

HARVARD LAW RECORD

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TWENTY CENTS



Mrs. Eleanor Glueck

Eleanor Glueck Is Dead at 74

Eleanor Touroff Glueck, a nationally known expert on criminology and member of the Harvard Law faculty for more than 36 years, died in her home following an accident earlier this week. She was 74.

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Boston Firm Barred For Alleged Sexism

By Gary L. Rubin

Allegations of discriminatory hiring by the Boston law firm of Powers and Hall have led the Committee on Placement to bar the firm from Law School placement facilities.

The firm was banished from the Placement Office last month after refusing to cooperate with a committee investigation of its hiring practices, according to Assistant Dean Russell A. Simpson, administrative counsel for the Committee on Placement.

The Committee on Placement has declined to disclose the name of the firm in question on the grounds that it should not be subject to adverse publicity unless the charges are proven. An official of the Massachusetts Commission Against Discrimination reported, however, that Powers and Hall is the firm in question,

and that the complaint was filed in 1971 by Linda H. Wish, 3L.

Wish identified Douglas Danner, an attorney with Powers and Hall, as the person who allegedly made the objectionable statements.

Simpson said the investigation began during the 1971-72 academic year when Wish and another female law student charged that a firm representative had

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Register to Vote

Register to vote in Cambridge at Harkness, Monday, Oct. 2 from 11:30 a.m. - 2:00 p.m. and at Peabody Ter., Wednesday, Oct. 4 from 7-9:00 p.m. Note qualifications in this issue's Law Notes, page 11.

Grading Scored

Review Editors (Sub)Cite Inequities

By Daniel M. Taubman

Twenty-four second-year students will turn in today a short essay to the editors of the *Harvard Law Review*. Shortly thereafter, between one third and one half of that number will be invited to join the *Review*, thus completing the second phase of a selection process which has caused considerable discussion

and controversy recently both within and without the *Review*.

This process has resulted in grossly unequal distribution by first-year section of the 20 students with highest averages during the past two years, prompting discussion among *Law Review* editors about revisions in the process of membership selection.

At the same time, rejection of

offers to join the *Review* by two students and early resignation by a third this summer have raised further questions concerning the status of the Law School's most prestigious journal.

During the past two years, the 20 students with highest numerical averages (presumably exclud-

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HLS Probes Alleged Sex Bias

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told them he would not be inclined to offer positions to women.

The Placement Office informs employers interviewing at the Law School that they are expected to "respect and implement" state and federal statutes outlawing discrimination on the basis of sex, race, color, religious creed, or national origin.

The two students filed formal complaints with the Committee on Placement and the MCAD, a state agency which investigates charges of non-compliance with equal opportunity statutes.

The firm refused to answer interrogatories from the Law School until the MCAD investigation is completed, Simpson said, and for that reason it was barred from the Placement Office until such time as it cooperates with the committee's own investigation of the incident.

"The firm has been barred not because of the complaint, but because it failed to cooperate with our investigation," Simpson explained. "No decision has been made on the merits of the complaint."

A MCAD spokesman in Boston said Monday that the Commission's investigation is still pending, and that a public hearing on the charges will be scheduled sometime in the future.

Attorney Andrew C. Bailey, a partner in Powers and Hall, told the RECORD Tuesday, "We have definitely denied the allegation that there has been any discrimination or that we intend any."

He said his firm refused to respond to the committee's interrogatory because "The complaint filed with the MCAD is already being investigated, and we think it's unfair to require us to defend two different complaints at the same time before different tribunals."

When the MCAD investigation is completed, Bailey said, Powers and Hall will take steps to end its expulsion from the Placement Office.

The Committee on Placement took similar action in April 1971 against the New York City firm of Parker, Chapin and Flattau, whose representative had allegedly told two women that his firm would employ neither women nor blacks.

After concluding that the firm failed to refute the charge in responding to a committee interrogatory, the committee banned it from the Placement Office until September 1, 1972, and conditioned future recruiting by the firm at Harvard upon demonstration that it would comply with Law School policies.

Parker, Chapin and Flattau has made no further effort to recruit at Harvard.

The Placement Office established machinery to enforce its equal employment policy about three years ago, when women complained that they had no recourse against discriminatory statements by interviewers. "The result," Simpson said, "has been much less overt discrimination in the interviewing sessions. This is only the second complaint we've received."

HLS FORUM'S
first program of the
'72-'73 season

His Excellency
YITZHAK RABIN
Israeli Ambassador

"The Middle East
Situation"

Tues., Oct. 3, 1972
Lowell Lecture Hall 8 P.M.

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Japanese Chair Not Filled Soon

By David Cocke

The professorship in Japanese legal studies to be established with a \$1 million gift from a Japanese corporate group is not expected to be filled for three or four years, according to Jerome A. Cohen, director of the East Asian Legal Studies Center. Instead the money will be used to finance training of scholars in Japanese law and to sponsor visiting lecturers from Japan, he said.

Cohen was directly involved in the negotiations with the Mitsubishi group of industries which presented the gift to the Law School last week. The noted Asian legal scholar was on a year's leave of absence from HLS studying Japanese legal institutions in Kyoto, Japan on a Guggenheim fellowship when he met with representatives of the Japanese conglomerate.

Chujiro Fujino, President of Mitsubishi Corporation of Tokyo, noted that it was the first donation that the company had made to any university, Japanese or foreign. Cohen said that part of the explanation for this lies in the complicated Japanese tax laws and the fact that most Japanese educational institutions are public.

The gift was cited by Harvard President Derek C. Bok and HLS Dean Albert M. Sacks as a unique and important advance in Japanese-American relations. One other practical purpose for the gift was obviously to increase better understanding in America of Japanese economic and business opportunities, said Cohen.

According to the HLS professor the gift will be made in five installments over the next five years.

First-year Students Get Advisors Early

Semesterization of 1L courses has brought about a change in the method by which 1Ls are assigned faculty advisors, according to Professor Paul Bator, Associate Dean of the Law School. In the fall semester, each Legal Methods class will be given a faculty advisor who will be available for consultation on the selection of spring semester electives.

During the spring term, however, each instructor of the various elective courses will serve as advisor to the students in his class, for the purpose of selecting second-year schedules. Each 1L will thus be exposed to two faculty members in an advisory capacity. For the past two years, 1Ls have been advised only by the instructor of their small-group course.

"This change in the first-year program," Bator commented, "is directed toward variety and flexibility for the first-year students." Bator stressed that this plan is still tentative and may be revised in the near future.

N. Y. Firms Break \$20,000 Barrier

Two New York law firms will offer starting salaries of \$20,000 a year to recent law school graduates joining them next June. Wachtell, Lipton, Rosen & Katz, which offered such salaries to students graduating last June, will continue to do so; Rosenman Colin Kaye Petschek Freund & Emil will raise its starting salary for associates to \$20,000 effective January 1.

Cravath, Swaine & Moore, which currently pays new starting associates the \$16,000 New York "going rate", will take no action on salaries until its annual salary review in October, James M. Edwards, a managing partner, said in a telephone interview last week. Cravath took the lead in raising the "going rate" from about \$10,500 to \$15,000 in 1968.

Library Institutes Fines for Students, Professors Excepted; Food Prohibited

By Phil Spector

All men may be created equal, but when it comes to the Harvard Law School Library professors are definitely more equal than students. Although the faculty has a library of its own, professors get indefinite loans on treatises (except those on open reserve), two-week loans on bound periodicals, and 24-hour loans on unbound periodicals. Students, by contrast, get two-week loans on treatises and have no borrowing privileges for periodicals. And, beginning in a few weeks, fines on overdue books will be instituted for students, but not for faculty.

