

HARVARD LAW RECORD

America's Oldest Law School Newspaper

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TWENTY CENTS

Ratio of Women at HLS Ranks 13 of 17 Schools

By Jim Stewart

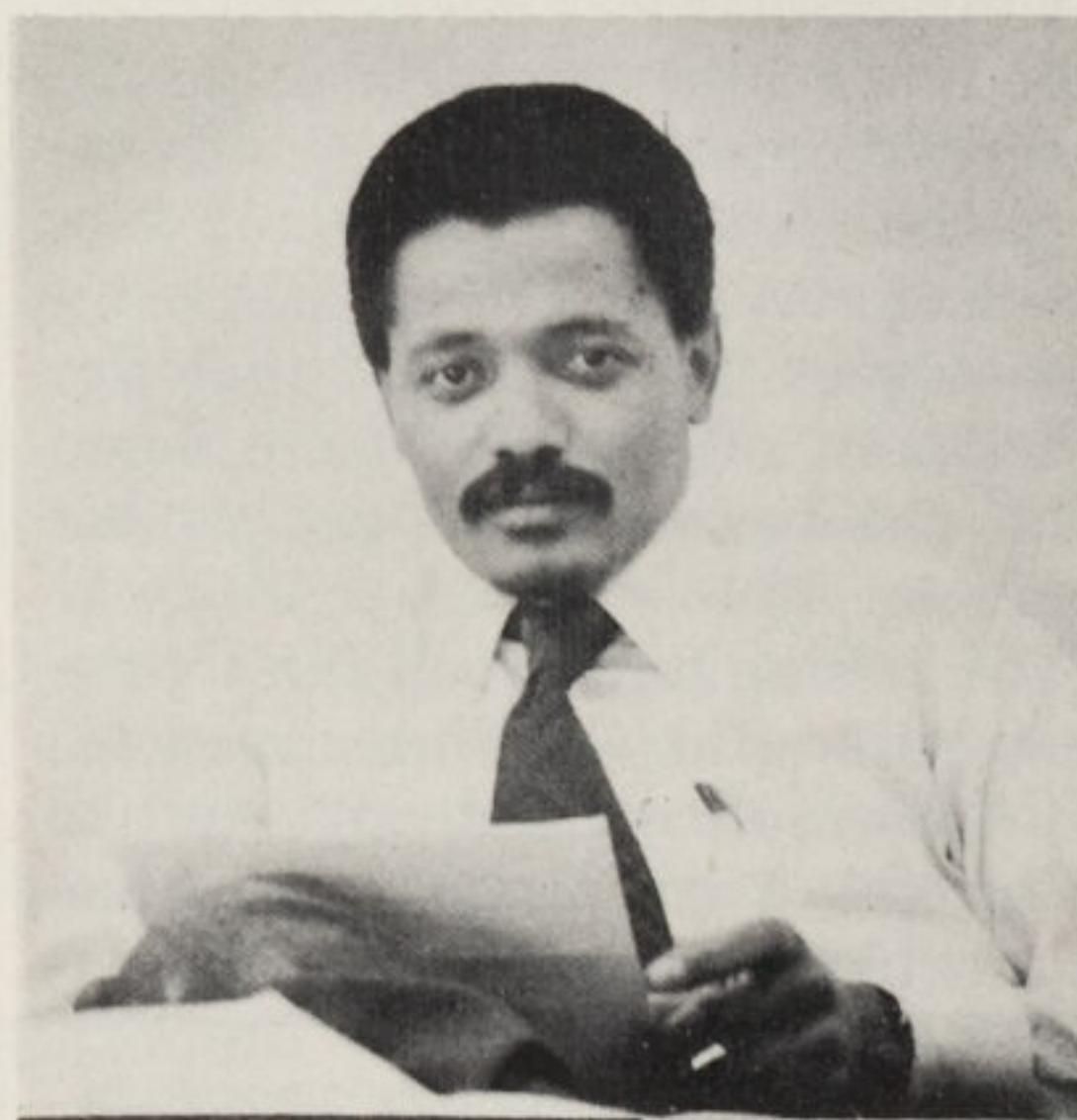
Harvard Law School ranks thirteenth among 17 law schools surveyed in a comparison of the percentage of women enrolled in its first-year class to that of other law schools.

Only two schools surveyed — Vanderbilt University in Nashville, Tenn., and the University of Georgia in Athens — had a lower percentage of first-year women students.

The figures not only place Harvard far behind the law schools leading the recruitment of women, but cast doubt upon its claim that it is getting its share of women applicants.

The survey, conducted by the RECORD during the last two weeks, included 17 law schools located in all parts of the country. (see accompanying table).

Robert Williams, assistant dean and associate director of admis-



Assistant Dean Robert A. Williams

Early Show Opens

The Law School Early Show was scheduled to debut last night. Performances continue tonight, tomorrow, and next weekend. A RECORD early review appears on Page 5.

HLS Prepares New Fuel Plan For 30% Cut

By Patrick Kennedy

The Law School presently has no plans to lengthen the Christmas break nor to alter the school's calendar in any way. This statement was made by Associate Dean Paul M. Bator in a memo distributed earlier this week to faculty, staff, and students of the Law School. The announcement followed in the wake of reports that the College will probably extend the Christmas vacation due to recently announced cutbacks in fuel allocation.

These cutbacks, which amount to 20 per cent in December and 30 per cent in January, will be passed on by the University to the school's various departments. However, Law School officials remained hopeful they could make the neces-

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Percentage of women in the first-year class:

Northeastern	50
University of California at Berkeley	33
New York University	31
Arizona State University	30
University of Southern California	30
Yale University	23
Boston University	23
Georgetown University	22
Indiana University (Bloomington)	21
Tulane University	20
University of Minnesota	20
Washington University	20
Duke University	18
HARVARD UNIVERSITY	18
University of Chicago	18
Vanderbilt University	17
University of Georgia	9

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Rosenberg To Try High Court Case

By Daniel M. Taubman

Legal Methods director David Rosenberg will argue before the United States Supreme Court Tuesday that the denial of veteran's benefits to conscientious objectors who have completed alternative service is unconstitutional.

Rosenberg, 30, will argue on behalf of the appellees in a class action suit entitled *Robison v. Johnson*. That case was decided in Rosenberg's behalf January 4th by Federal District Court Judge W. Arthur Garrity, Jr.

A companion case, *Hernandez v. Veteran's Administration*, will

be argued separately the same day.

The *Robison* case as a class action could potentially effect as many as 25,000 men who have completed alternative service.

The case comes to the Supreme Court on direct appeal from the United States District Court for the District of Massachusetts, under 28 U.S.C. § 1252, which provides for direct appeal to the Supreme Court of any order of any federal court holding an Act of Congress unconstitutional.

The conscientious objector,

(Continued on Page 4)

Pro Bono Office Ready to Open

By Ricardo Hinojosa

The "mini-placement office" for law students seeking public interest employment which was to be completed in October will "probably" be completed by today. According to Assistant Dean Robert A. Williams the conversion of the Milton Dammann Alcove on the Pound Building's third floor is being carried out by the Buildings and Grounds Department.

Williams told the RECORD earlier this week that he had been promised that "it would be completed by the end of October" and that two weeks ago he was promised that it would be completed the next day. Williams said he did not wish to speculate why it had not been done, but after a telephone call from him on Monday the Buildings and Grounds office started construction the next day.

The public interest office will have a bulletin board and shelves for materials dealing with available jobs. It will also contain some information on the latest developments in the public interest area.

Williams stated that he was also in contact with the National Legal Aid and Defenders Association (NLADA) in connection with the development of a directory of legal employment opportunities in the public sector, which has yet not been completed. Williams feels such a directory will both "serve our purposes and enhance recruitment" for NLADA members. The directory will contain information on office descriptions, type of cases handled, and other insights that job applicants would need.

Asked if the Law School Administration had been represented at the NLADA national convention in San Diego, Williams reported that he and Teaching Fellows Marjorie McDiarmid had represented the Law School at the NLADA national convention in October. While stating that "very definitely something came out of it," Williams continued, "unfortunately for our students no organization that I talked to had openings for staff attorneys."

Williams said that most of the job openings were for Project or Executive Directors of Programs. He felt at the present time NLADA members do not have their budgets ready to project for the future. Williams had taken resumes of about 100 students to San Diego but he said "very few (NLADA members) took resumes of our students." Williams' office plans to contact the NLADA in January or February so it can apprise the Law School of any job openings.

Commenting on lectures scheduled on the subject of public interest opportunities, Williams said the Center for Criminal Justice had recently held a lecture on the subject. He promised that the placement office "will have some after the beginning of the second semester."

Discussing how much of his time is spent on public interest matters Williams said he did not want to estimate a percentage, but "it has taken blocks of my time." He ex-

pressed hope that once he has set up a system which contains the necessary information, it will take up less of his time.

Asked if there were any scheduled dates for the completion of the information set-up, Williams said "I would certainly like to develop some deadlines but unfortunately my dealings with other groups" has prevented this. He specifically stated that NLADA does not consider recruiting work a top priority.

Williams stated that students must understand "that we can not make public interest conform to the desires of students to have early commitments regarding jobs." He felt that perhaps it would help if the regular private sector interviewing period were moved up to the spring, but he would not predict whether that would occur.

His office, according to Williams, would like to have students interested in the public interest area

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Faculty Reconsideration Of P/F Sought by 1Ls

By Michael Bowen

Presenting a petition with the names of 413 members of the first-year class asking for reconsideration of the 1L pass/fail option, representatives of the Law School Council and the Board of Student Advisers Tuesday urged the Committee on Legal Education to place the option before the faculty for another vote.

The option was abandoned by the faculty last May in the wake of the disapproval of the Cohen Committee report, which had urged compulsory pass/fail grading throughout the first-year class.

