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TWENTY CENTS

Stanford Pair Asks Two-Year Legal Degree

By David J. Cocke

Two Stanford University law professors, in a report written for the Carnegie Commission on Higher Education, have recommended the establishment of a two-year law degree at most major law schools. The report foresees greater specialization within the profession and a resulting collapse of the unitary bar.

Written by Professor Herbert L. Packer and Dean Thomas Ehrlich, '59, the report was released last week in San Francisco. It will

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Hathaway Victorious; Most Alumni Elected

By Mark Rutzick

William D. Hathaway '53 scored an upset victory over Sen. Margaret Chase Smith of Maine to lead the Law School's congressional contingent in a generally successful election bid. The only Law School graduates to suffer defeat in this year's election were

Sen. David H. Gambrell '52 (D.-Ga.) who lost in a September primary to Sam Nunn, and Congressman John S. Monagan '37 (D.-Conn.).

Hathaway, a four-term Congressman from Maine, gave up his seat in the House to oppose Sen. Smith. While in that chamber, he compiled a strongly liberal, anti-war record and in 1969 attained a rating from the Americans for Democratic Action (A.D.A.) of 100%. The Senator-elect was born in Cambridge and attended Har-

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Legal Ed on the Couch

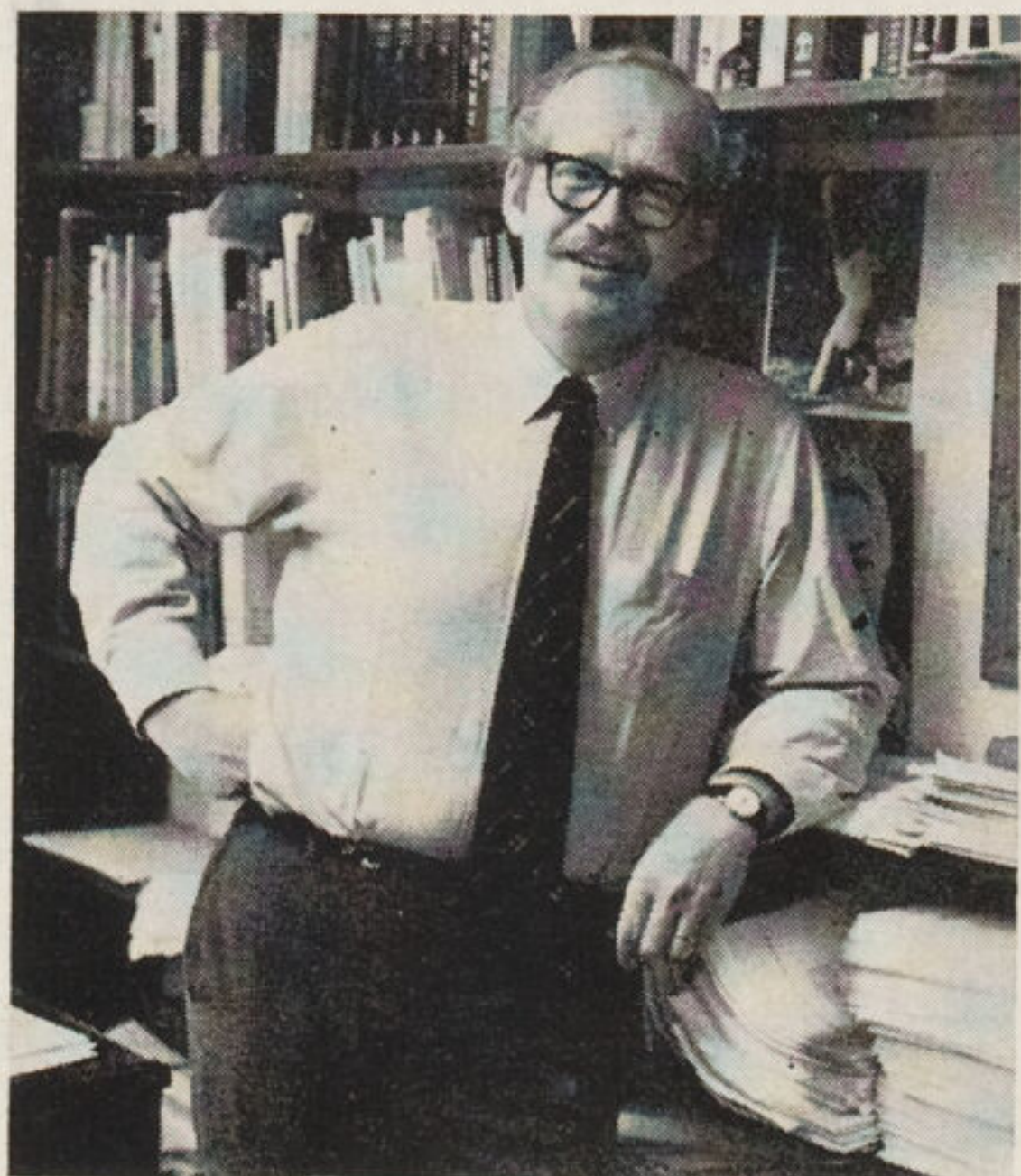
Kennedy, Stone Study Student-Faculty Split

By Glenn A. Stover

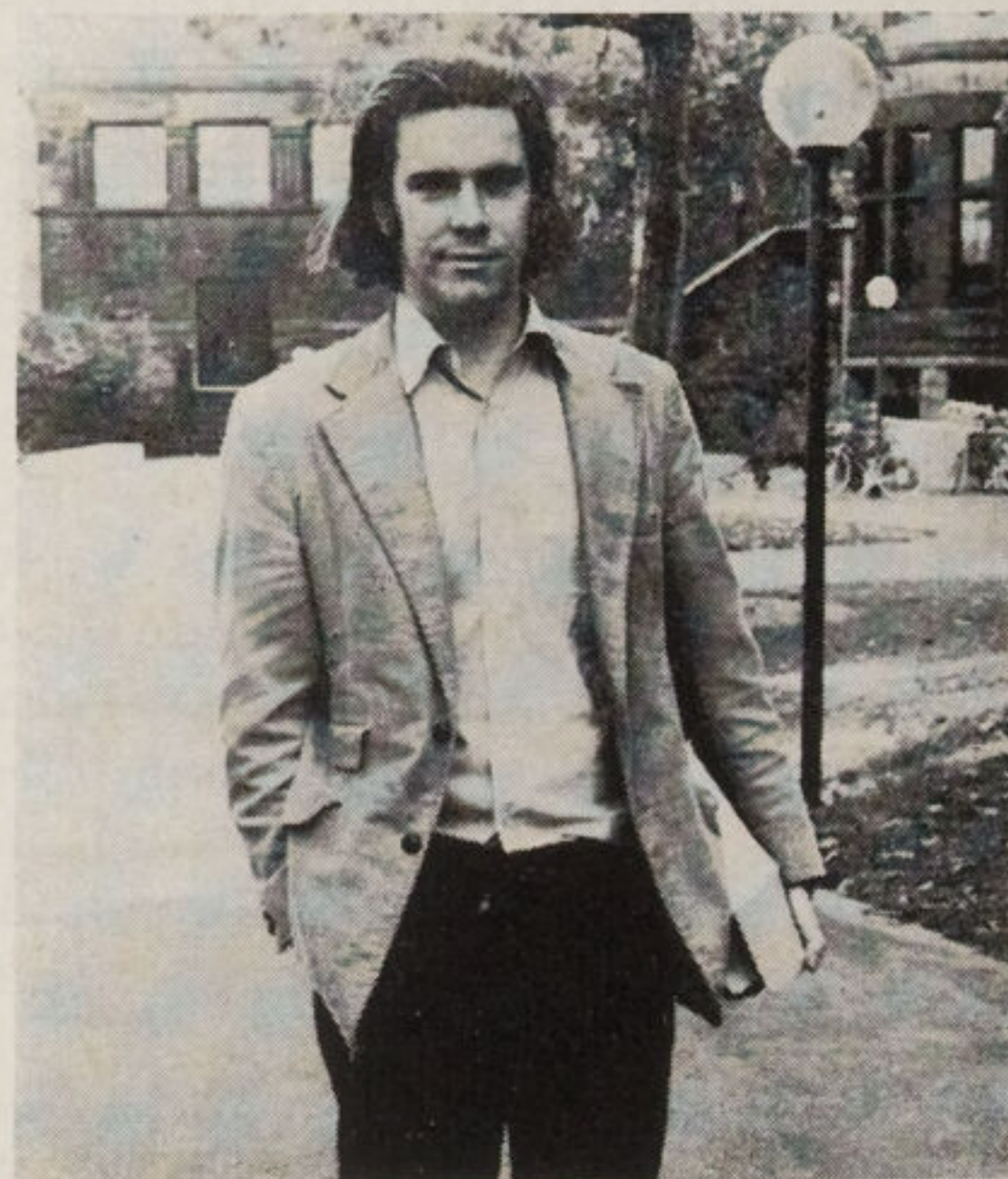
First-year students with suppressed feelings of anger or frustration at the way legal education is revealing itself and second- and third-year people who find themselves increasingly divorced from and alienated by the law school should put aside *Civil Procedure*, *Tax*, or *Estate Planning* for an hour and read two articles by HLS professors which lay bare the things about law school which drive students to distraction.

