

HARVARD LAW RECORD

America's Oldest Law School Newspaper

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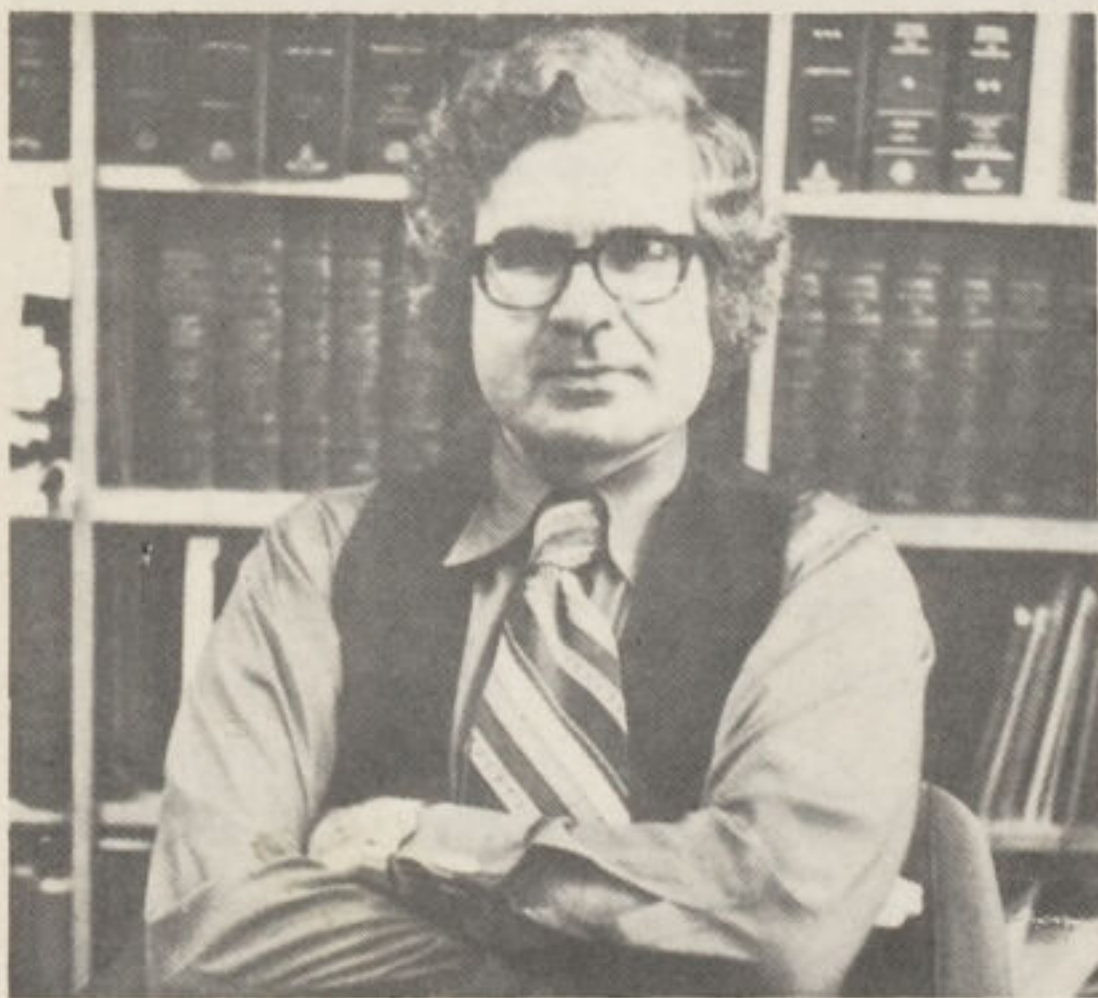
DECEMBER 13, 1974

TWENTY CENTS

Miller Supports Theory Behind Buckley Statute

By Ricardo Hinojosa

Law School Professor Arthur R. Miller has joined four Massachusetts state officials and two



CWM

Professor Arthur R. Miller

attorneys in a letter sent last week to members of the Massachusetts congressional delegation urging them to support Senator James L. Buckley's student access-to-information amendment.

Among the other signers of the letter were Jonathan Brent, coun-
(Continued on Page 13)

Bell's Claims About Hiring Not 'Legitimate,' Bok Says

By Roger P. Evans

At a news conference last Thursday, President Derek C. Bok '54 denied any bias in the recruitment or hiring of Law School faculty on the basis of race or sex. He responded to claims made by Law School Professor Derrick A. Bell.

Bell had charged that the Law School had not made significant efforts to hire minority Law School faculty. Bok averring that there is "a continuing and intensive effort made to identify every minority professor and recent minority law school graduate . . . to see if they would be suitable for an academic position."

Bell, the Law School's only black professor, had circulated a letter in early November to other members of the Law School faculty. He threatened to resign if the Law School did not increase its efforts to recruit minority law professors.

Bok does not believe that Bell's complaint is "legitimate." The president countered that the Law School is making a "visible effort to find available candidates" claiming that decisions are "not made on the basis of race and sex."

Part of the problem, Bok stated, was the "small pool" of available candidates for faculty positions.

Special Assistant to President Bok, Walter J. Leonard, who is an Assistant Law School Dean on leave, has characterized Bell's letter as "well thought-out, rather lengthy, and I thought rather good." Leonard has also urged the Law School to "recognize its responsibility to seek out black professors and other minority professors that are not represented."

Of the 59 professors at the Law School, one is black and two are women. There are also two black administration members, an assistant dean of admissions and an associate librarian. One teaching fellow is black and another is Spanish-surnamed.

Accounting Experiment Discussed

By Phil Heagney

After several years of debate about grades and grading, the second-year accounting offering is presently the only course at the Law School which gives students an option to do work on a pass/fail basis.

Professors Detlev F. Vagts and David R. Herwitz, who are teaching the two sections of *Accounting*

offered at the Law School this year, feel that this feature of the accounting program has enable the course to achieve its basic goals.

"The course is intended to reduce fears about accounting among law students and to give them a positive attitude toward tackling problems involving accounting," Vagts explained. And Herwitz added, "We try to give students enough of an acquaintance with accounting

to eliminate the 'fear of the unknown' feeling."

Although the Law School has no procedure to record their reactions, another group of people who might have opinions about the effectiveness of the accounting course are the 195 students who chose to take advantage of the mid-semester pass/fail option this fall. Regis-
(Continued on Page 6)

Consumer Credit Division To Judge Harvard's Plan

By Patrick F. Kennedy

The Consumer Credit Division of the Massachusetts' Banks and Loans Department has not yet rendered an opinion in response to allegations that Harvard's Deferred Payment Plan violates the state's Truth-in-Lending Act. Robert S. Leadbetter of the Division commented, however, that as of this time there had been nothing to cause the Division to revise its earlier assessment that there was no violation because no credit was actually extended.

Leadbetter stated that the opinion would likely be issued some time next week. He added that before the opinion would be rendered his office would confer with the Federal Reserve Board on the matter. He also mentioned that the office was inquiring at the present time whether the fact that the deferred payment plan bills were coming out later than originally scheduled would constitute a violation.

As he had previously ex-

plained, Leadbetter noted that there was no credit extended because at no time did a student's liability to pay tuition exceed the payments due under the plan. When questioned whether this was true of rooming contracts which, under certain conditions, hold students liable for the full year's rent upon signing, Leadbetter explained that the Act contained an exception for leasing arrangements such as these.

James A. Sharaf '65, attorney in the office of the University General Counsel, confirmed that they had not yet received a response from the Consumer Credit Division, and that his office had sent a letter to the Division setting out the details of the Deferred Payment Plan.

Responding to a request to make the letter public, Sharaf said he felt it would be improper to disclose the details of the letter before there was a response. He did indicate, however, that when an opinion was received his office would make the letter public.

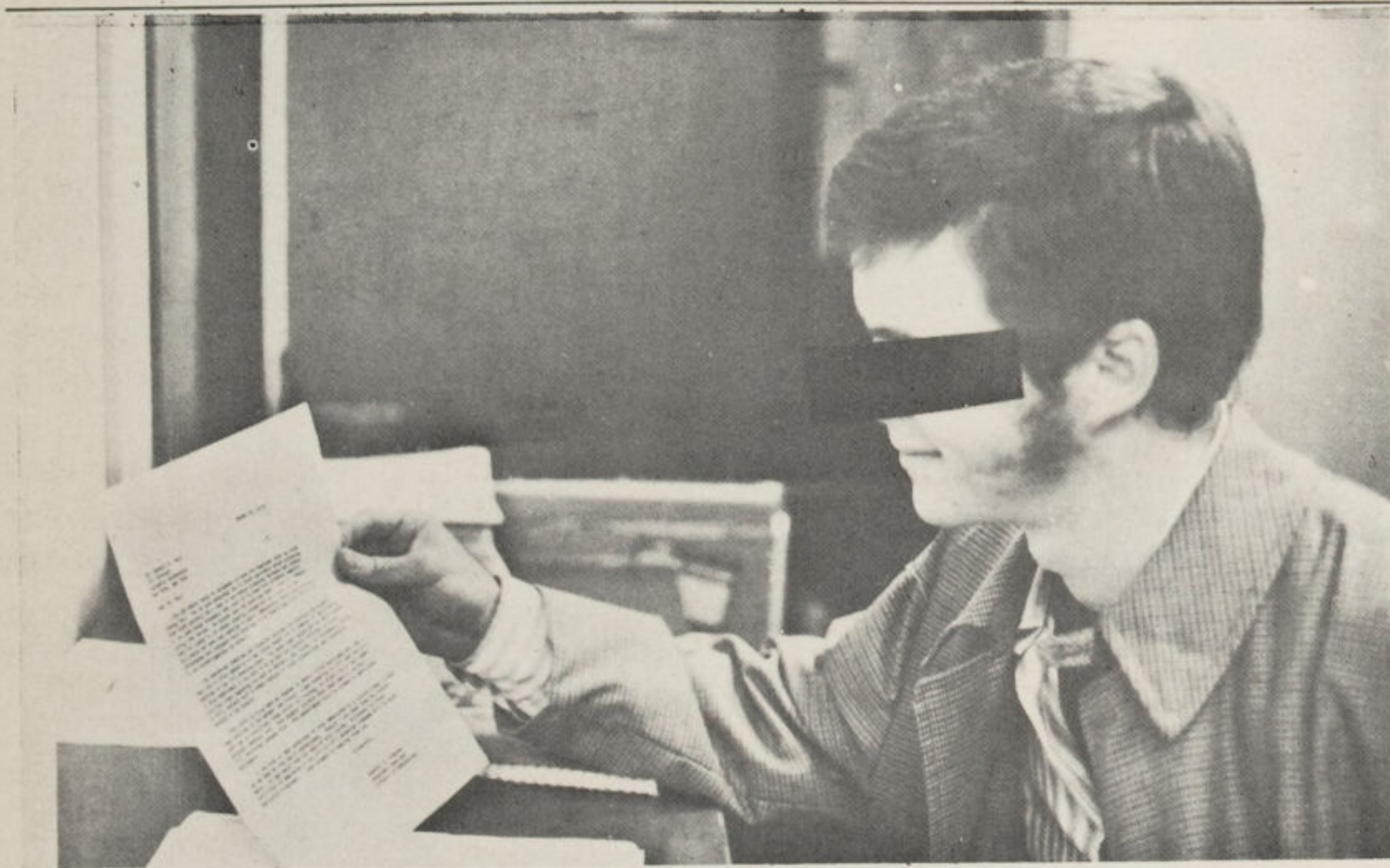
Alternatives to Ames Projects Draw 160 1Ls

Harvard Student District Attorneys led the annual parade of 1L Ames Alternatives as some 160 students elected to take their first year research and oral argument program with 12 different student organizations.

