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HLS Applicants Total 6,600; 1,100 Women Seek Admission

By Gary L. Rubin

Both women and men have applied in record numbers for admission to the Law School's entering class of 1976.

According to Russell A. Simpson, Assistant Dean and Director of Admissions, an unprecedented 6,600 applications have reached the Law School Admissions Committee. Approximately 1,100 applicants, or 17 per cent, are women.

"By statistical, subjective, and every other measure, the top 2,000 applicants seem to get better every year," Simpson said. This year's 540 1Ls were chosen from over 6,400 applicants, and the 2L class was culled from a similar number of competitors. The median LSAT score for entering students has settled at well over 700.

Simpson reported that of the 634 students offered admission so far this year, 114 were female applicants. Approximately 1,650 applicants are still competing for the 160 letters of acceptance which remain to be sent.

The Admissions Committee regularly admits almost 800 applicants, in the expectation that 250 to 260 will attend law school elsewhere or choose other pursuits. It is anticipated that the class of 1976 will take final shape by mid-May.

Simpson declined to announce the number of black and Chicano students who have applied or been admitted, stating that minority applications are generally

left for the end of the reviewing process because many of them are among the last received. Last year's minority group applicants totaled 15 per cent, and approximately 15 per cent of them were admitted.

Women are also admitted in proportion to the number who apply, Simpson said, because "to use different standards for women than we use for men would make second-class citizens out of those we do accept." The number of women applicants is now more than twice the number who applied in 1970.

The experimental deferred ad-
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OEO Continues Ed Center With Indefinite Funds

By Mark C. Rutzick

The saga of the imperiled Harvard Center on Law and Education entered a new stage last week with the announcement by the Office of Economic Opportunity that it would continue funding of the Center indefinitely rather than renewing the 30-day grant under which it functioned last month.

The announcement came in a telegram to Harvard University President Derek C. Bok. The statement read, "OEO will continue funding all backup centers at least through such time that

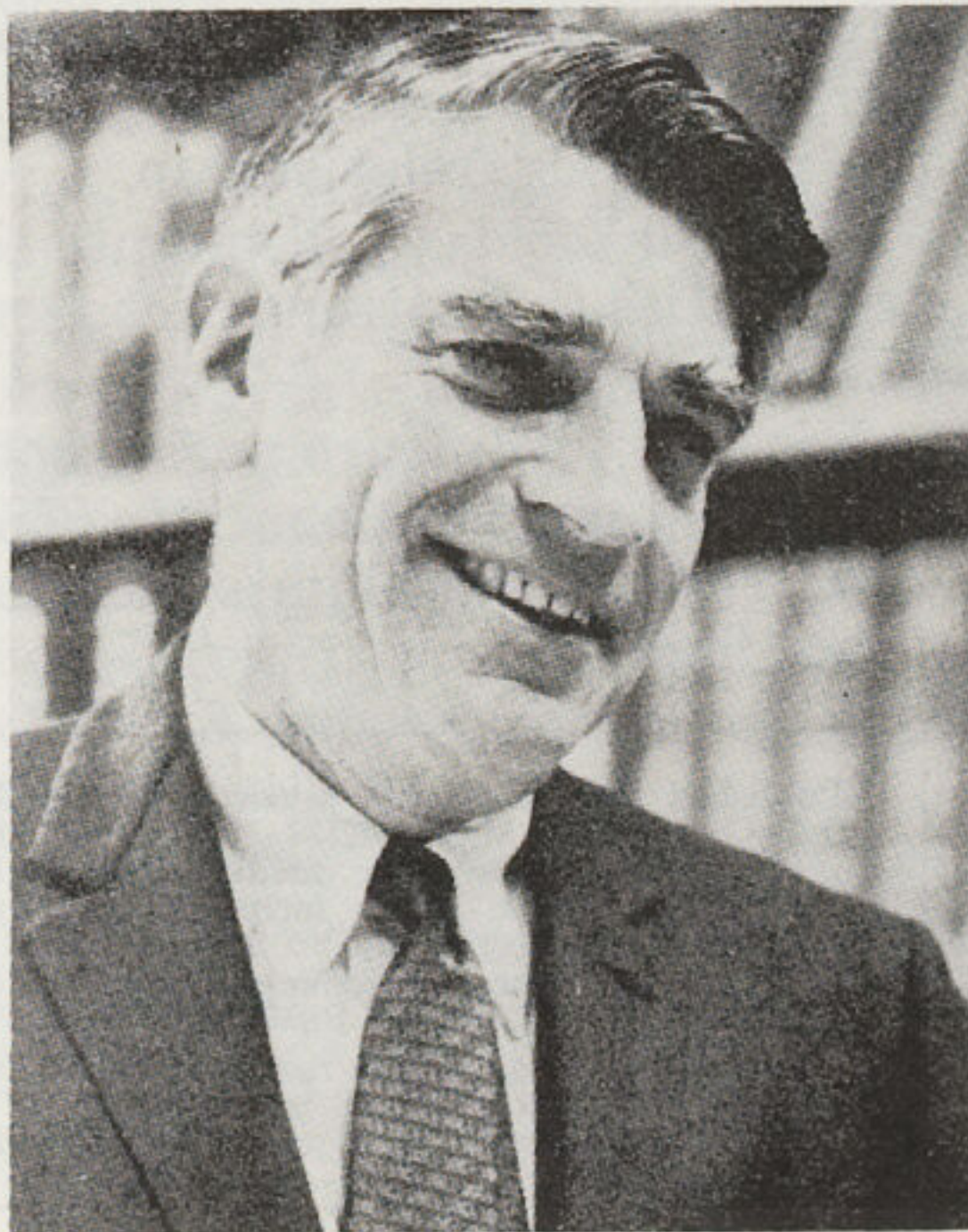
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Shareholder Responsibility Group Votes For Corporate Disclosure

By Daniel M. Taubman

Harvard University last week voted its \$10 million worth of shares in the Caterpillar Tractor Company against management and in favor of a resolution calling for disclosure of information about the company's operations in South Africa. The unprecedented Harvard position was taken by a 3-1 vote of a University subcommittee charged with voting the university's Caterpillar stock, and was announced Wednesday at the company's annual shareholder meeting.

The vote followed on the heels of a recommendation in favor of disclosure by the university-wide
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Professor Stanley S. Surrey

Ed Center Receives New OEO Funding Grant

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the Agency [OEO] can take final action on backup centers generally."

The announcement represents a shift in policy by OEO, which previously had been considering the future of each of the 10 backup centers separately. The centers, which are located throughout the country, had funding grants which expired at different dates throughout this spring, and many have not yet ended. The Harvard Center's grant, which ended March 1, was the first to run out. Since then it has operated on emergency short-term funding.

The impact of the OEO announcement can not be immediately determined, because its final decision on the fate of the 10 centers could come at any time. But Center Director Marion Wright Edelman told the RECORD that she is "pretty confident" that funding will continue at least until July 1. "I'm a lot more confident than last month. The current situation is much better than being on 30-day funding," she added.

Edelman also said she was hopeful that the Center's grant would continue until such time as a legal services corporation was formed, and that it would be able to continue as part of the new organization. But she said she would not speculate about whether this would in fact occur. The Nixon Administration has

proposed such a corporation, but conflict over its form has held up passage in Congress.

Edelman was unable to explain the reason for the OEO decision, but she noted that she had enlisted the aid of many members of Congress in the lobbying effort to save the Center. "We got a lot of help from everyone we knew on the Hill. I hope that helped." She declined to name those who contributed to the effort, in order to "keep relationships open." Edelman is a long-time political figure in Washington, and her husband Peter Edelman was an aide to Robert Kennedy.

Dean Albert M. Sacks also expressed uncertainty about the future of the Center, adding that he "would not speculate" about whether the Center would even last until July 1.