This large discrepancy between student and faculty privileges has come under increasing criticism, but Morris L. Cohen, Law School librarian, feels the differences are justified. He pointed out recently that, regarding books held by professors, the library has what he calls "instant recall." That is, library staff members will take a book from a professor's office

when it is requested by a student. This "retrieval mechanism," Cohen said, is available to any student who asks for a book at the Circulation Desk when he can't find it on the shelves.

Regarding the fines, Cohen stressed that their purpose was deterrence, not punishment or income. On fines for the faculty, Cohen said, "Initially, there will not be fines for faculty, but that is under discussion. Some of the faculty, however, feel as strongly about tighter policing as we do and as some students do."

The fines have been approved by the administration and the faculty members of the Student-Faculty Library Committee. They still must be approved by the Harvard University Corporation, and no date has been set for them to go into effect, although Cohen estimated mid- to late October.

The two student members of the Library Committee (a third will be appointed later this year from the first-year class) generally agree on the question of fines. Douglas W. Jones, 3L, said, "I feel that we need a fine system. Ninety-five per cent of the people never have to worry about fines, but the other 5% can really screw things up." E. Mabry Rogers, 2L, agreed, saying, "Fines are fine," but added, "I oppose the student-faculty distinction that's always made in regard to library matters."

The other major issue around the library, on which "a lot of flack has been aroused," according to Cohen, involves the prohibition on food and drink. "No food and drink," Cohen said, "always was a rule. We're now enforcing the rules."

In explaining this crackdown, Cohen pointed to reports during the summer of mice and ants in the library, noting that "Mice are book-destructive and ants are just a nuisance. We spent \$1000

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Shanghai-Born Laurence H. Tribe

By Paul Weiner

Professor Laurence H. Tribe was born in Shanghai on October 10, 1941. He lived in China until he was five and remembers little of the experience, though "I remember a few brief vignettes. I remember, for example, crossing a river in a rowboat to visit my father, who was then in a Japanese concentration camp because he was an American citizen."

Tribe's father had been born in a small town located in an area that belonged sometimes to Poland, sometimes to Russia. He came to the United States when he was 19, lived here for several years, and became an American citizen. He then returned to China, where he met and married Tribe's mother, who had been born in Manchuria of Russian parents.

Though Tribe's parents both knew English, his family spoke Russian in the house and Tribe did not learn to speak English until at least a year after leaving Shanghai for San Francisco with his family in 1946.

Tribe went to San Francisco public schools until he graduated from high school and entered Harvard College in 1958, at the age of 16.

Tribe majored in mathematics, eventually receiving a *summa* for his thesis on the homotopy and homology theory of knots, a branch of algebraic topology. He worked each summer from 1959 through 1964 as a research associate in mathematical physics and computer programming at the University of California; in 1959 he published there his first work, a theoretical paper on "Numerical Solution of Ill-Conditioned Linear Systems."

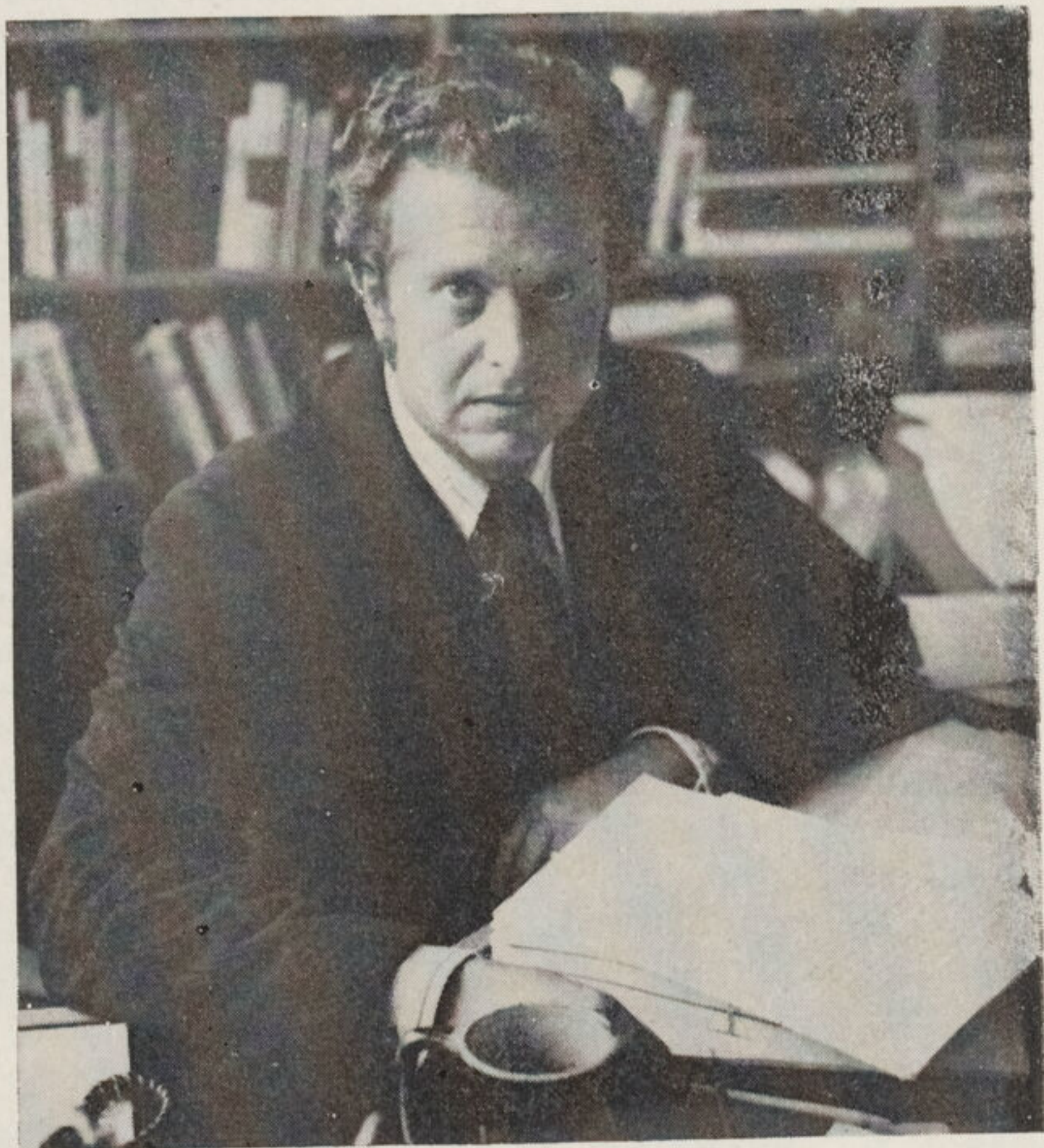
In college, he saw his hard decision as whether to go into mathematics or into literature, though he claims that he's "not at all a linguist." As a junior, he received a prize for the best undergraduate performance in comparative literature for his papers on "Dream-Mechanisms in the Modern Novel" and "A Comparison of Kafka's 'Metamorphosis' and Miller's *Death of a Salesman*."

Despite these academic interests, Tribe spent most of his time in college on the debate team. "Before I debated I had no real interest in politics, government, or the social sciences. I was very much a pure mathematician," though with some forays into literature and the arts. In his junior year he won the National Intercollegiate Debating Championship, debating the pros and cons of compulsory national health insurance.

Tribe is now faculty adviser to the Harvard Debate Team; he coached them in 1969, when the two-man Harvard team (including Joel Perwin, now a 2L) won the intercollegiate championship, "an event that was tremendously gratifying—more gratifying than winning it myself had been.