The Student District Attorneys, offering the first Ames Alternative in its history, attracted 25 students while the Environmental Law Society took 24 1Ls. Other popular organizations were the Committee on Military Justice (16) and the Civil Rights - Civil Liberties Research Committee (14).

Over 170 students chose an Ames Alternative and all but 10 were placed with participating student organizations. The bulk of those not placed had indicated Legal Aid as their first choice and had not made a second or third choice. The Board of Student Advisors conducted a lottery for the Legal Aid positions. The Board chose to use a random lottery rather than follow Legal Aid's own selection process, which favors ethnic minorities and women.

Robert J. Gage, 2L, Board of Student Advisors coordinator of the Ames Alternative program, stated that he was pleased with the interest and enthusiasm this year's program generated. Gage explained that he felt that the large 1L turnout indicated a need and desire for practically oriented courses at the Law School.



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One of first students to see his Law School file last Tuesday relives past glories by going over his Law School admissions acceptance letter. In order to protect the student's privacy the RECORD has blacked out his face.

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Attila Madness: Losers Shall Win

By Michael Bowen

The second annual Ames III Attila the Hun Rejection Letter Award Contest, a tradition stretching back over nearly 12 months at the Harvard Law School, will climax tonight with the presentation of awards to those law firms that have distinguished themselves in the art of shattering the dreams and destroying the hopes of Law School students.

The ceremonies will feature awards in a broad range of

which rejected a student who had not interviewed, applied to, contacted, or heard of it has qualified for an as yet unnamed award.

Contest organizers have indicated that the firm which informed an applicant that its interviewers "enjoyed" her "both as a person and as a potential lawyer" will be recognized, as will the firm which modestly sought to avoid the contest's attentions by refusing to send rejection letters. And, of course, the letter which in the opin-

or a lot of the jokes aren't going to be very funny."

Stewart M. Logan, 2L, in charge of arranging non-appearances by celebrities, said that his efforts have been amply rewarded. "It's still up in the air," he said Tuesday, "but right now we expect that some of the most distinguished persons in the country won't be attending." Logan indicated that the entire Law School faculty also won't be attending. And those non-appearances are firm," Logan noted with satisfaction.

Over all, Wainwright and Logan expect the event to be even bigger than last year's. They point out that Ames III's collection of "over 300 rejection letters" establishes that this year "HLS students were rejected by some of America's finest and most demanding law firms."

At the same time, Wainwright said, he was somewhat disappointed by the general quality of this year's rejection letters. Despite the extraordinarily soft job market, Wainwright remarked, "I don't think the best letters this year come up to the standards set by the letters in the Hall of Fame, in terms of just slapping people around." Wainwright attributed this to the consciousness-raising effects of last year's contest.

Logan noted proudly that tonight's ceremony, which will take place in the lounge on the third floor of Ames Hall, will conflict with the Dormitory Council's Christmas Party. "We're not even going to steal their booze," he observed, "and we'll still outdraw them."



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categories. Law firms which have taken to writing rejection letters on paper smaller than 8½" by 11" will be competing for the Ivan the Terrible Help Preserve America's Vital Resources Award, while Honolulu and Anchorage firms which advised rejected students to drop by if they were ever in the neighborhood will be vying for the Come Up and See Me Sometime Award.

The shortest letter will receive the traditional award for Brutal Brevity, while the longest and most tedious will be recognized with the special Verbosity Award. The award for the Most Egregious Form Letter is one of the most hotly contested. Firms which sent multiple rejections to a single student will be eligible for the Once Is Not Enough Award, and a Philadelphia firm

ion of the judges most clearly epitomizes the art of rejection will receive the Attila the Hun Grand Prize.

C. Brian Wainwright, 2L, this year's chairman of the event, assured reporters at a press conference Tuesday evening that, despite the large number of serious awards which must be distributed, the evening will include some light-hearted moments. A special tribute to last year's award winning firm will be sung by the Ames III Choral Ensemble. An LL.M. candidate will present a concise History of the Rejection Letter, and Wainwright also plans a Tribute to the Infamous Mrs. Garvey.

"We expect to have a whole new crowd this year," Wainwright said. "We'd better have,

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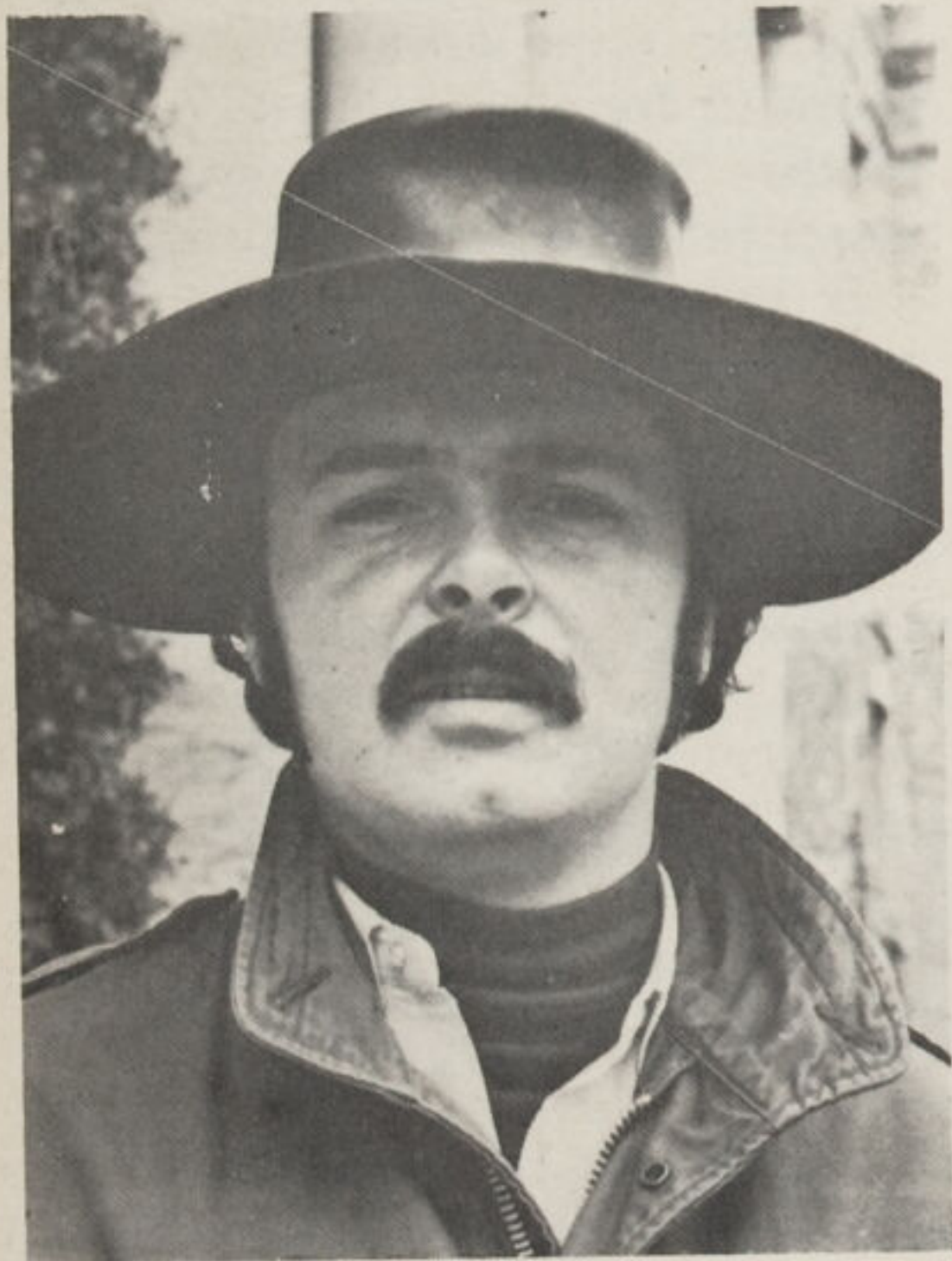
Kenety, 3L, Co-Authors Law Book

By Rob Leflar

Arville Garland was a patriotic blue-collar white middle American who believed in bringing up his kids right. His daughter Sandy was exemplary — no drugs, no sexual escapades, a straight "A" student at a Detroit college. One day, to Arville's consternation, Sandy suddenly left home.

On May 8, 1970, Arville Garland found out that Sandy had run away to an apartment house called Stonehead Manor. He drove there with his wife, broke down the door, and found Sandy naked in bed with her boyfriend, with two other hippie friends in the room. While his wife screamed, Arville pulled out two revolvers and killed the lot of them, his daughter first.

William V. Kenety V, 3L, has



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William V. Kenety, V, 3L

written a book on the Garland murder case, with the assistance of Professor Philip B. Heymann. It will be published in January by West Publishing Company, under the title *A Homicide in the Family: The Murder Trial of Wilbur Jackson*. Garland's name and the location of the events have been changed for purposes of the publication, but other details of the crime and trial process are

treated exactly as they occurred.

"Garland's defense at trial was insanity," said Kenety. "He said the sight of his Sandy, who he had brought up to be pure for her husband on their wedding night, naked in bed with some hippie had driven him over the brink."

Kenety observed that the case was as much a trial of life styles as it was a trial for murder. "The defense was using the insanity argument to try the dead people — the hippies. The question was, does a solid middle American like Garland have a right to kill 'immoral' hippies?" Jurors were selected, for example, on the basis of what the lawyers could glean about their attitudes toward the counter-culture. If a prospective juror had seen "2001" and liked it, said Kenety, the defense would challenge him.

