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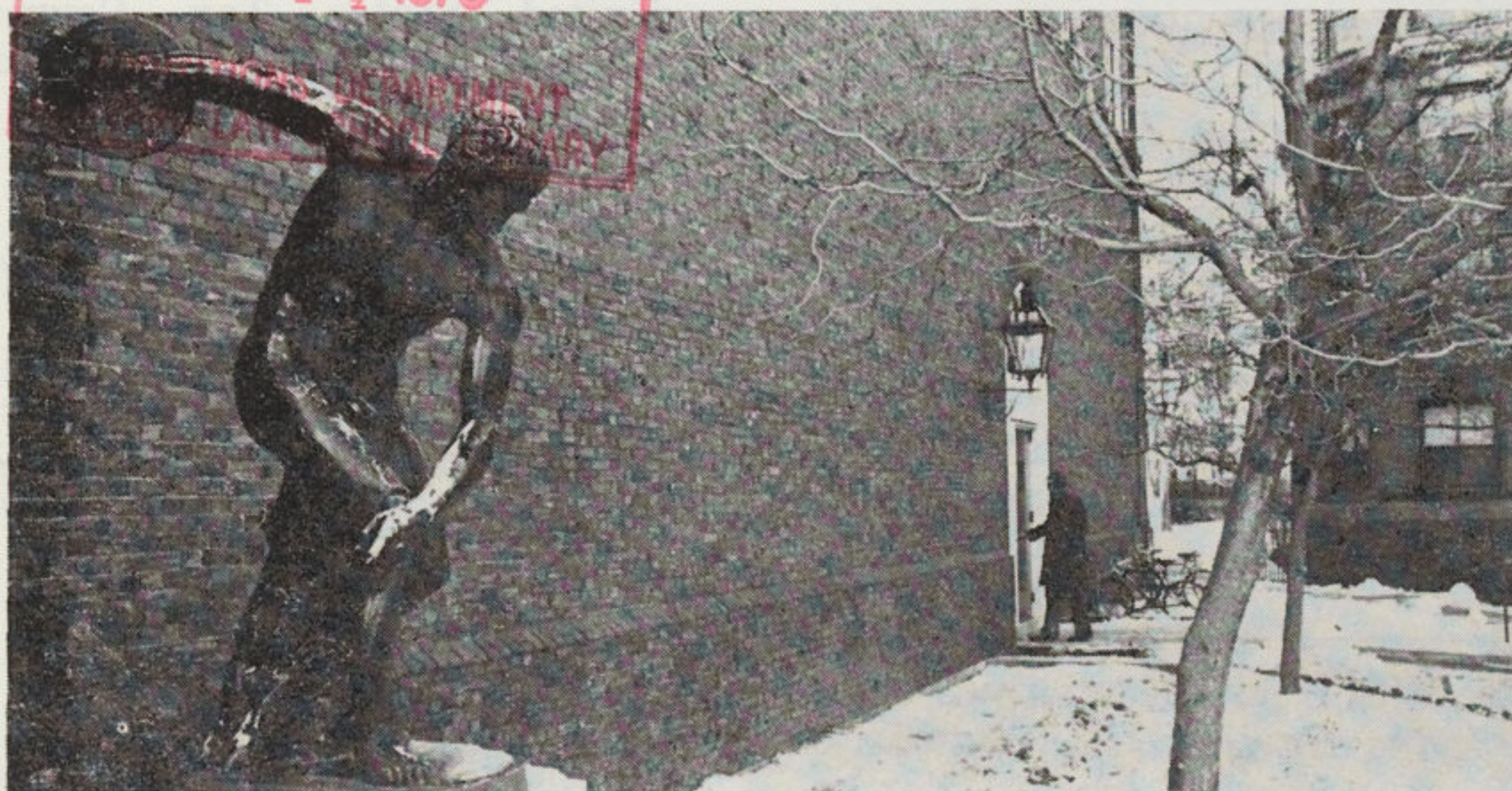
America's Oldest Law School Newspaper

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TWENTY CENTS

AUG 14 1973



Hemenway Gym: A shower of protest

Charles Soberman

Women Ask Equal Facilities, Hit Bias at Hemenway Gym

By David J. Cocke

In response to a petition signed by about 100 women law students complaining of the lack of showers and lockers for women at Hemenway Gym, Dean William L. Bruce, accompanied by four members of the Women's Law Association, toured the facility last week to see what could be done to remedy the problem. Bruce said he would forward his suggestions for possible structural changes in the gym to the University's Athletic Department, which manages the facility.

Eric Cutler, Associate Director of Athletics, said his department

was "hoping to be able to correct the situation" at Hemenway and other University gyms but that final approval had to come from the Faculty of Arts and Sciences of which the Department of Athletics is a part. "Right now the
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HLS Receives Fellowship Grant

A common complaint around this and other law schools is that professors are habitually concerned only with the mechanistic details of every case and treat their course materials as a great mass of "the law" completely divorced from "the real world."

Though the current student body probably won't be around to feel the difference, things may eventually get better as a result of a \$337,000 grant received by

Three to Clerk On High Court

By Paul Weiner

Two Harvard Law School '72 graduates and one third-year student will clerk for the United States Supreme Court next year while 42 third-year students and two '72 graduates have accepted various other clerkships around the country.

These figures, based on reports received each year up to the beginning of February by Assistant Dean Stephen M. Bernardi, show a total decline in clerkships accepted by students and graduates from 71 in 1971, to 62 in 1972, to only 47 this year. Supreme Court clerkships declined even more drastically, from eight in 1971, to six in 1972, to three this year.

Bernardi attributed this decline to "fashions coming and going," noting that he had re-

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the Law School. The money will be used to create a new program of 12 fellowships for young law professors interested in enriching their course materials with "insights and perspectives derived from a study of the humanities."

The grant, to be used for the 1973-74 academic year, is being funded by the National Endow-

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HLS Clerkships Drop To 47

(Continued from Page 1)

ceived no complaints from frustrated applicants during the last six weeks, unlike past years in which more clerkships had been accepted by this time. Some applicants blamed the decline on the record number of law students nationwide competing for an essentially fixed number of positions.

Finally, more clerkships are expected to be reported later this year.

Richard W. Benka, 3L, is the only third-year student to have accepted a Supreme Court clerkship. Benka, Note Editor of the *Law Review*, will clerk next year for Justice William O. Douglas.

Ira M. Feinberg '72, now clerking for Chief Judge Henry J. Friendly of the Second Circuit, will clerk next year for Justice Thurgood Marshall. James J. Knicely '72 will clerk next year for Justice Harry A. Blackmun; he is now clerking for Judge Roger Robb of the District of Columbia Circuit.