"Debate has a bad reputation", he admits, and people speak contemptuously of "scoring debater's points" in arguments. But "at its finest, competitive college debate can reach a level of sophistication which makes many scholarly articles written by members of distinguished university faculties appear rather superficial.

"Debating very seriously takes a team away



Charles Soberman

Professor Laurence H. Tribe

from Cambridge nearly every weekend and requires in addition 30 to 40 hours of research and planning a week. If I hadn't experienced it myself, I would suggest that anyone so committed to debate was slightly ill.

"The year I was debating most vigorously — my junior year in college — I didn't attend any classes at all."

Despite such delinquency, Tribe was elected to Phi Beta Kappa's Junior Eight and stood second in his Harvard College class. He went to graduate school in mathematics at Harvard on a Woodrow Wilson and a National Science Foundation Fellowship.

But "I wasn't happy with the kind of life I was leading." On "an essentially momentary impulse that has lasted ever since," Tribe left the Graduate School after one year and in 1963 entered the Law School.

"I learned the value of Law School classes rather late. My first year, I hardly went to any. And

Mixes Law with Math, Art, Debate

even my second year, I spent most of my time at the College or traveling with the debate team." Tribe was not on *Law Review*, although he ranked near the top of his class the third year. In the end, he graduated *magna cum laude*, "but my third year was the only year I really studied; my first two years I coached debate full time and led a life having very little to do with the Law School."

Now, however, Tribe urges his own students to attend class. "I don't think I'm being hypocritical; I think I missed a great deal by attending so few myself."

Yet, according to a student who took his perennially oversubscribed *Evidence* course last year, the problem seldom arises. He's a maestro. He fills the classroom up on Thursday and Friday afternoons from 3:30 to 5.

"It's sort of *Evidence* for the philosopher. It's fascinating and totally impractical," the student adds, "but probably one of the few intellectual challenges in the Law School."

"Increasingly" Tribe says, "people were coming to view rules of evidence as archaic vestiges and to suspect that, if one knew probability and psychology, one could 'solve' any evidentiary problem. All evidentiary doctrines were coming to be seen as mere trappings, impediments to rational thought."

But to Tribe, "it is the seeming irrationality of many of the rules that is worth thinking about."

Hardly Went to Any Classes, Yet Students Fill His Own

For example, the requirement of proof beyond a reasonable doubt, the self-incrimination privilege, and the confrontation clause often impede the efficient minimization of 'factual' errors at trial and are extremely hard to justify on a cost-benefit basis." To Tribe this reveals the shortcomings of a "simple-minded, one-dimensional approach to the legal order."

If he feels this way, why has he become involved in designing and teaching the new course in *Policy Analysis* now being offered at the Law School for the first time? Tribe believes it is incumbent upon law students to learn something of statistical and other analytic techniques which can be used to "snow" the lawyer. "And within properly limited spheres, such techniques can provide valuable insights."

Tribe is concerned that "ways of looking at the legal order — even ways which appear to be quite value-free and all-encompassing — can end up creating a substantive bias in one's conclusions." For example, "certain traditional conceptions of the legal system may involve an implicit bias

against the interests of particular socio-economic groups."

Tribe sees "trends toward more systematic fragmentation of the curriculum." He imagines the Law School 10 years from now as a "heterogeneous collage of possibilities:

"After an introductory year, some students will do mostly clinical work. This may be quite distinct from a second track at a much more theoretical level," perhaps dealing with "techniques of policy analysis and the lawyer's role in decision-making."

A third track might emphasize integrating other disciplines, such as philosophy or anthropology, with law. There would be yet another major track which closely resembles the present Law School

Mathematical Techniques Can 'Snow' the Lawyer

curriculum, for those with aspirations aimed at the traditional law firm. Some may graduate from Law School in two years, others in three or possibly four.

"There are several quite different things that the Law School can do for people, and I suspect it can do all of them better if each student focuses on one broad area for most of the time he or she is here."

When Tribe left graduate school, "my instinct was that I was making a very sharp break with the math that I was working on." But he is "still doing some reading and thinking in algebraic topology. I'm exploring the bearing of mathematical structuralism on structural modes of analysis in the social sciences."

Structuralism, as exemplified by Lévi-Strauss in anthropology, Piaget in psychology, and Saussure and Chomsky in linguistics, is an approach that stresses "the architectural features of a situation — its interrelatedness and its wholeness — instead of trying to reduce it to its several components."

Tribe is collaborating with Murray Gell-Mann, the Caltech physicist and Nobel laureate, on a book exploring "possible ways to overcome the limitations of classical policy analysis of a quantitative sort as a device for thought and choice" — what Gell-Mann calls "a book about systems analysis with heart."

Tribe and his family spent a month this summer at Caltech, where he felt "much tempted by the beaches" to accept a post as a university professor. "But the lure of this place again proved irresistible," he says, "and I never really came close to making the move."

Tribe has been chairman for the past year of an informal group of Harvard professors in law, economics, and philosophy who are designing a pro-

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Review Editors Study Selection Rules

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ing a small number that asks not to be considered for admission to *Review*) have been distributed among the four first-year sections in groups of nine, seven, two, and two.

David L. Engel, 3L, president of the *Review*, termed the split "a bit outlandish" and added that it is "almost impossible that this represents the real distribution of talents" by section, since students are randomly distributed in first-year sections.

Both Dean Albert M. Sacks and Registrar Mary Upton confirmed that students are selected for first-year sections on a random basis.

In a calculation made exclusively for the RECORD, Professor Laurence H. Tribe explained that "if grades were randomly related to section assignments, there would be a probability of only 1.8 per cent that two of the four sections would each contain no more than two of the twenty *Review* editors chosen on grades in any given year.

"The chances of this event being repeated two years in a row would be only 324 out of one million," Tribe continued. "In other words, the odds against what has occurred are around 3,000 to one if one assumes a random relation between sections and grades."

Because of concern at the *Review* about the results of the grading process for selecting members, many are considering a reform which would provide for the inclusion of a minimum number of students per section.

One proposal currently under consideration, Engel said, is to choose the students with the four highest averages in each section, and then the next four overall. Another is to take three from each section, with the next eight chosen, regardless of section, on the basis of grades.

Engel predicted that "the chances are much better than even" that the *Review's* membership selection process will be al-

tered this spring. Under present *Review* rules, the change in membership selection procedures must be made by present *Review* members, with the approval of the faculty. Engel said he foresaw no faculty opposition to reform, however.

He added that a *Review* committee which was established last spring to consider the reduction of annual issues from eight to six also considered *Review* membership selection.