The students emphasized that they were asking only for restoration of the option, under which 1Ls could choose whether to take their courses on a pass/fail or on a fully graded basis, and were not seeking a review of the full Cohen Committee proposal. Even if the option is not restored, the students said, they felt that an articulation of the faculty's reasons for abandoning it in the first place was needed.

After an hour and forty-five minutes of discussion, Professor Robert E. Keeton, chairman of the Legal Education Committee, said that if the students could reduce their specific proposal and the reasons for it to written form in time for the step to be taken, he would call a special meeting of the Committee and ask it to consider placing the issue before the faculty meeting scheduled for December 14.

Keeton made clear, however, that the only prospect was for a straight, up-or-down vote by the faculty, and that it would not be possible to conduct an exhaustive re-examination of the issue this year. Further, the students were told, even if the faculty should vote again on the pass/fail option, the chances of its being approved were extremely dim.

The students urged reconsideration of the pass/fail option on the grounds that it enjoyed widespread student support, as evidenced by

the petitions, that it contributed to a diminution of tension among first-year students, and that the initial abandonment of the option had been tainted by confusion and "parliamentary chicanery." They characterized the dropping of the option as a step backward, and suggested that that retreat, coupled with passage of the current proposal to permit interviewers to ask students for their grades, could restore much of the anxiety which they said had characterized Harvard Law School before 1969.

Faculty and administration officials on the committee countered that they doubted that every student who signed a popular petition was actually in complete support of the position it represented, and said that the arguments about tension and anxiety had been heard before and rejected. They commented that the recurrent emphasis placed upon the issue by 2Ls and 3Ls might itself be responsible for 1L grade-consciousness.

Faculty members responded with some heat to the suggestion that the vote on the option was tainted, saying that the option had been considered "specifically and explicitly," and had been rejected on its merits. They pointed out that few faculty members had ever supported the option for its own sake, most of those favoring it doing so in the hope that it would lead eventually to compulsory pass/fail for all first-year students. They noted that the Cohen Committee, itself had recommended that the option be abandoned. Stephen B. Young and Carolyn Lewis, 3Ls, and 2Ls Timothy J. Sheeran and Richard F. Ziegler presented the Board of Student Advisers' viewpoint to the committee. The Law Council's delegate to the Legal Education Committee, Jeff Reiman 1L, presented the 1Ls' petition on restoration of the option. Pat Shea, 2L, a student-member of the committee, also argued strongly for the option's return.

Student Division Of ABA Urges Nixon's Ouster

The Law Student Division of the American Bar Association has formally called for the resignation or impeachment of President Nixon.

The recommendation was submitted on October 27 to the ABA board of governors, which subsequently declined to approve it.

Howard J. Kane, Brooklyn, N.Y., president of the law student group, said the resolution will be submitted for consideration by the ABA's policy-making House of Delegates in Houston, February 4-5, during the Association's midyear meeting.

In its statement, the law student organization said it agreed that "the court or Congress should reappoint a special prosecutor. However, we cannot agree with stopping there. We need to see that the system of justice we learn about is viable, and that equal protection of the law and due process of the law are more than mere words of past Supreme Court justices."

Recounting a number of alleged Presidential offenses, the law students said that "the President has defied the law, the courts, the House, the Senate and the American people, and has obstructed justice by firing Special Prosecutor Cox in direct contradiction to the ABA Standards of Criminal Justice and in direct contradiction to the very guidelines set by the White House for Special Prosecutor Cox's office."

HAIR

WE'LL CUT IT
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ONE BLOCK FROM THE LAW SCHOOL
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354-9790
We do razor styling.

Conference Will Hear EPA's Quarles Speak

The United States Environmental Protection Agency and the Law School Environmental Society will co-sponsor a New England Citizens' Briefing Day next Thursday, December 13. The event is being held to commemorate the third anniversary of the founding of the EPA.

The program will be held from 1 p.m. to 4:45 p.m. in the Ames Courtroom. Keynote speaker for the afternoon will be John Quarles, Jr. '61, newly appointed Deputy Administrator of EPA.

The briefing will cover such topics as air and water pollution, energy conservation, land use, pesticide and noise control, and solid waste management.

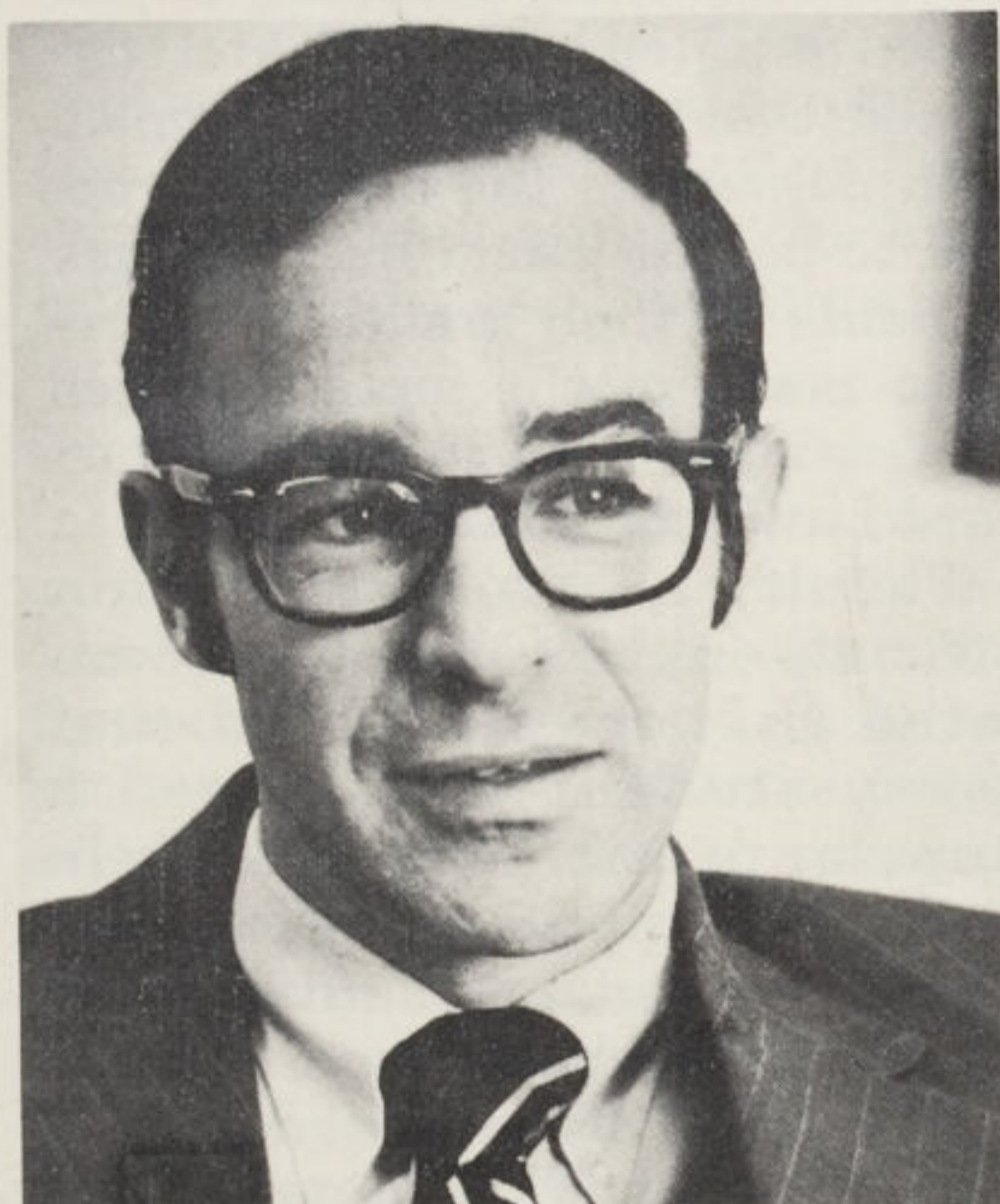
Approximately 20 EPA officials will give a brief overview of each topic in a series of panel discussions. A question and answer period will follow each session.

Representatives from New England environmental groups, local attorneys, law students and members of the general public are expected to attend the briefing session.

Keynote speaker Quarles was appointed by President Nixon in February, 1971, to the position of Assistant Administrator for Enforcement and General Counsel in the Environmental Protection Agency. He served as principal adviser to the Administrator in matters pertain-

ing to the enforcement of standards for environmental quality and was responsible for the conduct of enforcement activities on an agency-wide basis.

He was also the Administrator's principal legal adviser and served as chief law officer of EPA.



John R. Quarles, Jr. '61

Before working for the EPA, Quarles served as Assistant to the Secretary of the Interior for Environmental Planning and as Assistant to the Secretary of the Interior for Program Planning and Research.

Quarles, who was born in Boston in 1935, is a graduate of Yale University. He graduated from the Law School in 1961, and was a member of the *Law Review*.

Rosenberg to Argue Before Supreme Court

(Continued from Page 1)

Rosenberg's brief states, "receives no compensation for his service-connected disabilities and no allowances for his dependents, despite the fact that his disabilities and his dependents' needs are as real as those of his counterparts in the military."

Rosenberg will contend that the denial of veteran's benefits is void under the equal protection clause embodied in the fifth amendment's due process clause. He will also argue that the absolute denial of educational assistance imposes an unjustifiable burden and penalty on the free exercise of religion by I-0 conscientious objectors.

There is also a jurisdictional issue in the case. The government argues that 28 U.S.C. § 211 (a) deprives all federal courts of jurisdiction over the subject matter, while Rosenberg maintains the contrary. That statute provides that the decisions of the Administrator "on any question of law or fact under any law administered by the Veteran's Administration providing benefits for veterans and their dependents or survivors shall be final and conclusive" and shall be immune from judicial review.

Rosenberg contends that the above statute does not allow the Administrator to rule on a constitutional claim, and that since a constitutional claim is at issue in this case, the statute is inapplicable.

