

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 59, NO. 2

SEPTEMBER 27, 1974

TWENTY CENTS

New Post Filled; Miller Will Head A-V Aids Office

By Susan Gillette

The first director of Audio-Visual (AV) Education at the Law School is convinced that television gives a new dimension to legal studies.

Ellen Miller has been on the job since June 1. In four months she's found that AV equipment provides a "dimension you just don't get using casebooks and listening to a professor."

Some faculty and students are leery of the AV method, Miller

INSIDE THIS ISSUE

Curious Yellow Page 2

Glendon Page 6

Multiple Pain Page 15

(Continued on Page 7)

Legal Aid Bureau Concedes Bias Against White Males

By Michael Bowen

William D. Coston, 3L, president of the Harvard Legal Aid Bureau, acknowledged earlier this week that the procedures used by the Bureau to select new members last spring discriminated against white male law students.

In filling the 15 positions remaining with the Bureau after participants in various clinical programs had been selected, Coston said, the Bureau conducted separate lotteries for men and women. Nine women were chosen from among approximately 15 female applicants, while six of the some 35 male applicants were selected. Coston said that this was done so that

50% of the Bureau's new members would be women.

"When we were discussing this policy, one of the members of the Board said, 'The chances of a white male being chosen in this are too small,' " Coston noted during an interview in his office at Gannett House on Monday. "We were aware of the discrimination factor. We made a conscious decision to accept it because we thought the result was worth it."

The Legal Aid Bureau's Board of Directors had earlier decided by a 7-2 vote that 25% of the Bureau's members should be minority students, and 40% to 50% should be women. The minority quota was not filled, because the number of positions allocated to minorities exceeded the number of minority applicants, Coston said.

The Legal Aid Bureau accepted a total of 40 students from among 76 first-year applicants last spring. Twenty-five of these, however, came to the Bureau through Ames Alternative programs in which Legal Aid is involved, through *The Lawyering Process*, a clinical course offered by the Law School, and through acceptance of all seven minority applicants.

Fourteen of the 25 chosen in this way were men, while 11 were women, Coston said. This left some 50 1L's, 35 men and 15 women, vying for 15 remaining positions. In order to have women equally represented in the total selection of 40 new members, the dual lottery was adopted, giving female applic-

(Continued on Page 8)

CMJ Studies Amnesty; Advises Students, Soldiers

By Bill Kenety

The implementation of President Gerald Ford's amnesty program has brought a new dimension to the task of the Committee on Military Justice as the student organization continues to adapt to the changing status of the American serviceman.

With the phase-out of the draft, the Committee on Military Justice, formerly the Committee on Legal Research on the Draft, has naturally turned its attention away from draft-related matters and is now concerned with general problems of military injustice. As several Committee members asserted, "Just because the military stopped

drafting people doesn't mean they stopped screwing people."

Currently the Committee has a task force of approximately ten people working on the amnesty situation. This task force serves mainly as an information center and maintains contacts with similar organizations within and without the country and within and without the military. Task force members are ready to advise those who have avoided induction or fled the military on possible penalties should they surrender as well as the procedure for doing so.

(Continued on Page 13)

Violation of Free Speech? Lewin's Class is Curious

By Jeffrey R. Karp

Next week the film *I Am Curious (Yellow)* is to be screened on the Harvard Law School campus, not as the result of a bold new Dormitory Council movie program, but rather as assigned viewing for members of Professor Nathan Lewin's *Advanced Constitutional Law* course.

The film, which aroused a storm of controversy when released in 1969, has an interesting judicial history. The highest state court of Maryland found the movie to be obscene by a four to three margin. The case was then argued before the U.S. Supreme Court which deadlocked at four votes for both the defendant Grove Press and the State of Maryland.

The deadlock would have been avoided had not Justice William O. Douglas disqualified himself from the case. This was the result of an impeachment move against Justice Douglas, spearheaded by President Gerald Ford, then House of Representatives Minority Leader. Ford attempted to capitalize on the fact that a chapter from Douglas' book on civil disobedience was reprinted in the *Evergreen Review*, a radical arts journal. Because of the suggestion that he was a contributor to a magazine that had previously printed pornographic materials, Douglas thought it necessary to eliminate himself from consideration of the case.

Tie votes by the Supreme Court are nondecisions which affirm the lower court decision. In the *I Am Curious (Yellow)* case no opinions were written nor were the votes of the Justices made public. Lewin's educated guess is that Chief Justice

Burger and Associate Justices Harlan, White, and Blackmun voted to affirm the Maryland decision that the movie is obscene, and that Justices Brennan, Black, Marshall, and Stewart voted to overrule the Maryland courts.

The choice of *I Am Curious (Yellow)* for class use by Lewin had a dual origin. Generally, Lewin considers the film a serious motion picture, making it easier for the class to discuss as having socially redeeming value. Nonetheless, the judicial uncertainty with its obscenity makes it ideal for classroom theorizing representing both sides of the issue. Even at the time its obscenity was a close question, less than one minute of the film had to be cut to make it "acceptable" for viewing in Maryland.

On a personal level, Lewin has represented Grove Press "about a half-dozen times" on cases related to *I Am Curious (Yellow)*, and argued the case before the United States Supreme court. He is also the only attorney to win a decision finding the picture not to be obscene at a trial court level, this happening in the state courts of New Jersey.

The strongest argument against government regulation of obscenity according to Lewin, is that such regulation is useless as a social function. The regulation of obscenity requires the impossible task of distinguishing obscene speech from other speech. In Lewin's view the danger to all literature from government regulation is far greater than the danger to society which may be attributable to obscene literature. For this reason Lewin, at times, has undertaken the defense of literature "less redeeming than *I Am Curious (Yellow)*".

Council Holds Phones to Stay If Dorms Pay

Following a heated debate, the Dormitory Council rejected, at its Monday meeting, a proposal to eliminate its subsidy of the pay telephones in the new dorms.

Arguing that there was no reason to subsidize the minority of students who use the hall phones while most students pay for their own phones in full, the supporters of the motion urged that the \$1200 a year the council provides for pay phones be terminated.

Supporters of the subsidy, however, countered that students were already relying on the hall phones and that it is one of the few dorm council programs which benefits only dorm residents. Nevertheless, dorm residents with hall phones are required to pay \$35. by September 30 to keep the semi-public phones.

Currently, the pay telephones in the new dormitories each lose an average of \$110 a year. A similar proposal to terminate the entire subsidy was made at the Dorm Council's March meeting and was also rejected.

In other major actions, the Council appropriated \$2.50 per person for fall semester floor or entry parties, and appointed a room allocation committee to investigate proposed revisions in the room allocation procedure to eliminate the anomaly of a long waiting list and empty rooms in the dorms.

Council members also heard a financial report that assets stand at approximately \$7000 after fall semester card sales, and that \$4000 of this is available for current spending programs.

The Council's first two film showings of the year, "Anatomy of a Murder" and "Adam's Rib", each netted about \$100, and the first mixer earned \$375. The first two TGIF's, however each cost about \$140, an increase of \$50 over last year.

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 617-495-4418. Subscription price: \$3.00 semester, \$6.00 year mailed; \$8.00 year mailed outside U.S.; students \$3.00 year distributed at the Law School. Individual copies including back issues: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1974 by the Harvard Law School Record Corporation. The opinions expressed in the Harvard Law Record are those solely of the students comprising the Board of Directors of the Harvard Law School Record Corporation.

ALUMNI: Alumni who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

Bruce Defends Landscape Alterations

By Patrick F. Kennedy

Describing the previous condition of the Hastings courtyard as "very seedy and run-down," Vice-Dean William L. Bruce explained

that there had been numerous complaints over the years, and that two Hastings students were shown the plans last spring to get their reaction.

there were no paths, encouraging them to cut across the grass.

Bruce appeared quite happy with the end result of the alterations. He defended the removal of a tree by the side of Hastings pointing out that now when one rounds the bend coming out of Hastings he is greeted by a "pleasing vista looking toward Austin Hall", unobstructed by the now removed tree.

Bruce saw the changes in the landscape as a part of a five-year-old University policy to "upgrade the quality of the grounds at the University which had become quite scruffy." He further reasoned that it was highly desirable to keep the Law School grounds attractive and added that he personally took a considerable interest in their appearance.

After emphasizing that all of the renovations were authorized only after a careful consideration of the costs, Bruce explained that most of the money came from alumni contributions.

The work around the side of Hastings is expected to be completed soon, and the Hastings courtyard is now finished with the exception of the planting of flowering crabapple trees later this Fall where green stakes have been posted.



John R. Mallin

Discus thrower lands in front of Hemenway Gym after landscape changes at the Law School.