Duncan Kennedy, who joined the faculty last year, wrote "How the Law School Fails: A Polem-

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Charles Soberman
Dr. Alan A. Stone



Charles Soberman
Professor Duncan M. Kennedy

Most HLS Grads Re-Elected at Polls

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vard College as well as the Law School.

Joining the H.L.S. alumni group in Congress were its first two women, Elizabeth Holtzman '65 (D.-N.Y.) and Patricia Scott Schroeder '64 (D.-Colo.). The only other newly-elected alumnus was John B. Conlan '54, an Arizona

Republican.

Tuesday's voting, along with the recent death of Congressman James G. Fulton '27, brings the H.L.S. group to nine in the Senate and 24 in the House. In the Senate, the only other alumnus up for re-election this year was Ted Stevens '50, who prevailed over his Democratic opponent. Thus the upper body contingent re-

mains five Republicans and four Democrats, with Hathaway likely to bring a more liberal slant to the group's rather conservative voting record.

In the House, the alumni make-up is now 16 Democrats and eight Republicans. The group's comparatively liberal voting record should change little in the next Congress. Both Monagan and Fulton had compiled moderately liberal records and with Hathaway's promotion to the Senate, it appears that two moderates and a liberal will be replaced by two liberals, Holtzman and Schroeder, and one conservative, Conlan.

In Massachusetts, both Michael Harrington '61 and Torbert H. MacDona'd '46 swept to victory over lackluster Republican opposition. Each North Shore Congressman scored a two-to-one victory. In other parts of the state, two Republican graduates failed in their efforts to replace incumbents. Martin A. Linsky '64 lost to Rep. Robert F. Drinan in the Fourth District, and Howard M. Miller LL.M. '63 came in third in the Ninth District behind victorious Independent John J. Moak'ey and Congresswoman Louise Day Hicks.

In Arkansas, Wilbur Mills '33 was re-elected for the third consecutive time without opposition. Rep. Mills, the powerful chairman of the House Ways and Means Committee, will be serving his eighteenth term in Congress. During the Presidential campaign, Mills was mentioned by Senator McGovern as his choice for Secretary of the Treasury in a McGovern Administration. It is rumored that Congressman Mills is considering challenging Rep. Carl Albert of Oklahoma for the position of Speaker of the House when the new Congress meets in January.

The Law School's most famous alumnus in Congress was not up for re-election this year. Sen. Thomas F. Eagleton of Missouri will not complete his term until 1974.

Library Fines for Students to Begin; Penalties Up to Ten Dollars Planned

Beginning November 20, the Law School library will institute a system of fines for all students who are tardy in returning overdue books.

The fine system is being implemented in order to "effect better service for everyone," according to Mary L. Fisher, Assistant to the Librarian in the Public Affairs Department.

The fines, which will not extend to faculty members, have already been approved by the student-faculty library committee, Dean Albert M. Sacks, and the faculty.

Students will now be required to pay a minimum of 25 cents for an overdue book on 14-day loan, to a maximum of ten dollars for books or treatises which are not returned.

New fine schedules are printed in the Harvard Law School Library Users' Guide for 1972 available at the library's reference desk. That guide notes that books on two-week loan may be renewed by request in person, if they are not needed by another reader.

Notice of books overdue will be sent by the library. For two-week books, if the book has not been returned, and/or if the fine has not been paid to the library within 30 days of the school's next billing date of the term, the student will be assessed for processing and replacement cost through the comptroller's office.

Open reserve and closed reserve treatises may be charged out of

the library two hours before closing time, and must be returned within one hour after the library opens the day following. A fine of 50 cents for the first overdue hour and 25 cents for each subsequent hour overdue will be assessed up to a maximum of \$2.50 per day with a total maximum of ten dollars. As with two-week books, notices of students with unpaid fines will be turned over to the comptroller's office.

According to Fisher, the fine schedule was reached after consideration of the fine systems in use at the Lamont undergraduate library and at other law school libraries.

Revenue from the fines will go to the Law School account at the University comptroller's office, and will be earmarked for purchase of books for student use, Fisher said.

She added that significant savings are expected from both the collection of fines and the additional staff time that would otherwise have been used to track down overdue books.

Fisher also noted that she has received several complaints this year from 1Ls working in the Ames competition or Ames alternatives who have been unable to find needed materials. She attributed part of the problem to the failure of some students to return books to the shelves, and urged them to be more attentive in the future.

No Interview, 2L Rejected

"Our recruiting committee has now had an opportunity to evaluate you and many other candidates, whom we have personally interviewed. Although the process of selection has been a most difficult one . . ."

This 2L, like many of his classmates, had just received a thin letter from an interviewing law firm. However, the student, who wishes to remain anonymous, had neither applied to nor been interviewed by the Phoenix firm.

The gratuitous rejectee theorized that a missing resume had wound up in the hands of this firm even though it bore the name of another employer. When the interviewer had returned to Phoenix he must have been unable to remember whether he had actually seen the student, and decided to reject him just in case.

The student replied to the firm, concluding: "If anyone in the Law School has been impersonating me, I wish you'd write me and let me know."

1Ls to Choose Spring Term Electives

For the first time in the history of Harvard Law School, first-year students will be registering for electives for the spring semester. Registration will take place between November 20 and November 29, a 10-day period which includes the four-day Thanksgiving vacation.

The spring electives are being offered instead of last year's "small group courses" for 1Ls, and as complements to this year's semesterization of the traditional first-year compulsory courses.

Students will be permitted to sign up for either one or two courses, for a total of either four or five credits. According to a brochure on first-year electives available at the receptionist's desk in Langdell, "the number of credits a student takes will have no effect on the credit requirements of the second and third years."

Dorm Council to Charge New \$1 Basketball Levy

By Daniel M. Taubman

The Dormitory Council approved Monday night a proposal to require all participants in the Law School's intramural basketball program to contribute one dollar each to help defray the cost of referees. The vote was 14-8.

The proposal, originally submitted by Robert W. Mack, 2L, called for contributions from intramural participants since many nonresidents of the dormitories participate in intramurals. "Other programs," Mack pointed out in his written proposal, "... are asked to partially support themselves, and come to us only to make up their deficit."

Last year the Dorm Council provided \$800 for the intramural program, which paid the salaries of two refs per game for leagues B through E.

This year, the Dorm Council will assume all the costs above the one dollar cost per participant, in-

cluding refs for A league. Last year, and for several years before, the Law School had paid the cost of referees in the A league.

This year, as in the past, the Law School will pay the cost of the use of Hemenway Gymnasium.

The Dorm Council also voted, 18 to 4, to increase refs' salaries from two dollars to two dollars and fifty cents per hour.

Mack spoke in favor of his proposal at the meeting, while T. Greg Bowe, 2L, Dennis R. Luna, 2L, and Michael P. Comiskey, 1L, strongly dissented, according to Dorm Council secretary Brian A. O'Connell, 2L.

Xaxier L. Suarez, one of the directors of the basketball intramural program, supported the one dollar fee in principle, but felt that it should not be implemented until next year. "We were pretty much 100 per cent behind it for next year," Suarez said Monday after the meeting.

Neither Suarez nor O'Connell was clear about the manner in which the money would be collected. Suarez said the Dorm Council would be in charge of that task, and would probably collect the money before the season's first game, scheduled to begin November 27.

In other news, the Dorm Council unanimously endorsed a Law School proposal to allow women law students to live on the third floor of Holmes Hall next year. Presently women law students reside in only Wyeth and Hastings Halls.

