable step. Law schools have always been more considerate of freedom of speech and other rights, the exercise of which might indicate character deficiency to others. But it is, instead, merely another tool for the exercise of a questionable power.

It is doubtful that a test could ever be devised which would accurately test "character". It is doubtful that hindsight evaluations would accurately expose patterns upon which probable future derelictions could be predicted. But accuracy may not be a criterion for those who call for such studies, and an inconclusive test would be an even greater injustice to those who are graciously saved the trouble of a legal education on the basis of predictive tests.

HARVARD LAW RECORD

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Fenno

Direct from our newsroom in the Red-light District of Amsterdam, this is the CJS Evening News, with Fenno.

Good evening. There was heavy fighting this afternoon in the central regions of Langdell Hall. Official casualty figures were unavailable, but several students were arrested and one faculty member thrown to the ground and stomped viciously as campus police battled for more than an hour with unruly mobs. The fighting was triggered by a mad rush to rewrite obscene remarks on the walls of the Langdell elevator. . . .

In Cambridge, A. J. Casner announced that he will be charging the minimum fees, as per the ABA schedule, beginning immediately. . . .

It was reported from Palo Alto, California this morning that Alan Dershowitz has finally determined which way it does cut. . . .

There was heavy profit-taking today on the Outline Exchange. Prices rose sharply as panic-stricken tenderfeet shelled out. In an interview, the President of Fenno Xerox-Copy indicated that yes, April was the cruelest month. "But May's even better — er, worse," he said. There has also been a reported increase in tenderfoot confessional at local Cambridge churches. . . .

The strike of the Harvard Law School Secretaries' Association entered its 28th day today. Lysistrata Smith, spokeswoman for the Association, reiterated that the secretaries remain firm. "We will not be dictated to," she said.

The Mississippi State Legislature has struck the so-called monkey law from that state's statute books. CJS News asked Professor Simian Scopes of the Harvard Law School for his reaction. "It had little effect here," he commented. "Our students believe they're descended from God." . . .

Matthews Brander, drama critic for the RECORD, was reported resting quietly in his Cambridge home today after having been the victim of a violent attack by irate cast members of the Harvard Law School Show. The cast assaulted Brander by throwing an imaginary ball at him while he was dining with friends at Umberto's Steak Fit. . . .

And that's all you get for 20¢, baby, Friday, April 21, 1972.

HARVARD LAW RECORD

Alum Backs HLS, Scores MassPIRG

To the Editor:

In connection with the funding with MassPIRG and your comment (March 17, 1972) that Harvard Law School is decades behind the times, I should like to point out that the fact of the matter is the administration of the Law School is apparently right in step.

A proposal to the Regents of the University of California to allow (or require) students at the University of California, Berkeley to pay for a Public Interest Legal Center has been, apparently, rejected. The proposal could find no favorable votes among the Regents at their last meeting, but because it was not on the formal agenda it was put over for consideration, and presumably a negative vote, at the next meeting.

It is still incredible to me that there should be students [?] brash enough to think they have all the answers or even a large part of the correct answers to the complicated questions of administering a Law School.

It may be that Law School students can change the world to more suit their liking, but the fact of the matter is they are a long way from having things their way once out of school.

There are a large number of graduates of the Law School upon whom the Law School used to and presumably still does depend in a large measure for support. After making numerous complaints over the years to Dean Bok and subsequently to the present dean about the lack of control over the affairs of the Law School and a withholding of financial assistance to the Law School, the first encouraging signs I have seen in many years are beginning to manifest themselves. Lest I be thought an absolute reactionary, even to the right of the John Birch Society, I think the record will reflect that mine was one of the early and relatively significant contributions to the Martin Luther King Scholarship Fund.

In closing, let me only say that if the RECORD's chronicle of happenings at the Law School bears any resemblance to the facts, the Law School is still in for some rough times. The real difficulty may be not so much how the Law School professors view students (and the professors with whom

I am acquainted do not view them as "stupid, lazy, [and] shiftless"), but Mr. Angel's self-conscious reflection of a self-image that is unfortunately too close to the truth. For the sake of the Law School and the profession, I hope he is wrong.

William L. Knecht '58

Washington Inmate Seeks Presidency

To the Editor:

The attached letter was placed in our Prisoners Mail Box for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a problem over which this institution or the Bureau of Prisons has jurisdiction, you may wish to write to me or to the Director, Bureau of Prisons, Department of Justice, Washington, D. C. 20537.

You may write back to the inmate, and ask him questions. Your letter will be inspected for contraband, and for any content which would incite illegal conduct.

