

HARVARD LAW RECORD

America's Oldest Law School Newspaper

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TWENTY CENTS

Bureau Seeks Altered Means For Selection

By Michael Bowen

The Harvard Legal Aid Bureau has offered to modify its selection policies in order to reduce the degree to which those policies disfavor white male applicants, according to information received by the *RECORD*.

The offer grew out of discussions with the Sander Committee, a faculty panel appointed last fall to investigate the Bureau's methods of choosing new members, and is expected to be presented by the committee to the Law School faculty later this month, with a recommendation that it be approved.

The proposal was narrowly approved by the Bureau's membership according to sources familiar with the committee's work. Bureau members had earlier indicated

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Faculty Passes New Grades; Written Work May Increase

By Patrick F. Kennedy

In three extended meetings conducted during the last six weeks the Law School faculty has moved toward comprehensive revision of the Law School's grading system and academic requirements.

Based on proposals made to the faculty by the Committee on Legal Education, tentative approval has been given to switch from the present numerical grading system to a nine category letter system. Tentative approval was also given to eliminate the practice of giving credit for failed courses and to establish new, stricter, minimum academic requirements to accompany the new grading system. These proposals will not become effective until the faculty gives approval to the new requirements as a whole; however, such approval is expected.

Among the other proposals made by the Committee on Legal Education which have not yet received faculty attention are plans to upgrade the Written Work Requirement from two to four credits and to increase degree requirements from 52 to 54 credits in the second and third years.

Opposition to the proposed changes was voiced by student representatives on the Committee on Legal Education and a minority of the faculty. Russell D. Goldsmith, 3L, a member of the committee, said afterwards that "in a range of areas the faculty is tightening the screws on students." To substantiate his claim Goldsmith cited the more stringent minimum academic requirements, the credit increase in the Written Work Requirement, and a proposal to give the Dean discretion

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Obledo Appointed Health and Welfare Head

By Phil Heagney

Three months ago Mario Obledo had never met Pat Brown, Jr. Today the former Law School teaching fellow is the new California governor's appointee to head the state Department of Health and Welfare.

Obledo accepted Brown's nomination in December and has already completed his move from the basement of Langdell to the state capital in Sacramento. Obledo had come to Harvard this past fall after a distinguished career of legal work in Texas and California.



Mario G. Obledo

Obledo will take over one of the largest government bureaucracies in the nation. In 1974, the Department of Health and Welfare spent \$8.7 billion, roughly 70% of the California state budget. Obledo noted that his department's spending exceeded the total budget of all but four states in 1974 and that Health and Welfare employs 50% of all the state employees in California.

The new Secretary said that he did not have a particular set of priorities with which to begin his

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Sacks Announces New Appointees

By Roger P. Evans

Dean Albert M. Sacks, in a January 28th memorandum to the faculty, has announced the appointment of one Assistant Professor of Law and eight Visiting Professors of Law for the academic year 1975-1976.

Sally Neely, a 1971 graduate of Stanford Law School, has been appointed as the Assistant Professor. Neely clerked for Judge Ozell M. Trask '34 of the U.S. Court of Appeals of the Ninth Circuit following graduation and has been an associate with the Phoenix, Arizona, firm of Lewis and Roca.

Appointed as Visiting Professors of Law are:

Allan Axelrod, Professor of Law at Rutgers Law School in Newark. Axelrod will be here for the fall semester and will teach *Commercial Law*. He is a 1948 graduate of Yale Law School.

Harry T. Edwards, Professor of Law at the University of Michigan. Edwards' appointment is for a full year. The 1965 Michigan Law graduate will teach *Labor Law*.

Jerome Kurtz '55, Lecturer at the University of Pennsylvania Law School. Kurtz's teaching duties will include *Taxation*. A Visiting Professor from Practice, he will be at Harvard throughout the year.

Gareth H. Jones, LL.M. '54, Downing Professor of Law at Trinity College, England. Jones will teach *Trusts and Restitution* during the fall semester.

Shinichiro Michida, sp. 1954-1955, Professor of Law at Kyoto University, Japan. Michida will teach *Japanese Law* halftime throughout the year.

Robert Pitofsky, Professor of Law at Georgetown Law Center. A 1954 Columbia Law School graduate, Pitofsky's teaching duties will include *Antitrust Law*. He will be at Harvard the entire year.

Jan P. Vetter, Professor of Law at Berkeley. Vetter, a 1962 UCLA Law School graduate, will teach *Civil Procedure* and *Labor Law* during the coming academic year.

Frank B. Vischer, Professor of Law at the University of Basel, Switzerland. Vischer will teach *Comparative Law* and *Private International Law* in the fall semester.

Neely will be one of four women on the Law School faculty next year. Elisabeth A. Owens is the only full Professor. Diane J. Lund serves as an Assistant Professor and Jeanne C. Kettleson is a Lecturer on Law. This year, Mary A. Glendon of Boston College Law School is a Visiting Professor of Law.

Edwards will bring to two the number of black Faculty members at the Law School during 1975-1976. Derrick A. Bell, Jr. is the lone full-time black professor.

Grade Change

(Continued from Page 1)

to raise the minimum passing grade on the Written Work Requirement to a B-.

Jeffrey F. Reiman, 2L, a member of the Law School Council, intimated after the meeting that the Council was opposed to some of the proposals and may attempt to organize opposition.

As tentatively approved the new grading system will not affect the classes of 1975 and 1976. For the class of 1977, all grades of B- or above will be reported by letters. Grades of C and below will be reported to the registrar numerically. Students who receive below a B- will receive a letter grade from the Registrar but will be able to receive number grades if they request to see their files. The reason for the complicated system is to enable the Registrar to determine whether a student has failed to maintain a 58 or 59 average. The committee has not yet made recommendations for the selection of Law Review candidates and the award of honors for the 1977 class.

The tentative approval from the faculty to eliminate credit for failed courses may have a far reaching effect. This change will prevent 3Ls who fail courses in the Spring from graduating if they do not otherwise have sufficient credits. Last Wednesday the faculty approved a proposal to entitle students who fail courses in the Fall of their third year to an opportunity to take a re-examination by May of the following Spring. The faculty voted down a proposal, however, to allow students who fail courses in the Spring to graduate nonetheless. This proposal would not affect present classes but would be applicable to the class of '78 and thereafter.

For the class of 1978 and thereafter all grades will be reported by letter grades.

HARVARD LAW RECORD

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Appel: Job Well Still 'Overflowing'

By Ricardo Hinojosa

The country's economic malaise does not seem to have affected the number of jobs available to Harvard Law School students, according to Law School Placement Director Eleanor R. Appel.

Referring to the number of jobs available, Appel told the RECORD this week that "the well still seems to be overflowing."

"This school sits on top of the iceberg and is going to be the last to experience any of the problems that some of the other schools are having," Appel commented. She did note that she has heard several students comment that they were taking jobs with employers who were their second choices. However, she added that her office does not really send out any questionnaire that would pick up such information.

The Placement Office has sent out job questionnaire cards to all 2Ls and 3Ls and all organizations, which conducted fall interviews at the Law School. Using the questionnaires which have been returned to date, Appel has compiled some preliminary figures of the number of students who have accepted jobs.

As of January 27, based on the returned questionnaires 339 3Ls have accepted jobs. This compares with last year's questionnaire in which 357 3Ls as of February 12th, 1974 had taken jobs. Using the same dates, the number of 2Ls who have accepted jobs for the summer is 327 as compared to 354 of last year's 2Ls.

Appel has also compiled a list of the number of Law School

students using the Placement Office facilities during the fall interview season. Out of 552 3Ls, 433 of them used the Law School facilities. This compares with last year's 3L figure of 483 out of 549. The lower number of 3Ls using the facilities Appel feels is "some indication that perhaps more students accepted jobs as a result of their summer clerkships because they were happy with their clerkships and they might have felt that jobs were scarce."