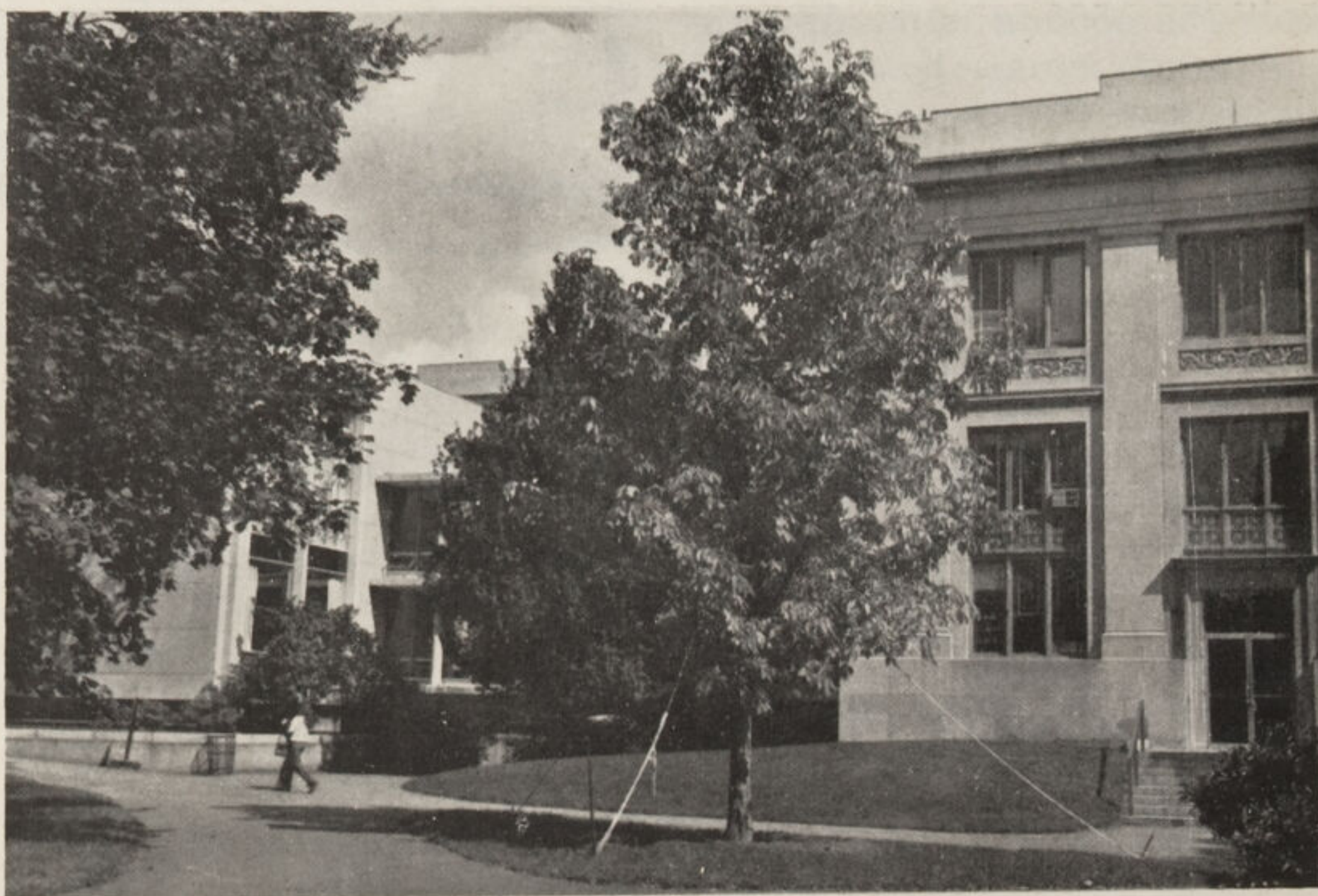
to the RECORD in an interview earlier this week the details of recent landscape improvements in the area near Hastings Hall and Hemenway gymnasium.

Reacting to suggestions that the renovations were an unnecessary expense, Bruce defended the almost \$20,000 outlay.

Citing frequent complaints from Hastings residents about the condition of the courtyard, Bruce further explained that when the Faculty Office Building and the Pound Building were completed, in 1969 and 1970 respectively, a large portion of the grounds were relandscaped. The Hastings quadrangle, however, received no attention and continued to deteriorate until last spring, when Dean Albert M. Sacks decided a renovation was overdue. Sacks commissioned University Landscape Architect Diane McGuire to draw up a new landscaping plan for the courtyard, scaled down her subsequent proposal, and gave authorization for its implementation.

When queried as to the amount of student input solicited for the plan, Bruce noted

According to Bruce, when the renovations around Hastings were completed, it was clear that additional revisions around Hemenway gymnasium were desirable. Bruce noted that "the paths around the side of Hastings by Hemenway didn't mesh." Instead they fed students out in directions for which



John R. Mallin

Transplanted tree stands in front of Langdell Hall

Wyeth Hall Stops Sagging; Dormitory Has 'Stabilized'

By Ricardo Hinojosa

Unlike London Bridge, Wyeth Hall is no longer falling down.



Lou Spoto

Wyeth Hall resident stands in front of sagging door.

An engineering study conducted of the old dorm this summer has revealed that the floor sagging, which has been going on for several years, has "stabilized" according to Vice Dean William L. Bruce. "It [sagging] won't go any further than it already has."

The sagging in the five story building, which is most evident from the second story up, was apparently caused by a defect in the original design, according to the report. However, the engineers do conclude that the

building's foundations are solid and that there is no rotting in the dorm.

Asked why the Law School had undertaken the engineering study, Bruce replied that "some of the floors sagged" and the school "didn't want a condition growing worse nor the existence of a safety problem."

The Law School has long range demolition plans for Wyeth Hall, which was donated to the Law School by the Graduate School of Arts and Sciences. However, Bruce noted the demolition will not occur until "a long long time from now—long enough so that we're putting storm windows in it."

Wyeth is occupied mostly by Law School students although some graduate students also live there. Unlike any of the other Law School dorms, Wyeth is equipped with kitchen facilities. Bruce concluded that it is a "safe and popular building."

HAIR

WE'LL CUT IT
THE WAY YOU WANT IT

Gino & Mike Barber Shop

ONE BLOCK FROM THE LAW SCHOOL
OPPOSITE HOLIDAY INN
354-9790
We do razor styling.

Apartment insurance, in a low-cost package.

Our single, low-cost coverage protects all your personal property, including credit cards. And not just in your apartment, but world-wide.

W. T. Phelan & Co.

Insurance Agency, Inc.

11 Dunster St., Harvard Square (next to the Holyoke Center)
876-0876. Representing Aetna, Travelers, Hartford.

Stolen Bases Are Featured In Sports Quiz

This year's Sports Trivia Society first quiz will feature ten stolen base questions and is dedicated to Lou Brock.

1) Lou Brock was obtained by the St. Louis Cardinals from the Chicago Cubs in a trade for Ernie Broglio. Name the journeyman outfielder who took the youthful Brock's job on the 1964 Cubs.

2) The modern record for stolen bases in a season was previously held by Maury Wills with 104. How many times was Wills thrown out in that record setting season?

3) How many seasons did Wills steal 50 bases or more?

4) In the 1931 World Series, a brash St. Louis Cardinal outfielder dominated the series with his base running. Name that outfielder.

5) While the modern record for stolen bases was previously held by Wills, a pre-1900 Hall of Famer once stole more than 110 bases in a season. Name him.

6) Overlooked in the publicity about the single season record is the fact that Brock set a new lifetime N.L. stolen base record. Name the former N.L. champ.

7) While Brock holds the record for most stolen bases in a season, name the player who had the lowest league leading total in a single season since 1900.

8) True or False; while leading the N.Y. Yankees to the pennant in 1921 Babe Ruth led the league in home runs, RBI's slugging percentage and stolen bases.

9) Since 1966 Lou Brock has led the N.L. in stolen bases every year except 1970. Name the player who took the crown that year.

10) During the 1950's, the Chicago White Sox dominated the list of American base stealers. Name the White Sox who were league leaders during the 1950's.

(Answers on Page 12)

East Asian Law Program Enters Tenth Year

By Toby Myerson

In 1964 Professor Jerome A. Cohen came to Harvard Law School from the University of California (Berkeley) Law School and embarked upon setting up a major program in East Asian legal studies. Cohen had done extensive research into the Chinese criminal process in Taiwan and Hong Kong, and the program's major focus at its inception was China.

A decade later, the program includes both regular Law School classes on Chinese and Japanese law, and research into the legal systems of Indonesia, Korea, Thailand, Viet Nam, and Taiwan as well as China and Japan.

From the handful of scholars and students that came to Harvard to study under Cohen in the past decade, the program's reputation has spread, so that this year approximately 60 research scholars and students from around the world trained in Asian languages have gathered here.

The regular courses offered in the Law School this year on China, open to all students with no language requirement, are Cohen's *Modernization of Law in China*, and his course on *Chinese Attitudes Towards International Law*. This year Professor Hideo Tanaka of the University of Tokyo Law School, Harvard's second visiting professor from Japan to fill the chair recently established by the Mitsubishi group of industries, is teaching a course open to all on *Japanese Public Law*. For those able to do work in the Japanese language, Tanaka is also offering a seminar this fall on *Special Problems of Japanese Law*.