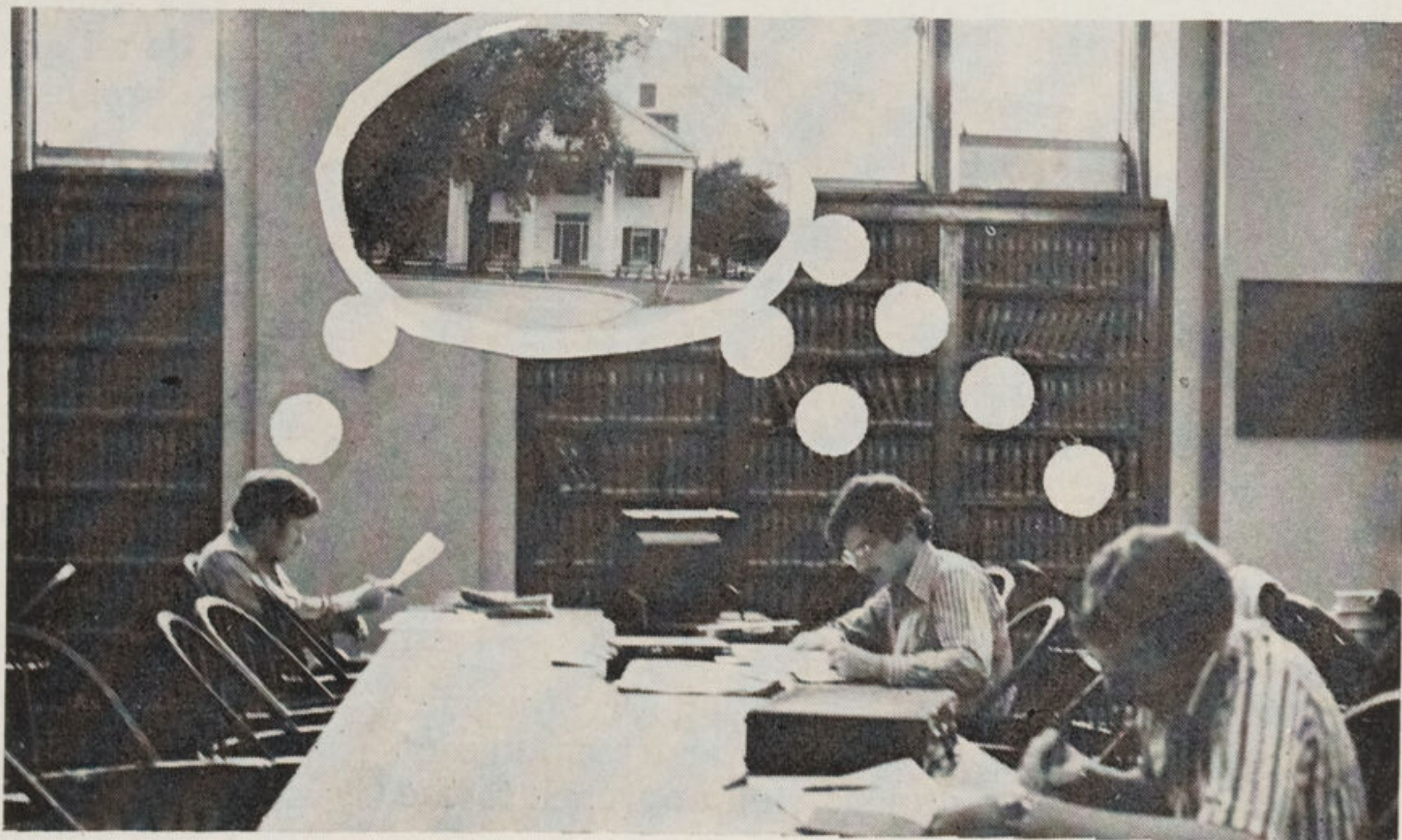
A proposal to select all *Review* members via the writing competition was defeated by about 18 to 10, as was a similar plan to reduce the number of 2L editors chosen on the basis of grades to 15.

According to Engel, another committee is presently being established to reconsider membership selection procedures.

the *Review's* 13 officers are people selected during the writing competition. Also, last year's *Review* president, Jonathan B. Marks '72, was a product of the writing competition.

"The *Review* selects part of its membership on the basis of a writing competition because there are talents called for in *Review* work which are not tested by ordinary examinations," states an explanatory brochure sent to all second-year students.

"For example," the brochure continues, "law school exams do not, and are not intended to, test the ability to think originally about a new problem when given a reasonable amount of time, or the ability to do original research thoroughly and critically. Nor do they allow time for the creation of a well-organized and thoughtful piece of written work."



Charles Soberman

Concern at the *Review* over membership selection peaked in 1968 when the *Review's* writing competition was started. For the past four years, slightly less than one third of *Review* members have been chosen on the basis of the writing competition.

According to Daniel Segal, 3L, head of this year's writing competition, those selected on the basis of the competition have performed comparably with those chosen on the basis of academic performance. Presently, five of

"Moreover, the correlation between these skills and those that are tested by examinations is not perfect. It is our belief that *Review* positions should be open to students who can do excellent *Review* work but who don't have grades placing them in the top twenty in the class."

Responding to the above brochure, 78 second-year students attended a meeting two weeks ago to discover the details of the three-day subcite check which represented the first stage of the

As Writing Competition Finishes Today

writing competition. Segal recommended 24 working hours to read through 300 pages of law review articles and cases which had been xeroxed and distributed to each participant to aid in the substantive cite checking of a case note. Engel disagreed and advised 30 working hours during the 72-hour period between 9 a.m., September 13 and 9 a.m., September 16.

A check by the RECORD of writing competition participants indicated that at least some put in the 30 suggested hours, although others who went through with this phase of the competition spent as little as 15 hours.

According to Segal, between 80 and 85 students received the xeroxed materials for the writing competition, while only 57 handed in a completed subcite check.

Since the identity of all participants was kept confidential to ensure impartiality in the grading of the first round, it was not possible to identify the distribution of participants by their first-year sections.

A check of the 78 present at the introductory meeting September 12, however, revealed that 26 of the 78 present were in Section 4 last year. Section 4 was one of the two sections which produced only two *Review* editors on the basis of grades. While it was impossible to determine the number of former members of Section 3, the other group with only two *Review* editors, the disproportionate attendance by those who had been in Section 4 at least suggests the possibility that many of them came because they felt they had been unfairly denied a position on *Review* on the basis of grades.

Of the 24 students selected to participate in the second and final round of the writing competition, only 20 were 1Ls last year. Three others are returning after a year's leave of absence, while another was a 1L in 1969-1970.

Twelve of the remaining 20 students, seven from Section 3 and five from Section 4, came from the

two sections which produced only four editors on the basis of academic performance. The two sections, 1 and 2, which produced 16 editors, on the other hand, yielded only eight people on the basis of the writing competition first round.

What results from a summation of the number of students from each section selected on the basis of grades plus those participating in the final round of the writing

competition is an equalizing trend, 12, 12, 9, and 7, for Sections 1 through 4 last year.

A study by the RECORD of first-year professors and corresponding grades indicates some surprising correlations. In 1970-71, Professors Milton Katz, Benjamin Kaplan, and Charles R. Nesson were three of five faculty members in a section which produced only two *Review* editors on the basis of grades. Last year, the same three professors were in the same section and again only two students were chosen for *Review*. (Actually, Nesson was responsible for only half of each *Property* exam, since he was on leave during the spring semester.)

Other correlations were not as striking, but the following were noted: Professor Phillip E. Areeda, *Contracts*, taught sections with nine *Review* members-to-be each year; A. James Casner, *Property*, with seven *Review* members-to-be both years; and Lance Liebman, *Property*, with two future editors in 1970-71 and two in each of his *Property* sections last year. (Liebman took over Nesson's section at mid-year.)

Asked to comment about his reaction to the unequal distribution by sections, Katz said, "I was surprised by it and I regretted it." Katz said he had no explanation for the uneven distribution.

Areeda termed his presence in the groups of nine both years "a random result," and added, "If you look at the matter historically, you won't find an even distribution."

Casner, like Katz, said he could not explain the difference by sections, though he said normally one would not expect it. He said while the uneven spread "certainly theoretically could happen . . . you would have to watch over a period

*' . . . the odds against what has occurred
are around three thousand to one . . . '*

of years to see whether a different standard of grading was being applied."

Casner said that while he himself did not grade on the basis of a standard curve, his grades were not "out of line" with those of other professors.

Liebman explained that he gave about the same distribution of grades as on "the recommended scale," which he said faculty members were informally advised of.

Dean Stephen M. Bernardi, assistant dean and secretary of the Law School, said the administration periodically reviews grade distribution figures. He said they were not available for publication because "we're preoccupied enough around here with grades without making a big deal about it." Faculty members, he added, have complete freedom to grade as they wish.