The number of 2Ls using the Law School's interviewing facilities remained fairly stable at 506 out of 520. Last year 511 2Ls took advantage of the Placement Office services.

This year the Law School's 2Ls and 3Ls scheduled 18,950 interviews with prospective employers. Appel stated this was fairly close to the number of interviews scheduled last year. Out of the over 18,000 interviews scheduled only about 10% were cancelled according to Appel.

The number of law firms, corporations, accounting firms, and government agencies which conducted interviews at the Law School this fall was 570. Appel cheerfully noted that this represents an increase from the 466 organizations which conducted interviews at the Law School in the fall of 1973. "Year after year the number of employers using this office has increased," Appel stated.

Commenting on student feelings about the Placement Office services this year, Appel stated that

students "were very reasonable, very understanding and by and large appreciative of our services. They were under the impression that jobs would be hard to find." But, Appel added, "students are very pleased and surprised that there are opportunities."

Asked if there had been an increase or decrease in the number of discrimination complaints lodged against interviewers at the Law School on sexual or racial grounds, Appel said "complaints were lower." She attributes this to several factors including her feeling that "employers themselves have to some extent become educated" and they now "know better than to ask stupid questions."

The number of 2Ls and 3Ls who have reregistered with the Placement Office seeking job opportunities in the spring is about the same this year as last year according to Appel. "Most of these students are directing their interest to special public interest areas" where opportunities are more likely to surface in the spring rather than in the fall.

Appel expressed a feeling that the interviewing season at the Law School this year had seemed a lot calmer. She feels this was due to the fact that much of the interviewing was conducted off-campus and this year there was no big "computer blow-up" to cause scheduling problems.

Appel also feels that this year students were "less concerned with competing for better jobs with their classmates, but were more interested in just getting a job." These factors combined to make the fall interviewing season "fairly pleasant and to run as smoothly as I have seen it," Appel commented. She quickly added, "we hope it runs more smoothly next year."

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PUBLICATION DATES

The Harvard Law Record will be published this semester on the following dates: January 31; February 7, 14, 28; March 7, 21, 28; April 18, 25; May 2.

Rhodes Scholarship Given to

By Frank E. Sisson

Melvin J. Reynolds, 1L, went into his first year exams with a bit of confidence-boosting ammunition none of his classmates had — the knowledge that he was a scholarship winner in the most recent round of the annual Rhodes competition.

As a result of his achievement, Reynolds will delay his entry into "2L-hood" by two years commencing next fall. The period will be devoted to the study of Jurisprudence at Oxford.



CWM

Melvin J. Reynolds, 1L, new Rhodes Scholar enjoys a lighthearted moment in Professor Kennedy's Contracts class.

While Reynolds is not alone among Law School students as a Rhodes scholar, others have for the most part won and studied under their scholarships before their entry here. An interview with Reynolds afforded the RECORD an opportunity to get a personal account of the procedure and rigors of the competition, 1974-style.

Somewhere in the 1L confusion of briefing and *Legal Methods* and classes, Reynolds found time to write the necessary essays to accompany the application and transcripts sent to the Illinois Rhodes Scholarship Selection Committee before the October deadline. On December 12, Reynolds received a letter inviting him to come to the Illinois finals.

Painfully sacrificing his last classes of the semester, Reynolds left for Chicago. On the evening of December 17, Reynolds met informally with the interviewing committee and his nine fellow contestants for the two Illinois represent-

ative slots. Reynolds classified Illinois as "one of the states that gets the most applicants;" thus, he had much respect for the other finalists, including a West Point company commander and a 1973 state finalist.

Reynolds described the 20 minute interview that he endured the next morning at the University Club in Chicago with apparent mild relief that it was behind him: "At the same time they're being very rough they try to maintain an air of friendliness."

Continual cut-offs of statements and a general attempt to see how the applicant would react under pressure were cited by Reynolds as disquieting elements of the interviews. The seating arrangements were similarly cool; Reynolds found himself on one side of a large round table faced by a "half-moon" of interviewers — five Rhodes scholars and a non-Rhodes chairman. Reynolds was asked about the Boston school situation ("if you were a law enforcement officer, what would you do?"), his athletic background (basketball), and his college major (philosophy).

Called back for a second interview that afternoon (not necessarily good, according to Reynolds), the 1L was faced with an even cooler facade. "There were no smiles this time," said Reynolds. Despite the increased pot shots, Reynolds continued to keep his cool: "I tried to discuss everything as if I were talking to a friend on campus somewhere." In this second interview Reynolds was questioned

about law school cases, one of the interviewers having graduated from Harvard.

One of two selected to represent the state, Reynolds remained in the competition for the four (of twelve district finalists) Great Lakes District scholarships. The district covers Illinois, Wisconsin, Minnesota, Indiana, Kentucky, and Ohio. Undergoing a similarly rigorous interview (though admitting that the state finals had been quantitatively rougher), Reynolds was selected by the district committee as one of the new Rhodes scholars.

The competition is generally open to unmarried male U.S. citizens between 18 and 24 who have at least attained junior status in college. The application summarizes the characteristics which a Rhodes scholar should embody: "In making appointments the Committees of Selection will have regard to the qualities laid down by Cecil Rhodes in that section of the Will in which he defined the type of Scholar he desired: literary and scholastic attainments; qualities of manhood, truthfulness, courage, devotion to duty, sympathy for protection of the weak, kindness, unselfishness, and fellowship; exhibition of moral force of character and of instincts to lead and to take an interest in his fellows; physical vigor, as shown by fondness for and success in sports."

Reynolds was President of the student body at the City College of Chicago, Mayfair Campus where he also attained distinction as a junior college all-American in basketball. As a 6'5" guard, Reynolds felt he could have seriously considered turning professional or at least transferring to a major basketball power after Mayfair. With 70 basketball offers greeting him from other colleges upon his graduation, Reynolds decided to exercise his academic scholarship to Yale instead. (Reynolds had also been offered an academic scholarship to Harvard).

"I really didn't like what basketball was doing to me," explained Reynolds. "I was beginning to take the game too seri-

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Illinois1L

ously — and that's all it is, a game." Reynolds had entertained thoughts of going into law since high school, and decided that Yale was his best path to this goal.

Reynolds returned to Illinois after his junior year at Yale where he started for the varsity. Originally planning to take the year off, he contracted "school fever" in August and enrolled in a substantial number of philosophy courses at the University of Illinois for the year, where he earned his undergraduate degree. His acceptance by Harvard Law School obviated his original plan to return to Yale to complete his writing requirement.

The former all-American conceded that today's Rhodes scholar is not always the rugged athletic star that once was the ideal of the selecting committees. But the high academic standards have been maintained. Reynolds commented that college sports have become so "professionalized" that varsity activity requires at least 14 hours a week and must necessarily cut into time available for academic improvement. His own experience at Yale entailed 12 hours per week of basketball practice, not including game and travel time.

Reynolds thus stressed that failure to have played on a varsity team is not an automatic bar to Rhodes scholarships, but added that the Committees are pleased when they encounter the traditional high caliber sports-academic achiever, perhaps typified by Reynolds.

Between now and hitting the road to Oxford, Reynolds will continue his less glamorous 1L endeavors and try to keep himself in shape by playing A-league intramural basketball. Hopefully Reynolds will be able to endure any hectic moments this spring when he may momentarily regret the decision he made three years ago not to pursue his Pro basketball ambitions. Reynolds may take solace in the fact that sitting on the "bench" will no longer be the result of atrophying athletic skills, but may be a culmination of the academic growth the scholarship award will fuel.

