

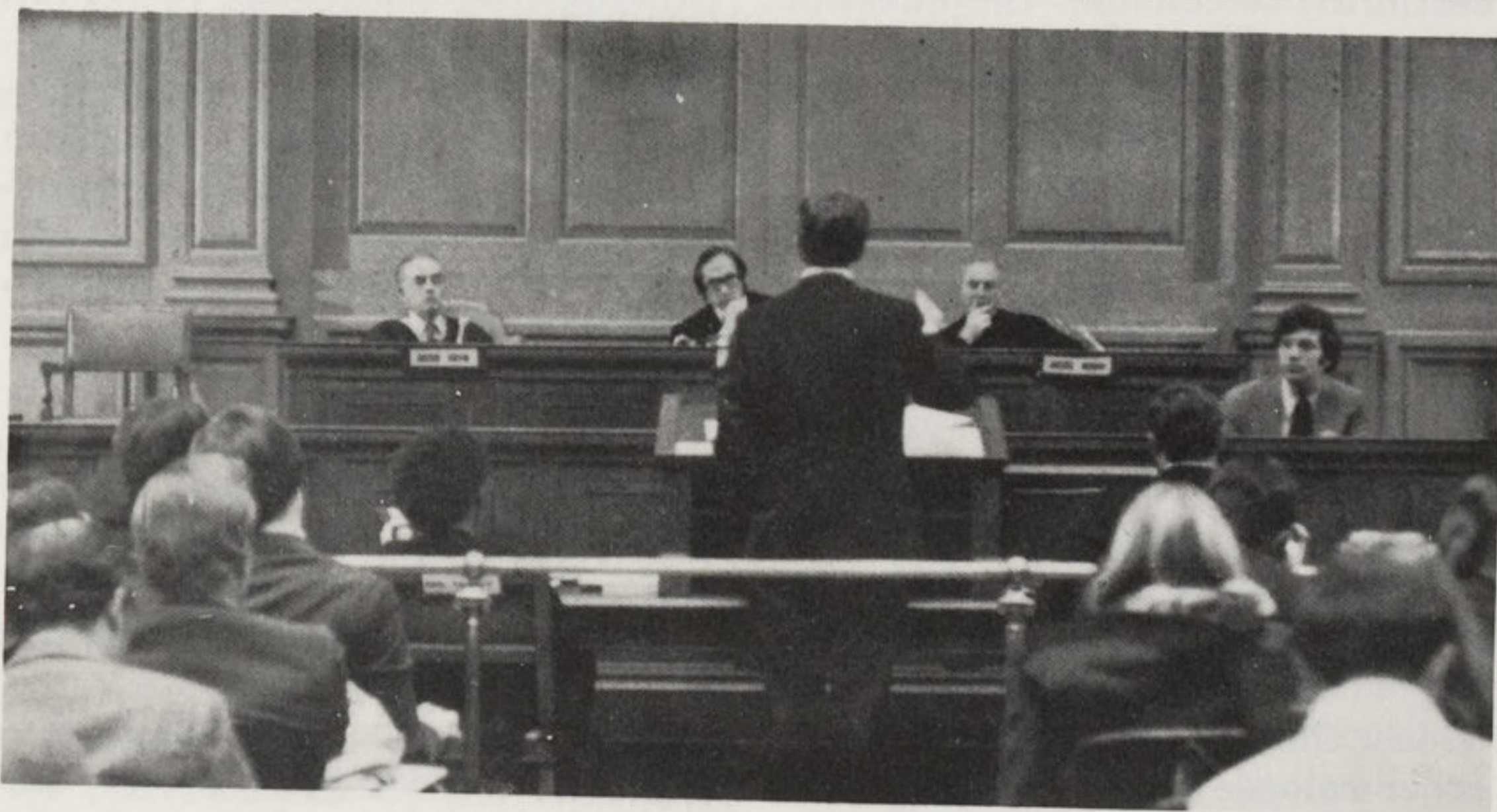
HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 57, NO. 8

NOVEMBER 30, 1973

TWENTY CENTS



Bob Mack

James E. Tyrrell, Jr., 3L who tied for best oralist in the Ames finals last week, argues before federal appellate court Judge Frank M. Coffin, Supreme Court Justice William H. Rehnquist, and federal appellate court Chief Judge John Minor Wisdom (left to right above). See story on Page 2.

Rehnquist Ponders Own Watergate Disqualification

By Daniel M. Taubman

Associate Supreme Court Justice William H. Rehnquist said in an interview here last week that he has considered disqualifying himself in any Watergate-related cases which may reach the Supreme Court, because of his prior association with the Department of Justice.

Gallagher Resigns As Hark Manager

Frank Gallagher resigned a week ago Wednesday as manager of Harkness and Pound Building Food Services citing "personal" reasons and saying he could not work within the structure that was established by the Harvard Food Service.

In an interview with the RECORD this week Vice Dean William L. Bruce stressed that Gallagher left entirely of his own accord and not as the result of any pressure from the Law School. Bruce declared
(Continued on Page 2)

Rehnquist served as Assistant Attorney General, Office of Legal Counsel, with the Department of Justice from 1969 until 1971, when John Mitchell was Attorney General. He was appointed to the High Court in 1971.

The nation's 100th Supreme Court Justice said, however, that he could not declare whether he would disqualify himself "any more than I would tell you how I would decide a particular case."

Rehnquist said that he would be governed in deciding whether to disqualify himself by 28 U.S.C. §455, which establishes the standards for judicial disqualification of
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Dean Recovers From Surgery; Back Monday

Dean Albert M. Sacks underwent surgery two weeks ago today at Massachusetts General Hospital, and is presently recuperating at his Belmont home.

According to Associate Dean Paul M. Bator, Sacks is expected to return to the Law School next Monday to teach his *Legal Process* course. He is not expected to resume full administrative duties until the week of December 17, Bator said.

Sacks was in the hospital for one week following his operation. He is presently in good condition, and has been receiving a limited number of visitors at home.

Vice Dean William L. Bruce indicated that the operation was of a somewhat serious nature but stressed that there were no problems for the future.

Bator has been acting as Dean in an informal capacity during Sacks' absence.

Bator declined to indicate the nature of the operation but it was understood that it was not on Sacks' wrist. Sacks broke his wrist during a fall in October, and was expected to have a cast removed from his arm this week.

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Harlan Club Captures Ames

By Ricardo Hinojosa

Speaking for a unanimous court before a packed audience in the Ames Courtroom, Associate U.S. Supreme Court Justice William H. Rehnquist awarded this year's Ames Competition victory to the Harlan Law Club.

The best oralist selection in the annual moot court competition held last week resulted in a tie between David P. Towey of the victorious Harlan Club and James E. Tyrrell, Jr. of the Learned Hand Club. Towey and Robert L. Mote teamed up in oral arguments while Tyrrell was joined by Charles W. Douglas. On the brief for Harlan were David Ackerman, Daniel C. Bort, Kenneth N. Klee, and Alan L. Morrison. Working on the brief for Learned Hand were E. Joseph Dean, Gregory R. Mowe, Edwin P. Rutan II and Robert L. Tortoriello. All the participants are 3Ls.

Joining Rehnquist, who acted

as Chief Justice, on the panel which judged the Ames Competition were Court of Appeals Judges John Minor Wisdom (Fifth Circuit) and Frank M. Coffin (First Circuit).

The case, assumed to be before the U.S. Supreme Court, involved the granting of petitioner's writ of certiorari to consider the question of the applicability of *North Carolina v. Pearce*, 395 U.S. 711 (1969), to resentencing by a jury and the question of the applicability of *Witherspoon v. Illinois*, 391 U.S. 510 (1968), to statutes providing for the death penalty only if stated "aggravated circumstances" are found.

The Court also granted respondent's cross petition for a writ of certiorari to consider *Witherspoon's* applicability to the imposition of verdicts other than death, the district court's power to order release or retrial on habeas

corpus, without giving the state the option of resentencing and whether unfettered jury discretion to choose between life imprisonment and a term of years violates the due process clause of the 14th Amendment.

In addition, the Court specifically requested counsel to argue both the effect of *Chaffin v. Stynchcombe*, 412 U.S. 17 (1973), and *Furman v. Georgia* 408 U.S. 238 (1972) on the questions presented and whether any portion of the 1970 Ames Statute imposing the possibility of a death penalty in the case was unconstitutional under *Furman*.

Representing the Petitioner-Cross-Respondent Charles Dickey, Sheriff of Morgan County, was the Learned Hand Club and representing the Respondent-Cross-Petitioner John Chaffee was the Harlan Law Club.

Chaffee had originally been convicted for robbery by open force and violence by a jury which had set a 15 year sentence. This conviction had been affirmed by the Supreme Court of Ames but a federal district court had granted a writ of habeas corpus ordering a retrial because of a trial court error in its charge. Chaffee's retrial was conducted by the same judge and prosecutor but with a new jury, which again found him guilty, but this time sentenced him to life imprisonment. The second jury had been death qualified, which resulted in 8 veniremen being excluded because they had scruples against capital punishment. Again, the Ames Supreme Court affirmed the verdict and sentence.

Chaffee then had a petition for writ of habeas corpus granted in Federal District Court, which held that the resentencing standards of *Pearce* should extend not only to resentencing by judges, but also by juries. The petition was granted by the District Court subject to retrial by the state. The Federal Court of Appeals affirmed the decision with a modification to provide resentencing as an alternative for the state.