In addition, the Legal Methods director notes that "the Administrator (himself) has repeatedly disavowed the power to decide the constitutional questions presented by this case."

The appellees' brief in the *Robison* case was prepared by Rosenberg, Professor Charles R. Nesson, and Matthew Feinberg of the American Civil Liberties Union. Approximately 20 law students have also done extensive research for the brief, especially during the last two months.



3L Mark Sucher contributes blood at Memorial Hall.

Mark McNeil

'Early Show' Opens in Langdell

By Robert Flanders

Taking broad swipes at just about every hieratic virtue associated with the Law School experience, "Peabody Terrace, A Musical Comedy of the Harvard Law School," presents a delightful evening of non-credit, enjoyable fare. Directed by Roberta J. Morris, 2L and co-authored with impresario Bill Rothschild, 3L and Philip C. Hunt, 2L, the play features a lively cast and some humorous choreography, as well as some surprisingly good voices. Though the music may seem a bit too familiar to purists, the songs and attendant dancing are perhaps the most memorable, with pianist Brandon Buteau performing a varied and utterly pleasing repertoire of the score by Scott B. Brown, 1L.

The plot is intricately laced with myriad sub-plots but the basic storyline concerns the purloining of some crucial notes from Archibald Wright (Daniel M. Shapiro, 2L), Ames orator extraordinaire, by an unknown culprit. The faculty, under the guidance of Professor Quagmire, decides to hold a select committee hearing on the matter. This, of course leads to complications, for the notes are really authored by Mr. Wright's wife, the unsung, long-suffering genius behind her husband's success. She and other spouses of HLS students (who are all male in the play) are members of an underground law school which meets at Peabody Terrace under the tutelage of Professor Quagmire's wife, Judge Quagmire (Roberta Morris).

The administration is scathingly satirized, with Dean Vertebrate spinelessly played by Robert L. Ryken, 2L, and his assistant, VD (Vice Dean) portrayed brilliantly by Tim Cullen, 3L. One scene opens with the Dean using VD for a desk and then a chair as he tries to figure out a way to cover up the scandalous fact that an underground law school has been operating under his nose.

The large group numbers are particularly successful. An early

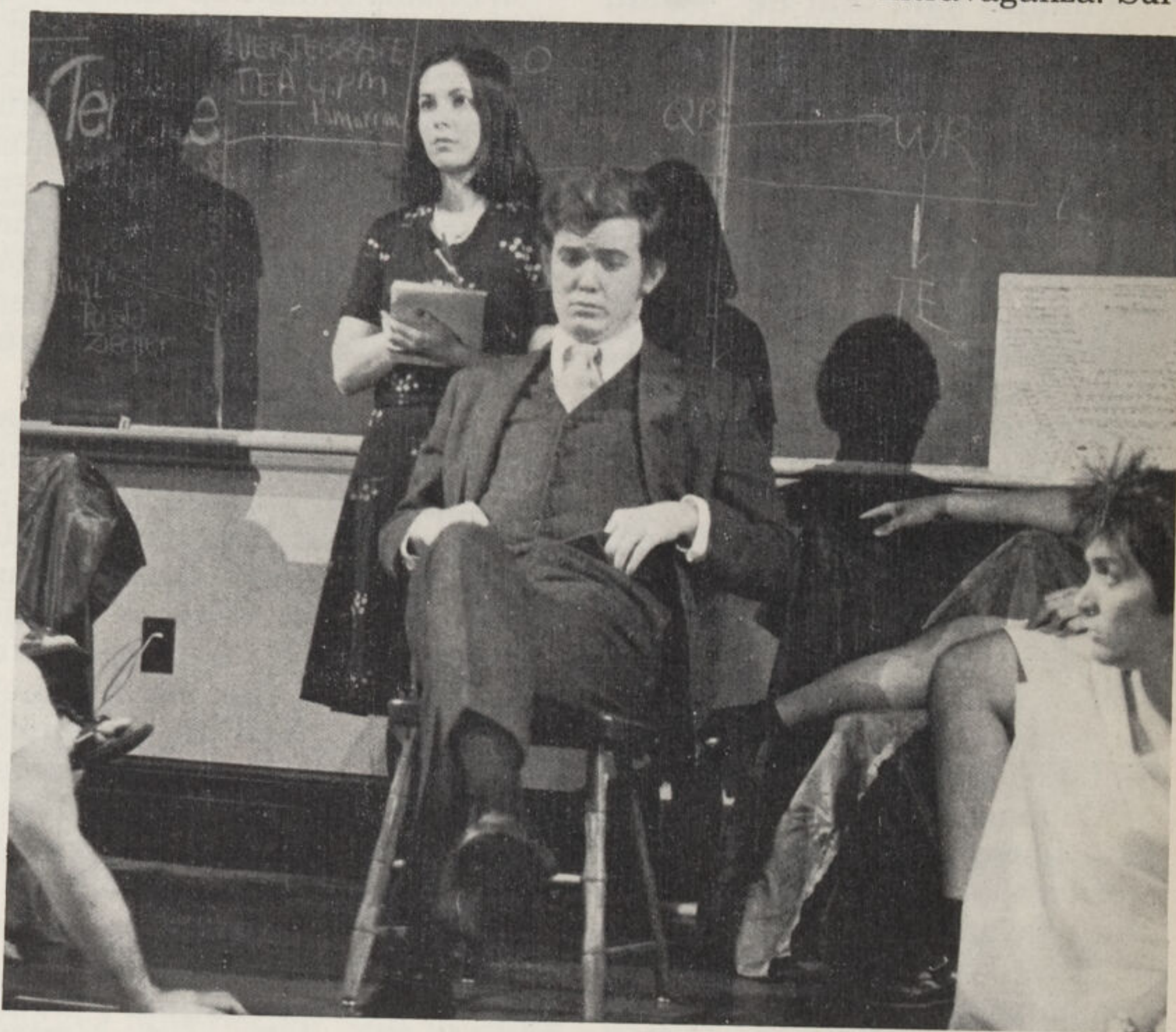
one has the wives chanting a clever rondo, "Erie Tompkins," sung to the tune of "Frere Jacques":

Erie Tompkins, Erie Tompkins
State controls, state controls,
Sentiment was risin'
To murder Swift 'n' Tyson
Brandeis holds, Brandeis holds

Leaving the administration to proclaim that "We've got the best law school that money can buy," the faculty turns to weightier matters in a secret meeting. A huge brouhaha arises over whether the

much away to disclose that a special prosecutor is appointed to unravel the evildoings: none other than the wife of the Attorney General, M. Mitchell (Connie J. Sipe, 2L) arrives to save the day. Pronouncing the whole business a "tapestry of justice," Mrs. Mitchell runs square up against the strong countervailing issue of "law school security" in her quest for the missing notes.

Alas! To proceed any further will spoil the exquisite denouement of this admirable extravaganza. Suf-



Sheila O'Shaughnessy, as secretary Prudence LaRue, and Tim Cullen, 3L, as Vice Dean VD, occupy the spotlight in the Law School Early Show.

professors should interrupt the meeting to answer the persistent knocking at the door. After much debate, and after clearly recognizing that there is no precedent for such a "first impression" case, the faculty adopts a balancing test as proffered by Professor Mansfield Maguire Badbore (Doug Altabef) and decides to answer the door. But since it is only a student, he is oarred from entering the sacred enclave.

I don't think it's giving too

fice it to say that there is a most felicitous twist to the ending, one craftily designed to twit some high placed egos and please plebian souls. While the Langdell hall proscenium may provide a bit too much local color, and spurious Southern accents wear thin in the second act, "Peabody Terrace" is on the whole well worth your patronage. The show debuted last night, and is scheduled for five more performances today, tomorrow and December 13, 14, and 15.

HLS Lags in Enrolling Women

(Continued from Page 1)

sions and financial aid, said Wednesday that the lower percentage of women at Harvard may be due to several factors. He pointed to the possibility that the percentage of women applicants at other law schools might be lower than their percentage actually enrolled, and that other schools might be applying disparate standards to women in order to increase their enrollment of women. He pointed out that neither of these policies is used at Harvard.

Williams said that he "would not necessarily draw the conclusion" that Harvard suffers from an anti-feminist reputation. "It may be that Harvard's reputation of producing high-powered corporation lawyers discourages some women applicants, but we are trying to explain that aspect of Harvard's reputation and encourage women applicants," he said. "It isn't that Harvard isn't encouraging women."

Williams also explained that due to the size of Harvard's entering class, it takes a substantial increase in the actual number of women enrolled before there is a corresponding increase in the percentage figure.

Williams said that according to his figures, the percentage of women applicants to Harvard compares favorably with percentages at other Ivy League law schools. Comparison of figures with data compiled by the Educational Testing Service (ETS), administrators of the LSAT and LSDAS, show that Harvard may be getting slightly more than its share of women applicants.

Of those registering for the LSDAS for the application year 1971-72, 16.25% were women, and approximately 18% of Harvard's applicants were women last year. Harvard accepts approximately 12% of both its male and female applicants.

Nevertheless, Harvard's figure of 18% women in the first-year class does not approach percentages of 31% achieved by New York

University (NYU) or 33% at the University of California at Berkeley.

Williams said that he has been pleased because he believes Harvard is getting a large percentage of the best women applicants. "I would like to see recruitment efforts expanded, but I don't really expect any substantial increases over the next two years," he said. Williams said that changes in attitudes towards sex roles in society will be reflected primarily in long-term changes.

Williams remarked that he has been working with the Women's Law Association (WLA) to organize recruitment efforts, that brochures have been mailed to interested women, and that women are encouraged to visit and talk to other women. "I believe that compared to other schools we spend a great deal of money recruiting women and minorities," Williams said.