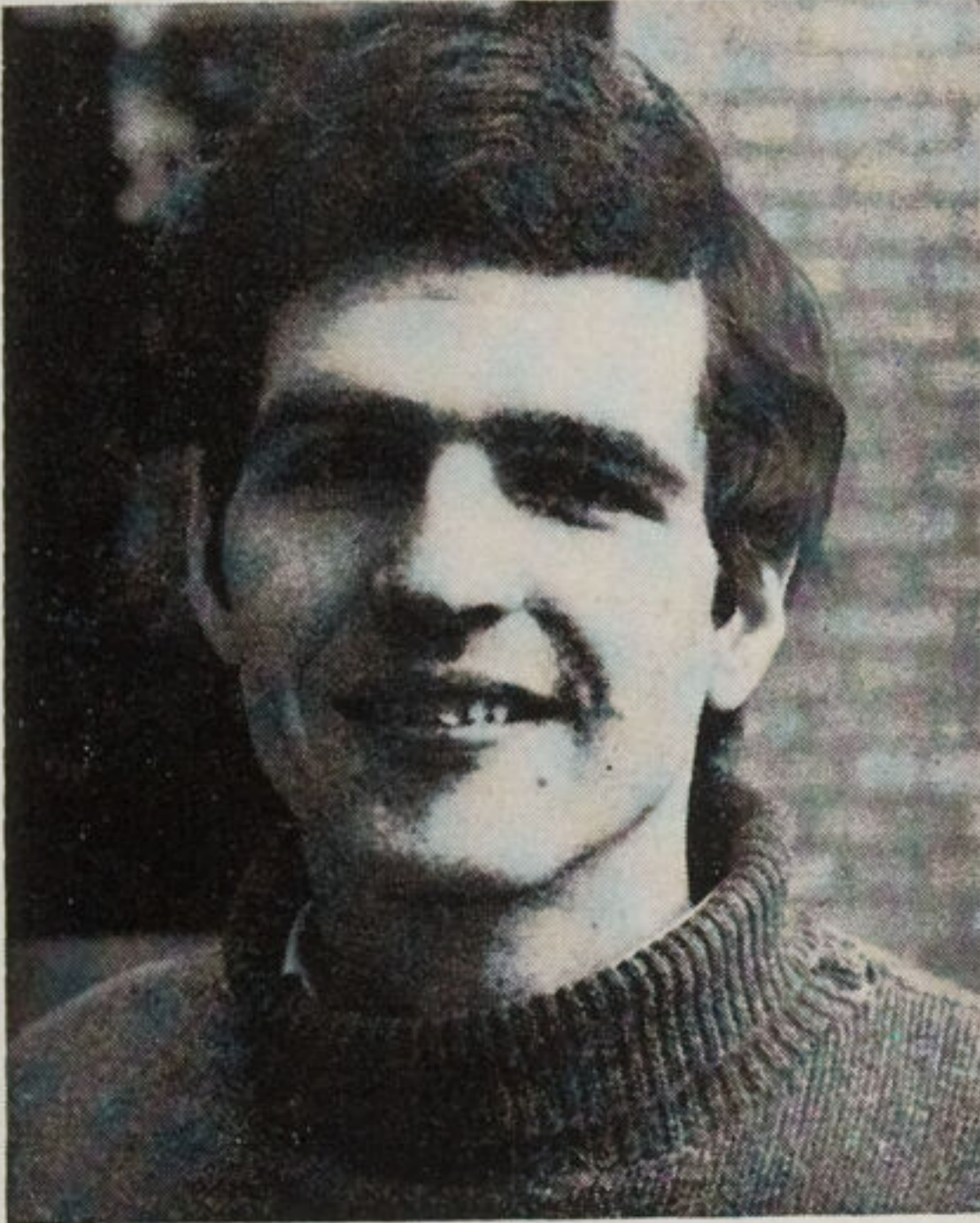
The change would make lower-cost housing available to women, and would increase dormitory spaces for women to 94, O'Connell said.

The Dormitory Council also defeated proposals to appropriate \$300 for a stereo in the north dining room of the Hark, and to establish a loan fund for Law School organizations out of a restricted fund of the Dorm Council.

Phantom 3L Attacks Pollution, Congress

By David Cocke

Author, pollution control advocate and 3L David R. Zwick has taken his time in getting his law degree. Since 1967 when he began his studies at HLS the young pro bono lawyer-to-be has co-authored two books, directed a national task force investigating water pollution under the auspices of Ralph Nader's Center for Re-



Charles Soberman

David R. Zwick

sponsive Law, and completed most of the work toward a degree in public policy in the Kennedy School. The law degree seems almost anticlimactic.

Zwick is a phantom on campus. He is constantly commuting between HLS, his Kennedy School classes and his office in Washington, D.C. where he is coordinating various independent environmental action groups. It's hard to talk about his future since it seems to be developing out of his present. But on the present he is more than willing to expound.

Zwick has been in the national spotlight as co-author of *Who Runs Congress?*, a paperback book which serves as the preface to the recently released profiles of 484 U. S. Congressmen prepared by Ralph Nader's Congress Project. The book has been the sub-

ject of praise (TRB in the *New Republic* took the occasion of the book's release to compare Nader with Mahatma Ghandi) and scorn (*Time Magazine* called the research for the book shoddy). Zwick calls it important.

"What we were trying to do was to cut through the volumes of information about Congress and summarize the key points in a readable fashion," said the youthful author. "The book is not a teaser" he said in reference to the fact that it preceded the Congressional profiles by a scant few weeks. "The book was intended to be an overview and a consciousness raiser."

Zwick was sensitive to criticism leveled at the publication of the book by participants in the Congress Project. Many of those who worked on the profiles felt that the book would distract public attention from the profiles and the more "serious" studies of specific Congressional problems which are forthcoming as the result of the project's investigations. Nader made a unilateral decision to go ahead with the book *Who Runs Congress?* which upset many of his youthful followers.

"Ralph has had a great deal of experience in focusing public interest on previously obscure subjects," explained Zwick. "There has to be a mid-level consciousness raiser to develop interest in the general subject before the public can concentrate on specifics. To some extent there was a misunderstanding on what the product was going to be; the only reassurance we could give them was the product itself."

Zwick went on to say that the whole point of the book and the project was to increase public awareness of the failings of Congress and to encourage citizen efforts in the democratic process "more frequently than election time." He commented that in this country the "concept of citi-

zenship has never been extended beyond voting. In a very real sense we have a democracy for the rich and a republic for the poor."

In spite of his recent identification with the Congress Project, Zwick's main concern continues to be water pollution. A second book co-authored by the many-faceted journalist was *Water Wasteland*, the product of a 21-month study by a Nader-sponsored task force headed by Zwick. The book was recently published in paperback by Bantam Books and carries a quotation from *Newsweek*: "The first systematic attempt to wrap up all available information about water pollution."

There is some planned obsolescence in the book, according to the author, "but it has had some impact in the field." Most important to Zwick was the study itself which established him as one of the few experts in the field of water pollution. Many of his ideas were incorporated into the recently passed National Water Pollution Act that survived a presidential veto. Zwick is very hopeful about the new legislation. "It is particularly important now since the present administration has been reluctant to take affirmative action without mandatory directives which are enforceable," he said. "The new bill es-

Zwick Authored Water Investigation

tablishes a minimum level of performance for industry and local governments; and it makes such performance subject to citizen suits."

Nader Raider Zwick is presently organizing and training volunteer citizen groups to continue the battle against water pollution. The biggest bottleneck in the process is that citizens do

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Green Answers Record Nader Criticism

By Mark Green

Green is a 1970 graduate of the Law School and one of the authors of the book Who Runs Congress? This article was written in response to a report on the book and Ralph Nader's Congress Project by Daniel Taubman of the RECORD staff. Taubman's article appeared in the October 20 issue. Taubman will reply to Green's remarks in the next issue of the RECORD.

After reading Dan Taubman's article on the Nader Congress Project (October 20), it is perhaps understandable why the RECORD advertised for new writers in the same issue. For it is factually inaccurate, contradictory, and jaundiced.

There was not "a defection rate of perhaps 25 per cent from among the new writers." All the new writers of Congressional profiles (those hired during the summer) handed in profiles, and only two out of 145 profilers quit early. Barry Goldwater, Jr. was interviewed by us; our Boston press conference was not sponsored by the RECORD (although you did kindly procure a room for us); supervisor Joan Claybrook did not ask a researcher to delay his marriage so as to complete another profile; and the average number of profiles written by the original writers was seven — all contrary to Taubman's reporting.

The article's headline accused the Congress Project of "Uncertain Leadership," while the text spoke of "single-minded" leadership. Well, which is it? Unless we stand oxymoronicly accused of being single-mindedly uncertain. In fact, two sentences after calling the Project's leaders single-minded, your reporter told how the leadership changed their minds to permit profile writers to reduce the number of assigned profiles. This still required allegedly "superhuman" efforts, i.e.,

"working evenings and weekends." Whatever Mr. Taubman's own work schedule, working evenings and weekends is hardly superhuman, as many reporters, law firm associates, public interest lawyers, law review editors and law students can attest.