In addition to the formal course offerings, there is a weekly luncheon speakers program on Wednesdays in Pound 419 to which all students are invited. Among the luminaries who participated in last year's program were the Japanese and South Korean ambassadors to the United States, Harvard's own professors Benjamin Schwartz and Edwin O. Reischauer, a variety of politicians of all political persuasions from Asia and dealing with Asia, and businessmen and

lawyers practicing in Asia who discussed business conditions, job opportunities, and the methods and techniques that they use in conducting their work in Asian countries. This year's speakers' program, which began with a talk by Rex Coleman and Masatsugu Suzuki who are partners of the Baker and McKenzie law firm's Tokyo office, promises to be equally interesting.

The participants in the East Asian Legal Studies program this year are too numerous to list exhaustively, but some of the notables involved in work on China include: Professor Ching Hao Kung from Peking University, who has come to work at Harvard after more than fifteen years of teaching in mainland China; Charles W. Freeman, Jr., one of the leading younger China experts in the U.S. State Department, who served as ex-President Nixon's interpreter in China; Maurice Copithorne, in residence at Harvard's Center for International Affairs and Canadian diplomat recently stationed in Peking who has conducted extensive negotiations with China; Paul Chen, a legal historian from Taiwan who has his PHD and LLM from Harvard; Joseph Cheng, a research fellow in Chinese legal history who is visiting instructor in Chinese history at the University of Massachusetts in Boston; Brian McKnight, associate professor of history from the University of Hawaii whose recent publications include *Village and Bureaucracy in Southern Sung China*; and John Langlois, assistant professor of Chinese history at Bowdoin College who, like McKnight, is preparing to be a legal historian.

Those participating in work on Japan include: Tanaka, who has published six books in Japanese and whose specialty is the comparison of the Anglo-American and Japanese legal systems; Professor Kanae Taijudo, professor of international law from Kyoto University; Kiysohi Hosokawa, Assistant Judge of Japan's Hakodate District

Court; and Takeo Kosugi, a former judge and who is now an attorney engaged in problems of international trade.

Those involved in work on Korea include: Dr. Choon-ho Park, one of the world's leading experts on oil politics and law of the sea problems in East Asia; Professor Hongkoo Lee of Seoul National University who is professor of political science and is a Rockefeller Foundation Fellow in International Conflict; Professor Suk Joe Kim of Seoul National University who is involved in research in "law and social change," and William Shaw, a research fellow in Korean legal history.

Other areas represented this year include Singapore, Indonesia, India, and Taiwan. All of the scholars and researchers are available to students with interests in learning more about the particular areas, and they may be contacted through the East Asian Legal Studies office on the 4th floor of the Pound Building.

The success of the program can be measured not only by student and scholar interest but also by the publications it has produced. In the past decade more than eight books have been published in a series established by Harvard entitled *Studies in East Asian Law* and more than 20 essays have appeared in academic journals. In addition, the alumni of the program have found work in law firms and businesses engaged in relations with East Asia, in foundation programs, and in government.

The only cloud on the horizon is the financial crunch which faces East Asian Legal Studies as well as other University departments. In mid-1975 the Ford Foundation five-year grant which supported scholar stipends and research grants on Chinese law will expire. Cohen is engaging in a search for funding to support the research on China, Japan and other areas as it is apparent that the need for such research and for lawyers with expertise in the area is expanding along with the broadening of contracts of the U.S. with East Asia.

A "Happy Accident" Culminates in

By Frank E. Sisson

Visiting Professor Mary Ann Glendon finds that it is "really a little early" to contrast her two weeks at HLS to her six years at Boston College Law School. Yet numerous HLS students have had time to find that with her, Harvard has acquired for a year both an expert in European comparative law and a professor of *Legal Process* quite a bit more attractive than Dean Albert M. Sacks.

Glendon will teach *Property* this spring after conducting two courses in the fall — *Legal Process* and a seminar in comparative law entitled *Family Law in Transition in the United States and Western Europe*. These courses parallel those she taught at BC law school last year.

With a home in Chestnut Hill, Glendon's schedule is restricted to a degree by her three daughters — Katherine, 3, Mimi, 5, and Elizabeth, 8. Mimi, a Korean orphan, was adopted at the age of 3 and a half by Glendon and her husband, Edward R. Lev, after an attempt to adopt a Vietnamese child was impeded by the intensity of the war. According to Glendon, she and her husband agreed with an adoption counselor's remark that adoption is really apolitical.

"I try to get my work done during the day and spend weekends and evenings at home," commented Glendon. Even with a live-in housekeeper, Glendon finds that "I have to turn down a lot of invitations to speak — I have to budget my time carefully."

Despite such restrictions, Glendon manages to continue with the broad range of scholarly activity that has highlighted her professional career. After graduation from the University of Chicago, where "there was no such thing as a major," Glendon attended the law school associated with that university, and graduated in 1961. Two years of work in comparative law — one at the University of Chicago with Professor Max Rheinstein and the other at the Free University of Brussels — led to a masters degree in the subject in 1963.

Glendon's "main research and scholarly interest" at Chicago rested in Rheinstein's outstanding and then unique program on the French and German legal systems financed by the Ford Foundation. The program, run for many years, ended with the withdrawal of Foundation funds.

Glendon and Rheinstein collaborated on a widely used casebook en-

"Chance and accident play a role in everybody's life," remarked Glendon in explaining her rather sudden shift from Chicago litigator to Boston law professor. An interview with BC law school was arranged after a casual conversation with Chicago Professor Soia Mentschikoff about her future and her desire to be in Boston. Glendon, who grew up in the



Lou Spoto

Visiting Professor Mary Ann Glendon

titled *Law of Decedents' Estates* which she used as the text in *Wills and Administration of Estates*, a course she taught at Boston College in prior years.

Glendon commented that since the publishing of the casebook, "most of my research and writing has been in the comparative law area." After six months internship at the European Common Law Headquarters in Brussels Glendon felt "what I wanted to do was practice law in such a way as to use my comparative law background." Teaching law was not on her mind at the time as a potential career.

Glendon thought she had found her goals in the Chicago law firm of Mayer, Brown, and Platt which had a foreign branch office and a reputation in international law. However, in the "four or five" years she spent there, Glendon was unable to put her comparative law expertise to anything beyond incidental use. Ultimately she became heavily involved in litigation for the firm, although she found this enjoyable.

Western Massachusetts Berkshires., commented "it was not that I wanted to get into law teaching but that I wanted to go home to Massachusetts."

Glendon's first trial at teaching at Boston College was a successful and personally satisfying one; Glendon remarked that "it was a very happy accident that I came to Boston as a teacher rather than a practitioner."

Subsequent to her assumption of a professorial role, Glendon has lectured at summer sessions of the International Faculty for the Teaching of Comparative Law. The organization, based in Strasbourg, France, runs month long summer programs at different European universities. Last summer her lecture commitment took Glendon to the University of Amsterdam; the year before she traveled to the University of Abruzzo in Italy to speak before the Faculty. Although a full month trip would overburden her schedule, Glendon has been able to

HARVARD LAW RECORD

New Role

devote a couple of weeks to the endeavor per year.

One section of this year's 1L class will encounter Glendon in *Property*. While she will continue to use Professor A. James Casner's text, Glendon's course plan will need to undergo some changes in the transition from BC to Harvard. The problem, according to Glendon, will be deciding what to cut to make the six-hour full year BC course down to four and a half hours.

Glendon feels that a one-semester property course will be a "less leisurely, ruminative experience" than the full-year property course she is used to. "I'm used to teaching it as spread out over the year — planting 'seeds' in the fall, nurturing them along, and 'harvesting' in the spring." The necessary compactness of the spring course will conflict with Glendon's style of slow and calculated development of ideas.

Notwithstanding a hesitation to make evaluations of the HLS experience at this point, Glendon does recognize academic advantages to being on the other side of the Charles river. She commented that what is most pleasant about teaching at Harvard is the true university atmosphere. "The opportunity to go and hear a lecture on enzymes, for example, is something one misses in a smaller school."

"There are very few universities which offer to the general public the kind of discussion of the latest things happening in science and math that schools like Harvard or Chicago do," added Glendon.

Lev, Glendon's husband, is a partner in the Boston law firm of Sullivan and Worcester of Boston. Although his original home was in Ohio, Lev, like Glendon, liked Massachusetts. He and Glendon met in Chicago.

In reply to the question whether her daughters would be encouraged to go into law or legal teaching Glendon, glancing to the family pictures which lay on the bookcase behind her desk, shook her head: "They can do anything they want to do." If they are at all like their mother, that statement is indubitably true.

SEPTEMBER 27, 1974

HLS Appoints Ellen Miller First Audio Visual Director

(Continued from Page 1)

explained, because it's "a departure." But she's confident that the acceptance and use of AV will grow steadily as faculty and students see it in action.