Sacks noted, however, that the problem of the Center's continu-

ing existence was only a small part of the question of the future of the entire OEO Legal Services program. "The major question is what form continuation of legal services should take. The future of the Center is only part of that, even though it may seem more important to the Law School because of its association here."

The Dean also doubted that any alternative source of funds would be available to the Center if its OEO grant were terminated. He termed the likelihood of a foundation grant "highly unlikely", noting that a foundation would be more likely to create its own organization rather than pick up an existing one, especially one which is "tied in" with a government program, OEO Legal Services.

The backup centers work on law reform litigation and research on behalf of Legal Services offices around the country.

Ex-Astronaut Mitchell to Speak

Dr. Edgar Mitchell, sixth man to walk on the moon and a pioneer researcher in psychic and extrasensory phenomena, will speak at 8 p.m. tonight at a Law School Forum in the Ames Courtroom.

The former Apollo 14 astronaut has set up a corporation to perform and sponsor scientific research into parapsychology, parapsysics, transpersonal psychology, and other areas dealing with the mind-body relationship.

Mitchell holds a doctorate in aeronautics and astronautics from M.I.T.

His talk will encompass both his recent explorations into ESP and related highlights of his space flight.



Ex-Astronaut Edgar Mitchell

Overseers to Visit

The Subcommittee on Student Concerns of the Harvard Board of Overseers Committee to Visit the Law School will be meeting at the Law School Friday, April 27, at 2:15 p.m. (place to be posted at Dean Stephen M. Bernardi's office). The subcommittee welcomes attendance and expression of views by any student on any subject of student concern.

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War Challenge Motion Denied By Wyzanski

Professor Vern Countryman's arguments on the illegality of the Vietnam war were rejected by Senior U.S. District Judge Charles E. Wyzanski '30 in Boston March 26. However, had the hearing been held in Washington, D.C., Countryman would have prevailed, according to Wyzanski's ruling on the war in a recent D.C. Circuit Court of Appeals case in which he sat.

This bizarre result came about in the draft violation prosecutions of William M. Sweet and Charles S. Gibson, Jr., because of First Circuit Court of Appeals rulings that repeal of the Tonkin Gulf resolution in 1971 does not affect the draft.

The argument presented by Countryman and co-counsel Michael B. Keating '65 challenged prosecution for alleged violation of the selective service act on the grounds that the war was "not authorized by Congress" and conducted in violation of the international law of war. The 15th floor courtroom in Boston was filled with a number of interested spectators as Countryman rose to present his arguments to Judge Wyzanski.

Interest was heightened by the fact that the week before, sitting with Chief Judge David I. Bazelon in the District of Columbia Circuit Court of Appeals, Wyzanski had ruled for a three-judge panel that continuation of the Vietnam war after repeal of the Gulf of Tonkin resolution was not authorized by Congress. That ruling, in response to a suit by several legislators, was limited by a finding that the desired relief could not be granted because of the "political question" issue.

Sitting in his own court, however, Wyzanski differentiated between affirmative suits against the government's prosecution of the war and attempts by the government to use the judiciary to

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Alcala Seeks Coop Seat, Complete Farah Boycott

By Daniel M. Taubman

In an effort to convince the Harvard Cooperative Society to stop selling Farah slacks and support a nationwide consumer boycott of the company's products, Carlos M. Alcala, 3L is seeking to become a candidate for non-student director of the store, and to organize other Chicano students to become candidates for student directors.

Alcala is acting as chairman of the Farah Boycott Committee of MECHA (Movimiento Estudiantil Chicano de Aztlan), a Boston area organization of some 200 Chicano college students.

He is also planning to organize students to picket outside the Coop, and poor non-student Chicanos to stage a prayer vigil at the home of Law School Professor Louis Loss, Vice President and General Counsel of the Coop.

The controversy stems from a decision by the Coop's board of directors two months ago to continue selling Farah slacks, despite a nationwide boycott organized by employees who seek to be represented by the Amalgamated Clothing Workers Union. The board of directors' decision followed meetings with representatives of labor and Farah management. National, state, and local union officials, along with Alcala and two other students, first met for over three hours with about six of the Coop's 23 directors, Coop General Manager Howard W. Davis explained. Then, at Coop expense, representatives from Farah's headquarters in El Paso, Texas came to Cambridge to address another meeting of Coop directors. According to Davis, both groups "made a very strong, effective representation of their case."

Following these two meetings, the Coop board of directors voted unanimously to continue selling Farah men's pants.

According to Davis, the direc-

tors' decision was based on two factors: (1) the Coop had made a concession to the boycott about nine months ago by agreeing not to advertise Farah slacks or display them in their windows, even though Farah is the Coop's principal supplier of men's slacks; and (2) a feeling that the dispute should be settled by the National Labor Relations Board.

The NLRB found Farah guilty of certain unfair labor practices last week.

Loss, who is also a director of the Coop, agreed that the Coop directors felt that the controversy is essentially a labor dispute, but insisted that the Coop is not antilabor.

Alcala, who is from El Paso, disagreed with Loss' assessment of the dispute. "For Harvard to close its eyes and say this is purely a labor dispute is racist," he charged. "They're not going to suffer if they sell other pants."

Loss responded that the directors felt there was no racial controversy. "If we had evidence this was a racist thing, we might have decided differently," he speculated.

Loss noted that the directors based their belief in part on information that Farah employs

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Chicanos To Picket A&P

Members of the Chicano Law Students Association plan to picket the A & P supermarket at the corner of Massachusetts Avenue and Linnaean Street today and tomorrow to protest the store's alleged merchandising of lettuce not handled by the United Farm Workers. They plan to picket today from 4 to 8 p.m. and tomorrow between 10 a.m. and 4 p.m. A spokesman for the group urged other law students to support the boycott and join the group in picketing.

Dershowitz Views Criminal Law Practice

By Paul Weiner

The student who decides to practice criminal law will face two major challenges and, says Professor Alan M. Dershowitz, "the Law School disprepares you for both."

In an informal meeting March 28, sponsored by the Board of Student Advisers, Dershowitz warned students of these two great stumbling blocks: "the enormous frustration of trying to practice criminal law in the United States in 1973" and "the enormous ethical problems you then face."

"Statistically," Dershowitz continued, "there are no innocent clients." The aspiring criminal lawyer must therefore reconcile himself to a lifework of defending the guilty.

"There will be no problem for a person of your talent in getting involved in representing organized crime," he added. "They'll be knocking at your door."

On the other hand, "it's very easy to have a very interesting law practice representing indigents. They only lack one thing—money." Dershowitz noted that despite seemingly generous compensation scales for lawyers under the state or federal criminal justice acts, "you can earn around \$7500 a year."

A third sort of practice is defending those accused of white collar crimes. "There are six or seven firms in New York that are trying to get by representing people who are indicted every day for income tax evasion, securities fraud, and similar offenses." But, he added, in 45 years of such a practice you will never see an innocent defendant. However, "representing guilty people is just as satisfying as representing innocent people—it's not as emotionally wearing."

Dershowitz recommended that those interested in criminal law take as a first job a "stepping stone" position in a prosecutor's office, with the Justice Department or United States Attorney's

office providing "perhaps the best experience." Work in a prosecutor's office, besides providing a good background in legal skills, can give a young graduate an inordinate amount of power. A prosecutor who becomes a defense counsel enjoys a reputation for

credibility with judges ("this guy must be honest just as all prosecutors are honest") and entree to his former office for negotiation and plea bargaining. "Most of the first rate criminal lawyers come from prosecutors' offices."

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Bellow Relates History of Legal Aid

By Frank V. Calaba

Approximately 100 students gathered in the Elihu Root room two weeks ago to hear Professor Gary Bellow discuss the shortcomings of legal services for the poor in the United States, in his talk, *Legal Aid: Modern and Historical Perspectives*.