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BSA Free University Features Naval Knots to Yarn Courses

By Susan Gillette

Harvard Law School's first Free University is offering seven "courses" proposed by six students and one professor who are looking for people to join them in activities ranging from tying naval knots to untangling knitting yarn.

The Free University is a Board of Student Advisors project super-

Navigation".

Bryan took responsibility for planning the Free University because he advocates its "secondary effects". He views the project as "an attempt to bring members of the Law School community together in non-traditional roles so that they can appreciate each other as full people."



CWM

HLS students enroll in Free University courses outside the BSA office.

vised by Greyson L. Bryan, 2L, featuring solicited course proposals from students, staff and faculty.

Descriptions of courses are posted in the BSA office. They include: Beginning Needlework; Development of Individual Sexual Identity; Bread-Baking for Anyone; The Making of a Law School Film; Restitution II; Theories of the Nature of Time; and Elementary Seamanship and Beginning Sailing.

Some of the courses will involve instruction and some are planned as discussion groups. There will be no grades and no credit for any of the courses.

Bryan said more and different courses would have been offered if anyone had wanted to teach them.

The Free University was suggested to the BSA by visiting Professor George Cooper of Columbia University. Cooper was at HLS this fall and taught a non-credit course in "Celestial

"People you think are shallow have talents and skills and experience behind them," Bryan said. The Free University is designed to call on the "non-legal" abilities of the HLS community.

Also, people who are excessively occupied with legal studies and don't get to know others here may find the Free University is an "excuse to liberate them from their own restraint," Bryan suggested.

The RECORD asked Bryan why his name hadn't appeared on one of the sign-up sheets in the BSA office. He justified his non-participation by explaining that he plays volleyball for a Boston team in the New England AA league and must practice with his team twice a week.

Incidentally, last Saturday Bryan returned from a tournament in Brockton with a first place trophy, proving that his excuse is a good one.

Visiting Professor of Labor Law

By Bruce Kuehne

With the proper costume, David E. Feller '41 could pass for Santa Claus. Eyes twinkling, pipe generating dancing circles, Feller leans back in his Visiting Professor's chair and responds to questions with a warmth and sincerity one would hardly expect from a labor lawyer.



Visiting Professor David E. Feller '41 conducts Labor Law class.

Feller comes to the Law School from The University of California School of Law at Berkeley, where he teaches *Labor Law*, *Appellate Advocacy* and *Supreme Court Litigation*.

A former clerk to Supreme Court Chief Justice Fred M. Vinson, Feller has been a partner in three law firms, and is a member of the arbitration panels of the American Arbitration Association and the Federal Mediation and Conciliation Service. He is also director of the NAACP Legal Defense and Education Fund.

Feller claims that he went to law school "somewhat unhappily. I really wanted to be a theoretical economist. I went to law school to make a living." Graduating from Harvard in 1941, Feller went to the University of Chicago on a Bigelow Fellowship and taught a course in economics. It happened that the law school also needed someone to teach *Agency* and Feller was tapped for the job. He felt quite at

home since he had "always wanted to teach."

As for so many other young people at the time, the war deferred pleasant plans. "I graduated in 1941. The war started in December. Although I was originally rejected because of my poor eyesight, the Army finally scraped the bottom of the manpower barrel and called me in. So in the summer of '42 I went to

army camp carrying my blue books. They didn't have time to train us then and I was sent directly to Camp Ritchie, in the wilds of Maryland, as an M.P. A more unlikely M.P. you'd never want to see." Feller soon discovered the talents for negotiation and maneuver that were later to stand him well. "I soon discovered that Camp Ritchie was a military intelligence training center. I was totally inefficient as an M.P. and didn't like it, so I convinced the ophthalmologist that I had good enough eyesight to be a photo interpreter. Then I transferred into photo interpretation school.

"You think law school exams are tough, you should have seen the exams we had there. We'd go out stumbling around in the dark, hungry, tired, thirsty, freezing — and they'd give an examination right there. But I must say that I did well on those exams. Despite my poor eyesight, I became a very good photo interpreter."

Since Feller was trained to identify German military equipment, he expected to go to Europe. Instead, he was sent to the Pacific, where he was expected to identify Japanese equipment, about which he knew nothing. But it turned out to make no difference. "The jungles on the islands where we worked were so thick that you couldn't see the sky. As a result, the aerial photos revealed nothing but trees."

"But our talents ultimately paid off in an unforeseen way. We had no good maps of those islands at the time. What we did have were put together by observations and recollections of soldiers in the field. They were highly inaccurate. Since we had nothing to do in the photo interpretation unit, we had a morale problem. So I had the men make up rudimentary maps, using our tree-photos. This was in direct violation of the orders of my superior, whom I just ignored. Shortly after we started, we had a terrible accident. A neighboring division had booby-trapped a deserted town, while men from our division had gone out to reconnoiter another town. Our men were blown up by our own bombs. Because of the poor maps they had been using, the two units believed there were two towns, when they were in fact identical."

"After that, the need for accurate maps was emphasized and we became a map making unit, which we remained until the end of the war. My superior, the one who at first forbade us to make maps, got a silver star for organizing the unit, and I got a bronze star."

Feller returned to the United States after a short stay with the occupation forces in Japan and immediately set about finding a job.

"I was looking for something exciting in Washington, D.C. I finally got a job in the Alien Property Custodian Branch of the Justice Department which dealt with the property of aliens seized during the war. It was an extraordinarily talented group of people. In fact, I was the only one in the office who hadn't clerked for a Supreme Court Justice. Since we were a govern-

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Appears to be Most Happy Feller

ment office, we could afford to turn out a very high quality of work, even on cases whose monetary value would not have merited the effort if we were in private practice. My boss was very demanding. He insisted that our briefs reflect the highest degree of the craftsmanship. In effect, I spent two years learning to write a brief."

Feller's work at the Alien Property Custodian Branch put him in a position to take advantage of Vinson's need for a clerk. One of the people in the office who had clerked for Frankfurter wrote a letter of recommendation for him and he spent 1948 with the Supreme Court.

In 1949 the leader of the CIO hired Arthur Goldberg as general consul. Goldberg needed someone to write appellate briefs. Through another friend who had worked at the government office, Feller was put in touch with Goldberg and joined the CIO and the Steelworkers that year.

"Our job was one which no lawyer is likely to see again. We were handed the preamble to the CIO constitution with all its glorious words about freedom and the rights of man and told that we were the guardians of public interests. We were to watch the Supreme Court docket and write amicus briefs defending truth, beauty and justice. The emphasis, of course, was on labor law, but we got involved in all the civil rights cases, including *Brown v. Board of Education*. We also got involved in litigation involving labor unions. We would offer our services, often free of charge, to unions and often take over cases entirely when they reached the Supreme Court."

"The AFL and CIO merged in the middle fifties, and I was very heavily involved in those negotiations. After the merger, I worked as general counsel to the steel workers and industrial department of the AFL-CIO. We handled all the steelworker litigation. Again, we worked before the Supreme Court a lot, since we only took those cases which we felt would be useful in developing the law. We put a lot of stress on the pre-emption

cases to keep the states out of regulation of labor relations. I suppose one could say that we developed the law of the collective bargaining agreement."

Feller's dream job held out until 1963, when a new president was elected by the steel workers. Feller was then replaced as general counsel, though he stayed on with the AFL-CIO. But the "excitement" had gone out of the job. "I no longer had the steelworker cases. I became an ordinary lawyer." Feller had continued to retain his affinity for the academic world and decided to put out job feelers. An offer from Boalt Hall came in 1966 and Feller joined that faculty the next year.