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Gallagher Quits Hark

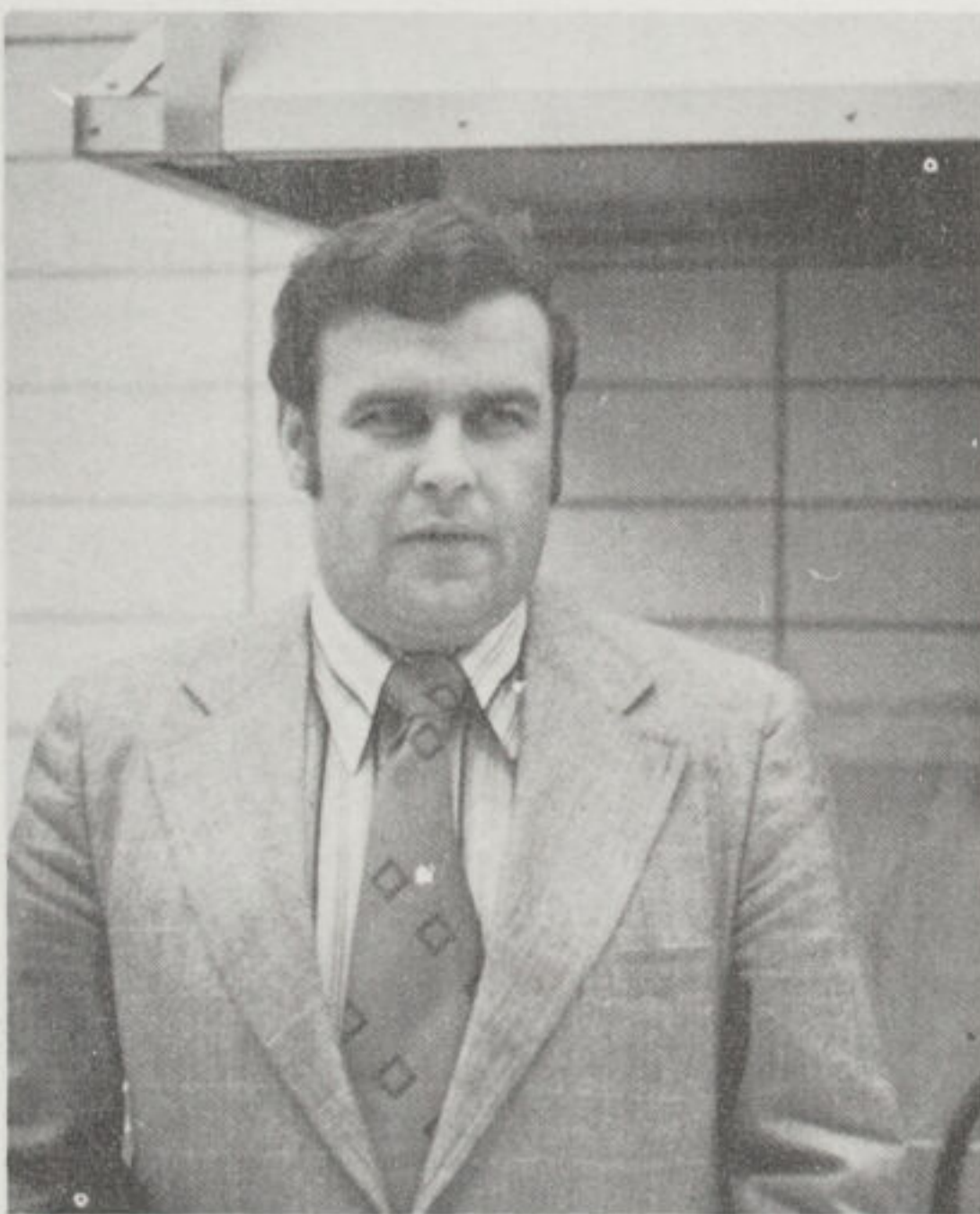
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himself totally pleased with Gallagher's work and stated that he personally was sorry to see the popular manager leave. Gallagher's resignation seems to have been the result of his difficulties dealing with people both on his own staff and from other university departments as well.

Reached at home Tuesday evening, Gallagher stated that he is considering a prospect for another food service job. Commenting on his work at Harvard he said, "I had never worked as hard or enjoyed my work so much."

Rachel Raven has been appointed acting manager of the Hark. Raven had worked at the Hark under both the Stouffer and Marriott regimes of past years. This fall she had served the Hark as

Assistant Manager for food production. She now has a new assistant who had previously worked in food services at Radcliffe.



Frank Gallagher

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 617-495-4418. Subscription price: \$3.00 semester, \$6.00 year mailed; \$8.00 year mailed outside U.S.; students \$3.00 year distributed at the Law School. Individual copies including back issues: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1973 by the Harvard Law School Record Corporation. The opinions expressed in the Harvard Law Record are those solely of the students comprising the Board of Directors of the Harvard Law School Record Corporation.

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BSA Requests Faculty Adopt Return to P/F

By Kermit Kubitz

A letter from the Board of Student Advisers to Dean Albert M. Sacks and the faculty requesting reconsideration of pass-fail grading has been referred to the Committee on Legal Education for consideration, according to Associate Dean Paul M. Bator.

The new student initiative on pass-fail came six months after the faculty had, in two successive meetings, rejected a new fall pass-fail system for 1Ls and scrapped the optional pass-fail system in existence last year.

The letter, signed by BSA President Steve Young, stated that the Board was, "deeply disturbed by the recent faculty actions on pass-fail grading," and urged the faculty to reconsider its curtailment of the optional pass-fail system. The Board's letter was circulated to all members of the class of 1976.

As a result, Young and several other members of the Board of Student Advisers have been invited to attend the next meeting of the Committee on Legal Education next Tuesday, according to that committee's chairman, Professor Robert A. Keeton.

Asked whether there might be any reconsideration of pass-fail this year, Bator said that he was "unable to speculate at this time," noting that the matter was now in the hands of the Committee on Legal Education.

Keeton pointed out that "committees and the faculty both have spent an enormous amount of time" on evaluations of the grading system over the last few years.

Asked whether the concern over pass-fail grading might be symptomatic of some kind of deeper dissatisfaction with the educational structure of the school, such as the predominance of classes of 150 students or more, Keeton replied, "I doubt it."

"Where are you going to get the money?" Keeton continued. "The

Students Endorse Exams In Traditional Format

Approximately 400 Harvard Law School students, taking part in a poll conducted by the RECORD Tuesday, expressed their overwhelming preference for standard, in-class examinations over take-home tests. Responding to two separate questions, students indicated that they would rather take the conventional classroom examination than either an 8-hour or a 24-hour take-home exam. However, when forced to choose between an eight hour take home and a 24 hour take home, students chose, by a 2 to 1 margin, the shorter-length exam.

Given the choice between a two-to four-hour classroom examination and an eight-hour take home exam, some 60% of those responding said that they would prefer the former. Nearly three-fourths of the students answering the poll said that they would rather take an in-class test than a 24-hour take-home examination.

Participants in the poll included 150 first-year students, 101 2Ls, and 112 members of the third-year class. Forty respondents declined to indicate which class they were in.

The RECORD survey sought responses on two levels. Students were asked first of all to compare five different examination formats,

ranging from the conventional, 2-4 hour, closed book classroom exam, through a multiple choice test to a 24-hour take home exam, and to rank them according to their own preferences. Most students favored the classroom format, 1Ls preferring that the exam be closed-book, while 2Ls and 3Ls opted for completely open book regulations. The second question offered students four pairs of contrasting formats, and asked them to select the preferred type from each pair.

Asked whether page limitations helped or hindered their performance, a clear majority indicated that they felt page limitations would help their performance. Sixty 3Ls said that page limitations would help, while only 36 thought they would hinder, performance. Corresponding figures for 2Ls and 1Ls were 65 and 71 (help) versus 30 and 59 (hinder).

Most students indicated their belief that examination grades are moderately correlated with mastery of a course. Very few students, however thought there was a high correlation, while a significant minority in all three classes felt that exam grades were not correlated or were negatively correlated with mastery of a course.

SUMMARY OF SURVEY RESULTS:

Order of Preference of Five Exam Formats	1L Rank	2L Rank	3L Rank
2-4 hour in class closed book	1	4	5
2-4 hour in class open book, plus student prepared materials	2	2	2
2-4 hour in class open book, unrestricted materials	3	1	1
24 hour take home	4	3	3
2-4 hour multiple choice	5	5	4

Preferences Between Given Formats	%age of 1L's For	%age of 2L's For	%age of 3L's For
2-4 hour in class over 8-hour take home	63%	60%	58%
2-4 hour in class over 24-hour take home	72%	75%	72%
8-hour take home over 24-hour take home	65%	76%	66%
Unrestricted study aids over student-prepared aids only	57%	76%	63%

South African Describes His Political Trials

By Kermit Kubitz

Stanley Kentridge, a South African barrister who is currently a scholar in residence at the Law School, described to a Root Room audience recently his experience with political trials in that troubled African country.

While the South African government has the power to arrest and question persons without trial for an indefinite period of time, some trials are held under the Suppression of Communism Act and the Terrorism Act because of the need of the government to preserve some of the traditions of English law, Kentridge explained.

The Suppression of Communism Act, however, describes Communism as something different from that particular ideology as commonly thought of in the United States. In South Africa, Communism is "any attempt to harm property

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Attorneys Describe Search For Criminal Justice Jobs



Bob Mack

Assistant U.S. Attorney Alan R. Hoffman, '69, responds to questions in panel discussion on prosecution and private defense work.

By Paul Weiner

"There are very few jobs. The ways of getting them aren't structured," as law firm jobs are. Thus Lawrence S. Adelson, 2L described his impression of the law student's

prospects in criminal law in a meeting on "Job Prospects in Prosecution and Private Defense Work—A Frank Discussion" held Friday, November 16.

Adelson, who is now writing a report on criminal justice careers for the Criminal Justice Center, Alan R. Hoffman '69, an Assistant United States Attorney in Boston, and Norman S. Zalkind, a Boston defense lawyer in private practice, discussed work in the criminal area at the meeting which took place at the Criminal Justice Center and was sponsored by the Center and the Placement Office.

Zalkind, whose work has included narcotics and Selective Service cases as well as the more routine crimes of violence, offered a number of suggestions: "Work as a law student at subsistence wages somewhere" or volunteer... "Once you get in the chances of staying in are much greater." He recalled that although he was not able to offer a permanent job to every law student who had worked for him, they all successfully got jobs in criminal law.