Bellow attributed these inadequacies to the failure of liberals to analyze the nature of poverty and to the inadequacy of the law school curriculum in preparing a lawyer for defense of the poor. He also maintained that there has been a tendency by legal aid lawyers to dehumanize their clients so that they became objects like "the stolen car case" or "the consumer fraud case."

Bellow compared American legal aid with its Western European counterpart. He noted that legal aid in Western Europe developed in three stages.

First, legal aid was treated as charity. "Up to the French Revolution any assistance was to aid the poor as a route to salvation and was not talked about in political terms," he said.

The second stage occurred during the French Revolution and the Industrial Revolution and only lasted about 60 years. During this stage an obligation was imposed upon the Austrian, German and French bars to provide legal representation free of charge in certain cases. By the 20th century, Bellow noted, those countries had adopted a new approach: the obligation to provide access to the legal system was to

be paid for by the state. This was the beginning of the third stage.

Bellow then compared this development to the legal aid system in the United States. In American criminal cases the indigent now have a right to counsel. "Thus in the U.S." Bellow said, "you essentially have the 19th century notion of legal aid."

Bellow said that legal aid in the U.S. got its biggest push when the American Bar Association became scared that legal services would become socialized. The ABA was aware that the American Medical Association had lost credibility and lobbying support by fighting Medicare. "The ABA took the view if we can't stop it, let's control it," Bellow added.

In 1964 when the Office of Economic Opportunity set aside \$19 million for a legal services program it was not conceived as a way of providing equal access like the European notion, but rather a method for alleviating poverty. Bellow said "you were not dealing with an idea whose time had come but rather a combination of circumstances—few had time to develop any perspective."

He indicated that a good legal aid program should develop slowly so that the lawyers can be properly trained. He said it should be essentially a delivery of legal services to the poor and a tool for political organizing. Finally, he added, it should build a constituency, which is necessary for its long term survival.

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Indian 1L Hits AIM Militants

By David J. Cocke

One of three Indian law students who returned to HLS from the Pine Ridge Reservation in South Dakota last week said Tuesday that the takeover of Wounded Knee by leaders of the American Indian Movement (AIM) had caused "tremendous disruption" on the reservation and had "undermined" the tribal structure of the Oglala Sioux.

David C. Harrison, 1L, in an interview with the RECORD, spoke of the trip by the three Harvard students, which was designed to provide legal support for the tribal unit, plagued with problems since the takeover six weeks ago. The students had gone to Pine Ridge at the request of Oglala Sioux Tribal Chief Richard Wilson.

"The leaders [of the takeover] parade around in their beads and feathers saying 'We're the real Indians in the country,'" remarked Harrison "But in calling for civil rights investigations and audits they are saying 'We want white man's law on the reservation.' I don't think they have thought this through."

Harrison and other members of the Harvard Intertribal Council, which is composed of about 25-30 students from the Harvard community, have been highly critical of the AIM takeover. Their primary concern is that the incident grew out of an internal tribal dispute and threatens tribal autonomy. "They have precious

little support in the Indian community," said Harrison. "Most of their support has come from outside the reservation," he explained, "from such white, liberal groups as the National Council of Churches."

The first-year law student contended that the "fantastic support from the non-Indian community" for AIM's efforts has occurred because the Wounded Knee occupants had "launched a faddish

'Tribal sovereignty itself is threatened.'

thing. They used the right words: 'oppression', 'racism' and 'poverty', and when they run through a list of social problems among Indians, no one can disagree with them."

"The only reason the leaders of AIM are there [at Wounded Knee] is because none of them can get along with his own tribe. Russell Means is the only leader who is an Oglala Sioux and he never lived on the Pine Ridge Reservation," said Harrison. "It wouldn't be so bad if any of them had ever done anything constructive for their own tribes."

Harrison explained that the takeover had been precipitated by dissidents in the Oglala Sioux Tribe who had failed to bring about an impeachment of Chief Wilson. When that move failed (by a 14-0 council vote), the losing faction chose to dramatize its activities at Wounded Knee. It was at this point that the AIM leaders joined the dispute, and built up the issue as a national protest of Indian living conditions, he maintained.

The takeover has caused serious disruption on the reservation, said Harrison. Among other things a 387-unit housing construction project, sponsored and supervised by the tribe, has been postponed indefinitely during the dispute, with losses expected to be about \$60,000-\$70,000 "just in

interest." Nine days of school were lost at each of the Reservation's eight schools, and "65 families at Wounded Knee were thrown out of their homes." The young Harvard student estimated the losses to the tribe at over one quarter of a million dollars.

Harrison said that many of the tribe's members were bitter over the handling of the affair by federal marshals. "No one wanted the renegades shot, but they were disturbed that the government had turned its back on the problems that the takeover had caused the Reservation." For a while, he said, the government even offered to provide food to the occupants of Wounded Knee, "but they made no similar offer to the 65 families who had been evicted. They had to depend on the Red Cross."

Before leaving Pine Ridge, Harrison and the other two HLS students, James Y. Henderson, 2L and Russel Y. Barsh, 2L, assisted the tribe in preparing possible suits against AIM and the federal government. Meanwhile, the tribal leaders are waiting for the outcome of Congressional committee hearings on the takeover.

Harrison is afraid the affair will have more than monetary effects. "With these kinds of disruptions and with people claiming that tribal government is corrupt, tribal sovereignty itself is threatened."

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Kennedy Examines Legal Ed

By Kermit Kubitz

Duncan M. Kennedy's description of his own legal education to a large group of students in the Root Room on March 22 was a veritable Pilgrim's Progress from Yale to the New York law firm of Debevoise, Plimpton to his present status of Assistant Professor at the Harvard Law School.

Kennedy, who described his legal education as "a very classic type", said he had not intended to teach law during his law school days. Instead, he found himself critical of "the extreme self-congratulatory atmosphere of the Yale Law School."

His problems with Yale began with the basic courses. "They neither taught me what I wanted to do nor offered any particular intellectual stimulation."

Kennedy's years at Yale were during the peak of political activity on American campuses. He graduated from Harvard College in 1964 and entered Yale Law School in 1967. Of 170 entering students, only 120 survived the decimation of the Vietnam era draft to graduate on time.

His methods of study would sound familiar to any student at the Law School. Reading material, typically, "went in one eye and out the other eye. I would write down the questions [in class] — I couldn't bring myself to do the reading." But the reading period before exams "was an enormously stimulating week with the casebook and those questions."

His overall judgment of the law school experience is tinged with a lack of patience. "A lot less was being taught than was held out, and it could have been learned a lot faster."

Kennedy did not allow his dissatisfaction to mar his performance. "I had quite accepted the static nature of the institution, scoring points off it, having a good time, and sandbagging it."

It was not until he entered the practice of corporate law that he

decided that he didn't want to practice. At Debevoise, Plimpton, Lyons & Gates the new attorney found that he lacked "the feeling of intense affiliation that my friends felt for the senior partners who were introducing them to the life of the law . . . they obviously felt that life was beginning in a very serious way."

Following his disenchantment with Manhattan, he became a law clerk to Justice Potter Stewart, with the clear intention of applying for a teaching job. The recruiting process for clerks began early in the term of the Court. Kennedy himself was hired by December.

His primary revelation upon entering the teaching of law was discovering "the extent to which one has to deal with students' quite disparate concepts of what they want." These include demands for clarity, black letter law, entertainment, and the demand that the professor be "an effective symbol of students who

are disillusioned with the law school in various ways."

Kennedy also felt that there was a segment of the student population which desired that he not participate in the sacrifice to the "great boring liberal beast in the student." These students, Kennedy said, did not want to have classes become merely "celebrant of the dominant ethos . . . kneejerk liberalism."