The second and final evidence of "poor planning" was that "Nader . . . switched horses in mid-stream in deciding that a short book would be written not as an overview of Congress, but as a teaser to induce citizens to buy more detailed studies . . ." Precisely what horses were "switched"? We simply expanded the Congress Project's work product; but nothing was jettisoned in the process. And it is sheer nonsense to say this "quickie" book (a giveaway phrase repeated three times) was not an "overview" of Congress, but merely a "teaser" to sell profiles. Anyone who troubles himself to read *Who Runs Congress?* can immediately realize, as the RECORD book reviewer did in the October 20 issue, that it is an overview of Congress. If the book also excites readers to continue to read profiles and later studies, fine — although your reporter manages to disparage this somehow as an illicit "tease."

While staring at his seismograph to detect our slightest bureaucratic tremors, Dan Taubman missed the big picture. It is not very surprising that an effort the size and scope of the Congress Project, involving 1000 people and producing 484 profiles and the equivalent of 15 books, should encounter some personnel problems. Your reporter, however, represents the complaints of the few as those of the many. They were not. The overwhelming majority of profilers maintained their enthusiasm despite demanding work schedules, completed their assignments, and now report a sense of accomplishment

and satisfaction with their results. Only a distinct minority of all researchers opposed the writing of *Who Runs Congress?* Since its release and fulfillment of its purpose — to explain Congress, in unpedantic form, to as many citizens as possible — those who did protest have seen their fears proven groundless.

More interesting than the quibbles of a few was the drive and performance of the many; more important than the Project's process was the Project's substance. But reporter Taubman never did get around to at least mentioning what I would have thought was obvious: that the Congress Project was a citizen's effort without precedent, that it performs a massive public service by providing usable information to voters about their Congressmen. Instead the reporter fell into the "man bites dog" journalistic trap: while it is not unusual (though perhaps true) to write that a Ralph Nader project was industrious and important (dog bites man), it is unusual to report that some summer students balked at the working conditions (man bites dog). Never mind that the latter "news" is unrepresentative and unimportant, it makes good copy because of its novel twist. Thus (with a nod to Shakespeare) does copy make carpers of some, and the native hue of reporting is sicklied over with the pale cast of irrelevance.

HLS FORUM

presents

His Excellency
WILLIAM WARNOCK
Irish Ambassador

Tues., Nov. 14, 1972
Lowell Lecture Hall 8 P.M.

Kennedy, Stone Exchange Opinions

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ic" (1 *Yale Journal of Law and Social Action* 72) when he was a student at the Yale Law School. Dr. Alan Stone, HLS' resident expert on things psychological, wrote his piece, "Legal Education on the Couch" (85 *Harvard Law Review* 392), partially in response to Kennedy's article, last fall. Both authors are deeply troubled by what they view as the alarming number of students who, after the first year, simply try to minimize their participation in and contribution to the law school.

Inevitably, given the turmoil of politics in the last several years, with its heavy emphasis on generational conflict, Stone and Kennedy have concentrated on what Stone calls the "portentous" and "growing" schism between law students and the law faculty.

Your first reading of these articles will leave you with the impression that Stone and Kennedy were writing briefs on behalf of faculty and students, respectively, in their analyses of the problem. Dr. Stone seems to suggest that students simply do not understand the faculty's devotion to

has portrayed legal educators as a group of sadists destroying the mental health of students by means of the Socratic method"; but Kennedy in his own article maintains, "Even less do I mean to imply that all law professors, all the time, are unrestrained sadists." Both articles unlike the *Tax Regs* or *Torts* you will be setting aside, are eminently readable; and, while the spicy by-play will sustain your interest throughout, they are extremely intelligent analyses of what goes on in a law classroom and, both historically and psychologically, why.

Kennedy maintains that the faculty-student schism and the consequent alienation of a significant number of students is due to the hostility which the student perceives in the individual professor's classroom manner. The pattern establishes itself in the first year: "Few will deny that the atmosphere of the first year classrooms is as heavy with fear as it is tense with intellectual excitement. The point here is more than that: students see professors as people who want to hurt them; professors' actions often do hurt them, deeply."

Stone Charges Kennedy Views Professors As 'Sadists Destroying Students' Mental Health

"traditional legal education for its own sake"; he characterizes Kennedy's article as "a most savage attack on the law faculty." This characterization arose, no doubt, from some of Kennedy's more colorful rhetorical flourishes; on the professor who anathemizes "wrong-minded" ideas in the classroom: "It should not be so very difficult [for the professor] to admit that a substantial part of the pleasure of being aggressive in class consists of being able to demolish students."

Stone charges that "Kennedy

Both Kennedy and Stone view such hostility as a result of the aggressive personalities on the faculty; they disagree on whether the hostility is "good for" the individual professor who displays it. Nonetheless, both authors recognize that, outside the classroom, profs often try to bind up the wounds inflicted in class; neither, however, views these attempts as helpful against the background of infrequent student-faculty personal contact.

Faculty hostility, student-perceived, has many effects and the

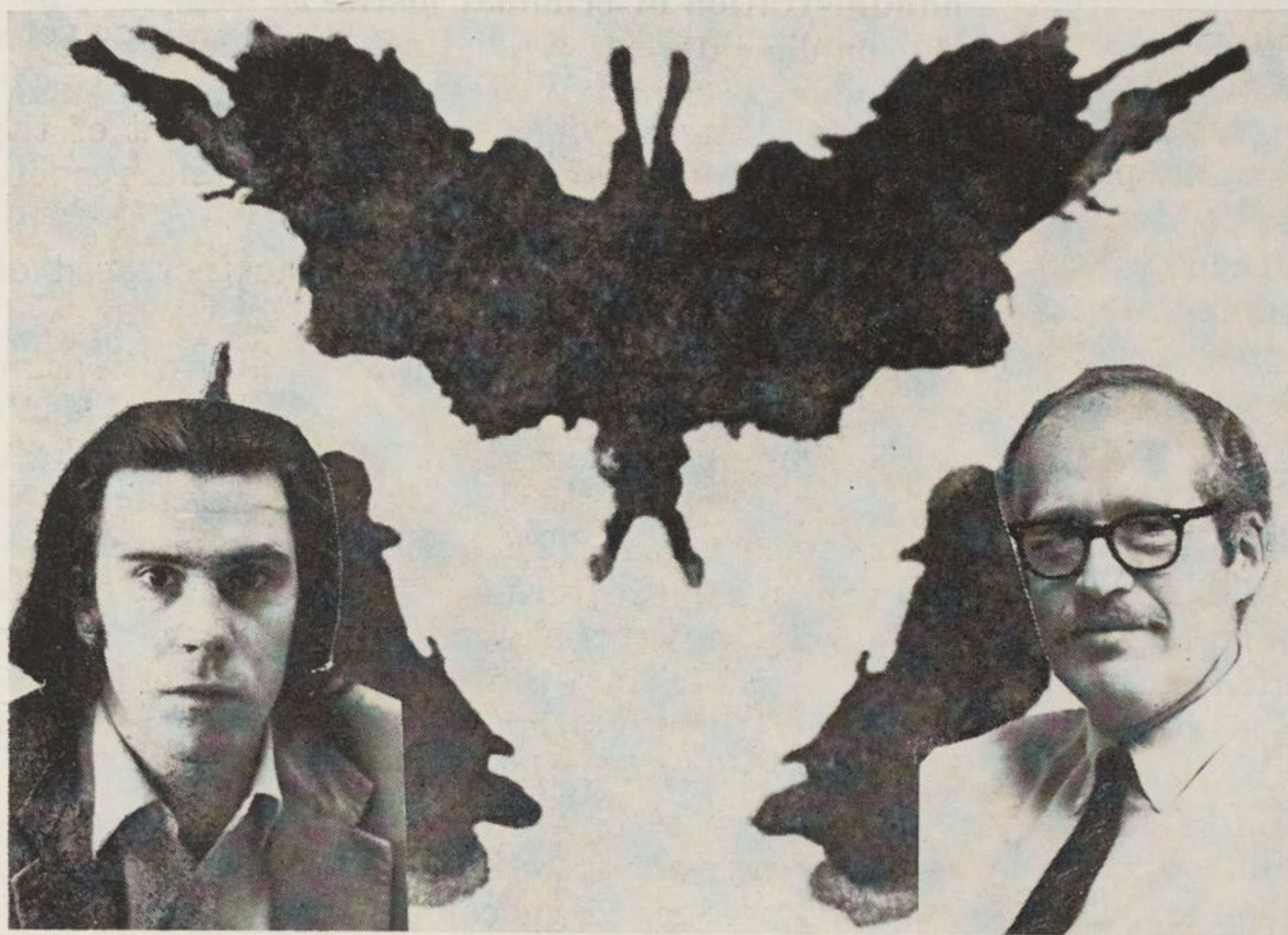
Stone-Kennedy dispute is partly over the profundity of these effects. Kennedy cites the well-known phenomenon of forgetting under pressure: "They [students] are so emotionally enthralled by the process going on around them that they miss obvious points they would catch instantly outside class, and fall into traps or deliberately confusing trains of thought when their basic understanding is perfectly sound. They . . . lay themselves bare to the tender mercies of the teacher with an astonishing humility."

