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TWENTY CENTS

Faculty Okays New Schedule: 8:30 Classes

By Daniel M. Taubman

The faculty approved in principle last week a proposed "blocking system" to eliminate most unnecessary time and room conflicts in second and third-year courses and seminars. Under the contemplated schedule, some classes would begin at 8:30, half an hour earlier than the traditional starting time for morning classes.

In other action, the faculty approved the establishment of a membership selection procedure for the Board of Student Advisers under which the faculty would play only a consultative role.

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Elliot Richardson to Speak Before Forum Tomorrow

Elliot L. Richardson '47, former Attorney General of the United States, will speak tomorrow in the Lowell Lecture Hall at 3:30 in a program sponsored by the Law School Forum. Professor Archibald Cox will moderate the afternoon's proceedings.

Richardson, who resigned in the wake of the "Saturday Night Massacre" last October, is currently a Fellow at the Woodrow Wilson International Center for Scholars where he is studying the responsibility and responsiveness of government in the American federal system.

Richardson will also speak at the Harvard Law Dinner in the evening and plans to have lunch with Forum members earlier in the day.

Prior to his appointment as At-

torney General, Richardson had earlier served as Secretary of Defense, Secretary of Health, Education, and Welfare, and Under Secretary of State.

Upon graduating from the Law School, where he served as President of the Law Review, Richardson clerked for Judge Learned



Former Attorney General Elliot L. Richardson '47 to speak tomorrow.

Hand of the U.S. Court of Appeals for the Second Circuit. The following year he served as law clerk for Supreme Court Justice Felix Frankfurter.

In 1949 Richardson turned to private practice as an associate of the Boston law firm Ropes, Gray, Best, Coolidge & Rugg. During 1953 and 1954 he served in Washington as assistant to Massachusetts Senator Leverett Saltonstall, subsequently returning to Ropes and Gray.

From 1957 until 1969 Richardson served in numerable state and federal governmental positions.

High Court Denies Benefits For CO's in 'Robison' Case

By Frank Sisson

"Bad. Sad and bad."

David Rosenberg's initial comment on the outcome of *Johnson, Administrator of Veterans' Affairs v. Robison* reflected his disappointment with the Supreme Court's March 4 decision. Rosenberg, director of the Legal Methods Program, argued the class action before the Court on December 11, 1973, contending that Robison and other conscientious objectors were entitled to veterans' educational benefits. The Court decided against appellee Robison.

Rosenberg attributed the holding of the Court to a strict reading of the Veterans' Readjustment Act

of 1966 which provided for educational benefits: "The Court read the purposes of the statute, which are specified in the statute, in a much narrower fashion than I did, although the purposes involved speak only of educational benefits. I contended that the act was designed to compensate solely for educational disruption caused by service; according to the Court, those purposes have to be read as compensating for overall disruption suffered by men in the service and not educational disruption."

The Court first affirmed the jurisdictional issue of the Court's ability to review the
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Seven to Visit HLS Faculty in 1974-75

By Daniel M. Taubman

The faculty has approved the appointment of seven visiting professors for the 1974-75 academic year, including a woman and a Japanese legal scholar, the RECORD has learned.

The seven are Professor George Cooper of the Columbia University School of Law, Visiting Professor Bernard Dunau of the University of Virginia Law School, Professor David E. Feller of Boalt Hall (University of California at Berkeley), Professor Mary Ann Glendon of Boston College Law School, Professor Charles L. Knapp of the New York University School of Law, Adjunct Professor Nathan Lewin of the Georgetown University Law Center, and Professor Hideo Tanaka of the University of Tokyo Law School.

Cooper, who received his law degree from Harvard in 1961, will teach *Taxation and Welfare Law* during the fall semester. Cooper has been teaching at Columbia since 1966, and before that was an associate at the Washington, D.C. firm of Covington & Burling. At Columbia he has taught *Law and Poverty*, *Clinical Seminar in Civil Rights Litigation*, and *Federal Taxation*. He is on the board of directors of the New York Civil Liberties Union, and is a consultant to the Equal Employment Opportunities Commission.

Dunau, who is presently a visiting professor at HLS, will again teach *Labor Law* here next year. He commutes to Cambridge every week, spending most of his time at his private practice in Washington, D.C.

David E. Feller, like Cooper, is a graduate of the Law School (1941). He will teach *Labor Law* and a labor law seminar during the 1975 spring semester.

Feller has extensive experience in labor law, having served as assistant and associate counsel to the Congress of Industrial Organizations from 1949 to 1955 and as assistant, associate, and general counsel to the United Steelworkers from 1949 to 1965. Before entering the academic arena, Feller was also a partner on three different law firms.

The former Supreme Court law clerk is a member of the National Labor Panel of the American Arbitration Association, and, since 1960, has been a director of the NAACP Legal Defense and Educational Fund.

Glendon, the only woman visiting professor next year, will teach *Property*, *Legal Process*, and a *Seminar on Comparative Law: Family Law in Transition in the U.S. and Western Europe*. She is a 1961 graduate of the University of Chicago Law School, where she served on that school's law review. She received a Master of Compara-

tive Law degree from the University of Chicago Law School in 1963.

Glendon has been at Boston College Law School since 1968, where she has taught *Comparative Law*, *Domestic Relations*, and *Real Property*. Before that, she was an associate with Mayer, Brown & Platt in Chicago.

She is a co-author of a casebook on decedents' estates.

Professor Charles L. Knapp will teach *Contracts* and *Commercial Transactions*. He has been on the faculty of the New York University School of Law since 1967 and has been a visiting professor at the University of Arizona School of Law. Before that, he was an associate with the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison.

Knapp received his J.D. in 1960 from N.Y.U. Law School, and served as the Note Editor of the N.Y.U. Law Review while there.

Nathan Lewin will teach a course on advanced constitutional law and another entitled *Defending Those Charged With White Collar Crime*.

Lewin, who has taught *Constitutional Law* at Georgetown, is a partner in the Washington, D.C. firm of Miller, Cassidy, Larroca & Lewin.

The seventh visiting professor will be Hideo Tanaka, who will teach two courses on Japanese Law during the fall semester. Tanaka, who received his LL.M. from Harvard in 1954, has spent three years at HLS as a graduate student, special student, and visiting scholar. Besides his American LL.M., Tanaka also holds the Japanese equivalent of an LL.B. and an S.J.D. (Hogakushi and Hogaku Hakushi).

Tanaka has taught at the University of Tokyo Law School since 1951 and is the author of six law books in Japanese.

In addition to these seven visiting professors, it is expected that the faculty will make at least one other appointment later this spring.

It was also learned that Professor Charles R. Nesson will be on leave during 1974-75.

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ABC's Smith Cites U.S. 'Unhappiness'

By Daniel M. Taubman

ABC-TV anchorman Howard K. Smith said Wednesday that Richard M. Nixon would not be impeached "until there is an upsurge of public opinion against the President."

Smith spoke before a warm and attentive Ames Courtroom audience of about 350 in a lecture and question-and-answer session sponsored by the Harvard Law School Forum.

The former Rhodes Scholar and veteran journalist stepped aside from his nightly reporting chores to comment on a wide range of public issues, from impeachment to "the manifest unhappiness of Americans with their lives."

In response to a question, Smith expressed his skepticism about the possibilities of the President being impeached. "If a cutoff date were one month from now, I would say he is not going to be impeached," Smith predicted.

Smith, who has recently called for Nixon's resignation, pointed out that in the Michigan and Ohio Congressional districts recently won by Democratic candidates, the voters were opposed to impeachment by a two-to-one margin. Thus, Smith concluded, voters do not believe the time is yet ripe for impeachment.

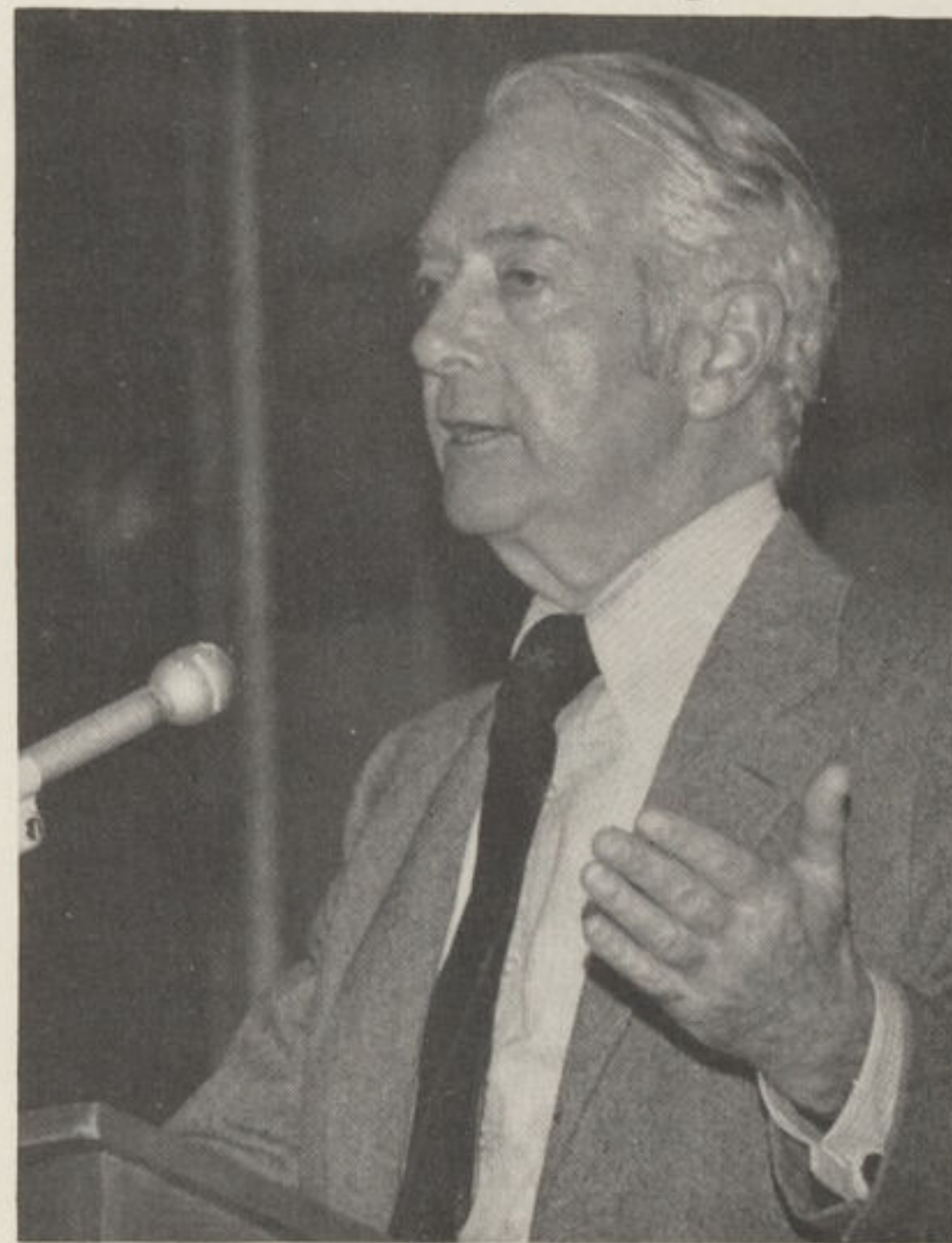
Smith said, however, that the President's failure properly to handle his officials would constitute an impeachable offense. The former United Press International correspondent said he didn't think Nixon had committed "any clear crimes;" he did think that there has been "an abuse of power."