Kenety first found out about the Garland murder case in Heymann's *Criminal Law* class, when copies of a *Time* magazine article on the case were distributed to the students. Kenety discovered the defense lawyer's name from the report of the case in Langdell, talked with him during a vacation, and later presented his findings to the class.

With Heymann's assistance, Kenety received a Ford Foundation grant to spend the summer of 1973 doing research on the case and holding intensive interviews with the main figures.

Heymann decided to use the materials in his *Criminal Law* course as a case study of the actual workings of the courts. Heymann and Kenety then revised the material for publication as a supplementary reading for Law School courses and for the "quasi-law school market," which may include police academies and undergraduate students of law and sociology.

"Surprisingly, with the exception of *In Cold Blood*, nothing like this has ever been done before, certainly not for legal-educational purposes," noted Kenety. "I feel there's a real need for this kind of book. Law students spend their time reading Supreme Court decisions, and a lot of them don't realize that what goes on at the Supreme Court bears no resemblance whatsoever to what really happens at the trial level and in the police departments. This book focuses on a crime and just plays it to death, minute by minute."

The murderer, Arville Garland, is now locked up in a Michigan penitentiary, serving 15 to 40 years. He has refused any share of the profits from the book for himself, his family, or his church. He feels that it would be evil for anyone to make money out of what he calls "the tragedy."



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All-Woman Firm Born in NYC

By Phil Heagney

Jan Goodman, a founding partner in the all-woman New York City firm of Bellamy, Blank, Goodman, Kelly and Ross told a group of 50 women law students at a meeting sponsored by the Women's Law Association last Thursday evening that "we may not be making a great profit yet, but we're surviving economically, and I think we're going to make it."

As an introduction to her remarks, Goodman told her audience that she especially enjoys talking to law students while standing next to a professor's podium because "this is never where they expected us to be when they first started admitting women to NYU Law School in large numbers in 1968."

This spirit of confidence and optimism continued through the next hour and a half while the New York attorney described the history and the work of her firm's practice.

Goodman said the idea for an all-woman's law firm was born sometime after she entered law school in 1968. Her class at New York University included almost 30 percent women, the first substantial group of women law students in the school's history.

"Some of the women who had been out of college for a few years and had worked for a while formed a women's law group," Goodman explained. "We were excited about women's legal issues and about the concerns of women in the law so we sat together in classes and we became involved in a lot of women's rights issues which were just starting to come into the courts in a serious way at that time."

The desire to litigate women's rights issues was one of the reasons for deciding to form a women's firm, Goodman noted. In addition, she said that an ideological commitment to the women's movement; a desire to find an alternative to the "competitive hustle" of traditional firm lawyering and to work with close friends; a determination to make a living on their own and be their own bosses; and a hope that they could provide a role

model for other women who were looking for careers in the law were all factors which entered into the decision to establish their own firm.

Upon graduation from law school, Goodman and four women classmates committed themselves to setting up their own firm. They all started by taking other legal jobs to get some practical experience in legal work and to look for a way to finance their own firm.

After a year and a half of searching, a fund associated with the Mellon Foundation in Connecticut agreed to advance \$150,000 over a three-year period to give the firm a chance to establish itself. Goodman said that finding seed money to start other new women's firms remains the most important hurdle for other women lawyers who are attracted to the idea of practicing in their own firm.



Robert L. Ryken

Jan Goodman addresses WLA meeting at the Law School.

Even with a grant to give the firm an economic chance, the five original partners encountered a number of other practical problems. Setting up office procedures with five partners but no boss proved to be difficult and learning how to set fees has caused the firm repeated problems.

"Overhead costs in New York City are enormous," Goodman explained, "and we don't even begin to meet these costs if we aren't charging a client almost \$30 an hour." She added that the firm no longer uses any flat fees but charges all clients on a flexible scale instead.

Another problem the firm faced initially was that of attracting

clients. The publicity it received from stories in the *New York Times* and other publications helped somewhat in this area.

The firm hasn't received much help from established law firms, but the firm now has more work than it can handle, and old clients have started referring new clients. "We have plenty of clients and plenty of work now, but we need a few more big cases so we can make the money we need to support our other projects," Goodman noted.

The firm divides its work between *pro bono* test cases in the women's rights area and a general practice. Presently, Goodman and her partners are working on two test cases, one concerning the availability of mortgages for women and the other focusing on the establishment of an automatic enforcement procedure for alimony judgments.

Goodman said that in the general practice area the firm handles most kinds of problems except negligence work. "However, most of our clients have been women so far and most of our work has been concentrated in the areas of employment discrimination, child custody, divorces, name changes, and problems of women's businesses," Goodman commented.

She said that the firm's work in the divorce area had raised both practical and philosophical problems for the partners, but they all felt it was an area of the law where women were most in need of good legal help.

The firm's long range goal is to get women to consult with an attorney when they write their marriage contracts rather than waiting until things have fallen apart.

In response to a question about whether the partners had been able to avoid the 60-hour work week of Wall Street firms, Goodman replied, "It's not a 60-hour week, but it does require a substantial commitment, and, when we work 60 hours, it's for our own firm."

She added: "Private practice has been gratifying, but it's grueling. I wouldn't trade it for anything else, but it's very demanding work."

Accounting Experiment Discussed

(Continued from Page 1)

Registrar's Office statistics show that this figure represents 48% of the 403 students who are enrolled in the two *Accounting* sections. These students took a 50-minute exam in early November. Students who did not pass the exam will have been informed of this fact by a letter from the Registrar's Office by today.

Both Vagts and Herwitz commented that the number of students who chose the pass/fail option this year seemed to be slightly higher than in the previous years. Neither professor felt that he could speculate as to the cause of this increase. Vagts, whose section attracted 250 students, said that his class was so large that it was impossible for him to get any reliable impressions about how students were responding to the material.

Both professors noted that the percentage of students who passed the pass/fail exam was almost identical to the percentages from the past three years. However, each man felt that the general quality of the mid-semester exams this year was lower than before. "I don't know what the causes were," Herwitz said, "but I didn't have as high a number of really excellent books this time as I did two years ago when I last taught the course."

Vagts explained that the present *Accounting* course was put together four years ago, when the faculty ordered major changes in the curriculum. Herwitz said that he argued for introducing the pass/fail option into the *Accounting* program at that time, despite his general opposition to pass/fail grading, because it was clear that "students were definitely frightened of doing poorly in *Accounting* and hurting their averages." "Since the purpose of the course was simply to give students an introduction to accounting problems as they arise in various legal contexts," Herwitz said, "we didn't want students to avoid the course because of fear of the effect it might have on their grades."

Vagts explained that the *Accounting* teachers considered a variety of

ways to present the course once the pass/fail option was approved. But the limited faculty resources for teaching the course and student unease about taking *Accounting* eliminated approaches that were more complicated than the present system. "The decision to incorporate the 11-week course within the full-semester course was the best solution we could find within the constraints the program faced," Vagts said.

No formal survey has been taken of student reactions to this year's *Accounting* sections, but some students have been critical of the program. Initially, students complained that one of the sections offered this fall conflicted with two popular *Evidence* courses. At the start of the semester, this conflict was eliminated, but the change did not substantially reduce the overflow in the other section which had to carry 97 more students.

A more basic criticism of the *Accounting* program has been that the faculty formally urges students to take the introductory course but then schedules only two sections in the fall and provides no *Accounting* courses in the spring. Vagts explained that the Dean's office decides how many courses will be offered each year and who will teach them. But the real problem, Vagts said, is that the teaching resources for *Accounting* are limited and the present program is the most efficient way to use them.

Some students have criticized the course for failing to use programmed materials which would make it more efficient and also allow students to proceed at their own pace. Criticisms were also directed at the textbook's heavy reliance on the case method and its failure to provide an overview of the course. A few students noted that the \$16.50 price of the textbook and supplement was high for materials that were used only half a semester.

Other critics commented that the faculty statement on *Accounting* in the Law School catalog argued for the variety of

contexts in which accounting problems arise for a lawyer; nevertheless, the textbook concentrates its examples almost exclusively in the area of corporate problems.

In commenting on these criticisms, both Vagts and Herwitz expressed skepticism about the use of programmed materials in a Law School course on accounting. Vagts noted that "a programmed text might have some value in teaching the bookkeeping part of the course, but it would not be easy to write programs to deal with the legal problems which are the main focus of the course."

Both professors felt that criticisms of the textbook in terms of its use of the case method and its lack of an overview were misplaced. They argued that the book included plenty of text to supplement the cases and that the use of the lecture rather than the Socratic format in class provided further help to the student. Vagts and Herwitz did say that rapid changes within the accounting profession in recent years had rendered the coursebook dated so that it would have to be revised in the near future. They also felt that the course should make more attempt in the future to examine accounting problems in areas outside the corporate field.

In summarizing their experience with the present *Accounting* program both professors agreed that the course was not as exciting for them to teach as their substantive legal courses. And they felt that student response in the classroom had been especially muted this semester.

Nevertheless, Vagts and Herwitz emphasized that "the purpose of the course, at a minimum, is to teach lawyers how to talk with accountants." "Students might get more out of the course, if they took it for a whole semester," Vagts concluded, "but the half semester introduction seems to enable them to read a financial statement and start to work on an accounting problem, and this is what we want them to learn."

Unauthorized Transcripts Appear in Files

One policy underlying the Buckley Amendment — that opening a person's files to him may lead to better protection for citizens from bureaucratic bungling — was emphasized for one student this week when, in accordance with the Amendment, the Law School gave him an opportunity to view his file. Although Philip L. Spector, 3L, found his file relatively uninteresting, consisting primarily of things that had been seen before — law school and college grades, and his application for admission to law school, he did find one surprise.

The file included a transcript of his work at the Kennedy School of Government, which he had attended full-time during the past academic year. Since Spector had not authorized the release of his Kennedy School transcript, he in-

quired how the Law School had obtained it and why it was in his file.

Law School Registrar Mary D. Upton, who had not been personally aware that such transcripts were in the files of joint degree students, learned from others in her office that the transcripts have been sent to the Law School routinely by the Kennedy School, without any Law School request or student authorization, and have been routinely placed in the Law School's files. Upton phoned the Kennedy School, saying that she saw no reason for the Law School to have these transcripts.