In the first weeks of classes Miller has been busy moving the units —

Although this is Miller's first experience with AV education in a law school, she has worked in other education projects. In New York City she assisted in the production of programming for a low income housing project wired for closed circuit televi-



John R. Mallin

Audio Visual Director Ellen Miller operates one of the Law School's visual units.

each includes a tape recorder, a videotape camera, and microphones — to classrooms.

"Anyone can learn to operate the equipment," she said. That should mean she will have more time to devote to the other half of her responsibilities here, editing the HLS *Bulletin*.

Miller will train AV assistants — 2Ls and 3Ls — and anyone else who's interested in learning to run the equipment. The technology "has been perfected" and the cameras can be used anywhere, she said.

Students and faculty can schedule use of the equipment by contacting Miller. Normal uses will involve clinical courses — giving students the chance to see a black-and-white film of their interviews, negotiations and courtroom appearances.

She will advise AV users about obtaining maximum benefits from instructional television.

More recently she worked on an AV project for career re-entry for older women.

Miller has also been a freelance producer and public relations supervisor for the television program at the University of Michigan.

She is a graduate of the University of Rochester and holds the Master of Arts in Television from Syracuse University.

Noting that several law schools already have AV programs, Miller said the creation of her position indicates Harvard's "commitment to exploring AV and to seeing where it fits into the ultimate technology" of legal education.

Harvard's AV program has grown steadily, Miller explained, since the first videotape unit was acquired two years ago, despite the fact that until now it lacked professional guidance.

Bureau Admits Reverse Bias

(Continued from Page 1)

ants a 60% chance of acceptance and males a 16% chance of being chosen.

The quota system received a hostile reaction from students, especially those who had applied to the Bureau and been turned down. Coston cited a rumor that at least one unsuccessful applicant had considered filing suit over the matter, and a student who asked not to be identified confirmed that this course had been actively considered until the onset of spring examinations. George W. Craven, 2L, an applicant whose name did not come up in the Bureau's lottery, criticized the quota decision in strong terms, saying it "reflected an elitist bias" and was "an unfortunate exercise in radical chic."

The decision to adopt quotas for women and minority students reflected a number of considerations, according to Coston and two other 3L's, Bob F. Thompson and Margie MacNeille, who assist in the Bureau's administration.

"To admit women in the same percentage as they are in the Law School would be to accept the Law School's admission policies, which we don't agree with," Thompson, the Bureau's Research Director, said. "We feel that the Bureau should do a better job of training women for legal work, especially in the public interest field, than the Law School does, in order to compensate for deficiencies elsewhere."

Coston cited the nature of the Bureau's clientele in support of the quota policy. "Most of our clients are women," he pointed out, "and we wanted to have women attorneys to serve them."

MacNeille, Legal Aid's Executive Director, suggested that the quotas were adopted in order to make the Bureau representative of society as a whole rather than of the Law School.

"We wanted a group of people here that was fairly realistic and reflective of the outside world," she remarked.

One of the key factors supporting the quota for minority students was the "critical mass theory," MacNeille added. She described this as the assump-

tion that members of minorities have to be present in substantial numbers in order to work effectively with a group such as Legal Aid.

"We had a number of blacks tell us that you've got to have more than two or three blacks if you want any to stay," she said.

The three Bureau directors emphatically denied that this theory played any part in the decision regarding quotas for women, however. "We knew that there were enough applicants that we could get enough women through random selection that women wouldn't feel uncomfortable," Coston said.

Thompson said the assumption that the Legal Aid Bureau would be extraordinarily popular with women law students did play a part in the establishment of quotas for female members.

"The previous year, there'd been a conscious lobbying process among the women in Legal Aid," Thompson recalled. "They indicated that there was a general feeling among the women at the Law School that they'd be better represented here than in other Law School activities."

For this reason, Thompson indicated, the Board of Directors felt that women would represent a greater proportion of the applicants to the Bureau than they do of the Law School population as a whole, and that they could therefore be admitted in greater numbers without seriously discriminating against men.

"When it became apparent that some men could get in through random selection," MacNeille noted, "we decided to accept 50% women," instead of the lower proposed figure of 40%.

MacNeille and Thompson suggested that the quota system used in last spring's lottery did not entirely foreclose men excluded by it from participation in legal aid activities. Thompson noted that the Bureau's waiting list consisted entirely of men who had been passed over in the lottery, and that, because of attrition among the new members, all 15 of the people on the waiting list had been given an op-

portunity to join the Bureau.

MacNeille pointed out that students who were unable to join the Harvard Legal Aid Bureau could pursue similar activities with such groups as Cambridge and Somerville Legal Services. Further, she said, any first-year student who had been willing to work with Legal Aid during the summer and who had performed competently would have been guaranteed a position with the Bureau this year.

The three Bureau directors characterized Legal Aid's current selection process as "unsettled." Coston said that "there was hesitation on all sides" when the vote to establish quotas was taken, and that five of the seven votes in favor of the measure were uncertain. MacNeille suggested that the current Board of Directors would recommend to its successor that the entire selection process, including "privileged" admission through Ames Alternative projects and *The Lawyering Process*, as well as quotas, be "re-examined." Thompson, concurring, said, "The whole selection process is arbitrary. It is ridiculously arbitrary, and depends on variables over which we have no control."

The decision to establish the quotas was made by the students who administer the Bureau, without consultation or advice from the Law School faculty or administration. Coston noted that Legal Aid is entirely student-run, and that the members generally set its policies without interference from the Law School. Professor Frank Sander, the Bureau's faculty advisor, corroborated this assessment, remarking that, "This (the quota decision) is something I was not aware of or consulted about, and I'm not suggesting that I should have been."

The establishment of the quotas has produced no perceptible reaction from members of the Law School's faculty or administration. Law School Dean Albert M. Sacks also refused to comment, saying, "No one has described the system to me. I haven't talked to anyone about it, and I think before I said anything about it, I should talk to Legal Aid."

HARVARD LAW RECORD

HLS Grad Named UT Law Dean

By Cyndi Taylor

Although he feels that during the years he attended Harvard Law School, the emphasis was on training students for Wall Street firms, Ernest E. Smith, '62, wound up far from any New York firm.

On September 1, Smith officially became dean of the University of Texas at Austin Law School — culminating a two-year search from among 200 nominees, including several Harvard Law School professors.

Smith succeeds Dean Page Keeton (brother of Professor Robert E. Keeton) whose quarter century as head of the law school helped lead the Texas school to national recognition. Today, Smith ranks the University of Texas as one of the top ten law schools in the country.

Smith wanted to go to Harvard as a student because he thought it was the best law school. As a professor and now dean, his opinion has not changed. "Harvard is on top," he believes, "because of the high caliber of its student body and faculty."

Yale places number two in Smith's ranking of the country's law schools primarily because of its small size and the accompanying increase in student-faculty contact.

He then lumps together Chicago, Michigan, Stanford, Berkeley, Pennsylvania, Virginia and his new charge, Texas as leading law schools with students of approximately the same credentials and comparable faculties.

Smith would like to improve the Texas ranking, but the "newness" of his deanship hasn't blinded him to the limitations of that office. "Some goals are beyond the scope of this office," he laments, speaking of crowded building facilities, the need for more faculty members, the all-encompassing search for increased funding — while relating

how much of his attention as dean is focused on just keeping the law school going from day to day — "things like janitors' requests."

Smith does have realistic and significant priorities. One is minority recruitment — for which he had worked as a faculty member before



University of Texas Law School
Dean Ernest E. Smith '62

becoming dean. Another involves reordering the curriculum — placing less emphasis on the Socratic teaching method, more on practical legal skills.

Smith believes the Socratic style is an effective way of teaching analytical techniques, but that most law students can develop such analysis in one to one and one-half semesters. The rest of the law school experience then can be used to impart other abilities, Smith concludes, suggesting classroom instruction in areas such as oral advocacy, trial tactics, drafting legal documents and counseling clients.

Such a reordering might help make law school "a less inhumane experience," Smith believes.

Because of large classes, intense competitiveness and humiliating classroom experiences, Smith thinks a number of Texas students may feel "Paper Chase" is a fairly

accurate portrayal of law school.

"Lots of students regarded it that way" (when I was at Harvard), Smith recalls, "but no professor I had instilled that apprehension in the students."

"Professor Leach attempted to in his *Real Property* course, but after two or three weeks, the students realized he was not so bad a guy."

The former *Harvard Law Review* member has yet to have encountered any problems with Texas law school alumni which he would attribute to his Harvard heritage. Being a rancher's son from Gonzales, Texas, with 11 years teaching experience at UT, Smith is hardly considered an outsider.

After attending Harvard, Smith clerked for a year on the Fifth U.S. Circuit Court of Appeals in New Orleans. In 1963, he returned to his native Texas and began teaching at the University of Texas.

