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TWENTY CENTS

Harkness Changes Food Management

By Bill Kenety

In an attempt to curb rising deficits Harkness Commons food service has undergone its second major management change in four years. It is now under the control of Harvard Food Services.

Since 1969 "The Hark" had been run by the Marriott Corporation, a Washington, D.C. based service organization. Previously, it had been run by Stouffer's, another food service chain.

During the first three years of Marriott control The Hark's deficit

was reduced from \$140,000 to \$65,000. However last year it soared to \$105,000, an alarming figure in view of the fact that the Law School and the Graduate School of Arts and Sciences made up most of the loss. The year was also marked by the February dismissal of an assistant manager for his failure to follow Marriott accounting procedures. An audit revealed some \$3600 missing.

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Sexist Hiring Tied to Firm

By Gary L. Rubin

In what is fast becoming a September ritual, the Placement Office has closed its doors to a law firm charged with sexually biased hiring.

The firm was barred from the office this month after failing to satisfactorily answer a charge that one of its partners had expressed reluctance to hire women law students, according to Assistant Dean Russell A. Simpson, administrative counsel to the Committee on Placement.

Simpson declined to identify the firm in question, but reported that it is a "relatively small" firm located outside Massachusetts.

"Where the sex, race, color, religious creed, or national origin of a candidate for employment is brought into the employment process ... as a factor affecting (the) decision," Simpson said, "the employment process is tainted with discrimination" and is therefore violative of Placement Office rules.

Placement Office literature informs organizations interviewing at the Law School that "No employer may practice discrimination in any form based on sex, race, color, religious creed or national origin. This rule ... clearly includes statements expressing discriminatory conduct or intentions.

The Committee action follows a complaint by a woman law student that her interviewer, at firm offices outside Cambridge, told her there were reservations within the firm about hiring a woman for the job she was seeking. A male applicant was ultimately chosen to fill the

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Legal Methods Program Taxes First-Year Minds



By Karen Bier

"What you get out of *Legal Methods* is really what you make it. That's my rationalization for everything. Maybe that's what's

keeping me sane," says Pamela S. Meyers, 1L, after one month of what some say is the toughest initiation to the Law School

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Woman Cites Discrimination By Law Firm

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vacancy, and the woman said she suspected that her sex helped determine the choice.

After a series of exchanges between the Law School and firm personnel, the Committee voted to condition future use of Placement facilities by the firm on its providing an "unambiguous statement" outlining steps it would take to insure that its employment practices will be nondiscriminatory.

"The Committee did not find it necessary in this case to resolve the factual issues" as to whether the interviewing partner was expressing personal views or firm policy, Simpson said. "It is sufficient evidence of prohibited discrimination to show that the employment process did in fact contain ... built-in headwinds based upon a candidate's sex, race, color, religious creed or national origin and were thus not validly related to his or her capability to perform in the position being filled."

The Placement Committee vote is strikingly similar to an action it took a year ago against the Boston law firm of Powers and Hall. Powers and Hall, which refused to cooperate with a committee investigation of alleged sexism in its hiring practices, has never sought readmission to the Placement Office.

The Powers case which was referred to the Massachusetts Commission Against Discrimination by Linda H. Wish '73, is now "just about finished up," according to MCAD field investigator Rodney Hager. Hager said that in lieu of a public hearing airing the charges filed by Wish, Powers and Hall has agreed to pay her \$500 in damages for "mental suffering" and her expense in traveling to interviews in Boston.

Hark Prices Rise Sharply

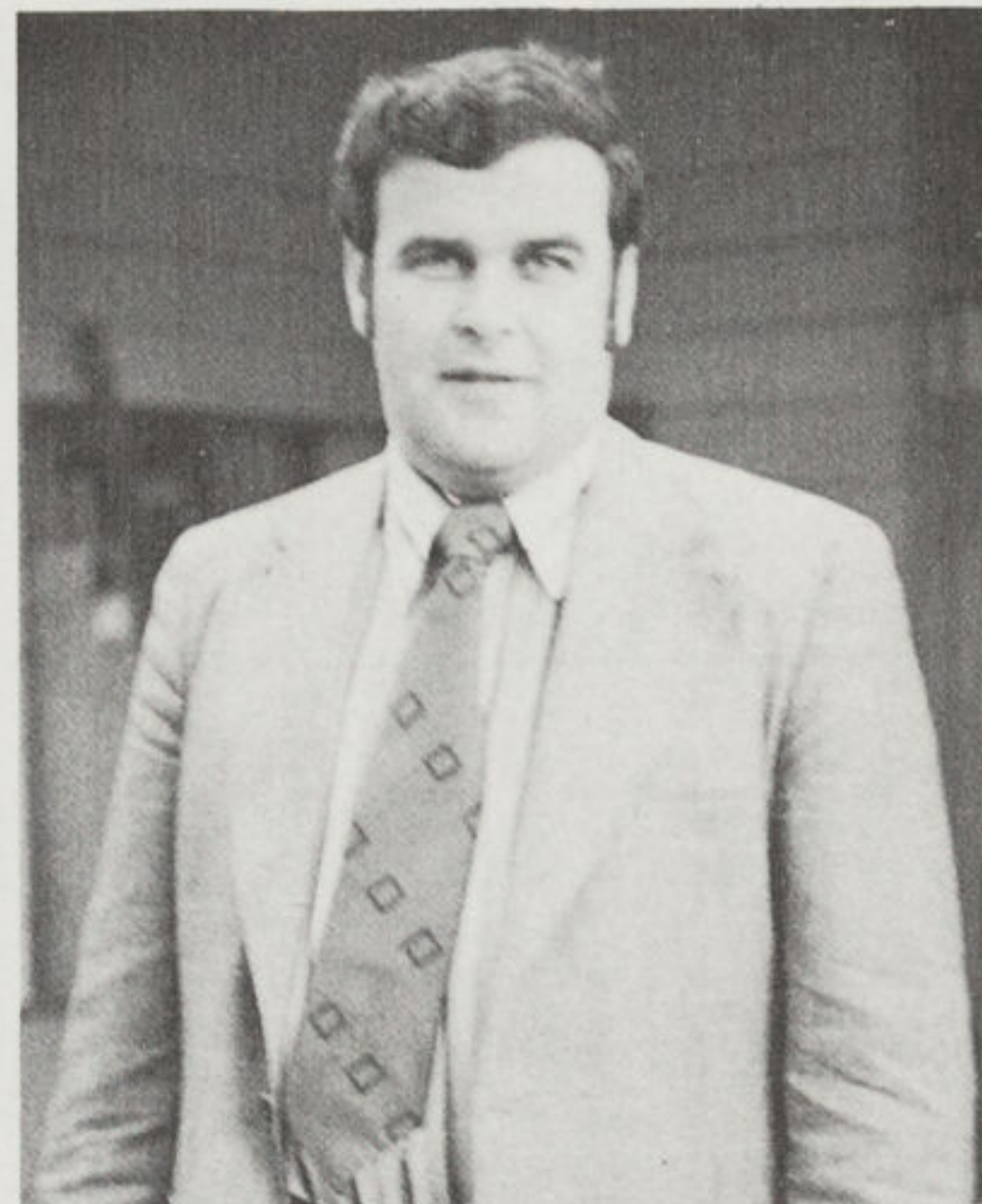
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In a Monday interview with *The Record*, Vice Dean William L. Bruce explained the reason for transforming The Hark into a Harvard Food Service facility. The Marriott management service had cost The Hark \$40,000 last year and with the deficit that cost was borne directly by the Law School and the Graduate School of Arts and Sciences. Although Bruce felt that Marriott had done a good job, he stated that the schools could not afford the service any longer.

Although the management has changed, popular Frank Gallagher remains as manager of Harkness and Pound Building food services. Gallagher had been a Marriott employee but agreed to stay on with "The New Hark". As compensation a promising cook-manager formerly employed by Harvard Food Services went with Marriott.