Stone points out the traditional arguments on behalf of the rapier-like use of the Socratic method: it creates excitement in the classroom, as contrasted with the boredom of the English law schools' lecture system; it trains the students in thinking under pressure and the dynamics of the adversary exchange. Most importantly, according to Stone, the method as currently practiced has value as ritual. He quotes developmental psychologist Erik Erikson for the proposition that the structured exchange — student formulation and faculty dissection of student ideas — "should have adaptive value for the respective egos of both participants."

Kennedy translates this into the student's inner questioning, "Why am I taking this shit from them?" and his answer, "Because I deserve to take this shit. I am wrong and stupid. There is no reason why I should be treated by this great man with even the most minimal human respect." Kennedy thinks this is the wrong answer.

Underlying the question of faculty aggressiveness and its consequences for the student is the value of and the rationale for the Socratic method. Christopher Columbus Langdell, who introduced the case method and the Socratic method at Harvard, viewed law

On Split Between Faculty, Students



Professors: A "blot" on the Law School?

Charles Soberman

as not the product of technique, but of reason. Subsumed under his concept of reason were the moral values of the late nineteenth century. Under the strong criticism of the legal realist school in the early twentieth century, the method was re-rationalized and, over time, became the teaching of neutral techniques, methods of reasoning.

Kennedy finds this view of teaching far more sterile and anti-human than Langdell intended. Learning the technique of legal reasoning, he claims, is the easy part of a legal education. Far more important, in his view, than the ability merely to identify the "conflicting principles, factors to be balanced, and problems to be left to this, that, or the other institution," is "the process by which that institution reaches its decision." He holds that the former considerations, combined with the fear instilled by tyrannical faculty, lead students into a vain search for "right answers", an emphasis on "convergent" as opposed to "divergent" reasoning.

Replies Stone: students cannot expect to be creative *ab initio*; there are large bodies of

cognitive data a student has to assimilate before he can look to sources, processes, in the way Kennedy urges; "to suggest otherwise is a cruel hoax."

The political consequences of this discussion are obvious. Radical critics of legal education excoriate faculties for neglecting the social consequences of the law they teach; law faculties charge that radicals would change law schools from institutions of learning, seeking objectivity, into social action agencies. Kennedy's response is that radical criticisms have been misunderstood. Law professors are always trying to interest students in particular legal issues within their areas of expertise. Radicals, he maintains, are merely suggesting that professors devote too little attention to the problems of social justice as, themselves, legal issues.

Other "radical" demands enter the two authors' analyses of current educational methods. Dr. Stone feels that the current clamor for grading reform is the result of a growing sense of unfairness surrounding the notion of meritocracy; he further suggests that students, confronted

with the perceived certainty that they will not achieve their ego-ideal of success in such a competitive atmosphere as HLS, would rather not be judged at all.

Kennedy, on the other hand, who was the outstanding faculty advocate of pass-fail grading in the first year during last year's controversy on that subject, feels that the demand for grade reform has deeper psychological bases. He sees student criticism of grades as an unwitting expression of the perception that grades reflect the minimal extent of involvement which the faculty are willing to offer the average student. A one-letter assessment is the most a professor will venture for an entire year (or semester) of a student's work.

Touching another, and related, controversial issue, Dr. Stone pleads for consideration for the professor who finds that students demand more and more of his time in private consultations, seeking meaningful contact, which time is, for the professor, "meaningless." Kennedy, too, is sympathetic to the growing demands on professors' privacy, but feels that "students as individuals naturally attempt to obtain from professors the emotional and intellectual nutriment — approval, encouragement, and also ideas — which they are denied in class. The situation would be less desperate if students at the law school were not products of sterile techniques at lower levels in the educational system..."

Whether all of the problems which Kennedy and Stone discuss in their articles are, in some ultimate sense, due more to what has happened to students at lower levels of education than at law school is another, albeit not too well articulated, facet of the dispute. Stone tends toward the view that most of the evils which Kennedy cites are attributable to

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ABA President Meserve Sees

By Kermit B. Kubitz

It is very difficult to catch ABA President Robert W. Meserve '34 in his corner office at Nutter, McClennen & Fish. His duties take him to many parts of the country and the only business tie that he has been able to sustain in spite of the burdens of office is his trusteeship of the Boston and Maine Railroad. He did have time to answer the following questions in his Boston office last week:

How did you become a lawyer?

"When I was six years old and just began to read my grandmother bought me a book on American history. I read it and I observed that a very high proportion of the people who had contributed to the creation of the United States and its continued operation were lawyers and I decided to be a lawyer. That easy."

He entered college with the intention of studying law, the first in his family to do so. The instructors in law school, Meserve remembers, "... frightened hell out of me. They made me work, aroused my interest. They piqued my intellectual curiosity."

As an Assistant United States Attorney, in his first criminal trial in the federal court system, Meserve's most embarrassing moment came when he asked a witness, before 20 defendants and their lawyers, "Do you know X?" The reply was, "I never saw him before in my life."

What is the most important change taking place in the bar today?

At first he is noncommittal, saying history will answer that. As he continues, he says he notices "... a going back to an earlier era of practice and a desire on the part of the lawyer to recapture something which I don't think lawyers have ever completely lost, that is, recognition as being community leaders in the best sense of that word. I may be entirely too optimistic ... the consistent and persistent support which the American Bar Association has given to the function of providing completely independent, in the professional sense, legal assistance to the poor through the OEO legal education conduit has been very helpful and very responsive to public needs.

"I think the interest of the bar in such programs as the Lawyers Committee for Civil Defense Under Law and the support of the continuing legal education opportunities program designed to increase the numbers of qualified minority group students and eventually of lawyers both show a sense of public responsibility and a recognition of social problems."

Meserve also mentions recent attempts to define the responsibilities of judges and lawyers through codes of conduct and ethics, and studies of the

administration of criminal justice as being "... in the public interest, as distinct from the lawyer's individual or client interest."

These changes evidence to the President of the bar association an expanded sense of social responsibility on the part of the profession.

Has public confidence in the bar increased or eroded?

"I think the bar has gained credibility with some groups and probably lost it with others. I don't think that our media relations have always been very good, or that the media has understood the bar or vice versa. The tendency to make a good story has led the media to ignore some of the more solid accomplishments of the bar ... in favor of criticizing the bar because we haven't adopted a firm position, say, on whether or not marijuana should be legalized.

"I think in other words that the process of the media being very selective in their viewing of the bar has produced a great deal of criticism ... I'll mention no names on this. The selection of some of the more spectacular people at the bar as fit recipients of publicity has tended not to help the image of the bar."

He notes, however, that much of the work within and outside of government is still being done by lawyers, "in many instances without compensation."

Big Caseload Predicted

ABA President Robert W. Meserve estimates that the legal profession may be called upon to represent two to four million additional misdemeanor cases as the result of a recent U. S. Supreme Court decision.

The estimate, made by Meserve before the Los Angeles County Bar Association October 26th, is the result of the decision in *Argersinger v. Hamlin*, holding that, "no person may be imprisoned for any offense whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial."

The bar's ability to provide representation for these new cases, Meserve points out, will be affected by (1) the record numbers of new lawyers entering the profession, (2) states that allow third year law students to be admitted to limited practice, representing both the defendant and the state, (3) clinical legal education programs, (4) removal of some current offenses from criminal prosecution, and (5) expanded use of public defenders.

The bar head said the legal profession must "be prompt in its response to the challenge."

Lawyer As Community Leader



Robert W. Meserve

This hesitancy about what the image of the bar is may be symptomatic of the kind of professional concentration that is necessary to rise to the top of one's profession. Of those who are critical of some of the "allegedly conservative positions" taken by the bar he says, "Maybe they're right. I don't know how the public reacts to that."

"The lawyer, you know, has always occupied a curiously ambivalent position in the American scheme of things."

As examples of this position he mentions Virginia forbidding the practice of law in early times, Shakespeare's comments about lawyers and Dickens' picture of the courts in *Bleak House*. Against these critical images he contrasted the names of Jefferson and Daniel Webster, Holmes and Brandeis.

One of the factors which erode public confidence is undue delay in criminal trials. Is there any hope for reducing that delay?

"Yes . . . I don't think that progress is going to be made by the adoption of new rules or structural change. I think it's got to be done by the individual determination of judges and lawyers that this is indeed a problem."

"In Massachusetts for example, one of the problems is that the legislature simply will not spend an adequate amount of money on the state courts, when 46 judges have to work with six secretaries . . . and share six law clerks to cover the whole Commonwealth of Massachusetts. . . . The judges work hard, most of them."