The Bureau of Prisons encourages the press to visit institutions, and learn about correctional programs and activities. If you wish to do this, please contact me.

Inmates may not receive compensation for material submitted to the media. If the person writing you names another inmate or a staff member in his correspondence, we request that you advise us of that fact before its publication. We will provide background information and specific comments whenever possible.

If the writer encloses for forwarding correspondence addressed to another addressee, please return the enclosure to me, or to the Director.

L. E. Daggett

Warden

U. S. Penitentiary

McNeil Island, Washington

The enclosed letter:

To the Editor:

I am a serious candidate for President of the U. S. A. Please give your readers a chance to write me. Thank you.

John J. Desmond Jr. 19491

Cell 4A2

Box No. 1000

Steilacoom, Washington 98388

In Spring 1969

To the Editor:

In your issue of March 17, 1972, there is an article by Daniel M. Taubman entitled, "Jessup Host Fails to Field Team." On Page 12, the article incorrectly states that Harvard's last place effort in 1971 was the International Law Society's first following a three-year lapse.

In the Spring of 1969, The International Law Society fielded a team which captured the regional championship and went to the International Finals in Washington.

James J. Foster '70

Reader Recommends Article on Nader, VW

To the Editor:

In view of the intense interest expressed both pro and con with respect to Ralph Nader and the style of practice of law which he represents, I would recommend to all your readers that they read and analyze with care the analysis of his report on the Volkswagen in the April 1972 issue of *Road & Track* magazine at page 25.

Franklin N. Cunningham '48

(Continued on Page 12)

Law Notes

Students interested in working for Mike (No-Fault) Dukakis on the April 25th primary, please see Professor Haar.

* * *

The Marshall Club recently elected its Executive Board for 1972-1973. The new officers are: chairman, Richard L. Feller; vice-chairmen, Michael E. Busch and Scott W. Stucky; secretary, Howard B. Brownstein; treasurer, E. Joseph Hammond; 1L chairman, Paul R. Gupta; 2L chairman, Carolyn E. Beck; social chairman, Brian A. O'Connell; speaker chairman, Theresa J. Arnold.

* * *

Today and tomorrow the Visiting Committee of the Board of Overseers and the Council of the Harvard Law School Association will hold their annual meetings here.

In conjunction with these meetings, a reception has been planned for this evening from 6:00-7:00 p.m. in the John Chipman Gray Room (the student lounge) in the Pound Building. Students are invited.

Letters to the Editor of the RECORD

(Continued from Page 11)

Gulf Stock Policy Shows Indifference

To the Editor:

I have read the editorial entitled "Harvard's Stock Answer" in the March 10 RECORD. It seems to me that this editorial misses the point in its criticism of Harvard's stand. I cannot accept, nor do I believe that those who run Harvard can accept, that "Harvard is continuing to wage war against many citizens of Angola and Mozambique." I cannot accept that owning stock in a corporation which makes investments in an area in which a repressive government wages war means that one is supporting the waging of war. It seems far more likely that it represents at most an indifference to the social effects of a corporation in which Harvard has an investment, and even this cannot be taken for absolute truth.

This is not to say that Harvard's attitude is necessarily justifiable. According to the March issue of *Harvard Today*, Harvard has made it a policy not to acquire archeological treasures which are looted from foreign countries. This is justified on the basis that Harvard ought to deter looting because of the social disutility which looting creates. It seems to me that if Harvard can act to deter the destruction of archeological sites in order to promote a social benefit, that the same goal of deterrence could be applied to its investment policies. By refusing to buy stock in corporations which are heedless of the public's welfare, or by voting its stock in favor of new management, a university might be able to influence corporate behavior. The difference is more one of the magnitude of the task than one of principle, and if anything, people are more important than archeological sites.

Perhaps Harvard's next questions would be "all right, assuming we are going to use our investment policies to make corporations socially responsive, what standards do we adopt to determine when a corporation's social behavior has been so bad as to require us not to invest in it, and when can we do something of lesser cost to us than the giving up of this splendid investment, like voting our stock at the next stockholders meeting in favor of

making Gulf do something about Angola and Mozambique or something?" It seems to me that the failure of those who press Harvard to make corporations in which it invests socially responsive, is not offering standards for the determination of questions like these, standards which could be announced, find general acceptance and prevent the University from being the pawn of the pressure group with the largest and most articulate organization. . . . Harvard wants to be able to know what to say, when a group demands that it refuse to invest in corporations which invest in Greece, because of its dictatorial and repressive dictatorship which denies the Greek people their freedom, or in Spain for the same reasons, or Brazil, or indeed, most places in the world today, including some of these United States; and it needs to have an answer if it is to be free to invest at all, as there is hardly a major corporation in this country which cannot be found to act in disregard of the public interest by some means, whether in the form of excessive pollution, or racist employment records, or like Gulf, in its overseas investments.