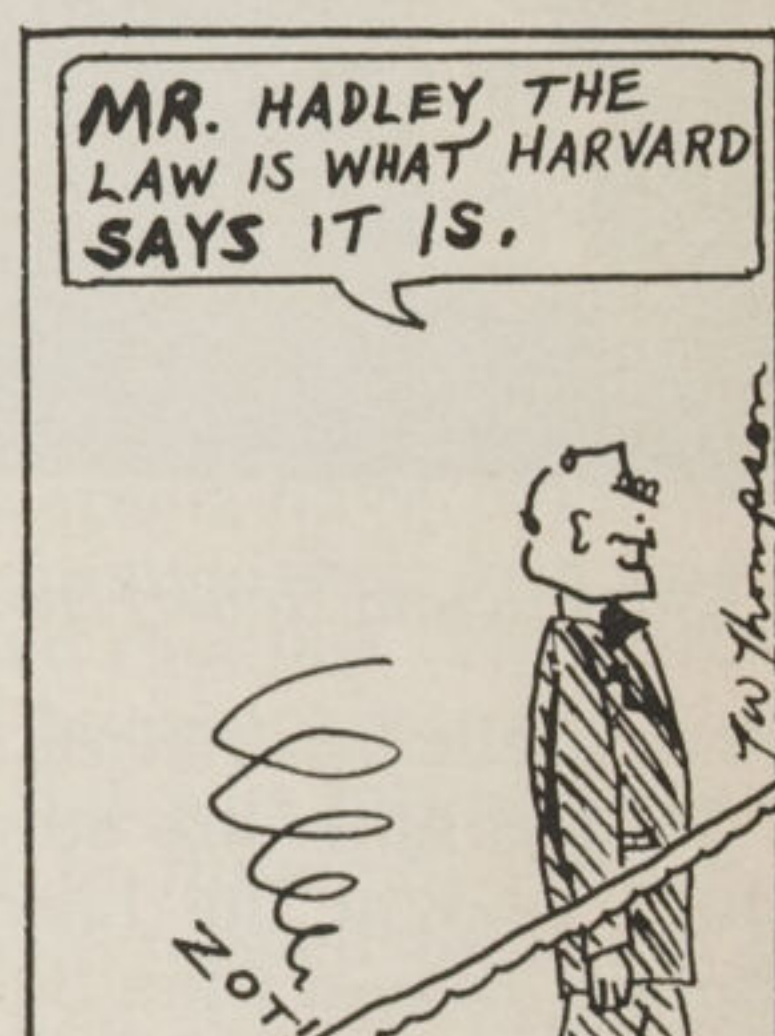
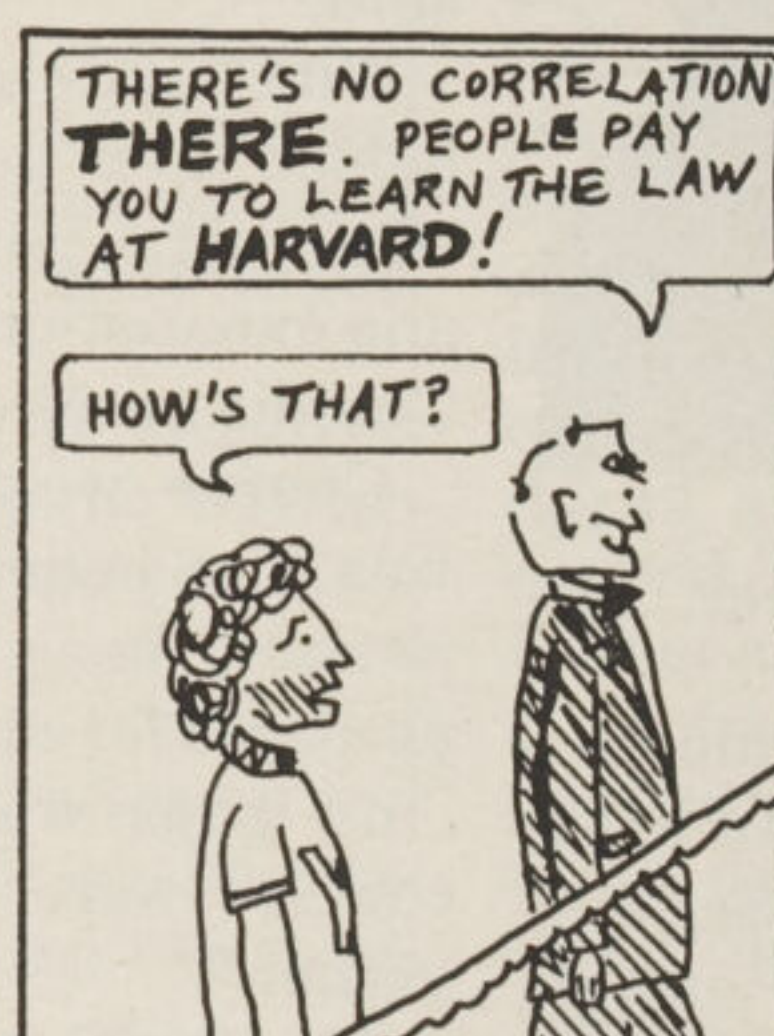
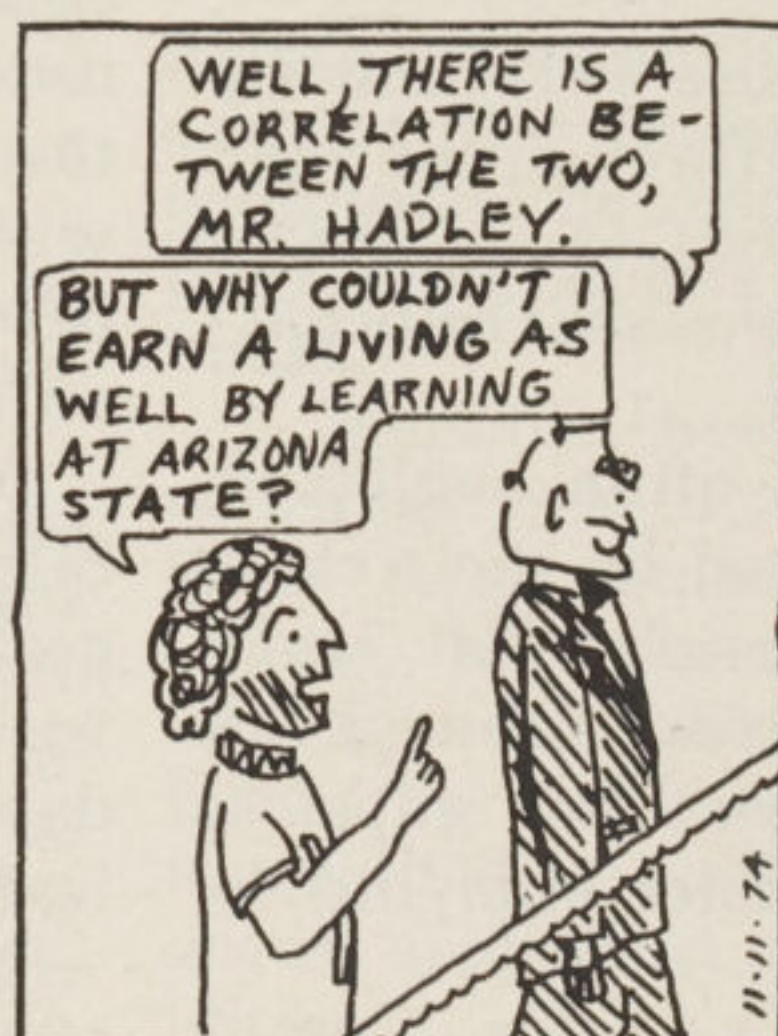
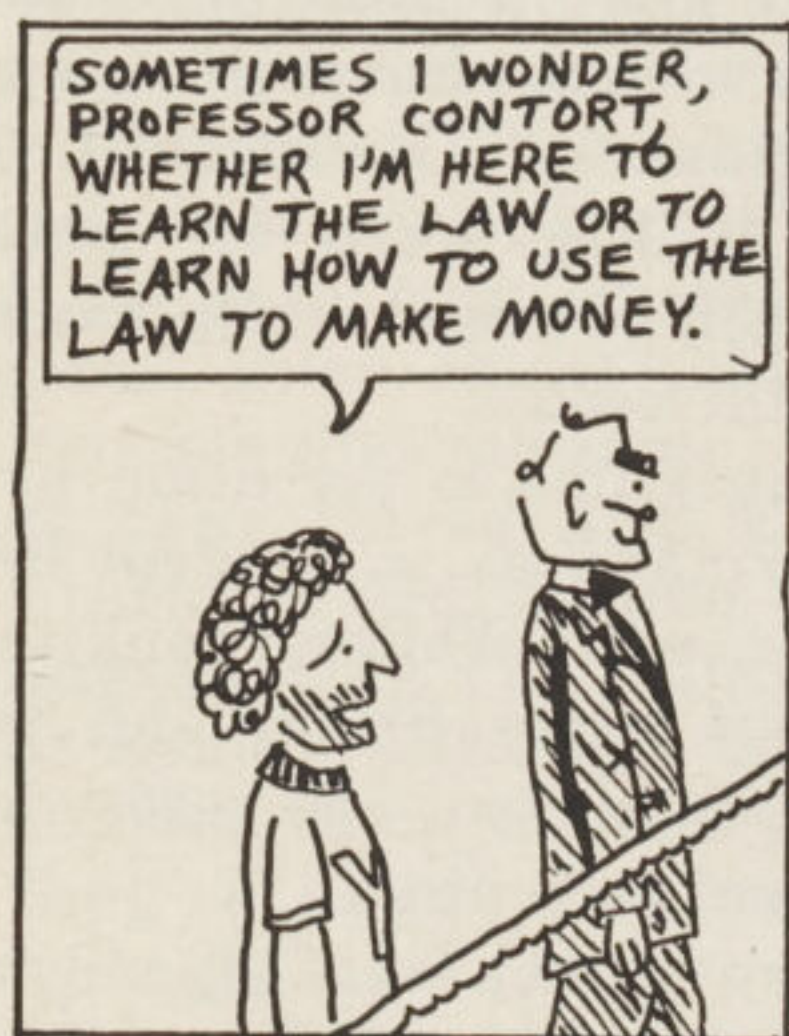
Associate Dean William Capron of the Kennedy School agreed, stating that no student records should

be released without written student authorization. Capron said immediate steps would be taken to ensure that no other transcripts are released and indicated that he would attempt to retrieve from the Law School unauthorized transcripts that had previously been sent. At the Law School, Upton announced that the unauthorized Kennedy School transcripts will be removed from the files.