All those students reporting clerkships will clerk for either federal judges or judges of state supreme courts. The three most popular courts, each attracting four clerks, are the Second and Ninth Circuit Courts of Appeals and the District Court for the Southern District of New York.

Below are the names of those accepting clerkships, listed by court and judge.

(Unless otherwise indicated, students listed below are 3Ls.)

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Harvard Club of Boston
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United States Courts of Appeals:

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2nd Circuit: David L. Engel, *Chief Judge Henry J. Friendly*; Ira P. Robbins; Roger E. Podesta, *Judge Wilfred Feinberg*; and Jeffrey A. Schoenblum, *Senior Judge J. Edward Lumbard*.

3rd Circuit: John Michael Cooper, *Judge Arlin M. Adams*; and Frederick P. Schaffer, *Judge Francis L. VanDusen*.

Clerkships down 24 in two years

4th Circuit: Kenneth C. Moore, *Judge Harrison L. Winter*.

5th Circuit: Stanley I. Langbein, *Judge John Minor Wisdom*; and William M. Byrd, *Judge Irving L. Goldberg*.

6th Circuit: Timothy R. Futrell, *Chief Judge Harry Phillips*; Walter Joseph Dehner, Jr., *Judge Anthony J. Celebrezze*; and Steven B. Jacobson, *Judge Paul C. Weick*.

7th Circuit: Norman R. Miller, *Senior Judge Latham Castle*.

9th Circuit: Olin Guy Wellborn, III, *Judge Charles M. Merrill*; David L. Raish, *Judge James R. Browning*; Brackett B. Den-

niston, *Judge Herbert Y. C. Choy*; and Thomas H. Sloan, Jr., *Senior Judge James M. Carter*.

District of Columbia Circuit: Jay K. Wright, *Judge Harold Leventhal*; Karen Nelson, *Judge Malcolm R. Wilkey*; and Michael C. Harper, *Judge J. Skelly Wright*.

United States Tax Court: Michael R. Levy, *Judge Arnold Raum*.

United States District Courts:

California, Central District: John J. Stumreiter '72, *Judge Malcolm M. Lucas*.

District of Columbia: Fred M. Geldon, *Judge William B. Bryant*.

Massachusetts: Eleanor Susan Garsh, *Judge Levin H. Campbell*.

New York, Eastern District: John W. Corwin and David J. Fine, *Judge John F. Dooling, Jr.*

New York, Southern District: Lawrence B. Rodman, *Judge Thomas P. Griesa*; Peter N. Wang, *Judge Milton Pollack*; Thomas J. Sweeney, III, *Judge Lloyd F. MacMahon*; and David B. Tulchin, *Senior Judge Frederick VanPelt Bryan*.

Pennsylvania, Eastern District: Roger F. Wood, *Judge John P. Fullam*.

Tennessee, Western District: David J. Cocke, *Judge Robert M. McRae, Jr.*

State Courts:

Alaska Supreme Court: Joaquin G. Avila, (judge to be appointed).

California Supreme Court: William C. Owens, *Chief Justice Donald R. Wright*; and Daniel E. Titelbaum, *Justice Mathew O. Tobriner*.

Hawaii Supreme Court: Louis E. Wolcher, *Justice Bernard H. Levinson*; and Robert E. Bares, *Justice Kazuhisa Abe*.

Mass. Supreme Judicial Court: Jeffrey F. Jones, *Chief Justice G. Joseph Tauro*; Eric D. Green '72, *Justice Benjamin Kaplan*; and Lawrence I. Silverstein, *Justice Herbert P. Wilkins*.

New York Court of Appeals: Andrew B. Sims, *Judge Charles D. Breitell*.



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Bruce Grabs Thieves

A recent rash of robberies around the Law School came to an apparent end last Friday when Vice Dean William L. Bruce and the Harvard University police captured two youths outside the International Legal Studies building. The two are

believed to be responsible for three stolen purses and one stolen wallet in the past two weeks, Bruce said. They were put off Law School property and informed that they would be arrested for trespassing should they return. Because Bruce felt he had no probable cause to search the youths, no arrest was made.

Bruce had questioned the two teenagers the previous Friday when he saw them leaving a women's lavatory in the Faculty Office Building. At that time, he said, the two had been unable to explain their presence. That day two secretaries in the FOB had money stolen from their purses. Later in the week he saw the youths again, the same day two women employees in the Alumni Office had their purses stolen.

Last Friday, Bruce said, he received a report that the two youths were entering offices in Langdell and the FOB. He quickly summoned the Harvard police and went after them himself. They came out the front door of ILS and were caught by Bruce and at least six officers. When questioned, the youths could not recall their addresses or phone numbers, Bruce explained. They were then informed that they were trespassing and that they would promptly be arrested if ever seen on Law School grounds again.

While Bruce believes the current problem is over because the two alleged thieves realize they are well known at the Law School, he sees no let-up in the long-term problem. He warns that women should keep their purses with them at all times, and that men should not leave their wallets in jackets draped over chair backs.

Dean Ends Greetings After 25 Christmases

A 25-year-old tradition came to an end last year when Dean Albert M. Sacks abolished the mailing of Christmas greeting cards to students and alumni. He cited increased costs and manpower burden as the reasons for the move. In 1971 12,500 cards had been sent out at a cost of over \$4500.

According to Mary Conlan, administrative assistant to Sacks, the \$4500 figure did not include the cost of hours spent by members of the administrative staff in exhaustively checking and correcting addresses of alumni who move from one year to the next. With the number of alumni growing every year, Conlan said, "it was becoming more and more onerous every year and we just couldn't handle it any more."

The annual Christmas greeting was begun by former Dean Erwin N. Griswold in 1947, as part of his effort to organize alumni relations. In that year 3650 cards were sent at a cost of under \$500. In the intervening quarter decade, printing costs increased 13 times, and mailing costs and the expense of hired labor to address the cards both doubled.

Sacks noted that he had consulted alumni, faculty, and "a few" students before making the decision. He stressed that the move did not reflect a change of attitude by the School toward its alumni, and added that he hoped alumni relations would be closer than ever.

On the administrative staff, the decision was greeted with relief. One person who had been involved in the yearly ritual said, "Thank God. All of us were sick of Christmas cards."

FOB to Undergo Extensive Repairs

The Faculty Office Building will undergo extensive repair this summer to correct a structural defect which has caused flooding in its basement. The flooding, which occurs only during heavy rainstorms, threatens to destroy air conditioning equipment valued at over \$200,000, although no damage has yet occurred.

The repairs will cost between \$25,000 and \$65,000, depending on the method chosen to remedy the defect, according to Dean Albert M. Sacks. He mentioned the shifting in direction of some drainage pipes, the relocation of some drainage pumps in the basement, and the building of an extensive retaining wall as three possible courses of action. The last of these is potentially the most expensive.