One more thing: I have assumed in this discussion that Gulf is culpable in this matter, because otherwise sanctions by Harvard are not justifiable. But before Harvard can convict Gulf of this, fairness requires that Gulf be tendered the opportunity to make its defense. I wonder, with all the pressure put on Harvard to act, if anyone has taken the time to write Gulf and ask for their statement as to their involvement in Angola and Mozambique and their relationship to the Portuguese government and the oppression there?

Colin K. Kaufman '70

* * *

Bulletin

In response to a decision Wednesday by Harvard not to vote its Gulf stockholdings in favor of a shareholder resolution calling for detailed disclosure of Gulf's operations in Angola, demonstrators seized Massachusetts Hall early Thursday morning continuing their demand that Harvard sell its Gulf stock.

Harvard had also voted to send a representative to Angola to report on Gulf's performance there and to ask Gulf to reveal its plans for improvements in its treatment of Black Angolans.

Harvard Loses By Selling Stock

To the Editor:

This letter discusses the Gulf stock dispute. Someone is missing something here. The money Harvard invested in Gulf stock, assuming it was purchased on the market, isn't in the hands of Gulf. It is in the hands of the ex-shareholders who sold the stock to Harvard. Buying or selling a corporation's stock once it is issued doesn't help or hurt a corporation. When Harvard's stock is sold, the Harvard Corporation gains or loses, not Gulf. Such a sale might affect the other Gulf shareholders by influencing the value of their stock, but even this effect isn't certain or even likely.

In view of this, the only logical argument left to support the action demanded is that Harvard shouldn't be receiving Gulf dividends since it is "tainted" money. Yet the same people demanding the Gulf stock sale would, I would guess, approve of demanding that Gulf pay moneys for worthy causes because of its "sins".

This approach is going to make the school's investment advisors' task even more difficult than it is today, and that's saying a god deal. Must they now scrutinize each purchase of stock on the market for some moral connotation (and if so, adopting whose standards?) even though the money they invest goes to a selling shareholder, not a corporation? What is the point of that?

The way to stop a U.S. corporation from doing anything here or abroad that is inimical to U. S. interests is to pass a law about it and enforce that law, not by silly peripheral actions that cause great harm to innocent parties without doing anything toward solving the problem.

The only losers by adopting the action demanded in this case will be Harvard, its students, teachers and faculty all of whom depend on the revenues from these investments, a loss (assuming Gulf is a good investment) that flows from a childish incomprehension of what issued corporate stock is and does. Possibly there is a lesson here. More attention to the details of corporation law courses and other "irrelevant" and "technical" studies might enable us to avoid the wasted effort of seeking to make worthwhile changes in the direction of human events by ill-conceived, misinformed action such as this.

Peter N. Teige, '44

2L Internship Plan Alters Recruiting

By Daniel M. Taubman

In an effort to avoid the mismatches of student preference and employer interest that characterized the first two years of its operation, the Second-Year Summer Internship Program will this year be soliciting prospective employers contemporaneously with student enlistment in the program.

The program, designed to eliminate the burdensome and inefficient aspects of interviewing as well as the possibility of invidious discrimination, places students in second-year summer jobs according to employer preferences expressed at the end of the first year.

Since students were solicited before employers last year, student applicants greatly exceeded available opportunities, according to Assistant Dean Russell A. Simpson. Eighty-nine students registered for the program resulting in only 23 internships, filled at random from among those whose preferences matched job opportunities available.

He noted that greater difficulties occurred in 1970 when the program was begun because employers at that time were solicited before students. As a result, a "large number of employers submitted positions that were geographically unattractive to students." Such employment offers included legal services positions in the Midwest, and internships with small-town law firms. Twenty-

nine students found jobs through the program that summer.

"We're trying every means we know to make the program work," Simpson asserted.

Reaction to the program's initial operation last year has been favorable, according to Eleanor R. Appel, placement director. She noted that one employer who was favorably impressed with its student employee conceded it might have bypassed that student in the normal interviewing process.

Many students spend up to 80 hours and 30 interviews seeking a summer job, Appel explained. "If I can save myself 80 hours and get a job, that's great" is the attitude of the program's participants, she added.

The Second-Year Summer Internship Program is run by the Placement Office with the assistance of Simpson. A novel feature of this alternative to the traditional interviewing process is the requirement that once a student formally expresses employment

preference and is committed to the program, he may not withdraw, change his preferences, or interview during the second year without permission from a designated representative of the Committee on Placement.