Hark food prices rose dramatically this year; a 15-meal contract went from \$19.50 to \$24.50. Both Bruce and Gallagher attributed this to the general rise in food prices. Both also pointed out the cost of paying 33 full-time employees ranging from \$2.80 (unskilled labor) to \$4.49 (cooks) an hour. In spite of the rise in prices Gallagher stated that as of one week ago The Hark was only nine meal contracts behind last year's level. However the rise in food prices may well have driven students to Lincoln's Inn. The social club now has over 200 members, approximately 50 more than last year, according to co-chairman Paul D. Gutierrez, 2L.

The Hark deficit is expected to be offset to some degree by the profits from the Law School's vending machines, formerly serviced by Marriott. In addition the hard-working Gallagher has already tripled the Hark's catering service to the general university community,



Mark McNeil

Frank Gallagher, Hark Manager

thus further reducing the deficit of daily food operations.

A plan proposed last spring envisions that each dormitory dweller and off-campus resident be respectively charged for \$400 and \$200 worth of food coupons. The coupons would have been dated, transferable, and usable at any of the food services at The Hark, Pound Building, or Lincoln's Inn. According to Bruce "it was not an idea whose time had come".

The Hark is currently undergoing physical changes. The once painted wooden sculptures are now in their natural state while rheostats have been installed in the lighting system. The pinball machines are gone, apparently the result of many objections concerning noise, small children, and excessive localized carpet wear. Current plans call for a partition between vending machine row and the seating area in the grill room.

Gallagher also related immediate improvements planned for The Cage within the next two weeks. The basement gathering spot will be repainted, enlarged, and rearranged. An elbow bar will be installed as well as a wall featuring pictures of students. Gallagher hopes that the increased attractiveness of The Cage will stimulate business and thus further reduce the size of The Hark's deficit.

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Legal Methods Taxes Minds of 1Ls

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Most teaching fellows agree that this year's program is more time consuming for students because of intensive library instruction and library research problems beginning this week. The problems, involving one day of research and one day of writing, recreate practical issues which might arise in one of the 50 states.

In addition to the usual library lectures and tours hosted by members of the Board of Student Advisers, most 1Ls have taken taped library tours, the School's most recent concession to the world of automation. The tapes, obtained from the circulation desk by any interested student, feature a 50 minute walking tour of the library, complete with directional signals and time out for optional perusal of primary and secondary materials. One student opined, "I have one word for those taped tours. Boring." A classmate added, "I got lost. He didn't say turn right so I went straight ahead and got lost."

Despite their reluctant tolerance of legwork in the library, many first year students praise the practical nature of *Legal Methods* work. Theodore P. Seto, 1L, said, "I like it a lot even though it's a lot of work. It helps put the courses in perspective because it helps you see how you use what you learn."

Another 1L, taking the long range view of Law School experience, said, "I feel that the oral arguments are a good thing. I'm going to take every clinical course I can get, though I've been told they're not very helpful for the bar exam. I plan on taking a course on trial advocacy."

Legal Methods has shifted its emphasis from appellate argument to trial litigation, with the second half of its 12-week span devoted to a simulated problem beginning with client interviews and culminating in a trial. The first year Ames Competition has been scheduled for spring term to make way for this

expanded methods course. According to Stephen B. Young, chairman of the Board of Student Advisers, the board plans to supplement *Legal Methods* classwork by sponsoring a faculty adviser for each methods section to meet with students on an informal basis throughout the term.

Michael D. Rosenberg, Director of Legal Methods is currently preparing a brief for a United States Supreme Court case involving conscientious objectors' rights to educational benefits afforded veterans and was unavailable for comment. However, he was seen at midnight on at least two evenings last week conducting 1Ls on library tours.



Student takes tape tour.

Henderson, Tufts Asia Expert, Hits Kim Dae Chung Kidnap

By Kermit Kubitz

Professor Gregory Henderson of the Fletcher School of Law and Diplomacy of Tufts University, speaking at an East Asian luncheon at the Law School a week ago Wednesday, called the kidnapping of Korean opposition leader Kim Dae Chung in Japan recently evidence of "the persistence of lawlessness and violence on the part of the present South Korea government" and an example of "public diplomacy."

Kim Dae Chung, who received 46% of the opposition vote in the 1971 Korean election, was kidnapped from the Grand Palace Hotel in Tokyo. On August 8 he had visited two political allies on the 22nd floor of the Grand Palace. Knowing he might be kidnapped, he usually was accompanied by a bodyguard but on this occasion had left him behind.

Kim was overpowered in the hallway by five men and driven for five hours, blindfolded, to the coast. Weights were placed on his body but, Henderson hypothesized, "The decision to

kill him was changed by the uproar in Japan."

After landing in Korea, the outspoken politician was held for two days and two nights, then brought to Seoul and released on the street in front of his home.

In the first 36 hours of his freedom, Kim held a news conference, but since then has been under virtual house arrest.

Until this incident, Henderson noted, the Japanese metropolitan police had been rather tolerant of the Korean Central Intelligence Agency. Now, however, the Japanese police are very angry at what Henderson called "Korean nose-thumbing."

Fifty-nine fingerprints of the First Secretary of the Korean Embassy in Tokyo were found in the room into which Kim Dae Chung was abducted. Ten other Republic of Korea (ROK) CIA officials are listed by Japanese police as being involved.

Henderson estimated that the Korean CIA had 100,000 to 300,000

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Phila. D.A. Specter Urges 'Accountability'

"For many," according to Philadelphia District Attorney Arlen Specter, "the most important issue of the day in criminal law is the treatment to be given a new brand of burglars who operate coast to coast from Washington, D.C. to Los Angeles, California."

"On trial with Ehrlichman, Mitchell and Stans will be America's entire system of criminal justice. If we are now to exempt the highest," asked the 43-year-old Republican, "can we ever again in the name of that justice imprison the lowest?"