How have NYU and Berkeley been able to increase their enrollment of women substantially without lowering admissions standards? Daniel Kimball, assistant dean of admissions at NYU, believes that reputation is the most important factor. "NYU has a reputation as a place where women will be treated as people. There are two all-women law firms in New York City, and of their 9 members, seven are graduates of NYU," he said. He pointed out that not only do higher percentages of women apply to NYU, but that a higher percentage of those offered admission actually enroll than is the case with men offered admission.

At Harvard, a slightly higher percentage of women than men decline an offer of admission. 37% of the women do not register; 31% of the men fail to enroll.

Colquitte Meacham, dean of admissions at Berkeley last year and currently a teaching fellow at Harvard, said that reputation is crucial, and that word can be spread. "The women law students at Berkeley were incredibly active. They contacted every female applicant, they advertised in *McCall's*; they

were a visible and closely-knit group," she said. Meacham added that she did not sense the same attitude here, that women at Harvard saw themselves more as individuals. "In addition, women at Berkeley knew they were represented by women in decision-making positions," she concluded.

Meacham said she thought Harvard was better able to attract women applicants than many other places, but believes a higher percentage of women would be of benefit to Harvard. "Women make an impression on an institution. Harvard has a reputation as a very high-powered place, and there are women who simply don't want that atmosphere," she commented.

Northeastern University Law School, another Boston-area school, reports an enrollment of approximately 50% women. Gail Karpowicz, a representative of the admissions office there, acknowledged Northeastern's reputation and pointed out that the registrar is a woman but said she thought the high percentage of women at the school was largely "coincidental."

Williams said that applications to Harvard are considered without regard to sex, and that women admitted compare favorably in all respects to their male counterparts. He said that at one time the admissions committee recognized that it was more difficult for women to achieve leadership positions in college, and that this was con-

(Continued on Page 9)

Younger Members' Committee
Harvard Club of Boston
invites
HLS community, alumni & 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

Energy Crisis Reduces Fuel Allocation by 30%

Pollster Harris Speaks Today

(Continued from Page 1)

sary cutbacks without resorting to a calendar change.

Professor James Vorenberg, who has been appointed coordinator of the Law School's efforts to meet the crisis, did not rule out the possibility of a change in the school's calendar. Together with Bator he stressed that until estimates are available from a survey being conducted by the University's heating engineers, they will not be able to say with assurance what measures are required.

These estimates should be in by today and Vorenberg was hopeful that tentative plans to meet the 30 per cent reduction could be announced by Monday or Tuesday.

Among the additional measures being considered are a further reduction in temperatures to 66 degrees and the use of fewer classrooms by rescheduling class times. In an interview with the RECORD Vorenberg pointed out that these measures may be sufficient to avert a shut-down. Using the analogy of a car which becomes much more inefficient at higher speeds, he explained that it takes an increasingly greater quantity of fuel to raise the temperature one degree as the room gets hotter.

Thus the last five degrees are far and away the most costly. But he cautioned that until the survey's estimates were available it would be difficult for him to predict whether the contemplated measures would be sufficient.

After the Law School has formulated its plan to cut consumption it will be forwarded to the President of the University for approval. Bator added that the 30 per cent cut in consumption was a University-wide figure. It does not necessarily mean that every department of the University will cut consumption by exactly 30 per cent.

Vice Dean William L. Bruce spoke earlier this week of some additional measures being taken to save energy and others under consideration. The lights in Harkness

Dining Hall have been turned off during the daytime and limited at night. Furthermore, electric fans and lights have been turned off wherever they are deemed unnecessary.

One proposal under consideration is to cut temperatures over the Christmas recess in all Law School buildings to 60 degrees. That proposal would include dormitories. Bruce was asked whether the law students who elect to remain in the dorms over Christmas might be bunched into one dorm to save fuel. He replied that it was a matter for the Dorm Council but added he did not think it likely.

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Mini-placement Office To Open This Week

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to sit as an advisory group on either a formal or informal basis. He feels students could provide an input as to the information and quality of services they are seeking in the area.

There has been an ad hoc group of interested students headed by J. Stuart Lemle, 3L, working in this area. Contacted by the RECORD, Lemle said that his group had previously submitted 10 or 12 suggestions to Williams. "They (the Administration) wanted to do something bigger and better" but nothing has been accomplished according to Lemle. The problem, he said, was "lack of real Law School commitment in the area of public interest."

Lemle charged that the Law School had failed to keep its commitment to students interested in public interest opportunities and "it is a tragedy, not only for students in law school, but for the whole area of public interest." According to Lemle "an enormous effort" will be required at this late date in the year in order for the Law School to carry out what it had previously promised students.

Louis Harris, the pollster, will speak at the Harvard Law School at 8 p.m. today in the Ames Courtroom. Harris, one of America's leading analysts of public opinion, is best known for his surveys on public affairs, but over the past 17 years, since he founded his firm, he has also conducted over 1300 surveys covering a wide spectrum of marketing, industrial, financial and governmental research, as well as a number of major social and psychological studies. Harris is also the father of modern election night early projections, and in 1972 the Harris forecast of the election of President Nixon was the most accurate of any national poll.

Also, R. Buckminster Fuller will speak at the Ames Courtroom this Monday, December 10. Fuller is a scientist, inventor, poet, engineer, philosopher and architect. The 78-year-old "futurist" has been praised both by the press and by the world's young, who have referred to him as the "universal guru" and the "main brain."

Fuller has made thousands of speaking engagements, authored dozens of publications, and been granted dozens of patents, including one for the geodesic dome.

Law Notes

The Ford Foundation will continue to fund clinical legal education programs at Harvard and 78 other schools with a \$5,000,000 grant. According to Monday's *Boston Evening Globe*, the funds are channeled through the Council on Legal Education for Professional Responsibility, which is based in New York.

Other local recipients are Boston College and Boston University. According to the *Evening Globe*, at least 117 of the nation's 151 law schools now have clinical programs.

* * *

The winner of last week's contest to identify a picture published in the RECORD is Michel G. Picher, a graduate student in law. He will receive a year's subscription to the RECORD for being the first one to correctly identify the stems of the ivy on Hemenway looking straight up. Close, but no cigar, were Wejen, Pat, Rebecca, Charlie, and Henry.

Davis Relates Magistrate's

Where does a federal agent go for a search warrant? If you answer to the district judge, you're close, but in Boston more often than not, authorization to search is given by a federal magistrate, one of the least known elements of the criminal justice system.

Willie J. Davis is a federal magistrate, a busy one. From his plain offices on the ninth floor of the post office, he deals with a wide variety of criminal and civil matters, some of which he has original jurisdiction over, some of which are referred to him by the district judges.

Davis is hesitant about being interviewed, feeling possibly that even this much publicity might conflict with his role as a judicial officer of the United States. Once he has warmed up, though, he speaks freely — about his functions, his relationship with the district judges, his personal philosophy in running the court.

"I borrow a phrase from Harry Truman," Davis interjects at one point, "The buck stops here." For Davis makes both findings of fact and conclusions of law in his hearings, determinations that will crucially affect the future rights of the parties.

Before his appointment as a federal magistrate by the judges of the District, March 1, 1971, Davis was for two years an Assistant U.S. Attorney and before that an Assistant Attorney General of Massachusetts for six years. He is a 1963 graduate of the New England School of Law.

The position of federal magistrate was created by Act of Congress in 1968 to replace the office of U.S. Commissioner. That earlier office had the fatal flaw of sometimes making the pay of the Commissioner dependent on the conviction of the accused.

After a period of experimentation in California, Kansas and the District of Columbia from 1968 to 1971, magistrates were appointed in each of the Federal judicial districts across the country. Full time magistrates are appointed for a term of 8 years, part-time magistrates for four years.

The difference between the two groups is very significant. A part-time appointee may continue to practice law while a full-time magistrate may have no outside employment.

"Part-time magistrates do very little, depending on where they are, of course. The guy sitting out in Pittsfield makes only about two or three hundred dollars a year ... if he handles more than three or four (matters) a year it would be most unusual," says Davis. He mentioned that last Saturday a First Circuit-wide conference of magistrates was held. Sponsored by the Federal Judicial Center at the request of Judge Caffrey, the conference, because it was aimed at part-time magistrates, did not benefit the full time magistrates whose jobs are very different.

One exception is Magistrate Haley in Ayer, who handles a variety of offenses that would be state crimes, except for the fact that they were committed on the grounds of Fort Devens. "The part time magis-



Federal Magistrate Willie J. Davis

trates merely carried over the duties which were prescribed to be performed by the old commissioners. That included," Davis enumerates, "the initial appearance of a defendant before a commissioner, the setting of bail, the holding of preliminary or probable cause hearings, the holding of removal hearings, and in a very rare instance the trial of a minor offense or petty offense."

A minor offense is any crime for which the penalty does not exceed one year in jail or one thousand dollars. A petty offense is one involving less than six months in jail. But Davis' time is usually taken up with matters peripheral to the trial of major offenses by a district judge. He has set bail as high as \$200,000 for a narcotics case or bank robbery.

The role of the federal magistrate is uncertain, however, because the limits of his power to deal with matters referred to him by the district judges are not firmly established and is subject to interpretation by the courts of each Circuit.

On one occasion of Judge Caffrey's illness, Davis recounts, he heard a motion for a preliminary injunction at the request of the judge, decided the case, and sent it to the Judge, who approved it.

"The court of appeals took a dim view of the procedure. They didn't say don't do it, (but) they were critical of it." Davis has also heard a petition for a writ of habeas corpus. The court said at the outset, "We are troubled by this procedure" but, he adds, it was probably more a criticism of referral of the matter by the district judge than the action of the magistrate.

His province then, is "any pretrial motion which is not dispositive of the case" both civil and criminal. Davis believes that such matters should be heard by the magistrate rather than the district judge. Motions which are dispositive of the case are a questionable area.