"There ought to be at least 10 more judges in the Superior Court of Massachusetts. Every judge ought to have a secretary. There ought to be a larger number of law c'erks, professional court

administrators. So the first step in Massachusetts has to be legislative action. In other states this isn't necessarily so."

Didn't Chief Justice Berger make a plea that no new laws that would clog the federal courts be passed?

"That isn't exactly correct. . . . I think what he said was that no new legislation increasing the jurisdiction of federal courts should be passed without first considering what the effect will be on the . . . system."

"You can talk with Professor Field about this. . . . The federal courts have a lot of jurisdiction which ought to be scraped off and transferred to the state courts. . . ."

What kind of job are the law schools doing?

"I do believe that there's room for a heck of a lot of experimentation."

Do you believe in specialization? Are law schools impeding that trend?

"I was talking about specialization at the bar. There's a certain amount of core curriculum, basic material . . . and I'm not sure that two or three years is a more than adequate time for them to do that. . . . The trend to emphasis on clinical legal education is very interesting and may be very important. . . . One of the great troubles of this world is that we tend to get stiff and set in our ways. I think that to be open to new ideas is the basic mark of an educated person."

How do you think the profession will change in response to the high numbers of law school graduates?

"I don't know . . . I do think the profession will change and hope it will change for the better. I have said that an increased number of lawyers ought to be a national resource. In light of decisions such as *Argersinger* and *Gideon* it is obvious that a great many more of them ought to be . . . employed in providing legal services to the poor criminal defendant. There's an equal number that can be employed on the civil side for people who now find it impossible to hire a lawyer or are afraid to hire a lawyer because of expense. That can be met by the prepaid legal services idea. . . ."

Other new fields will open up, predicts Meserve, citing as examples the development of labor law and currently, price regulation. He is optimistic that once a person has been found qualified to practice law, there will be work for him to do.

The interview has raised as many questions as it has answered, but our basic impression is of a busy man, more cautious than some would like, but more open to change than many others might believe. He is leaving to attend the opening of the new Antioch School of Law. His parting remark: "Thank God you didn't ask me about 'no-fault.'"

Four More Years

The votes are in. The man who suffered six crises and became President by a wafer-thin plurality in 1968 will have four more years to lead the country. And he will enter that term with the realization that he has been given the greatest popular vote of any candidate for President in modern history.

Whether it was a "great victory for the American people" as Nixon claimed in his acceptance speech is a matter of some serious doubt. The same polls which predicted the landslide showed that many Americans felt they were voting for the least of two evils when they pulled the Republican lever for President. One could argue that Nixon, campaigning over radio and from motorcades, did not exactly win the election so much as Senator McGovern lost it.

If Nixon won a personal triumph, it still can not be seen as a mandate for his policies. At the same time that he was scoring overwhelming victories in every state but Massachusetts, an incredible display of ticket-splitting was sending Democrats to Congress and to statehouses.

The issue of the campaign was not the war, not the economy, not honesty in government. It was McGovern himself. The American people never had confidence in the South Dakota Senator. This was especially true after the Eagleton affair and after a period when McGovern backed away from a discussion of the touchy social problems that helped give him the nomination and concentrated on economic issues that Democrats have traditionally carried to victory. In contrast to Nixon he seemed wishy-washy and unpredictable. The people may not have liked the incumbent but after four years of familiarity he looked like a President.

While the vote does not seem to be a mandate for Nixon's policies, it certainly does seem to be a bad omen for the advocates of social change. Issues such as busing, drugs, abortion and amnesty are "red flags" to the average voter. Future liberal candidates will have to do a better job than McGovern of educating the voters about the validity of reforms in this area if they expect to win. Economic issues such as tax reform, control of inflation, and cut-backs in defense expenditures, however, seem easier to sell to the American voter.

The President and the American people must live with the fact that there is no national consensus on the really important issues facing us. This is going to make the President's job all the more difficult. He probably doesn't have to be reminded that Johnson's 1964 mandate dissipated rapidly and completely. We wish him well.

HARVARD LAW RECORD

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Fenno

Fenno sat patiently in the waiting room, rehearsing the introduction for his first RECORD interview: "Good morning, sir, I'm Fenno from the RECORD." His editor had warned him of the importance of first impressions. "Good morning, sir, I'm Fenno from the RECORD," he recited with varying degrees of emphasis.

Behind the door he could hear shuffling, an endless turning of pages, a cough, and finally, "You may come in."

Fenno was confident that his practicing would pay off as he stepped through the door and announced proudly, "Good Fenno, I'm morning sir." He was met by a confused stare and an unintelligible mumble that ended in something about all lawyers being alike. Before Fenno stood the "Professor": tall and gaunt, wearing a pair of very used trousers and a seedy seersucker suit whose sleeves were so frayed they looked like French cuffs. He wore what was perhaps the most gigantic polka dot bow tie Fenno had ever seen. It looked like he was being strangled by some enormous spotted butterfly.

The Professor sat down behind a mountain of books. Fenno opened his mouth to speak but before he uttered a syllable, the Professor jumped up violently, ran to a humidifier, crammed a pound and a half of Turkish blend into his pipe, struck a match, clearly singeing his eyebrows, and inhaled so deeply that Fenno was sure he would explode. Fenno gasped, "I'd like to ask you, sir . . ." but was cut short by the wave of a hand.

"Partus ex legitimo thoro non certius noscit matrem quam genitorem suum," he proclaimed.

The Professor sat back, pipe in hand . . . puff . . . he placed his feet on the desk . . . puff . . . he nodded with great understanding . . . puff, puff.

"How do you feel about . . ." Fenno began again. Suddenly the room was filled with a tiny buzz. He smiled with relief, pointed to his watch and turned off its alarm. Time's up.

The "Professor" walked Fenno to the door. "It's all in my book," he said, ushering Fenno outside and handing him the publication. In the hallway Fenno stared down at the title: *The Art of Communication*.

Letters to the Editor of The RECORD

To the Editor:

Lest incorrect inferences be made from the editorial in the RECORD of October 20, about operations of the Placement Office and the kinds of jobs for which it offers assistance, I am writing to point out:

1. The Placement Office and members of the faculty and administration of the Law School have sought, and continue to seek, varied job opportunities for students and graduates, in addition to those provided by more or less conventional law firms. Such opportunities do not become available in the same rhythm during the academic year as more conventional work opportunities, and are fewer in number. These types of employers often are unable to determine their needs until late in the academic year. Students

interested in working in public interest firms, or criminal justice, law reform or legal services programs or similar employment should consult Assistant Dean Williams.

2. The Placement Office seeks to enforce its policies and to follow up its requests by taking up with individual firms any claim that they either violated the Placement Office rules (e.g. against discrimination based on sex, race or color) or failed to heed requests (e.g. with respect to inquiring of second year students about first year grades). Students who have complaints about interviewers' conduct in this area should bring them to the attention of Assistant Dean Simpson.

Eleanor R. Appel,
Director of Placement

Law Notes

Professor Charles M. Haar '44 ('48) has been named by Dean Albert M. Sacks as the first recipient of an endowed chair in urban legal studies.

The chair, to be known as the Louis D. Brandeis Professorship of Law, has been funded by a Ford Foundation grant made in 1967. The chair must be filled by a "teacher and scholar in urban law."

Haar has been teaching at the Law School since 1952, except for a brief absence between 1967 and 1969.

* * *

Profiles of individual Congressmen prepared by Ralph Nader's Congress Project can be obtained by sending \$1.00 for each profile (lower bulk rates available) to Grossman Publishers, Box 19281, Washington, D.C. 20036.

* * *

Student Compares HLS, B-School

By Basil Webb

It has been a couple of weeks since I became what they call across the river a "1L" and I must admit it is a far cry from being a "first-year" at the B-School.

My entire day is different. For one thing, there are no law classes beginning any earlier than 9:00 and two days a week I can sleep until 11:00. I suppose that the Law School doesn't believe it must instill rigorous early-morning office-hour discipline in its students—a task clearly accepted with gusto by HBS.

Driving to the campus is inevitably accompanied by fears: what if I still can't find a parking place by the time I'm supposed to be in class? Oh, yes, there is a parking lot (two blocks away) for the handful of stalwarts who waited in line all night before places were to be sold. Obviously, your reporter was not one of those lucky few—I thought 6 A.M. would be early enough. My morning search is a simple ritual: once through the narrow streets behind the Continental Hotel, then down some side streets I know about near the Radcliffe Library, then across Mass. Ave. over by Lesley College, then down by Sanders Theatre and Broadway, and then do it all over again. Finally, I drive across the river and park in the spacious B-School lot and walk.