Feller doesn't feel that his years of exposure to the sometimes hard world of labor law have altered his "liberal" views about labor and civil rights. He credits his mother, active in the Socialist Party in the 20's, as the source of his views. When he graduated from law school, he went with his mother to see the general counsel for the Socialist Party. "He told me to go to Wall Street and make a lot of money. Then I could afford to be a labor lawyer."

Feller stresses two aspects of labor law which distinguish it from other categories: the fact that it developed as private law rather than public and the enormous effect the law has on the worker's life.

"There's been no necessity to resort to the courts for enforcement," he says. "This is quite remarkable when you consider that in other countries the problems we've solved by negotiation have been settled only by the public law."

"The average citizen thinks of collective bargaining as a purely economic fight over pennies. But the process is much more than that and results in regulations which govern the worker's entire work life. Pay, holidays, conditions under which the worker will keep or lose his job, training, relief time, fringe benefits, sick pay — everything is covered by the agreement, including even the type of insurance the worker has when he dies.

"The process of negotiations is also very unlike that which the public imagines. A good

lawyer has to understand the problems both of labor and of the management, and try to maximize the benefits to both. The workers have interests and problems, but they can only be served and solved if the employer can remain in business. So the process, while adversarial in form, is often cooperative in fact. As a result of this, a lawyer may often find himself in a curious role reversal. He'll advocate a position pro forma and then be surprised when a stupid management accedes to the absurd demand. Then he'll have to go around and quietly tell the enemy that they don't really want to agree. If the result of the concession will be inefficient and expensive in the long run, it will eventually only deprive workers of jobs."

Feller seems to be as dedicated to teaching as he was to his other pursuits. He claims to enjoy it and finds that he never teaches the same course twice. Depending on students' reactions and questions, he finds himself going off in directions he didn't expect. He also imposes the extra burden of hearing his class twice. He records every session. "To find out what happened, whether I made any mistakes, whether I left any questions unanswered, whether things were brought up that are worth pursuing."

Despite the large number of people who take the *Labor Law* course, Feller notes that very few would practice it. It's tough to get a job, especially on labor's side. And he's "surprised" to find that most people still want to work for the unions. Feller does have some serious advice to prospective lawyers. "You can't plan your career in any meaningful sense. So much of it is pure dumb luck. But you can put yourself in a position to take advantages as they appear. You can become a good lawyer. Look for a job working with high quality lawyers where you'll be able to work under supervision and where people will tell you when you're doing something wrong. Then be ready to move from there."

Newspaper Elects New Officers

By Wallace Cleaver

After serving as editor-in-chief for the fifty-ninth volume of the Harvard Law School *RECORD*, Ricardo H. Hinojosa, 3L, stepped down from his office on December 17, 1974, and the *RECORD*'s Board of Directors elected Patrick F. Kennedy, 2L, editor-in-chief for volume sixty.

The Board also elected Frank E. Sisson, 2L, managing editor to fill the position left open by Kennedy's promotion. Sisson served as the associate editor of the paper in the Hinojosa regime.

Kenneth D. Nyman, 3L, retired as business manager of the *RECORD*, at the December 17th

Board meeting, and the Directors elected Steven S. Miller, 1L, and Steven R. Davidson, 1L, to take over Nyman's responsibilities. The Board gave the business managers a mandate to increase the amount of advertising in the paper.

In response to the strong interest shown in the *RECORD* by a number of first-year students, the Board also took action to amend its by-laws to increase its maximum membership from 15 to 25. Although any law student is eligible to work for the *RECORD* or to become an officer of the paper, only members of the Board of Directors are enfranchised to vote in *RECORD* elections. After expanding the size of the Board, the Directors

elected ten new members to their ranks including eight first-year students.

The new 1Ls include Roger P. Evans, Robert B. Leflar, Susan C. Gillette, Marilyn E. Murphy, Richard A. Briffault, John E. Polley, and Davidson and Miller, the business managers.

Commenting on his plans for volume 60 of the *RECORD*, Kennedy said that he hoped to open the paper up to a wider range of stories during the spring semester. He said that the *RECORD* would try to run a series of articles on Law School organizations which receive little regular publicity as well as comment on legal issues extending beyond the Law School environs. He said an effort would be made to encourage more students to submit articles for the Backbencher column, a feature which is intended to provide a forum for members of the Law School community.

Kennedy said the *RECORD* staff had been strengthened considerably during the fall semester due to the work of first-year students. The new editor-in-chief said that improvement of the paper depended to a large degree on increasing the size of the staff. "If we get more people we can expand the scope of our news coverage and investigative reporting," Kennedy noted. Kennedy said he hoped students or faculty members who wanted to work on the staff during the spring or who wanted to write particular stories or features would call him at 354-9878 or drop by Everett House on Tuesday evenings when the paper is put together.

Kennedy also announced that he was appointing Roger P. Evans, 1L, and Philip Heagney, 2L, assistant editors and that Hinojosa would take up a special position of senior editor. Evans, the first 1L editor in the long history of the paper, said that he would try to use his position to "muckrake a little." Kennedy was also pleased to note that Charlotte Renner, a special student, would return to the *RECORD* in the spring to resume her special editorial duties with the paper.



CWM

RECORD Staffers (left to right) Charlotte Renner, Frank Sisson, Roger Evans, Phil Heagney, Patrick Kennedy, and Steve Davidson take a brief respite from their journalistic duties.

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Legal Aid Bureau Proposes Revised Selection Procedures

(Continued from Page 1)

a strong preference for preserving the principle of affirmative action embodied in the selection procedures used last year.

The modified selection policy reportedly will reduce the quota prescribed for female members, tie the size of the quota to the number of women applying for Bureau membership, and change the manner in which the quota is filled. Women applicants would still, however, receive some preference. The quota for minority members was also reduced.

According to one draft of the proposed policy, 33% of the Bureau's selectees may be women if less than 30% of those applying for membership are women. If women represent 30% or more of the applicants, then 40% of those chosen may be women. The policy followed last spring called for 50% of the selectees to be women, regardless of the percentage of applicants who were women.

The Bureau positions initially open to 1L's this spring will be filled by random selection among all applicants, without discrimination on the basis of sex. If the prescribed quota for women is not met through this process, then additional female applicants will be chosen until the quota is filled, even if this means increasing the Bureau's total membership.

The Bureau will seek to have minority students represent at least 20% of those chosen, down from 25%, which was the minimum goal under the plan used last spring. Last year, the total number of minority students applying to the Bureau was less than 25% of the number of positions open.

Professor Frank E. A. Sander, chairman of the committee investigating the Bureau's selection policies, confirmed that the Legal Aid Bureau had made a proposal to his committee, but refused to discuss its details.

"They didn't say they'd go all

the way back to several years ago, when selection was on a purely honorary basis, but they did propose something," Sander said. He remarked that the proposal was still "in process," and said that he would not comment on its specifics until his committee had reported to the faculty "sometime in February."

Sander also confirmed that "the committee may be of more than one mind" on the proposal, depending on the form in which it is ultimately presented. "We have to see how it stands the test of written scrutiny," Sander commented.

Sources in a position to be informed about the committee's deliberations said the Bureau's proposal was probably acceptable to at least a majority of the committee, however, that the proposal might not be approved by the faculty unless the committee endorses it unanimously.

Sander indicated that the committee will take some position on the Legal Aid Bureau's proposal when it reports to the faculty. "Obviously we're going to make a recommendation," Sander said. "You don't need a faculty committee just to report to the faculty on what a student organization says."

Sander declined, however, to indicate what form the recommendation might take, or how the Law School faculty might react to it. "If the proposal is acceptable to us," Sander remarked, "we recommend that no action at all be taken. I don't know whether it will even come up for debate. What happens to it will be up to Al," referring to Law School Dean Albert M. Sacks.