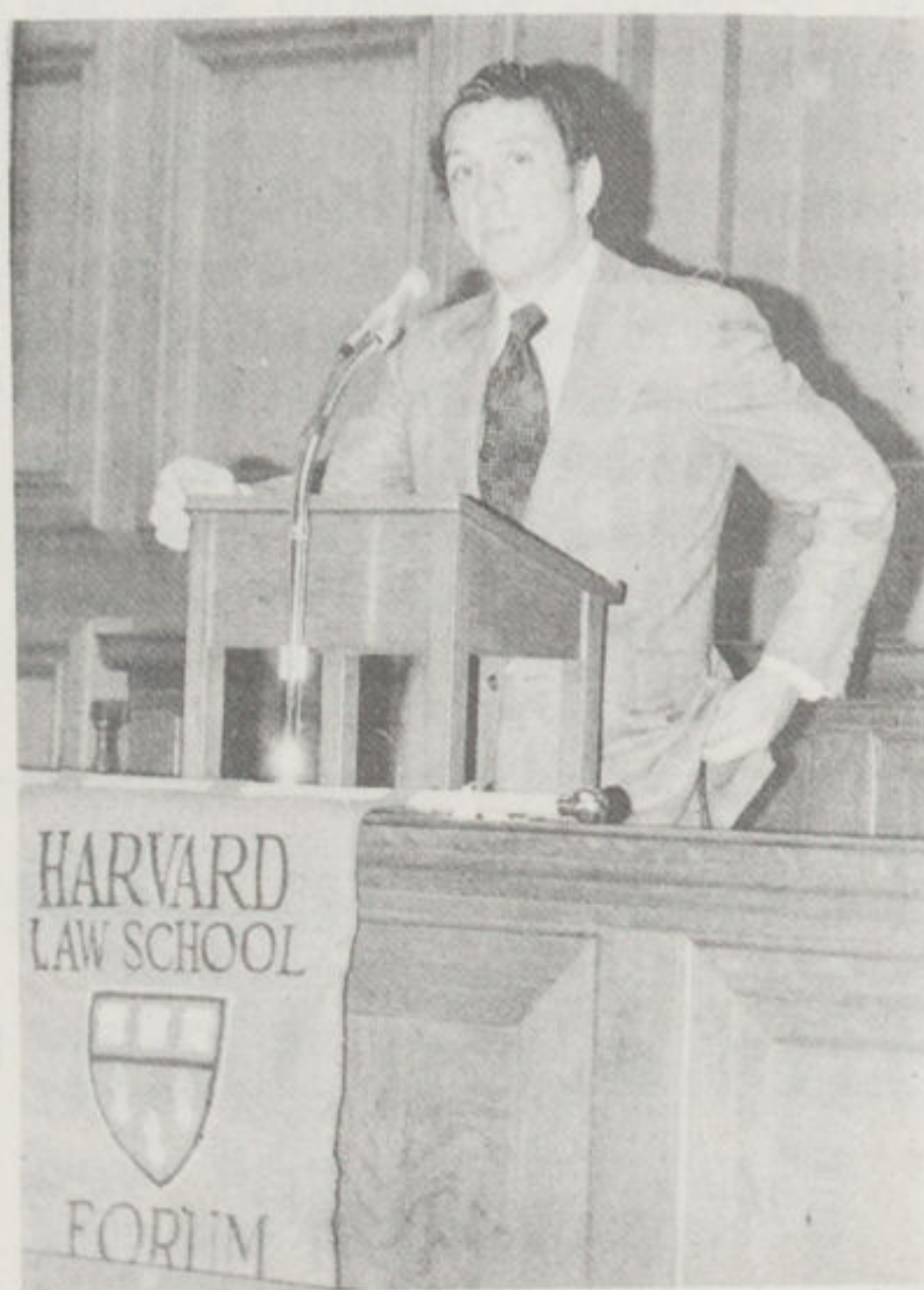
The former *Yale Law Journal* member called for a new emphasis on swift and sure punishment "or, more politely phrased, 'accountability.' Let's face it, if Judge John Sirica had granted Gordon Liddy a suspended sentence, Watergate would still be a little known complex of glass and steel located somewhere in Washington, D.C. When Judge Sirica said '40 years' not only did a few jaws drop open, but one mouth — James McCord — began moving quickly."

Throughout the speech, Specter linked white collar corruption and fraud with street crime, and urged that the nation take a hard line against both kinds of criminal. "In New York City, where heroin addiction has reached down into the elementary schools, an investigating commission found pervasive links between heroin traffic and the systematic corruption of law enforcement, from the policeman on the beat to judges at the trial court level — leading one critic to charge that New York does not have a law against the sale of heroin, but rather a system of monopoly franchises, granted in exchange for a license fee payment to the appropriate parties."

Specter attacked sentences of probation or fine for major crimes such as heroin trafficking and demanding a bribe as "not criminal sentences" but "consent decrees, in which the guilty in effect promise not to do it again — for a while." Although admitting that there are

"no reliable statistics", he suggested, largely on the basis of personal observation that "there is a correlation between probationary sentences for major crimes and repeat offenses, both by those people and others."

Specter applauded Governor Rockefeller's abolition of plea



Mark McNeil

Arlen Specter

bargaining in narcotics cases. "Too often, the innocent plead guilty and the prosecuting attorney gives away City Hall to clear his dockets."

Specter noted that in Philadelphia only about 30 per cent of the criminal cases were ended by plea bargaining, as opposed to over 90 per cent in New York. Specter added that his office would not cut down the recommended sentence in a major case in order to obtain a guilty plea.

Although Specter insisted that those who commit major crimes be imprisoned, he argued that those who commit minor offenses should not be forced to go through the criminal justice system. He pointed to the Philadelphia pre-indictment probation system, established in 1971, by which first offenders on nonviolent crimes who maintain a clean record for a year will receive no criminal record or sanction. Specter has ended criminal pros-

ecutions for drunkenness in Philadelphia and favors an end to criminalization of first offenders who possess small amounts of marijuana, but added that sellers of marijuana should still be prosecuted.

"I think the Warren Commission's findings were very sound," said Specter, who served as the Commission's Assistant Counsel, in response to a question from the audience.

Specter remains convinced that there was no conspiracy, although "it is virtually impossible to prove a negative." Specter noted that the *New York Times* had planned to run a series of seven articles on the Kennedy assassination in 1967, but "they cut it out entirely because they could not find anything that contradicted the Commission's findings."

In response to a question by a member of the audience who stated that one of President Johnson's associates in a recent article claims that Johnson did not believe that Lee Harvey Oswald was the lone killer of President Kennedy, Specter replied that although he never learned what Johnson thought on the matter, other associates denied that Johnson doubted the Commission's findings. Specter added that he believed that "President Johnson should have been questioned just like every other witness before the Commission," instead of simply submitting a statement, noting that Johnson had been riding in the Vice-Presidential car just behind Kennedy's car at the time of the killing and thus would have been a particularly valuable witness.

In response to a question about the use of the lie detector in his home city, Specter said, "the Mayor is not in favor of the polygraph any more." The District Attorney added that "Mayor Rizzo is a very unique fellow. He has a temperament of responding by instinct that works 999,999 times out of 1,000,000."

Exhibition Draws Cohen To China



Richard McGoldrick

Professor Jerome A. Cohen examines model of Chinese mine.

By Kermit Kubitz

Professor Jerome A. Cohen, a visitor last summer to the Canton Trade Fair in the People's Republic of China, declared in an interview with the *Record* that the chief problems of trade with the Chinese were their lack of foreign exchange surpluses with which to purchase good and their historic reluctance to allow Westerners to participate in the development of China's natural resources.

On his two prior trips he had been a guest of the Chinese Association for Science and Technology and a tourist, but this time he was a "participant-observer" in the main exhibition of goods produced by the Chinese economy for export.

Cohen received his visa through the Chinese mission in Ottawa, since the liaison office in Washington hadn't yet opened. He left in early May, the day after his committee's proposals for reform of the law school's grading system were presented to a faculty meeting. Although it is possible to fly in to Shanghai or Peking from Europe, most travelers go, as did Cohen, to Japan and then enter through Hong Kong's New Territories.

Once in China, the East Asian expert proceeded by train, plane and automobile.

"I noticed a difference between May of 1972 and May of 1973," replied Cohen, emphatically, to a question about changes since Americans were admitted to the PRC. He ascribed part of the difference to conditions surrounding the Canton Trade Fair but added, "It's much easier to meet people this year. There is greater relaxation politically in China."

"People were much quicker to expect that I might be an American. Last year they weren't. They were not prepared to expect you and were not overtly friendly."

Commenting on the political environment, Cohen noted, "The signs around are changing. There are still signs around saying 'Defeat American imperialists and all their running dogs' but there are also signs saying 'We want to be friends with all nations' including Americans."

Political changes in China are expected to be institutionalized by the National People's Congress which at some point, "possibly as early as December" will draw up a new government Constitution.

Cohen felt there was a good chance that such a constitution might be respected in spite of personality changes in China's leader-

ship. The drafters of the constitution would not attempt to define exactly the channels for the transitions of power at the top, "having been burned in the past, trying to spell out exactly who the successor are," the Chinese scholar reported. "The 1954 Constitution did not deal in personalities."

Cohen describes his own recent activity as, "working in legal aspects of trade and investment in China." He wrote an article in 1971 tracing the development of Chinese law relating to trade and since then, "People are constantly asking me to give talks and advice. I wanted to get some practical experience," He said of his recent trip.

Having never been to Canton, when a company asked him to advise them on trade with the Chinese, he jumped at the chance to attend the Trade Fair.

The actual conduct of trade with China is carried out not by the ministry of foreign trade but by various state foreign-trade corporations. Even for these corporations, licenses are required for the import and export of all commodities, except restricted categories declared exempt by the ministry.