The only clearly unethical thing the President has done, according to Smith, was to try to influence the federal district court judge in the Ellsberg case.

In response to another question, Smith said he didn't think that recently indicted former Presidential advisers H. R. Haldeman, John Ehrlichman and others had been prejudged guilty by the American public. "I think it's rather sensational that 35 members of one person's administration would be indicted or found guilty," he added.

Smith began his address by analyzing the cause of Americans' unhappiness. He said the cause of the country's malaise went beyond the war in Vietnam and Watergate to the more basic causes of "the pace of change to which we are subject" by an industrial society and the frustration produced by negative and inefficient government.

Smith, who worked for CBS for 20 years before joining ABC in



Anchorman Howard K. Smith

1961, railed "not against change, but against our national propensity to avoid foreseeing change." He said that the problems of depletion of our fossil fuel supply and the poisoning effects of industry on the environment might have been avoided or at least anticipated if the country had exercised foresight.

To remedy the problem of lack of foresight, Smith proposed the establishment of a seven-person board attached to — but independent of — the White House to undertake annual studies to analyze developments five, 10, and 20 years hence in different areas.

Smith criticized negative and inefficient government, noting that "it takes a hell of a long time to get things done, even when we know what's wrong."

"We have about the most negative governmental mechanisms in the world," Smith commented. He cited as examples the Congressional filibuster, "the almighty committee system," and the Congressional seniority system. Smith

also decried the present method of financing election campaigns, and termed it "a corrupting system" for both legislatures and big business. He favored instead a system of public financing based on the British model, with campaign expenditures cut to the bone. Among his reforms was a proposal for free television time for Presidential candidates.

Following his remarks, Smith addressed a number of diverse issues in response to questions from students.

Smith, who is often regarded as the most conservative of the three major network national newscasters, said he tried to report news of President Nixon fairly. "I think Richard Nixon thought it [news coverage] was fair until recently when I suggested he should resign in a commentary."

Smith was the first newsman to interview Nixon on live television and radio in a one-to-one format. He did so in a 1971 program entitled "White House Conversation: the President and Howard K. Smith."

The veteran journalist also discussed another of his television programs on Nixon. In 1962, he said, he interviewed all major figures in Nixon's career until that time for a program entitled "The Political Obituary of Richard Nixon," a program that was aired just after Nixon said he was retiring from politics.

The 59-year-old native Louisianan said he opposed the passage of so-called "shield laws" designed to protect members of the press from revealing their news sources in criminal trials. "If Congress can protect us, they can turn against us and limit our freedom," he said. "I don't want any legislation; I just want the First Amendment," Smith added.

He said also that in some instances a news reporter should disclose his sources. As an example, he cited his own disclosure to federal authorities of Ku Klux Klan sources who had called him in Birmingham, Alabama in 1964 to tip him off in advance that they were going to beat up civil rights demonstrators.

Faculty Okays New Schedule Plan

(Continued from Page 1)

The faculty also approved a recommendation from the clinical committee to authorize Dean Albert M. Sacks to seek funding from the Council on Legal Education for Professional Responsibility (CLEPR) of three clinical course-related proposals.

Registrar Mary D. Upton explained in a memorandum to the faculty that "the most serious cause of unnecessary conflicts" are nine courses which currently meet either on different days at different times, or cut across a regularly scheduled one-hour time block, thus creating two sets of conflicts. Her solution to this problem is to schedule most one-and-a-half-hour classes at either 8:30 or noon.

Upton estimated in her memorandum that perhaps as many as half the law students here are substantially affected by unnecessary course conflicts. "As [these] students select one or more of these conflicting courses, and as they work their way through their individual schedules, their choices become severely limited," she noted.

Upton also predicted that the blocking system, if adopted, would nearly double the number of courses available to a large majority of students in many cases.

She indicated that at present 20 courses — 15 per cent of the Law School's total course offerings — cause conflicts and "create havoc within the schedule."

One set of conflicts she noted is caused by classes meeting Monday, Tuesday and Wednesday, or Wednesday, Thursday, and Friday. Such courses can create at least seven major conflicts, she said.

Other conflicts are caused by two courses which meet at different times in different semesters, and by two courses which meet Tuesday, Wednesday, and Thursday.

Under the proposed schedule, it is likely that the January examination period would have to be extended. Under present scheduling, all January exams can be fit into 12 half day blocks. If conflicts are eliminated, however, 18 half days would be needed to schedule all examinations.

"Although this would be a calendar problem," Upton said, "it is clear that we would have substantially reduced the overall conflicts in the schedule and given students a far greater range of choices."

Under the proposed schedule, the only time when no classes would be scheduled during the week would be from 1 p.m. to 4 p.m. on Wednesdays.

This, and other minor provisions of the schedule are subject to change, Dean Sacks pointed out. He said that, if possible, two free lunch hours would be scheduled.

New Schedule Plan

Gives Wider Choice

In approving a new selection procedure for the Board of Student Advisers, the faculty merely ratified the existing procedure. When BSA members ceased to be selected on the basis of grades in 1969, a faculty-student committee had been designated to choose new Board members. Over time, however, the faculty role has diminished, and Board members themselves have largely chosen their successors.

This procedure was formalized when the faculty unanimously adopted a recommendation to establish a Committee on Liaison with the Board of Student Advisers to consult with the Board regarding the Board's membership selection procedures.

In addition, the new committee is slated to "serve a consultative and advisory function and to facilitate communication between the Board and the faculty with respect to the Board's role in the educational program of the school."

Professor Robert E. Keeton, chairman of the Committee on Legal Education, reported to the faculty that the proposed selection criteria for the Board were grades, letters of recommendation, a legal memorandum, an Ames brief (or alternative essay), a 500 word essay on some aspect of legal educa-

tion, extracurricular activities, and two personal interviews.

Hank Gutman, 2L, chairman of the Board of Student Advisers, informed the faculty that last year there were over 100 applicants for 22 positions on the Board.

Professor Andrew L. Kaufman questioned whether the faculty should not assist in the selection procedure, especially considering the educational functions performed by Board members.

Keeton disagreed with Kaufman, saying that the faculty role could be more effective if it were limited to oversight of the selection procedures, rather than of the actual individuals selected.

Professor David R. Herwitz wondered whether there was a clear standard for choosing new Board members. He said he was "concerned" about the prospect of some students selecting other students for coveted positions without any criteria to guide them.

Professor Alan M. Dershowitz asked Gutman what the Board's position was with respect to selection of minorities. Gutman indicated that the Board would undertake a "strenuous recruitment effort" in order to assure it an adequate representation of minorities and women.

During the faculty discussion, both Sacks and Keeton praised the Board for the work it has done during the past year.

Members of the Board of Student Advisers assist in the Legal Methods program, first-year Ames Competition, the Williston Competition, a first-year model trial, and with grading some practice examinations.

In authorizing the Dean to seek CLEPR funding for clinical programs, the faculty approved a proposal which would, if approved, broaden the scope of the Law School's clinical programs.

The proposal to CLEPR consists of three parts. The first relates to the development of case files; the second entails a month of workshops for teaching fellows on law school pedagogy; and the third involves an evaluation of existing clinical courses.

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Rent Hike Dispute Teaches Legal Lessons

My prospective landlord looked up from my freshly completed rental application and eyed me coldly. "I don't like to rent to law students," he said. "They cause trouble."

Trouble? My mouth went dry. I very much wanted the apartment. Besides, what did he mean? Did law students break things? Did they hold wild parties? Did they not pay their rent on time? I swore to my prospective landlord that I would be a "good tenant" and I pleaded with him to let me move into his building. He didn't seem very convinced by my remonstrations, but he finally relented and gave me the lease to sign.