Zalkind also suggested that a student might work "with a good

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Council Hears Grievances

The Law School Council held grievance sessions Friday, November 16 to receive suggestions and complaints from Law School students on many areas of Law School policy and to recruit students for work on proposals on various topics. Twelve Council members and over 20 other students attended.

Among the new ideas suggested by attending students, according to the report of Russell L. Richeda, 2L, a Council member, were the possibility of providing career counseling services in the Placement Office, an investigation of the effectiveness of the case method and Socratic method and alternatives to it, a possible *Legal Ethics* course, a student voice in Law School energy conservation policy, and, on a more mundane level, the possibility of allowing beverages in the library.

Students present raised sev-

eral questions involving financial aid: Why are parental contributions expected from students who have been separated from their parents for 10 years? Why are aid recipients penalized for having a car? Which aid policies are discretionary and which are based on formulae, and what is the appeals procedure? Participants also discussed the purpose of and possible alternatives to the third-year written work requirement.

Richeda predicted that the Council will soon establish several grievance and suggestion committees which will probably involve nonmember students as well as Council members. Students who have grievances or are interested in working with the Council on grievances should contact their Council representative, Richeda said.

Midnight Student Patrol Increases Security

By Michael Bowen

John White is a senior majoring in Government at Harvard University. In the early hours of a recent Friday morning, White spotted a fire beginning in the Museum Street area near the Harvard campus. He immediately called the Cambridge authorities, who arrived in time to save some 24 persons from what turned out to be a major blaze.

White's attentiveness was not accidental. He is one of 60 Harvard students participating in the University's Student Security Patrol, an eighteen month old organization designed to increase the over-all level of security at Harvard. White's feat is the most dramatic, but by no means the only accomplishment on the Patrol's record. Other members have thwarted attempted break-in's, reported flooding in sub-basements, and have even been in on arrests of persons disturbing University property.

The Student Patrol is supervised by Sandy Maier, a second-year Law School student. In an interview the week before last, Monday, Maier said that the Patrol originated when "the University instituted a fire-watch a year-and-a-half ago, using 14 uniformed undergraduates with radios." From that modest beginning, the Patrol has more than tripled in size, and its activities have expanded from watching for fires to "observing and reporting anything calling for police action," including flooded basements, suspicious people and possible illegal activity.

"They are in areas that the average person is never in," Maier remarked in outlining the usefulness of the student security force. "They know first aid. They know their way around the appropriate University services—they know who to call for what situation. They provide just that many more eyes to assist the University Police. Once they make a radio call, within sixty seconds to two minutes a University Police officer is usually present."

Although self-defense training is available to those Patrol members who want it, and while some patrolling students have actually assisted in apprehensions after officers arrived, their basic function, Maier said, "is to call the police and stand by. The Patrol does not replace the University Police," he emphasized, "or do work that they ordinarily do. I would say there is no overlap in our activities, but they do dovetail."



Sandy Maier, 2L, directs fellow patrol member.

Aside from the optional instruction in self-defense, Maier estimated that Patrol members receive some forty hours in formal training, much of it on-the-job. A first-aid course is mandatory, as is instruction in the use of fire extinguishers and police cruiser equipment in general. Members are also required to become familiar with a 60-page manual on security procedure and to attend two group instruction sessions each week during their initial period on the Patrol.

When the Patrol began it was limited principally to watching over the University's undergraduate facilities. Since then, its responsibility has expanded to include the Law School complex, the Graduate School of Arts and Sciences buildings and dormitories, the Educa-

tion School and the Science Center.

Since virtually every school within the University may eventually decide to take advantage of the Patrol's services, Maier feels that the potential expansion of the security force's size and duties is impressive. He said he would not be surprised if the number of students employed by the Patrol doubled within the next twelve months.

The Patrol includes 10 law students, half of whom are in their second year of service. Any Harvard University student is eligible for a position on the Patrol, Maier observed, remarking that some 15% of the Patrol's members are women. Students on the Patrol are paid \$3.25 an hour, and work two eight hour shifts per week.

Maier suggested that both the Harvard community and the members of the Patrol derive considerable ancillary benefits from its activities. "If you're on the Patrol, you see people you wouldn't ordinarily meet," he points out. "This is especially true of graduate students. There're a lot of weird undergraduates, and you get a chance to meet them and talk to them."

The community benefits because Patrol members "are aware of what's going on, even when they're off duty." When a sudden emergency arises, they often know what to do immediately, whereas a student without their background would not.

The very fact that there is an effective Security Patrol staffed and supervised entirely by students will produce a further community benefit as soon as students become aware of the Patrol's existence, Maier feels. Harvard students are, in general, acutely conscious of the University's security problems—and they react to those problems accordingly. Bringing all actual security threats under control would be a hollow accomplishment, Maier noted, if students continued to feel insecure. As the visibility of the Patrol increases and its effectiveness becomes more apparent, Maier hopes it will help allay that kind of residual fear.

Rehnquist Might Disqualify Self

(Continued from Page 1)

judges in particular cases.

Rehnquist, who was at Harvard last week to preside over the Ames finals, commented on a variety of topics, including his judicial philosophy and recent movies he has seen, in a brief interview following an informal luncheon with eight students chosen at random and several members of the Board of Student Advisers.

Commenting on the nonappearance of the Supreme Court Justices at the announcement by President Nixon of his selection of Rep. Gerald Ford as Vice Presidential nominee, Rehnquist said that "everybody made his own decision." He refused to elaborate further, other than to say that the Justices were meeting in conference when they were informed of Nixon's selection.

Rehnquist said that he did not yet think the time has come for administrative reform to ease the increasing caseload of the Supreme Court. Last year, a blue-ribbon committee chaired by Professor Paul A. Freund recommended the establishment of a national court of appeals to ease the Court's caseload.

"The Freund committee really performed a significant service in calling this problem to the attention of the public," Rehnquist stated. However, he declared that he did not believe that any change would be brought about until a majority of the Justices felt that a change is necessary, and that the point "hasn't come yet."

"I agree rather fully with the

committee that there is a problem," he added.

Rehnquist, who is generally regarded as the most conservative member of the Court, said that thus far the main difference between the Warren and Burger courts has been in the area of constitutional protection accorded criminal defendants. "Since Burger ascended to the position of Chief Justice, the Court has probably tended to sail somewhat more close haul than the Warren Court did," Rehnquist remarked.

On the other hand, he termed the abortion decision, *Roe v. Wade*, a "pioneering reform." Rehnquist declined to assess the impact of that decision, saying "I don't think you can forecast about any opinion what its impact will be 10 or 20 years from now."

Rehnquist, who wrote a dissenting opinion in *Roe v. Wade*, said he couldn't select any of his dissents during his two terms on the High Court as particularly significant. "I don't think a dissent is worth much until it attracts some support," he opined.

"The most you can say for any of my dissents is that it's too early to tell."

Turning to the subject of his majority opinions, the former Arizona attorney indicated that "I really can't say" which was most important. He noted that he had not had the opportunity to write a majority opinion in any case as significant as *Roe v. Wade* or *San Antonio Independent School District v. Rodriguez*.

Rehnquist's majority opinions include *Mahan v. Howell*, 410 U.S. 315 (1973) a redistricting case in which the Court upheld deviations of as much as 16.4 per cent in districts for the Virginia House of Delegates; and *Moose Lodge v. Irvis*, 407 U.S. 163 (1972), an equal protection case in which the Court held that the granting of liquor licenses by the state did not constitute sufficient state action so as to bring the 14th amendment into play to prevent racial discrimination at a private club.

Asked what it felt like to be the youngest member on the Court, the 47-year-old Rehnquist replied, "If you're younger you probably have a little more stamina—at least in theory."

However, "at least seven of my colleagues get up earlier in the morning than I do," he confessed.

Despite the rigors of the job of Supreme Court Justice, Rehnquist finds time to pursue his avocations of sailing, tennis, and gardening. He enjoys reading, particularly Victorian political biography. That topic struck his fancy when he was taking an English history course at Harvard in 1958-59 en route to a Master's degree in Government.

Rehnquist, a graduate of Stanford's college and law school, also enjoys movies. While he has not yet seen *The Paper Chase*, he admits to having seen *Paper Moon*, *Young Winston*, and *Billy the Kid*.

Younger Members' Committee
Harvard Club of Boston
invites
HLS community, alums & their
guests
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Harlan Club Captures Ames

(Continued from Page 2)

Douglas spoke first for the petitioner, outlining the above facts. He argued that a death qualified jury imposing a guilty verdict and sentence of life imprisonment was not unconstitutional. The thrust of his argument was that *Witherspoon* did not apply where a statute imposing the death penalty did not allow standardless jury discretion and that even if there was a failure to comply with *Witherspoon* it did not affect the validity of a guilty verdict or of any sentence other than death. Douglas also argued that *Furman* did not invalidate death penalty statutes imposing strict standards on jury discretion and that even if it did the life sentence in the case remained unaffected.