The principal problem in trade with China, Cohen feels, is its enormous imbalance. In 1972 America sold China \$93.5 million and this year the expected trade will be over \$900 million. Already the United States has become China's second leading trading partner, following only

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Younger Members' Committee
Harvard Club of Boston
invites
HLS community, alums & their
guests
to JOLLY UP PARTIES
1st & 3rd Mondays & Fridays
From 7 p.m. to 11 p.m.
Complete Cash Bar
at the Harvard Club House
374 Commonwealth Avenue
(near Massachusetts Avenue)
Boston, Massachusetts
Women & Men from other Clubs &
Schools also have been invited

Migrants Kept In 'Peonage'

By Daniel M. Taubman

Francisco Galindo is a hard-working, deeply religious man. For most of his life, he has toiled as a migrant worker, picking grapes in California, harvesting tomatoes and asparagus in the Midwest, and canning and packing corn and peas in north central Illinois for sale to the American consumer.

A 67-year-old California-born Mexican-American, he appears at first blush to be humble and even meek. But beneath his unassuming demeanor is a man who is deeply moved by injustice, and who is unafraid to speak up to defend his rights. Thus when he remained without work for more than a week in June of this year, Galindo did not remain fatalistically resigned to sitting around aimlessly. Instead, he complained to his employer, the Del Monte Corporation, the world's largest canning company.

In his own words he wrote in Spanish: "The company promises me work. (It) sends me a letter of guaranty which it does not fulfill in giving me work. I work 4, 3, 5, 7, 6 hours which are not sufficient for a family man who leaves one state for another to suffer..."

"As an American citizen I demand my rights which belong to me as an American citizen ... From El Paso they bring us, they bring us falsely to work but they do not bring us to do business..."

Francisco Galindo had been recruited in early June by Del Monte through the offices of the Texas Employment Commission and the Illinois State Employment Service, pursuant to the provisions for interstate recruitment of the 1933 Wagner-Peyser Act. Each year canning companies such as Del Monte, Green Giant, and Stokely-Van Camp, as well as numerous private farmers, take advantage of the interstate recruitment facilities established by that law in order to hire seasonal labor.

These interstate recruitment facilities facilitate the annual treks along one of the country's migrant streams by more than a million migrant workers journeying from farm to farm, or from farm to canning company, harvesting and processing the nation's fruits and vegetables. Most, like Francisco Galindo, are Spanish-speaking, but there are also significant numbers of poor whites and blacks from the South.

Migrant workers, generally speaking, are poor, poorer than most groups in American society. According to a 1970 study sponsored by the Office of Economic Opportunity, the average annual income for a family of 6.4 and with 2.3 workers was just over \$2,000. Moreover, since migrant workers are not residents of the states in which they do the majority of their work, they are ineligible for many state benefits, such as unemployment compensation.

Also, the federal minimum wage law, which didn't cover them at all before 1966, is only \$1.30 an hour for agricultural workers at the present time. As a result of these handicaps, migrant workers must depend on



Joe Virgilio

Tractor loads corn onto conveyor belt at Del Monte cannery in Rochelle, Illinois.

good crops and a reliable system of interstate recruitment if they are to earn enough to get them through the year.

When the Wagner-Peyser Act was passed by Congress, it was expected that a system of recruitment would be established such that workers would be recruited only when there was an insufficient local supply available. That way, migrant workers recruited under this law would presumably have a certain degree of security, knowing that they would find work after journeying thousands of miles from their homes in the South and Southwest to the Midwestern farm states.

Accompanying regulations seek further to protect migrant workers by providing that the state agency shall not approve recruitment unless the state agency has established that workers are needed, and until it has ascertained that the wages offered are not less than the prevailing wages in the area for similarly employed domestic agricultural workers.

The regulations also provide that no workers can be recruited until housing facilities which meet minimum standards are available.

Despite this apparent statutory protection for migrant workers, the benefits they receive under the statute are often more apparent than real.

Francisco Galindo, like hundreds of other men and women, was recruited in June and July of this year pursuant to clearance orders approved under the provisions of the Wagner-Peyser Act. The clearance orders provided for the recruitment of migrant workers from Texas, Kentucky, Arkansas, Missouri, Tennessee, North Carolina, Georgia, and West Virginia.

These clearance orders called for in-plant workers to process and can peas, sweet corn, lima beans and pumpkins.

Despite Protection Of Law

The clearance order, stating the terms and condition of employment, served as the only contract the migrants could rely on. Yet the provisions stated were like those in an adhesion contract, with no chance of bargaining by the migrant workers. Moreover, the clearance orders for Del Monte appeared to bestow much, when in fact they gave very little:

"In-Plant workers will be expected to work up to 15 hours per day or 70 hours or more per week. Average hours worked on a seasonal basis is 50 to 55 hours per week. Crop, weather conditions and/or labor supply available may alter this average and result in fewer or more hours per week."

A cursory reading of this promised work at about \$2.00 per hour, together with further promises of im-



Daniel M. Taubman

Migrant woman leaves housing quarters at Del Monte cannery in north central Illinois.

mediate work upon arrival at the Del Monte canneries in north central Illinois prove sufficient each year to attract migrant workers by the score.

Yet what Francisco Galindo and his co-workers discovered when they arrived in Rochelle, Illinois from El Paso, Texas was that they were without work, and that there was nothing they could immediately do about it.

Galindo and his co-workers were ready, willing and able to work up to 15 hours per day, but the company could not offer them work. What the company could and did offer the migrants was the opportunity to eat in the company-run cafeteria—at an average cost of \$4.50 per day. To the migrants this meant that they were further indebting themselves to the company.

In addition to the money they would now owe for meals at the company cafeteria, the migrant workers already owed Del Monte money for advances for transportation and for subsistence. Some migrants were also forced to borrow additional sums of money

to send to their families.

Out of its beneficent corporate heart, Del Monte finally agreed to pay the migrant workers \$4.00 per day beginning with the fourth day they remained without work. Yet this merely served to ameliorate their problems; it was not an answer to enforced idleness caused by the lack of an opportunity to work.

Del Monte officials, meanwhile, relied on the clearance orders — the documents approved by officials of the state employment offices in accordance with the Wagner-Peyser Act — and claimed that crop and weather conditions necessitated the underemployment of its out-of-state employees.

When work was finally provided after more than a week of unemployment, it came in small amounts. Consequently, the first paychecks of many workers were quite small: deductions for meals and transportation advances reduced their gross earnings to paltry sums. In some cases, more was deducted than the worker had earned that week, leaving him with a negative net income for that week.

With this situation obtaining, Galindo and nine other migrant workers filed a lawsuit in mid-July against Del Monte, the United States Department of Labor, and the Illinois Department of Labor in an effort to change the interstate system of recruitment, and to ensure that the regulations established under the Wagner-Peyser Act protected them in fact as well as in theory.

Through the lawsuit, filed in federal district court in Freeport, Illinois, the migrants sought to "remove the bonds of peonage" caused by, and resulting from, their employment with Del Monte. If they are successful in their endeavor, those who follow them in future years will not be placed in a situation where they are without funds to leave in search for other work and without any guarantee of work.

Harvard psychiatrist Robert Coles has captured the plight of migrants in a similar context through the voice of a migrant mother:

"... They'll take all your money away, that you must know, because they deduct for the food and the transporting they tell you. Pretty soon they'll give you a slip of paper and it says you've worked and picked all the beans there are, and all the tomatoes and the field is empty, and you've made your money, but you've been eating, and they took you up from Florida to where you are, and it cost them money to transport you, so it's all even, and they don't owe you and you don't owe them, except that you've got to get back, and that means you'll be working on the crops to get back South, and it never seems to stop, that's what. Like I said, should we be doing it, the crops all over, and without anything to have when it's over ...?"

The author spent the summer working for the Illinois Migrant Legal Assistance Project.