The details of the Legal Aid Bureau's proposal could not be confirmed by any source who would speak for attribution. Members of the Bureau who were contacted by the *RECORD* refused to discuss the proposal at all, citing an instruction that Bureau members not speak about the matter with "members of the press."

Mario Obledo Leaves Harvard For New Post

(Continued from Page 1)

administration since all the Department's projects are addressed to "basic human problems and to immediate social needs." The Department includes divisions of Corrections, Youth Authority, Health, Welfare, Rehabilitation, and Employment.

Governor Brown had only met Obledo once before he asked him to accept his nomination to become head of the Department. "We only met for a few minutes in early November while he was still campaigning," Obledo said "and so he really didn't know me at all." He added that mutual friends had recommended his name to the Governor-elect and that Brown's offer took him completely by surprise.

"The first time he asked me about it I said I wouldn't take the job, but then I put myself in the Governor's shoes and realized that state government didn't have much of a chance if no one was willing to accept the headaches of public jobs." "I expect that our policies will come under constant criticism and political attacks," Obledo noted, "but this is one of the risks of the job."

Obledo noted that Governor Brown has been criticized in some quarters for bringing a number of "non-Californians" into his administration. The new secretary said that such complaints didn't disturb him since "most people who live in California probably weren't born there." In addition, Obledo had an active legal career in California for a number of years and was one of the founders of the California Rural Legal Assistance Project. During this period Obledo brought a number of suits against the Department he will now head especially in the areas of employment discrimination and prison litigation.

In addition to his interest in teaching and his desire to spend more time with his family, Obledo said that his first-year students at

(Continued on Page 15)

Tightening the Screws

In past editorials we have noted that the Written Work Requirement has been singularly ineffective in achieving its noble goals and hinted that those goals might be unrealistic in light of the administration of the program.

The current proposals pending before the faculty to increase the credit given for Written Work from two to four credits and to impose a B- as the minimum passing grade are based upon the supposition that the problem with the program is students do not take it seriously enough. The logic is that the more pressure brought to bear on the student, the better the result.

While we do not feel it worthwhile to comment on that "pressure principle" here, the point seems obvious to us that the result of the proposal will be to make the Written Work Requirement substantially more onerous without dealing with its conceptual difficulties. Except for a few short assignments in Legal Methods and the first year Ames brief, the Written Work Requirement is the only piece of legal writing required by the Law School. Not only is it irresponsible of the Law School to graduate students with such cursory practice in the basic legal skill of writing, but it is also unrealistic to expect a scholarly paper of "publishable quality" to emerge out of this isolated requirement.

If the Law School were willing to remedy this infirmity with a substantial functional advisement program involving drafts and possibly redrafts of the paper, the Written Work Requirement might work. If such was the case, we could understand the increase of credits from two to four. But there is no reason to increase the overall degree requirements. If the faculty desires that the student give the Written Work Requirement higher priority, they should be willing to lessen the other requirements they impose.

At Wednesday's meeting the faculty voted down a proposal that each student be entitled to two consultations with his or her advisor. Objection was heard that this requirement was "too mechanical." Instead, the faculty approved a resolution calling for "meaningful consultation." We recognize that the attempt to quantify the consultation was crude at best. Nevertheless, it would be desirable so that students would have a more tangible sense of their due. Furthermore, we venture to suggest that at least in part, the "two consultations" requirement was defeated because it was embarrassingly low.

Before upgrading the Written Work Requirement, the faculty should consider whether the objectives of the program are realistic in light of what they are willing to contribute to its success. In addition, they should consider the overall educational effect of the increased credit requirement. If they wish to take with one hand, they should be willing to give with the other.

HARVARD LAW RECORD

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Fenno

"Well," the 2L announced to Fenno, "I did it."

"Congratulations," Fenno responded with as much enthusiasm as he could generate. "What did you do?"

"I accepted an offer for next summer."

"That's funny, I thought the Justice Department wasn't making any offers until February 15, and I know Nader isn't hiring anyone until later in the second semester. How did you get an offer so soon?"

"Actually," the 2L said, a bit defensively, "I've decided not to work for either of them this summer."

"That's certainly a break for them," Fenno remarked, "but doesn't that sort of cut down the options for someone interested in public-interest law? What did you do, find a storefront law office somewhere that had enough money to pay someone a living wage?"

"To tell the truth, I thought I'd seek a more highly variegated professional experience so that I could make my ultimate career choice with a maximum store of background data."

"In other words, you sold out."

"You could put it that way," the 2L admitted.

"Wall Street?"

"Well, almost. LaSalle Street. I mean, you only sell out once in life; you've gotta grab for all the bucks you can."

"You mean that was what did it?" Fenno demanded. "Big bucks? An insignificant thing like being able to have two pairs of shoes and eating meat more than three times a week? You compromised your commitment to social justice and a better America for that?"

"No," the 2L protested earnestly, "it was more than that."

"Let me guess: it was either (1) a concrete commitment to the values represented by the adversary system, otherwise known as the 'as - long - as - I'm - going - to - be - a - hired - gun, - I - might - as - well - be - hired - by - people - who - are - solvent' theory; or, (2) a desire to accomplish real reform by using Wall Street as a stepping-stone to power and influence, also known as the 'it's - okay - to - be - a - revolutionary - but - there's - no - sense being - a - fanatic - about - it' theory; or, (3) a felt need to maximize your professional growth and development as a lawyer by joining a firm that handles large and important litigation, popularly known as the 'I - don't - care - about - the - money - but - boy - how - I - love - Rule - (12)(b)(6)' theory. Right?"

"It was really a little bit of all three. Also, they told me I could have my own office."

HARVARD LAW RECORD

Letters to the Editor of the RECORD

"It Doesn't Always Happen That Way"

To the Editor:

My friend and former classmate William Thaddeus Coleman, Jr. has been chosen by President Ford to be his Secretary of Transportation. A number of memories were evoked by this paragraph in the Associated Press story of January 14, 1975:

"A *cum laude* graduate of Harvard Law School in 1945, Coleman was chosen by Justice Felix Frankfurter as the first black law clerk in the history of the Supreme Court."

Bill sat beside me in Professor Thomas Reid Powell's Constitutional Law class in 1946 when he was getting his LL.M. Although he had led his class, I learned from a faculty member, none of the big New York firms, even the allegedly "liberal" ones, had a place for him because he was black.

When I told this to Stewart Grummon, a retired U.S. service officer I had met while hitchhiking to Washington, D.C. during the 1946 spring vacation, he suggested that Bill would be ideal as the first black law clerk for a Supreme Court Justice.

I brought the idea to the attention of my Conflicts professor, Paul Freund. He talked to Frankfurter who in due course appointed Bill as his law clerk.

Later Paul Freund told me what Frankfurter told him about Frankfurter's conversation with an old black who had been employed as a messenger by the Supreme Court for many years.

"Mr. Justice," the man said to Frankfurter upon encountering him in a Supreme Court corridor shortly after Bill had come to work as Frankfurter's clerk, "I want to thank you for appointing a black man as your law clerk."

Frankfurter said he told him, "I didn't appoint Mr. Coleman because he was black but because he was the best applicant for the job on the basis of ability and character."

"It doesn't always happen that way, Mr. Justice," the old man observed.

It doesn't happen that way nearly enough these days. Thanks to President Ford, in this respect anyway, and to others like him, we can say there has been a measure of progress, with all deliberate speed, in the last two decades.

Charles O. Porter '47 ('44)
Eugene, Oregon

Anti-Semitic Quip Disturbs Alumnus

To the Editor:

I have your issue of December 13, 1974 and I have seldom read such a letter as you
JANUARY 31, 1975

published on page 11 signed by Mr. Richard P. Sybert, 2L. I have yet to read a more egregious piece of snobbery (inverted) as indicated in this letter.