One faculty member who requested not to be identified said the possible disparity among sections was perhaps attributable to some professors' willingness to give high numerical grades. Since *Review* membership is based on numerical grades, a student receiving a 90, say, from a liberal-grading faculty member would be at a distinct advantage over another student who would not receive more than an 82 from an-

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3L Declines Review as Tool of Injustice

The following letter was sent to David L. Engel, President of the Harvard Law Review, and is reprinted with permission of the author.

Dear Dave:

Thank you for your invitation to join the *Harvard Law Review*.

As I indicated in our phone conversation, however, I wish to decline this invitation. I do so because I believe that the *Law Review* serves those institutions of power and wealth in this country which are responsible for continuing oppression and poverty at

Review Serves Units of Power and Wealth

home and for imperialism abroad. I believe that the *Law Review* is only one of thousands of educational institutions which serve to channel students' attitudes and behavior into patterns which support the continuation of these injustices.

At each stage of the educational process in this country, one can find various rewards which are offered to "good" students. In grade school, there are gold stars on the forehead; in high school, there is the "Honor Roll" and the promise of entrance to a "good" college; in college, there is a "Dean's List" and the promise of entrance into a "good" graduate school; and in law school, there is *Law Review* and the promise of a "good job" after graduation.

The educational institutions encourage students to compete with each other for these rewards. Those students who succeed in this competition become a privileged elite. Those who fail are shunted to the side and learn to blame themselves — rather than the system — for their failure. Both those who succeed and those who fail become so competitive that human relationships become much more difficult.

Parents and teachers, and later employers, learn to play upon these competitive feelings in order to mold the personality patterns of the young. In grade school, teachers reward those whose behavior supports the authoritarian power of the teacher in the classroom. Later, employers will reward those who remain loyal and subordinate.

This psychological molding parallels

and supports the shaping of students' political thought. At first students learn that the United States is the culmination of five thousand years of the development of Western democracy. When this myth can no longer coexist with the unpleasant realities of this country's past and present, students are taught that the failures of this society are the product of mere mistakes which can be corrected by a properly educated elite.

Eventually students internalize these values. For the most part, they continue to compete not because of the intrinsic value of any rewards which are offered, but rather because they "win" in these competitions. Students conform personally and politically because this is what they believe is right.

The *Law Review* itself is a good example of the effects of this educational process. An overwhelming percentage of its members will join the law firms which serve giant corporations. A few others will teach the law and will probably help direct a new generation of law students into the corporate firms. Only a very few members of the *Law Review* will devote their lives to the service of the poor and the oppressed.

Intellectually, the *Law Review* demonstrates the effectiveness of the political education which its members have received. Its articles discuss with great thoroughness and intelligence various aspects of the law. But nowhere does the *Law Review* expose the fundamental injustice of this society. As one small example, nowhere does the *Law Review* state clearly and unequivocally that it is naked and cruel repression to put poor men in prison for "crimes" which are the inevitable product of the oppression and poverty of society. If this fundamental fact is unstated, what sense does it make for the *Law Review* to discuss minor reforms of some parts of the criminal "justice" system?

The Law School as a whole produces similar intellectual results. Most of its graduates can speak with great wisdom about the subtleties of antitrust law, but they cannot — or will not — see that in the face of international corporate giants the entire antitrust system is ludicrous. They can speak sanctimoniously about the values of free speech, but they cannot — or will

not — protect the nationwide repression of the Black Panther Party and the attempted frame-up of Angela Davis.

Such viewpoints prepare Harvard Law's graduates for the roles they will play in society. With a minimum of moral qualms about the essential nature of their work, they will serve the institutions which are responsible for oppression and exploitation. By pursuing the material and psychological comfort offered by these institutions, they will provide a legal mask for the continuation of injustice.

In the privileged classes, Harvard Law's graduates will be joined by the elites of other professions. They will be joined by doctors who are trained to serve private gain rather than public health and by engineers who are trained to design faster cars rather than safer and more efficient ones. They will be joined by the countless other graduates of an educational system which each year provides the trained personnel necessary for the continued functioning of the institutions of private wealth and power.

One cannot end this private power or even change the educational system which supports it by merely refusing to participate in one elite educational institution. Change in the society and in education will require sustained and

'I Was Tempted By the Prestige'

militant political action, not isolated "moral" gestures.

But one must prepare for a commitment to such political action. One must learn to say "No" to the security and prestige which are offered by the *Harvard Law Review* in order that in the future one can say "No" to the far more tempting rewards which are offered for the service of private wealth.

As a product of this educational system, I was tempted by the prestige and the job security which the *Law Review* offers. I decided, though, that in the end these rewards are hollow and unsatisfying.

As I indicated, I have decided that I do not wish to accept the invitation to join the *Harvard Law Review*.

George B. Washington, 3L

Student Questions Need to 'State the Case'

By Xavier Suarez

One of the most terrifying experiences of my life was being called on to state a case. I was so nervous that I could not make my mind function; I'm sure that if afterwards I had been told that I had recited a poem or a prayer, I would have believed it. After extensive consultation with fellow students I have come to the conclusion that this phenomenon is generally due to a lack of experience with classes of more than 30 or so; to that can be added our inarticulacy, self-consciousness, and pride. For all of us, it was a real test of courage.

In view of the pain and fear occasioned by this practice, it may be worthwhile to examine its apparent justifications. Presumably, the method of calling on students at random forces all those who come to class to be prepared; if they are not, they will be embarrassed in front of the class and may even get a "bad mark" next to their names on the chart. In addition, this practice is thought to promote broader class participation. Finally, it will be pointed

Pain and Fear... For Little Purpose

out that someone has to act as the provider of answers for the Socratically-minded professor to challenge.

The objective of ensuring the preparedness of the students is not served by this practice except to a marginal extent. A student who has been accepted to a prestigious law school knows fairly well what study methods he or she can use successfully. Probably the majority of us felt that it was profitable to read carefully the material to be discussed at each class. On the other hand, a number of students felt that reading ahead was not worth their time, or perhaps that only a cursory reading was helpful before hear-

ing the analysis of someone with extensive knowledge in the field who was being paid for *his* preparation of the subject matter. Others simply were not able on a particular day to have the material read or briefed because of extraneous circumstances.

The notion that students should be prodded into being prepared fails to take into account this diversity in their personalities and studying techniques. In addition, the practice is only a minor incentive to do the work expected as preparation for class. For the group that personally liked to be prepared, the coercive effect of being called on at random was more a hindrance than a help, since it kept us in constant fear of being chosen to entertain the rest of the class, and made note-taking and even thinking difficult processes. Among those who were unprepared, either by design or by unavoidable accident, there were some who would find seats not on the chart, a precious few who would go through the ridiculous procedure required by certain professors to indicate a lack of preparedness, and a remaining number who would simply sit at their desks and count on the law of probabilities.

The second justification I mentioned was engendering greater class participation; besides the beneficial effect which is considered to be inherent in having more students contribute, some professors make use of outstanding class participation as an additive factor in determining grades. But regardless of the merits of broader class participation, or the wisdom of using class participation as a factor in grading, it was clear that as the year went on only a small part of the class was participating in the discussions in at least three of the courses. The rest of us listened and hoped we would not be called on, deterred to a certain extent by the coercive atmosphere which made each comment by a student some sort

of a performance. Other factors contributing to the disparity in class participation were the different degrees of articulacy and aggressiveness, and legal philosophies more or less in tune with that of the professor or of the class. It seemed fairly clear to me

'The Method Could Easily Be Reformed'

that it was not a lack of preparedness on the part of the majority that caused a small minority to carry on the discussion. And it also seemed clear that the method of calling on students to state the case had only marginally influenced the number of students participating in class discussions.