Smith, who continues to teach a first-year *Property* course, wasn't sure after 16 days how long he wanted to stay on as Dean. His predecessor served 25 years and while Smith says "not that long" he hasn't made any Jerry Ford-like promises to his wife about when he will retire.

The author of this article is a third year law student at the University of Texas.

SHERATON COMMANDER HOTEL

BARBER SHOP

"We take special care of
long hair"

Razor Styling

Conveniently located next to
Cambridge Common

Recommended by *Unofficial
Guide to Graduate Life at Harvard*

Monday closed

Tues. & Thurs. 8:30-7:00

Wed., Fri. & Sat. 8:30-5:00

Larry & Joe

KI 7-4800

Hornet's Nest

Registering to vote is important and should be encouraged. People at the Law School are sophisticated enough politically so that they do not need to be lectured on the importance of registering to vote.

An article in the last issue of the RECORD has stirred a hornet's nest in the camp of those who are convinced that students in Cambridge should register to vote in Massachusetts. The article was based on a memorandum, which listed the possible consequences of registering to vote in Massachusetts, from Harvard University Counsel Daniel Steiner. Among these are the possible liability for paying income taxes and an automobile registration requirement. Although the memo was written in 1971 Steiner has told us that as far as he knows the act of registering to vote in Massachusetts may still have these consequences.

The proponents of student voter registration in Massachusetts have cited no statute or court ruling to say that the information in the Steiner memo is incorrect in any area other than in the six month residency requirement. Their main argument is that in the past people have not "gotten caught" and that no one will use the voter registration information to force people to pay state income taxes or automobile excise taxes. Nevertheless, the fact remains that registering to vote here without facing up to the consequences might be illegal as well as immoral.

Registering to vote in Massachusetts should not be based on a decision triggered by a conservative, liberal, Republican, Democrat or any other political bias. Rather the registration to vote in this state should be for those who feel that Massachusetts is their home and wish to take an active interest in its electoral process. But at the same time those individuals should be willing to take any of the possible consequential responsibilities that result from registering to vote here, such as paying taxes. The rest of the voters in this state do so. Why should student voters be treated any differently?

Ten Years After

Professor Jerome A. Cohen should be commended for the progress that the East Asian Legal Studies program has had under his guidance. Cohen has been the guiding light for the program since its inception at the Law School ten years ago.

The program which involves classes on Chinese and Japanese law and research into the legal systems of Indonesia, Korea, Thailand, Viet Nam, and Taiwan has achieved world-wide reputation for its excellence. The program has helped to broaden the Law School Curriculum in an area that is important. Besides the courses, the East Asian program also offers a good series of lectures which are worth attending.

HARVARD LAW RECORD

RICARDO H. HINOJOSA	<i>Editor</i>
PATRICK F. KENNEDY	<i>Editorial Manager</i>
FRANK E. SISSON	<i>Associate Editor</i>
WILLIAM H. KENETY	<i>Arts Editor</i>
CHARLES MAURER	<i>Photography Editor</i>
KEN NYMAN	<i>Business Manager</i>

Staff: Bruce Antkowiak, Paula Bonnell, Mike Bowen, Richard Briffault, Roger P. Evans, Fenno, Phil Heagney, Jeffrey Karp, G. Bruce Kuehne, Marilyn Murphy, Arnold Rosenberg, Clay Stebins, Robert E. Mack, John R. Mallin, Lou Spoto, Susan Gillette.
Secretaries: Joyce Blake, Mary Lou Schramm, Sue Kadet.

Fenno

With substantial difficulty, Fenno inched his way through the aimlessly milling crowd, searching as intently as his rather casual habits permitted for the acquaintance he had promised to meet here. He shook his head despairingly as the restless mob opened and closed randomly about him. He was accustomed to this on the first floor of Harkness, but not on the third floor of the Pound Building.

At length he spotted his friend.

"What kept you?" the 2L murmured as Fenno approached.

"The only difference between the first mixer of the year and the Placement Office at the beginning of the interviewing season is that the music is better here," Fenno answered, glancing at the multitude poring over loose-leaf binders full of firm resumes. "How many interviews have you signed up for so far?"

"Forty," the 2L answered.

"I find that difficult to believe."

"I thought I'd take it easy the first week," the 2L responded defensively. "I'll get some more after the middle of October."

"I thought you could only take 25 interviews during the entire season."

"I regard that as a formalistic technicality."

"But the computer is programmed to regard it as a principle of substantial justice."

"That wasn't any problem," the 2L assured Fenno. "I registered for most of the interviews under an assumed name."

"Won't the people you interview with notice that?"

"Sure they will. But they're all Washington firms, so they'll probably regard it as an indication of my extraordinary imagination and resourcefulness."

"Suppose they don't? Suppose word leaks out that you do things like this?"

"Then I guess I'll have to settle for a job with the Committee to Re-Elect the President."

Fenno didn't comment on this topical anachronism: his friend was from the West Coast, and Fenno realized that, since the resignation had occurred during the baseball season, California newspapers probably hadn't had time to cover it.

"I do think," Fenno said carefully, "that you should have some plans in mind in case none of this works out."

"What do you have in mind?" the 2L asked.

"Well, you might consider taking a job in a city where the firms will accept you on the basis of your record alone, without your having to resort to these Machiavellian maneuvers."

The 2L shook his head sadly.

"I don't think so," he said. "The reason I came to Harvard Law School in the first place was to get away from Los Angeles."

Steiner Voting Memo Sparks Legal Debate

To the Editor:

Your September 20th issue resurfaced Daniel Steiner's two and a half year old legal opinion regarding the consequences of student registration. That opinion was of dubious validity two years ago and has since been superseded by statute. I would have thought a Harvard Law newspaper might check out legal facts before advising its readers of legal actions.

The Massachusetts Election Law no longer has a time requirement of physical presence to establish residency. Registration by affidavit, having become law in 1974, requires only that persons by U. S. citizens and 18 years of age to be eligible to register.

It is strange that the General Counsel of a great university, an institution of liberal learning in a free society, needs warn its students of the perils of participating in our Democratic system on the grounds that it might cost them money.

To the students: May you not be put off by such tactics. Voter registration will be open to you through October 8. We should be pleased to have you on our voter's roll.

Sondra Scheir
Cambridge Election
Commissioner

1L Elects to Rail "Outrageous Item"

Dear President Bok:

I am writing to call to your attention the enclosed article which appeared in the *Harvard Law RECORD* in its issue of September 20, 1974. The *RECORD* staff has informed me that this article results from a 1971 memorandum which was recently re-submitted to them by the University Counsel, apparently without any effort to validate its conclusions in the light of the numerous statutory and judicial changes which have occurred during the last three years.

This outrageous item is blatantly false or misleading in literally every respect:

1. There is no durational residency requirement for voting in Massachusetts. The six-month requirement was held to be a violation of the Equal Protection Clause by the United States District Court two and a half years ago. *Singer v. Board of Election Com'rs of the City of Boston*, Civil No. 70-1404-F (D.C. Mass., April 10, 1972), on authority of *Dunn v. Blumstein*, 405 U.S. 330 (1972). The applicable Massachusetts statute, Gen. Laws c. 51 § 1, was subsequently amended by Acts of 1972, c. 587 § 1, to

SEPTEMBER 27, 1974

require only that a registrant be a resident "at the time he registers."

2. Another statutory change has fundamentally altered the application of the supposed "domicile" requirement for voter qualification. The Uniform Voter Registration Procedures Act (Gen. Laws c. 51 §§ 36, 42, as amended by Acts of 1973, c. 1137 §§ 5, 8), which took effect June 1, 1974, requires only that a registrant claiming Massachusetts residence state in an affidavit of registration "that I consider this residence to be my home."

3. In the course of my experience in registering new voters in Cambridge for the last three years, I have not once encountered an instance where a new voter was compelled to pay Massachusetts taxes on out-of-state income, to register his car in Massachusetts, or to undergo any of the other dire consequences predicted in this memorandum. Numerous cases have held that, although a person can have only one domicile, he can have several residences. *Rummel v. Peters*, 314 Mass. 504, 51 N.E.2d 57, 62 (1943); *Fiorentino v. Probate Court*, 310 N.E.2d 112, 116 n. 7 (Mass., 1974). See Op. Atty. Gen., Oct. 22, 1962, and July 21, 1971.

More disturbing than these reckless misrepresentations of fact and law, however, is the background in which the publication of this story occurs. As you may know, a voter registration session has been scheduled, on the petition of my organization under Gen. Laws c. 51 § 42B, for Harkness Commons at the Law School on Tuesday, September 24; it will be difficult to counteract these seemingly-authoritative falsehoods by that time.

In addition, it is particularly disappointing that this attempt to interfere with the political process—a repeat of the University's 1971 efforts in this area—should come during the first few months of the application of the registration statute which for the first time permits university students to vote without hindrance in the communities where they live. The necessary result of an article such as this will be to call into question the credibility of this important electoral reform.