Sacks said that planning would begin soon to choose the necessary method of repair, and that contracts would be negotiated within several months. Should this proceed on schedule, he hopes to have the work completed during the summer.

The Dean refused to speculate whether the Law School might bring suit against the builder or architect of the FOB, completed in 1968. He said that a decision on that question would be made in the near future. He added that "in hindsight, it is clear that something should have been done at the time of initial construction."

The FOB and the Pound Building together cost the Law School \$6.4 million.

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12 Humanities Fellowships Funded at HLS

(Continued from Page 1)

ment for the Humanities, and is expected to be renewed for at least three years, Professor Roger O. Fisher said last week.

Fisher, chairman of the Harvard committee which is currently recruiting current and prospective law school teachers, authored the plan for the proposed fellowships last year after the National Endowment for the Humanities had proposed a similar plan which would have in-

Faculty of Arts and Sciences.

In addition, fellows will devote their time to writing or to "other humanistic course offerings" at the Law School or the College.

Fisher himself plans to teach one course to the fellows—a year-long seminar entitled *Cases in Context*. The class will examine law school course material in light of insights derived from other disciplines such as philosophy, history, and literature. Professor Morton J. Horwitz, in

experience in practice, some teaching experience (though none is required), and a commitment to teach upon completion of the Fellowship year, the brochure explains.

Fisher, whose interests range from gamesmanship in international law to television and the law, is a firm believer in the new program. "It's easy to count numbers, but hard to deal with human values," he says.

"There is a risk that much law teaching and scholarship proceeds from an unduly mechanistic or technocratic view of the law," the recruitment brochure notes, "a view which concentrates on process at the expense of purpose and on immediate problems to the exclusion of theoretical inquiry."

"The classroom sharpening of students' minds through rigorous analysis and precise questions about statutes, arguments and decisions often appears to make other questions about justice and about the values, traditions, and goals of a humane society seem less relevant or less important," the brochure continues, describing the program's purpose.

Committee members besides Fisher, are Law School Professors Harold J. Berman, Horwitz, and Donald T. Trautman; Law School Professor Emeritus David F. Cavers, and Harvard College Professors Aaron and Alan E. Heimert, Professor of American Literature and Master of Eliot House.

180 applicants seek 12 positions; fellows to receive \$13,500 stipend

involved practicing lawyers.

According to Fisher, some 180 applications have thus far been received for the fellowships. Many of the applicants have been recommended by law school deans across the country, but few potential fellows come from the top law schools, Fisher said. He attributed this to "the arrogance of the elite."

In order to attract law teachers now earning substantial salaries, the fellows will receive free tuition and medical fees plus a stipend of up to \$1500 per month for nine months (\$13,500), which will be tax exempt for those who plan to be candidates for the LL.M. degree.

Fellows will be in residence here for nine months beginning September 1. They will take three courses specially conceived for the program, two in the Law School and one in the Harvard

association with Assistant Professor Duncan M. Kennedy and others, will teach a course which will relate social theory and legal history to teaching of *Torts* and *Contracts*. The third course for the fellows will be taught by Harvard English Professor Daniel Aaron.

Applications for the program will be accepted until February 15. According to a brochure sent to prospective fellows, "Applicants must be lawyers under 45 years of age who are firmly committed to a career of law teaching in the United States." The selection committee plans to give priority to candidates with some

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Law School to Stage 'Hell of a Show'

By Mark C. Rutzick

Who is God? This is the modest question the Law School Drama Society sets out to answer in its musical comedy production "Praise the Lord and Pass the Erudition, A Profane Comedy," to be presented March 16-18 and 22-24 in the Ropes & Gray Room in the Pound Building. This simple inquiry comes at the end of a lengthy journey through heaven and hell by two innocent law students, and the answer is likely to surprise everyone.

The show this year is more than ever a Law School show in fact as well as name. It is written by Donald W. Meaders, 3L, directed by Victor R. Budnick, 2L, produced by Patricia Nicely, 2L, and stars Richard H. Rubin, 2L and Nancy E. Holland, 1L as well as Meaders and Kathy Irving, a secretary at the Harvard Graduate School of Education.

The play is, as the title may suggest, based on Dante's *Divine Comedy*. Two law students, Danny (Rubin) and Persephone (Irving), are led through hell by none other than Learned Hand, who on second glance turns out to be the devil. The learned Learned leads the two idealistic neophytes through the "hell" of a counter-cultural law practice which involves legal aid work, an encounter with "Ralph Raider," and a plea bargaining session in which seven counts of murder are reduced to a jaywalking charge.

While Persephone passes Hand's tests, Danny fails and is removed to the heaven of corporate law for lack of idealism. But here Danny becomes even more disillusioned and begins to regain his lost sense of justice. He decides to leave corporate heaven to return to idealism with Persephone, but just before he departs he learns he has won a coveted clerkship with God. The show ends in a stunning climax as God reveals himself to Danny, Persephone, and the audience.



R. Harding

Fallen angels from the 1973 Law School show: Composer Richard Hope seated at the piano, Lyricist Chris Harding, Producer Pat Nicely, Librettist Don Meaders, Arranger Bob Cubitto, Director Vic Budnick, and Choreographer Barbara Melnick.

While the identity of God can not be revealed, it is truly shocking, to say the least.

The show will feature such songs as "Selling Out," "Getting Away With Murder," a lament to the plea bargaining system, "Ralph Raider the Chief Crusader," and a gospel number entitled "Praise the Law," as well as many others. The songs have been composed by Richard F. Hope, 1L with lyrics by Chris Hardy, a graduate student in English, and arrangement by Robert J. Cubitto, 1L. The show is being choreographed by Barbara Melnick, a Boston dance teacher.

The show will feature a cast of around 35, including between 15 and 20 law students, a higher figure than in recent years. Of this number, seven will be women, the highest figure ever in that category. Music will be provided by a 10-piece show orchestra.

Tickets for the show have been reduced this year to \$2.00 for students and \$2.50 for the general public, according to producer Nicely. She feels that high ticket prices are one reason last year's show did not sell out every performance. She said the show is financed by ticket sales and ad-

vertisements in the show's program booklet, and has a budget of around \$3500. She added that the show was fortunate this year to have the benefit of a \$500 surplus from last year, and that most creditors were willing to wait until after the production to collect their bills.

Meaders described the writing of the script as a "collective effort" on the part of himself and the others in the production team. He also said that several other law students had made contributions, but for their own reasons wanted to remain anonymous. He said he and the other writers were trying to avoid creating a "pretentious, second-rate musical," and added that he thought this year's show was more topical and had better music than last year's, which he described as "too creative."