"There is some question whether they should be referred at all. Motions for summary judgment, for example. The Seventh Circuit has held that such a

First-Circuit Judicial Role

motion may not be referred to a magistrate." The First Circuit has not ruled on this, but, Davis adds, no motion for summary judgment has been heard since 1971 "and I doubt we would be hearing any more."

Some lawyers actually move to have their matter referred to the magistrate in order to speed up discovery, for example, prior to coming to trial. Motions to dismiss in a civil case may be heard, especially if evidence is to be taken.

"In some districts" Davis adds, "rules require that all pretrial motions not dispositive of the case, be heard by the magistrate, and that the only appeal from his decision is to the court of appeals in due course."

Davis is also empowered to grant search warrants. While he allows hearsay evidence ("I follow the *Spinelli* rule") at the hearing on search warrant authorizations he says that basically he asks, "what does the officer know" and second "how does he know it?" If an informant knows, "how does the informant know and is he reliable?"

Regarding hearsay evidence at the preliminary hearing: "I am opposed but the federal rules permit it." Davis thus allows the presentation of hearsay evidence only in rare cases. He feels that this speeds the criminal justice process by motivating the U.S. attorney to go to the grand jury more quickly.

"If I find probable cause, he's bound over for the grand jury, which means he's merely continued on bail." Davis points out that the bond signed by the defendant restricts his travel and emphasizes, "I don't think this ought to be held over his head any longer than necessary." By

requiring the U.S. Attorney to present competent evidence, Davis sort of "pushes him in to the grand jury."

Davis believes the jurisdiction of the magistrates, now a matter of inter-circuit confusion, should be expanded. In Oregon, he noted, a magistrate had tried a jury case with the consent of the parties. In other jurisdictions where the powers of the magistrate have been expanded as a matter of practice, Davis asserts, "It's worked out well, it moves the judicial process along and it's of great benefit to the district judges."

"The thing is to save the time of a district judge, that's the point of the whole thing. If it can be referred here, it should be," says Davis, mentioning the example of a motion to suppress which took nine days to hear.

Another area assumed to be the prerogative of the district judge is the appointment of counsel, a task Davis carries out based on a list he compiled of local attorneys. When he has a draft case, he tries to choose a lawyer with some experience in draft cases.

The cost of his close association with the business of the district courts means that he has never heard some of the more esoteric matters which are the jurisdiction of federal magistrates: 18 U.S.C. 754: Rescue of body of executed offender; 18 U.S.C. 2194 Shanghaiing sailors; or 18 U.S.C. 2198 Seduction of female passenger (vessels).

But Willie J. Davis seems to enjoy his work, in what is rapidly becoming one of the most active, if unrecognized, branches of the federal judicial system. So when you see him, smile, and say "Your Honor."

HLS Women's Ratio Lags

(Continued from Page 6)

sidered when weighing applications. Recently, however, this has been unnecessary, he observed.

Sydelle Pittas, 2L, a spokeswoman for WLA, said that she is not necessarily satisfied with sex-blind admissions. "Maybe admissions shouldn't be sex-blind. Maybe there should be affirmative action, particularly in light of Harvard's reputation," she said. Pittas said that word gets out that a school is favorable toward women, and cited Rutgers as an example. "Women don't want to enroll in a school where they think they are going to have to fight sexism constantly."

Of the law schools contacted, none acknowledged that standards are lowered in any way to increase the number of women enrolled. An

admissions spokesman for Indiana University in Bloomington said that men and women admitted possessed almost identical qualifications. Even at the University of Georgia, which has increased its female enrollment from a "nominal" level three years ago to 9% today, women are given no advantages over men in the application process according to director of admissions Woodrow Cone.

Meacham and Pittas do not see any reason why the percentage of women at Harvard cannot be increased, however "I volunteered to assist the admissions office in recruiting, but have never heard from them," Meacham said. Pittas pointed to the recent Women's Law Day as evidence of WLA's continuing effort to attract women to Harvard, but said cooperation from the admissions office could be better.

Yippies Smash Gators, 26-12

In the Super Bowl of the Law School intramural football season the Yippies, Hippies, Malcontents, and Discontents (a set of species thought by alumni to be much in evidence around the Law School these days) defeated the Gators 26-12. The winners scored five touchdowns and a safety to overwhelm the losers two touchdowns and a safety.

Intramural basketball has already begun under the supervision of commissioner Sheldon L. Solow, 2L. This year there are 62 teams, the largest number in the history of the sport.

For sports aficionados of a less physical bent, the Harvard Law School Sports Trivia Society will hold its first meeting next Wednesday at 12:30 p.m. in Holmes Hall.

Request For Admissions

Does the Law School discriminate in admitting women? Has it established a quota system to limit the number of women admitted to the Law School? Is it mere coincidence that during the past two or three years the percentage of male and female applicants admitted has been exactly equal?

The RECORD survey of 17 law schools across the country unfortunately suggests that further investigations must be made to answer these questions. It certainly appears that Harvard Law School's administration has been lackadaisical at best and discriminatory at worst in its policies toward women applicants. If the Law School were really interested in increasing the percentage of women at the Law School, it would step up its recruiting efforts. It might also wish to utilize the talents and experience of Teaching Fellow Colquitte Meacham, who worked actively as Dean of Admissions at Berkeley's Boalt Hall, to increase substantially that law school's percentage of women.

We are not suggesting that the Law School should accept women applicants who are less qualified than male applicants to increase the percentage of women at the Law School. We do advocate, however, that greater recruiting efforts by the Law School be undertaken to increase the number of women applicants. Thus, if there are more women applicants in future years, the percentage of women at the Law School probably will rise.

Such a change would be salutary for several reasons. It would help create a more healthy and relaxed atmosphere at the Law School. It would reduce the subtle and sometimes not-so-subtle pressures women often feel while attending a predominantly male institution. Finally, the increase in the number of women will help assure that greater numbers of women will be able to assume positions of academic and political leadership in the future.

That Assistant Dean Robert A. Williams can sit back and predict that the number of women at the Law School is not likely to increase substantially during the next two years suggests a degree of complacency that is wholly unwarranted. We trust that his prediction will not become a self-fulfilling prophecy.

Shelving Public Interest

We commend the Law School for finally coming through on its promise to create a mini-placement office for those interested in public interest jobs. The installation of a few shelves and a bulletin board, however, seems to be the extent of the Law School's commitment to public interest law. As we have indicated before, Assistant Dean Robert A. Williams — who is in charge of public interest matters — is overburdened with financial aid and minority recruitment tasks, and simply cannot spend the requisite time needed to establish an effective placement office for public interest jobs.

HARVARD LAW RECORD

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Fenno

"You must not be quite as nervous about exams as you were last week," Fenno commented to the 1L as he sat down beside him. "You don't even have your books with you, and it's only Friday afternoon."

"I think I've got it worked out," the 1L admitted with considerable self-satisfaction.

"Oh?" Fenno's remark was determinedly non-committal.

"Yeah, I got the idea when I heard a couple of people talking before the practice exam last week."

"Idea?"

"Mm hmm. One of them had a degree in political science and the other had one in economics. The poli sci major offered to trade his senior paper on the Constitutional Dimensions of Criminal Procedure for the econ major's summary of Calabresi."

"Guido rides again."

"So I figured, why not extend the idea to its logical conclusion? I've got an outline of Prosser, detailed briefs of the twenty-five most important cases in Keeton & Keeton, an abstract of Gilbert's on *Criminal Law* keyed to the text — plus the Durants' chapter on Kant, and an inter-linear translation of our *Contracts* class notes."

"Translation?"

"I figure if the person I'm meeting today has half that much, we'll be able to cover the notes, casebook, and hornbook for every subject."

The other student the 1L had just referred to chose that moment to arrive. She seated herself, eyeing the 1L carefully in preparation for their first formal negotiation.

"Well, let's get started," the 1L said. "To begin with, I have a Prosser outline and the 25 essential Torts briefs."

His adversary pursed her lips doubtfully.

"I can't use either of those," she said finally, "because I've already got them. In fact, I was going to offer them to you. But what'll you give me for a precis of the Gilbert's Crim Law study guide? It's correlated with the book, and I even threw in some stuff on Kant from the *History of Philosophy*. Plus, I got someone to put the *Contracts* notes in English."

Fenno took advantage of the general silence to withdraw.

RECORD POLL

The RECORD will conduct a poll on the issues surrounding the possible impeachment of President Nixon in Harkness Commons on Monday, December 10 from 9 a.m. to 3 p.m.

Letters to the Editor of The Record

'Nauseating Statistics'

To the Editor:

I have recently received a directory of alumni of the Class of '73 which lists business addresses for 430 members of the class. Analysis of those 430 listings yielded the following breakdown:

Category	Number	Percentage
Private Law Firms	287	66.7%
Judicial Clerkships	43	10.0%
Government	36	8.4%
Education	24	5.6%
Legal Aid and Pub. Defender	15	3.5%
Public Interest Law Firm	4	0.9%
Miscellaneous	21	4.9%

These statistics are nauseating. Apart from the vast waste of putative talent by lavishing it on those who need it least, these figures indicate that 2/3 of the Class of '73 have derived next to nothing from much of their education and all of the political and cultural history of the last 20 years.

It is somewhat saddening to think that 2/3 of the seats in every law school class are warmed by people whose ultimate goal is not to serve any public interest but to resist collective bargaining, regulate the regulatory agencies, pollute with impunity and fight liability for defective products and industrial accidents. I would hope it saddened as well those faculty who persevere in teaching courses in these areas with only this as the result.

Certainly it is too late "at this point in time" to claim ignorance of the crimes committed by our large corporations and so often justified by their counsel, or of the viable alternatives available in a legal practice. Perhaps the public should be warned that, on balance, Harvard Law School may be hazardous to their health.

Donald M. Solomon '73
Stamford, Connecticut

'I Deny It'

To the Editor:

I deny it. Besides, if the alleged incident had occurred, it would have been in Langdell South Middle, where I teach both classes, not in Austin North.