At a time when the efforts of local election officials to prevent students from voting in Cambridge have finally been eradicated by law, the University should not be seeking to substitute its obstruction for theirs. I certainly hope that any such action would not be premised on any selfish political interest the University might have in the matter.

I await with interest your reply in this important matter.

David E. Sullivan, 1L
Coordinator
Cambridge Committee for
Voter Registration (CCVR)

Tax, Auto Authorities Have Not Used Lists

To the Editor:

Re your article, "Perils for New Voters", I would hope for more careful editorial scrutiny of Harvard's attempts to influence Cambridge politics. As a lawyer, I would dispute not only the Harvard General Counsel's opinion that residency for voting purposes is equivalent to residency for purposes of the tax and motor vehicle laws, but also the judgment shown in promulgating a conservative view of the worst possible legal effect of an act without some evaluation of whether that consequence is really likely to occur. In ten years of urging Cambridge people to register I have *never* heard of tax or motor vehicle authorities using the voting lists in a punitive manner.

For years, the Cambridge election authorities used every stratagem to discourage voter registration. With a more liberal registration statute (passed subsequent to the Harvard Counsel's memorandum), and a recent progressive appointment to the Election Commission, the balance is tipping toward progressive majorities on the City Council and School Committee, perhaps as early as the 1975 municipal election. When the balance does tip a lot of things can change. The brutally inclined police officers could be removed from the force. The superintendent of schools could be forced to hire teachers in the Spring, from the best available candidates, instead of hiring 70 teachers in September (as he did this month) in order to favor local applicants and "connected" applicants. Real estate speculation and institutional expansion could be controlled.

"Perils" of voting indeed!

Maybe the law school should distribute some seventh grade civics textbooks to counteract Harvard administrative propaganda.

David A. Wylie
Cambridge City Council

Ed. Note: University Counsel Daniel Steiner stated to the RECORD that the only error in his reissued memorandum on voting registration concerned the six-month residency requirement, no longer necessary. Steiner explained that the possible requirements of car registration and payment of state income taxes are "as far as I know" still applicable to students who change their legal residence to Cambridge. Liability for such obligations and prosecution for failure to comply with residency requirements are two separate issues. The Steiner memorandum deals with possible obligations and not with the likelihood of "getting caught."

Letters

Woodward Coverage 'Neglects to Mention'

To the Editor:

Bob Woodward's appearance and statements were more than a series of negative harangues regarding Ford's pardon of Nixon, the Watergate cover-up, lawyers and naive reporters. He expressed concern for the reasons Ford pardoned Nixon, but also expressed a high regard for the courage which such a morally independent judgment required. Throughout the evening he showed compassion for the men, all the men, who have compromised themselves by their actions in the Watergate scandal. Most importantly, he showed himself to be a man of integrity who as a journalist has a commitment to truth and human dignity and accepts the responsibilities for it beyond sensationalism.

It seems to me any coverage of his appearance which neglects to mention these things sadly betrays him.

Betsey Glaser
Cambridge

Law Notes

Yearbook portraits are being taken now through Thursday October 3, 1974. Anyone who missed his or her appointment or who did not sign up and who still wishes to have a sitting may come to the yearbook office, 23 Everett St. between the hours of 9 a.m. and 12 noon or from 1 p.m. to 5 p.m. now through October 3rd. All students will be accommodated although priority will be given to those with scheduled appointments. For those students who cannot remember their exact appointment time, a daily schedule is posted in the Hark.

* * *

Proofs of the **Law School Directory** are posted in Harkness Commons this week. Students should check their names, addresses, and phone numbers and pencil in corrections.

* * *

The HLS Library has prepared a small **exhibit honoring Austin Wakeman Scott**, Dane Professor of Law, Emeritus, on his ninetieth birthday. Professor Scott, who taught as a full-time member of the faculty from 1910 to 1961, a span of service longer than any in the history of Harvard University, still comes to his office every morning, working on the fourth edition of his monumental work, *The Law of Trusts*. The exhibit features biographical and pictorial material, and a selection of academic awards, letters and writings of Professor Scott. It may be seen in the entrance and north middle areas of the Langdell Reading Room. and

will be on view through September and October.

* * *

Information on **teaching opportunities** in American law schools for 1975-76 will be posted on the bulletin board near the stairwell next to ILS-208.

* * *

East Asian Law Speakers Program will have a lecture by Eugene Theroux, Vice-President of the National Council on U.S.-China Trade, on **"Trade with China"** on Wednesday, October 2, at 1:10 p.m. in Pound 419.

* * *

All students receiving **financial aid awards** are required to submit an update report to the financial aid office prior to October 1. Awards will be adjusted, both up and down, on the basis of the update report which is necessary to take account of changes in financial condition since the filing of the original financial aid applications. No students will receive credit for a financial aid award until an update report has been filed.

Trivia Answers

1. Don Landrum
2. 13
3. 5 (1960, 1962, 1964, 1965, 1968)
4. Pepper Martin
5. "Sliding Billy" Hamilton
6. Max Carey
7. Dom DiMaggio, 15 stolen bases (1950)
8. False
9. Bobby Tolan (57)
10. Minnie Minoso (1951, 1952, 1953)
- "Jungle Jim" Rivera (1955)
- Luis Aparicio (1956, 1957, 1958, 1959)

Dorm Council Activities

This Weekend

TGIF — Today, 4-6 p.m.

Harkness Downstairs Lounge

MIXER — Tonight, 8-12 p.m.

Harkness. \$1.50

(Free with HLSDC Card)

Two Rock Bands

**LAW SCHOOL FLICK
FIVE EASY PIECES**

Saturday (tomorrow) 8 & 10 p.m.

Hark, \$1 (50c with HLSDC Card)
Starring Jack Nicholson and Karen Black. Triple Award Winner, New York Film Critics, 1970.

Lewin's Class To Study Film 'I am Curious'

(Continued from Page 2)

In June, 1973, the Supreme Court handed down a decision laying down standards on obscenity for the first time in 16 years. The majority opinion written by Chief Justice Burger read like a dissenting opinion and the dissenting opinion, by Justice Brennan, read like a majority opinion. Lewin believes this connotes a last minute change in a five to four vote.

Ultimately, Lewin believes, **five justices will join together voting to overrule obscenity regulations realizing that the only way to get the courts out of the business of deciding what is obscene on an individual basis is to say that obscenity is not a subject for regulation.**

The Advanced Constitutional Law class viewing of the movie will be restricted to those enrolled in the class.

Rule 26:

In response to moderate to heavy fan mail Rule 26 will attempt to explain and clarify last week's answers to two scheduling questions.

For obvious reasons the Law School attempts to comply with the various state requirements for admission to the local bars. All states have requirements with regard to minimum number of class hours per year. However practically all states are content to follow guidelines set down by the ABA's Committee on Legal Education and the Association of American Law Schools.

However the requirements for admission to the New York bar require considerably more classroom hours than are needed for ABA or AALS accreditation. Naturally the Law School follows the New York guidelines. In addition several states are currently considering requiring courses in professional responsibility before admitting new lawyers to practice.

CMJ Studies Ford's Amnesty Plan

(Continued from Page 1)

At the same time Committee members are spreading the view that Ford's amnesty is no amnesty at all but rather a punitive measure designed to punish those who have incurred the wrath of the military or the American Legion. Committee members allege that "amnesty" provides for lengthy work "sentences" as well as "negative" discharges from the services that will ultimately affect an individual's employment or educational opportunities.

The general feeling of committee members is that the people who will be the worst off will be those who refused induction and then stood and fought on moral grounds. While others may petition for amnesty discharges, these individuals can never make up the prison time they served or, in all probability, have their criminal records erased.

While the Committee continues its educational efforts, members point to the minimal response from those abroad or underground as an indication that the amnesty is no amnesty at all. One member estimated that veteran's groups had heard from less than ten per cent of those eligible for the program, a sure sign that those at whom the program is aimed are well aware of its punitive nature.

In another significant development, the Cambridge City Council recently passed a resolution allowing the Committee to "counter-recruit" at Cambridge high schools.