That was over a year ago. Now, after five months of acting as my building's "lawyer" in litigating a proposed rent increase before the Cambridge Rent Board, I think I understand what my landlord was really worried about.

My rent control case began last August when the 13 tenants in my North Cambridge apartment building received a notice from the Cambridge Rent Board. We were told that our landlord had petitioned for an "individual rent adjustment" which would raise the rent for each apartment by about 15 per cent. The notice also invited us (in Greek, Portugese, Italian, and Spanish) to make our objections to the increase known at rent board hearings.

A few days later we met to talk about the threatened increase. Many of us were indignant at how much the landlord wanted, especially in view of the building's chronic lack of maintenance, services, and repairs.

What could be done? We thought of hiring a lawyer, but we decided that the fee would offset any advantage we might have gained. Yet many of us were pessimistic about our ability, without a lawyer, to stave off a rent increase. As soon as it came out that I had a year of law school behind me, the tenants volunteered my services as their representative.

My initial pessimism vanished when I began to research the case. First, the landlord's expense figures didn't add up. Second, there were technicalities in the Rent

Board's regulations which seemed to require that our rent go down, not up. Third, the building's state of disrepair violated the Health Code, and this too would block an increase.

Using these arguments, I litigated the proposed increase for five months. All told, there were three appearances before the Board's Hearing Examiner (fact finder), and three appearances before the Rent Board itself (including one full-scale hearing).

During these five months the disputed expense figures bounced back and forth between the Board and the Hearing Examiner, while the Board let it be known that it would probably not strictly apply its own regulations, if the effect would be to deny the landlord his increase. Since the regulations did apply on their face in our favor, we threatened court action to make the Board enforce them. The third point in our favor, the Health Code violations, was the most vivid point for the tenants. At one hearing we even introduced a brown paper bag full of dead flies from the basement into evidence, to the obvious discomfort of the landlord and the Hearing Examiner.

At the end of five months, our arguments were wearing thin. The problems with the expense figures had been resolved, and the landlord had cleaned up the building and made all necessary repairs. All we could do was threaten to go to court to get the Board's regulations enforced in our favor.

A few minutes before the final Board hearing, the landlord's representative (who worked for a Cambridge real estate management company) asked me to step out into the hallway; he wanted to negotiate. A classic hallway bargaining session ensued, and after a half hour of haggling, pleading, and threatening we arrived at a compromise settlement.

The landlord and the tenants both ratified the settlement. The landlord had been losing money and he stood to lose more. The tenants had saved over \$2,000 by contesting the increase and then settling. Moreover, the building was now in good repair

and the landlord was providing full services.

When I told the Rent Board Chairman, a State Street lawyer, that the tenants and landlord had reached a settlement, he remarked: "The experience you've had here will be quite valuable to you." Indeed, a rent control case may provide a law student with his or her first taste of unsupervised responsibility for litigation. It need not be time-consuming, and the issues, where they touch on the theory and techniques of economic regulation, are worth thinking about. One's clients—that is, one's neighbors—are likely to be educated and sophisticated people who will want satisfying explanations of the substantive law, the economic issues, and the ins and outs of the regulatory process.

A rent control case can be a first-rate introduction to administrative practice. A law student representing tenants before the Rent Board will quickly discover the importance of churning out legal paper, orchestrating tenant support, and reacting with indignation to any suggestion that rents should be increased. All this is necessary in order to counter the practiced belligerence of landlords' lawyers and to appeal to the pro-tenant members of the Rent Board. It is also important to build a good record if threats of court action are to seem credible. Negotiating a settlement, if the opportunity presents itself, is in some ways the most demanding part of the case.

Finally, law student participation in rent control cases will make rent control in Cambridge more effective, especially in cases in which a building can't hire a lawyer. Ultimately, of course, rents and living conditions in Cambridge will be determined by the interplay of market forces and local politics. Indeed, while my building's rent case was pending, the Cambridge City Council came within one vote of completely abolishing Cambridge rent control. But such "extra-legal" factors are the ordinary stuff of much administrative practice. Should an opportunity to contest a rent case before the Rent Board come your way, take it seriously.

Voluntary Defenders Practice With Vigor

When Samuel Dash '50, of Watergate fame, launched the Harvard Voluntary Defenders in 1949, his only official "office space" was a red bulletin board donated by the Law School. Today the flourishing organization threatens to overflow its offices in Ames Hall, where a row of sinks indicates that HVD has displaced the school infirmary. Twenty-six 3Ls and 45 2Ls now participate in the program, which offers opportunities for experience in representation of the indigent and in legal research.

The mainstay of HVD's caseload is the representation of indigent defendants in local District Courts, under Rule 3:11 of the Massachusetts Supreme Judicial Court, providing for such representation by third-year law students under the supervision of an attorney. In a recent talk with the RECORD, Susan E.T. Studlien 2L, President of the Voluntary Defenders, described the typical case of this type as one requiring about two weeks of investigation, in addition to the initial client interview, any negotiations with the Commonwealth attorney, and other incidental aspects of representation. Third-year students usually go to court alone, after consultation with the group's supervising attorney, Alan P. Caplan '65. According to a statistical analysis of its 1972-73 caseload published by HVD, a wide range of alleged crimes is involved in these cases, with the largest number being in the areas of property and motor vehicle offenses. Each case is assigned to a team of one 3L and one 2L, who carry it forward from the initial interview through post-trial follow-up. Studlien stressed that the policy of HVD is to provide a maximum of follow-up with its clients.

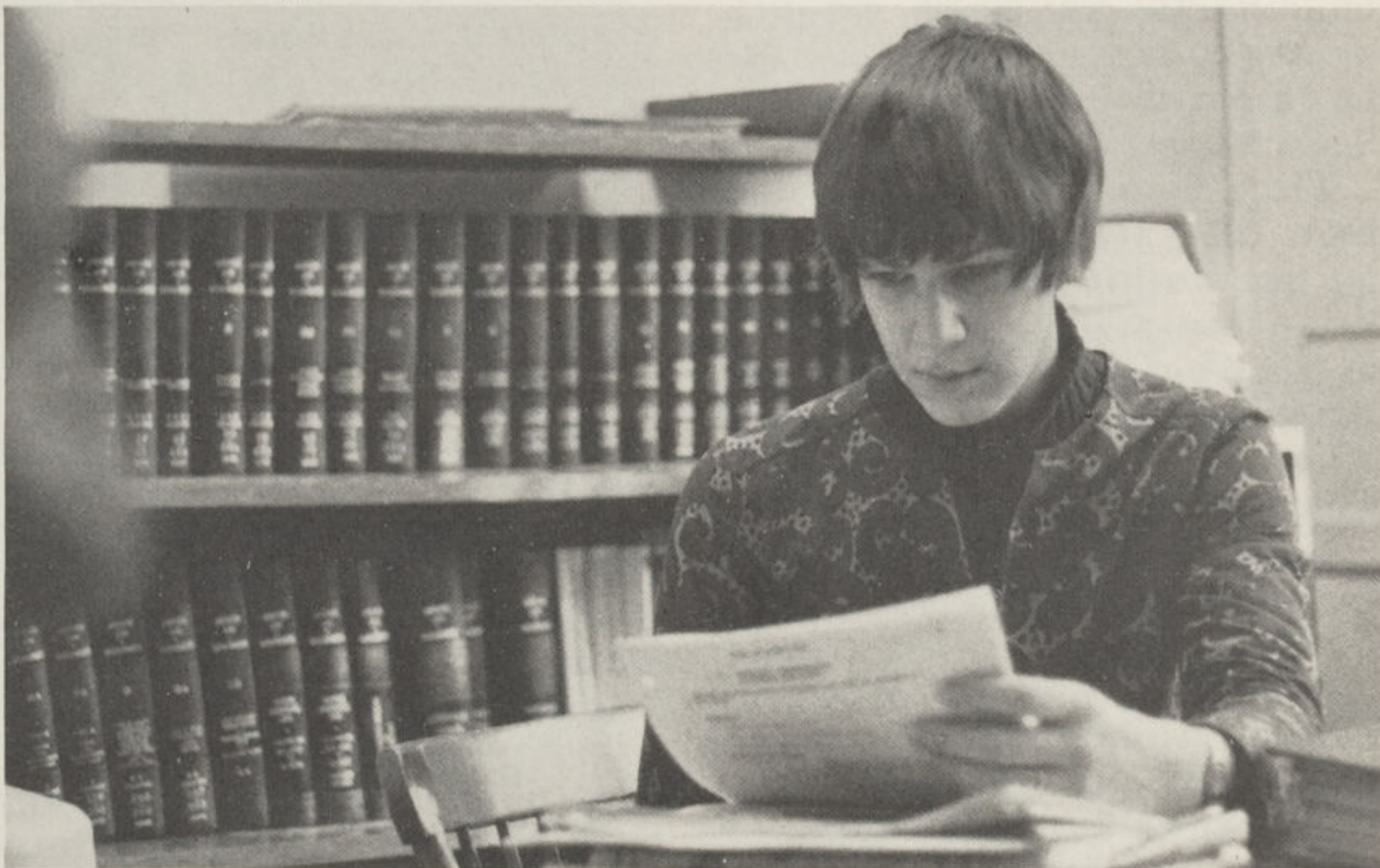
Studlien emphasized that second-year students also have opportunities to appear in court, in "show cause" hearings and other proceedings. She also noted HVD's new program of representation of indigent respondents in civil commitment hearings concerning commitment to the Worcester State Hospital. These cases are assigned to teams consisting of two 2Ls, who have the opportunity to examine and cross-

examine medical experts and thereby to gain experience in dealing with a "complexity and variety of issues."