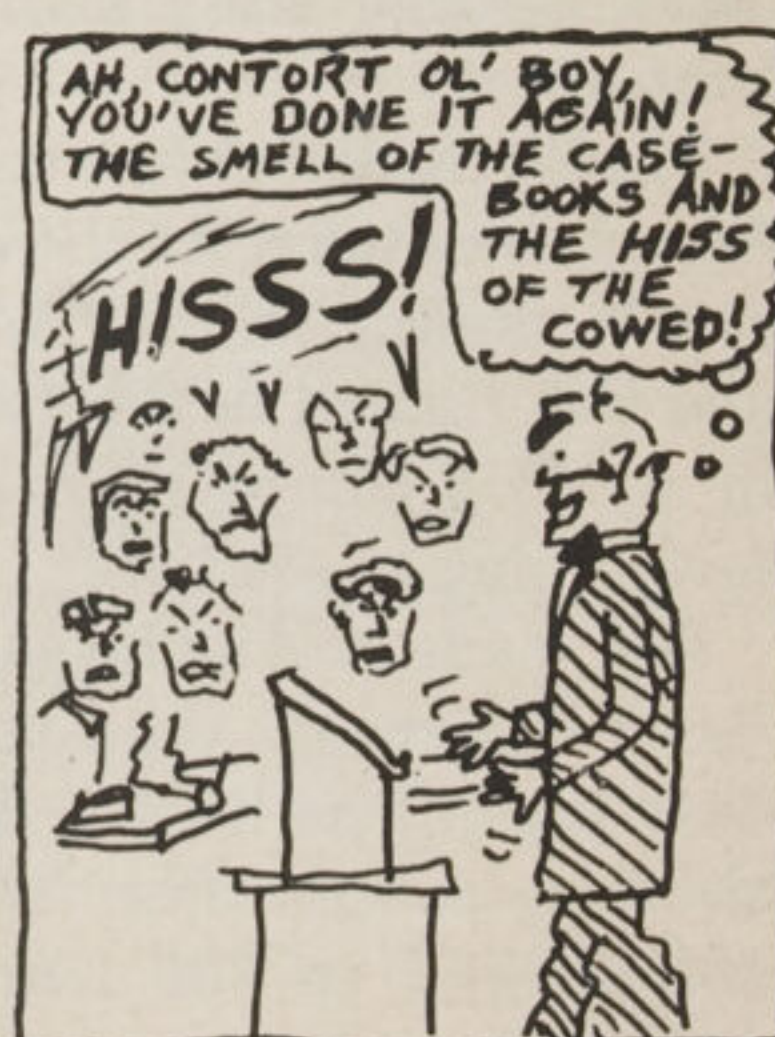
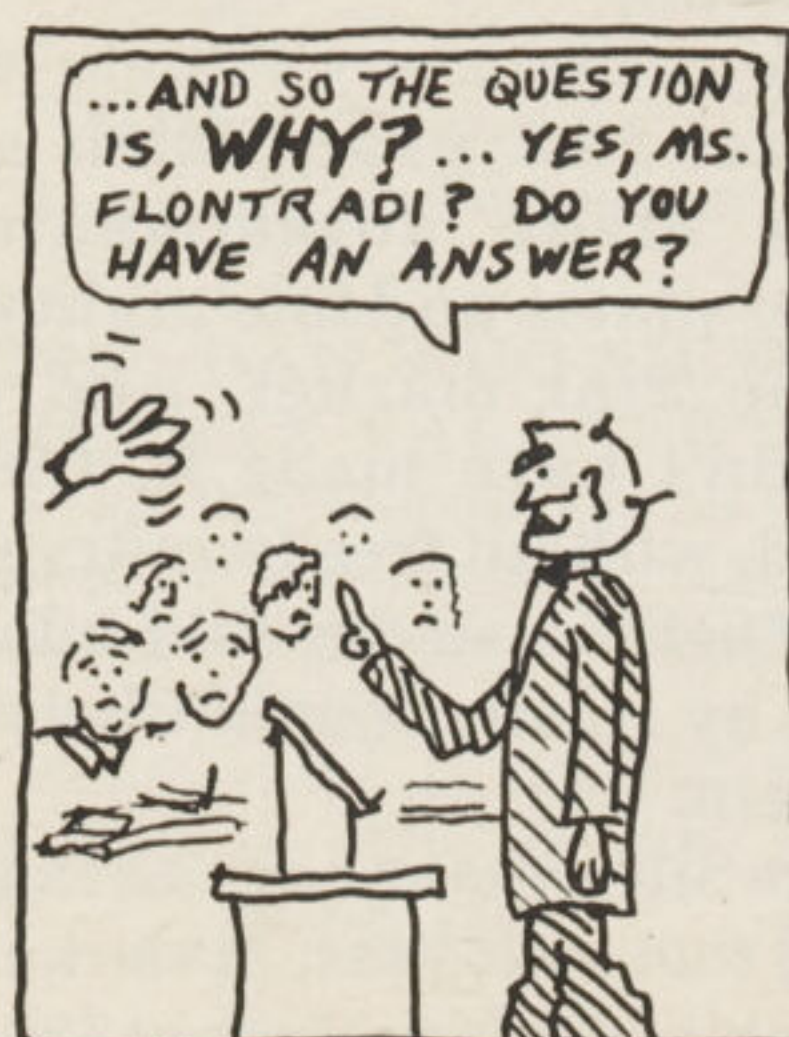
Spector feels that as a device for protecting student privacy, the Buckley Amendment has had its first victory at the Law School. Spector added that the extent to which there will be changes in other policies or routines regarding the content of files is dependent upon students inspecting their files and then questioning anything that looks at all out of the ordinary.

The Law School Funnies

PROFESSOR



CONTORT



Love Endures Among Law Review

By Susan Gillette

Maybe it's not true that love endures all things. But it can sure survive a beating.

If you're doubtful, talk to the *Harvard Law Review's* married editors, the Silbermans and the Swhiers. Their stories prove that the oppressive schedule of 2Ls on the *Law Review* staff doesn't necessarily ruin romance or marriage. But it's better, they say, if each of the people involved in such a relationship is spending 40 hours a



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Claudia and Robert Swhier, 3Ls

week in the *Law Review* offices.

Both couples are now in their third year at the Law School. Robert D. and Claudia Versfelt Swhier were married in June. David M. and Ellen Semenoff Silberman were married three days before they started law school.

The Swhiers met just before their first classes here. At the end of the year Claudia made *Law Review* and Bob figured he'd better succeed in writing competition if he was "ever going to see her."

Bob made it. And he said they've "been better off" than they would have been if he hadn't. They were able to be together "at Gannet House and in the library constantly."

Their work for the *Review* "really did take a 40-hour week," Bob said. Relaxation for the couple was "a Friday night with Walter Cronkite and a grinder."

When they decided to be married and set a wedding date in early June, they had to get "a special dispensation" to leave the Law School shortly after exams. Other editors worked five days longer.

Last year taught Bob that he wants "as much free time as possible to spend with Claudia," and Claudia also wants time to relax. This year both work as senior editors and have limited responsibilities in the *Review* offices. They plan to practice law in Indianapolis. Clerkships, which can be more demanding than practice, had no appeal for them.

They don't have strong regrets about the work load last year. It was a "good testing-ground" for the marriage, Bob said.

And their close relationship helped them get through the year. "Our little periods of depression and exhaustion wouldn't coincide," Claudia recalled.

Course work, often neglected, was also benefited by their closeness. "We weren't that well-prepared for courses," Bob said. But "my gaps weren't her gaps, so courses were easier studying together."

The Swhiers summed up their experience by saying that their second year did no lasting harm to their relationship. They would repeat the experience for the research and writing skills they obtained.

For the Silbermans a year on the *Law Review* came as just one more of the strains on a student marriage. After the first year at the Law School, they were quite used to spending time together studying.

Ellen said definitely that studying with her husband "helped" in making the *Law Review*. She found "talking about law" as much as

they did was helpful. David pointed out that studying was also easier for both of them because they weren't "pulled in opposite directions."

They had the same assign-



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David and Ellen Silberman, 3Ls **ments because they were in the same section. Each of them could get "a complete set of notes without having to go to all the classes," David said. This was a big help in getting through courses while working on *Law Review*.**

Dinnertime is set aside by the Silbermans as a time to be together, with Walter Cronkite but without books. Friday and Saturday nights, too, are reserved for rest and recreation.

They spend a lot of time together in the library and Gannet House, but "you don't do a hell of a lot of communicating in those hours," Ellen said.

The pressures on them were greater last year, Ellen said. They made adjustments — paper plates and late night trips to the Star market. And they couldn't have made it, they agreed, without free laundry service. Their wash-dry-fold bills are paid by relatives as a Christmas present.

The Silbermans have already decided that next year, as clerks with a combined salary of about \$30,000,

HARVARD LAW RECORD

Marrieds

they'll be able to afford continuing laundry service.

The worst aspect of last year's pace was that their free time and free weekends didn't coincide. One started a draft as the other finished one, so they didn't get a weekend off during the first semester. Vacations have also been impossible. "But that's OK because we don't have any money," Ellen added.

The Silbermans made it clear that they were happy to be working on the *Law Review* and happy that both of them made it. They imagine that some real problems might have developed if only one of them had been committed to the 2L editor's schedule. As it is, each understood special pressures operating in the other's life.

Ellen mentioned that she and David were very concerned about the chance that they would be "taken as less than two individual people" and treated as a "unit" on the *Review* staff. In general their individuality has been respected, she said.

At first the senior editors didn't assign David and her to the same work, fearing that if the marriage broke up their personal problems would interfere with editing assignments. Ellen finds "that assumption has changed some."

Next year David and Ellen will clerk in Baltimore and Washington, D.C. Their lifestyle will be hectic, although not so grueling for them as last year. But they're eager and ambitious. Singly and jointly, they seem to have thrived upon their Law School experiences.

Dorm Council Activities

This Weekend

TGIF — Today, 4-6 p.m.

Harkness Downstairs Lounge

"THE MAN WHO SHOT LIBERTY VALANCE".

John Ford's last Western, and his summation of the Western myth. Starring John Wayne, James Stewart, Lee Marvin, and Vera Miles.

Saturday, Dec. 14, 8:30 p.m.

Harkness. \$1, or 50c with
HLSDC card

Combined Degree Offered For Economics and Law

By Patrick F. Kennedy

A joint degree program is currently being sponsored by the Economics Department of the Graduate School of Arts and Sciences and the Law School to satisfy those students whose primary interest is legal problems involving economic issues.

Students who enroll in the combined program will receive a J.D. degree and a Masters degree in economics and law. The program, which is part of a five year experiment, is now in its third year. Earlier this week the *RECORD* discussed the program with Mitchell Polinsky, Assistant Professor of Economics.

Polinsky explained that students with a good economics background should be able to complete the combined program in four years. This would entail spending a first year at the Law School, a second year in the Graduate School of Arts and Sciences, and third and fourth years at the Law School except for some additional economics courses taken on a part time cross registration basis.

A Masters thesis is required which will also satisfy the Written Work Requirement at the Law School. This thesis is prepared under the joint supervision of Economics and Law professors and is regarded as exercise in the integrated application of the two disciplines.