White: A Pragmatic Perspective Of The

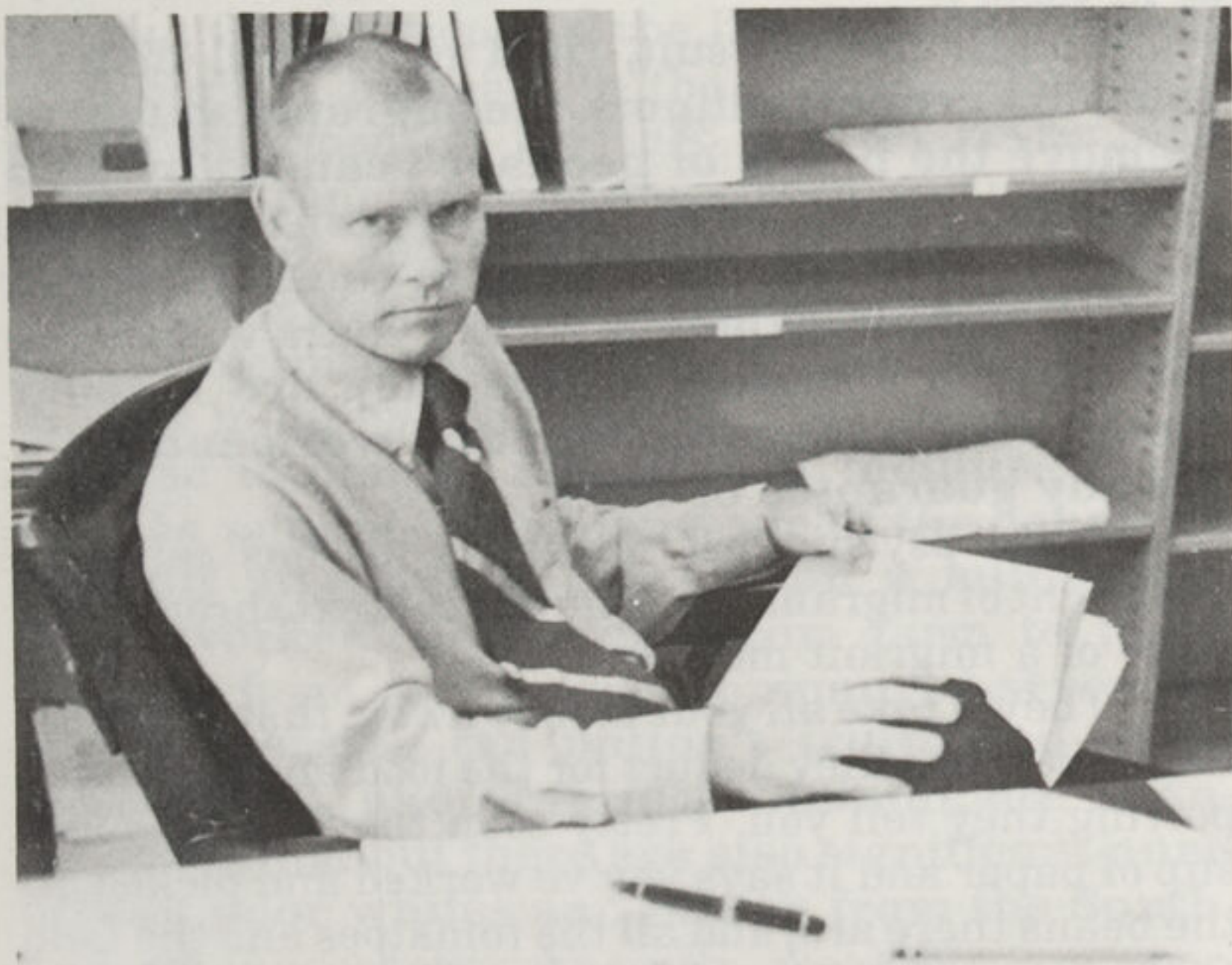
By Michael Bowen

If single words could validly characterize individual people, 'realist' would be the word for James J. White, Professor of Law at the University of Michigan, who is visiting Harvard this semester. He is direct, straightforward and unpretentious in appearance, philosophy and expression. His hair is closely cropped into a '50's vintage crew-cut. His shirt is short sleeved and white.

Terms like 'efficiency' and 'cost-benefit analysis' suggest themselves readily — and repeatedly — to him. Smiling, he greets you crisply, examines you for a moment through clear, blue eyes, then — still smiling — refers quickly to a picture published in last week's *Record* showing him wearing a woman's shoulder-length blonde wig: "You really did me a favor with that picture — you bastards."

Born in 1934, Professor White received his B.A. from Amherst in 1956. His J.D. came in 1962 from the University of Michigan, where he worked on the *Law Review*. Although White has spent most of his career in the academic world, he did practice with a Los Angeles firm from 1962 to 1964.

White is teaching two courses during his brief stay at Harvard, *The Lawyer as Negotiator* and *Commercial Transactions*. His approach to both subjects is determinedly practical. "In *Negotiation*, our goal is to make people better



Mark McNeil

Visiting Professor James J. White

negotiators, by involving them in interpersonal contacts of various kinds," he explains. "In a more traditional course like *Commercial Transactions*, the goal is somewhat different. My objective is to leave the student with a large body of knowledge. It will atrophy, of course, but when a problem comes up, he will know where to look for the answer. We want to make students

comfortable with the U.C.C. and statutory analysis."

Such practice-oriented objectives do much to explain the use of teaching methods that White realizes are not particularly popular among students. With respect to pass/fail grading, for example, he remarks that, "I am not a fan of that. I voted against it (at Michigan). I'm afraid that with a system like that, some students will say, 'I need to know a little something about the U.C.C., but I don't want to work as hard as White wants me to.'" To prevent just such complacency from developing, he says, he is one of the few law professors to employ frequent quizzes as an encouragement to student preparation. White's initial quiz in *Commercial Transactions* was given last week, just two weeks into the semester. "Students complain about them bitterly at the time," he notes wryly, "but they generally will admit in retrospect that they did some good."

White's goals for specific classes — as well as his pedagogic techniques — harmonize closely with his over-all concept of legal education. "I suppose my vision of what a law school is is different from that of most of my colleagues," White acknowledges. "I am very skeptical that we can do most of the things that we tell our students and the press that we do — that we can teach people how to 'think like a lawyer.' To the extent that professors have different philosophies, I suppose that I have a trade-school philosophy."

White's enthusiasm for clinical programs is fully in keeping with that philosophy. He ran the pilot clinical program at the University of Michigan, and finds such efforts rewarding because, "I like to practice law." At the same time, he warns, "I disagree with those who say it's a good way to teach doctrine. It's very much more efficient for you to sit down and have me teach doctrine to you than for us to go out and start handling cases. That kind of approach is far too anecdotal."

White's extra-legal interests are few, but at least one of them is intense. Although he occasionally plays squash, White says, "my principal diversion is flying. I'm a member of the Air Guard, and I fly F-100's. My most highly developed skill is dive bombing — I know more about that than about Article III of the Commercial Code."

Commitment to a 'trade-school philosophy' as thorough-going as White's carries with it definitely heretical implications at a school like Harvard, and he is more than willing to confront them. "The people who get into Harvard Law School would be extraordinary lawyers if you shipped the faculty off to South Dakota and brought the South Dakota faculty here," he asserts. "They're smart people to begin with, and I'm very modest about how much we, as teachers, can do for them, as opposed to how much their economics teacher in college did for them or how much their

Lawyer As A Trade-School Philosopher

mothers did for them, or how much their genes did for them."