Studlien said that the Voluntary Defenders had been able significantly to expand its program this year, citing the addition to the HVD program of a section of Professor Gary Bellow's course in *The Lawyering Process* as a major contributing cause. One area in which this expansion has taken place is HVD involvement in "probable cause" hearings. So far students

ization adheres strongly to the view that "the burden is clearly — or should be — on the Commonwealth."

In addition to their local representation work, all students participate in the work of HVD's research and appeals section, providing memoranda and briefs on request. This phase of the program of Voluntary Defenders includes a large volume of work undertaken at the request of indigent prisoners in all parts of the United



Susan E.T. Studlien, 2L, is new Voluntary Defenders President.

have handled 20 such hearings this fall. Typically, according to Studlien, these proceedings involve crimes of greater seriousness than those encountered in the usual HVD cases, including recent cases of rape, kidnapping, assault and battery, and armed robbery.

Studlien said that the Voluntary Defenders organization encourages its members to carry out a vigorous motion practice in the District Courts in which they appear. Conceding that this policy contrasts with the often informal procedures of these local courts, she said that the attitude of judges toward the increased motion practice ranges from "enthusiasm" or "respect" to "ambivalence." She disagreed vigorously with any suggestion that the work of the HVD tends to frustrate the aims of the criminal justice system. She said her experience suggests that indigent clients are very often innocent of the charges against them, and that the Voluntary Defenders organ-

States. According to Studlien, HVD has become "nationally known as a referral service." In this area, Studlien noted, HVD still has the assistance of its former faculty adviser, Professor Emeritus Livingston Hall. Its present faculty adviser is Professor Lloyd L. Weinreb.

According to its figures, in 1972-73 Harvard Voluntary Defenders served 222 clients, charged with a total of 431 offenses. Students appeared most frequently in the District Courts for East Cambridge, Hingham, and Malden. In all, HVD members appeared in 35 District Courts in the greater Boston area.

Studlien said that the organization maintains an internal credit system to assure that all students have equal opportunities in the various branches of its work, and to assure "good representation" to all its clients. She summarized the program of HVD as a "peer-group learning experience."

Some Students Finish JD Elsewhere

By Ricardo Hinojosa

For some students the idea of leaving Harvard Law School might sound good, while to students in other law schools Cambridge is the place they would rather be. The process of leaving or entering the Law School is simple though at times not very easy.

According to Assistant Dean Stephen M. Bernardi there are really two broad categories involved. The first group consists of students who will be granted degrees by the schools into which they are transferring, while the second includes "students who want to take one year at another law school for credit at the original law school for a J. D."

Students invariably enter the first category after the first year at law school. At Harvard, this is handled by the Admissions Office. In the case of a student transferring into another law school from Harvard, there is no special involvement on Harvard's part. The student will usually ask for a transcript, but almost all of his dealings will occur with the admissions office of the other school.

Associate Dean of Admissions James N. Bierman, when asked about the Law School's acceptance of transfer students, commented that there was not much to say, since "last year we took one student" and the previous two years no one had been admitted as a transfer.

Bierman suggested that one reason for the Law School's lack of transfer acceptances is that "there are still people returning from draft-related activities, so there hasn't been any room." For next year Bierman stated there would probably be "not many if any" transfers accepted.

Last year there were 100 transfer applicants but only one was accepted. Bierman added that personal reasons for wishing to transfer into the Law School are taken into consideration, but given the stiff competition this is not the deciding factor. He believes that "obviously people want to come to the Harvard Law School because they feel it offers something their schools don't."

One of the selected few who have

been admitted in recent years is Anne M. Redman, 3L. She spent her first law school year at New York University and afterwards married Eric Redman, 2L who after spending a year doing graduate work in England decided he wanted to attend law school.

According to Anne Redman "we applied to a lot of law schools together," she as a second year and he as a first year student. She said that at first Harvard sounded negative because of the space problem, but she was admitted after going through the regular admissions process.

The biggest problem with her application was that "I didn't fit into all the slots and LSDAS didn't know what to do with it." She added that "Harvard was really pretty good about it" and sent her acceptance letter in May.

Asked if she had gotten full credit for her year at NYU, Anne Redman said that "I really never talked to anybody about credits. They told me they would give me credit for my work at NYU."

Bierman stated that whenever someone transfers in, the Committee on the First Year will look at the work done at the other school and will usually approve it. The Committee can decide that there is a first year course at the Law School that the student should take if previous work is not complete.

As for the second group, who are planning to take their last year at another school but still receive a degree from the original school, the problems seem to be different.

HLS students taking their third year somewhere else have to meet the criteria established by the Administrative Board in order to still receive a Harvard J. D. The basic requirement is that the student be married and that the student has to live somewhere else because of the studies or occupation of the spouse.

The third-year paper requirement has to be completed at Harvard. As far as overseeing the courses the student will take at the other law school, the Committee on Third Year will take a look at the schedule and will usually approve it.

The process is different still

for students who wish to attend school here for their third year and still receive their law degree from the school where they started. The Administrative Board oversees each case. Most applicants in this area are married students with a spouse living in Boston, but some have been students interested in East Asian Legal Studies who will come to do a year's work under Professor Jerome A. Cohen.

Bernardi feels the policy "is something that is basically working." About four to five students each year take advantage of the program.

Karen D. Youngstrom, 2L, is one of the students who will be taking her last year at another university. Youngstrom will attend McGill University Law School in Montreal, but she is quick to point out that she is doing so not because she is dissatisfied with Harvard, but because she would like to be with her husband who is attending medical school at McGill.

Youngstrom stated that she had not had much trouble in getting permission to take her last year elsewhere and that "Mr. Bernardi has been very helpful and cooperative." She said she foresaw no special problem with her third year courses despite attending law school in a foreign country. She and Bernardi have checked the courses at McGill and have "discussed whether a one year program could be made up comparable to one here, and it is feasible."

The Redmans will also be involved in this type of change. He will take his third year at the University of Washington, since she will be practicing law in Washington.

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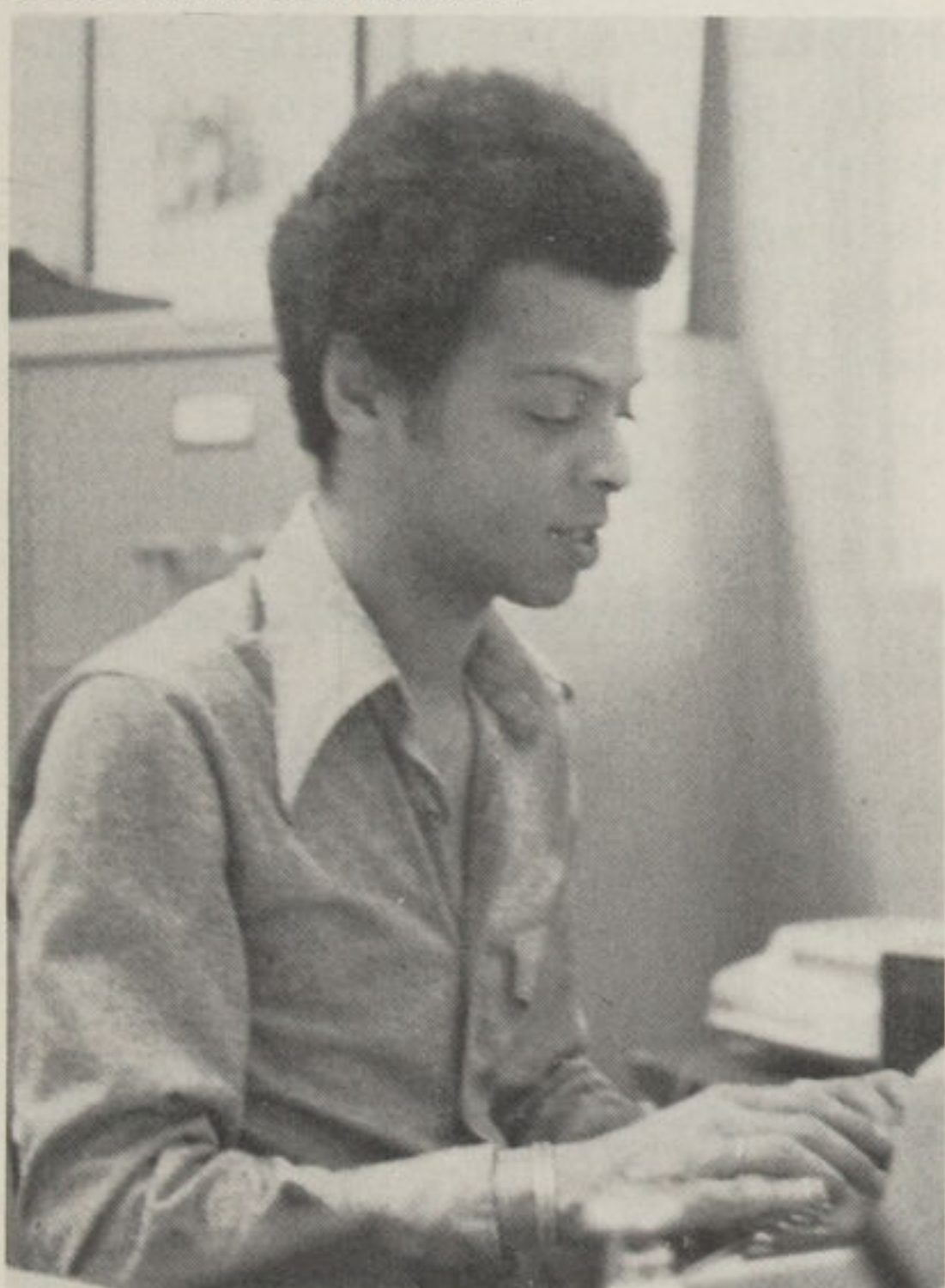
Two Men Work for HLS as Secretaries

By Michael Bowen

Alan Ford and William Greville are distinctly different people. Ford is a personable young high school graduate who finds administrative work highly stimulating. Greville is a rather intense person, interested ultimately in journalism, who spent two years in the army before graduating from Williams College in 1972.