I am especially disturbed by the sentence, which I quote: "The place reeks of New York, and one wonders at times whether one is in the United States or the Russian Pale."

Mr. Sybert apparently seems to have a sharp grievance against people in New York and what his experience or background in that letter is, I don't know. But the quote is the greatest piece of anti-Semitism one could ever find. Perhaps this generation doesn't know it, but the Russian Pale was inhabited completely by Jews who could not move out of that area without the express permission from the Czar. We have almost that same condition today, perhaps much worse.

I suggest that Mr. Sybert take a lesson in letter writing and reserve his spites for other occasions.

David Berg '26
New York, New York

Responsible Voter Should Pay Taxes

To the Editor:

I have been meaning for some time to respond to the issues raised by the correspondents in the September 1974 RECORD with respect to voting registration. While current interest has lessened with the passage of the election, the fundamental moral and ethical issue raised has not diminished in importance.

A person who comes to Cambridge as a student may view himself in either one or two possible lights. Whichever one he takes, he owes a moral duty to act consistently with his position as he sees it.

If he sees himself as just passing through, he would not expect to be taxed as a resident, nor should he expect to exercise the resident's right of participating in governmental processes.

If he feels that he has become a resident entitled to participate in the political process, then he necessarily owes a moral duty to undertake the financial responsibility of a citizen to pay the taxes imposed on all residents for support of the governmental policies imposed by those whom he helped to elect.

To participate in the electoral process with the aim of increasing government expense while leaving others to pay the taxes which that intermeddling creates is morally irresponsible even if it may not be criminal.

The fact that Messrs. Sullivan and Wiley saw the only moral issue as being whether the leftist students whom they hoped to enroll are being "intimidated" and failed to see the issue of moral fraud confirms my impression that the so-called "post-Watergate morality" is just

another example of the leftist hypocrisy current in this country for the past thirty years.

In short, the student who does not feel enough a part of the Cambridge community to pay the taxes which its permanent inhabitants must pay has no business participating in the electoral process in ways designed to increase those taxes.

Franklin N. Cunningham '48
Boston, Massachusetts

Reviewer's Haste Spoiled Good Taste

To the Editor:

I would like to comment that the criticism levied against the "slow service" at Locke Ober's must have been made by a person who dropped in with little time to spare so that he had to constantly glance at his watch lest he be late for an appointment. If this was the case he should never have gone to Locke Ober's or any other fine restaurant.

Over the years since I graduated (and it was several years after I graduated before I could afford to go to Locke Ober's) I have found both the service and the food there to be absolutely unexcelled. However, they both should be savored.

Paul G. Gubbins '45
West Hartford, Connecticut

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.)

"Fb kgs wtagwsb se abghes fcz, fwuc
eqlwsgqz kgqb, cotgs uebh keorl seu ib rbd
eou ed kcbfwsa ueigkke, gsl wd uebh gqb
deosl ws kcbfwsa ueigkke, wu hbbth ue oh
ucgu hetbielz cgh ibbs pbqz kgqbrbhh."

(Solution on Page 16)

Sports Answers

1. Terry Dischinger, Schellhaase
2. (a) Ferdinand Lewis Alcindor, Jr.
(b) Walt Hazzard
(c) Warren Armstrong
(d) Don Smith
(e) Wally Jones
3. Maurice Stokes, Jack Twyman
4. Tom Heinsohn, Dave Cowens
5. Slater Martin
6. Hank Luisetti
7. Jim Kebs
8. Fred Schaus
9. Bob Cousy (1956-57) Oscar Robertson
10. Gene Conley

Letters

Mass. Reports Indicate Sordid Fenno Tree

To the Editor:

I follow with interest the columns of one Fenno and have wondered about the personality, if not the character, of one who tenaciously clings to your pages long beyond the customary staffer's tenure.

One often finds the answer to teasing questions quite by accident in pursuit of unrelated matters. Recently upon the page facing 125 Mass. 387, I found the first of several accounts of the forebears, undoubtedly, of your person Fenno. In retrospect, where else would one expect to find such a revelation?

One's general moral stance may be attributable to early domestic training. Elizabeth S. Fenno (134 Mass. 217) provided the occasion upon which Holmes, J. enunciated the rule that the extrajudicial statement "Oh dear, I feel weak!" is admissible to prove the fact of the speaker's weakness. Thus, was affirmed the conviction of Elizabeth S. for dispensing death by her services as an abortionist.

Fenno's facility with pointed remarks and uncanny ability to hit the mark must stem from tutelage at the hands of Henry M. This gentleman in 1878 escaped indictment for murder by cleverly contriving, instead, to assault one Hardy by means of a dangerous weapon, to wit, a pistol. Using what was then clearly a "new-fangled" percussion cap, the defendant Fenno "discharged the pistol at Hardy within effective range ... the bullets passing near the head of Hardy, so that he heard the whiz of one of them, but [with admirable prudence, fired] at such a distance that no assault could have been made upon him by striking him with the pistol itself." Gray, C. J. concluded that Fenno was properly indicted on the ground that one may assault with a pistol as well by firing as by bludgeoning. *Commonwealth v. Fenno*, 125 Mass. 387.

My inability to bring the genealogy of Fenno down to the present exemplar of that family line arises from the disappearance of Norman F. He, being a partner in the firm of Fenno & Homer, and, no less, a trustee, accepted payment of \$487.50 for one hundred shares of the Cincinnati, Sandusky and Cleveland Railroad Company. He "subsequently left the Commonwealth, being a defaulter" leaving his customer Wonson, his partner Homer, an overdrawn stock account and an assignee in bankruptcy. *Wonson v. Fenno*, 129 Mass. 405.

Thus stands revealed the true character of the antecedents of Fenno.

John M. Kahn '54
Boston, Massachusetts

Asexual Law Practice: Gender and Big Ears

To the Editor:

A Harvard alumnus keeps me supplied

with copies of your articles on women in the legal profession. In your issue of November 15, 1974, you included a number of quotes from lawyers who were speaking at Women's Law Day.

You quoted Nancy Gertner, speaking of her first courtroom appearance, as saying, "I didn't know whether there was a way of being me and being effective." She then went on to say that there are no role models for women to observe in a litigation setting. May I recommend to Miss Gertner and to my sisters, present and future, that the "role" of the lawyer, in or out of the courtroom setting, is neither male nor female. The best male lawyers and the best female lawyers are the best because they are better prepared and better mannered than others.

You also quoted Joan Enkmacher as saying that "macho routines" were sometimes necessary. If she means courage or aggression or firmness or "winging it", in the appropriate situations, I hope she doesn't really feel that women only imitate men in these regards.

Enkmacher was also quoted as asking "whether you are going to let your role as lawyer dictate your relationship to the women secretaries in your office." Is she suggesting that the relationship between lawyers and secretaries should differ because of sex differences in the lawyers? Why? Certainly the ideal attorney/supervisor or attorney/employer would have the same qualities, good or bad, regardless of sex. Should the female secretary's relationship with a female lawyer who is her supervisor differ from the relationship with a male supervisor? When a female lawyer supervises male lawyers, should her attitudes toward them be different than those she would have toward females?

If you wonder whether the writer has had any experience in these areas, please be advised that in addition to her private practice, she is the full-time Chief of the Civil Division of the Office of the Prosecuting Attorney in Montgomery County, Ohio. The other three lawyers in the Division are men. Before I was the Chief of the Civil Division, I tried criminal cases to both the court and to juries. Being self-conscious about being female is about as helpful in that situation as being self-conscious over having a large nose or big ears.

Lillian M. Kern
Dayton, Ohio

Law Notes

The Harvard Law School Forum will sponsor a speech by John McLucas, Secretary of the Air Force, on Thursday, February 13, 1975. McLucas will speak in the Pound Building, Room 101, at 8:00 p.m. A question and answer period will follow the talk. Admission is \$1.50.