"Normally, you could not take the program without some prior training in economics," Polinsky said, explaining that participants are expected to start out in graduate-level economics courses. A mathematics background is also helpful, particularly a year of calculus, but this is not absolutely necessary. Polinsky noted: "We're looking for aptitude rather than formal training in terms of calculus."

Polinsky described the program as "flexible, offering varied opportunities." While denoting the program as originally organized for people going into

private practice or agency work, he added that some people had wanted to take the program who aspire to do legal work in underdeveloped countries.

Students who enroll in the program are required to declare a special field. Possibilities are: 1) Public Finance, 2) Industrial Organization, 3) Urban Economics, 4) Economic Development, and 5) Labor Economics. Other requirements of the program include courses in economic theory and quantitative techniques.

Students who are interested should apply during their first year at the Law School.

Polinsky noted that while the program could handle up to five students each year, there has only been one new student enrolled during each of the two years of operation. He gave two reasons for these low figures. First, he stated that those concerned are trying to maintain a high quality level for the program and are not willing to accept students in the program simply to fill the rosters. Secondly, he explained there are financial problems, noting that, because there has been no special fund for the program, students accepted have been required to finance their own way. He recalled that last year a student had been accepted to the program but was forced to decline due to financial difficulties. Polinsky termed the lack of a special fund for the program "very unfortunate."

Although the Masters degree program is the only formal program for the joint study of economics and law at Harvard, there are several students attending the Law School and working on a "Ph. D." in economics at the same time. While there is no formal program for them both the Economic Department and the Law School have made an effort to accommodate the objectives of these students.

Polinsky commented that a recent student had completed law school and the Ph. D. in economics in five years, but he termed this "very quick."

Bell's Beef

The Law School's only black professor, Derrick A. Bell, has sent Dean Albert M. Sacks and the faculty a letter in which he expresses his disappointment with the efforts which have been made to attract minority group members to the Law School faculty. We feel it is time for an open and frank discussion on the subject of minority representation on the Law School faculty by the school's administration and faculty.

There is no doubt that there is a very noticeable lack of minority representation on the Law School faculty. The same holds true for the number of women and persons with a conservative political philosophy.

University President Derek C. Bok, who previously served as Law School Dean, has stated that the Law School has made legitimate efforts to attract minority group members to the Law School faculty. Without an open discussion on the subject at the Law School it will be hard for students to know whether the Law School has indeed done enough to insure broader representation for minorities, as well as women and conservatives on the Law School faculty.

Some have suggested that it is hard to find qualified members of these groups to serve on the Law School faculty. It is hard for us to swallow this argument. This type of argument has so often been used in our country to block the doors of equal opportunity for many groups, that it is disheartening to see this excuse even suggested at the Law School.

Some have claimed that the competition for hiring minorities between law schools is so rough that the Law School often loses out. It seems strange to us that a Law School which attracts some of the best law professors in the country should have trouble attracting minority professors.

It is possible that, as some claim, the Law School has done all it can to recruit minorities, women, and conservatives for the Law School faculty. But unless there is an open discussion of the subject, we will never know if this is true.

Privacy Czar

We are grateful to Law School Professor Arthur R. Miller for his public support of Senator James L. Buckley's student access-to-information bill. Miller has co-signed a letter with four Massachusetts officials and two other attorneys to the Massachusetts congressional delegation urging them to support the Buckley bill.

Miller, who is one of the country's leading experts on privacy, has admitted that there are drafting problems with the Buckley Amendment. Few have seriously denied this. In fact Buckley has agreed to attempt to correct some of the drafting difficulties. However, as Miller has pointed out, the bill's drafting problems are not enough to warrant the repeal of the statute and run the risk that there will be no student access-to-information law.

With the statement that "privacy and fair information practice is an idea whose time has come," Miller has eloquently stated the feelings of many at the Law School.

HARVARD LAW RECORD

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Fenno

Fenno had been standing in the basement of Langdell Hall for about 20 minutes waiting for the elevator to take him up to the second floor.

All the while he could not help but notice the Christmas-at-Macy's like line forming outside the legal copy office.

Giving up on the elevator, he started over toward his mailbox. There were rumors the Hark had issued another beer coupon two weeks before. Suddenly he was pushed from behind.

"No you don't" a rather assertive and apparently pugnacious 2L warned.

Fenno thought he recognized the assailant, but figures it would be best to ignore him.

"Wait a minute," the declarant demanded. "I know you, you're in my Evidence class."

Fenno was not sure he was in anyone's Evidence class, and even less sure what that had to do with his imprisonment. He reasoned that he must employ his last resort: the English language.

"I'd like to try to get to my mailbox."

"Sure," the 2L replied, "and I'm in line for lunch at the Hark."

Fenno was quite sure this was untrue.

"Look jerk," said a second face Fenno recognized as that of his R.A., "if you want a Law Review Outline you'll have to wait in line like the rest of us."

Just then Fenno noticed two daring students come off the elevator and cut in front of the R.A. unnoticed.

Fenno smiled inwardly, examination fever had once again infected the Law School and its unstable populace.

Suddenly a timid creature behind the copy center window whispered that there were no more Constitutional Law Outlines in stock. Part of the line withdrew to pounce upon the lucky student with the last known copy.

Fenno took advantage of the break in the crowd to slip away to safety.

He wondered what made law students the way that they were.

Just then the R.A. emerged from the frenzy with minor injuries and a major victory — or so his raving smile seemed to indicate. Fenno spied the last three chapters of a rumpled Con Law outline tucked under the R.A.'s sleeveless arm.

Fenno ducked into the mailbox area and grabbed his beer coupon.

15 minutes later Fenno was relaxing with a warm beer on the second floor of the Hark.

He thought of the examinations to come. Outlines were the wrong approach. Once again Fenno would simply bank on his intuitive grasp of the law.

HARVARD LAW RECORD

Letters to the Editor of the RECORD

Multiple Choice Critic At a Loss for Words

To the Editor:

Will you be kind enough to publish another letter from me, to correct the shot I took at Professor Loss in an earlier letter where I said that he should be ashamed of himself for giving his students a multiple-choice test. Now that I know all the facts, I think Professor Loss can be proud of himself.

Upon reading my letter in the RECORD, Professor Loss wrote me a much kinder letter than I deserved, sending me a copy of his test and asking me for a frank appraisal of it. I found the test to be absolutely fascinating in every respect. To call it a multiple choice exam is grossly misleading and it certainly misled me. I consider the test to be brilliantly conceived and structured, most comprehensive, and eminently fair to the student. Its innovation has great appeal to me. I consider it a breakthrough in the tedious art of examining students.

With the writing of this letter, I intend to retire the pen I use to write to newspaper editors, with a total of two.

W. C. Rittman '42 ('47)
Wilton, Connecticut

Women Have Voice In Surname Choice

To the Editor:

As a "Lucy Stone-er" of some years' standing, I was startled by some of the comments attributed to Jeanne Baker on the subject of married women's surnames (Nov. 8).

Particularly startling is the reference to "the common law rule that a woman's name changes upon her marriage." There simply is no such common law rule. The olde English cases and other authorities, the contemporary English ditto, all but one of the American cases (and the exception has been repudiated by its state's Attorney General), and a substantial number of state Attorney Generals' opinions, are consistent to the effect that a woman *may*, but is not required to, adopt her husband's surname when she marries.

Nor is it quite fair to say that "the U.S. Supreme Court has ruled that married women don't have a constitutional right to choose their names." All the Court did was summarily affirm the decision of a three-judge District Court in *Forbush v. Wallace*, 415 U.S. 970 (1972). It was assumed, not litigated below, that under Alabama law a woman's name changes by operation of law when she marries, in fact, there are no Alabama cases in point to justify that assumption. And the District Court was careful to point out that Alabama's name-change statute provides an inexpensive and very simple means by which "any person, and this

includes married women, can ... change his or her name." A summary affirmation, in this day and age, is no more a decision on the merits than a denial of certiorari.

Elise B. Heinz, '61
Arlington, Virginia

Just How Low Can We Go?

Ed. Note: The following "letter" was heartlessly abandoned on the doorstep of 23 Everett Street with this preface: "Dear RECORD. Most of what you print is pretty blah. I invite you to consider for publication the enclosed piece of serious humor. Please return if you don't use it."

To the Editor:

The article "Ivy Schools Increase Lead in Admissions" in the November 22 RECORD perpetuates, with its plethora of statistics on race, sex, and undergraduate and geographic origin, the well-established Harvard Law School tradition of relating to persons as objects placed mediocrally in space and time rather than as individuals.

The article underlines the numerical dominance of "Ivy Schools" graduates in the Law School population. Apart from the obvious point that such overrepresentation probably reflects more than anything else the myopic chauvinism and parochialism of HLS admissions officers, some further observations may be in order.

Given sufficient ambit for individual exceptions, those graduates of Harvard are products of the most remarkably snot-nosed undergraduate body in America, and seem still to drip and wipe. Yalies are inordinately apt to be unmitigated assholes, smarting from self-doubts that they are less snot-nosed than their Cambridge confrères. Princetonians just seem wierd; those from Brown, nonentities. Graduates of Columbia are invariably mentally scarred by New York, and Cornellians — their school having been founded in the late nineteenth century — hardly qualify as representatives of the "Ancient Eight". Those from Penn are usually commoners, and have had to bear the additional tribulation of living in Philadelphia. Dartmouth people are still stamping their feet from the cold.

The overadmission of what one wag has termed the "poisoned ivies" not only has no warrant in objectivity, but is positively an egregious blunder, the results of which are readily observable in the abysmal social condition of the Law School. HLS is filled with Frenetic Easterners and one-dimensional overachievers, lacking social grace and having lost — or never practiced — the fine art of conversation. The place reeks of New York, and one wonders at times whether one is in the United States or

the Russian Pale.

The Law School would do well to reconsider its admissions policies. My own suggestion is that the number of students from the West Coast north of Los Angeles be sharply increased. Such a step would improve the quality of both women and dope at HLS.

Your article goes on to speak of the position of so-called minority groups at the Law School. Unfortunately, that part of your survey contains a serious omission in that it fails entirely to make note of one of the most brutally and systematically oppressed minority groups in American history. I speak, of course, of Dutch-Americans.

Our past is replete with instances of mistreatment of, and widespread policies of discrimination against, the Dutch-American community. Norm Van Brocklin is only the latest example of a continuing wave of persecution; his crime: being Dutch. Other victims include such unfortunates as the Vanderbilts, the Schuylers, the Van Rensselaers, the Van Burens, and the Roosevelts. American jargon is peppered with such hurtful epithets as "you're in Dutch," "Dutch Treat," "Dutch Schulz," and highly improper sexual allusions to putting fingers in dikes. Racist mentality has perpetuated the image of the Dutch as a primitive and simple people, clomping around in their wooden shoes and baggy trousers. Fictional Dutch-American characters have been exploited as advertising gimmicks (nb. "Dutch Boy Paint") with racist overtones, analogous to Uncle Ben, Aunt Jemima, and Tio Pepe.