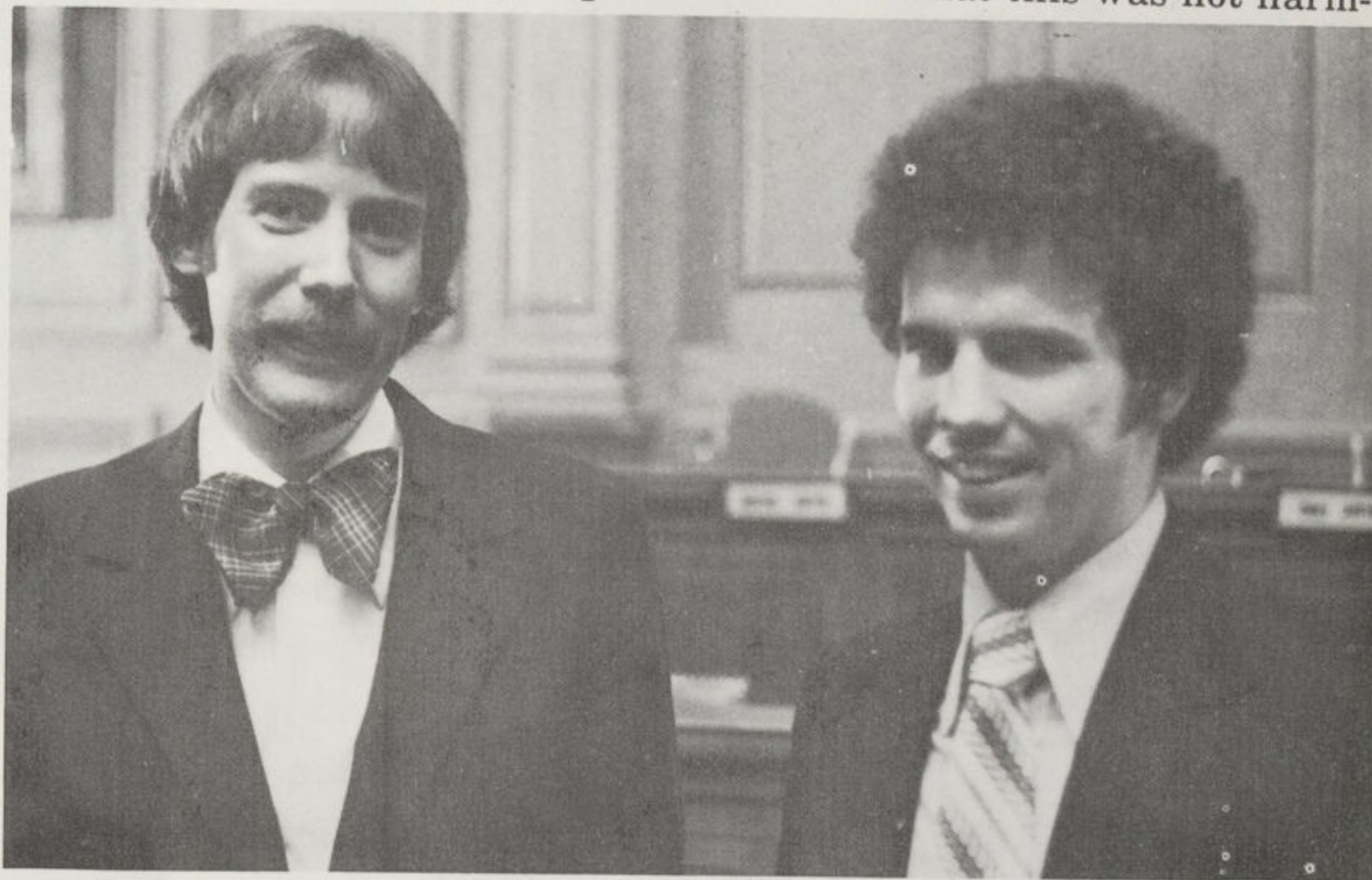
Tyrrell argued the other issues for the petitioner. His first contention was that the higher sentence imposed at retrial was constitutional. His main point was that the *Pearce* rationale did not apply to any vindictiveness that might be committed by the prosecutor. After repeated questioning by the Judges, Tyrrell stated that even if there had been prosecutorial vin-

dictiveness on retrial there was an absence of a causal connection with the higher sentence. He concluded argument by stating that the Court of Appeals had properly exercised its discretion in granting a resentencing option to the state.

Mote, first oralist for the victorious respondent, argued that the exclusion of death scrupled

sal of respondent's conviction. He forcefully argued that the Ames Statute, under which the death penalty could have been imposed, in the case was invalid because the statute did not sufficiently guide the discretion of the jury and did not permit judicial review of death sentences.

He said that this was not harm-



David Towey and Robert Mote, Winning Ames Team

Bob Mack

'Professor Loss, This Is Sec. Reg.'

Professor Louis Loss's lecture on *Corporations* was proceeding as usual early Monday morning until one student volunteered an unusual comment. "Professor Loss," the class member noted, "this is *Securities Regulation*." For the preceding 15 minutes, the approximately 200 3Ls in Austin North had been diligently taking notes, all apparently unaware that they were learning the wrong course.

Loss noted that his *Corporations* section meets in the same room (later in the morning). The material in the *Corporations* notes (the SEC proxy rules) is also covered in some form in *Sec Reg* at approximately the same time of year.

"When this comes out in the *RECORD*," Loss added, "I'll deny it."

veniremen had made the resentencing unconstitutional. He argued that the exclusion had denied petitioner's constitutional right to a jury impartially drawn from a cross-section of the community and that it had also resulted in a jury biased as to guilt and the severity of the sentence imposed. Mote based his assertions on several psychological studies conducted on juries which he claimed showed that jurors without death scruples were prone to convictions and higher sentences. Asked by Judge Coffin if judicial notice could be taken of the studies, Mote responded that all of the 9 studies mentioned had reached the same conclusion. Mote also argued that the Court of Appeals' order allowing resentencing should be reversed and the District Court's order allowing release or retrial be reinstated.

Towey, final oralist, began by arguing that *Furman* required rever-

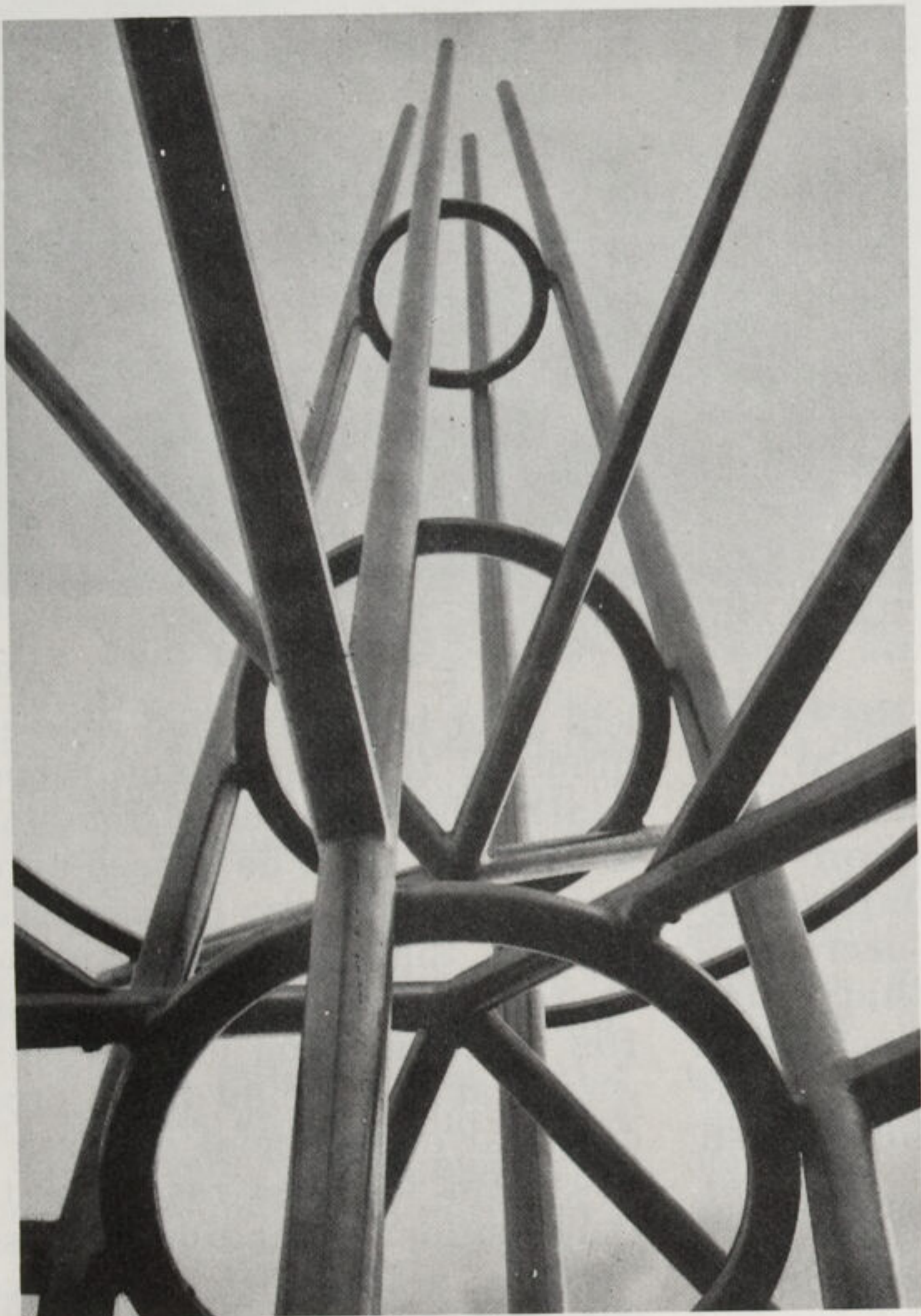
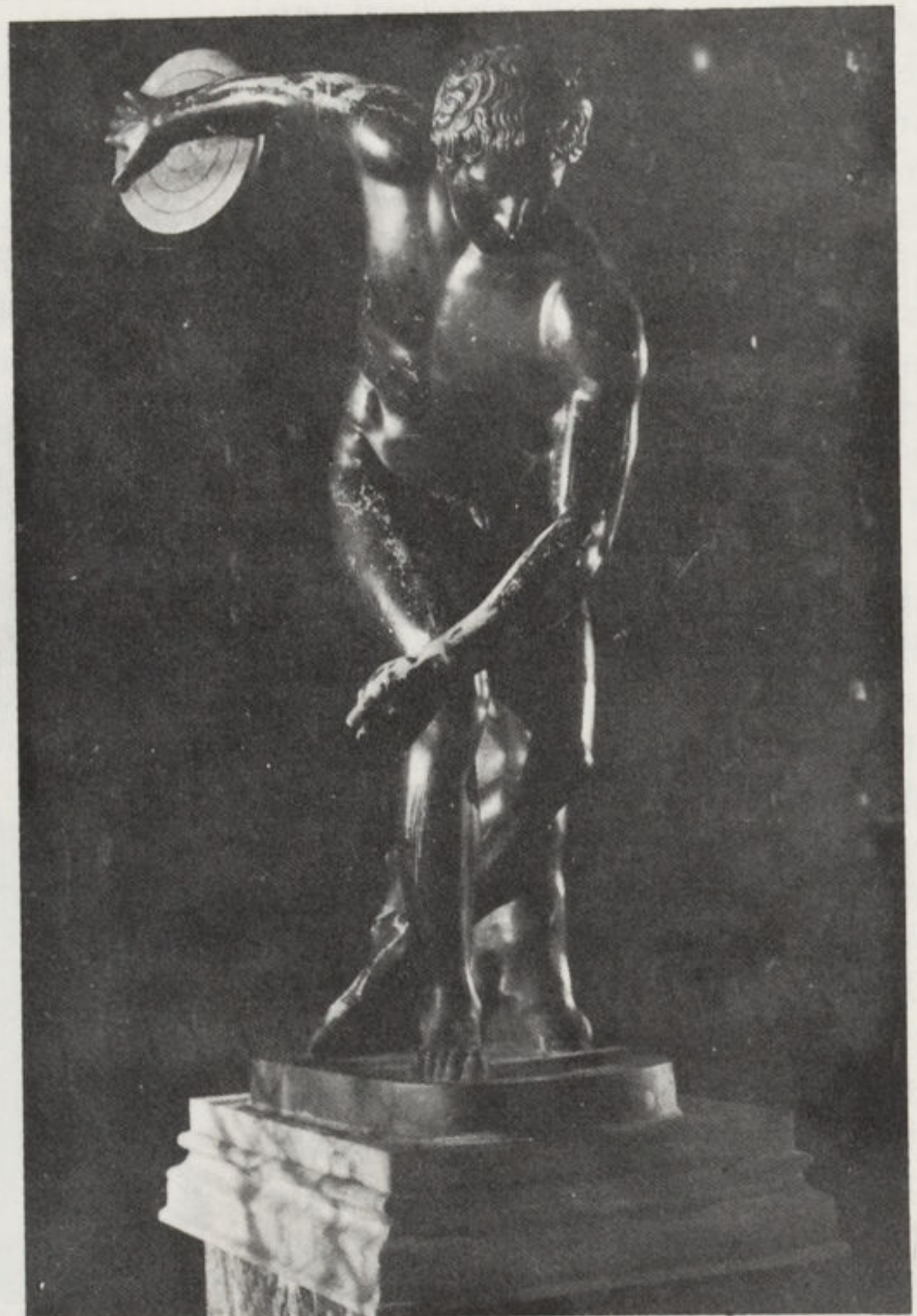
less error because it had severely hindered the respondent, whose trial had been prejudiced from start to finish by what he termed an illegal death penalty. He proceeded to argue that the higher sentence on retrial was unconstitutional. His main assertion on this point was that there had been prosecutorial and judicial vindictiveness that violated respondent's Constitutional right to due process.