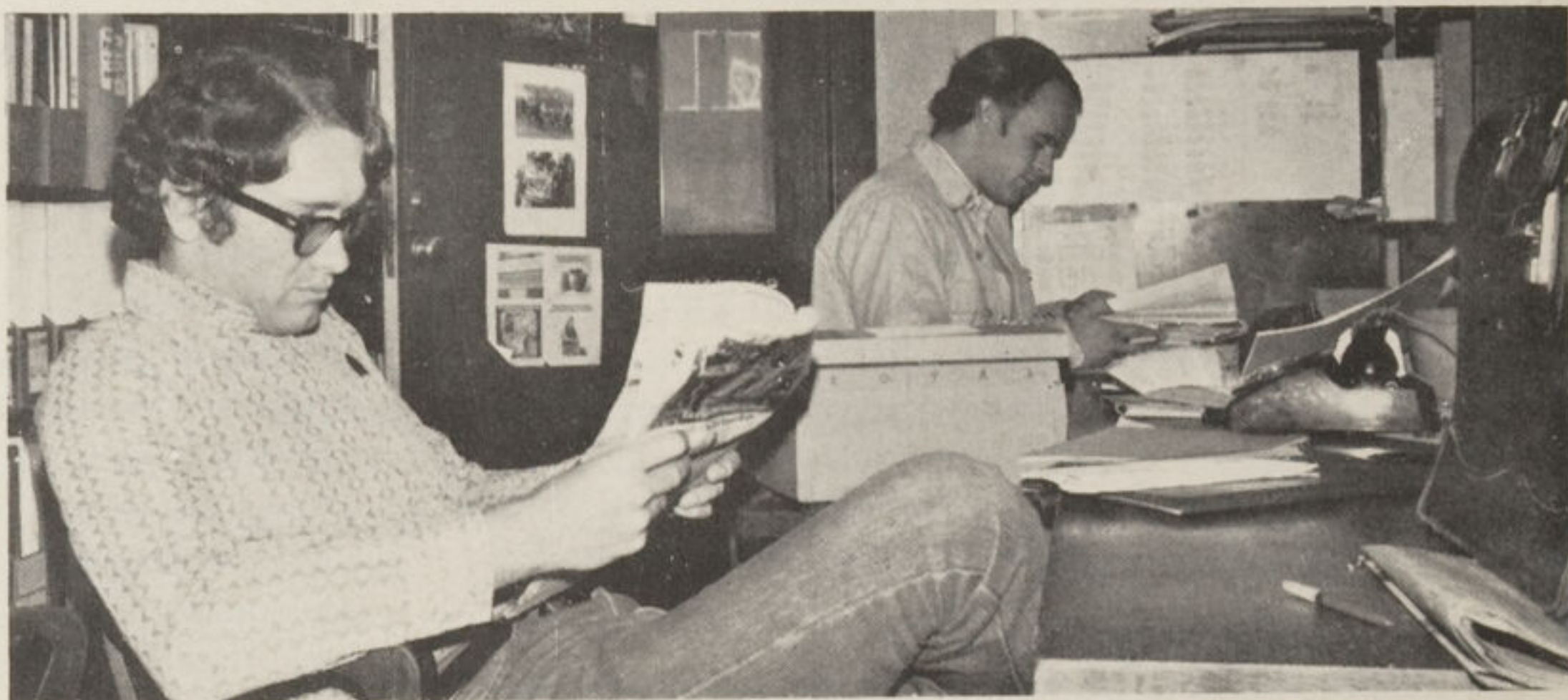
According to the resolution the Committee will be allowed to man counter-recruiting tables whenever the military visits local high schools. Some of the Committee members are openly anti-military and feel that since the recruiters have the best interests of the military at heart there should be an alternative present with the worst interests of the military at heart.

Other members work with the best interests of the potential enlistee in mind and accordingly advise the individual whether he is being given the best deal or even a fair deal.

Committee members try to curb the most flagrant recruiting abuses and are alert to warn students of any potential contract fraud.

In addition to the new programs, the Committee continues to inform

and advise service personnel and veteran's of their rights in and out of the military. As one member pointed out, "We like to think that the *real* veteran's groups are people like ourselves, not the VA or the American Legion."



Lou Spoto

2Ls Gary L. Holdeman and Gregory D. Huffaker, Jr. prepare for amnesty information requests at CMJ office.

Mass. auto insurance, explained.

Mass. automobile insurance can get a little complicated. And if you're under 25, it can get expensive. We'll simplify things. And we'll help you keep your premiums as low as possible.

W. T. Phelan & Co.

Insurance Agency, Inc.

11 Dunster St., Harvard Square (next to the Holyoke Center).
876-0876. Representing Aetna, Travelers, Hartford.

EAT
without
going broke!
and
it's good!

"LA PIÑATA
in the heart
of Somerville's
Davis Square
is one honey
of a place...
the low prices
and casual
manner...make
for a
pleasant stop."
THE REAL PAPER

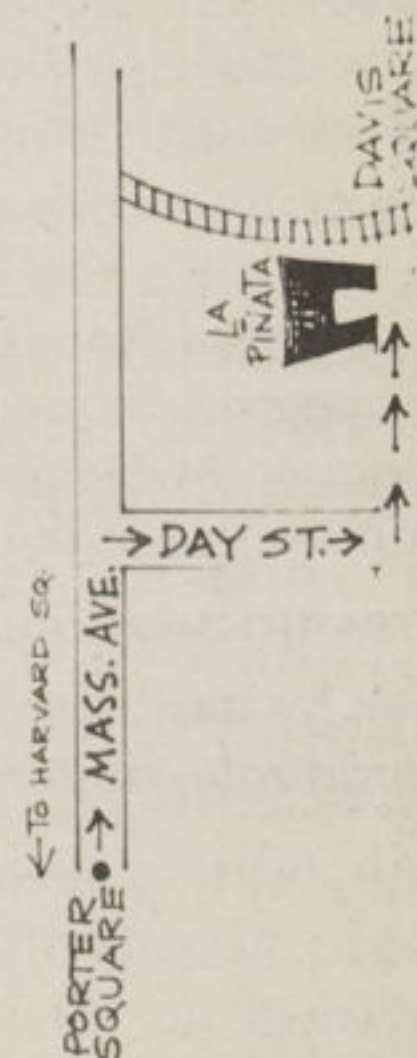
La Piñata
MEXICAN
FOOD

AT DAVIS SQUARE, SOMERVILLE

11:30 a.m. to 9 p.m. closed Sundays

• CHILI
• BEEF CHEESE OR
BEAN ENCHILADAS
• TACOS

cooked to order
mild
or
hot



Institute of Politics

Student study groups on the practice of politics
and issues of public policy.

Kennedy School of Government, Harvard University

Campaigns '74: Forty Hours Can Make a Difference

Martin Linsky, former Assistant Republican Floor Leader of the Massachusetts House of Representatives, and presently editorial writer for the *Boston Globe*; *Jack Walsh*, Special Assistant to Mayor Kevin H. White of Boston

Nuts and Bolts of Campaign Organization

Helen Keyes, Administrator, John F. Kennedy Library Corporation

Decision-making in Contemporary Political Campaigns

John Marttila, *Dan Payne*, *Tom Kiley*, partners of Marttila, Payne, Kiley, and Thorne, Inc., Boston-based political services firm

Media \$\$\$ Limitations: Campaign Reform or Incumbent's Dream?

Craig Stepno, Senior Research Assistant to David M. Bartley, Speaker of the Massachusetts House of Representatives

Politics, Campaigns, and the Press

Mark Shields, Fellow of the Institute of Politics, and former political organizer for Governor John J. Gilligan of Ohio, U.S. Senator Robert F. Kennedy of New York, U.S. Senator Edmund S. Muskie of Maine

Racial Politics in 1974: The Making and Breaking of Political Coalitions

Mark Sissman, political campaign organizer, and Special Assistant to Governor Francis W. Sargent of Massachusetts

Pluralism and the Politics of Neighborhood Policy

Geno Baroni, Fellow of the Institute of Politics, and President of the National Center for Urban Ethnic Affairs

The Impact and Future of the Spanish Speaking in American Politics

Art Torres, Fellow of the Institute of Politics; newly elected member of the California Assembly; former National Legislative Director of the United Farm Workers' Union, AFL-CIO

The Puerto Rican Experience in the United States

David Cortiella, Harvard College '77; *Joaquin Cortiella*, Harvard College '76; *Rodolfo Rodriguez*, Harvard Graduate School of Education '76; and members of La Organizacion de Harvard

Women and the Political System

Ann Lewis, Special Assistant to Mayor Kevin H. White of Boston, and Recorder of the National Women's Political Caucus

Impeachable Sources: The President and the Networks

Edwin Diamond, Visiting Lecturer in Political Science, M.I.T.; commentator for the *Post-Newsweek* stations, Washington, D.C.; contributing editor, *New York Magazine*

Presidential Nominations

Rick Stearns, Student at Harvard Law School; Deputy Campaign Manager, McGovern for President; former member of the staff of the Democratic Party's Commission on Party Reform

Extracurricular and non-credit

Open by application to all Harvard and Radcliffe students, and to graduate students throughout the university

Politics in the People's House

Barber B. Conable, Fellow of the Institute of Politics; U.S. Congressman, 35th District, New York; Chairman of the House Republican Policy Committee, and member of the Ways and Means Committee

Labor's Participation in Government Through the Legislative Process

Evelyn Dubrow, Fellow of the Institute of Politics, and Legislative Representative of the International Ladies' Garment Workers' Union

Staff Perspective on the Legislative Process

Patrick A. Shea, Student at Harvard Law School, and former staff person of the U.S. House of Representatives Judiciary Committee and U.S. Senate Democratic Policy Committee

Planning at the Top

Michael Pitfield, Fellow of the Institute of Politics; formerly Deputy Secretary to the Cabinet (Plans) in the Canadian Government, and now its Deputy Minister of Consumer and Corporate Affairs.