Professor Louis Loss
Cambridge, Mass.

Lewis Endorsed

To the Editor:

I endorse, wholeheartedly, the letter from Anthony Lewis in your Nov. 16th issue, for in addition to misnaming Mr. Kentridge the RECORD failed to spell the name of Richard Markus correctly or to identify him as having any relationship with the Law School. Regarding Jim Stewart (the author of the article) — I hope his legal briefs are more accurate and inclusive than his journalism or he's in trouble.

Carol S. Markus
Cleveland, Ohio

Ed. Note: Richard Markus '54 was an editor of the Harvard Law Review from 1952 to 1954.

Class of '43 Defended

To the Editor:

I have recently returned from my 30th reunion at the Harvard Law School. I doubt that I shall attend my 35th.

DECEMBER 7, 1973

As usual the featured banquet speaker was Dean Albert M. Sacks, and, as usual, he opened his remarks with the same old tired observation that "you probably couldn't get into the Law School today."

The Class of 1943 numbers among its members some of the most successful lawyers and distinguished judges in the country today. At least this does not seem to be disputed when the solicitor for the Harvard Law School Fund comes around once a year. I, for one, am getting just slightly tired of being told by the head man that except for the accident of a pre-depression birth, I probably would not have been privileged to enter the hallowed halls of Harvard Law School. Frankly, I have seen very little in the recent or current crop which would inspire many clients to trade the Class of 1943 for the modern genius.

In conclusion, if there is any validity in comparing generations, it undoubtedly would be accurate to point out that if Albert M. Sacks had had to compete with the distinguished faculty of 30 years ago, he probably would never have become Dean of the Harvard Law School.

Irving H. Soden '43
Concord, N.H.

Weaned on Parliament

To the Editor:

As one weaned on the British parliamentary system from which Mr. Hinojosa took

not only his 'Backbencher' by-line but one of his points of departure in the discussion of presidential resignation (Nov. 16), might I be permitted to correct a misconception from which many political commentators, including Mr. Hinojosa, suffer. Under the parliamentary system, at least as practised in Britain, senior executive officers do *not* resign merely because they have lost their popularity. They resign, and are expected to do so, when — like Mr. Agnew and, arguably, Mr. Nixon — they have forfeited their right to demand respect for their basic political acumen and/or trust in their fundamental moral standards. Such forfeiture is a *political* transgression quite apart from the criminal laws, so resignation is *not* viewed as an admission of *criminal* guilt. However, loss of popularity may constitute evidence of such a political transgression in appropriate cases and, again, Mr. Nixon's case is arguably an appropriate one.

Henry Lesser, Gr. '71-'73
New York, New York

Holy Grail Non-Partisan

To the Editor:

Your October 5, 1973 issue of the Harvard Law RECORD has come to my attention, and in particular the article by Jim Stewart concerning the Dershowitz defense of Sheldon Seigel in the Hurok Bomb case in the Southern District of New York. The undersigned was the attorney for one of the defendants and there are several points in the article which deserve comment.

We cannot believe that you have correctly represented statements of Prof. Dershowitz concerning the point in time when he became aware of Seigel's capacity as a government informant or the time at which he became aware of the taped conversations with the police officer who was Seigel's contact. The former was at the end of October, 1972, and the latter was during the pendency of the hearings to determine whether or not the government could call Seigel as a witness in February, 1973. To leave the record as you made it without contravention is inaccurate as far as we know and does not conform at all to the statements made by Prof. Dershowitz in open Court.

However, were these the only items in your article, we would leave it to Prof. Dershowitz to represent himself and he is more than able. Our attention however is also drawn to the statement attributed to Prof. Dershowitz that having represented members of the "radical left" he could not "apply a different standard for those on the right." If, in fact, Prof. Dershowitz is correctly quoted, we take sharp exception to that designation of "right" and if he didn't make that statement then we believe that the Harvard Law RECORD has engaged in its own "creative activity."

It is quite true that Prof. Dershowitz's attitude toward the Jewish Defense League is "negative" but we do not believe that this has anything to do with the nebulous labels of left and right.

(Continued on Page 12)

GOP 'View': 2L Critizes Raoul Berger

Legal History Fellow Raoul Berger's "recently proclaimed reputation as constitutional historian *par excellence* needs to be examined more closely, both for his own good and for that of the country," writes Robert E. Mack, 2L in the November 29 issue of the *Republican View*, published by the Harvard Law and Graduate School Republican Club.

Mack, whose article does not represent the position of the club, based his attack largely on an article published in the *Boston Globe* by Brandeis Professor William M. Goldsmith, which accused Berger of distorting an important 1807 precedent on executive privilege involving President Thomas Jefferson's response to a subpoena issued by Circuit Justice John Marshall. "Among other things," says Mack, "Goldsmith painstakingly counters Berger's statement that Jefferson 'fully complied with the subpoena.'" (The article by American studies Professor Goldsmith appeared in the *Sunday Globe* for November 25.

According to Mack, Goldsmith also "accuses President Nixon of misstating the facts of the (1807) case" in the recent confrontation over executive privilege.

HLS Plans For 30% Fuel Cut

(Continued from Page 7)

Meanwhile, the effects of measures already taken are being felt. A quick check of temperatures in Pound and the Faculty Office Building revealed readings between 67 and 69 degrees — in accordance with the guidelines announced. The temperature in Austin is down to about 70 degrees while temperatures in Langdell have remained around 75. This, Bruce explained, is because of the poorer temperature controls in the old buildings. He said it would take

a short while before they learned how to keep temperatures within the desired range.

Needless to say, the effects in the Pound classrooms have been quite evident, particularly for those students who have classes in the early morning hours or who sit next to air vents. An increasing number of them have been forced to don their coats while more and more students are coming prepared with sweaters.

Letters to the Editor of The RECORD

(Continued from Page 11)

The undersigned, besides being counsel to a defendant in the Hurok case was at the time, the National Vice-Chairman of the Jewish Defense League and can therefore speak with some authority as to the political leanings of the Jewish Defense League.

The Jewish Defense League is neither right nor left. It has within it people who would be, by establishment standards, within the radical left and in the political right. One of our area coordinators, was at the time of his activity which has continued to date, involved with the Viet-Nam Veterans against the war.

In the course of this proceeding, Prof. Dershowitz and I had occasion to discuss at some length our attitudes concerning civil rights and government interference with the rights of the citizens of this country. On those issues, we were more in agreement than otherwise.

It is regrettable however, that the Pro-

fessor is made to sound as if he has to enter an appologia for representing Sheldon Seigel. It should be sufficient for a person to be represented by able counsel when he is charged with a crime. It was most fortuitous that Prof. Dershowitz came into this case. It involved the most flagrant violation of law on the part of the United States government in its most official capacity. One need not be considered left or right to oppose government illegality, one need not be left or right to protect people who have been subject of government illegality. The defense of the principles which distinguish the United States from most, if not all of the other countries of the world is not the province of those who are considered left or right. The holy grail belongs to neither side of the political spectrum.

Bertram Zweibon
New York, New York



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Copland Brings New Tone to Forum

By Patrick Kennedy

Aaron Copland? At the Law School Forum? It does sound a bit incongruous, not to mention unlikely after the Forum's steady parade of district attorneys, Hollywood lawyers, and Watergate politicians. But as Howard B. Brownstein the Forum's President pointed out, the Forum's founding purpose was to offer a program of speakers from a wide range of fields, including the Arts. So what if the last speaker on the Arts was many Supreme Court nominations ago, or if it happened to be Al Capp. Remember the old adage: better late than never.

The evening's format was a panel discussion. Joining Copland was Arthur Berger, composer, author, and Visiting Professor of Music at Harvard on leave from Brandeis University; Fred Lerdahl, a composer and Assistant Professor at Harvard; and Ivan Tcherpnin, a composer, Assistant Professor at Harvard, and director of the Electronic Music Studio.

After Mr. Copland made a very brief introductory statement alluding to his long career and touching upon a few of his many accomplishments in the field of serious music, he threw the discussion open to his panel allowing them to direct the course of the evening's inquiries.

Mr. Lerdahl asked the first question, probing the relationship between the music of a period and its politics. Lerdahl asked specifically about the Depression when Copland's music and the music of many other composers became "more accessible" to the masses. Lerdahl asked whether this was a conscious effort on the part of the composers and whether it reflected a conscious sense of a responsibility of the composer to the general public.

Copland answered that he felt it did reflect such a consciousness, at least in part. The twenties, he recalled, was a period of relatively "far-out" music, an era of sophistication that followed in the wake of the achievements of Stravinsky and others. During the thirties, Cop-