It is undisputed that the Socratic method requires some students who will advance tentative answers to the questions presented. But this by itself is hardly enough justification for choosing students at random and requiring that everyone be prepared, as some of our professors did. If this were the only reason for the practice, the method could easily be reformed—as some professors have already done—so that a student can "pass" and a new student be found who will venture an answer.

I have come to the conclusion that the practice of calling on the students at random can only be beneficial to a large percentage of the class if effected with a radically different attitude. The professor should make it clear that one can decline to answer if he isn't familiar enough with the case or hasn't considered the specific question being asked or for any other reason he may have. Moreover, the teacher should be ready to clarify the facts or procedural development of a case when the student questioned is unsure, so as to allow him an opportunity to

(Continued on Page 16)

The DeGrading System

The revealing figures disclosed in this issue of the RECORD concerning the selection process for the *Law Review* revive the chronic problem of the grading system. The debate over the relative advantages and disadvantages of a numerical ranking system has filled volumes and volumes of this newspaper. It is seemingly a never-ending battle.

But this is different. Three thousand to one is simply too staggering a figure to ignore. Something is drastically wrong with our present grading system, and if important decisions are going to be made on this basis something must be done to make it a fair system.

Grades have never seemed a totally satisfactory mechanism for determining academic merit. A brochure put out by the editors of the *Review* made mention of this when it said that grading fails to measure creativity and imagination. This recognition was one of the deciding factors in the 1968 "reform" in the *Review* selection process making a writing competition an alternative route to Gannett House. Current proposals to accept a "minimum" number of students from each section are additional evidence of the *Review's* uneasiness with the grading process.

But the 3000 to one probability of the random distribution of the averages of the top 20 students during the last two years is only the tip of the iceberg. If the distribution of grades at the highest level is plagued by so much disparity one would expect the same system to be equally unsatisfactory at all levels.

Debate on this subject has been thwarted in the past by the lack of complete information about the patterns of grading in the Law School. The RECORD calls on the administration to make this information open for general inspection — to both students and to potential employers — so that grading can be evaluated for what it is, a subjective and highly imperfect process. Without such information we cannot help but have an even greater suspicion of the fairness of such a system.

The RECORD also calls on the faculty and the administration to speed up its never-ending "study" of the grading process and look for ways to eliminate its "random" qualities.

To be frank we don't think it will find a solution. But if the faculty continues to consider grading necessary, it should at least emphasize to students, honoraries, and employers that the level of its accuracy may be characterized by a degree of probability of 3000 to one.

HARVARD LAW RECORD

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Fenno

Fenno was enraged.

"Who but Phil Areeda could have figured out whether you needed 15 credits in the second term and 23 in the first or . . ."

"Take it easy," said Bunky, trying to dislodge his 20¢ demi-Danish, "they say it takes a few weeks to get used to being a 4L."

"To think the Dean has time to worry about such trivia as my *Corporate Finance* grade when the Law School itself faces 'clear and present danger', if not 'irreparable harm' from Frank Sargent and his boys trying to steal away Kaplan and the rest of our faculty.

"Yes, it's inevitable — if I were Dean I'd start thinking of some way to replace the faculty. Candidates would, of course, have to pass a writing competition.

"Each applicant will be furnished a first draft of a resolution calling for the adjournment of a faculty meeting.

"Anyone suggesting that not only should a committee be formed but that he can have no further comment on the matter until the committee report has been read in open faculty meeting will receive 77-79 points and be placed on the waiting list for Dean.

"ALL entries must be placed underneath the radar oven in the Hark by 5 p.m., Thursday, October 7. Naturally, entries received before 5:10 will have to be disqualified, as will anyone who realizes that the 7th is really a Saturday and tries to beg off. Moreover, the finalists will face an even stiffer oral. Each will be given a list of 18 law Latin and degenerate French phrases. He will be immediately disqualified if he pronounces any three of the words the same way any current member of the Law faculty pronounces them, or any two the way an ancient Roman with more than two years of high school would pronounce them. Correct pronunciation of *res*, *rationale*, or *cestui qui trust* would lead, however, to 'sudden death.'

"But that's nothing compared to the final round, in which six UCC explanatory notes will be drawn at random from a seamless web and the candidate, without using a net, will . . ."

"Soon it'll be almost as hard to get on the faculty as it is to get a parking sticker," Bunky protested.

Letters . . .

'Law Lovers'?

To the Editor:

Is there a group called "Harvard Law Husbands" . . . or "Harvard Law Lovers"?

After receiving my copy of the *Harvard Law Wives Handbook*, I was angered by the implicit assumption that "Law Wives" could be best of friends simply because of their husbands' common interest.

I do not wish to be called a "Law Wife," just as my husband would not wish to be identified as a "Painter's Husband."

If the purpose of the Harvard Law Wives organization is, as the *Handbook* states, "to bring the Law School, the University and the community together," why then is its membership open only to women, and only to those women who are married to law students?

It is too bad that this group limits itself to such an extent, because quite a bit of the information compiled in the *Handbook* is helpful.

I have no doubt that as a group, the Harvard Law Wives serves some useful purposes, but by definition it is exclusive, sexist, and insulting.

Diana R. Engel

Law Notes

Walter J. Leonard, Special Assistant to the President of Harvard University, has been named the recipient of the National Bar Association's President's Award.

The award, granted by National Bar Association (NBA) President James W. Cobb, was presented during the group's convention in Miami, August 1-5. It recognized Leonard's "achievements in the law, especially his commitment to the training of legal scholars."

Cobb, outgoing President of the NBA, a 47-year-old association of black lawyers, noted that "Leonard, who finished Howard law school in 1968, has built an enviable and effective record in teaching, writing, and university administration. He has probably touched and influenced the lives of more students in the time that he has been in law school and university administration than any other person."

"He has done as much as anyone to increase the number of minority-group lawyers and to project and enhance the

true history and image of the black and non-traditional lawyer."

A seminar on "Prisoners' Rights" will be jointly sponsored by the Practicing Law Institute and Southern Methodist University Law School at four locations in New York City, Los Angeles, Dallas and Chicago. The first of the seminars will be at the Barbizon Plaza Hotel in New York City, October 6-7. The special student rate is \$10.00. For further information contact PLI, 1133 Avenue of the Americas, New York, N.Y. 10036.

The following students were chosen as floor or entryway representatives to the Law School Dormitory Council in elections held last week, according to Dormitory Council President David W. McDonald, 3L:

Phillip S. McKinney, 1L, Eric R. Vogt, 1L, and Louis M. Guenin, 1L, all Shaw Hall; Gregory P. Huwe, 1L, Kenneth C. Dahms, 3L, Dennis R. Luna, 1L, and T. Greg Bowe, 2L, all Story Hall.

Also, Michael P. Comiskey, 1L, and Robert J. Cubitto, 1L, Holmes Hall; Robert W. Mack, 2L, Paul R. Gupta, 2L, David B. Pittaway, 1L, and Stephen S. Ostrach, 2L, all Ames Hall; Joseph C. Smith, 1L, Geoffry W. Oblath, 2L, and Conor D. Reilly, 1L, all Dane Hall.

Also, Nancy E. Holland, 1L, Maurice E. White, 2L, Andrew P. Geoghegan, 1L, Lucia A. Fakonas, 1L, and Peter C. Kirby, 2L, all Hastings Hall; and Gerald Kerner, 1L, Clifford E. Blackwell, 1L, Diane Spanier, 1L, Theresa J. Arnold, 2L, and Mary Faith Higgins, 2L, all Wyeth Hall.