After deliberation, Justice Rehnquist announced the decision in favor of the Harlan Club. All three judges praised the participants. Judge Wisdom, admitted that he had preconceived notions on the subject but that "the eloquence of the advocates was so great" that he was now "completely confused." Judge Coffin echoed Wisdom's praise, adding that "We were merciless and prevented a jewel of an argument by our questions which may not have been intelligent." Rehnquist closed by saying that it "was an excellent job on the part of all four of you."

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A Still Life Photo Study

The discus thrower in front of Hemenway Gymnasium presents a stark figure in this nighttime photograph.



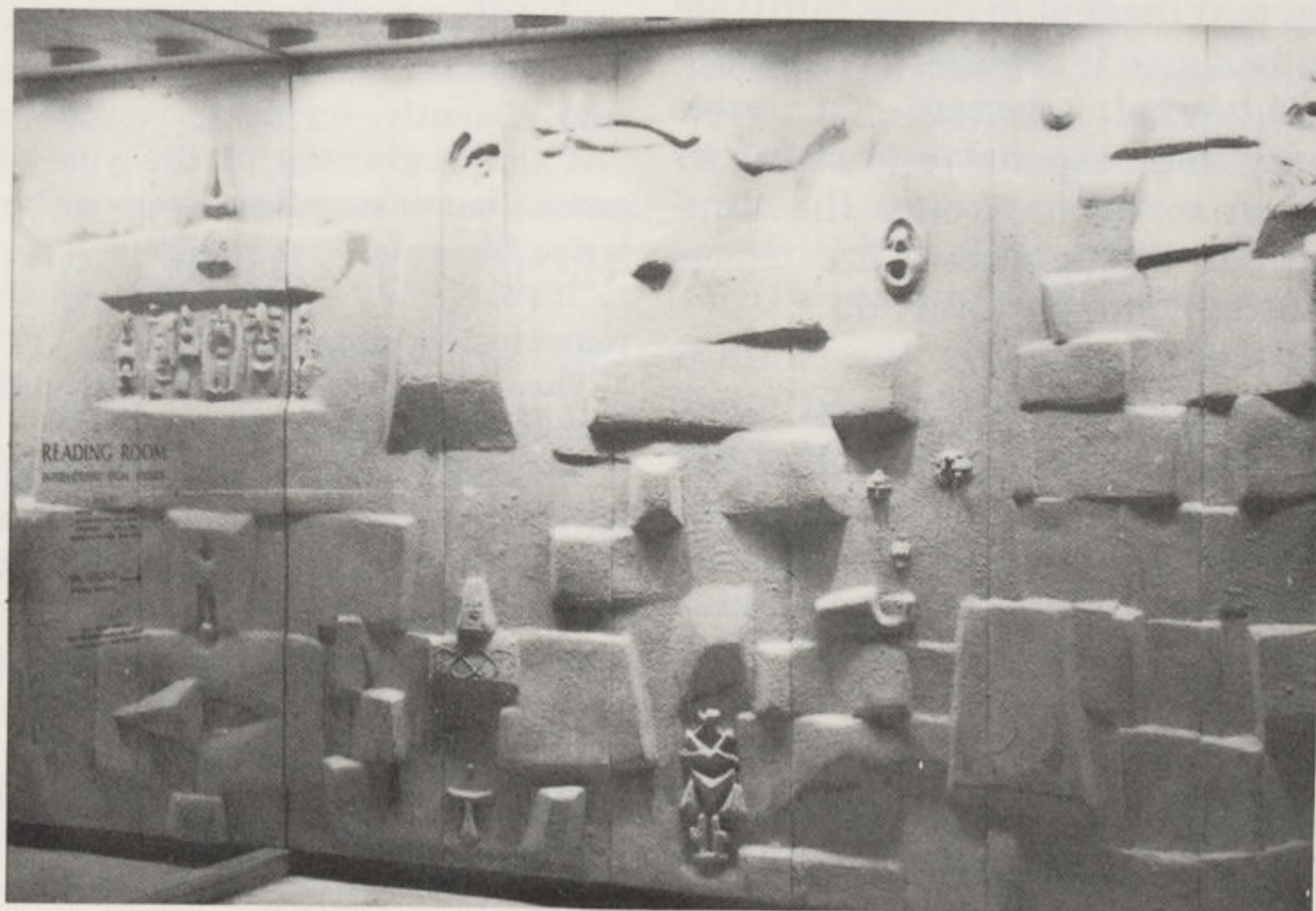
The World Tree offers a study in geometric design.



A tree casts an autumnal shadow on the Faculty Office Building.

Of Harvard Law School

Afternoon sunlight illumines a tranquil Ames Courtroom.



This three-dimensional mural extends from the hall part way into the International Legal Studies reading room.

A year's subscription to the RECORD will go to whoever first identifies this scene, which recurs every fall around the Law School.

Photos by staff photographer Bob Mack.



Endurance Test?

With little more than a month until the beginning of exams, the RECORD's exam preference poll this week sheds some light on student preferences for the various forms of the Law School's obligatory semianual ritual. Not surprisingly, most students indicated a preference for the traditional two- to four-hour in-class examination. Most students fare at least reasonably well under this format, and hence would just as soon continue under it. At the same time, it is interesting to note that first-year students most favored in-class closed book exams, while 2Ls and 3Ls opted for what they felt was the more congenial in-class open-book exam with unrestricted materials. Perhaps the senior class members believe that the time pressure of a short exam is eased to a significant extent when they can turn for quick reference to class notes, a *Law Review* outline, a canned brief, a study group outline, or a *Gilbert's* outline. First-year students, on the other hand, seem to have the competitive spirit instilled in them, and hope to triumph in the academic grade game on the basis of their own pristine intellects. Assuming that the grading system continues in its present state, however, it is likely that next year the present 1Ls will become more partial to unrestricted open-book exams too.

Another finding of significance in the poll was that students overwhelmingly preferred an eight-hour take-home to a 24-hour take-home. While it is true that the 24-hour take-home is no longer very popular, we urge that its remaining vestiges — Professor Tribe's *Evidence* and Professor Horwitz's *American Legal History* — be immediately abolished.

A 24-hour exam, more than any other format (except perhaps multiple choice questions), is pedagogically unsound because it creates psychological pressures on students to devote the full 24 hours to an exam — a period of time too long to foster sustained creativity and responsive answers to essay questions. Moreover, while the 24-hour exam may ease the time pressure found in an in-class exam, it will do so at the expense of creating a reverse time pressure to spend the full allotted time on an exam.

A 24-hour exam also will leave students tired out after the exam is over, at a time when other examinations follow soon after, and when students' time is valuable. We recommend that professors who have scheduled 24-hour exams in January reschedule them as eight-hour take-homes, a format which is sufficiently long to ease the time pressure of in-class exams, but not long enough so that they become endurance tests.