Last year, at HBS, it was easy to get to class . . . most of them were in the same room every day and always at the same time. Sometimes the subjects were a surprise, but you could always count on being in the right room. Not so at the Law School. Criminal law meets on Thursday at 9:45 to 11:30, Friday at 9:30 to 11:15, and Wednesday at 12:10 to 1:15. And in different classrooms. After four and one half weeks, I still have to carry my schedule with me.

But it is comfortingly anonymous. No name tag signs blaring out your identity to amused classmates when caught unprepared. And none of that ritual of sitting in the same spot for every class. The Law School has carefully assigned each of us a different seat in each room in which we might meet. So far, I have learned only the last names of the one or two asses who are always volunteering, and the first name of the guy who sits on my left in two of the three meetings of Civil Procedure. All of which makes it a little tougher to greet sectionmates in the Hark.

Ah, yes, the Hark. That's Harkness Commons. And I never knew that Kresge could look so good by comparison. The Hark was designed in "early 1950's institutional sterile" and furnished tastelessly in cast-off Holiday Inn furniture styles. One

is forced to wander through the Hark to the miniscule Law School Coop (which won't cash checks) or to get a cup of coffee at the only coffee machine in the entire Law School. Other than that, it is mostly a place for those poor souls who live on-campus to eat their anonymous meals, and for the Law Wives to hold their monthly meetings.

My final note of information about the Law School will certainly assure this installment's publication: the free HarBus News is a welcome diversion at HBS during one's first class each Thursday, while the Harvard Law Record seems to appear only sporadically, and then they rip off 20 cents for it at the Coop. Subscriptions are, of course, available. Needless to say, with such a sure-fire method of obtaining the largest possible circulation, ad revenues are at an all-time low, which forces increases in the newstand price, and so on. Perhaps a first year marketing section could take on the saving of the Law Record as a service project to the HLS community.

Ed.: This article was originally published in the HarBus News, a publication in the Harvard Business School. Due to a "sure-fire" agreement with the Harvard Law School Alumni Association, the Record is distributed to nearly half of all HLS alumni, and maintains a circulation of over 12,000.

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Long Range Planning?

A condensed version of a talk made to The North American Conference of Management Consultants by Bruce D. Henderson, President, The Boston Consulting Group, Inc., at The Plaza Hotel, New York City, October 1971.

I hope this assembly can tolerate a skeptic. I have been asked to talk briefly about "New Dimensions in Long Range Planning."

I do not know your definition of long range planning. However, I am convinced that long range planning as we have seen it so far is a fad. It is also a fad that has passed its prime. The Boston Consulting Group deliberately set out to disengage its identity from long range planning several years ago. In view of my convictions, I do not know why I was chosen to speak on this subject.

It is my observation that long range planning is often used as a corporate narcotic. It is a means of postponing the need to face reality.

The chief executive officer realizes his objectives exceed his probable performance by a significant margin. There is a planning gap. His problem is solved by appointing a promising young man as director of corporate planning. The problem is thereby postponed for the chief executive. The new director of corporate planning studies the company for a year. He confirms the fact that a planning gap does truly exist. Furthermore, he confirms the fact that only a very major change can possibly close the gap. The young man is then replaced by a vice president of corporate development — "Perhaps a more experienced businessman can provide a more imaginative and creative solution."

I know of no job in business which has a shorter half life than vice president, corporate development. The vice president, corporate development has about two years to become president or get fired. A few do become president.

Meanwhile, the chief executive has postponed becoming personally involved in rethinking his business situation and his strategy.

Some people call a five year plan "long range planning." Technically, a five year budget could be called long range planning. However, most five year plans are not plans at all. They are extrapolations of the past with hope and optimism added. The catch phrases are: *Prices will firm. We will gain a little market share. The economy will improve.*

Our staff calls five year plans "The Chevron Effect." Annually you get a new stripe. The downside represents the past; the upside represents the hope for the future. The past years' stripes represent the same thing.

Do not misunderstand. The staff work to implement any significant change must be done. Sequence, timing and coordination are all important. Most companies have adequate and competent staff to do this. However, the staff work is usually paralyzed because the management does not know what it really wants to change.

Most companies have enormous unrealized potential. However, realization of that potential requires major changes in corporate direction.

- I estimate that one-half to two-thirds of the product-market segments in the typical company are cash traps. They will use more cash each year than they will generate. This will go on forever. Even if they report a profit, they are actually worthless and a burden.
- In my opinion, at least half of all acquisitions are the wrong company for the wrong reason.
- At least half the successful companies choose the wrong risks. They cheerfully accept enormous competitive risks and liquidate their leadership to avoid small risks.

Most companies do not fully use their resources because they choose the wrong goals to serve their shareholders best. I am talking about the large, successful businesses, not the failures.

All successful businesses are prisoners of their own past success. They enshrine the policies and practices that made them succeed. They preserve and observe them long after their competitive environment changes.

The management consultant has the task of changing the corporate religion. No insider can do it. If he tries, he is a heretic. Even the chief executive puts his leadership on the line if he deviates from orthodoxy.

There is probably no more difficult job in business than causing a successful organization to change its philosophy and self-image. This goes far beyond problem solving. You must change the whole character of the firm. The management consultant can try where an insider cannot afford to do so. If he fails, he loses a client, not a career.

The most difficult and the most essential part of the task is obtaining a corporate management consensus. It is a prerequisite to successful implementation. Yet that consensus is developed only after a long and painful self-examination. It is the consultant's opportunity to be the catalyst that brings about that changed perception. It is also the consultant's privilege and challenge.

Call this long range planning if you wish. I think it goes far beyond that. So does the opportunity, and so does the challenge.

Bruce D. Henderson

Bruce D. Henderson

Perspective #108

BOSTON • LONDON • MILAN • PARIS • TOKYO

Coop Fights Suits by Two Ex-Managers, NLRB Probe

Within the last few weeks, the Harvard Cooperative Society has come under legal attack on three fronts. First, Donald Steele, a former Coop director and former manager of the Law School Coop, filed suit asking that last April's election of directors be declared invalid. Steele's petition to run for a directorship had been disqualified, he alleges, for trivial reasons.

On Friday, October 20, Allan Cheever, an organizer for Local 711 of the Retail Stores Employees Union, announced that the National Labor Relations Board had begun an investigation of alleged Coop harassment of union workers attempting to organize Coop employees. The NLRB has

not, however, filed any complaint against the Coop.

And last Sunday, Fred Fox, a former Comptroller of the Coop, announced that he had sued the Coop for \$100,000 in damages for alleged "breach of contract" which led to his resignation.

Steele claimed that Fox and his subordinate, John Roberts, had been harassed by the Coop's higher management since they blocked payment of a questionable Harvard Trust invoice in 1970. Roberts, a former accounts payable manager, resigned last September.

In a statement in last Friday's *Harvard Crimson*, Roberts charged that Coop General Manager Howard Davis had brought in an outside consultant, Kenneth Andrews, ostensibly to devise new procedures for the accounts payable department. In fact, Roberts claims, Davis sought Andrews' report as a pretext for criticizing Roberts' work and later making Andrews Roberts' superior.

Steele's suit, filed in Middlesex Superior Court October 13, sought a declaration that the most recent election of Coop directors had been invalid and asked that a temporary restraining order be issued to prevent the Coop from filling the vacancy created by the retirement of Vice President Stephen S. J. Hall until the issue of invalidity had been resolved.

Superior Court Judge Ponte denied the temporary restraining order after hearing argument in Steele's case on Wednesday, October 17, but the merits of Steele's case still await trial.

Steele charged that signatures on his nominating petition had been disqualified because some of the signers had not listed their school affiliations, even though it was obvious from the context that they were Harvard faculty members. He claimed that the Coop usually ignored such minor defects in petitions.

He also argued that by shifting the time of elections from October to April, the Coop had effectively disenfranchised freshmen. This change, he claimed, thus significantly affected the voting rights of a segment of the membership and therefore had to be approved by a vote of the membership, according to Coop by-laws, not simply by a vote of the shareholders.

Steele, a graduate of the University of Missouri, studied linguistics for three years and Near Eastern languages for one year at Harvard Graduate School. He was twice elected a student director of the Coop, serving on the board from February 1970 through June 1971. After leaving the Graduate School, he served as manager of the Law School Coop from its opening in September 1971 until last February.

Phantom 3L Hits Water Wasteland

(Continued from Page 4)

not have access to adequate expertise on the subject, he explained. "Citizens who have tried to tackle the problem alone are often characterized as emotional schemers," he said. "They operate under a very serious handicap. Hiring consultants and attorneys on an ad hoc basis is often an inadequate solution since it can create serious conflicts of interest." The solution, he says, is more community-based, funded, professional (law and scientific) firms focusing on environmental issues. "Funding is the biggest problem," he said.