In the face of these conflicting demands the newly-minted *Contracts* instructor had to decide where to aim his classes between the most abstract and least abstract of legal doctrines. This continuum of abstractions, as described by Kennedy, represents a continuing tension in the history of legal education.

One result of this tension has been the clinical legal education program, which Kennedy saw not as representing only one branch of the spectrum, but a multiplicity of ideological strains. This
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Law School Holds Pre-Registration, Times Popular Courses to Conflict

First- and second-year students began pre-registering this week for courses for 1973-74. They were aided by the Preliminary Registration Bulletin and a special issue of the *HLS Adviser*, which included a warning to students to check in yesterday's *HLS Adviser* for last-minute schedule changes and corrections.

Students must submit their pre-registration material by next Friday, April 20.

Registrar Mary D. Upton announced Monday that Lecturer Lewis D. Sargentich will teach *Advanced Civil Procedure* next spring. The course will meet Thursday and Friday from 12 to 1:30 p.m.

Upton also explained that some courses that have traditionally

been oversubscribed have been scheduled at the same time. This has been done to minimize the number of oversubscribed courses and the subsequent cuts that will have to be made.

The traditionally oversubscribed courses that have been scheduled at the same time are: *Evidence A3*, Professor Laurence H. Tribe, and *Corporations*, Professor Louis Loss; and *Taxation*, Professor William D. Andrews, and *Antitrust*, Professor Phillip E. Areeda.

"These are the only conscious conflicts," Upton pointed out. "We're not doing this to be nasty or mean," she stressed.

She added that nobody would be precluded from any subject matter by this manner of scheduling.

War Challenge Motion Denied By Wyzanski

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enforce its mechanisms for continuing the conflict. In the latter case, Wyzanski commented, the raising of the "political question" by the government may foreclose its right to prosecute alleged violations.

"It is an elemental principle of justice in a constitutional government," Wyzanski said, "that before a court can convict or criminally punish a defendant, he must have the opportunity fully and fairly to be heard on any constitutional challenge of the law as the court proposes to apply it to him."

While Countryman's original stance had been that the Tonkin Resolution in itself did not authorize the Vietnam war, eventually he accepted Wyzanski's interpretation that its repeal ended whatever authority might have been provided. Wyzanski distinguished between the power to initiate and the power to continue such a conflict, suggesting that the first might not require Congressional approval.

Professor Countryman argued for an hour before turning over the final point of the case to Mr. Keating. Keating contended that inability to consider the constitutional defenses presented should prevent the government from prosecuting the defendants. U.S. Attorney Robert B. Collings presented the government's argument that the selective service law was legally enacted and enforced.

After rendering his decision that he was bound by the First Circuit's interpretation of the Tonkin Gulf resolution repeal, Wyzanski disqualified himself from further involvement in the case.

3L Vies With District Leader For Seat on NY City Council

By Daniel M. Taubman

Third-year law student Daniel L. Feldman is not wasting any time getting his political feet wet. While completing his last semester at the Law School, he has been campaigning in his Queens, New York home for the position of New York City Councilman.

Feldman is challenging five-year incumbent Democratic councilman Walter Ward in the June 4 primary. New York City voters will also select party candidates for the mayoralty race on that date.

Although he has been endorsed by the reformist New Democratic Coalition, Feldman concedes that he is still regarded as an underdog. He is confident that he will marshal enough support by primary day to garner the 10,000-12,000 votes he thinks are necessary to win.

Speaking from his Belle Harbor, Queens home Monday, Feldman described incumbent Ward as a "very regular Democrat" who is part of Queens County Democratic leader Mathew Troy's machine. "He's quite wealthy, he's 63, and he owns a billboard company," the 1970 Columbia University graduate explained.

Since he began campaigning several months ago, Feldman has been able to raise more than \$2000. About half of that total was contributed in small amounts by some 50 friends at the Law School, he said.

Though Feldman says he ex-

pects to spend a minimum of \$3,000, he regards this as "an extremely low budget campaign."

According to Feldman, the major issues affecting the voters in his southern Queens district are deterioration of the neighborhood, flooding sewers, airplane noise, and restructuring city government.

"We've never had adequate storm sewers here. It doesn't sound so important to outsiders, but it's important to us," he says.

Feldman and Ward, who is a 20-year district leader, are the only candidates in the June primary for the four-year, \$20,000 a year post. Since the district is heavily Democratic, the primary winner is expected to win easily in the November election.

Feldman has worked extensively in political campaigns for Democratic Brooklyn Congresswoman Elizabeth Holtzman '65 and former Democratic Congressman Allard Lowenstein. In 1969-70, Feldman worked as an Alfred P. Sloan Foundation New York City Urban Fellow and before that was an intern in the Urban Corps.

"It's a very heavy burden to run the campaign and keep up with my law school work," Feldman explains. "It's a difficult commute."

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Diane Lund: Trusts, Admissions, and

By Paul Weiner

Assistant Professor Diane T. Lund, a native of Los Angeles, majored in English at Stanford. "I had thought that I was going to be a great American writer—which I perceived was not going to be the case. . . . There weren't many other things one could do that sounded very interesting so I decided I'd go to law school."

Lund went through Harvard Law School as a member of the class of 1961. "I enjoyed Cambridge—I'd never been east before." At the Law School, she was a member of the Board of Student Advisers for her second year, and along with other students helped Professor John McNaughton rewrite *Wigmore on Evidence* her third year. "I developed a great love and affection for the Boston Red Sox and Patriots' Day and that sort of thing."

"I had a nice group of friends I developed in the first year *Property* class—we all sat in the back. . . . Professor Leach still had his Ladies' Days then. I've blacked it out—I cannot remember Ladies' Day at all."

Lund met her husband, H. Erik Lund, at the Law School—a member of the same class, he is now a trial lawyer in Boston. They married after the second year.

In her third year, after the first round of interviews, Lund discovered that she was pregnant. She at first thought that that would put an end to her immediate career plans, but one Boston firm—Herrick, Smith, Donald, Farley & Ketchum—asked her to consider some arrangement that would allow her to go on with her professional plans.

Lund worked full time for Herrick, Smith for one year, then about two days a week for seven more years. "That had a lot of disadvantages as well as advantages. It allowed me to raise children and keep my hand in as a practitioner." But the part-time schedule allowed "no trial work—nothing that required me to stay late at night." Lund did "tax work, estate planning work, some general kinds of problems . . . but I missed out on a lot of immediate lawyering activities. . . . I could see the other people I was working with and my husband getting ahead as far as skill levels went—I never caught up. If I were doing it again I might wait to have children until I was finished with my apprenticeship."

After eight years with Herrick, Smith "I decided I didn't want to spend the rest of my life engaged in that particular kind of law practice." She then began to work for the Massachusetts Law Reform Institute. It was an "exciting time—they were just beginning to investigate various aspects of

trial courts in Massachusetts." Besides working on bail reform with the Lawyers' Committee on Civil Rights under Law, Lund met Boston feminist Regina Healy, who got her interested in women's rights, "particularly the rights of poor women." Lund felt that the Institute allowed her an unusual opportunity to see "a great deal of how laws are implemented by agencies within the state."

After two years with the Institute, "I got recruited by a number of friends to apply to teach law at Northeastern." That school, despite an approximately 40 per cent female student body, "had one woman teaching one course on a part-time basis, but no women as full-fledged members of the faculty. So the time was propitious for me to appear."

In November 1971, Northeastern decided to hire Lund as an assistant professor. "I made a very rapid transition from Mass. Law Reform to teaching the second half of a gratuitous transfers course." Lund also taught women's law and Constitutional law at Northeastern. Last fall, she came to Harvard, where she teaches *Trusts and Women and the Law*.

Lund notes that it is unusual for a faculty member here to have decided to teach only after 10 years of practice. "That's as distinct a difference between me and other members of the faculty as sex is."