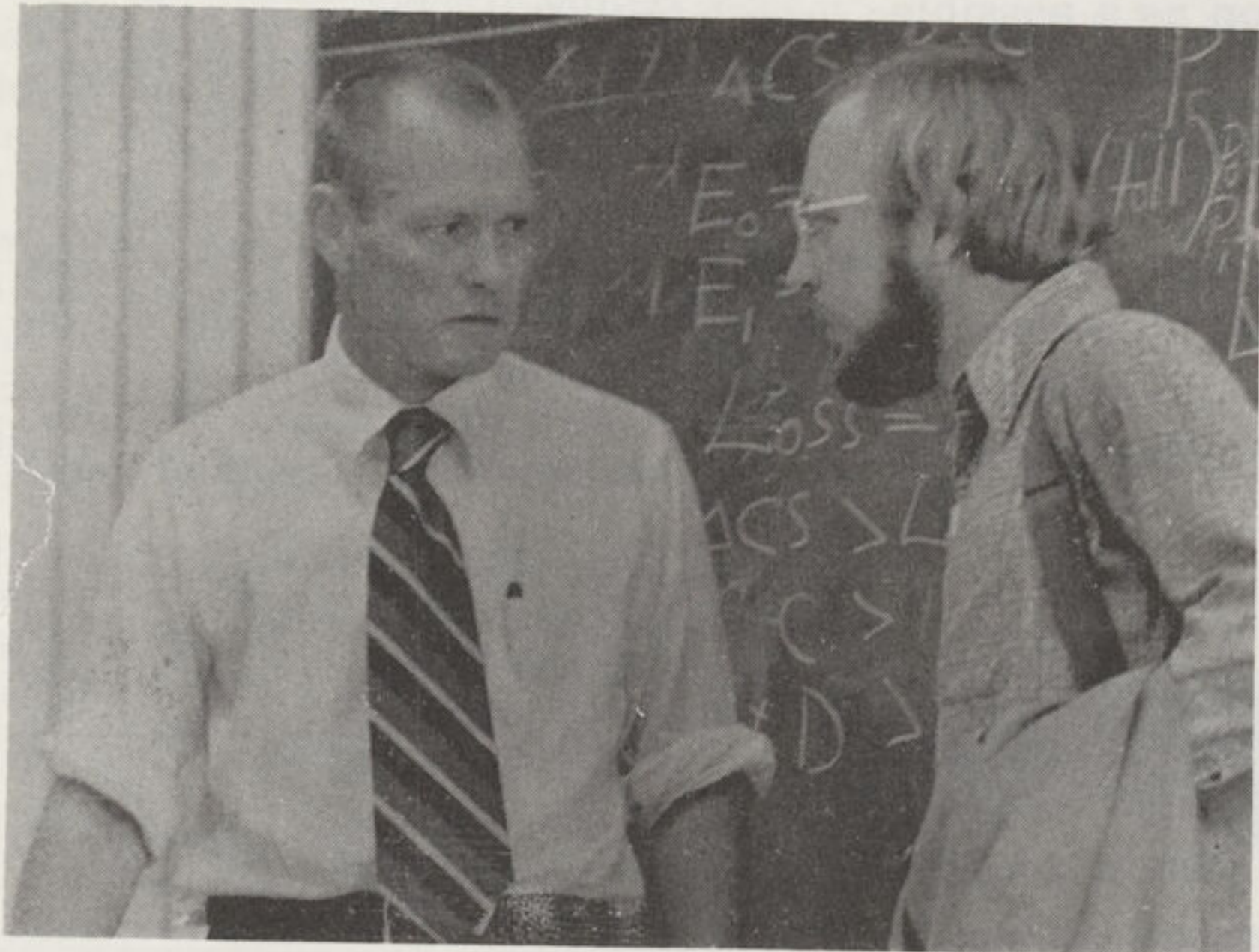
James White's sense of realism is reflected in more than his reluctance to accept much of the conventional wisdom pervading the world of law school teachers and administrators. He is equally unwilling to embrace a number of propositions commonly taken for granted by law students. He is especially unsympathetic, for example, to the oft-heard student lament that career

opportunities are limited for those not anxious to work for large firms.

"Practicing in a small town is something most students don't think about," he observes. "It's very rewarding. My father and grandfather were small-town practitioners. My grandfather argued 80 cases before the Iowa Supreme Court. My father did everything from representing the city before the Federal Power Commission in Washington to handling dog-bite cases and horse-kick cases to criminal cases."

White is similarly dubious about the grander pretensions of legal education — indeed of the legal profession as a whole — in general. "Students are hardly clay in our hands," he remarks in response to a suggestion that law schools should concern themselves more with teaching ethics. "A more likely analogy would be granite. When students come to us, they already have a moral set. They've already decided whether or not they're going to be liars. I'm very cynical about our ability to shape people."

In a similar vein, commenting on the surplus of attorneys annually predicted by the American Bar Association, he summarizes in one dichotomous observation the world-view of the lawyer as realist: "My first reaction was to say, 'screw 'em.' If they want to come to law school, let them come and get out and compete. But there's an argument on the other side. Lawyers are not an unmitigated good, you know. There are some disputes which it's better for people to settle among themselves."



Pete McClanathan

Professor White converses with student after class.

Council Nominations Set for Monday

Details of 1L elections to the Law School Council were voted on at the Council's first meeting Tuesday. Self-nominations, to be made by signing a sheet at the receptionist's desk in Langdell, begin Monday, October 1, and continue through Friday, October 5.

Five 1L representatives will be elected. Each section will elect one Council member and one will be elected at large by the first year class. Graduate students will also select a Council representative.

The election will be held Tuesday, October 9, and if a runoff is required because no candidate receives a majority vote, they will be held Friday, October 12.

Rene Townsend, 3L, reported on the confusion surrounding the operation of the Law School Thrift Shop. Due to a change in rooms dur-

ing the summer, keys were not available immediately at the beginning of the year. But the shop was open last week, and reportedly, all salable books have been sold. A tentative estimate of fees received from the 10% consignment charge

indicates that the shop should just about break even on its administrative costs.

The Law School will hold an informal discussion meeting Tuesday, October 2, in the Mallory Smith room.

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Boxed In

We look with some skepticism upon the Law School's plans to increase faculty student contact or intra-student contact by means of "student communication boxes" in a 50 square-foot area in the basement of West Langdell. It is difficult to envision the chaos that would ensue if the 1700 students at the Law School were to take seriously the suggestion that this area is appropos for picking up messages and for informal gatherings.

Last spring the Cohen Committee on the First Year and Related Matters recommended a number of significant measures to improve the Law School environment, including the use of the Pound second floor student lounge as "the central social location that the school currently lacks." We are hopeful that notwithstanding the ill-fated placement of the student mail-boxes, that the Pound student lounge is still under consideration as a possible social center.

We are also hopeful that additional proposals of the Cohen Committee for augmenting faculty-student contact will be adopted, in particular that faculty members schedule office hours or appointments, and encourage informal conversations with students. One way this could be done is through increased faculty attendance at weekly TGIFs. Unfortunately, however, only a handful of professors ever attends these functions or bothers to converse informally with students.

Barring None, Disbarring One

News of the disbarment from the Placement Office of the second law firm in two years because of discrimination against women should give pause to those who would argue that the extent of present sex bias is limited. Although only one formal complaint led to formal action by the Law School's placement Committee, there are numerous reported instances of male attorneys suggesting to women law students directly and by innuendo that perhaps they might not be qualified to do work on a par with their male counterparts. We are even aware of one attorney who sought to examine a woman law student's physical features on the ground that "appearance" was a vital factor in his firm.

As long as the hiring of women law students is a question of form rather than substance, further sex discrimination cases can be expected to occur. And until the Law School significantly increases its enrollment of women law students, the "fair sex" is likely to remain unfairly treated.

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Fenno

Fenno looked around, tugged at his Windsor knot and glanced at his watch. The ice in his cocktail had long since melted and his drink was reduced to a cloudy insipid liquid. They had better get here soon, he thought. Already his suit was becoming uncomfortable, his sweat socks were beginning to droop and, Fenno thought, his jockey shorts would soon be losing their crease.

He surveyed the room. It was brimming with tuxedoed law students, each impeccably accoutered and together resembling a sea of sterile penguins awaiting the estrus flock. Occasionally they would circulate, waddling from one small group to another, listen intently to the discussion, nod knowingly and make an effort to slip in a "*res ipsa loquitur*" or a "*Corpus Juris Secundum*." Legal talk bored Fenno. Only once was his interest tempted: when a 2L mentioned "piercing the corporate veil." To Fenno's disappointment the discussion did not include its Freudian connotation.