Meaders is a veteran of the musical scene, having appeared in the lead role in six productions while at Harvard College, including both operas and musicals. He has also appeared professionally in a solo singing appearance with the Boston Symphony Orchestra, conducted by Charles Munch. He toured around the world with the

(Continued on Page 13)

"UP FROM NEVER"

By Joseph N. Sorrentino

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Faculty Evaluations: Grading the Graders?

By Phil Spector

While professors in these next few weeks finish up their grading of first-semester exams, it seems an appropriate time to question why students at Harvard Law School don't have the opportunity to grade their professors. The idea isn't new, and some system of student evaluation of teachers has been utilized at many colleges for years. At a law school where the faculty prides itself on the quality of its teaching, a proposal for such a system should be welcomed.

The procedure for obtaining the student evaluations could be quite simple. During the last week of classes, the administrative, faculty, or student group administering the evaluations could distribute questionnaires to a class. I mention questionnaires rather than a simple grade report form because I would favor more feedback from these evaluations than students normally receive in their letter grades. Objective-type questions could ask for a numerical evaluation of general teaching ability, use of the Socratic method, lecturing ability, organization of the course, casebook used, and availability to students outside of class, etc., and a question at the end could solicit additional written comments.

The answers to the objective questions would then be tabulated, hopefully by machine, and published for the Law School community. All students can immediately think of one important use of these results. Accurate evaluations by one's peers would remove from the realm of scuttlebutt and guesswork the always-pressing student question of which teachers to take for which subjects.

There are other good reasons for adopting such a system of student evaluations, reasons which may prove more persuasive to the faculty. Teaching and scholarship are the two key criteria in deciding which assis-

tant professors should be granted tenure or which visiting professors should be asked to stay permanently. (These are the two principal ways in which full professors are recruited.) Scholarship can be readily evaluated, but the Appointment Committee's evaluation of teaching has always been haphazard at best. Committee members will occasionally sit in on the class of a prospective teacher, or they may ask a few students of their acquaintance for opinions. A complete report containing the opinion of every student in the class, broken down into the various components of teaching ability, would surely be preferable to the present system.

Individual professors would also benefit from student critiques of their teaching. Particularly through the written comments, the professor could learn in what areas he or she is doing well and in what areas he or she needs improvement. The administration would be assisted somewhat in deciding which courses to assign to each professor. Finally non-tenured professors and teaching fellows with high evaluations would be able to use them in searching for other teaching jobs, much in the way students now present their grade transcripts.

Some faculty members will undoubtedly raise the objection that

such evaluations will cause high-quality scholars to turn down Harvard. Given the Law School's prestige and high salaries, that proposition must be questioned simply as it stands. Moreover, if some scholars fear student evaluations, it is probably because they are not the best of teachers.

Harvard is still free to offer them professorships and all the perquisites, letting them continue their research, but there can be no excuse for putting a poor teacher in front of intelligent and interested students. Harvard Law School has often been a leader in legal education, and it is quite probable that other law schools will follow its lead in this area.

One advantage of this evaluation system over other proposals for change in the Law School is that this needs no official action in order to be implemented. The Law School Council or even an ad hoc student group could design and distribute questionnaires and collect, tabulate, and publish results. Perhaps the major unresolved question is whether we should allow our professors a pass/fail option or even grant them mandatory pass/fail. I'll leave that for those administering the evaluations, trusting that it can be resolved somewhat more quickly than the continuing controversy over pass/fail.

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Antioch's New 'Activist' Law School

By Mark C. Rutzick

A new law school in Washington, D.C. is challenging a century of tradition in legal education by abandoning the moral neutrality of the case method for a curriculum which emphasizes a clinical orientation and a frank commitment to the elimination of social injustice. The Antioch Law School, which opened its doors in September, 1972, is the first school in the country to integrate a public interest "teaching law firm" into a course of legal education, in order to provide its students with the opportunity to apply legal theory in the context of the actual practice of poverty law.

The dynamic force behind this revolutionary concept-in-being emanates from the Deans of the new school, Jean Camper Cahn and Edgar S. Cahn, an interracial husband-wife team who jointly developed the OEO Legal Services program in the 1960s and who are two of the most committed advocates of poverty law in the country today.

It was in 1968 that the Cahns, both of whom are Yale Law graduates, decided to turn their expertise in poverty law to the development of a new kind of legal education, to provide attorneys for those parts of society which the legal services programs were representing for the first time. In that year Jean Cahn created and became head of the OEO-funded Urban Law Institute in Washington, which became affiliated with the George Washington University Law School. The ULI was designed to combine legal services for Washington's poor with clinical training for law students, and to develop new course offerings in the area of poverty law for interested law schools.

The relationship of the activist ULI with the traditional-minded George Washington Law School created tension within the GW administration, which felt that the political and social bias inherent in a legal services program had no place in a supposedly value-free university. In 1971 the GWU Law School faculty voted to sever all ties with the ULI.

Rather than abandon their successful and highly respected creation, the Cahns decided to go a step further and start their own law school — one which would support their own brand of moral commitment without concern for academic neutrality. They looked around and discovered that the Antioch College in Yellow Springs, Ohio, which already had some 30 educational centers around the country, was interested in their proposal. A feasibility study was commissioned, which found that such an independent law school could succeed, and the Antioch Law School officially came into existence that year. The Cahns, who were to have equal status as Deans, used their reputations and past relation-

ships to secure a \$1 million grant from OEO to start the school.

From the beginning, the Cahns' concept of the student body at the new school was different from those of other institutions. Academic performance was to remain an important factor in admission, but LSAT's and grade averages were to be the beginning, not the end, of the relevant criteria. Equally or more important were to be the applicant's background in community organization, antipover-ty work, and activism. Jean Cahn said, "[W]e weren't interested in the LSAT score as an end in itself. We needed a class that would make good *lawyers*, not good test takers or good law students. And the LSAT's don't pretend to tell you who will make a good lawyer." Special effort was also to be made to include a large representation of all minorities and of women.



Mark Rutzick

The Meyer mansion, home of the Antioch Law School.

It is perhaps a sign of the remarkable extent of nationwide contact among students and social activists, and of the dearth of opportunities for professional involvement in social change, that with very little advertising or publicity over 1000 applications were received for the 150 places in the founding class. And in line with the non-quantitative nature of admissions criteria, the application included 10 pages of essay questions covering areas such as social philosophy, past experience, creativeness, and willingness to take risks.

The actual makeup of the first-year class (there is yet no second- or third-year class) appears to mirror the goal set by the Deans. The class is over 25% female, almost 20% black, and has Chicanos

Challenges A Century of Tradition

as well as nine American Indians (Edgar Cahn has long defended the rights of Indians as director of the public interest Citizens Advocate Center in Washington). The median LSAT score is 609; median grade average over 3.00. Only one-third of the class is coming straight out of college, and the median age of the group is 25. One member of the class is Father James Groppi, the Milwaukee activist priest who led integration marches in the 1960s.