Lund, who is a member of the Admissions Committee, believes that Northeastern has a much higher proportion of women than Harvard because "it holds itself out as providing a quite different kind of education than Harvard does. . . . Northeastern as an institution is exploring ways of changing things" rather than preserving the status quo. It is a newer school and less competitive, qualities which Lund believes attract more women as students.

"Betty Owens and I have been working with Clark Byse and Lance Liebman in a small group actively concerned with finding more women for Harvard Law's faculty." The main problem is that "we're drawing from a very small pool, still. In another 10 years it should be much better."

"The major difficulty with the admissions process is the same as finding more women for the faculty—we don't have the same size pool to draw on." There are two stages in the admissions procedure—an initial screening based on scores and grades, and a second more subjective process. In the first stage, "we look at those without regard to whether the applicant is male or female." As to the more subjective criteria, "I have not seen any evidence that there is any bias in favor of men instead of

Women's Law in Two-Thirds Time



Charles Soberman

Professor Diane T. Lund

women." Other members of the committee might "at least in my case, see a bias in favor of women.

"I can't think of anything specific that they ought to be doing that they aren't unless one wants to get into the area of very early communication about law school opportunities."

The Law School is now encouraging the Women's Law Association to do more recruiting in colleges, but Lund believes that women's career goals are fixed earlier than that. She suggests that the Association of American Law Schools might do something at the high school guidance level, but "I don't think Harvard should be the only one to do it, though maybe Harvard should take the lead. That's where the real problem is—junior high and high school years. A lot of women go to college, but not with specific career goals.

"In fact," Lund continues, "It's not yet neces-

sary. A woman still has the option of getting married and staying home and raising a family — and men don't, not in large numbers, anyway."

At Harvard, Lund has a two-thirds time appointment, which "keeps the teaching load down" to two-thirds of the average faculty course load. "It may be that a lot of the slack is taken up because there are some things only a woman can do around here."

Still, says Lund, "I have found time to keep up with some of my interests of working with new legislation and with women's groups." In a recent project, Lund worked with the Lexington unit of the National Organization of Women, which wanted to challenge jury selection procedures. Before the unit brought suit in federal court, Lexington jury lists averaged two or three women out of 280 potential jurors. A group of three women in a fall 1971 Ames Alternative did much of the legal background work on the suit. The suit was withdrawn when the state conceded that the exemption for women with children under 16 was a voluntary, not a blanket, exemption and Lexington agreed to use a random computerized jury list selection process. However, legislation is still pending to allow for an exemption for a person who has responsibility for the physical well being of a child under 15, but to require that the exemption be affirmatively claimed.

As an official two-thirds timer, "I can pick up and leave in the middle of the afternoon without feeling guilty, though I do take work home with me most of the time.

"In the abstract, I think it's a nice way of life to be able to balance the amount of money you want to earn against what else you want to do. This is something women are much more able to do than men are."

Lund says she is waiting for a male assistant professor to ask for two-thirds time status.

Kennedy Sees 'Romantic Hegelian Strain' in Legal Education

(Continued from Page 6)

includes a "romantic Hegelian strain" which draws its strength from a feeling that abstraction and intellect have always been enemies of true knowledge and competence.

Kennedy, however, described himself as an intellectual, and therefore part of "a factual minority in any establishment in which I am going to be, including any faculty of Arts and Sciences."

This "romantic Hegelian

strain" was traced to the original adoption of the case method by Christopher Columbus Langdell, another attempt to synthesize "nuts and bolts" with abstraction. Kennedy, who attempted to justify abstraction on the basis of its problem-solving power, was severely questioned by Professor Morton J. Horwitz. Several students also questioned the concept of increasing the level of abstraction in legal education as a movement away from the needs of the

majority. Kennedy's response was that if he could achieve the synthesis of abstraction and concreteness that he desired, there would probably be a subtle shift in the elite at the Law School, presumably for the better.

His final attempt to mitigate his off-the-beaten-path approach to legal education was extra-curricular: "If the word politics will absolve me of my sins, I will gladly dump a pot of it over my head."

Women and HLS

The quiet that has settled over the Law School since the filing of a sex discrimination complaint with HEW by two members of the Women's Law Association in December should not be interpreted as signaling the end of the Law School's crisis over the increased admission and representation of women. In truth, that crisis is growing and will continue to grow until important changes occur. And the HLS Administration has not yet begun even to perceive what those changes will mean to legal education at Harvard.

The status of women at the Law School today is still little more than that of unwanted stepchildren. The sense of alienation they continually feel in the predominantly male atmosphere throughout the Law School is pervasive, and more oppressive for the fact that most men here are not even aware of it. But even if all men were sympathetic and concerned for the plight of women students, they could not substitute for the presence of more women in every level of law school life as the best means of creating a more liveable atmosphere for the women now here.

At the same time, it is simply incorrect blindly to focus the blame for this problem on the Administration of Albert M. Sacks. In the first two years of his tenure as Dean, more has been done to improve the status of women at HLS than had been done by any of his predecessors. He named the first tenured woman professor and the first woman dean; enrollment of women increased over 50 per cent; a child care center was established at 23 Everett St.; and recruiting trips by women law students were financed.

But incremental change is simply not enough, and Dean Sacks has given little indication that he is willing to accept the more sweeping changes which are necessary to make Harvard Law School a fit place for women to attend. His model appears to be the accommodation made in the 1960s to expand black and minority enrollment, and that model is insufficient to meet the demands of women today, not by quota but by merit.

No essential change was ever necessary to increase black enrollment to a proportionate 10 per cent, for within the remaining 90 per cent the old system could function virtually unaltered. The faculty could still come from the top of the *Harvard Law Review*, and the students from the usual colleges. The addition of a few black men to the faculty and administration was an inevitable tokenism which brought those respective percentages close enough to the magic 10 per cent to take the heat off, while preserving most other appointments for the old system.

This strategy is simply inadequate for dealing with the need to increase the presence of a group which absolutely outnumbers the white male clientele on which the Law School has always drawn. To admit women in *their* respective proportion, would destroy the old system forever. The reality of this fact is what the HLS Administration must now face.

HARVARD LAW RECORD

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Fenno

Fenno stared across the table at the silent faculty member, straight-laced and seemingly radiating an aura of "grayness". There was no doubt about it, Fenno thought, he was actually having lunch with a professor. But it was not as he expected. This one's eyes, rather shifty, glanced about cautiously, as he munched on a pickle wedge (kosher, of course), and reeked of nervousness.

Fenno scratched his mind for the right legal question to put forth but could only mutter desperately, "I like your suit." As if sent from heaven, the professor grasped that morsel of conversation and quickly transformed it into a discussion of the UCC in relation to the clothing industry. But Fenno could not concentrate. His eye focused on the professor's tie. It was apparently the most impressive he had in stock but its loudness was somewhat muted by an overly conspicuous stray macaroni that dangled precariously beneath the Harvard emblem. Fenno could feel, seeping up through his bones, an overwhelming urge to casually reach over and give it a sudden flick and send it sailing through the dining area. With great reluctance, he restrained himself.

By now the professor had developed his thesis on the legal bargaining practices of clothing retailers and consumers.

It was clear to Fenno that this legal master had his own "crowd pleaser". Perhaps he would not have the choreography of Professor Areeda, deal blackjack like the great Dawson, nor be as "seisined" a veteran as A. James Casner, but those that did show up for class would have their treat. Few professors would have the audacity to teach in sneakers with the exception, of course, of Professor Heymann.

He was now relating recent court decisions of popular suit manufacturers.

Surely beneath this facade lies great intellectual prowess, Fenno thought. He asked himself, wasn't it true that, for Harvard Law School, brilliance was a prerequisite?