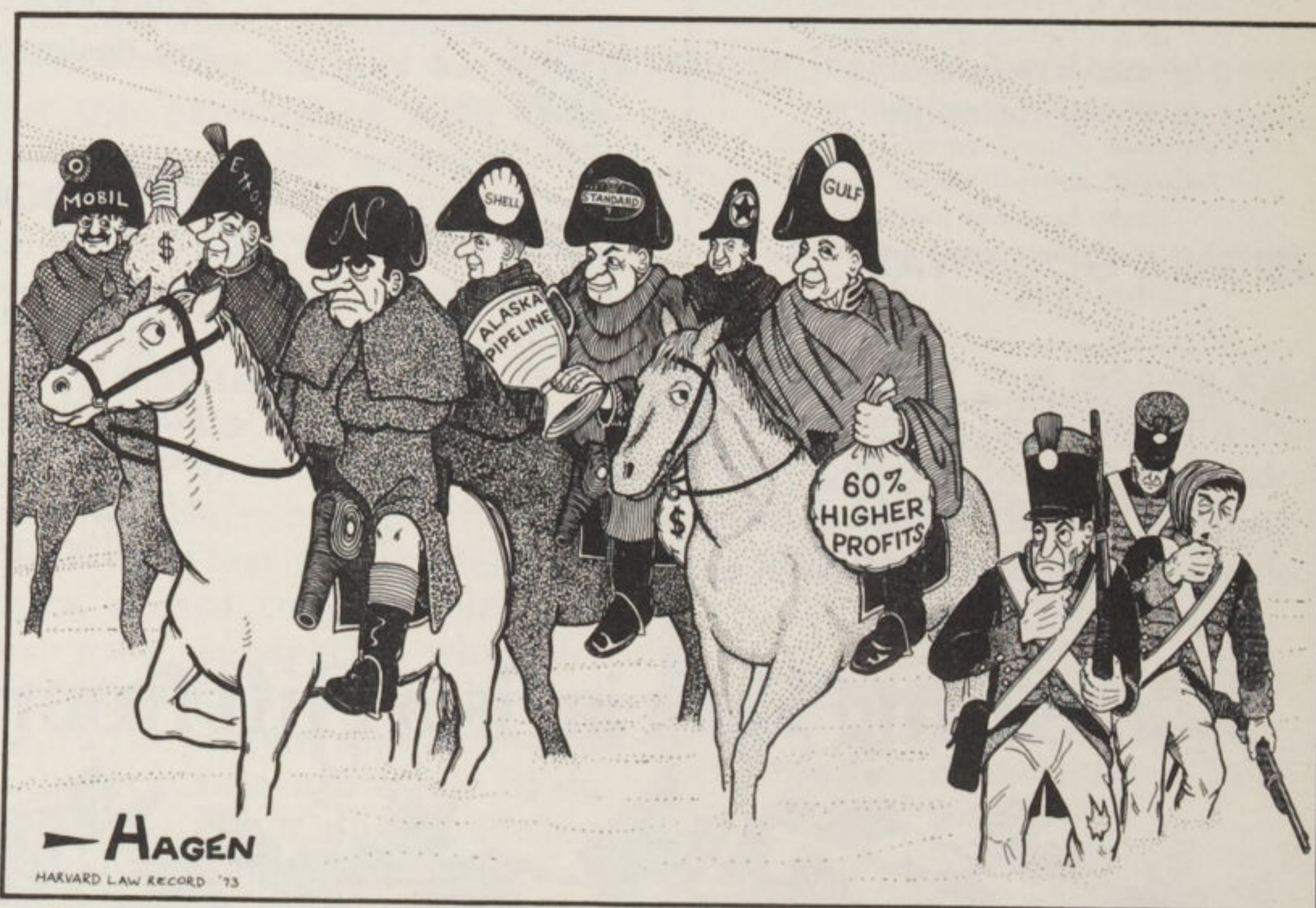
land continued, the music became more direct and open, with composers attempted to appeal to a broader audience. For his own part, Copland related a story of his writing an opera called "The Second Hurricane" to be performed by high school students. "And it didn't come out badly, I was quite impressed by their efforts," he recalled.

Tcherepnin asked Copland about the relationship of nationalism to music, wondering whether Copland felt it was important that music be nationalistic rather than possess truly universal attributes. Professor Berger joined in this question, citing Copland's vigorous support of those American composers who looked to the roots of American culture for their music rather than borrowing from European traditions.

Copland replied at length, after having his memory refreshed by Berger about many of the things he had advocated in his earlier years. He said that in the early part of this century there was a great need for writers of truly "American" music. This need existed because there

was a vacuum that exhibited potential and begged to be filled. He said he thought the goal of incorporating the people's folkways into serious music was a desirable one but he also said that this need had been now largely filled. Gershwin, Harris and other composers, Copland claimed, had given America a distinct musical tradition, leaving the young composers of the present free to explore whatever directions they wish.

Speaking about the direction of new music, Copland was asked what he thought of some of the ideas expressed by Leonard Bernstein during his recent series of lectures here in Cambridge. Asked whether he agreed with Bernstein that tonality was such an inherent human characteristic that atonal music was bound by its very nature to be esoteric and unpopular with general audiences, Copland interjected a note of caution regarding any such presumptions. Citing the acceptance of new modes of music in the past and the ability of composers to develop new musical modes, he said that the sense of tonality is likely to change as one becomes more familiar with new ways of structuring musical sounds.



The retreat from Moscow, 1973

Nixon: "If we don't put the troops on short rations, we'll never survive the winter."



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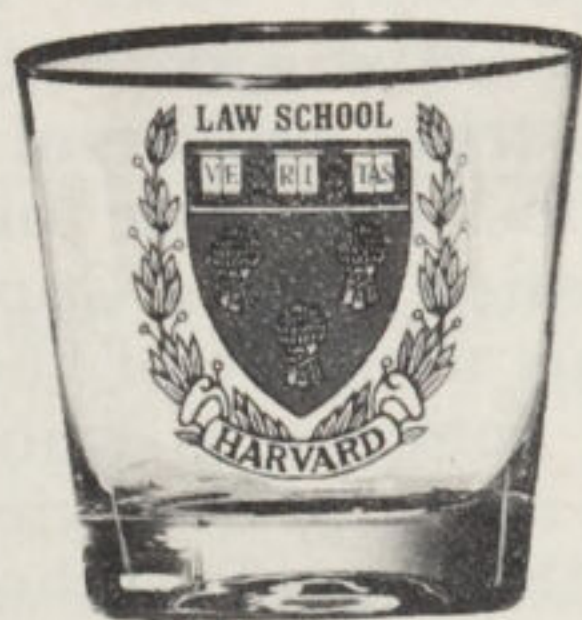
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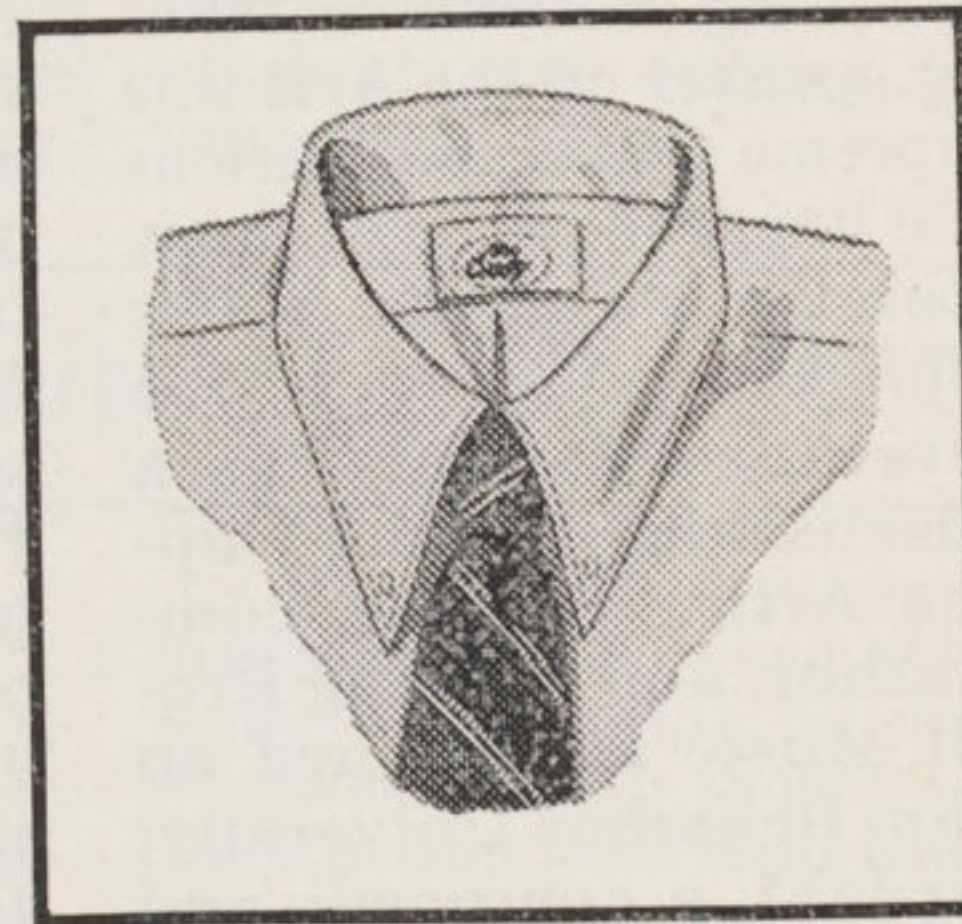
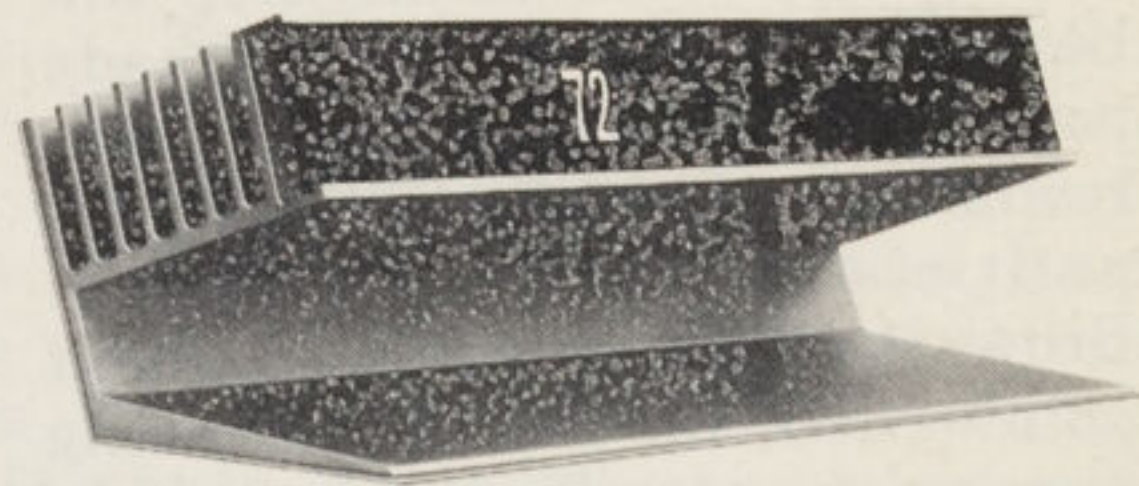


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Something Special is a Gift from



Take-Home Finals Would Conserve Energy

By Patrick Kennedy

One quick look at the newspapers these days reveals that President Nixon has finally found an issue to attract more attention than Watergate. Unfortunately for Nixon that issue is the energy crisis and it points the finger of blame even more clearly upon his troubled administration. For those of us who will bear the consequences of the latest fiasco, which includes just about everyone, the question of how to use the existing fuel has become just as important a problem as who is to blame for it. One can quite safely bet that those individuals who are to blame will not be the first to feel the pinch.