To participate a student must fill out a "preference sheet" before May 19, 1972, listing his desired type and size of employer, city, and salary range. This summer the Law School will solicit positions of the type preferred by participating students among employers ranging from law firms to nonpaying legal service or public interest opportunities.

Additional students who join the program after May 19 will be placed in a second priority category. Permission to add or broaden preferences will be liberal.

(Continued on Page 16)

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Pre-primary Campus Quiet

(Continued from Page 6)

Shirley Chisholm workers are somewhat active in Harvard and Radcliffe Colleges, according to Lois W. Hunsley, 1L, who is dispensing "Shirley Chisholm for President, Unbought and Unbossed" literature and campaign materials, but there is no coordinator for the Chisholm campaign at the Law School.

Although campaigning at the Law School for Senator Henry (Scoop) Jackson has been confined to small red, white and blue "Jackson" stickers placed in all conspicuous and inconspicuous wall spaces around the buildings, Jackson supporters are actively

campaigning off campus. Three students, William H. Heyman, 2L, Elliott Abrams, 2L, and Terry E. Thompson, 2L, are running as delegates or alternate delegates for Jackson in the Eighth District. John W. Moscow, 3L, an active campaigner for the Washington senator has been speaking to schools, canvassing, leafletting, and helping to prepare mailings for Jackson.

"We're running a youth and academic-oriented campaign," Moscow stated. "Our efforts are to increase Jackson's recognition factor; most people don't know who he is. Since the recent RECORD poll indicated only three per cent of the law students support Jackson, we would be wasting our

time to campaign here," he adds. "We have been working mainly in the Fourth Congressional District which is Robert F. Drinan's district. If we get 25% of the vote there I'll be surprised," Moscow estimated.

Both Moscow and Heyman said they were handicapped because the Jackson central office made Ohio the high priority primary and has given little attention to Massachusetts.

Even law students willing to admit that they support Nixon for President are not wearing campaign buttons to that effect, nor is there any evidence of a Nixon campaign.

Hubert H. Humphrey and George C. Wallace have not been seen or heard from, even though both are on the April 25 Massachusetts ballot.

World's Most Subtle Crossword, No. 2

By Mark Rutzick

ACROSS

1. One Buff.'s vindicator
5. Common remark at Gannett House
9. Holmes saved Face Brick in it
10. Expert at shrink think
11. Created
12. Instant
13. Canine nuisance case; also in-law of noted 3L
15. Certain button-down ski-bum (Init.)
16. Unlikely future role for a law professor (Abbr.)
17. Small time securities dealings; also describes law students in general
20. Shepherd's "s"
22. One played J. Cheever Loophole, Legal Beagle
24. "The Future Now" — George Allen or Al Sacks?
25. Fred Speaker's former employer
26. Anais, Henry Miller's former mistress (she wasn't a lawyer)
28. Disfavored appellation to Marley and Alice
29. One requirement of all HLS professors

DOWN

1. Sleeper
2. cause (Fr.)
3. Tribe's buddies
4. What Hark lunches never are (Ger.)
5. Best case producer for 15 across
6. No-Fault's Dad

7. How yearbook group pictures are taken
8. Removes Moody classification
10. Family man
14. v. Martise, "pure Cardozo"
18. Former home of Daniel Berrigan's hab. (Abbr.)
19. Home of Ernie, though not Charlie (Abbr.)

20. Law professors' least problem
21. W de S's weapons
22. 25 across's optimum tone, according to Agnew
23. "..... said in my definitive article on the subject, . . ." — 1 across
27. Clarification

SOLUTION ON PAGE 16

1	2	3	4			5	6	7	8
9					10				
11					12				
13				14				15	
16				17		18	19		
		20	21						
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25						26	27		
28					29				

Ames Duties Imposed On All Present Profs

All faculty members except those on leave or on research status will henceforth be required to judge the first-year fall Ames Competition, according to a resolution passed 27-4 by the faculty Tuesday, April 11. Judging Ames Competitions has up to now been voluntary for faculty members; now it will be considered part of their teaching duties.

The motion, proposed by the Committee on the First Year, was amended to strike a clause which would have relieved those "disproportionately burdened with administrative duties" from this judging duty.

An amendment to excuse those "unwilling" in addition to those "unable" to judge was defeated.

The action was taken in answer to complaints that faculty members shirking their responsibility to act as judges were casting a disproportionate burden on the others, and that faculty members did not notify the Board of Student Advisers of their availability early enough to allow an orderly assignment of judges to cases.