Fenno could sense the conversation swelling toward a climax. Yes, it was true, he was about to make a point! Fenno listened as the professor expressed his disbelief at the excitement over the recent *Roe v. Wade* decision. To him, it seemed like a lot of hoopty-do over two ways to cross a river.

Fenno sighed sadly and wept into his potato salad.

Law Notes

Winners of the Ames Semi-final rounds were Harlan Law Club, Daniel Bert, David Ackermann, Kenneth N. Klee, Alan L. Morrison, Robert L. Mote, and David P. Towey (best oralist); Learned Hand Law Club, E. Joseph Dean, Gregory R. Mowe, Edwin P. Rutan II, Robert L. Tortoriello, James E. Tyrell, and Charles W. Douglas (best oralist). All of the above students are 2Ls.

* * *

There will be an open meeting for all 1Ls interested in membership in the **Harvard Legal Aid Bureau** Monday night, April 23 at 7:30 p.m. in Austin North.

Those unable to attend this meeting have been asked to consult the Bureau office in Gannett House. Applications for membership will be due on Friday, April 27.

* * *

There will be an open meeting for 1Ls interested in membership in the **Harvard Voluntary Defenders** Thursday night, April 19, at 7:30 p.m. in Austin North.

Those unable to attend this meeting are asked to consult the Voluntary Defenders office in Austin Hall. Applications for membership will be due on Friday, April 27.

* * *

The **Lawbook Thrift Shop** will accept lawbooks for later sale today in Harkness Commons from 1 to 4 p.m. Consigned books will be on sale for early-bird book buyers on the following Fridays from 1 to 4 p.m.: April 20, May 4, and May 18. Books will also be on sale at registration in the fall.

June 2 will be a special consignment date for 1Ls' used books.

* * *

The following students have been chosen as **Resident Assistants** for 1973-74: Patricia A. Bass, 2L; Daniel Cheely, 2L; Michael P. Comiskey, 1L; George P. Haley, 2L; William J. Hayes (Senior Resident Assistant), 2L; Donald G. Johnson, 1L; Paul F. Kugler, 2L; Russell L. Richeda, 1L; Angela V. Shaw, 1L; Xavier L. Suarez, 2L; and Daniel J. Wacker, 2L.

* * *

Jeffrey G. Sherman '72 and Michael S. Oberman '72 have tied for first place in the 1972 **Nathan Burkan Memorial Copyright Competition** at the Law School. Sherman's winning essay was entitled "Musical Copyright Infringement: The Requirement of Substantial

Letters to the Editor of The RECORD

Anglo-Americans?

To the Editor:

It continues to amaze me that publications supposedly dedicated to opposing religious, racial or national bias continue to use the word WASP without blushing (e.g., your headline p. 13, March 2, 1973 [Pass/Fail: A Boon to WASPs and Preppies]).

What is it that tends to make, in your mind, this word different from other obnoxious and inaccurate epithets designating religious, racial or national minorities, none of which you would use?

What is the purpose of using such words unless it be to fragment our society into self-conscious and mutually antipathetic minorities? I trust this is not the objective of the RECORD.

Frank L. Bate '49
Newark, N.J.

Grades are Information

To the Editor:

I agree completely with the analysis of Mark C. Rutzick in his article on Pass/Fail published in your March 2, 1973 edition.

This office interviews hundreds of second- and third-year law students each year, and I do a considerable amount of this myself. As Mr. Rutzick points out, if grades are eliminated we lose the one base reference which is trusted by employers. This trust is not blind, however, as those who stridently urge the abolition of grades seem to assume. Those who are looking

Similarity," and Oberman's was entitled "Copyright Protection for Computer Produced Directories."

* * *

Sengkie (Frank) Tjia, 2L, has been elected President of the **Harvard International Law Society** for 1973-74. Other officers chosen were: John F. Perkin, 1L, vice president; William B. Hoffman, 2L, treasurer; and Kaoruhike Suzuki, 1L, secretary.

* * *

The following students have been elected as directors of the **Environmental Law Society** for 1973-74: Chris W. Altenbernd, 1L; Paul V. Applegarth, 2L; Michael A. McCord, 2L; Douglas K. Mertz, 2L; Robert J. Rauch, 1L; Marshall W. Taylor, 2L; Douglas E. White, 2L; and Bruce A. Wolk, 1L.

* * *

The Civil Rights-Civil Liberties Law

for lawyers to employ, whether they be public offices like this one or law firms, are, I think, looking for *good people*. We need as much information as we can get in making these decisions, but we must be able to handle this information rather quickly because of the number of people being evaluated. I know of nothing, writing samples, essays on self, etc., which would compensate the evaluation system for the loss of the objective standard provided by grades.

There are already some law schools which have "reformed" to the point that all I have to go on is a personal interview. These important decisions should not depend on vibrations alone, and in the interest of the Law School and its students, I hope that Harvard will retain its modified grade system.

Christopher T. Bayley '66
Prosecuting Attorney
King County
Seattle, Washington

Incomprehensible?

To the Editor:

Despite your reviewer's recommendation I buy it, I don't think I will read Edgar J. Schoen '19's book after reading the author's rebuttal.

In his letter, Schoen says on page 48 of his book is the key to "what the hell" it is about, quoting "the search for a solution of societal abuses of power encompasses both secular con-

(Continued on Page 15)

Review announced the appointment of the following persons as additional editors for the coming year: Articles Editors, Chris Bensick, 2L, Chris Lucero, 2L, Phillip L. Spector, 1L, Jonathan L. Sulds 2L, Marley S. Weiss, 2L; Comments Editors, Robert J. Brookhiser, 2L, Edward Eitches, 2L, David Freeman; Law Notes, Kirke M. Hasson, 2L, Jay C. Shaffer, 2L, Andrew D. Weissman, 2L; Book Review Editor, Candy Fowler, 2L.

* * *

Candidates for 1973 class officers are: Class Marshal: Pat J. Bruggeman, J. Gregory Lynch, David T. McDonald, and Jorge C. Rangel; Secretary: William S. Barrett and Michael C. Harper; Class Committee: William S. Barrett, Graham J. Bradley, James H. Burnley, Darryl G. Gorman, Norman H. Jackman, Richard H. Mills, Rayetta Nee, and Oswald B. Silvera.

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Ineffective Competition

We have a society and an economy that is built on the concept of free enterprise regulated by competition. That concept starts with certain assumptions:

- The efficient will displace the inefficient.
- Competition will cause the benefits of low cost to be passed on to the consumer.
- New investments of resources will be made where they are the most productive.

The basic underlying assumption, of course, is that the low cost competitor can and will set a price that higher cost competitors cannot justify. If that happens, then all the other assumptions are validated.

On the other hand, if high cost competitors gain market share, then all the other assumptions are invalid. We must then reexamine all of our ideas about free enterprise. Either we make free enterprise work, or we find an entirely different way of allocating resources.

We can observe that free enterprise is not working.

We see that prices are often raised although excess capacity exists. We see high cost competition not only adding capacity, but often growing faster than lower cost competitors.

Our economy is far from free.

Large sectors are regulated in detail. This is particularly true of power, communications and transportation. Certain policy aspects are regulated or prohibited. This is particularly true of labor, prices and finance. The tax structure significantly dampens certain economic effects and amplifies others. The administration and court interpretation of certain laws has a profoundly inhibiting effect on competitive behavior, particularly those dealing with labor relations.

Competition is inherently unstable if the efficient competitor follows his own best interests. Failure of the low cost competitor to gain market share steadily and consistently is a failure of management as well as a failure to serve the public interest. Prices could be lower, profits per share could be higher, productivity could be higher, business could be more stable in almost every area if competition were more effective.