Dutch-American literary contributions have been ignored, from the classic *Van Itty, Thy Name is Man* to the more modern *I Never Promised You a Tulip Patch*. What young Dutch-American does not remember with pain the shouts of "Dutch Oven" from a taunting crowd of Polish youths who thought it was one word, or having to explain to Italians that the "Flying Dutchman" is not a KLM jet? As an ultimate ignominy, Dutch-Americans are frequently mistaken for Germans, on the obviously invalid and biased premise that they can't be told apart.

This situation is intolerable. The Dutch-American community must stand up and be counted, although admittedly that wouldn't take long. A step in the right direction would be reparations for the savage English conquest of New Amsterdam and the centuries of bondage that followed. Another would be affirmative action to increase the number of Dutch-American scholars at HLS. One can only applaud the bold act of defiance reputedly made recently by disadvantaged Dutch-American Derek Bok; reports have it that Mineer Bok has threatened to resign failing recruitment of more Dutch-American faculty.

So there.

Richard P. Sybert, 2L
Cambridge, Mass.

Cryptic Law

The following excerpt from a rather dated opinion is in "judicial code." Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

"... Yhm jc nqvvdn bxzc Wcpxmcooqvqv
eaxe md mrc iuqxvmxgge, jrcv yl pdxvb ed,
jc wql ecvp mrc jdoacoe qvp yocqp-jxvvcoe dg
mrc ndwwhvxm xvdzucp md mrc Yuqna
Ecq dg pccmxmhmxdv.

"... Xg mrc vcnceeqol qvp hvqzdxpqyuc
ewdac iodphncp yl mrc ec xvphemoxce jcoc
md yc cvfdxvcp, mrc iuqvme ndhup vdm di-
coqmc, wqvl wxuuxdve dg pduuqoe xv
xvzccmcp nqixmqu jdhup yc pccmodlcp qvp
wqvl mrdheqvpe dg icoedve mrodjv dhm dg
bxqvghu cwiudlwecvm...."

(Solution below)

Law Notes

The Harvard Law Community Association will present a "Holiday Treats and Silent Movies" program on Wednesday, December 18. The H.L.C.A. fest is open to all, with a 50c charge for non-members. Pound 335 will be the scene of the scenes.

* * *

Joan Lebold Cohen will present a lecture December 17 on "The Journey of Buddha" at the Museum of Fine Arts in Boston. Cohen is Lecturer at the MFA School. Interested persons should meet at the Fenway entrance of the MFA at 7:20 p.m. on December 17; admission to the museum is \$1.50. Spouses and friends are welcome. A holiday party sponsored by the Cohens (Joan Lebold Cohen and Law School Professor Jerome A. Cohen) will begin at 9 p.m. at their 21 Bryant Street, Cambridge home.

* * *

The East Asian Speakers Program continues on December 18 with a speech by Hideo Tanaka, HLS Visiting Professor and Professor of Law, Tokyo University, on "The Study of Comparative Law in Japan." Conversation with the guest and others in the program accompanies an informal self-provided lunch at 12:45 p.m. with the speech proper beginning at 1:10 p.m. As usual, Pound 419 will be the meeting place.

* * *

The second annual Attila the Hun Humanitarian Awards will be duly, but not dully, presented to this year's "winners" (?) tonight at 8 p.m. on the third floor of Ames Hall. "The awards acknowledge those outstanding contributions to the science of the rejection letter writing made by America's law firms," say the Hun Honchos. All are invited.

Rule 26:



By Bill Kenety

Q. Why are there two ladies rooms in the basement of Langdell West and no men's rooms? Doesn't this indicate a reverse bias (favoritism)?

A. As Dean Bruce explains, there is a ladies room and an accompanying lounge but only one has toilets. He also points out that there is a large men's room in the basement of the library.

Q. Why is Fenno named Fenno?

A. Only his mother knows.

Q. A sign over the pinball machines says you must have a Harvard ID to play. There are, however, a lot of grisly little urchins using the machines when I want to. How come?

A. Dean Bruce again explains that it is the Dorm Council's responsibility to enforce the signs (as they make \$ from the machines) and if they don't tend to enforcement the machines will be taken away. Personally, I think Dean Bruce is getting tired of answering pinball questions.

Q. Supposing I take Division of Jurisdiction Between State and Federal Courts (a 1L spring elective). Can I still take Conflicts?

A. From Registrar Mary Upton: Maybe. She reports that that course overlaps but does not duplicate Conflict of Laws: Laws of the Federal System. Since that particular Conflicts course is not being given next year no decision has yet been made.

Q. Why are the answers to the RECORD sports quiz always upside down? The answer to last week's decoding problem wasn't upside down.

A. As Associate Editor Frank Sisson explains it, the original design was to prevent back-page glancers from "accidentally" seeing the answers before taking the quiz. The assumption that Cryptic Law decoders would be more scrupulous was, depressingly, found to be unfounded-hence the consistent treatment of both answers this week.

Sports Quiz Tests Recall Of Nicknames

There have been many interesting nicknames associated with the sporting scene. How many players, past and present, can you match to the following nicknames?

1. The Yankee Clipper
2. The Man with the Golden Arm
3. The Manassa Mauler
4. The Splendid Splinter
5. Bulldog
6. The Golden Bear
7. The Big Train
8. The Wild Bull of the Pampas
9. Old Reliable
10. El Goofy
11. The Whip
12. Nasty
13. The Italian Stallion
14. Old Aches and Pains
15. Country

(Answer on Page 16)

Solution to "Cryptic Law"

Journal 379 (1935).
Coke Co., 83 Pittsburgh Legal
Borough v. McKeesport Coal and
Judge Musmanno in Versailles
gained employment...."
thousands of persons thrown out of
tal would be destroyed and many
millions of dollars in invested capi-
plants could not operate, many
dustries were to be enjoined, the
able smoke produced by these in-
"... If the necessary and unavoi-
destitution.
munity involved to the Black Sea of
ers and bread-winners of the com-
by doing so, we may send the work-
ranean skies to the plaintiffs, when
"... But we cannot give Mediter-

HOLIDAY PARTY

Tonight, 8-12 p.m.

Pound Multi-Purpose Room

FREE to all HLS students, faculty,
and staff.

(Spouses and friends 50c)

Beer, wine, soft drinks,

Food, Jazz Band.

Plot and Score Are Highlights In "Bandwagon"

By Frank E. Sisson

Professor A.J. Cashner and his kindhearted but inept clan will battle against the underhanded and downright evil efforts of "hanging judge" Hyman Chokum, one of A.J.'s former students, to gain the governorship of Calivada in the March presentation of "Paint Your Bandwagon!," this year's Law School Show.

Producer Robert J. Cubitto, 2L, in the midst of casting and seeking out technicians and musicians, explained that this year's show would be marked by an enlarged orchestra and better music than the past two years. Richard F. Hope, 3L, who composed the score of last year's *The Paper Waste*, will again collaborate with lyricist Chris Harding, a graduate law student, in scoring the show. Harding labored over *The Paper Waste* and *Praise the Law*, the 1972 show. Arrangement will be by Dean Herington of Harvard College.

Michael Shann, who works with the Chateau de Ville dinner-theatres in the area, has volunteered to direct the musical. Joan Neiss, a veteran of the past three shows, will choreograph.

Cubitto's concern with the show thus far has been "getting it together and making sure it keeps moving." He has had complete budgetary control and feels that at this point optimism about the show is well warranted. Cubitto arranged and conducted the orchestra for *Praise the Law* and wrote several numbers, including the title song, for *The Paper Waste* while on a leave of absence. Assisting Cubitto is Associate Producer David B. Pittaway, 3L.

Scriptwriting has been entrusted to Harding, who is being assisted by Robert E. Mack, 3L, and Scott C. Munson, 1L. The plot line of the show was developed to allow subtle comment on recent national events. Cubitto described the show as "heavily oriented toward political humor."

(Continued on Page 16)

Miller Favors Buckley Bill Despite "Serious Problems"

(Continued from Page 1)

sel of the Massachusetts Governor's Commission on Privacy and Personal Data, and State Representative Lois G. Pines, who has introduced a student records bill in the state legislature.

The letter, according to Miller, was sent because "there is a great deal of interest in whether a delaying amendment" to the Buckley legislation should be enacted or whether the bill should be repealed or revised.

Miller said he and the letter's co-authors felt it desirable "to indicate that some of us find the principle of the Buckley Amendment very sound." Miller noted there were "very serious problems" with the language of the Buckley Amendment but he feels that it is better to keep the bill than "run the risk" that possible "special interests" might succeed in delaying the bill.

It would be better to have a "substantially revised and clarified piece of legislation" instead of the Buckley Amendment, Miller opined, but he added "Society has a way of dealing with ambiguity in the law." Miller is hopeful that the Department of Health, Education and Welfare guidelines, which are presently being drafted, will be helpful in clarifying the Buckley Amendment.

Asked what his reaction was to the way Harvard University has reacted to the Buckley Amendment, Miller said he was "somewhat disappointed" in the reaction of "certain mem-

bers" of the University community. He expressed surprise at some University community reaction concerning what he termed the "important obligation to provide maximum information to students about student performance."

Those who have said the quality of letters of recommendation will decline if the Buckley Amendment is enforced were singled out for comment by Miller. He feels it is a "rather strange thing" that an academician would not speak honestly just because the person concerned will see what is being written.

Miller, who is recognized as one of the country's leading experts on privacy, labeled as "absolutely false" the theory that the educational community has been singled out in access-to-information legislation. He stressed that in the past there has been legislation guaranteeing access to information in the fields of credit reporting, criminal justice, and welfare. For this reason Miller says he is "not terribly sympathetic" with the University's claim that the Buckley Amendment came as a big surprise.

"Privacy and fair information practice is an idea whose time has come" emphasized Miller.

The Massachusetts Commission on Privacy, of which Miller is chairman, has also gone on record supporting the Buckley Amendment. Miller stated the Commission has approved of "the philosophy of the statute and has recognized its drafting difficulties."

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Douglas' Memoirs: Contagious Patriotism

By Charlotte Renner

In a book review appearing in the November 23 issue of *The New Republic*, Millicent Bell calls attention to the familial ties between biography and fiction: "Biography is a true life story, an artful tale, of which the elements correspond to the data of some actual experience selected, arranged, passed through the biographer's modifying fire. It is not fiction's contrary but its twin, making of human inconsistency a 'character' and of the pile-up of mortal days, with all their accidents, some species of plot."