Ford and Greville, however, have one thing in common: they are the only men working as secretaries for Harvard Law School faculty or administrators. Ford works for Visiting Professors Ronan E. Degnan and Robert A. Gorman, while Greville is assigned to Professor Derrick A. Bell.

Ford began his tenure at the Law School in September of 1972 in the office of Mary Conlan, Administrative Assistant to Dean Albert Sacks. He left in February, 1973, to travel to California because, as he explains, "I just wasn't comfortable in Boston." He returned in November to his present job, and will go back to Conlan's office this summer.



Alan Ford, HLS's first male secretary.

Greville has worked at the Law School since September, coming here from the Business School.

Both men took straightforward paths to their present positions.

"I was living in Newton after coming here from Chicago,"

Greville explains, "and about half my roommates were Harvard graduates. I heard there were some positions open at Harvard, and they got me interested." Greville applied and, after less than satisfactory experiences at the Business School and the Center for Criminal Justice, found a job he liked with Professor Bell.

Ford's story is similar. "When I first came to Boston, I heard an ad saying that there were employment opportunities at Harvard. So I went to Holyoke Center and went through the application process. I guess I had about eight interviews all around the University, all for secretarial positions. I liked the Law School best when Mary Conlan interviewed me."

Ford regards his position with the Law School as permanent. "I'll be here for years," he says. "This is the most comfortable and rewarding job I've ever been in."

Greville is less certain. He expects to remain at least until September, but he hopes to pursue his interest in journalism after that. "I want to develop my reportorial skills," he remarks. "I'm looking into a couple of things, one near my old college, and broadcast jobs out in Seattle and in Sarasota. But if those possibilities don't work out, I'd like to stay here."

Greville and Ford hold jobs that have traditionally been considered female, and still are held predominantly by women. Does this create any special problems?

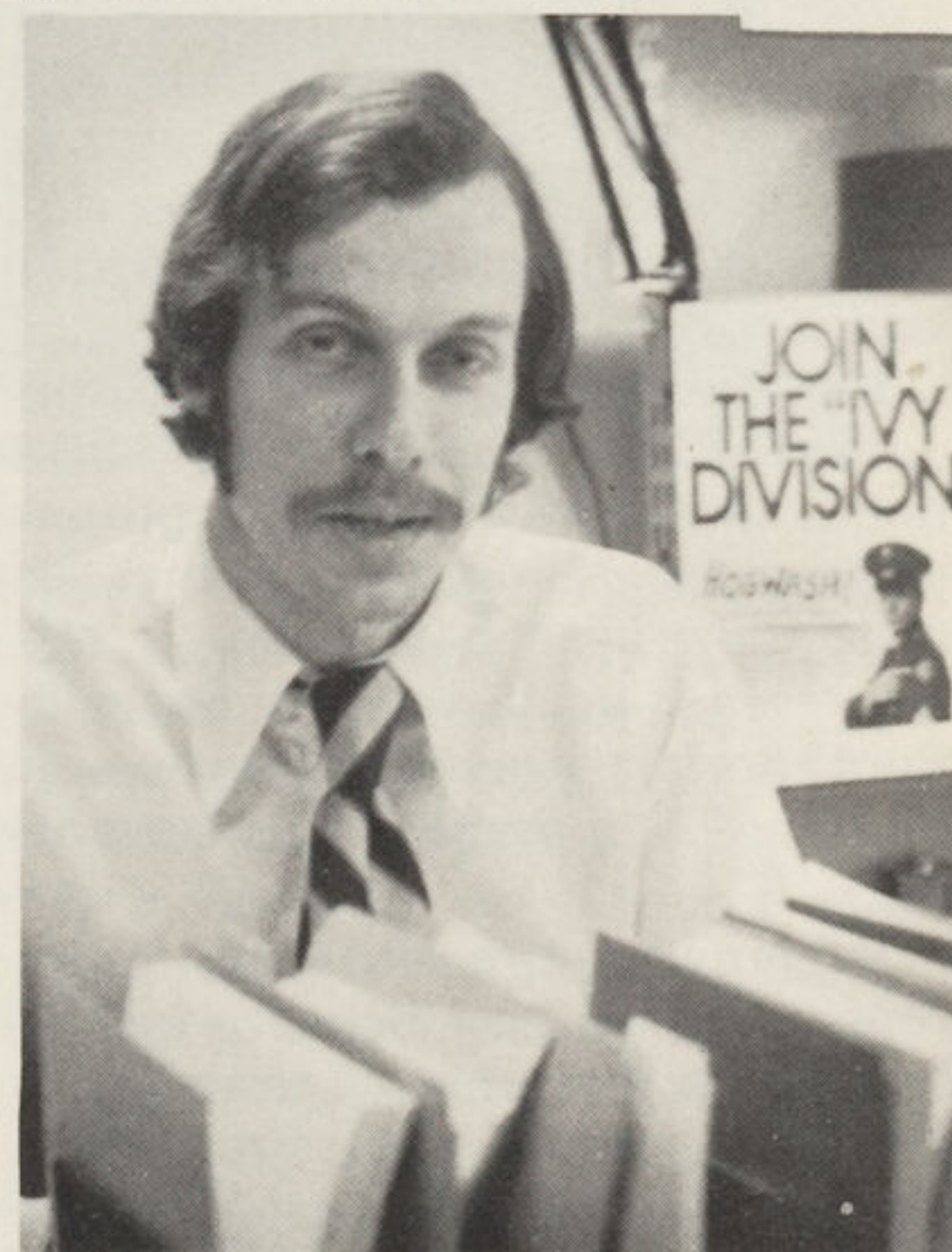
"I think it worked to my advantage," Ford suggests. "The other secretaries really welcomed me. They went out of their way to make me feel comfortable here, to come down and say hello."

Greville's reaction is similar. "There aren't really any problems," he says. "Sometimes someone calls and asks when Professor Bell's 'regular' secretary will be back. Sometimes people ask me about it. Occasionally I'll get a phone call from a woman and when she hears that I'm Professor Bell's secretary she'll say, 'Right on, liberation.' But I don't make a big thing about it. I needed a job

and this is better than working in a factory. It's not a big liberation thing with me."

Ford and Greville agree that the major task performed by a Law School professor's secretary is typing correspondence, which, Greville says, can run to a dozen letters a day. Ford, who has worked for an administrator as well as for faculty members, prefers the former assignment, because, he explains, the work involves more responsibility and offers greater opportunity for advancement.

Both men say they like the professors they are assigned to and find working with them enjoyable. "Professor Degnan and Professor Gorman are fantastic people to work for," Ford says. "They're very warm and very personable." Greville feels the same way about Bell. "He's demanding. Within reason he likes stuff done well. But he's very good to work for."



William Greville, Williams College '72

Ford and Greville differ most markedly in their perception of Harvard as an employer. Ford describes the pay as "moderate," and says that the accounting courses he is taking under the University's job-related studies program will permit him to assist materially in the revision of the Law School's budgetary process and will enhance his prospects for advancement. Greville characterizes his salary as "too low." He says that he

(Continued on Page 14)

Supreme Court Denies Benefits for CO's

(Continued from Page 1)

constitutionality of veterans' benefits legislation notwithstanding the usual finality of Veterans' Administration decisions. The Court affirmed the district court's rejection of Robison's First Amendment freedom of religion argument but reversed the lower court's finding for Robison on his Fifth Amendment "equal protection" claim.

The majority identified a substantive and justifying interest in raising and supporting armies in countering Robison's contention that the Free Exercise Clause, barring government regulation of religious beliefs, had been violated. To allow conscientious objectors who have served in alternative nonmilitary capacities after being drafted to obtain the same benefits as others is not constitutionally necessary: "Appellee and his class were not included in the class of beneficiaries, not because of any legislative design to interfere with their freedom of religion, but because to do so would not rationally promote the Act's purposes."

On this issue the Court concluded that "the withholding of educational benefits involves only an incidental burden upon appellee's free exercise of religion — if, indeed, any burden exists at all."

The equal protection argument was also rejected by the majority. Recognizing that "a classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation," the Court found that conscientious objectors could logically and legally be excluded as a class from receiving educational benefits.

The district court had found that this distinction was indeed illogical: "Like military veterans, alternate servicemen have been exposed to the uncertainties caused by the draft law. They too were burdened at one time by an unsatisfied military obligation that adversely affected their employment potential; were forced, because of the draft law, to forego immediately entering into vocational training or

higher education; and were deprived, during the time they performed alternate service, of the opportunity to obtain educational objectives or pursue more rewarding civilian goals."

The majority, however, felt that the district court's reading of the congressional objectives of the Readjustment Act was too broad. Those purposes were stated in the act to be "(1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country."

In the light of these objectives, held the Court, significant differences do exist which allow Congress to distinguish between military service veterans and "alternate service performers" in providing benefits. The disruption of military service is both "quantitatively greater" and "qualitatively different." While both types of draftees serve fully for two years, only the military veteran remains subject to four more years of reserve duty.

"Military veterans suffer a far greater loss of personal freedom during their service careers. Uprooted from civilian life, the military veteran becomes part of the military establishment, subject to its discipline and potentially hazardous duty." In contrast, "alternate service performers are not required to leave civilian life to perform their service."

These considerations, and the tendency of the benefits to make active duty more attractive and palatable to "reduce a draftee's unwillingness to be a soldier," are offered in support of the majority's decision in Justice William J.