The low cost competitor serves his own interests and public policy best if he:

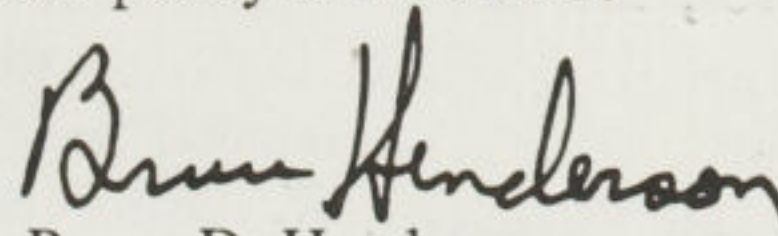
- Keeps prices low enough to inhibit competitors growth.
- Adds capacity as necessary to preempt industry growth.
- Substitutes debt for equity as long as total costs are still significantly below competition.
- Continues to invest in cost reduction as long as the net return on new investment exceeds interest costs.

It is an observable fact that there is a direct correlation between market share and cost potential. The competitor with the largest market share should have the lowest cost. If this is not true, then the market has not been defined properly. The only alternate explanation is inadequate management. Therefore, lower cost should lead to greater market share which should lead to even lower costs and even greater market share.

Effective competition must lead to concentration. Failure to do so is a failure of competition. Failure to do so is a failure of the whole concept of free enterprise. This concentration requires government-business policy coordination and cooperation. If this is achieved, then the result is greater productivity for everyone. Japan has demonstrated how effective and productive this kind of economy can be.

If competition leads to concentration, it also leads to monopoly. Yet failure to concentrate is failure to compete with many of the same consequences as monopoly but without the cost benefits of concentration. Public policy must encourage and guide concentration, not prohibit it.

Business can help itself by adopting policies that focus on competitive cost differentials and return on equity instead of on margin and return on assets. But real competition must be delayed until anticompetitive legislation and interpretation of antitrust policy is modified.



Bruce D. Henderson

Perspective #103

A longer version is available.

BOSTON • LONDON • MILAN • PARIS • TOKYO

Last Tango In Trial Practice

By John A. Entenman

Timothy Third-year, bright, articulate, sensuous, typical HLS 3L finished his studying for the night. Surveying the scene, he shook his head sadly, then placed the heavily-underlined *A Beginner's Guide to ComTrans: How To Fake Your Way Through Something You'll Never Understand* back on his shelf. He cleared the empty Schlitz cans from his desk, flipped a cigar butt into the ashtray, and stepped out into the spacious quarters of Story Hall to see what was up.

Things were as usual. The Yalie from New York was commenting to the fire extinguisher that, after all, all the *really* bright people go Ivy undergrad. The Princetonian was running around in his garish orange and black jockey shorts, proclaiming how wonderfully systematic the tax code was. The clique from Dartmouth was busily electing a Story Hall Snow Queen (as easily done as said). No one was discussing the law. No fine points were being examined, no one was saying, "Yes, but the really subtle issue is..."

This scene, so familiar (so *distressingly* familiar) to Timmy, had not many re-runs left. Only 70 days, he thought, until that last, unbelievable gut final exam in *Trial Practice*, and then I'm out of here. No more Stern Vern, Little Prince, or Archie. No more broken Xerox machines, TGIFs or World Tree. Not for Timmy. Timmy had gotten the good news just that day. No more of this run-around for him. He'd gotten a job!

And better yet, in NYC! None of this small stuff for Timmy! Give him the Big Apple, Fun Fun City! His eyes widened with anticipation as he thought of what he'd be doing this time next year. Getting home from work, mixing a martini (shaken, not stirred), and throwing a steak on the hibachi. True, the steak might be cooking by moonlight, and the Carson Show would be nearly

over — but he was done with work for the day! None of this all-evening studying stuff! Tomorrow was a new day, and his real estate investment trusts would be waiting on his desk, challenging as ever!

Yessir, thought Timmy, I'll be glad to be graduated from this place. He hated kowtowing to professors, and he was sure his relationships with the firm's senior partners would be much more informal. He disliked staying up all night the night before the big *Sec Reg* exam, and felt that an all-nighter at the printer's would be much more stimulating. He was repulsed by the boorishness of many of his classmates, and felt his future associates would be significantly different. And he knew that somehow, some way, his sex life was bound to improve in the heady atmosphere of his walk-up apartment.

Timmy savored the moment, the sense of self-fulfillment. All these grueling years of hard work had not gone unrequited. The light at the end of the tunnel was getting brighter all the time. From here, it was an easy dribble and lay-up to graduation and The Big Time. Fame, girls, money. Yes, *money*. With his first raise he'd buy a parking space. And then it wouldn't be long until he could actually afford a *car*. Then he could leave the Apple on weekends and go somewhere exciting — like to Binghamton to see "Deep Throat."

With visions of the future dancing in his head, Timmy retreated back to his room, there to face the last of the Law School's many obstacles. His third-year paper was still unresearched. But he had a title: "Dollar for Dolor: Legal Education and the Theory of Deferred Gratification."

Alcala Promotes Farah Boycott

(Continued from Page 3)

Chicanos in a number of important executive positions.

To Loss, the question is one of business judgment. "We have a constituency and people want to buy slacks."

To gain a place on the ballot in the upcoming elections, Alcala must obtain signatures from 100 nonstudent members of the Coop. If he succeeds, he will trigger the first election of nonstudent directors in the Coop's history. An election for nonstudent directors is expected to cost the Coop \$5,000.

Last year Donald Steele, formerly the manager of the Law School branch of the Coop, unsuccessfully attempted to run as a candidate for nonstudent director.

Alcala said 10 Chicano students at Harvard, Radcliffe, and MIT, including Hugo N. Morales, 1L, will each solicit signatures to obtain the required 100 names —

not overlapping — to place themselves in nomination for student directors of the Coop.

Because of Alcala's challenge, Loss has removed himself from the position of chief judge of elections. Neither he nor the Coop's Assistant Counsel, Law School Professor William D. Andrews, will validate petition signatures and otherwise oversee the elections. Instead, Law School Professor Richard B. Stewart will assume this responsibility.

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Women & Men from other Clubs
& Schools also have been invited

COOP NOMINATIONS

In accordance with Article VI, Section 1, of the By-laws of the Harvard Cooperative Society, as amended, the Stockholders of the Society have nominated the following individuals for election as Student Directors and Officer-Alumni Directors of the Society at the next Annual Meeting of the Stockholders in September, 1973.

STUDENT DIRECTORS

Joseph Angland	Harvard Law School
David A. Bernstein	M.I.T. '74
Nancy B. Glimcher	Radcliffe '74
John M. Keough	Harvard College '75
Donald J. Lecraw	Harvard Graduate School of Arts and Sciences
James E. Miller	Harvard College '74
Andrew S. Prince	Harvard Graduate School Business/Law
Michael A. Pustojovsky	M.I.T. Graduate School
David P. Samano	Harvard College '74
Carl A. Wales	M.I.T. '76
James M. Ziegenmeyer	M.I.T. Graduate School

OFFICER - ALUMNI DIRECTORS

Theodore G. Alevizos	Librarian of Lamont Library, Associate University Librarian for Public Services — Harvard
William D. Andrews	Professor of Law — Harvard Law School
Milton P. Brown	Lincoln Filene Professor of Retailing — Harvard Business School
Bruce Chalmers	Gordon McKay Professor of Metallurgy — Harvard
Robert J. Holden	Associate Dean for Student Affairs — M.I.T.
Louis Loss	William Nelson Cromwell Professor of Law — Harvard
Francis J. Russo	Vice President — Technology Management, Inc. (TMI) Cambridge, Mass. — M.I.T. Alumnus
Donald P. Severance	Executive Vice President and Treasurer of the Alumni Association — M.I.T.
Fred H. Smith	Treasurer and Director Cave Atlantique, Cambridge, Mass. Harvard Alumnus
Philip A. Stoddard	Vice President for Operations — M.I.T.
Frank L. Tucker	Harvard Business School Administration — Emeritus

PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORS

Pursuant to Article VI, Section 2, of the Society's By-Laws, as amended, additional nominations for student directors may be made by petition signed by at least one hundred student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., April 23, 1973. A signature will be invalid unless the student designates his membership number and school and he is currently enrolled in that school.