* * * * *

Law students have been invited by the

American Bar Association to enter the 1975 Howard C. Schwab Memorial Award Essay Contest in Family Law. Prizes of \$500, \$300, and \$200 will be offered for the three best essays on any aspect of family law. Entries should be around 3,000 words and unpublished. Deadline for submission is April 15, 1975. Entry forms may be obtained from Howard C. Schwab Memorial Essay Contest, Section of Family Law, American Bar Association, 1155 E. 60th Street, Chicago, Ill. 60637.

* * * * *

A new column is being featured in the Boston Sunday Herald Advertiser. Titled "Student Viewpoint", the column runs in the Viewpoint section of the Sunday paper. Entries between 350-450 words on topical subjects ranging from international affairs to personal lifestyles should be submitted to "Student Viewpoint", Boston Sunday Herald Advertiser, 300 Harrison Avenue, Boston, Ma. 02106. A \$25 honorarium is offered. The author's address and telephone number should be included.

* * * * *

The ABA's Section of General Practice has published a brochure to aid law students in launching their professional careers. Entitled "How to Find the Courthouse", the 60-page pamphlet covers topics ranging from specialization to fee computation. Copies may be obtained for \$3 from the Circulation Department 6002, American Bar Center, 1155 East 60th Street, Chicago, Ill. 60637.

* * * * *

There is a new exhibit on view inside the entrance to the basement study area of Langdell Hall. Featured are four major American writers who are or were attorneys. Entitled "Lawyers Turned Literati", the exhibit includes Washing Irving, James Russell Lowell 1840, Archibald MacLeish '19, and Louis Auchincloss. The exhibit may be viewed until April 1.

* * * * *

The American University School of Law is holding its sixth summer session for U.S. law students at the University of Jerusalem from July 16 through August 22, 1975. Courses of study include "International Law of the Middle East Conflict" and "Comparative Law of Israel and the Arab Countries." Students will stay in dormitories at Hebrew University on Mount Scopus. The total cost for tuition, room and board, health services, and travel in Israel will be \$983. Arrangements for low cost transportation will be available. All classes will be in English. Write immediately to: Director, Law and Policy Institute Abroad, American University School of Law, 2139 Wisconsin Avenue, N.W., Washington, D.C. 20007.

HARVARD LAW RECORD

SPORTS QUIZ

Hot Complaints of Cool Rooms Lead to City Heat Pressure

It's Basketball Time:

1. During the early and mid-1960's, Purdue University produced two players who each led the Big Ten in scoring for more than one year. Name them.
2. Several NBA players and former players have chosen for religious reasons to change their names. Indicate the names by which the following players were known during their college careers:
 - A. Kareem Abdul Jabbar
 - b. Abdul Rahman
 - c. Warren Jabal
 - d. Abdul Aziz
 - e. Weli Jones
3. The Cincinatti Royals had a great rookie forward during the 1955-56 season. Unfortunately, his career was cut short by encephalitis. Name him and the teammate who became famous for his financial and emotional support of his friend.
4. Only two Boston Celtics have ever been the NBA's rookie of the year. Name them.
5. During the late 1950's, the Saint Louis Hawks battled the Celtics for control of the NBA. Their floor leader was a 5'8" guard. Name him.
6. This Stanford great is generally credited with popularizing the one-handed shot in basketball.
7. When Wilt Chamberlain led his Kansas team to the NCAA finals in 1957 he was defeated by a North Carolina team which was led by a hook shooting center who went on to a mediocre pro career. Name this hooker.
8. A very frustrated coach who is presently back in the college ranks is known for his ability to finish second. His teams have been second in NCAA tournaments and in the NBA playoffs. Name him (Hint, his second place NCAA finish was at West Virginia).
9. Only 2 guards have ever been the consensus MVP of the NBA. Name them.
10. During the late 1950's and early 1960's one ball player became famous by playing major league baseball and basketball. Although he was a mediocre performer in both sports he stuck for several years. Name him. (Hint, much of his basketball career was with the Celtics).

(Answers on Page 11)

The "new" Law School dormitories are always coolly impersonal, but the coming of winter made them coldly so.

Perhaps hardest hit was the fourth floor of Story Hall, reserved for women students. The floor has been characterized as the "tail end of the heating system" — the ninth building in a nine building heating chain.

In early November Gail E. Bowman, 1L, initiated what has become a well-fueled relationship between the floor and Vice Dean William L. Bruce. Bruce rebuffed the complaints of the "cold blooded women" and asked for concrete proof in the form of thermometer readings.

Buildings and grounds officials continually verified the fact that

the floor was even colder than the rest of the dormitory floors, with some readings in the crisp 50's. But correction action failed to follow ("It's not my job, man.")

Pamela R. Federman, 1L, returned from the holidays to find that she had to brave the January elements inside as well as outside the dorms. Hot under the collar, she placed a call to city health authorities who subsequently found the icy floor substandard. Overnight, the dorms became a virtual suana, as overzealous officials went overboard in compliance.

Temperatures have balanced since to an acceptable lukewarmth, but sudden cold fronts are still able to provide dorm students with less-than-warm memories of cooler times.



CWM

Brrrrr!

Institute of Politics

78 Mount Auburn St.
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Membership Selection
For The
Student Advisory Committee

The Student Advisory Committee of the Institute of Politics is selecting new members for the spring semester and for the 1975-1976 academic year. Harvard and Radcliffe undergraduates, as well as students at the graduate schools are eligible for membership. Application forms and information are presently available at the Institute (opposite Holyoke Center). There will be a general information meeting on Tuesday, January 14th, 8 p.m., at the Institute.

Applications Due
Wednesday, February 5
Noon

HLS Show Changes Name and Director

Rehearsals have begun for the Law School Show which received a new name and a new director earlier this month. The director, Victor Budnick, '74, completed auditions two weeks ago and last Sunday had his cast read through the tentative script which was previously entitled "Paint Your Bandwagon" but has been changed to "Shake a Legacy."

Many of the leads will be played by Law School students. William J. Wilkins, 1L, will play Professor A.J. Cashner, who leaves HLS for the Territory of Calivada where he becomes a dark horse candidate for governor. His opponent, the feared hanging judge of Blue Sky, Calivada, is Hiram Chokum, portrayed by John H.F. Enteman, 3L. Richard F. Hope, 3L, will play twins, the ornery Crisco Kid and the effete "Junior" Gaston. Nancy E. Holland, 3L, is Belle Bottom, a chateuse at the Last Chance Saloon.

Other HLS-related members of the cast are Loretta Comfort (Law spouse), Cathy Henry (Law spouse), Charles J. Janoff, 1L, Ann E. Morelli, 2L, Luella E. Nelson 2L, Richard W. Nenno, 2L, Ivan L. Orton, 1L, Sheila O'Shaughnessy, (BSA Secretary), and David B. Pittaway, 3L.

The producer of the show, Robert J. Cubitto, 2L, will be assisted by Ann T. Bailen, 2L, and Pittaway, among others. Head scriptwriter Chris Harding, who informed the RECORD that the plot was "brilliant," has led a team of writers which include William S. Strong, 1L, Scott C. Munson, 1L, and Robert E. Mack, 3L. The song-writing team of Harding and Hope, responsible for almost all of the toe-tapping ditties of last year's *Paper Waste*, are producing the score, with some help from Lee Emery (Law spouse).

The setting for the play is the Old West during the Grant Presidency. The plot revolves about a will which gives a share in a lucrative gold mine to Rose II of Abilene, a

cow belonging to the ranch girl Catastrophe Kate, and is resolved in a wild election campaign. Scenes include shoot-outs, saloon goings-on, and an historic recreation of Dean Christopher C. Langdell's introduction of the Socratic method at the Law School.