The Center for Criminal Justice at HLS has announced the names of its Criminal Justice Fellows for the 1972-73 academic year. They are:

Eldrin A. Bell, a lieutenant with the Atlantic Police Dept.; David H. Brierton, Superintendent of the Industrial School for Boys at Sheridan, Ill.; Donna A. Cady, a planner in the Mass. Dept. of Youth Services; Larry E. Dubois, a correctional administrative officer with the FBI; and William J. Farmer, Executive Assistant to the Mass. Commissioner of Correction.

Also, Patrick S. Fitzsimons, a deputy inspector with the N.Y.C. Police Dept.; F. William Forden, Jr., Regional Administrator for the Narcotic Addict Out Patient Program in Los Angeles County; Henry P. Gallagher, a lieutenant with the Cambridge Police Dept.; Francis R. Kessler, a major in the Tucson Police Dept.; Theodore E.

King, an inspector in the Washington, D.C., Police Dept.; and Charles Pineda, Jr., a parole agent in Glendale, Calif.

Those students planning to register to vote in the Massachusetts General Election on November 7 should be prepared to present evidence that they actually live in the town in which they register. Any of the following evidence will help establish this: 1) your name in the annual Street List; 2) your name in the 1972 telephone directory; 3) a telephone, gas or electric bill in your name; 4) a lease or deed in your name; 5) if the lease is not in your name, the lease and a notarized statement by the lessee that you live at the address you claim; 6) a (notarized) statement from your landlord (on his business stationery) that you live at the address you claim; 7) a cancelled rent check or rent receipt showing the address you claim; 8) your name in a 1971-72 student directory; 9) a statement from HLS, authenticated with the college seal, that you live at the address you claim.

If the clerk does not register you, you may ask for an appeal to the Board of Election Commissioners.

A group of Harvard Law students supporting McGovern for president is now conducting a fund raising and registration drive at the Law School. They point out that new federal income tax laws provide a 50% tax credit for any political contribution up to \$25 (\$50 for a married couple filing a joint return); in effect, the government will match individual contributions. For information on absentee ballots or to volunteer to work in the campaign, they ask students to call McGovern headquarters at 492-0910 or 495-3726.

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Monopoly

The antitrust laws on monopoly should be repealed. They cost the consumer millions. They perpetuate inefficiency. Prices could be lower, wages higher and output greater if we encouraged industrial concentration.

The American distrust of concentration of power is obsolete. Long ago that fear was appropriate. But the concentration of power has long since been transferred to the federal government. Business is regulated in detail. Product design, accounting practices, prices, wages, advertising, financing, working hours, share ownership, even disclosure of information are now regulated in detail.

American big businesses are now in fact just divisions of America, Incorporated. The headquarters office is now in Washington, D.C. There is no need to keep the corporation small when the key constraints are controlled in Washington. The U.S. government may not be well equipped by organization, tradition or personnel for its management role; it is an uncoordinated bureaucracy.

But it should be an obvious fact that the U.S. government is the management of America, Inc. The individual company is no more autonomous than the division of a conglomerate. The constraints and the policies are set from the headquarters. The antitrust laws should be interpreted and evaluated with full recognition of this concentration of administrative control in Washington.

The antitrust laws are based on assumptions about business that are untrue. They assume that there is no relationship between size or scale and cost. They assume that the consumer can be benefited by competition even when the inefficient are protected from the efficient. These assumptions are false on the face of it. You cannot keep business fragmented and still benefit from competition.

There is overwhelming evidence that concentration is required for low cost. The "experience curve effect" is an observable fact. For any given product-market segment, cost is a function of market share. Concentration is necessary to obtain low cost. This cannot be passed on to the consumer, however, without concentration in the low cost producer.

The government now receives about four times the income as the owners do from the typical company. Every obstruction to concentration reduces governmental tax income or holds up consumer prices.

The antitrust laws are not only ambiguous and conflicting, they are pernicious. Full and effective competition inevitably leads to concentration. If this were not so, then the inefficient high cost producer is not displaced by the more efficient. Unless that happens, the whole concept of competition as a regulator is obviously invalid. Yet if successful competition leads to concentration, that is now an illegal monopoly.

The antitrust laws are illogical, ambiguous, contradictory, expensive and self-defeating. Worst of all, they injure the very person they are supposed to aid — the consumer.

To date the damage has been minimal only because administrators of these laws have used some commonsense restraint in attacking the indispensable, efficient and effective business units which are necessarily large. Rigorous enforcement would virtually paralyze output. There is literally no successful business which does not dominate the business segments that are profitable. Lack of domination is *prima facie* evidence of either failure of competition or failure to define the segment properly.

A potential threat of real damage to our economy is implicit in the children's crusade of economic innocents campaigning in the name of consumerism. Consumers are the heavy losers when emotional and unbalanced extremes of action are substituted for thoughtful discussion and evaluation of alternatives.

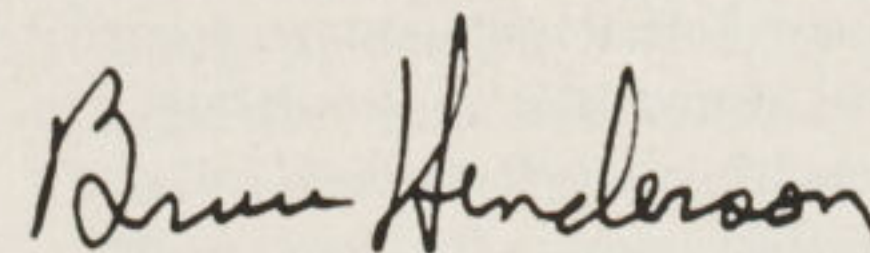
American business has always been extremely responsive not only to the consumer but to the common consensus when it finally crystallized. This is particularly true of the larger business units. In fact it can be argued that business has been far more sensitive to the real interests and convictions of the consumer and the public than the government. The role and performance of the government must now change.

No longer is the U.S. government the policeman trying to catch the bad guys. It is now the policy arbitrator of the national economy, while business is the administrator. Government must assume the full responsibility for all the consequences of national policy and its administration. It is already exercising the authority and control.

The time has come for a partnership of business and government. That partnership requires a continuing dialogue and consensus on national policy for the benefit of society as a whole.

Unfortunately, our whole system of government was originally organized to cope with a slow moving, simple, agrarian economy thinly spread over a vast land with no infrastructure or communication system. Everything else has changed but our government capability has not. Long-obsolete concepts are embedded in law and procedure. The antitrust laws are vivid examples of the lag between tradition and reality in both concept and administration.

The time has come for joint open discussion of a relevant national social strategy. The time has passed for extremism and confrontation.



Perspective # 86

BOSTON • LONDON • MILAN • TOKYO

Tribe Combines Law, Science, Debate

(Continued from Page 5)

gram of research in fundamental legal studies, to be conducted over a number of years.

Tribe sees this research as having "the most exciting future" of all his Law School activities, adding that "there are very few substantive things on which faculty members work creatively with each other. Most of our collective efforts are unfortunately administrative or bureaucratic in character."

One of the "collective efforts" about which Tribe is least enthused is "serving on the Admissions Committee. I dislike the sorts of decisions that we have to make. And each member of the committee must devote at least 12 hours a week to its work."

Tribe is married and has a five-and-a-half-year-old son, Mark, who now attends the Buckingham School in Cambridge. His wife, Carolyn, is supervisor of foreign languages for Massachusetts. She is also editor-in-chief of the *Masachusetts Foreign Language Bulletin* and has been involved in developing programs of bilingual education and urban/suburban cooperation through the State Department of Education.