The economics of legal education puts a burden on both the school and the students. Tuition is a high \$2900 and the advanced age of the class meant less parental aid was forthcoming. In addition, the curriculum of the law school was laid out for 12 months rather than the traditional nine, eliminating summer jobs as a source of income, and part-time work during the year was prohibited.

The result is that the school is now providing financial aid to over two-thirds of the class, according to Comptroller Nina Small, a former financial officer at GWU. The average award is \$2,000, but some students receive as much as \$6,000.

This sum of over \$200,000 was just one more drain on a budget financed largely by government and foundation grants. Almost 70 per cent of the \$2.7 million budget for 1972-73 comes from public sources, with only 30 per cent private. Eventually, Small adds, the school hopes to reverse those proportions, but she does not foresee a time when dependence on government money is eliminated.

'Almost 70% of the budget comes from public sources.'

Librarian of Antioch Law School is George A. Strait, who is on leave from his position as Associate Librarian at HLS. He expects to create a 50,000-volume collection by the end of this academic year, well above the American Bar Association accreditation requirement of 20,000. The library and some classrooms are to be housed in the Agnes and Eugene Meyer mansion; the building has been donated rent-free to the school by the Meyer Foundation. The Meyer family owns the *Washington Post*.

Other classrooms are to be located in another recently-purchased building nearby. But as of the beginning of 1973, neither structure had yet been completely renovated, and classes were being held in a large church on 16th St. Work on both buildings is expected to be completed within two months.

The Cahns have been sensitive from the begin-

ning to the charge that academic rigor would be sacrificed in the rush toward "relevance." In both words and action, they are trying to prevent that from occurring. Jean Cahn says, "[W]e do not subscribe to a 'fun and games' approach to legal education. We expect to make lawyers out of each and every one of [our students]. That means we intend to do in three years what would normally take four or five or six. And you don't win with rhetoric when you come up against experienced lawyers backed by staying power and resources."

"We intend to do in three years what would normally take six."

Edgar Cahn has written, "Clinical programs must become a joint venture in discovery for the academic community where undigested chunks of reality are subjected to the most highly disciplined form of intellectual scrutiny."

In the curriculum they have established for the first-year class, they appear to be trying to make those words more than slogans. While the courses vary somewhat in structure from the traditional, much of the content is familiar. A course on *Private Law and Remedies* combines the *Contracts* and *Torts* courses known to other law students. The course on public law beginning in January includes criminal law and some administrative law. No property or civil procedure is taught during the first year, but will be required (as are all courses — there are no electives) in the second year.

But as could be expected, some courses move beyond the usual first-year content. Perhaps the most innovative of these was not really a course at all, but a living experience. Every member of the class spent the first six weeks of the school year residing in the home of a family in Washington's black ghettos (which make up about two-thirds of that city). In addition to commuting to school every day for lectures, the students were brought into contact with all the institutions their "families" might have dealings with. They observed procedures at D.C. General Hospital, spent a night in jail, rode in police cars, attended court, and applied for such things as public housing, welfare, and food stamps.

Classes are also offered in *The Lawyering Process*, which deals with the lawyer-client relationship and fact collection and development in the adversary process, and in *Legal Decision Making*, which is rather vaguely aimed at the relationship between substance and procedure in the adversary context. Finally, a course in legal research and writing teaches basic skills in those areas.

(Continued on Page 12)

A Switch in Time

The recent decision of Yale College to shift from a semester to a trimester system and the introduction of semesters into Harvard Law's own first year should help convince the School's students, faculty, and administration that no scheduling system, however venerable, is immutable. Why then must Harvard Law students make do with a generous three-day intersemester vacation while students at other schools or colleges often have three, four, or even six weeks free between the last exam of the fall and the first class of the spring?

If classes were rearranged to begin a week and a half earlier in the fall, then all fall term exams could be completed before the beginning of the Christmas vacation, and students could take the current two-week vacation as a vacation and not as a de facto reading period and get out a week and a half earlier in the summer. Alternatively, the spring term could end at the same time, and the winter vacation be extended to four weeks. Neither of these changes would diminish in any way the number of hours of classes or the amount of time spent in Cambridge.

A side benefit of starting the term earlier would be that the distracting placement season could be completed earlier, to the benefit of both students and employers, who must now make special efforts to adjust for Harvard's unusually late hiring schedule.

Some might object that students would not be able to survive academically without a vacation-reading period, but students have no Christmas vacation to fall back on in the spring term, when most take approximately twice as many hours of exams.

Others might argue that a sufficiently diligent and well-organized student could finish his reviewing in the middle of December, and then forget about work entirely during the vacation. There are two answers to this: First, the average student isn't that diligent or well-organized. Second, even the best-paced student will recognize that reviewing three weeks before an exam is not as effective as reviewing one week ahead of time.

Some professors might complain that they don't like to be burdened with bluebooks over their vacations. However, the lapse between the exam date and the return of grades is so long at the Law School that this is not a valid objection.

Since the Law School's schedule is already out of phase with all the other schools of the University, there is no need to consult anyone outside the School before making the change. The only problem here is that the University may continue to hold its commencement in the middle of June, but the granting of degrees is only a formality which 3Ls need not attend. In fact, it is already so late that many do not bother to wait the extra two or three weeks.

In short, a 10-day or two-week shift in the academic calendar appears to hold great benefits for the quality of life at the Law School.

HARVARD LAW RECORD

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Fenno

Slowly they all filed into the massive classroom which for some time had been used to broadcast an indeterminate amount of legalistic philosophy. Sitting in the last row, Fenno took his place in the seat which would become exclusively reserved for him. Stretching back comfortably Fenno rested his feet upon his *Administrative Law* case book as the Professor entered.

It could hardly be denied that the semester had indeed begun but Fenno had already developed a severe case of the First-Class-of-the-Semester-Blues. Before long the Professor's words became more and more faint and in a moment they had been, to Fenno's ears, reduced to less than a whisper.

Outside Fenno could see winter's fluffy calling cards drift to the ground like sparkling white dust. Each flake swirled and soared, caught on the winter's breath like a myriad of tiny Jonathan Livingston Seagulls. Some came to rest upon the naked trees transforming them into ominous frozen skeletons.

Suddenly, his mind drifted into meaningless fantasy as the class dragged on at an excruciating snail's pace. Visions whirled about as sleep settled upon our hero.