Brennan, Jr.'s opinion.

Rosenberg commented that the majority opinion ignored the many "military veterans" whose tours of duty were no more rigorous than those of conscientious objectors, yet who receive the benefits denied to those like Robison. Justice William O. Douglas, the lone dissenter, agreed with Rosenberg's view, and felt that "the discrimination against a man with religious scruples seems apparent."

Justice Douglas writes: "Full benefits are available to occupants of safe desk jobs and the thousands of veterans who performed civilian type duties at home and for whom the rigors of the 'war' were far from 'totally disruptive,' to use the Government's phrase. The benefits are provided, though the draftee did not serve overseas but lived with his family in a civilian community and worked from nine until five as a file clerk on a military base or attended college courses in his off-duty hours. No condition of hazardous duty was attached to the educational assistance program."

Justice Douglas further explains that the educational needs of the conscientious objectors are equally serious, and that their religious beliefs should not bar the just compensation of their lost opportunity. "We deal with people whose religious scruples are unwavering. Those who would die at the stake for their religious scruples may not constitutionally be penalized by the Government because of their Free Exercise of religion. Where Government places a price on the Free Exercise of one's religious scruples it crosses the forbidden line."

In concluding his argument that the exclusion of conscientious objectors from benefits under the Act is unconstitutional, Justice Douglas is critical of the government's motives in such exclusion. "The only Government interest here is the financial one of denying these petitioners educational benefits. That in my view is an invidious discrimination and a penalty on those who assert their religious scruples against joining the armed services which shoulder arms."

An Alarming Trend

The proposed change in scheduling to include classes beginning at 8:30 in the morning seems to have been undertaken with little or no consultation with students, probably because the committee that recommended the change met before 9 o'clock when no students were awake to be questioned.

It must be admitted, however, that such a change would only certify what has become semi-common practice around the School already. But we might ask why one class should meet at 8:45 for most of the semester in order to enable a professor to spend two weeks in Abu Dhabi or Singapore.

Perhaps the Law School would be well advised to adopt the change to 8:30, but then accept the corollary of having all classes begin 40 minutes after the hour. If not, given January Daylight Saving Time, might some question not arise about whether Harvard had fallen into the category of night law school?

Should students, carless because of Law School financial aid policies, shiver awake two hours before dawn in east Somerville to walk to school in time for the new beginning of classes? Next winter, must we face the specter of drowsy law students endangering their own lives and the lives of motorists while crossing the icy, darkened streets of metropolitan Boston?

Changes in such fundamental circadian rhythms are not to be taken lightly, as the effects of jet lag show. Who would be able to digest the Hark's breakfasts at that hour?

A Little 'Learning'

We welcome the appearance of a brand new publication by the American Bar Association's Section of Legal Education, *Learning and the Law*, which attempts to collect the interests of those who find both the law and the teaching of the law to be equally fascinating.

One of the best articles portrays ten imaginary law school applicants, each different in ethnic background, academic record, and LSAT score. The reader is told to try to choose three for admission to law school. For an instant, the reader is allowed to participate in the admissions process, and realize how difficult it really is.

In a companion article, McDougal raises the question of whether what admissions committees really want to estimate is academic performance in law school, noting, "Some of the best lawyers I've trained at Yale were not very good first-year students."

The question of correlation between academic performance at law school, in the context of current teaching methods and current grading systems, and eventual performance at the bar is one that is discussed little and considered — for purposes of changing methods, curriculum, or grading — less.

If *Learning and the Law* can stimulate such discussion, it will have more than fulfilled our expectations for such a magazine. The creation of such a publication is encouraging to all those who would like to see progress in legal education at a rate at least as fast as the rate of change of law itself.

HARVARD LAW RECORD

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Fenno

"I don't know who thought of TG's," the 1L remarked declaratively, pausing to sip his second Scotch-and-soda, "but it's a very good idea."

Fenno assumed a contemplative expression, as he was wont to do in the presence of people who had had two drinks by 5:00 in the afternoon.

"Think of them as an adjunct to Ames," he advised the 1L. "The Ames competition complements your regular studies by giving you a concrete idea of how you'll spend the first five years of your working life after you leave here."

"How's that?" asked the 1L, who had not approached Ames with overweening enthusiasm.

"Looking up indescribably obscure and unspeakably dull points of law in a library which will almost certainly not contain one-million-three-hundred-thousand volumes."

"What does that have to do with TGIF's?"

"The TG's," Fenno replied patiently and a shade pedantically, "complement your course work by giving you a concrete idea of how you're going to spend the first five years of your social life after you leave here — drinking somebody else's liquor while standing in a room filled with people you don't know who are doing the same thing."

The 1L, who even at this late point in the year occasionally believed what Fenno said, accepted the truth of this latest proposition only with great reluctance. TG's did not seem like *that* good an idea: this kind of thing was fine for now, but it definitely did not fit into his long-term plans.

"Oh well," he shrugged philosophically, "it'll have to get better if I make partner."

"Of course it will," Fenno acknowledged reassuringly. The 1L brightened. "After you make partner, you'll still spend most of your free time in a room crowded with people you don't know who will be drinking somebody else's liquor. But it'll be your room they're crowded into and your liquor they're imbibing."

The 1L considered this as he drained his glass and allowed the remnants of the ice cubes to melt on his tongue.

"I hope you aren't being serious," he declared at last with great earnestness, looking past Fenno to the roomful of people, who seemed considerably fuzzier now than they had at 4:15.

"Being at Harvard Law School means never having to say you're serious," Fenno averred.

"In that case," the 1L said, not fully appreciative of the implications of Fenno's response, "I think I need a drink."

Letters to the Editor of The Record

Bar Exams Defended From RECORD Attack

To The Editor:

As a former bar examiner of nine years (Maryland 1963-1972) I respond to your editorial, *Bar Exams and Standards* (Feb. 1, 1973). I limit my response to your charges as they may relate to my state, of which I have personal knowledge.

You say:

The essence of law school is learning to think like a lawyer: to analyze the matter involved, determine the important facts, and organize an opinion of the legal result of those facts.

This faculty, the bar examination does not test.

On the contrary, this faculty is just what the Maryland bar exam is designed to test (9A Md. Code, *Rules Governing Admission to the Bar*, Rule 7c). The multiple choice Multistate Bar Examination (prepared by the National Conference of Bar Examiners), which now constitutes half of the Maryland exam, cannot of course test the ability to write, but is designed to test the ability to analyze and reason. The other half of the Maryland exam consists of essay questions (prepared and graded locally) whose emphasis is upon analysis, synthesis and reasoning. How well these objectives have been realized is of course conjectural, but no more so, I suggest, than the efficacy generally of law school testing.

I don't know where you acquired your statistic: "Most new attorneys admit that, whatever their law school or grades, they would fail the bar examination without attendance at a bar review course". From talking to many successful and unsuccessful bar candidates, I doubt its accuracy. But whatever bar review courses teach, the exams surely are not designed as a "short-term test of memory" nor does the Maryland exam require much knowledge of "the substantive law of the state" — if this is intended to mean "law peculiar to the state". The Multistate examination of course is all general law. About one-sixth of the essay part of the exam (1/12th of the whole) is on Maryland Civil Procedure but it is "open book" in that candidates are furnished relevant extracts from the Maryland Rules of Procedure. Another sixth is on Business Associations, which may contain a question or two involving the more general aspects of the quite typical Maryland Corporations Code. All the rest is non-local.

You describe as "vast" the "potential for abuse associated with the bar examination" and point to Texas fingerprinting and "an implicit authorization to make a wholesale investigation of an applicant's past" as an example — as if such investigation were

both covert and sinister. I know nothing about Texas but I assure you that Maryland, through character committees which are independent of the Board of Law Examiners, does indeed (though without fingerprinting) investigate each applicant's past — not under any "implicit" authorization but by express legislative and court mandate published in the Maryland Code (1A Md. Code, Art. 10, §3(d); 9A Md. Code, *Rules Governing Admission to the Bar*, Rule 2.c.2 and d, Rule 4). Do you think that moral character should be irrelevant to the right to practice law? Do you not think the state has an obligation to try to protect the public from crooked lawyers — of whom recent events, I might add, suggest there is an overabundance? There is no way to spot a potential crook except by his past record, so the record of each applicant is perforce gathered and examined. If a character committee recommends against an applicant's admission, he is of course entitled to a full "due process" hearing before the Board of Law Examiners and the right of review by Maryland's highest court.

You cite as another example of "abuse associated with the bar examination" the "incidence of conscious or unconscious discrimination against minorities". By this sentence you seem to have closed your mind to the possibility that there is no such discrimination; yet I submit that you have no qualified authority to back up such a position. Grading of the Multistate exam is done by the computers of Educational Testing Service, Princeton — obviously no conscious discrimination there. Grading of the essay part of the Maryland exam is done anonymously by numbers; so, absent an elaborate conspiracy between graders and staff members, there could be no conscious discrimination there. For such a conspiracy to exist, the people involved would have to be cheats, liars, criminals and racists. Knowing them, I assure you that they not only lack these characteristics but that their sympathies are keenly with the minorities.

The possibility of "unconscious" or so-called "cultural" discrimination is of course another matter. I personally believe, based on my own experience in grading, that this possibility is overrated; but at all events there is no reason to suppose that it exists to any greater degree, if at all, in the bar examination process than in law school. Maryland's three-member Board of Law Examiners, moreover, now includes a black and a woman, and one of the Board's three assistants (who help with the preparation of questions and grading) is a black.

As another example of "abuse associated with the bar examination" you cite the "seemingly widespread practice of adjusting the grading standards of exams depending

upon how many lawyers are coming into the state". In Maryland there simply is not and probably never has been any such practice.