BSA on P/F

We commend the Board of Student Advisers for urging the faculty to reconsider adopting some form of pass-fail option for those students who want it. It is no answer to say that only a small percentage of students choose pass-fail grades, especially when the administration — both for professors and the Registrar — of a pass-fail system entails minimal difficulties. Nor is it an answer for the faculty to say that it has considered the matter last year, and, therefore, further discussion should rest for a few years. The fact that the faculty may not be willing to establish a mandatory pass-fail system should not prevent it from reinstituting an optional pass-fail system for first-year students.

HARVARD LAW RECORD

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Fenno

The 1L sat down and settled comfortably into his chair. He glanced at the community television set, where the New York Giants, lost in the relative privacy of the Yale Bowl, were preparing to kick off to a team nearly as unfortunate as they.

"Have you seen *Paper Chase* yet?" he asked Fenno, who was sitting beside him.

Fenno started to say that he had seen it with the original cast in 1946, but restrained himself.

"So far," he answered instead, "I've managed to avoid it."

"It's really amazing how things can change in such a short time," the 1L observed. "All the stereotypes the movie picked out—the panic, the pressure, the competition—they're all missing. What I've experienced so far is nothing like it."

Fenno let the comment pass in silence, as he and the 1L watched the first series of downs.

After the Giants' opponents had punted, the 1L squirmed nervously and took a surreptitious glance over each shoulder.

"I wonder where everybody is," he said absently, trying to sound casual. "At the beginning of the year, these games were standing room only: now we're the only ones here."

"It's early yet," Fenno offered, sensing his companion's uneasiness.

The explanation sufficed through two incomplete passes.

"You don't suppose they're studying?" the 1L wondered aloud, not so casual now.

"Well," Fenno commented judiciously, "the students from New York aren't here because they're embarrassed about the Giants. Everyone from California is studying because they think everyone from New York is, and everyone knows there are only so many jobs in San Francisco, and who wants to spend his career filing writs of replevin for used car dealers in Van Nuys. Everyone on the *Law Review* is studying because that's their idea of a good time. Everyone else is eating pizza and waiting for a decent football game to come on."

The 1L gazed glassily at the set for several seconds as a Giant drive faltered at the New York 35. Finally he turned in his chair to look directly at Fenno.

"Did you mean that?" he asked.

"About the pizza?"

"About the used cars in Oakland."

"It was Van Nuys."

The 1L returned his attention to the set long enough to watch the Giants' opponents cross mid-field.

"This game doesn't excite me very much, now that I think of it," he allowed after the brief interval. "I think I'll see if it gets better later on." He rose hastily from the chair and began to withdraw.

Law Notes

The work of **Vivian Berman** will be exhibited in the Langdell Mezzanine November 27 through January, 1974. Berman's collographs are represented in major public collections such as the Library of Congress, Pennsylvania Academy of Fine Arts, DeCordova Museum, and Boston Public Library. Her collograph-intaglio "Cross Country," at right, is a study in motion using a tondo format.

United Auto Workers President Leonard Woodcock will speak at the Law School at 8 p.m. today. Woodcock has been President of the UAW since June, 1970, and in 1970 he led the union in its contract negotiations with the auto industry big three which resulted in historic gains.

This year the UAW is again making significant gains in its negotiations with the auto industry, and these gains have been accomplished without prolonged strikes.

Govt. Suit Strikes Ecological Balance

The Department of Justice filed a civil suit recently charging a country club in Montana with polluting a river by dumping junked motor vehicles on the river bank.

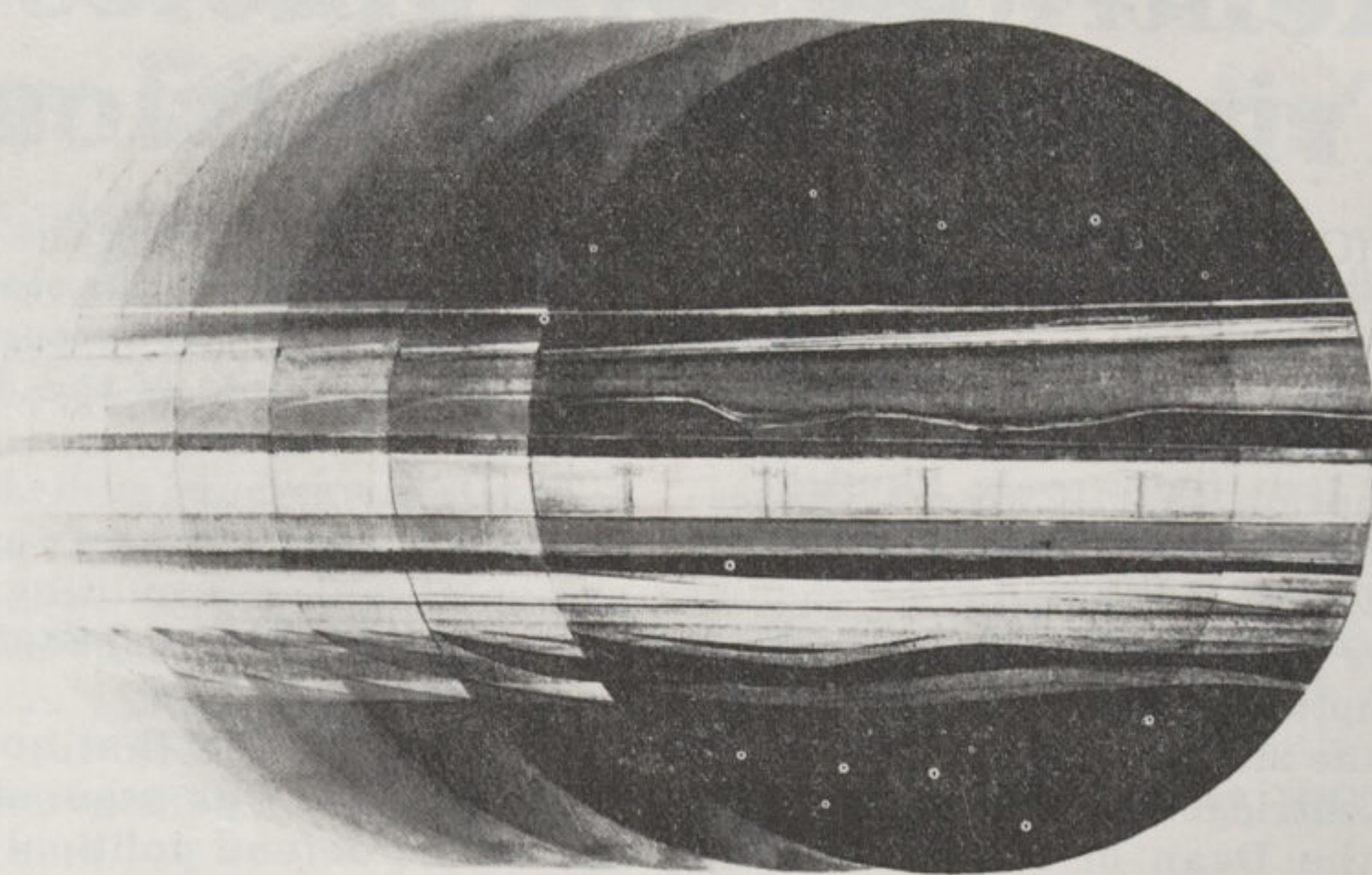
Assistant Attorney General Wallace H. Johnson, head of the Land and Natural Resources Division, said the suit was filed in U.S. District Court in Great Falls, Montana.

The suit said Marias Valley Golf and Country Club near Shelby, Montana, has dumped junked motor vehicles on the bank of the Marias River in violation of the 1899 Refuse Act.

The suit said the vehicles degrade the esthetic quality of the river and are likely to be washed into the river channel, damaging the ecological balance.

The suit asked for a court order permanently enjoining the club from depositing any refuse matter in the river and requiring the club to perform any necessary restoration of the river.

The action was taken at the request of the Environmental Protection Agency.



Vivian Berman's "Cross Country"

Public opinion pundit **Louis Harris**, founder of the polling firm which bears his name, will speak at the Harvard Law School Forum in the Ames Courtroom at 8 p.m., December 7. Harris is best known for his surveys on public affairs, but has also conducted surveys on commercial and social studies. Harris was a leader in developing modern election night projections, and accurately forecasted the 1972 election of President Nixon.

Raoul Berger, Charles Warren Senior Fellow in American Legal History, has won an Honorable Mention Award in the Faculty Prize contest of the Harvard University Press. The award is given each year for the most distinguished book by a Harvard scholar published by the press.

Berger's award was for *Impeachment: The Constitutional Problems*. The book is a careful analysis of the historical roots of the impeachment process and the legal problems involved in impeachment. The book confronts certain unresolved problems surrounding impeachment, including the meaning of "high crimes and misdemeanors."

The **Jessup International Moot Court Competition** has been approved as a 1L spring Ames Alternative by the Board of Student Advisors, according to International Law Society president Seng Kie (Frank) Tjia, 3L.

This year's Jessup Competition topic focuses on a hypothetical lawsuit before the International Court of Justice. The suit concerns deep sea mining rights, and the issue in the case, economic resource zones on the ocean floor, is a topic which will be discussed next spring at the Law of the Sea Conference.

Any law students interested in working on the Jessup Competition should contact the International Law Society, Tjia said.

The Fall, 1973 issue of the *Massachusetts Law Quarterly* has reprinted the citation by the Massachusetts Bar Association accompanying its presentation of its 1971 Gold Medal to **Harvard Law School Professor Emeritus Livingston Hall**.

In the citation, the Bar Association describes Hall as "a man who combines in his own person the highest attributes of law teacher and lawyer, and who has applied his skills beyond all measure for the good of the legal profession as a whole, and, in particular, for the good of the Bar of Massachusetts and our own Massachusetts Bar Association."

Among his accomplishments, the citation notes that Hall was largely responsible for Supreme Judicial Court Rule 11, which made it possible for third-year law students to appear in court on behalf of indigent defendants, and that he was chairman of the state's Criminal Law Revision Commission.