Television: Why It Is What It Is, and What We Might Do About It

Clay T. Whitehead, Fellow of the Institute of Politics, and formerly Director of the U.S. Office of Telecommunications Policy

Political Issues in Critical Environmental Choices

Gregor I. McGregor, Assistant Attorney General and Chief of the Massachusetts Division of Environmental Protection; and *Robert J. Rauch*, Student at Harvard Law School, and formerly Special Assistant to the Deputy Administrator, Environmental Protection Agency, and Director of Legal Services, Friends of the Earth

Criminal Law in the 1970's

Richard E. Bachman, 1st Assistant U.S. Attorney and Chief, Criminal Division, Attorney's Office, District of Massachusetts

Problems and Priorities of an Urban School System

Kathleen Sullivan, member of the Boston School Committee

The Senate and Foreign Policy

Thomas A. Dine, Fellow of the Institute of Politics; Legislative Assistant for Foreign Affairs to U.S. Senator Frank Church of Idaho; professional staff member, Senate Special Committee on National Emergencies and Delegated Emergency Powers

Arms Control and Defense Strategy

Members of the Program for Science and International Affairs, Harvard

Multinational Corporations in Africa: Development-inducer or Dependency-seducer?

Antoine W. van Agtmael, Assistant Vice President and head of the Africa Group at Bankers Trust Company, New York; and *Robert A. Pastor*, Graduate Student in Political Science at Harvard University, and Consultant to the Commission on the Organization of the Government for the Conduct of Foreign Policy

The Politics of the Third World on Film

Jomo K. Sundaram, Graduate Student in Sociology, Harvard University

Further information and application forms available at the Institute of Politics

Application deadline: September 30

Fall Term '74

78 Mount Auburn Street Cambridge, Mass. 02138

Multiple-choice Test Seen as Multiple Pain

By Phil Spector

It seems early in the academic year to be writing about upcoming examinations, but the subject is (alas!) rarely too far from the minds of students at HLS. Nearly 200 students have had an even more dreary subject than upcoming exams on their minds, however; they are still angry about a past exam, last spring's test of their knowledge in Corporations III, the section taught by Louis Loss, William Nelson Cromwell Professor of Law.

The Loss 1974 Corporations exam consisted of twenty multiple-choice questions. No essay questions at all were asked, in contrast to prior years in which Loss gave equal weight to a multiple-choice section and a one-hour essay. Space was provided beneath each question — ranging from about one-fourth to three-fourths of an 8½" x 11" page — in which the students were told they were expected to comment if in doubt about an answer. While Professor Loss thus described it as actually an exam calling for "twenty short answers," it appears that most of his students viewed the exam more as a traditional, "objective" multiple-choice test.

Based on this writer's unscientific but relatively extensive sampling of opinion, student reaction has been almost unanimously unfavorable, and heatedly so. No student was willing to speak for the record, perhaps because many of Professor Loss' former Corporations students are taking him again for Securities Regulation, a course taught only by Professor Loss. One student said she came out of the Corporations exam room feeling "extreme anger and frustration," partly because the "picky, little, stupid questions" had not been a true measure of what she had learned in the course. Adjectives like "unfair," "irrational", and "outrageous" kept recurring in conversations with Loss' former students. The dissatisfaction appeared to span the en-

tire range of course grades. One "A" student, saying that he had been "surprised" at his grade, since he could not judge his exam performance at all after the exam, angrily called Professor Loss "a lazy son of a b---".

Professor Loss has seemed genuinely disturbed by the vehemence of student reaction to an exam that he defends as "a successful experiment." He has apparently received some favorable student comments along with the unfavorable ones. He believes his format measures student ability and mastery of the course material "at least as satisfactorily" as do essay exams. Both types of exams involve

precedent should not stand unchallenged.

A multiple-choice exam, even with space for clarifying answers, cannot possibly provide an accurate measure of the material learned in a year-long, 4-credit course, at least if the course is taught with a view toward difficult legal issues rather than "black letter" law. An objective exam must inherently emphasize the "correct" versus the "incorrect" if one of four choices is to be considered the "right" answer. Subtleties of the "on the one hand — on the other hand" variety — the arguments and issues that make

One student left exam feeling "extreme anger," because of the "picky, little, stupid questions."

substantial arbitrariness, he argues, but "students just recognize the arbitrariness more" with his type. There is less opportunity for the student to talk around questions where he or she does not know the answer. From a personal point of view, Loss was pleased because he saved three to four weeks of time that would otherwise have been spent grading exams, and "professors are supposed to be scholars." He has not yet decided whether he will continue the "experiment" this year, however, partly because he has a smaller Corporations class.

Despite his defense of his 1974 Corporations exam, Professor Loss claims that he would not like to see all law school examinations become multiple-choice exercises. But the grading of exams is almost certainly among the least-enjoyed of most law professors' academic responsibilities, and, considering the time that he has saved, Professor Loss could hardly blame his colleagues, at least those with large classes, if they chose to follow his example. The issue, then, cannot be dismissed as involving an "experiment" in one of four courses on Corporations, which is one of many subjects taught at the Law School. In view of his colleagues' understandable interest in reducing the time they spend grading exams, Professor Loss' multiple-choice

the law a challenging intellectual discipline, rather than an exercise in rote — cannot be fully considered in a multiple-choice question, nor in a half-page, handwritten "comment" below the checked-off choice. For students who believe that there is more to the study of law than "Gilbert's Outlines," multiple-choice exams will inevitably engender frustration and anger.

Perhaps Professor Loss is correct in his assertion that all exams, essay as well as multiple-choice, are ultimately "arbitrary", but I suspect that his colleagues would vigorously defend their essay exams as measuring more accurately some important lawyering traits. Before more multiple-choice examinations are administered at Harvard Law School, there should be some genuine dialogue, among and between faculty and students, on the appropriateness of Professor Loss' format and related ones. Such discussion might at least prevent the strong outbursts of emotion which followed Professor Loss' last Corporations exam, typified by one of his former students who said: "Considering the emphasis placed on exams at this school, a multiple-choice exam is just immoral."

Pigskins to Fly: 250 Set Sights On League Play

By Roger P. Evans

More than 250 Harvard Law School bodies are performing to the ritualistic autumnal cadence of "Hut-one, Hut-two, Hike!" this semester. The intra-mural football program got underway this past Monday with 33 teams of at least six members competing in four leagues. Leagues are divided according to self-assessed ability into "A", "B", "C", and "D" categories, with "A" being the best. Due to great interest in the "D" league, it has been partitioned into two divisions; Central and Middle.

According to Jack D. Sidorov, 2L, Co-commissioner of intra-mural football (and erstwhile Commissioner of the World Stickball Association), each team will play between five and seven games during the regular season, which ends on October 28th. Play-offs will run the following three weeks. Games are played across the Charles, adjacent to Soldier's Field.

Although "not happy with the names we got", Sidorov and Jeffrey F. Reiman, 2L, are pleased with the turnout and predict a hard-hitting season. The official results of such epic struggles as "Impeachable Offense" v. "Lucid Obfuscation" and "Intergalactic Sunflower" v. "Crimson Swine" will be posted at the Hark in the Dorm Council display case.

Although women were again able to participate this year, Sidorov estimated only four signed up to do so.

Panel Discuss Teaching Of Professional Responsibility

An informal committee has been set up at the Law School by Dean Albert M. Sacks to study the teaching of professional responsibility in the curriculum.

The committee consists of two Law School Professors, Andrew L. Kaufman and Robert E. Keeton, and Legal Method Program Director David Rosenberg. According to Kaufman the group also often consults with other members of the faculty who have shown an interest in the subject.

Kaufman emphasized that the informal group was "not part of the regular committee structure" and it may result that the

group's recommendations go through the Law School's Committee on Legal Education.

The study, according to Kaufman, will serve two useful purposes. He stated that the study of professional responsibility in the Law School curriculum is something that should be looked at, as well as the fact that the Bar Association has set a new accreditation standard with regard to this subject which becomes effective on February, 1975.

Kaufman expects the group to come up with some recommendations "later this Fall."

LEGAL RESEARCH

founded by

Harvard Law School Graduates & Students

- INCREASE YOUR VOLUME
- PREPARE YOUR CASES IN MORE DEPTH
- ACCEPT MORE CLIENTS

\$10. per hour for research memoranda
briefs, or pleadings.

Cambridge Legal Research Associates

24 Peabody Terrace Suite 418
Cambridge, Mass. 02138
(617)-661-1390 (collect)

A LOAF OF BREAD,
A JUG OF WINE
ANOTHER JUG OF WINE
ANOTHER JUG.....

SAVENOR'S
LIQUOR MART INC.

100 Kirkland St.

547-7300

SECOND CLASS POSTAGE
PAID AT BOSTON, MASSACHUSETTS

RETURN ADDRESS:
HARVARD LAW RECORD
HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138