"Given the extremely low level of jobs in environmental action, the supply of intelligent and willing individuals (to staff such centers) exceeds the demand," he said, "Unfortunately there is such a small number with the judgment and experience to put a group like this together on their own and produce the kinds of results people would like to see."

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Profs Favor 2-Year Law Degree

(Continued from Page 1)

be published by McGraw-Hill and should appear in paperback shortly. The study has been accepted as a working document of the Commission but has not been endorsed formally by that body.

"We are convinced that for many law students, the marginal benefits of a third-year legal education are outweighed by the cost of that year," said the authors. "Even more important, we are convinced of the need for experimentation and diversity among law students and the education they provide."

The authors called the present three-year requirement "unfortunate and unjustified," and noted that "no persuasive educational rationalization . . . ever seems to have been given" for the requirement. The three-year model began at Harvard and was adopted by the ABA in 1921.

The report stressed changes in the delivery of legal services to the public, forecasting the development of sublegal and paralegal personnel and comparing this development with that of the medical profession. It also predicted the use of certified legal specialists and comprehensive, prepaid legal insurance.

Without these changes, the authors warn, "too many of the young people who graduate from law school will not be able to put skills to work usefully."

"Inevitably, the trends of spe-

cialization and paraprofessionalism will narrow the roles for, and the numbers of, generalist, all-purpose lawyers," they commented.

The reporters also attacked the present methods of training lawyers, focusing most of their criticism on the case method developed at Harvard. The authors concluded that this technique is best used in small classes of first-year students and should be limited thereafter. While clinical education was seen as one model for legal education, it was not viewed

as a cure-all. "We are dubious about the relative merits of clinical education, given its high costs," they explained. "We are also concerned that an anti-intellectual tendency of clinical education will offer an allure to students and to some faculty members who seek 'relevance' at any price."

Faculty members at Harvard who were contacted by the RECORD had not seen copies of the report and had no immediate reaction to the suggestions made by the Stanford pair.

Kennedy, Stone Exchange Views On Schism of Faculty, Students

(Continued from Page 7)

the nature of legal education. Kennedy feels that they are problems of education in general, resulting from and exacerbated by the inattention and defensiveness which law faculties in particular display concerning their own teaching methods.

On the spectrum of current discourse concerning educational reform, both authors fall into the category of reformers. The latter part of Stone's article is a well-reasoned argument for increasing clinical opportunities at law school; he feels, briefly, that such programs, in addition to being socially useful, will help the student mold his self-image in a more positive way than is afforded in the high-pressure meritocracy which is the law school. And, while Kennedy would have to be placed in the avant garde of thought in this area, he is careful to point out that he has not had enough experience at Harvard Law School to say conclusively how much or little his postulates apply here.

In interviews with the two, I discovered that both are concerned that the pressure of the classroom and, more particularly, the hostility which Kennedy de-

scribed in his article, keep students from taking the risks involved in making a tentative statement of their developing understanding of legal concepts. All education depends on such risk-taking — more specifically, the student's sense that it is safe to venture an untried thought. Met with hostility and humiliation at such attempts, students are apt to become the passive and alienated mass which can be found in many second- and third-year classrooms.

When you read the articles which Stone and Kennedy have provided us, I guarantee that you will have more than one moment of self-recognition in the dynamics of legal education which they describe. If any of the ills which they point out are to be dealt with, we will have to devote more attention to them than comes to bear in the yearly set-to over pass-fail grading. We will need some student Kennedy/Stones to jar the complacency of the people who make up the institution that keeps on keepin' on.

Copies of Kennedy's and Stone's articles are on reserve at the Circulation Desk in the main reading room of the Law School library.



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'The Outlaw': Vintage Whine

By Robert Flanders

THE OUTLAW, by Jeremy Fogel et al. New England Free Press, 8 pp., free.

It isn't popular to attack "the movement" nowadays. It was popular a few years ago — when the blooms of the flower culture first started to turn brown around the edges — but today there is a tendency to view third-worlders as part of an establishment all their own. I suppose part of the reason for this new-found acceptability is that factions, such as the drug-revisionists, have absorbed much of the criticism formerly reserved for ill-kempt hippiedom at large. Moreover, there has been a marked coalescence of external antipathies: corporate executives now wear Dingo boots and hair over their collars, while neo-Nadermen attire themselves in denim suits and attend "name" law schools.

All of which brings us to *Outlaw* — our local organ of conscience at the Law School. The latest edition dissipates the evilly-concocted canard which pronounced the movement constipated; *au contraire*, everything is moving with diarrheic constancy in this issue. In the lead article "Pork by the Pound," Armand Gregoire subtly points out that we bootlickers, asskissers and snotnoses might not be doing the

right thing by interviewing certain law firms whose specialty is exterminating the poor. A careful third reading of the article yields the hint that "big money" is responsible for this kind of moral abdication. Rarely have I read a piece which treated both sides of the problem so singlemindedly.

But it wasn't until Conn Nugent's article "The Elitism of the Lunch Table" that I found out what was really wrong with Harvard Law students. "We often act like two-bit snobs . . . we separate ourselves from the mass of citizens . . . we want too much money . . . we like the law too much . . . we don't speak English . . . we are sexists . . . we overlook the community . . ." On and on the *mea culpas* flow, rhythmically sounding their doleful, plaintive notes. It is poetry, I tell you, pure elegiac poetry. One feels like he has stumbled upon a gathering of woebegone Druids droning a cadenced mass confession. Is it any wonder that "we often prefer principles to people"? After all, sometimes principles *are* preferable; at least they are not prone to mawkish self-flagellation.

The *pièce de resistance* of the entire paper, remains, in my view, the simple, off-the-cuff tale told by Tim Hallahan, poignantly untitled "a letter." Here a recent tryst of the author leads to a dazzling use of the flashback technique whereby the reader is taken back through 17 1/2 consecutive years in school to discover how the author learned "to read, write, be cynical, and f[**]k" while "becoming a warm, intuitive human being." Ah, but how to tell this to his estranged sweetheart? Hallahan laments: "I don't know how to write it so that she won't think I'm still full of bulls[**]t." Even the reader is helpless to come up with a suggestion.

Time and space do not permit me to catalogue the bounteous virtues of *Outlaw*; suffice it to say that this is orange journalism at its best. Where else could one of the all-time literary classics, Ho Chi Minh's "Mid-Autumn" Festival poem (in vibrant translation) be found sandwiched amidst such delightful graphics? One can only hope that future publication of the "Outlaw" is not arrested; it is wanting, yet wanted.

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Law School Politicos Appraise Elections

On the morning after, the 83% of Law School students and 90% of the faculty who had backed McGovern had to swallow a rather bitter pill.

Professor James Vorenberg, McGovern's adviser on crime, law, and justice, found Massachusetts "the one bright spot in an astonishingly gloomy picture, and I don't understand it.

"The state has been so much in the middle of politics, especially liberal, reform, peace politics for the last dozen years, that I guess it's more sensitized to some of the issues that to the rest of the country didn't make much difference."

Vorenberg also found consolation in the House and Senate races: "You look around the country and you ask what would have been a total disaster — at least this is short of that.

"The McGovern constituency should sit back and reflect what it takes to win a Presidential election in the United States," said Professor Stanley S. Survey, adviser to McGovern on tax matters. "You cannot throw away

labor leadership and you can't throw away a large group of elements in the party and still hope to win."

"Nationally I'm rather unhappy," said Fred M. Geldon, 3L, Co-Chairman of the McGovern Campaign in Cambridge. "We won the battle, but nationwide, we lost."

Geldon pointed out that early returns had Cambridge going to McGovern by a factor of three to one, matching Humphrey's 1968 victory and perhaps giving Cambridge the highest McGovern vote of any city.

"We've got to think of this as a continuing effort," said Geldon. "A lot of us have to stay in this fight, keep working for the anti-war movement, keep working for justice in America, for economic and tax fairness for people at the bottom of the ladder, for true equality for the oppressed minority groups.

"These are the issues we tried to fight for in this campaign. I don't think the election was decided on these crucial issues of

our time, which makes me sorry but leaves some hope.

"It might be interesting that the Goldwater analogy might hold for more than just the election." Geldon noted that "a candidate who has implemented many of Goldwater's ideas is now President" and suggested that liberal Democrats might be able to follow the same lead in the future of their party and the nation.

Professor Phillip E. Areeda, a Nixon backer, was not impressed by the Massachusetts victory: "I assume McGovern supporters would like to believe that it's because Massachusetts is ahead of its time. I'm not so sure that that's the reason."

Scott W. Stucky, 3L, President of the Harvard Law and Graduate Republican Club was disappointed that the Republicans hadn't done better in the Senate, but felt that the elections would produce a "much more agreeable Congress regardless of its partisan affiliations" because of the enormous mandate the American people had given the President and by implication his policies."

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