From your undocumented assertions or assumptions of fact, you conclude by supporting a diploma privilege for local law schools or for persons who have taken a "practice course keyed to the state". Such a practice course would not test the "essence of law school learning" as you state it, which is the objective. Moreover, in my view, to confer the diploma privilege upon graduates of local schools and deny it to others would be unfair if not unconstitutional. Would it be reasonable, for example, for Maryland to dispense with the exam for graduates of the University of Baltimore (only recently provisionally approved by the American Bar Association, not a member of the American Association of Law Schools and with a long way to go to attain excellence) and deny it to graduates of Harvard? Baltimore's pass-fail record on the Maryland exam is miserable (though beginning to improve, I'm glad to say) while Harvard's is excellent. Other schools rank about as you would expect them to.

Failing a partial diploma privilege, you urge the removal of control over bar exams from, in effect, practicing lawyers. The only other group qualified to examine in law are law professors. But they would be subject to the suspicion of discriminating in favor of graduates of their own schools. This could realistically be a quite unintentional discrimination too, for teachers might have a tendency unconsciously to emphasize in question-preparation and grading what they have emphasized in teaching, thus giving their own students an edge.

If all law schools were as good and as honest as Harvard, I would agree that bar exams could and probably should be dispensed with. But the sad fact is that too many schools are mediocre and some are so bad as to border on the fraudulent. Too many law graduates have not acquired the "essence of law school learning" as you state it and could not acquire it by a mere "practices course keyed to the state", if they are capable of acquiring it at all. If you were to read a fair sampling of the exam answers I have read, I think you would agree with me.

I agree that there should be periodic verification of some kind as to the continuing qualification of practicing lawyers (your assertion that the defenders of bar exams "would probably be the first to disparage" such a system is but the grossest speculation) yet the current lack of such verification is no reason to subject the public to the additional risk of licensing unqualified beginners.

Though I have limited my comments to my own state, from considerable reading and contact with other bar examiners I believe the main points of my defense would apply to most states today.

Ward B. Coe, Jr. '39
Baltimore, Md.

Law Notes

The **Harvard Law Review** has selected its officers for the coming year. The new officers, all 2Ls, are: President, Daniel J. Meltzer; Treasurer and Managing Editor, Ladd B. Leavens; Articles Editors, Donald B. Ayer, Kent L. Jones, Gil Kujovic; Case Editors, Monroe D. Bryant, Jr., Robert S. Taylor; Development and Case Editor, Daniel P. Cunningham; Development and Note Editor, David M. Silberman; Executive Editor, Bruce J. Berger; Note Editors, W. Cole Durham, Jr., Richard K. Willard, Rogih Yazgi; Supreme Court and Note Editors, Robert L. Dietz, Allan B. Taylor; Senior Editors, Lawrence S. Adelson, Steven J. Agresta, John H. Fleming, William P. Galeota, Jr., Richard A. Meserve, Todd D. Rakoff, Conor D. Reilly, Faith I. Shapiro, Ellen S. Silberman, Robert D. Swhier, Thomas D. Vander Molen, Claudia H. Versfelt.

* * *

Harvard-Radcliffe Hillel will hold a delicatessen supper at 6 P.M. Sunday, March 17, at H-R Hillel, 1 Bryant Street. Entertainment, beginning at 7 P.M., will be provided by John Major, who will play guitar, and Eric Hoeprich, who will play recorder.

* * *

The **Harvard Law Community Association's Monte Carlo Night** will take place Friday, March 8, from 8:30 until midnight. Participants will be able to play blackjack, craps, roulette and other casino games, and will be able to take part in an auction with the winnings. Tickets, \$2.50 per couple or \$1.50 for single admissions, may be purchased in Harkness Commons March 6 through March 8, or may be obtained by calling 628-4160 or 492-0741. Proceeds from the event will be donated to "Children in Crisis."

* * *

The **Dorm Council** has established a 24-hour telephone number for any and all complaints of a non-emergency nature about conditions in the dormitories. The number is 498-4785.



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Faculty Okays New Schedule: 8:30 Classes

(Continued from Page 4)

In a letter to William Pincus of CLEPR, Professor Gary Bellow, chairman of the Clinical Committee, indicated that the case files and related teaching files would be developed for both clinical and nonclinical courses. He suggested that case files might be developed for *Evidence*, *Trial Practice*, *Civil Procedure*, *Contracts*, *Criminal Procedure*, *Constitutional Law*, *Family Law*, *Taxation*, *Labor Law*, and *Business Planning*.

Bellow has asked CLEPR to fund only the files for the clinical courses.

Bellow listed several possible clinical courses which might be developed with the new teaching materials. One would be a course on the prosecution function in which students would perform prosecutorial roles in the District and Superior Courts, while in another, to deal with civil litigation, students would be assigned to trial practitioners on a one-to-one basis.

The proposal for a workshop for teaching fellows comes in the wake of a decision by the Law School to combine clinical and legal methods teaching fellows. Presently, teaching fellows are divided into two groups.

The merger, according to Bellow, "permits us to give the teaching fellows a more varied teaching experience, to expose more teaching fellows to field-work teaching, and to gain some of the economies of scale in recruitment and administration..."

The workshops would last four weeks, probably in August, and would deal with both traditional and clinical methods of law school education.

Finally, the third proposal would support an evaluation of existing clinical programs to assist the law school in assessing the impact of its clinical programs.

The three proposals, if approved by CLEPR as requested, would result in a grant of \$60,000 to the Law School.

Nesson Sees Flaw Likely In Indictment

Count eight of the recent Watergate indictment, which charges former Presidential aide H.R. Haldeman with perjury, contains an apparent mistake in punctuation which may make it impossible for Special Prosecutor Leon Jaworski to prevail on this count, according to Professor Charles R. Nesson.

According to the indictment, Haldeman testified before the Senate Watergate Committee last July that on March 21, 1973 President Nixon told Haldeman that "There is no problem in raising a million dollars, we can do it, *but it would be wrong*," a direct quote. However, according to columnist William Safire, writing in the *New York Times* for March 4, Haldeman was reading from a prepared statement in which Nixon's remarks did not appear within quotation marks, suggesting that Haldeman was paraphrasing the President, or conveying Haldeman's general impressions of the President's meaning based on a series of conversations.

According to Nesson, who teaches *Criminal Litigation*, the problem depends on an interpretation of what Haldeman actually said when he testified before the Senate committee, and this would, as a procedural matter, "only crystallize after the proof is in." But at that point, Haldeman's attorney could argue that the difference between a paraphrase and the alleged direct misquote was an impermissible variance between the proof and the grand jury's charge.

"By its nature," according to Nesson, "perjury is a very hard thing to prove." It is significantly easier to prove that a direct quotation is false than it is to prove that a summary or paraphrase is false. Haldeman's lawyer might thus be able to show that had the grand jury properly understood that Haldeman was paraphrasing, "the grand jurors might have chosen not to indict on that basis."

COOP NOMINATIONS

In accordance with Article VI, Section 1, of the By-Laws of the Harvard Cooperative Society, as amended, the Stockholders of the Society have nominated the following individuals for election as Student Directors and Officer-Alumni Directors of the Society at the next Annual Meeting of the Stockholders in September, 1974.

IMPORTANT — Members seeking nomination by petition are urged to obtain a sample form of petition and a more detailed statement of the requirements governing petitions from the cashier in any Coop store.

STUDENT DIRECTORS

Joseph Angland	Harvard Law School
Marvin N. Bagwell	Harvard College '76
Jean Brathwaite	Radcliffe '75
Howard Brownstein	Harvard Business/Law
John M. Keough	Harvard College '75
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Lorenzo (Larry) Ybarra	Harvard Business School
James M. Ziegenmeyer	M.I.T. Graduate School

PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORS

Pursuant to Article VI, Section 2, of the Society's By-Laws, as amended, additional nominations for student directors may be made by petition signed by at least one hundred student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., March 25, 1974. A signature will be invalid unless the student designates his membership number and school and he is currently enrolled as a degree candidate in that school.

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

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Milton P. Brown	Lincoln Filene Professor of Retailing — Harvard Business School
Bruce Chalmers	Gordon McKay Professor of Metallurgy — Harvard
Lawrence S. DiCara	City Councilor — Boston Harvard Alumnus
Robert J. Holden	Associate Dean for Student Affairs, M.I.T.
Louis Loss	William Nelson Cromwell Professor of Law — Harvard Law School
Michael Porter	Assistant Professor of Business Administration — Harvard Business School
Donald P. Severance	Executive Vice President — M.I.T. Alumni Association
Fred Hewitt Smith	Treasurer, Cave Atlantique Harvard Alumnus
Philip A. Stoddard	Vice President for Operations — M.I.T.
Frank L. Tucker	Professor Emeritus Harvard Business School

PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR OFFICER-ALUMNI DIRECTORS

Pursuant to Article VI, Section 4, of the Society's By-Laws, as amended, additional nominations for officer-alumni directors may be made by petition signed by at least one hundred non-student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., March 25, 1974. A signature will be invalid unless the non-student member designates his membership number, the school which is the basis for his membership eligibility, and his current relationship with that school (i.e., officer, alumnus, or employee). No current degree candidate of Harvard, Radcliffe, MIT or ETS may sign. IF A NON-STUDENT MEMBER SIGNS MORE THAN ONE PETITION, HIS SIGNATURE ON EACH PETITION WILL BE DISREGARDED.