Where were they, Fenno thought, they've never missed a cocktail party before.

The massive clock tick-tocked in agonizing sameness. The dull murmur of the crowd groaned endlessly. Fenno sensed an uneasiness. Potato chips were falling with curious regularity upon the carpet. The students twiddled their cummerbunds. Bow ties were loosened. A 1L told a 2L where he could put his brotherly advice. The natives were definitely restless.

Suddenly, the air was shattered by a chorus of trumpets blaring in melodic unison. The heavy percussion of 100 simultaneous drum rolls vibrated through the halls. The room was flooded with lights sweeping over the crowd. The entire ceiling slid away and a million rose petals fluttered earthward like tiny feathers as the Mormon Tabernacle Choir burst into a harmonic vibrato rising in volume and pitch toward some immeasurable height.

Then from the heavens dropped 12 WLA members dressed as cherubs, swooping low over the crowd casting dollar bills at them. The trumpets blared, the drums rolled, the choir was screaming to the ultimate crescendo as the giant doors opened miraculously.

The penguins turned in awe as the professors' procession began. Preceded by a line of Cliffies tossing flowers at their feet, they entered. Each was clad in black legal splendor, each carried the casebook that HE had written. Suddenly 200 white doves were released and soared gracefully over their heads and out into the night as the choir reached its incredible peak and every window in the house shattered simultaneously.

The penguins gasped.

Thank God, Fenno thought, they didn't overdo it again like they did last year.

Letters 'Superior Class'

To The Editor:

The article in your September 21 issue discussing the relatively large class admitted this year might tend to give the impression to some of your readers that the academic standards of that class, or a portion of it, were somewhat lower than those desired. This is certainly not the case. Indeed, if there was an error on the Admissions Committee's part it was simply in not realizing at the beginning of the year how many outstanding applicants there would be. The Committee was thus reluctant towards the end of the admissions process to refuse candidates whose qualities were commensurate with those admitted throughout the year, even though it was known that the class might be a bit too large if this process continued. That taken together with a lower withdrawal rate (that is, students who normally go elsewhere but in this instance decided to come to Harvard Law School) resulted in a class of about 30 more students than we would have normally wished. Objectively, undergraduate academic and other accomplishments of the class are far superior to those of the preceding class just as the same criteria of the students in the preceding class are superior to those of the class which came before it.

James N. Bierman

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Law Notes

Within two weeks, individualized student communication boxes will be available in the West basement of Langdell, Vice Dean William L. Bruce reported Tuesday.

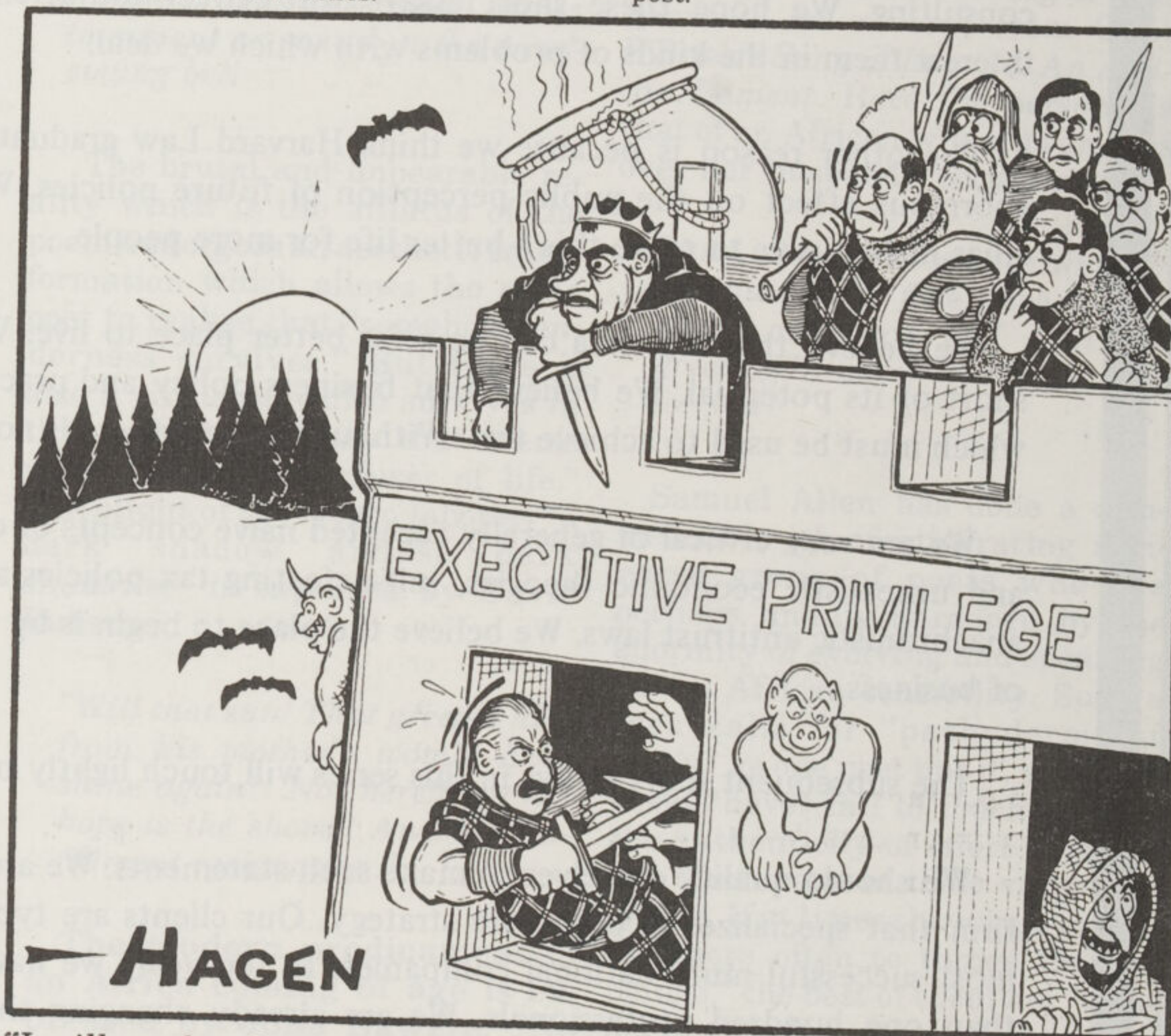
The communication boxes will be arranged by year and by student name. According to Bruce they will be used for notices to students from professors, teaching fellows, student organizations, and for inter-student memos.

The installation of the communication boxes comes as a result of a recommendation of the Cohen Committee on the First Year and Related Matters, which proposed last spring that a "central social location" might be enhanced by the installation of individual student mail-boxes.

Joseph McNamara, a Criminal Justice Fellow at the Law School in 1969-70, was appointed last week as chief of police of Kansas City. He replaces Clarence Kelly, who was named the head of the Federal Bureau of Investigation.

McNamara, who received a doctorate in public policy from the Kennedy School in June of this year, continued to work at the Law School for two years after he was a criminal justice fellow. During that time he did research on methadone drug programs.

McNamara moves to Kansas City after more than 16 years with the New York City Police Department. He rose to the rank of deputy inspector before leaving for his new post.



"I will not be afraid of death or bane
Till Burger's Writs do come to Key Biscayne!"