These same words might also describe autobiography, which is even more self-verifying, and therefore more fictive, than biography. Unlike most biographers, an autobiographer enjoys the implicit trust of his audience in the truth of his tale. He need pay little or no obeisance to the authenticating conventions which we demand of the biographical historian. And yet, though we as readers assume the act of autobiography to be an unmediated process combining memory and perspective, the autobiographer *must* mediate, even if in secret, between the events of his life and his cherished self-image. The resulting fiction is often as interesting for its narrative strategies as for its plot.

Such is the case with the first volume of Justice William O. Douglas' autobiography, *Go East Young Man* (Random House: \$10.00). In his introduction, Douglas *does* attempt to authenticate his life story by citing the copious oral and written sources brought to the aid of his memory. Interestingly, however, all this research, which took about twelve summers to complete, is finally put not simply to the simple service of autobiographical truth, but to a larger patriotic purpose. As Douglas puts it: "Writing an autobiography is in a sense giving a detailed account of the slow, step-by-step education of the author. The overall aim of this volume and the volume to follow is the hope that our people will

come truly to love this nation."

The main ingredient of most autobiographies is nostalgia, and Douglas' is no exception to that rule. However, fond memories are never, for Douglas, idle memories; the memory of his own poverty, for example, never fails to provoke an indictment against the leisure class. Although his father was himself a poor preacher, the young Douglas was somehow led to associate idle wealth with established religion. Finally, while a penniless and homesick student at Columbia Law School, Douglas added a third enemy to his list: the urban East. Together, these entities formed a kind of wicked triumverate in Douglas' mind. Sneering on stage early in the memoir, the wealthy Eastern Establishment remains a somewhat oversimplified villain throughout the 500-odd pages of the book.

Wearing the white hats in Douglas' life-story are his mother, mountains, trees, the West, FDR, and a large cast of minor characters. Of these, Douglas most wants us to share his love for the mountainous wilderness. And yet, his own relationship to rugged landscape is hard to precisely comprehend. There is, on the one hand, Douglas' reverent worship of Nature, documented not only by the events of his life, but by a few of his more famous legal decisions. On the other hand, one senses a kind of adversary relationship between the wilderness and William Orville the conqueror. Much of Douglas' panegyric on Nature is profoundly moving. But other parts are like the snapshots of a traveler who, upon photographing the Swiss Alps, cannot refrain from placing himself squarely in the middle of the frame.

In contrast to the solitude-seeking, peace-loving Bill Douglas of Goose Prairie is the man who, by the age of forty-one, had spiralled from a teaching position at Yale, to the chairmanship of the SEC, to a seat on the Supreme Court of the United States. It is the second, more public figure who animates the

latter half of the memoir. But the story-teller never loses his humanity; in addition to spinning dozens of entertaining yarns, Douglas also offers an extraordinarily penetrating view of several federal networks of power during the New Deal. Though we never get a close look at any of Douglas' innumerable friends and associates (except for the "father of psychosomatic medicine," George Draper, to whom a chapter is devoted), the composite picture is dazzling and highly informative.

Conspicuously missing from the gallery of Douglas' friendships are women—even wives. Although he has been married four times, only his first wife, Mildred, and his last, Cathleen, receive mention. Douglas' reticence on this point is apparently the product of deep personal disappointment: "Divorce is, it seems to me, the worst ordeal a man can suffer and it has for me a strong sense of shame...." Evidently, Douglas considers his several divorces detachable from his career, and therefore from the record of it. Such an attitude may, in fact, partially explain his marital difficulties; but whatever the reason for the failures, one cannot help but be moved by Douglas' brief yet heartfelt words of regret.

While most of the autobiography follows a casually topical, rather than chronological sequence, Douglas chooses to end the first volume with a chapter outlining in detailed succession the events leading to his judicial appointment in 1939. Via an allusion to the First Amendment, the very last paragraph reverts somewhat suddenly to the original unabashed patriotism of the Introduction. This then, is the whole fiction offered: a kind of *Bildungsroman* in which the central protagonist learns to love his country with contagious fervor. Although longer than it need be, it is a valuable fiction, and, for the most part, an enjoyable story. And, while it may not be equivalent to a courtroom oath, it's as true as any autobiography can be.

Rosenberg Praised for Contribution to HLS

By Hank Gufman

In recent months David Rosenberg and the Legal Methods Program which he has directed have been the subject of much critical attention in the pages of the *RECORD*. While some of the criticism aimed at the program may be justified, the general impression created by these articles has been most unfair to Rosenberg personally. We would compound this injustice if we allowed David's tenure at the Law School to draw to a close without recognizing the considerable educational progress which the Legal Methods Program has made under his leadership and the substantial personal contribution which he has made to legal education at Harvard.

When David Rosenberg first came to Harvard as a teaching fellow, the Legal Methods Program was modest both in its educational goals and its accomplishments. The course materials consisted of the old familiar products liability cases, accompanied by excerpts from Llewellyn's *The Bramble Bush*, and followed in most sections by an insurance case.

Professor Cohen's lectures were the only real exposure to legal research prior to Ames. Although Legal Methods did serve as a basic introduction to legal writing and oral advocacy and provided the students with the comfort of a small class, it did little more. In two years under David's direction the program has changed radically.

Legal Methods still begins with the story of poor Bertha Chysky getting nailed by the Drake's cake, but Rosenberg has made imaginative use of the New York products liability cases (including materials from the records and briefs) as a vehicle not only for teaching the fundamentals of case analysis, but also for demonstrating the role of precedent, the doctrine of stare decisis, and the basic problems confronting a lawyer seeking to bring about change in the law.

Excerpts from Llewellyn are still assigned, but Lon Fuller, Learned

Hand, John Rawls, and William Kunstler have been added to the first year reading list. The library research training too has been expanded and improved to include tours conducted by the teaching fellows, a slide show demonstrating the steps a lawyer might take in researching a problem, and finally a library research project which sends each student into the library to research a problem. David recognizes that in developing legal research skills there is really no substitute for getting into the library and working with the books.

The focal point of Rosenberg's Legal Methods Program is the "general case," to which each section devotes most of the semester. This too is an innovation for which David is responsible. Students in the Legal Methods sections walk through a litigation problem from the first contact with the client until the jury returns with a verdict. The students must function as attorneys, drafting complaints, conducting interviews, wrestling with ethical problems, arguing motions, writing legal memoranda, attempting to negotiate a settlement, examining witnesses, and arguing before a jury.

While the students' ability to perform some of these tasks is limited somewhat by their lack of training in Civil Procedure and Evidence, some Legal Methods trial judges have observed that certain skills, such as the ability to embellish a story in an argument to the jury, are sharper in first year students than in students further along in their legal training. At the end of the program the students may not be seasoned litigators, but they have at least had simulated contact with the legal process, and they have had the opportunity to try to use that process to aid an aggrieved client.

Perhaps the most important feature of the Legal Methods Program is the sensitivity to the importance of facts which it helps the student to develop. The rest of the first year curriculum concentrates on the

analysis and manipulation of various legal doctrines. If a student thereafter avoids clinical courses, it is possible to graduate from Harvard believing that "the facts" are immutably written somewhere in roughly the same form as in an appellate court's opinion.

As any practitioner knows, the ability to skillfully marshal the facts is every bit as important to a lawyer as a talent for developing legal theories, or distinguishing difficult cases. By placing students in a position where they must develop a case in a fluid fact situation requiring contact with live witnesses, the Legal Methods Program helps illuminate this blind spot in the traditional legal education. Again, David Rosenberg is responsible for the change.

Yet, the personal impact of David Rosenberg on the Harvard Law School is not defined solely in terms of the program which he has developed. In an institution which too often values scholarship over teaching ability, David has been a concerned and dedicated teacher.

To a school where often those who have never practiced law are charged with the education of those who someday will, David has brought a taste of the real world outside. All who have worked with him can attest to his creative energy and his enthusiasm for the law. To David's friends, there is nothing mysterious about his decision to return to the practice of law. The only mystery is how we have managed to keep him here so long.

During the past two years, I have often disagreed with David over Legal Methods and other programs, and I do not now mean to suggest that we should refrain from evaluating, and, where necessary, reforming the program he created. However, we should be careful not to overlook the enormous contribution which the imagination and drive of David Rosenberg have made at HLS. As a lawyer and a teacher, David has earned our respect and deserves our gratitude.

"Bandwagon" Oils Cast Wheels

(Continued from Page 13)

"Paint Your Bandwagon" (a tentative name, according to Cubitto) begins with Professor Cashner's unsuccessful battle against the new "case method" at Harvard Law School in the 1870's. Refusing to give up his advocacy of the old "lecture method," Cashner leaves for the territory of Calivada. Here, in the town of Dry Gulch, Cashner encounters former student Chokum, the ill-reputed hanging judge, now immune to a seating chart.

Aided by the timid sheriff, calculatingly appointed after the "untimely death" of his predecessor, Catastrophe Kate and her cousin Clementine, ex-wife of both the professor and the judge, and Celmentine's son Junior (a "Lord Fauntleroy" type), Cashner attempts to stifle the immoral politi-

cal campaign of Chokum. But Chokum is not alone. He is backed by Belle, owner of the Last Clear Chance Saloon and the "brains" behind the judge, and The Crisco Kidd, Junior's twin brother who went astray.

Cubitto commented that auditions would continue until tomorrow night. Rehearsals for the show will begin on January 21 with the opening of the show slated for March 13 in the Pound Multi-Purpose Room. The show will run for two weekends: March 13 through 16 and March 20 through 23.

The show is sponsored by the Harvard Law School Drama Society. Members of the society are those who have participated in the show for that calendar year. Non-law students are free

to participate in the show but may attain only associate membership in the society. President of the HLSDS is John E. Krzywicki, 3L, master electrician for the last two shows.

Cubitto opined that the show had the capacity of being a "very good experience" for law students, not only as onlookers in the audience but as participants in the show itself. The show specializes in "satirizing particularly the case method" but should also be enjoyable for non-law students, according to the producer.

At press time the show still lacked a conductor for the 15 piece enlarged orchestra. Four strings, four brass instruments, three reeds, piano, bass, drum, and guitar will be supplying the music for the voices of "Bandwagon."

Sports Answers

1. Joe DiMaggio
2. Eddie Miles
3. Jack Dempsey
4. Ted Williams
5. Clyde Turner
6. Jack Nicklaus
7. Walter Johnson
8. Luis Firpo
9. Tommy Heinrich
10. Lefty Gomez
11. Ewell Blackwell
12. Ili Nastase
13. Johnny Mussa
14. Luke Appling
15. Enos Slaughter

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