"Just because it's set in the Old West doesn't mean that

there isn't the usual quota of Law School jokes," stated Harding. Among the songs written for the show are the rollicking "It's a Tort" and the poignant "Hang 'Em Hi."

A number of Harvard Law School professors may appear in the production, but no firm commitment has been made as of yet.



K. Kent

Players of the World Stickball Association are preparing for their second season. Due to inclement weather, exhibition games are being played indoors.

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Burr: Reliving Times Past with Gore Vidal

By Charlotte Renner

The arrival of Gore Vidal's *Burr* during the fall of 1973 occasioned an uncharacteristic tumult in the pages of the New York Times. First there was Christopher Lehmann-Haupt's effusive approval of the novel as "entertainment." In the following October 28 Book Review, George Dangerfield criticised Vidal's decision to populate his fiction with historical figures, complaining that "History will always come breaking in." Finally, on the last page of the magazine, editor John Leonard chastised Dangerfield for preaching an antiquated lesson in fiction-writing, concluding "Not to read *Burr* is to cheat yourself of considerable charm, intelligence, and provocation."

Now that the critical fuss has abated, and the book is available in paperback form, *Burr's* value must be measured democratically — one reader, one vote. There are a number of good reasons for becoming a voter. As all critics have conceded, the book is enormously, even therapeutically, entertaining. At a time when most politicians appear to be rascals, or worse, Vidal offers a comforting thought: they always have been.

Secondly, the book is highly informative. The question, of course, is whether or not it is accurate. Vidal and John Leonard claim that it is: "Although the novel's viewpoint must be Burr's, the story told is history and not invention." And yet, the narrator of the story is not Burr, but a fictitious journalist named Charlie Schuyler. Schuyler, besides acting as Burr's biographer, also leads his own adventure-packed life. But the patchwork pattern of the narrative, which requires the reader to hop between the Revolutionary Era and the 1830's, might have been more satisfying if more had been made of Nineteenth Century politics, and less of Charlie's hapless love life.

Unlike Mr. Dangerfield, I found the memoirs of Aaron Burr (or, as Dangerfield calls him, Vidal-Burr) to be the most arresting parts of the

narrative. Vidal escapes the problem of verifying his historical data by placing it in the mouth of his most equivocal and provocative character. Thus Burr's view of our Revolutionary "heroes" can serve as a complement, rather than an absolute corrective, to what historians have told us. After all, Burr's characterization of Jefferson as "an amiable liar" is not Vidal's. And the portrait of Washington, for example, though certainly iconoclastic, appears to be founded on fact: "Although defective in grammar and spelling, owing to a poor education, the General was uncommonly shrewd . . . But then he had not spent fifteen years as a burgess in the Virginia Assembly without learning something of politics. Ultimately, I think, he must be judged as an excellent politician who had no gift for warfare. History, as usual, has got it all backward."

The famous duel with Hamilton is not simply related; it is re-lived. For the sake of "amusement," Colonel Burr escorts his young biographer to the scene of the crime and, casting poor Schuyler as Hamilton, proceeds to inhabit the past. It is difficult to understand why Vidal chose to envelope Burr's most notorious deed in a veil of psycho-drama. It may be that he wanted the reader to become a sudden eye-witness, deprived of Schuyler's mediating voice. But Schuyler's intrusion into the event blocks our view, and diverts attention from the heroic Burr. Or are we meant to see in Burr nothing more than a deranged old man?

During most of the novel, Burr is not a deranged old man. As a character as well as a narrator, Burr does much to win not only our sympathy but our belief. His trial for treason, which is a brilliant *tour de force* on the still-wagering battle between the Executive and Judicial branches forces the reader into a kind of silent jury duty. Despite the fact that we see the prosecution through Burr's eyes, our final verdict is not an easy one. Schuyler describes Burr's morality as "hardly worse than that of anyone else at the time, or now." But, given

Burr's picture of his own times, the statement remains ambiguous.

In the end, however, our "final verdict" on Aaron Burr is not as important as the decision-making process generated by his story. As Vidal-Burr so humorously demonstrates, it is on that process, on the credibility of political figures, and not on any immutable ideal, that our democracy was founded. In locating the true character of Aaron Burr, Vidal's reader is not only sharing the dilemma of the early American spectator; he is also preparing for scandals and elections to come. And while predicting the future can be scary, reliving the past, at least with Gore Vidal, can be a lot of fun.

Mario Obledo Departs HLS

(Continued from Page 9)

Harvard were one of the main reasons he initially declined Governor Brown's invitation. "I learned more from my students this year than I gave them," Obledo observed, "and I came to feel deeply about this school." "People told me that Harvard was an impersonal place, but I found the teaching fellows program stimulating and my colleagues very friendly. People here have been very kind to me."

Obledo felt that the Legal Methods Program gave first-year students a much needed introduction into the strategies and mechanics of lawyering. He added that until he received his new job he had been looking forward to working on improvements in the Legal Methods course he would have taught next fall.

Despite his enthusiasm for the Law School, Obledo said that he generally agreed with Professor Derrick A. Bell, Jr.'s criticisms of the School's hiring policies for faculty. "They've been making some good faith efforts," Obledo explained, "but it's hard to believe that more minority faculty members can't be recruited for a school of this caliber."

Sunday Brunches Worth Investigating

By Edward Haskell

The editors of the RECORD think that people want to know where they can go to eat their meals. My own opinion is that the whole project is a little off the wall since those people who are adventurous will go out and try new restaurants and everybody else will stay at home or buy a meal plan at Harkness. But if you're willing to read a restaurant column, I'll say what has to be said.

If you can only go out to eat once a week, I recommend Sunday morning brunch. Sunday, or at least a couple hours of it, should be a time of rest. Eating a late breakfast with a friend or two and reading the Sunday paper promotes this spirit better than almost anything except sleeping through the whole day. Sunday brunch is one of the very few civilized customs I've found in the East.

Jacks, at 952 Massachusetts Avenue, midway between Harvard and Central Squares, is known as a tolerable, but crowded, Cambridge nightspot. On Sunday morning, however, Jacks transforms itself into a quiet, almost abandoned, and extremely pleasant bar that serves brunch for \$2.25. The sign outside says that brunch begins at 1:00 p.m., the sign inside says that brunch begins at 12:30 p.m., and a friend of the

cook told me that they start serving at noon. In any case, they keep serving till 3:00 p.m.

One of Jacks' best features is that you don't have to decide what you want to eat because they only serve one thing, eggs benedict preceded by a large plate of fresh fruit. You do have to decide what you want to drink, however, since you get a Bloody Mary or other mixed drink of your choice with the basic price. You can also get orange juice, but neither coffee nor tea are available.

The food is good, the employees are friendly, the plants in the front window are well cared for, and the atmosphere is peaceful.

The S&S Delicatessen, at 1334 Cambridge Street, in Inman Square, is a little more crowded and a little more commercial than Jacks. But it offers a generous variety of well-prepared breakfast dishes and is also a good-spirited place. The Legal Sweet Shop is half a block away, and another rule of Sunday brunch is that you can eat whatever you feel hungry for no matter what time of day it happens to be.

Another option is the Shanghai, at 21 Hudson Street, in Boston's

Chinatown, which serves Chinese brunch both Saturday and Sunday beginning at 11:30 a.m. I don't remember the names of the things on the menu, but at least three-fourths of them are good to excellent. Avoid the sweet bean curd soup and the sweet wine rice, and be sure to order some cruellers and also the two dishes which come with eight pieces per plate.

Readers are invited to respond to Mr. Haskell's restaurant column with further suggestions.



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