(Apologies
to W. Shakespeare,
Macbeth, V,iii, 67-8)

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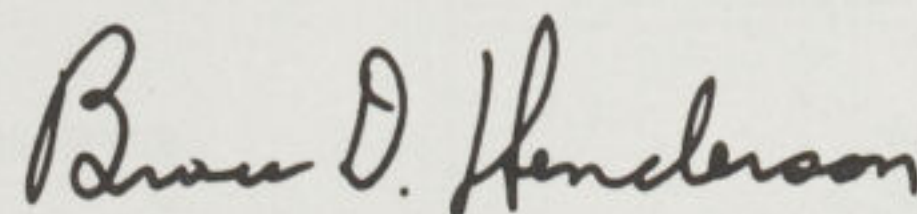
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Africa: A Continent Discovers Itself

By Robert Flanders

Poems from Africa, selected by Samuel Allen, '41, Thomas Y. Crowell Co. Copyright 1973, \$4.50.

The quality of poetry is largely based on the quality of the imagination which informs it. It would be unfair to this anthology to say that the imaginative wealth of Africa is present here in all its resplendant fervor; what is present is the suggestion of a beginning toward poetic consciousness, and much that is emotionally eloquent as well. The plaintive voice of elegy is everywhere to be found as a colonial Africa moves toward discovering the majesty of its real roots, its ancient customs, and so in the process comes to define its present self. The accent is on discovery and so often the poet is moved to exclamation, itself part of the whole reclamation of a continent.

"When shall I see again, my country, the pure horizon of your face?/ When shall I sit down once more at the dark table of your breast?"

The interrogation of the poetic self is part of the rhetoric of discovery whereby the poet makes visible in his poetry that which is "as yet invisible in all this surrounding penumbra," as well as that part of reality

which is all too visible, as in these lines from a South African poet:

"Sleep well, my love, sleep well/ the harbor lights glaze over the restless docks/ police cars cockroach through the tunnel streets;/ from the shanties creaking iron-sheets/ violence like a bug-infested rag is tossed/ and fear is imminent as sound in the wind-swung bell

The brutal and unbearable reality which is the afflatus of the poem undergoes an aesthetic transformation which allows the same poet to realize that "somehow tenderness survives." But there is also a virulence which survives in this selection, poetry that teems with the "obscene power of life." The plight of the Negro laborer, "a dark shadow amidst dark shadows," is captured by David Rubadiri:

"Will that sun/ That greeted him from his mother's womb/ Ever shine again?/ Not here/ Here his hope is the shovel/ And his fulfillment resignation."

The modern predicament of an Africa coming of age is expressed by John Ekwere: "No more now the foreign hawks/

On alien chickens prey — / But we on us!" The conflict between the realization of an identity grounded in ancient custom and tradition, and the inevitable confrontation with the encroachment of modernity are celebrated and agonized over in many of the poems.

Among the most moving of that genre is an excerpt from Oket P'Bitek's *Song of Lawino: An African Lament*. Here the persona is that of an African wife who grieves over her husband's acculturation.

"And when visitors have arrived/ My husband's face darkens,/ He never asks you in,/ And for greeting/ He says/ 'What can I do for you?'"

Samuel Allen has done a commendable job of integrating a diverse group of poets who are perhaps unduly burdened by the enormity of evolving and speaking for an African sensibility. Such a task calls for "pachyderms of myth," as one poet put it, yet these poems never fail to touch us with the authenticity of effort which is the touchstone of their value and drama. If at times they seem to "listen more often to things than to beings," the best of them are "wandering in the mystic rhythm/ of jungle drums and the concerto."

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James Higgins, teacher of journalism at Boston University, author of a forthcoming book on Cuban youth

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Korean Abduction Criticized

(Continued from Page 3)

employees. He added that, "the cost, the ship, penetration of the closely guarded Korean coast, and hiding for two days near Seoul add to overwhelming evidence of Korean government involvement."

Henderson described the incident as "the largest bulk of unfavorable publicity to appear regarding the South Korean government since it was founded in 1948, perhaps since it approached the world scene in 1884."

Besides its importance for relations between Korea and Japan, Henderson sees the kidnapping and its aftereffects as an historic event in public diplomacy. He emphasized the role of the Japanese press in securing Kim's release and stirring up public feeling about the affair in Japan.

North Korean spokesmen, engaged in talks on the delicate issue of rejoining the divided country, have called for the removal of Lee Hurok, head of the Korean CIA, on the ground that, "hooligans have no part in sacred talks on unification."

"North Korean prestige is relatively raised as she joins the U.N. world," Henderson observed, adding, "It is hardly necessary to remark within these legal walls that the present regime in Seoul is without regard for its own or any other laws."

Korea's danger is one of growing isolation. "We support lots of gangsters in the world," the Tufts professor noted parenthetically, "but it is a little difficult to do so openly in the way we were wont to do so for Korea in the past."

Korean cultural values have also been radically altered as evidenced by the kidnapping. Once a country in which military values were specifically denigrated, Henderson said, pointing to a drawing of a rotund Korean elder on the wall of the Pound conference room, "Now suddenly in the course of one generation we have Koreans taking over karate parlors all over the

world. We have North Koreans sending trained agents to Mexico and Ceylon to foment revolution overseas."

The fundamental reason for the change, Henderson explained, was the rise to power of an enormously overbalanced Korean military. "The military has militarized and in effect ruined the culture of the country and we now see the same thing happening in Chile."

Professor Jerome A. Cohen felt that the Kim Dae Chung kidnapping raised the question of to what extent the United States should tolerate foreign interference in our society. Korean agents broke up

meetings at which Kim Dae Chung spoke in St. Louis and San Francisco.

Cohen analogized the incident to the kidnapping of Sun Yat Sen in 1896, when he was held in the Chinese Embassy in London. "It made him a world figure."

The fate of Kim Dae Chung is still in doubt, with some of those present at the luncheon feeling that his life was still in danger. One student noted that some members of the Korean community in Boston had attempted to generate public support for the plight of Kim in this country, but had met with little success.

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Canton Trade Fair Draws Cohen to China

(Continued from Page 5)

Japan's \$2 billion annually. But the ratio of American exports to Chinese sales is fifteen to one.

This raises the question, Cohen added, of, "Where is China going to get the money to buy a lot from us?" Foreign exchange surpluses of about \$100 million are generated by trade with Southeast Asia and total foreign exchange revenues are about \$825 million.

The kinds of goods the Chinese are purchasing are heavy capital equipment, for example trucks, communications equipment, and \$150 million worth of airplanes from Boeing. "They're beginning to license technology, for example, chemical fibers."

A major question now, Cohen believes is: "To what extent is China going to ask for American capital in the development of her extractive industry?" Oil could conceivably transform the economy, since China has done a great deal of oil development and is more than self-sufficient."

The UN estimates that reserves under the East China Sea are larger than any other known field in the world. While China could, like Taiwan and South Vietnam,



Richard McGoldrick

Chinese factory workers meet American Professor Jerome Cohen.

"So the question now will be a challenge to lawyers ... how to devise ways to cooperate with China that will not violate her national aspirations." Cohen explained that that probably meant no equity interest by foreigners.

On the governmental level, loans to China will be subject to restrictions if either the Jackson or Vanik amendments, currently before the Senate, are enacted. Both apply to all non-market, ie, communist, countries that restrict emigration. The Jackson bill would prohibit

that there are no legal problems in trade with China. He pointed out that the contract for the sale of Boeing aircraft ran to 125 pages.

"You go to a corporation to which you've written and make an appointment. You sit down and talk and bye and bye get to specifics. You'll want to see samples — we were looking at Chinese canned goods — so we opened up different kinds of cans and spent the afternoon trying oranges and other fruits."

Cohen regretted having never made it to the wine and liquor exporters, because prices were too high. He gave the example of Mao Ti, a Chinese liquor selling for \$14 a bottle, CIF New York, which would make the retail price about \$28. But the Mao Ti can wait, because the Canton Trade Fair will happen again, and if the past is any indication, Professor Cohen will be a very active participant.

Passage of Jackson Amendment Could Wither China Trade

license development of those fields, Cohen rejected that possibility on the grounds that "it isn't consistent with her history. China doesn't want to enter joint ventures with Westerners."

most favored nation status and trade credits to such nations. The Vanik Amendment would also forbid trade agreements with such countries.

Cohen rejected the suggestion

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