Before him he could see his alter ego racing desperately to escape the hungry clutches of his *Ad Law* case book. Mounted atop the leafy academic monster was the Professor of that aggressive subject. In his hand was a whip with which he urged on his steed and from his other hand flew page after page of "introductory" reading assignments. From his nose grew a finger that pointed mercilessly at Fenno as he screamed, "State the case! State the case!" In his dream Fenno puffed and panted yet the gap closed quickly and the casebook reached its quarry. "State the case! State the case!" and Fenno's consciousness began to seep back into his brain. "State the Case," and Fenno looked about at the 153 faces staring at him as the Professor repeated, "State the next case please." Fenno gasped, and muttered meekly, "Pass" and the entire classroom burst into jolly laughter at Fenno's expense.

As the final minute eked by Fenno squirmed in his seat, fingering the pages of his book. And as the class dispersed he realized that this was an omen of his worst fears about the new semester. He and his *Ad Law* book had just sat through an hour and a half of *Contracts*.

Letters to the Editor of The RECORD

Roe v. Wade

To the Editor:

Roe v. Wade came as a great shock to those of us who regard life as a precious and irreplaceable right, worthy of the most careful state attention and concern. Perhaps I could better appreciate the RECORD's glib attitude toward Justice Blackmun's opinion (as seen in its editorial of January 26, 1973) if the holding in the case did not involve such critically important issues. I find the decision a twofold moral and constitutional tragedy — encompassing an unwarranted disregard of both the life of the unborn and the proper exercise of the judicial role.

The Court has turned its back on the very existence of thousands of unborn children. The "right to privacy" (in reality, the convenience or whim of the mother) has been constitutionally elevated over the state's right to protect the lives of the unborn. I had always believed that the government of a civilized community must be dedicated to and affirm the all-important principle of life; that it owes a special protection to the most helpless members of society. The Court now tells me that I was wrong.

In a disconcerting exercise of judicial lawmaking, the Court has decided that, until the point of "viability," state solicitude for prenatal life is an interest insufficient to sustain even the most minimal anti-abortion legislation. And yet the preservation of life (or the "mere" potential of such life) seems to be the most compelling, most demanding state interest — the prime justification for the existence of society itself.

I find it incomprehensible that concern for an unborn infant can be weighed so slightly on any constitutional scale. The Court appears to have resurrected an application of raw judicial power that many thought had been laid to rest in New Deal times. Surely on a subject of such dispute the people of a state should at least be permitted the flexibility to evaluate alternatives in balancing the interests of mothers and unborn children. But the Court forecloses even this.

With regard to the fetus, the state may no longer choose life as an important value in society. It must remain silent in the face of almost unlimited abortion. But the legislature seems precisely the proper institution for weighing the highly relativist issues of the potential harm to the mo-

ther and the problem of the unwanted child against the tragedy of the extermination of the fetus.

I find this decision both outrageous and regrettable. It is entirely out of congruence with increased societal concern for the dignity and worth of human life and with valid principles of judicial restraint. It is a sad commentary on the hierarchy of values in our society itself. In addition, I take strong exception to the RECORD's flippant approach to the entire issue. A matter worthy of serious and thoughtful discussion deserves more than an offensively off-hand treatment. I would have expected greater restraint from a "serious" publication of the Harvard Law School.

Robert L. Tortoriello, 2L; Daniel J. Cheely, 2L; James T. Hitch, III, 2L; Charles E. Roybal, 2L; Hector E. Ramon, 2L; and X.L. Suarez, M.P.P.-J.D. candidate, join in this letter.

Ties that Bind

To the Editor:

I assume that the author of the December [1,] 1972 "Backbencher" column, on the subject of employment interviews and attire, is a student. As such, he may not really be a qualified expert on the activities of "most lawyers" as used in his sentence, "most lawyers don't very often meet people who don't wear ties." Most lawyers in my admittedly limited experience, covering only 21 years and being largely confined to the eight counties around and including New York City, with relatively infrequent trips to other parts of the country, indicates to me quite the opposite; it appears to me that lawyers deal with and meet regularly all kinds of people, some of whom routinely wear ties, some of whom routinely do not and some of whom have no routine but vacillate according to their own estimate of the individual situation.

I am delighted to hear that "most students feel a coat and tie are indispensable for interviews." This confirms the survival of a residuum of practical common sense. It is perfectly apparent that the interviewer is seeking a prospective employee who, in addition to his other qualifications, will make a good impression upon clients, since, except for those who live on the public tax monies, satisfying clients is an essential prerequisite to the continued practice of law.

Strangely enough, it is not only or even primarily the client wearing the tie who expects his doctor, his accountant and his lawyer to do so. The client in the open sport shirt or sweat-shirt quite frequently would be totally dissatisfied with a professional man who, while engaged in his professional activities, dressed in the same fashion. While the day is gradually passing when the professional has to maintain an artificial front even when not engaged in professional activities, the feeling that each mode of dress is suitable for a particular purpose, and that what is acceptable and proper garb while tinkering with a motorcycle is objectionable in either a law office or a court, still survives strongly — and at least as strongly among the untied as among the cravated.

Personally, I agree with this feeling of propriety, but the crucial point is that it exists. As a result, lawyers "on duty" ought normally to wear ties, and law firms have at least the right to require their personnel to do so. Hence, without regard to what constitutes appropriate dress for attending class which, after all, is an entirely separate subject, it would seem genuinely intelligent for a student seeking employment to demonstrate some minimal awareness of and ability to fit into the particular section of the world into which he is seeking admission.

Barry Golomb '51
New York

Law Notes

The following students have been elected officers of the Chicano Law Students Association for 1973: Anthony P. Marquez, 1L, Chairman; Paul D. Gutierrez, 1L, Vice Chairman; and Charles E. Roybal, 2L, Vice Chairman.

* * *

Professor Alan M. Dershowitz will debate Yale Law School Professor Alexander M. Bickel Thursday, February 8 on the advisability of the proposed new National Court of Appeals to ease the mounting caseload of the Supreme Court. The two will appear on "The Advocates" on WGBH-TV in Boston. Associate Dean Paul M. Bator will also participate in the program.

* * *

A meeting for 1Ls and 2Ls interested in the combined program in Law and Public Policy will be held at 3 p.m. today in Pound 102. Faculty members from the Kennedy School of Government and law students participating in the program will be present to describe the program and answer questions.

Antioch Law School to Attack Injustice -

(Continued from Page 9)

The class load is heavy; students attend 18 hours of classes per week, compared to fewer than 15 for first-year students elsewhere. But in addition to that burden, students have responsibilities at the teaching law firm, as the ULI is now known. For the first year, the students do client interviews, some fact investigation, and routine paper work; this requires at least several hours a week.

The role of the faculty at Antioch is two-faceted: every teaching faculty member also handles client cases at the teaching law firm, and supervises the clinical work of the students on those cases. This

'The faculty includes one Chicano, six blacks and three women.'

year they are handling relatively few cases because the students aren't able to participate in most aspects of the litigative process. But next year and thereafter, as the students are able to go into court themselves, the caseload will increase.