"Of him it has truly been said by every Bar President before and after him that he has graciously acceded to every request for help and has performed with distinction every task that was assigned to him," the citation adds.

The first continuing legal education series on **television** will be offered beginning in January in Washington, D.C. **Catholic University's Columbus School of Law**, in cooperation with the Continuing Legal Education Committee of the American Bar Association, will sponsor three 14-week courses via a private TV system. The courses, *Federal Taxation*, *U.S. Supreme Court Issues and Trends*, and *Modern Real Estate Transactions*, will be carried by Microband on a special antenna installed on the roof of a subscribing firm. The programs will be shown on conventional TV sets at a cost of \$750 per firm or \$75 per individual lawyer. The series is being planned by Harvey Zuckerman of Catholic University.

Kentridge Chronicles Trials in South Africa

(Continued from Page 4)
or the government of South Africa by unconstitutional means."

Further, the act contains a presumption that if an act causes damage to the government, that it was intended that the act should have those consequences, a presumption which must be rebutted by the accused party.

Kentridge recounted his defense of the Dean of Johannesburg, whose primary offense was the provision, through donors from England, of funds for the dependents of political prisoners. The Episcopalian cleric was accused of being a member of a conspiracy, headquartered in England, which intended to overthrow the government.

The most damaging evidence against the Dean was a box, found atop a little used cupboard in the Dean's apartment, containing pamphlets with instructions on how to make bombs.

Kentridge's discussion of his trial tactics was a study in the effective use of cross-examination and the rules of evidence. South Africa has no preliminary hearing or pre-trial discovery, and so the trial began without any disclosure of the state's evidence.

It came as a shock, then, when one of the defendant's oldest friends turned up on the stand as a state informer. Fortunately Kentridge was able to show that the informer had never actually heard the Dean mention the supposed conspiracy, a surprising fact for a man supposedly so involved.

The cross-examination of the two policemen who supposedly found the box of pamphlets was described by Kentridge as a lesson in how difficult it is for witnesses to coordinate their stories when they may not quite be telling the truth.

One officer was quoted as saying when the box was discovered, that the Dean had said, "I've never seen those before in my life." This presumably meant that the Dean was

aware of the existence of the pamphlets within the box. The other officer, however, did not support this supposed statement of the defendant.

The Dean was found guilty by the trial judge, but Kentridge's appeal was successful in acquitting him, after which the Dean left South Africa for England.

Kentridge noted that no personal censure was assumed by those who defend political prisoners in South Africa.

Williston Contest Set for January

The Williston Competition, a contract negotiation and drafting exercise for first-year students, will take place from January 21 to February 8 this year, according to Michael J. Critelli, 3L, Williston Committee Chairman for the Board of Student Advisers. The competition, run by the Board, will award prize money provided by the Boston Safe Deposit and Trust Company to the top three teams.

The exercise, in which 100 students participated last year, will differ from previous competitions in three respects. First, to emphasize the negotiative aspect of the event, the Board will run the participants through a short, practice negotiation problem before the competition begins. Second, some of the contestants' negotiating sessions will be observed by competition judges, who will evaluate the skills displayed in that phase of the competition. Third, contestants will be ranked according to how well they represented their clients. In previous years, the contract produced was judged by its overall effectiveness in dealing with the problems both sides encountered, and the teams were ranked accordingly.

December 7 is the last day that students may sign up for the event.

BSA Letter Urges Faculty Adopt P/F

(Continued from Page 3)

only way to dispense with classes of 150 students is to find more educational man-hours."

The BSA letter stated that "some form of pass-fail grading is essential to an effective and meaningful first-year program. Indeed the experience with the optional system in effect through 1973 cannot possibly justify its abolishment except in conjunction with the most paternalistic of arguments."

The Cohen Committee on First Year Evaluation and Related Matters had recommended replacement of the optional pass-fail system with a system of mandatory pass-fail for part of the first year.

In September, Cohen Committee member Bator, who had previously supported the mandatory pass-fail recommendation, commented that as a result of the faculty's action "I think it would be desirable to have the matter rest now for several years."

Keeton noted that the Cohen Committee was one of two special committees, the other appointed in the spring of 1969, to consider first-year evaluation and related matters. The Committee on Legal Education, on the other hand, considers any matter concerned with curriculum, degree requirements, academic performance.

It is functioning with student members appointed last year until new members are appointed.



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Rule 26

By Bill Kenety

Q. Why have the pinball machines been taken away from the Hark?

A. Dean Bruce cites noise, carpet wear, and the attraction of small children as reasons. However the "clincher" is a Cambridge Licensing Commission rule prohibiting pinball in the same area where alcohol is served. Apparently the Hark has more beer drinkers than pinner players.

Q. Why isn't there a regular telephone outside Wyeth Hall like the one recently installed outside Hastings?

A. There will be—the malfunctioning buzzer system will be replaced with a Centrex phone that is currently on order.

Q. Why are the No Smoking signs in the classrooms so seldom enforced?

A. Why don't you give us a specific professor or class on this one. Incidentally the signs represent Cambridge fire laws barring smoking in the classrooms.

Q. Why are the portraits allowed to hang so as to place them in direct sunlight? Isn't that harmful to them? Is there a catalogue of them?

A. The Law School Art Committee (yes, there is one) consists of Professors Phillip E. Areeda, Morris L. Cohen, and Louis L. Jaffe, Dean William L. Bruce, and Bernice Loss. They'll be looking into the problem next week. They have a list of portraits which you should be able to get if you want.

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Larry & Joe

Attorneys Describe Search For Criminal Justice Jobs

(Continued from Page 4)

civil litigator," especially a good personal injury lawyer, as the trial techniques involved in personal injury cases are more like those in criminal work than are the techniques in commercial or antitrust litigation. Zalkind also recommended clerking for a federal district court judge. Finally he noted that "the best criminal defense lawyers in the city ... were Mass. Defenders."

Hoffman emphasized "the vast amount of discretion and responsibility that a prosecuting attorney has." He noted that a few years ago the Boston United States Attorney's office "had the policy that we were prosecuting every provable federal offense ... Now, there are limits below which we will not prosecute." These new "objective minimum standards" for economic crimes, according to Zalkind, eliminate the possibility of "subconscious favoritism" in suggesting cases for trial.

In addition to these standards, Hoffman recommends against prosecuting a case unless he believes that a crime has been committed and that there is a reasonable probability of winning it. "In my experience, the prosecutor is more of a protection for the accused than the grand jury."

Hoffman noted that employment in the U.S. Attorney's office is "seasonal." "It depends on vacancies." In his experience, the appointment was not political; Hoffman was hired in 1971 although "I had no

Republican ties."

Hoffman stated that, depending on the office, you can decline to handle particular kinds of cases. "I refused to handle draft cases."

Hoffman also noted that although some U.S. Attorneys' offices will not hire a lawyer without trial experience, the Boston office did not require such experience. "I don't think it's an essential any more the way it used to be."

Hoffman pointed out that work as a federal prosecutor will give a lawyer "familiarity with courts and judges" but would not overburden him with cases as some defenders' groups or district attorneys' offices would: "I'm in court pretty much every day, but I don't have trials every day." He added that federal defendants in Massachusetts can now have trials within six months if they ask for them. In addition to a manageable caseload, federal prosecutors "have almost unlimited investigating resources" and get "good training and supervision." In criminal practice, Hoffman emphasized, "You can't learn everything from the books."

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Child Custody: Whose Interest?

By Robert Flanders

BEYOND THE BEST INTERESTS OF THE CHILD by Joseph Goldstein, Anna Freud, and Albert J. Solnit. The Free Press (N.Y. copy 1973) 170 pages. \$7.95

Displaying the same kind of wisdom which Solomon employed in probably the earliest recorded and most celebrated of child custody cases, authors Goldstein, Freud, and Solnit pierce the shibboleth of "the best interests of the child" as it is bandied about in current legalese, to arrive at a lucid, concrete formulation of what exactly the law of child care should be. Applying a psychoanalytic or Freudian approach, the book establishes the necessity of safeguarding a child's psychological well-being, and, in a later chapter, actually proffers a model child placement statute.

Traditionally, the interests of a child have been paramount only when his physical health has been jeopardized; in many a custody battle, the claims of a biological parent have often been held to supersede the child's psychological needs. In taking a critical look at child-placement procedures, the authors — a law professor and two psychoanalysts — scrutinize the complete societal armature which is generally or specifically involved with the administration or rearrangement of parent-child relationships, and measure it against "the need of every child for unbroken continuity of affectionate and stimulating relationships with an adult." From what psychoanalysis reveals about human growth and development, they make an adept translation to procedural and substantive guidelines for determining a child's placement.

Children are viewed, not as "little human beings," but as essentially vulnerable and incomplete in their egocentricity, their intolerance of frustration, and their inability to "freely love more than one adult unless the individuals in question feel

positively to one another." Under such a theory, the physical tie of birth is minimized when contrasted to the ongoing attachment which is the hallmark of "the psychological parent" in whose custody the child can feel valued and wanted.

Beyond the Best Interests of the Child rests squarely on the belief "that children whose placement becomes the subject of controversy should be provided with an opportunity to be placed with adults who are likely to become their psychological parents." Hence, each child placement should be as final, unconditional, and permanent as that of a newborn baby with its biological parents; custody decrees should not be subject to modification; visitation rights, if any, should be strictly within the discretion of the custodial parent and not the court. Every placement decision, the authors contend, should reflect the child's and not the adult's sense of time, a sense based on the urgency of a child's instinctual needs which are greatest when he or she is very young.

The clear implication is that placement decisions should never exceed the time that the child-to-be-placed can endure loss and uncertainty: each decision must be treated as an emergency, and procedural schemes for expeditious adjudication can take as models "the blood transfusion cases" or the apparatus evolved for dealing with prior restraints on free speech. Moreover, the child's sense-of-time guideline would deflate the current focus of interest on, say, an adult's intent to abandon, or a given agency's failure to encourage a relationship.