The fall Ames cases next year will be argued during the week before and three days after Thanksgiving. Those professors unable to judge must next year notify the BSA by October 1; the list of argument dates and judges will be posted a few days later.

Some professors suggested that the Ames cases be argued in the afternoon rather than in the evening.

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Women & men from select clubs and
grad schools have also been invited.

Loans May Tap Endowment

(Continued from Page 1)

Sciences. According to Russell A. Simpson, director of admissions, this development took the Law School by surprise.

Under GILP loans are made to students at no interest or at a "commercial" rate (now approximately 7 1/2%) keyed to the prime interest rate. The lenders are guaranteed a return equivalent to the going rate for federally-insured fixed-debt investments, currently about 8 1/4%.

Many law students now hold GILP loans from banks; under the new program similar loans would be made from the University endowment funds.

The loan program adopted by the Faculty of Arts and Sciences includes a schedule of repayment proportionate to a student's income. According to Kaufman, the Law School is not considering such proportionate repayment.

"What this will mean for many students will just be a different lender, if our proposal is approved. It's an additional source of funds supplementing our own loan funds, which are shrinking fast."

Kaufman noted that approval of the proposal would be "a far different matter for us than for

the Faculty of Arts and Sciences." The University plan has been created to allow that faculty to go from a pure scholarship to part scholarship — part loan plan. The Law School has had such a plan for many years and is using the proposed plan only as a backup.

Kaufman also pointed out that the "commercial" rate charged for student loans is considerably lower than the interest rate a student would have to pay a bank for an ordinary unsecured, unguaranteed loan. And although repayment of Law School loans is not scaled to income, in exceptional cases where a graduate finds himself in a long-term, low income situation, the Financial Aid Committee may extend the term or reduce the interest rate of a loan.

— By Paul Weiner

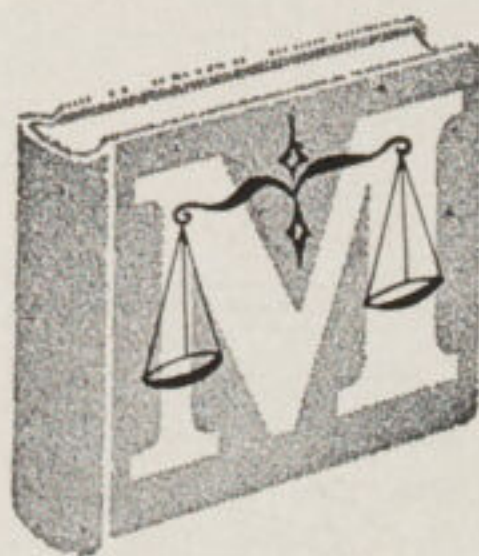
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2L Internship Alters Recruiting

(Continued from Page 13)

In late September, both employers and students will be advised of the results of the matching. Unfilled positions and unmatched students may then revert to interviewing or whatever placement processes may be available, according to a memorandum sent by Simpson to all first-year students.

"I hope the program will flourish and become a worthwhile activity. To get people to accept notions like this — especially lawyers — is quite new and different, and requires breaking down some preconceived notions," Appel commented.

The program can substantially

reduce the number of interviews conducted through the Placement Office. According to Simpson, since the average student interviews 25 law firms, if even a few students find jobs through the program, there will be a substantial reduction in interviews and Placement Office work.

The 23 2Ls who have found work this summer with the internship program will be working in the following areas: 11 with law firms, one with a federal agency, one with a city agency, one with a state attorney general's office, two with district attorneys' offices, one with legal services, and six with nonpaying or work/study jobs, primarily in public interest law.

Cratsley Chosen

(Continued from Page 5)

Cratsley's appointment comes at a time when Harvard Law students are beginning to expand their activities in the penal field. The Prison Legal Assistance Project, after suffering a lapse in activity this year, plans a more substantial program for next fall. An executive committee of five 2Ls is now looking for funding to provide a full-time lawyer to direct the PLAP program and to tie the program directly with Bellow's course. "Right now the chances for funding are very good," says Herbert Freidman, one of the five, "and we have been looking actively for a lawyer active in prison work."

The PLAP committee expects to recruit about 25 new students, primarily 1Ls, before next year. These students will be expected to give a heavy commitment to the program, with at least 15 hours of work each week, and will be given priority to enter Bellow's course. PLAP will also expand its relations with the Voluntary Defenders, referring many of the collateral attack cases that it discovers in the prisons to that body; in turn PLAP members will work with the Defenders in researching many of these cases.

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