Currently there are 17 attorney/professors on the faculty including Thomas O'Toole, on leave from the deanship of Boston's Northeastern Law School. The faculty includes one Chicano, six blacks, and three women; director of curriculum development is Soia Mentschikoff of the University of Chicago Law School. Most of the teachers have experience in urban law and legal services work, and about one-third have prior law school teaching experience.

The curriculum for the second year is only being developed now, but is expected to include work in taxation, corporations, and Constitutional law, in addition to property and civil procedure. The students will also be placed in four-month internships throughout the year with Federal and District of Columbia governmental agencies; details have not been completed yet but cooperation from many agencies has been guaranteed. Because of this it is expected that perhaps only five new faculty members will be added next year to handle the increased student body.

Last year the school was recommended for accreditation by the North Central Association of Colleges and Secondary Schools, and the Cahns expect to receive full accreditation from the ABA by the coming summer.

The first half-year of operation has not been free from problems or tension; indeed, one member of the administrative staff described the atmosphere as "crisis-oriented." Some students were unhappy with the six-week orientation experience, feeling it

was not worth the expense in time. Holding classes in a church is also far from ideal.

But both students and staff seem content. Only two of 143 students have left school, and no one on the faculty or in the administration has left the operation in the past eight months despite having to work many nights and weekends. The Deans know the names of every member of the class on sight, and rapport between faculty and students is excellent.

Antioch's future is dependent more than anything else on its financial status; money is not easy to come by these days, especially with the Nixon Administration threatening to do away with many of the Kennedy-Johnson social programs of the 1960s. Dependence on OEO support is misplaced, if not foolish; the school must develop sources of income outside the Federal government if it is to survive. But the school's insistence on admitting many low-income students tends to diminish tuition as a source of income; too many students need financial aid. And it has no alumni to create an endowment.

One source of income outside the mainstream of financial support, which Antioch has not yet considered, lies in the other law schools in the nation. If every law school in the country were to donate one per cent of its current endowment to the Antioch Law School, an amount sufficient to insulate the school from current Federal cutbacks and to insure its survival through the difficult first years would be assured. This extraordinary action would go far to meet what Jean Cahn describes as the "institutional obligation to the legal system as a whole" which she maintains that all law schools must bear.

'Every teaching faculty member also handles client cases.'

It would also place the traditional law schools behind an experiment in legal education which it is in their best interest to support. Many people including law students seem to think that in the Antioch structure lies the future of the legal educational process in this country. Even Chief Justice Warren E. Burger has said, "The modern law school is not fulfilling its basic duty to provide society with people-oriented counselors and advocates to meet the expanding needs of our changing world. . . ." The traditional law schools will be left in a trail of academic dust if they fail to meet the same challenge which Antioch Law School seeks to overcome. Financial support for the Antioch experiment is one means by which the established law schools can begin to face that challenge.

WLA Seeks Hemenway Facilities

(Continued from Page 1)

money to make these changes is not in the department," he said.

Jamie Gorelick, 1L, one of the complainants who toured Hemenway with Bruce, maintained that the Athletic Department had been "just terrible, awful" in responding to the needs of women. "The only way anything will happen," she said, "is for the Law School itself to take a position." Gorelick said she had faced repeated opposition to change from the Athletic Department while she was a student at Radcliffe and once had to lobby for free football tickets for women. "They couldn't understand why women would want to attend the games," she noted.

The women's complaints center on the fact that while Hemenway is open to women who pay the regular \$20 special fee, it does not provide locker or shower facilities for them. "We were told to use the showers in Hastings Hall," adjacent to the gym, she explained.

The women argue that many more women would use the gym if proper facilities were available to them. "I almost didn't pay the fee," said Gorelick, "because I couldn't see myself running out in the cold after a squash match to use the shower." Gorelick predicts that at least 150 women from the Law and Graduate Schools would take advantage of the gym if showers and lockers were available. Most of the women would probably be interested in the squash courts, she said.

Two possible changes in Hemenway were mentioned by Bruce in an interview with the RECORD earlier this week. One would be the rearranging of some of the lockers now available to men and the partitioning off of a section of the existing showers. Another would be providing shower facilities in the basement of the gym. Bruce described the latter approach as the simplest and most realistic" but "quite expensive."

Gorelick noted that an additional possibility would be to reduce the size of the coach's office and use that space for women's lockers and showers.

Bruce felt that it was "better to get started with a fairly basic system that provides hot, decent showers and a private and warm locker room" and worry about refinements later. "We could see what the demand [for women's facilities] is," he said, before going further.

Bruce was quick to point out that the Law School had no direct control over the gym. "We always kept the athletic fee separate," he said, "choosing not to finance the program with tuition funds. As a result we gave up a certain amount of institutional leverage." He did note that he had a good personal relationship with the Athletic Department and expected a positive response to his suggestions.

Law School Show Led by Hand In a Parody of 'Divine Comedy'

(Continued from Page 5)

Harvard University Glee Club in 1967.

Budnick's experience as a director includes the recently concluded production of *Lenny* at Dunster House, a production hailed by Boston papers as one of the finest of the year. He also originated and ran the Harvard Cabaret at Currier House.

Rubin appeared in a number of student productions while at the University of Rochester, and was in the cast of last year's Law

School show. Holland appeared in four student productions at the University of Michigan, including a principal role in *Can-Can*. Nicely was the producer of last year's Law School show.

Meaders said he was pleased with the greater participation of law students, but attributed the relatively low turnout for men to the fact that "the men law students in this Law School are just uptight in general." He added that the higher turnout of women suggests that they are less inhibited.

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However, a 50 percent tax on earnings annually plus 4 percent inflation annually would wipe all gains out.

This is what happens to the trader. In fact he loses even more because of the transaction costs of trading.

The long term investor who never sells does better. After subtracting 4 percent inflation from 8 percent, his investment of \$1.00 is worth \$4.80 after 40 years. If he then pays a 50 percent tax on the \$3.80 gain, he has \$1.00 + 1.90 left. His value growth has been 2.7 percent per year.

That is not enough to encourage investment instead of current consumption, particularly when a 40 year wait is involved.

Savers in savings banks are treated worst of all. Laws usually limit interest to 6 percent or less. With 4 percent inflation, that becomes 2 percent maximum. However, the return because of inflation is taxed. If his tax bracket is above 33.33 percent, he actually loses by saving.

The improvement of our standard of living will require large investment. Financing the additional fuel needed to reduce automobile pollution will cost billions alone. Someone must be induced to save money now instead of spending it now. Otherwise there is no way to create the added capital required.

Corporate income taxes are a direct withdrawal of capital whether or not the shareholder is ever able to receive any actual return.