"Insofar as either of us does anything with our house, it's pretty much shared, though I probably do a bit less than I should. I do take Mark home from school at noon, though, and often have lunch with him. He's a terrific kid."

Tribe's parents still live in San Francisco, where

his father sells cars and his mother is a dental assistant. His younger brother, who recently graduated from the University of California Medical School, is "a doctor who is very much into zen Buddhism."

Tribe likes skiing and swimming, "but I am totally incompetent at things like basketball and baseball."

"And at finding my way around," Tribe adds.

He likes music but is "something less than an avid concertgoer" and he "tried to learn the guitar once without much success."

Tribe's Creative Impulse - 'Waiting to be Revived'?

Tribe used to do "a fair amount of painting" in oils and pastels. He was an avid artist for the six or seven years before he entered college. In 1959, he won first prize in a national open pastel competition, the Strathmore Pastel Award.

Tribe's wife, Carolyn, has done some "excellent sculpture"; she has had her work exhibited in Washington, D.C.

Yet Tribe has done little painting, and his wife little sculpture, since they came to Cambridge. "I don't know whether we should conclude that my creative impulse has been killed, whether that impulse has been redirected, or whether it is lying dormant waiting to be revived."

Eleanor Glueck Dies; Was Famed Criminologist

(Continued from Page 1)

Together with her husband, Sheldon Glueck, she was a pioneer in the study of the causes and characteristics of juvenile delinquency. Their most important work in this field was published in 1950 and entitled "Unraveling Juvenile Delinquency." The study involved the comparison of 4500 delinquents with a control group.

James R. Vorenberg, professor of law at HLS and former colleague of the Gluecks, said that he was "struck by both the respect and the affection that scholars in the field (of criminology) had for both Eleanor and Sheldon." He noted also

that they had an "impressive, touching and enormously productive partnership" and hoped that Mr. Glueck would continue their important work.

Mrs. Glueck retired in 1964 from the faculty of the Law School as a research associate in law. Her husband retired from the faculty a year later as professor emeritus. Both continued their work in retirement.

Born in New York City and educated at Barnard College and the New School of Social Work, Mrs. Glueck received her doctoral degree in education from Harvard in 1925. She was first associated with the Harvard Department of Social Ethics, moving to the Law School faculty in

1928. For years she was the only female member of the faculty.

A collection of the Glueck's impressive number of published books and articles is located in Pound 202, a room dedicated to the enduring work of this Harvard couple. The collection includes their latest book, *Toward a Typology of Juvenile Offenders*, published in 1970.

Honors bestowed upon Mrs. Glueck and her husband include the August Vollmer Award of the American Society of Criminology and awards from the German Society of Criminology and the Institute of Criminal Anthropology of the University of Rome.

Old Grade Grubbers Never Let Up

By Phil Spector

At a recent cocktail party, I couldn't help overhearing a strange conversation between a 1L and a professor. The student was arguing that things weren't tough enough at Harvard Law. He complained about the lack of pressure and the lack of challenge.

The professor was somewhat amazed, to put it mildly. He

The Backbencher

couldn't believe that, after students had pleaded for years for an easing of first-year pressures, after students had fought for the elimination of ranking and for allowing 1Ls the Pass/Fail option, a student was now upset by how easy things were.

The student continued to justify his position. "We all work hard to get the grades to get into Harvard Law," he said. "Now that we're here, it's just about impossible to flunk out, with any reasonable effort, and most of the grades are in a decent range. After graduation, an HLS graduate can get a damned good job. So there's no pressure, and no incentive to work really hard anymore. And I don't think I like it."

The professor, still somewhat

in shock, mumbled something about "doing your best" and "Wait until May!" Then he went off chortling, "I can hardly wait to tell the dean."

Some may wish that I had never made this conversation public, fearing perhaps the next memo from the dean to the faculty, titled "Toughening Up on 1Ls." By way of self-defense, I can state my firm opinion that the student's viewpoint above represents the view of a very small minority, and, I believe, a somewhat sad minority.

The enjoyment of competition in the past is based on the fact that most of us here have mostly won. Someday, inevitably, either through someone else being better or just through bad luck, everyone will lose at something. And the shock, for that intensely competitive minority, may be far greater than the shock suffered by the professor above.

The higher education system, stressing competition, hasn't prepared the winners to lose. It's always been good exams, good grades, easy admission to law school. If Harvard Law School, by slightly easing up on the pressure (and I stress slightly, for this is still a very competitive place), can teach its students to live and learn for enjoyment, those students will be better people, and, incidentally, better lawyers.

Library Fines

(Continued from Page 3)

on the fumigation of beetles in June."

The student members of the Library Committee are somewhat divided on the food-and-drink issue. Rogers argued that "there shouldn't be any restrictions as far as the Reading Room is concerned. The whole rodent thing is a red herring."

Jones, the other student on the committee, expressed more belief in the existence of a past problem, but said, "I've never seen any myself." Jones was concerned that, at the end of a weekend, with no janitorial services, "the Reading Room looks like a pig-pen." Jones, Rogers, and Cohen all agreed, however, that the library should at least try modifying the strict no-food-and-drink rule by designating one area, probably the north end of the Reading Room, for eating.

The student committee members, Jones and Rogers, both stressed their desire for student input on these and other library problems. Jones pointed to the renovation of the south end as a student-initiated effort, designed to "break up the Reading Room, which is physically like Grand Central Station, into smaller areas, to provide different types of study atmospheres." He noted that the state statutes would be brought up to the Reading Room when the renovation is complete and stressed that a positive student reaction to the renovation of the south end would provide a mandate to renovate the rest of the Reading Room.

"We are very sensitive to students," said Cohen. "We have a problem with materials, especially hornbooks, disappearing. This sort of antisocial behavior makes life difficult for everybody else. By checking bursar's cards and briefcases, by setting loan limits and charging fines, by restricting food and drink, we're trying to make the place more livable for everyone."

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Student Seeks Class Reform, Criticizes Method of Participation

(Continued from Page 9)

rest his statements on the same basic assumptions as everyone else.

One other very important change would be to foster a level of discussion that is closer to the real state of mind of most students. How often was it that class discussion was centering on some complicated legal dilemma when most of us did not yet understand the basic concepts which formed the core of that dilemma. It is to remedy this situation that a good teacher could use the method of calling on students at random, in order to gain a true impression of how closely the average student is following the discussion. But the approach then would not be to present a hypothetical of additional difficulty to the unsuspecting student but rather to solicit a frank statement of what aspect of the discussion the student finds incomprehensible. This approach would have the additional merit of diminishing the feeling that each class discussion is an ongoing performance, a feeling which I

considered so unnecessary and so harmful to myself and other members of the first-year class.



Rick Stafford

Benjamin Kaplan, now Professor Emeritus, is sworn in as Associate Justice of the Massachusetts Supreme Court last week by Massachusetts Governor Francis W. Sargent.

Editors Study Review Changes

(Continued from Page 7)

other professor for A plus work.

Another faculty member speculated that the uneven distribution of *Law Review* members might not be due to "hard" or "easy" graders but rather to different students receiving "A's" from different professors.

Expressing dissatisfaction with the *Harvard Law Review*, George B. Washington, 3L and Robert W. Mack, 2L turned down offers to become *Review* editors in August, while 2L Michael Ross resigned shortly after accepting journal membership.

These manifestations of discontent have been echoed by a number of recently chosen 2L editors. They have expressed concern about the 40-hour week *Review* work requirements and about anticipated difficulties of attending classes and keeping up with class assignments.

Several 2L editors said also that they would not have participated in the writing competition if they had not made *Review* on grades.

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