While taking into account the law's incapacity to supervise interpersonal relationships and its limits with regard to long-range predictions, the authors nevertheless devise a legal standard for safeguarding a child's growth and development. Referring to it as "the least detrimental available alternative," it is

"that specific placement and procedure for placement which maximizes, in accord with the child's sense of time ... his or her opportunity for being wanted and for maintaining on a continuous basis a relationship with at least one adult who is or will become his psychological parent."

Such a guideline emphasizes that a child has already been harmed by the time he faces future placement, and that speedy action is needed to mitigate any further risk. The book also advocates that a child be afforded full party status and independent legal representation in all placement hearings, in recognition of the fact that neither the parents, the state, nor the agencies have a conflict-free interest if they are to represent the child adequately.

Beyond the Best Interests of the Child is more than an invaluable contribution to the burgeoning lore of child psychology. It is a testament to the success of interdisciplinary law-making, as doubtless its persuasive reasoning and sound conclusions will find their way into the legislatures and judicial opinions before too long, if they have not done so already.

Saudi Oil Minister Is HLS Graduate

Those members of the Law School community who think that they have had to spend an inordinate amount of time dealing with the energy crisis should compare notes with Sheik Ahmed Zaki al-Yamani, LL.M. '56, who has been Saudi Arabia's Minister of Petroleum since 1962. Yamani helped precipitate the crisis by cutting off the flow of Saudi Arabian oil to the United States. According to Wednesday's *New York Times*, the 43-year-old sheik "admits unabashedly in Arab company that he likes Americans...."

Lesley Administrator Sets RECORD Straight

The following article was prepared by a member of the administration of Lesley College, and was written in response to an article by Daniel M. Taubman in the November 9 issue of the Record.

Many of the Lesley College students felt that Daniel M. Taubman's article about Lesley was riddled with sexist overtones. For example, setting "Mindless Coeds Stereotype" in a large, bold-faced headline that loomed across the top of the article merely reinforced what the article, supposedly, was working against. Many students felt that a double-standard was at play: The "They are nice to sleep with, but not someone you'd marry or respect" attitude is absurd when you consider that HLS students will allow their children to be taught by Lesley College teachers, at the most formative and important years — the early ones. HLS students would entrust the education of their children to Lesley College students — teachers of tomorrow—but consider them as "second bedroom" only.

Students also felt that Mr. Taubman included quotations from interviews which emphasized complaints and negative feelings; they felt that he *also* could have included interviews with the numerous hard-working, professionally-oriented students who love the College because of the high-quality, excellent education they receive there. They might have told him about CORE, a unique program which enables freshmen and sophomores to experience direct teaching situations instead of having to wait until the junior year; The Children's House, a dynamic, comprehensive day care center that provides innovative laboratory-demonstrations; the four private Lesley College Schools for Children which explore new methods of reaching and teaching the normal child, or the child with special learning gifts or problems. Although the author was not writing an article to "sell Lesley College," he could have presented a better-researched, more objective picture.

Most women at Lesley work hard at becoming first-rate teachers and, at the same time, are interested in exploring cultural and social aspects of the Boston area. Though typically less mature than the HLS student (she is also typically four or more years younger), it is not unusual for a Lesley student to hold down a job while taking courses, participating in CORE or student teaching, attend conferences such as the New England Kindergarten, sponsored by the Lesley College Graduate School, etc.

The stereotyped "mindless" image might apply to some students, but certainly not to most. Students at Lesley resented the condescending tone of the article which, they believe, did nothing to help remove that image. In order to develop better communications between Harvard Law School and Lesley College, the students at Lesley invite HLS to present a forum at Lesley on legal issues related to teaching. At that time, Lesley could provide tours of the new campus so that HLS students could see for themselves what is going on across the street.

What follows are comments from students in one dormitory at Lesley College:

"In your November 9, 1973 article on Lesley College, you stated that 'Lesley remains unique because of its proximity to Harvard Law School.' I beg to differ with that. Lesley College remains unique despite the proximity to Harvard Law School. Lesley has been standing on its own two feet without any help from Harvard law students; needless to say, we will continue to do so.

Perhaps the reason that the Admissions catalog doesn't state Lesley's proximity to HLS is because students apply to Lesley College, not to Harvard Law School. Therefore it isn't relevant to even mention Harvard. Granted, the area in which Lesley is located is a part of a woman's decision to attend Lesley; but it is not her primary objective.

To the Lesley student who said,

"You get too many approaches in one night so you say 'It just isn't worth it' and you watch TV and become a hermit," I feel that the statement misrepresents a majority of students at Lesley. Very few students become hermits. Most go out and enjoy the cultural, as well as the social, aspects of Boston and Cambridge.

The article written by Taubman was from a Harvard law student's point of view. Yet I feel that he did not adequately convey the message of those he interviewed. If he had spent more time with more Lesley students, he may have come up with a very different point of view. I feel that the article had certain merits in introducing the law students to Lesley College. All it was, however, was factual. Very few feelings were included, and this upset me. Hopefully things can be corrected by a change in attitude by Lesley students toward Harvard law students and, more importantly, of Harvard law students toward Lesley women."

Sue Strouse '75

"It's really not fair to write such an article when he interviewed so few students here."

Kit Lauder '76

"That's true (what Kit Lauder says); and those Taubman questioned made such sweeping generalizations about the people here — both as students and as women. I'm sure not every Harvard Law student feels that we are 'mindless coeds.' It's important that such a prejudiced article was written by one of our future men of justice."

Cindy Jury '76

"We're a group of 'people-oriented' students all right, and I'm tired of being looked down on by the Harvard intellectuals who sit on their brains half the time. Some of the women here *are* mindless, but the majority are intelligent, aware, sensitive people. We don't always give of our intellects; we give of ourselves, our love for others. That, to me, is more important."

Jane Johnson '76

'Monte' Miller Plays Host In 'State the Case' Game

By Arnold S. Rosenberg

Monte Miller, who shocked television audiences of the '50's in his role as Superprof, made a brief surprise appearance at Harvard Law School Tuesday to host Professor Arthur R. Miller's popular daytime Civil Procedure game, "State the Case."

The Millers are not related.

Tuesday afternoon's show was a benefit for the Erie V. Tompkins Foundation, established in 1938 to deny succor to the families of deceased Hughestown, Pa. railroad employees, and to assist "those unfortunate law students fated never to sit on the Supreme Court due to the failure of the Court Packing Scheme."

Langdell South throbbed with music and excitement before curtain-time as 1L's, BSA members, union leaders, and railroad personnel packed in. A solitary Visiting Professor, rumored to be a scout for the University of Pennsylvania's "State the Case" team, was also observed sneaking into a back-row seat, where he was immediately besieged by Foundation representatives, whom he rebuffed.

As a stereo blared the "fight" song of the small Michigan advertising college where Miller, a rotund brunet, commenced his career as an Assistant Professor of Sophistry, the crowd began to clap in time to the music. Suddenly, the music changed to a triumphal *Ben Hur* theme, and a colorfully dressed 2L clutching an aluminum foil microphone announced Miller's arrival and the start of the show.

On that cue, in burst two heavily-lipsticked maidens carrying "Applause" signs, followed by the newly-mustachioed star, who wore a black shirt (Adolph's of Munich, \$12.50), black slacks (Farah-out, \$10), blue and white checked jacket (Woolworth's, \$8), bow tie (Oynck, \$26), red handkerchief (Armour First-Prize, \$5), oversized sunglasses (Sacks' Fifth, no consideration), and derby ("my Dad"), and sporting a boutonniere, an "Impeach

Nixon" button and a "wet look" hairdo (Vaseline, 50c).

The crowd rose as one. Its cheering split the air. Then a hush. Monte held up a jar. "In this jar, we have the names of about three dozen of you (pause) who are eligible to play (pause) 'State the Case'. From among these names, I shall pick five and give *each* person thirty seconds to tell us *why* (pause) they want to play 'State the Case.' The first contestant is ... Mr. Butcher!"

Butcher and his four cohorts requited themselves nicely. Two were picked at random from the five. A red toy train, allegedly planted in the crowd by a jealous Contracts professor to distract the emcee, began to be passed around in the audience, appending high-pitched toots to Miller's phrases.

Unfortunately, the pace of the show dropped off considerably after its wild beginning. As Monte directed the show from the back of the studio, members of the audience were seen to raise their hands in the evident hope that pearls would drop into them from Monte's mouth, but all that dropped were a few quarters and a nickel which Monte tossed to audience participants who scored a high number of points on the "Brow-nometer," an instrument activated by rapid, loud, and emphatic human noises.

Monte stayed a while after the show to answer questions and sign autographs, then he slipped out unnoticed to resume the hobby at which he has spent much time of late: fuel-hoarding.

1Ls To Choose Spring Courses In Next Week

First year students will have 17 courses to choose from between December 5 and 11 to fulfill the requirement for two spring elective courses totalling four or five credits. Sixteen faculty members will teach the courses, including one woman, Assistant Professor Diane T. Lund, teaching *The Law of Employment Discrimination*.

Constitutional Law, a popular choice for 1Ls, will be taught in two sections for four credits by Professors John Hart Ely and Andrew L. Kaufman. Confrontations between reason and justice on the one hand and the realities of political power on the other will be examined in *Political Power and Protective Judicial Doctrine* by Professor Charles R. Nesson, erstwhile defender of Daniel Ellsberg.

The majority of the courses are two credits, ranging from *Comparative Criminal Law Theory to Suburbs and Cities: Issues of Segregation and Finance*. The former will be taught by Professors Alan M. Dershowitz and Fletcher and the latter course will be supervised by Professor Lance M. Liebman.

Oversubscribed courses will be cut on a random basis and students will thereafter be asked to sign up for an alternate course. Students wanting to take *Constitutional Law* should sign up for the course without indicating a choice of sections. After all elections have been made, students will be assigned to sections by lot.

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