Personal income taxes discourage saving instead of spending.

Banking laws discourage adequate interest rates to offset both inflation and taxes and still justify deferred consumption.

As matters stand, it is lack of capital formation and reinvestment that is responsible for the U.S. and the U.K. having the most sluggish growth in productivity in the civilized world.

The individual can do little to improve the tax laws. As an individual, he must save and save a substantial portion of total income. Otherwise a substantial drop in standard of living is unavoidable as retirement nears.

This means that the only prudent course is to buy and never sell until forced to. Investments that are unchanged for a working lifetime are the only ones that have much statistical chance of increasing in real value at all.

Real estate and non-dividend paying investments that you never sell are the preferred choice for a comfortable old age on your own earnings, if you can save enough.

Bruce D. Henderson, *President*

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The Bawdy Reign of E. J. Schoen

By Robert G. Flanders

THE BAWDY REIGN OF POWER POLITICS, by Edgar J. Schoen, Exposition Press, New York; copyright 1972. \$10.00.

Sir Francis Bacon once wrote: "Some books are to be tasted, others to be swallowed, and some few to be chewed and digested." *The Bawdy Reign of Power Politics* is to be *smelled*, preferably from a distance, and then only as an emetic. This is quite possibly the worst book I have ever read; at least my memory runneth not to the contrary. Indeed, it may well be the worst book that was *ever* written, as much as that may seem to overstate its unparalleled ineptitude.

I am still not wholly convinced that this book is not the handiwork of the *Harvard Lampoon*. But even if it is, its camp is so farfetched, or else so well done, as to have passed entirely over my head. No, I must assume that Edgar J. Schoen, an inchoate octogenarian and Harvard Law graduate, is indeed the author; that he did, in fact, recently receive his J.D. from Harvard (or so the cover tells us; inside we find out that he was an LL.B. all along); and that he has been a practicing lawyer in Chicago for the greater part of his life.

One could simply classify this book as eminently nonreviewable, as the most banal compendium of trivia, trifles, and tripe ever assembled, yet even that description fails to account for the ambit of its inanition. The reader is constantly finding himself returning to the blurbs on the cover (1) to recall what the hell this is supposed to be about and (2) to recheck for clues that this whole thing is really a shameless spoof after all. Ostensibly, one learns from the jacket that *The Bawdy Reign Of Power Politics* is a "probing commentary on the

abuse of power — the great impediment to social justice." First of all, the only thing bawdy about the book is the author's obscene adherence to an overweening style, an almost inhuman didacticism which persists from an unbelievable preface ("One of my good friends once stated that it is my misfortune to have a mind which takes in the human and social picture with the sharpness of a camera lens, every flaw and imperfection noted") to an appendix of (yes folks, it's all here) genealogical tables from the

a 'banal compendium of trivia, trifles, and tripe'

Bible! Even the index is a side-show in itself, being blessed with such entries as "life, the concrete in — 91" and "waste and friction — 165, 166, 184."

Hardly a sentence passes without the author revitalizing old saws with still older platitudes: "As a pragmatist, my inclination is toward pessimism; as an idealist, toward optimism. My attitude may be best described as either pessimistic optimism or optimistic pessimism. Picture, if you will, a person who frowns

and smiles simultaneously." After retching through a hundred pages of this, the reader feels as if he is primed to enter a girning contest.

Besides railing at Commies, yippies who lead our youth astray (e.g. Abbot [sic] Hoffman), and a permissive society, Schoen trots out every book he has ever misread to support his flagging vagaries about what is wrong with the world. His final solution, spelled out in less detail in the book, is a two-pronged attack on the abuse of power: (1) re-establish a strong belief in God, and (2) maintain a good family life.

While some may be inclined to suggest that this is less than a panacea, far be it from Mr. Schoen to hold his ideas uncritically aloof. The last part of the book is devoted to the repartee between Schoen and a couple of his friends, one of whom tells him his book is a "morass of confusion," while the other deplors his "scholarly pretensions."

On second thought, this is the funniest book I have ever read. Buy it. Go put it on your bookshelf next to *The Elements of Style*. It just might change your life.

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Slaughter House Five Wins, Leads E League

After last week's games, the E league has a clear leader in Slaughter House Five. Led by Bill Bristow, Russ Robinson, and Dick Meserve, they massacred the Big Ten by a score of 49-24, improving their record to 5-0. A big upset was engineered by the Herd, who ran over previously unbeaten Juggernaut 37-24. The C league also has a leader in Ducksoup; they defeated the powerful Turkeywimps 48-34.

In the B league, the Upstarts edged One Buffalo Won 50-48, remaining undefeated, along with the other league leader Little Big Men who did not play last week.

The two teams may stay unbeaten until they face each other on the last week of play, March 5-9. Two teams in the A league also have perfect records (Jackson Five and Thundering Herd); they are scheduled to meet in the last game of the season. But Thundering Herd meets once-beaten defending champion Mashup County Maulers this week, while Jackson Five also has a tough foe in the Three-Fifths.

In D league play, only Red Tide

remains undefeated, as The Team was outclassed by F**k-Ups by a score of 45-15.

In the Special league, Short Stuff (Jim Freedman, Bill Dunn, Don Berens, Jerry Healy, Marty Wasser, John Felter) took over second place by defeating Beeber's Friends 45-24.

A LEAGUE

Jackson Five
Thundering Herd
Mashup
Three-Fifths
Divinity Saints
Grovinators
Sons of Ham
Gargoyles

B LEAGUE

Upstarts
Little Big Men
Court Gestures
Exhumators
Nunc Pro Tunc
One Buffalo Won
Cert. Denied
Don't Fight the Feeling
Frankfurters
Roaches

C LEAGUE

Ducksoup
Justus Blacks
Bureaucrats
Turkey Wimps

Void Nullities 2-1
Groundhogs 2-2
Standard Deviations 1-1
Irv Cohen 1-2
Recycled Containers 0-3
Strict Liabilities 0-3

D LEAGUE

Red Tide 2-0
Running Dogs 3-1
F**k-Ups 2-1
Most Foul 2-1
The Team 2-1
Associates 1-2
A-Masers 1-2
Beneath Elligibility 1-2
MCZ-Child 1-3
Pedis Possessio 0-2

E LEAGUE

Slaughter House 5 5-0
Juggernaut 4-1
Herd 3-1
Purple Urp 3-1
Stop Agnew Now 3-1
Trashers 2-2
Folatio Alger's 2-2
Big Ten 1-2
Civil Pros 1-3
Ft. Wayne Kekiongas 0-3
Crimson Swine 0-4
Beleaguered E-leaguers 0-4

SPECIAL LEAGUE

Ecumenical Movement 4-0
Short Stuff 2-2
Beebers Friends 1-3
Shrimps 1-3

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