Among those who are beginning to feel the pinch are most New England educational institutions. Some are already planning shut-downs. These schools include Brandeis, UMass, Dartmouth, and Tufts — the latter will close for 32 days. Recent events indicate that Harvard University and the Law School are also faced with shortages although the extent of the problem is not yet determined. The University has asked the Law School to cut consumption by 30 per cent but no one knows what measures will need to be taken until the survey by the University's heating engineers is complete. Nevertheless, it is not too early to start thinking about possible contingency plans if this survey indicates the school will have to rearrange the school calendar in some way.

One such plan which deserves attention is to administer all exams this fall on a take-home basis. If students were issued exams on the final day of class and instructed to mail them into the law school, over a week and a half of operations could be saved. This proposal, furthermore, would not impose the inconveniences inherent in measures being taken at other schools; inconveniences like Saturday classes or an additional week in June. It would not affect the spring break, nor

would it increase traveling expenses as some proposals might if students were encouraged to go home a second time. If the estimates of the heating survey indicate that the Law School will have to close down in order to meet the demanded 30 per cent cutback, then it seems clear that take-home exams might be the most convenient means of solving the problem.

This does not mean that such a proposal contains no inconveniences. The foremost problems would be the preparation of exam questions by professors in such a short time and the determination of what type of take-home exam to administer. Only the professors themselves can conclude how great an inconvenience it would be to draft exams in the next three weeks but they would have to weigh this against the inconveniences caused by some other change in the schedule. The types of take-home could vary from professor to professor, but ideally they would have time or length limitations. These would be advisable because many students would view an exam without such restrictions as much more burdensome than in-class exams.

An additional problem might be administrative. It may be argued that the experience with take-home exams in the spring of 1970 after the Cambodian invasion demonstrated that such an alternative is impractical. It should be noted, however, that the difficulties at that time arose primarily from students waiting until the September first deadline before mailing their exams into the school. This last minute deluge of exams caused considerable problems with registration which followed right on the heels of the deadline. In the present case a deadline of January sixteenth would be imposed. This would allow professors the usual amount of time to grade exams. Additionally, because students would normally have been required to be at the Law School

during this time, failure to meet the deadline could be equated with missing the final exam and appropriate sanctions would be imposed.

The final part of the proposal is to make such exams pass-fail. This would be advisable for two primary reasons. Those students who are located near a good law library over Christmas might accrue an undue advantage, and, secondly, a pass-fail provision would remove the temptation for students to spend more than the allotted time answering the question. This part of the proposal is optional, however, and its merits may be debated separately from the rest of the proposition.

If it is determined that a shut-down of the Law School facilities is necessary, it is important that this matter be given immediate consideration. It obviously requires time to print up the questions, distribute bluebooks, etc.

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'Attila the Hun' Contest Students Explore Art of Rejection

By Paul Weiner

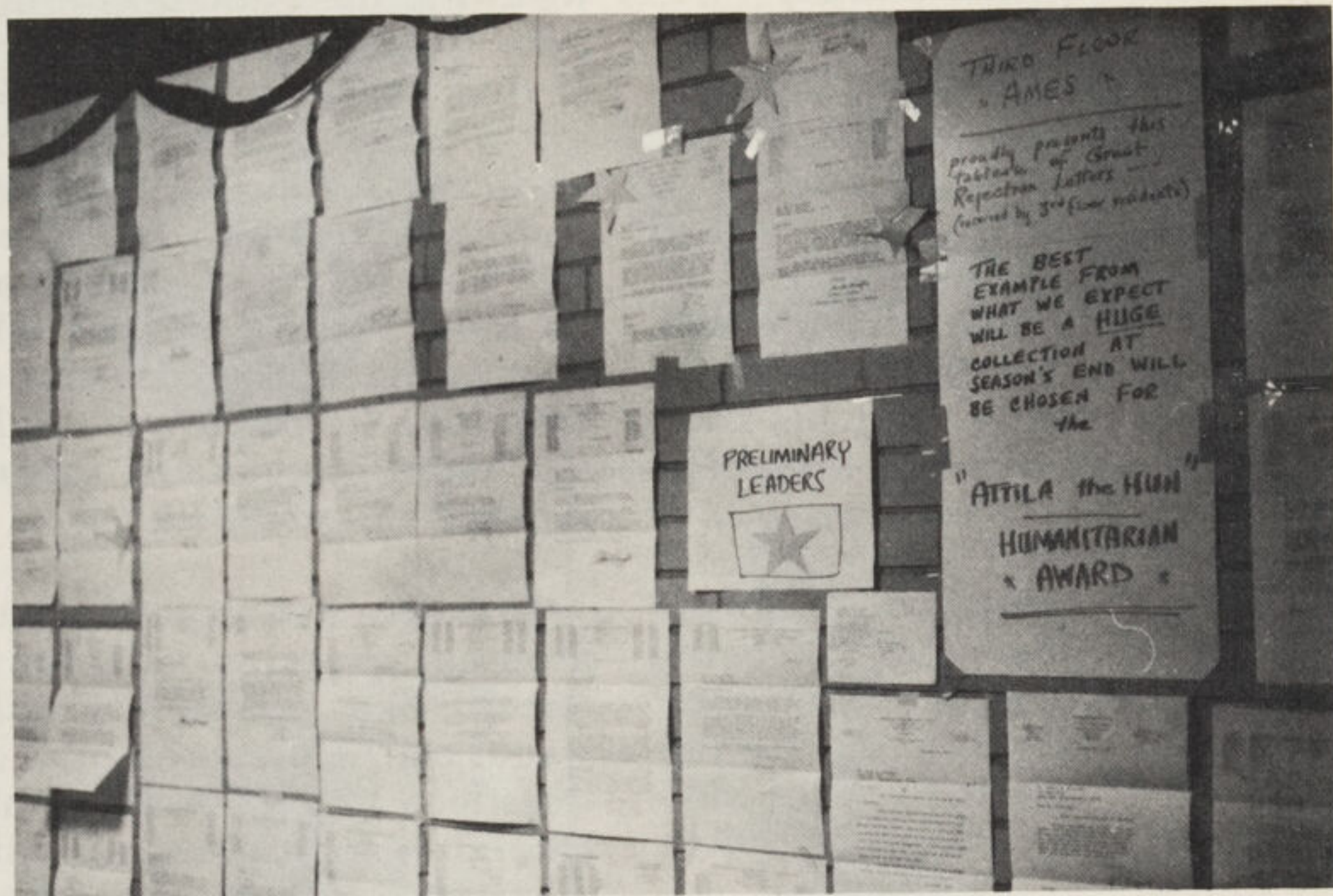
Despite the growing paper shortage, there is one paper product which is always in ample supply at the Law School in the fall — the rejection letter. To commemorate it suitably, a group of students living on the third floor of Ames Hall has launched the first Attila the Hun rejection letter competition.

The Ames residents have now covered three walls with rejection letters (and black crepe paper) — 205 noteworthy rejection letters in all. According to the 3L "unofficial curator", who wishes to remain anonymous, the Attila the Hun Awards Night ceremony will be held at 8 p.m. December 15, "the official end of the interviewing season" with "members of the faculty and the *Law Review*" among the celebrity awards presentors.

First prize is, of course, the Attila the Hun Humanitarian Award; members of the 1L class are eligible to compete for the Emperor Basil II Blind Leading the Blind Award. (Basil II allegedly gouged out 199 eyes of each of his 100 captives, then told the one-eyed man to lead the rest home.) In addition there will be awards for the most insincere letter and for brutal brevity and needless length.

(Basil II, Byzantine Emperor, reigned 976-1025.)

Although the sponsors have made no effort to prejudge the competition, leading entries have been marked with stars. Among the leaders are: a Minneapolis firm which sent its rejection letter out with Christmas seals (five identical copies on display); a Beverly Hills firm which rejected a 1L because it



Rejection letter contest produces modern wailing wall.

required its applicants to be both *Law Review* members and Certified Public Accountants; several letters rejecting 3Ls for summer clerkships; one unsigned carbon copy directed to the rejectee in lieu of the original; and "letters implying that we interviewed you at Columbia or Yale."

"A particularly charming letter from Hartford," according to the "curator", tells the as-yet-uninterviewed rejectee that the firm had just filled its last opening and in view of today's development the applicant might wish to cancel his interview with the firm at the Law School.

Leading rejection letters which exemplify the best of various genres are the "we'll hate ourselves in the morning" letter (loaded with "regrets") and the allied "You're the single most impressive person we ever saw" letter (always a form letter).

Tribe Alters Exam Format in Evidence

Professor Laurence H. Tribe has agreed to change the format of his final examination in *Evidence* from 24-hour take-homes to 8-hour take-homes. The action came in response to an exam preference poll conducted by the *RECORD* last week which showed that students favored the shorter exam by more than a two-to-one margin.

Students in Professor Morton J. Horwitz's *American Legal History* class, however, voted Wednesday to retain the 24-hour format.

"Believing that all power is to the people, I'm going to ask my class whether they agree with the Harvard Law *RECORD*; *vox populi*," Horwitz told a *RECORD* reporter earlier this week.

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