IF A STUDENT MEMBER SIGNS MORE THAN ONE PETITION, HIS SIGNATURE ON EACH PETITION WILL BE DISREGARDED.

**the
Coop**

HARVARD SQUARE
HARVARD LAW SCHOOL
M.I.T. STUDENT CENTER
HARVARD BUSINESS SCHOOL
CHILDREN'S HOSPITAL MEDICAL CENTER

PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR OFFICER - ALUMNI DIRECTORS

Pursuant to Article VI, Section 4, of the Society's By-Laws, as amended, additional nominations for officer-alumni directors may be made by petition signed by at least one hundred non-student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., April 23, 1973. A signature will be invalid unless the non-student member designates his membership number, the school which is the basis for his membership eligibility, and his current relationship with that school (i.e., officer, alumnus, or employee). No current degree candidate of Harvard, Radcliffe, MIT or ETS may sign. IF A NON-STUDENT MEMBER SIGNS MORE THAN ONE PETITION, HIS SIGNATURE ON EACH PETITION WILL BE DISREGARDED.

Dershowitz Finds Ethical Difficulties

(Continued from Page 4)

Dershowitz found public defenders' offices (including all group legal defense offices) "most overrated," both for experience and for the opportunity of doing good. "It's good for someone who wants to be a teacher, writer, or scandal-monger," but the heavy caseload, said Dershowitz, tends to lead young lawyers into slipshod work habits which they may never outgrow.

After two or three years with a United States Attorney's office, Dershowitz recommended a private criminal law practice alone or with a few partners, noting that good criminal law firms are almost always very small. "There's plenty of room and plenty of criminals around. Of course the criminal law business has its ups and downs." Dershowitz noted that marijuana and draft cases had until recently been a "gold mine" for many lawyers — "all those kids with rich parents getting indicted."

Dershowitz saw two main sources of the ethical quagmires in criminal law: the conflicting ethical duties of the lawyer to the defendant and to the judicial system, and the desperate state of mind of many criminal defendants, who will pressure their lawyers to use bribery or fraudulent tactics.

"The most troublesome phrase in the legal profession is the one which makes the lawyer 'an officer of the court.'" Dershowitz noted that in many situations a criminal defense counsel is hard pressed to determine whether a marginal stratagem is ethical, in which case he is violating his duty to the client if he refuses to use it, or unethical, in which case he is violating his duty towards the court if he uses it.

"Nothing has been written on legal ethics to speak of. . . . I'd like the canons of ethics to be more stringent. I feel uncomfortable with them the way they are."

Letters to the Editor of the RECORD

(Continued from Page 11)

flicts of interests and spiritual conflicts of loyalties."

Now, I've never claimed to be a brilliant scholar, but all those long words are hard to read. Flanders' review left me feeling that Flanders wants to make it big as a writer, not a reviewer; after reading his bit, I agreed with him I didn't have any idea what the book was about. However, the author's incomprehensible one-line key explaining the book suggested to me only a door that was stuck!

Ronald D. Bassey, '64
Southfield, Michigan

Fact, Not Legend

To the Editor

I noted with interest that the article on the election of the President of Volume 87 of the *Harvard Law Review*, which appeared in your issue of March 2, 1973, indicated that "according to legend," Dean Griswold insisted that his copy of the *Review* appear on his desk by the 10th of every month. Believe me, this is not "legend," but fact. Moreover, the *Review* did not merely reach his desk on the 10th of each month, but was there waiting for him when he arrived at his office in the morning on that day. Sometimes, accomplishment of this objective was extremely difficult, but we found the consequences salutary in the long run.

John D. French '60
President, Volume 73
Harvard Law Review
Minneapolis, Minn.

○ E ○

To the Editor:

I have noticed with considerable interest your support for OEO funded Legal Services Programs in the last

several years and found your March 2 issue particularly interesting. Your editorial is well written and yet it entirely misses the mark.

In the first instance, the staff Legal Service Programs do not want to be a-political. In California, for instance, the Program maintains a full-time staff of lobbyists in Sacramento and solicits from every staff employee, both lawyer and layman, inputs regarding opportunities and techniques for applying political pressure for their particular interest group.

Though not mentioned in your editorial, the issue is frequently raised of the *independence* of the staff legal service attorneys. Apologists for the staff programs challenge the Judicare experiments for their lack of *control* over the attorneys involved. (See *ABA Journal*, May 1972, p. 477.) To be quite clear about the issues one probably ought to wait until the American Bar Foundation has completed its evaluation and comparison of the Judicare and staff Legal Services Programs.

Your rather emotional defense of the program illustrates the desire of most attorneys to make legal services available to all but you must recognize that there are many who find the entrenchment and reinforcement of an extremely large poverty lobby composed of thousands of lawyers and more thousands of laymen whose goals, according to Professor Gary Bellow, are "the restructuring of economic and political system, the redistribution of income, and the redefinition of national goals and foreign policy" (*Harvard Law Record*, October 29, 1971, p. 12) supported by already overburdened taxpayers, simply too much to stomach.

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Surrey Group Urges Corporate Disclosure

(Continued from Page 1)

Advisory Committee on Shareholder Responsibility chaired by Law School Professor Stanley S. Surrey.

The Caterpillar vote was not known as of Wednesday, but it was not expected that the disclosure resolution would be approved by the stockholders.

The advisory committee action — taken March 29 — was the first by the recently formed group. The committee was scheduled to meet last night to consider further recommendations to Harvard regarding the University's stock in the Kodak, Phillips Oil, and General Electric corporations.

The vote came prior to the Caterpillar's company's stockholders' meeting, and in opposition to the management's recommendation.

A statement released by the 15 member committee said that "while we agree with management's view that its South African operations represent a very minor part of its consolidated operation, we do not agree that this

fact is a ground for declining to make the effort required to comply with the terms of the resolution.

"The unjust and repressive nature of political, social, and economic practices in South Africa should impel American companies to examine the impact of their involvement in the terms suggested by the resolution," the statement continued.

In addition, the committee rejected as inadequate a management offer made subsequent to the mailing of the proxy statement to provide stockholders with information about the company's South African operations. This information is currently being prepared for a report to Congressman Charles C. Diggs, Jr. (D-Mich).

Forthcoming concerns of the group are a resolution seeking lobbying disclosure at Kodak, one concerning investment in Namibia by Phillips Oil, and another on investment in South Africa by General Electric, Surrey said.

Applications Up To Over 6,600; Women Hit 17%

(Continued from Page 1)

mission program, which was instituted last year, is being discontinued because of what Simpson termed "a lack of interest." Of the 95 students accepted last year who were randomly given the opportunity to defer their first year, 60 per cent chose nevertheless to register in September, as compared with a 67 per cent figure for all accepted applicants.

"Since so few students appeared to be interested, the Admissions Committee decided that it would be better not to commit places in future classes," Simpson said. "Students who want to do something else for a while are still encouraged to do so and re-apply, and there's usually a high likelihood that they'll be readmitted."

The process of reapplying is likely to be more expensive, though, than the first time around. Because the total number of applicants to American law schools has leveled off at just over 100,000, Simpson said, the Law School Data Assembly Service in Princeton, through which all applicants must now apply, is headed for a \$500,000 deficit this year, and is anticipating a rise in fees.

And with higher application costs will come a stricter scrutiny of aspiring law students. "The admissions process becomes more difficult every year," Simpson said. "The less qualified applicants are starting to screen themselves out, and the qualified people get better all the time."

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