Cops and Their Feudal Code

By Kermit Kubitz

The thing that differentiates Dorothy Uhnak's *Law and Order* from the rest of the genre of "police" stories is her scope in time — three generations of policemen in one family, the O'Malleys. This first full-length novel by former New York City Transit Policewoman Uhnak is a longitudinal probing of the relationship between the community and its sworn defenders. It is particularly impressive in its detailing of the factionalism that is automatic in both the force and in the society of which the police are a part.

Thus the protagonists, Sergeant Brian O'Malley, his son Brian, a Deputy Chief Inspector, and his son, Patrick, a Vietnam veteran just returning to the force, are prototypes of their generations.

One honest patrolman, Pete Caputo, a friend of Patrick's, insists on revealing the extent of corruption in his division until he is murdered by his partner. This Serpico-like character causes a major shock within the Department which affects both Patrick and his father, the Inspector.

The ethnicity of the city is a salient feature of Uhnak's portrayal of a police force embedded within a social matrix. From the death of Sergeant O'Malley in a black prostitute's apartment to the discovery of widespread graft in the force by Patrick, the tension between the various segments of the community both within and without the force is evident.

Uhnak tries to explain the occurrence of the free cup of coffee and the five dollar tip to the local cop on the beat as an attempt by one segment of the community to win the boys in blue over as allies against other, possibly more dangerous, elements in the city.

This feudal system overrides the written law, and it is this system that Uhnak describes so well. *Law and Order* is a fascinating novel, but a disturbing one, for in the end, we do not know where the future

consciences of the department will come from. Not, it is suggested, from those who are dissatisfied, like Patrick and Caputo, and try to upset the applecart. Whom does this leave?

The selection of men for the department, as described by Uhnak, would seem to result in a group of highly qualified, highly dedicated young men. How then do these new recruits become innured to the system of payoffs and pilferage which Uhnak details?

The fact is that the 1200 who survive the written, physical and investigative examinations which winnow out the majority of the 30,000 who originally applied are only a small minority of the total force, and it is the minority which must adopt the culture of the majority.

"The recruits picked up the Department's method of identification," Uhnak writes, "when speaking of someone: You want the short Jewish guy or the pale Irishman or the dark Italian or the big Dutchman."

For the police of *Law and Order*, society is a grabbag in which they must separate the friends from the enemies, and it is as difficult as in Vietnam. The unwritten rules are the real determinants of police behavior — first, protect your own kind, the other policemen, your own ethnic group. Then the groups who are willing to form an alliance and can either pay their way in loyalty or services.

Two Men Work As Secretaries At Law School

(Continued from Page 8)

doesn't understand the University's complex schedule of employee grades, and notes that there is no specific grievance procedure.

"Last semester a group of us circulated a petition asking for the Christmas to New Year's period off," Greville observes. "Twenty-six secretaries and four professors signed it, and that was pretty much all in one day. We didn't get it, and you couldn't tell whether it was a Law School thing or a University thing. I came here with this image of Harvard's liberality, but I guess everybody gets disabused of that pretty quickly."

Greville acknowledges the fringe benefits attached to Harvard employment — the medical care provided, and the job-related studies program, under which he is taking a free short-hand course.

"Most of the time, though," he says, "you'd be willing to trade those things for a little bit weightier pay-check."

Most of the Law School's female secretaries seem to have reacted positively to Ford's and Greville's employment. "We treat each other basically as co-workers," Greville said. Pat Clarke, secretary to Joanne Lyons in the Law School personnel office, echoed that sentiment. "That's no longer true," she said of the idea that secretaries' jobs are basically female. "The traditional roles are changing."

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Morgan: 'Avoid Class Distinctions'

By Kermit Kubitz

Charles Morgan, Jr., Director of the American Civil Liberties Union's Washington office, calls "the legal intellectual community a rationalizing community that could find a million reasons for not doing something," and looks to the people of the United States, rather than the legal community, for the force behind fundamental change in American society.

Morgan's own approach is the exact opposite of that described above. He describes his own role in Washington as "trying to organize the ACLU and move the ACLU and its membership into active political work with respect to the Congress of the United States and the executive branch." He warns that these are his personal views and not those of the organization.

The stocky constitutional lawyer did not come to the practice of civil liberties law directly. After graduation from the University of Alabama Law School he did municipal bond work with a firm for three years.

"I have no objection to municipal bonds. John Mitchell started there and stayed there," said Morgan. "I have a hiring preference for people on law review," he continues, "because they know how to proofread."

He left to form his own firm in 1959, and was contacted by Henry King Stanford, president of a small Methodist school. Stanford told him that a student, Tom Reeves, had been arrested for praying in a public park in Birmingham and had been unable to obtain counsel from seven other law firms. If Reeves, a senior and member of Phi Beta Kappa, was not defended on the charge, he would be expelled and would not graduate. Morgan took the case and the student was exonerated and went on to become President of the University of Miami.

Morgan handled a number of other civil liberties cases until 1963, "when I made a speech following the church bombing in Birmingham and left town shortly thereafter."

As to how present-day law students can find careers in this field, Morgan candidly admitted, "I don't know." He said there were very few

organizations in the country geared to civil rights-civil liberties practice and did not feel that federal programs would have room for large numbers of such lawyers because, "No government finances revolution against itself."

The legal group of the ACLU hires very few lawyers, although it has 5000 cooperating attorneys who occasionally handle cases. Morgan advised students to apply, however, stating, "You can do it as well as the placement office. You know as much about it as they do."

His approach toward the purposes of law was captured in the statement, "You'll discover some place in life that winning counts. George Wallace is the temporal leader of Alabama, but Bear Bryant is the spiritual leader. People do not go to lawyers to get cancer. They do not go to lawyers to lose."

"You'll discover in life that you're identified by your clients," he continued later in his talk. The law, he said, "can be used in society by those who are movers and shakers," but he did not feel that lawyers were the real sources of change.

"Most people, I think, use education as a means for rationalization," explained Morgan. "They find ways not to do the decent and reasonable thing." He said that he agreed with Justice William O. Douglas's statement that the reason some people take so much time to write the law is because "they have to write their way around the Constitution."

When asked by a listener whether he felt that the Constitution was a limitation on the flexibility of American society, Morgan replied, "I think you can do anything for a just society under the Constitution of the United States. It's a pretty radical document."

Even the property clauses of the Constitution fit this interpretation, for, according to Morgan, when people get their hands on 40 acres and a mule, they want to keep them. He compared McGovern's \$1000 guaranteed income to this historical grant and said that the analogy had failed to be understood by the American people. "I think folks in this country have a birth-

right," Morgan asserted. "The thing's elemental to me."

In another part of his talk, Morgan commented, "People in law school always talk about relevant courses. A relevant course would be the rights of female tsetse flies in interstate commerce in Africa.... People who want to use law as a weapon," he continued, "should know what their enemies know, the old courses, real property, corporations, and taxation."

He also advised law students to "avoid class distinctions between lawyers and the people." For 50 years, lawyers after they leave law school have thought of themselves as "somehow different from the people." "Washington is the worst place for this," Morgan asserted, "it is being an extension of Harvard Law School and Yale Law School."

"The ABA has done very well," Morgan concluded, "with the kinds of social programs it has pushed for." But it is not a primary force in society because "American corporate enterprise runs lawyers. That has happened since the Civil War."

It was Morgan's claim that lawyers and judges have done less for liberty in the United States than other groups in society. In response to a question about the federal legal services corporation, Morgan, while allowing that he favored the idea, said, "the law has to be totally socialized, eventually. Lawyers have to work for the people."

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Quinn Still Silent on Indian Trust

Although a month has passed since Attorney General Robert H. Quinn met with counsel for the Native American Society and Harvard University to determine what action, if any, should be taken to enforce the disputed Indian College Trust, the office of the Attorney General remains silent upon its intentions in the case.

Spokesmen for the NAS, relying upon Quinn's promise at the meeting that a decision would be reached shortly, admit to being "somewhat mystified" by the delay, although they acknowledge a wide variety of explanations may justify the lapse.

The dispute, which could cost the University as much as two million dollars, arises from a 1653 trust established at Harvard for the education of American Indians. Early last year Attorney General Quinn, responding to allegations made by the NAS that Harvard's obligations under the ancient trust had never been executed, appointed Daniel B. Bickford '55, to study the controversy and recommend a course of action.

Bickford's report, released earlier this year, supported the NAS allegations.

From the outset, however, the University has insisted that its obligations have been fulfilled. Their contention has been supported by a pair of independent studies undertaken by a team of Law School professors and by Ropes and Gray, a Boston law firm.

Ostensibly, the meeting called by Quinn last month was a last minute attempt to avert court action. The parties involved are in direct contradiction as to its general tone. Russel Barsh 3L, speaking for the NAS, indicated "that the Attorney General pretty much carried the ball for us, asking the University representatives to show cause why he should not attempt to enforce the trust."

Daniel Steiner '58, General Counsel to the University, contested this account. He described the Attorney General as uncommitted, and added: "We certainly did not feel that we

were being put on the defensive."

According to representatives from both the NAS and the University, nothing new came out of the meeting. Harvard apparently complained that they weren't informed about certain minor aspects of the controversy and asked time to submit additional information on those matters. That information was submitted over three weeks ago, but neither spokesmen believed that the additional material was crucial or that it would materially affect the disposition of the case.

As stated by Barsh, "The precise reason for the delay cannot be determined. For the moment we will have to wait and see." Whether the delay has been caused by the new information submitted by Harvard several weeks ago, political concerns, or behind-the-scenes negotiations, is a matter of speculation. It could be that the energy crisis has forced an immediate about-face in the Attorney General's priorities. Only time will tell the full story.

Dorm Council Activities

This Weekend

TGIF — Today, 4-6 p.m.
Harkness Downstairs Lounge

MIXER — Tonight, 8-12 p.m.
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