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TWENTY CENTS

Faculty Voices Mixed Reaction To Edelin Trial

By Frank E. Sisson

While the trial of Dr. Kenneth C. Edelin rages on in Boston, members of the Law School faculty willing to express their views to the RECORD have been generally critical of the prosecution of the City Hospital physician for manslaughter of an aborted fetus.

Professor Alan M. Dershowitz suggested that "absent a statute, the prosecution is absolutely inconsistent with the Supreme Court's opinion" in *Roe v. Wade* (1973). While state regulation of late-term abortions is proper according to *Roe*, Dershowitz stressed the need

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Law Council Calls Meeting On Written Work Proposal

By Susan Gillette

The Law School Council has called an open meeting of the student body to discuss proposed changes in the Written Work Requirement before the faculty considers those proposals.

Council members decided this week to hold a forum at 1:30 p.m. or Wednesday, February 12, in the Harkness Commons dining area. All students attending will be allowed to express their views on recommendations about the writing requirement which were approved by the Committee on Legal Education last week.

The Council also voted this week to recommend to the faculty a pass-fail grading system for 3Ls and a restructuring of the first year class. The recommendations are based on ideas submitted to the Council by Jeffrey F. Reimann, 2L.

Reimann wants to give 3Ls the option of being graded under a nine-tier system presently used or under a pass-fail system. He also wants to break each first-year section into classes of 35 members for instruction in one of the first year requirements.

Walter Lee Jones, 3L, council president, proposed the open meeting on the Written Work Requirement. He said the Council needs to learn student opinions about the proposals before they receive faculty consideration.

Lincoln's Inn Seeks Relief From Receding Numbers

By Michael Bowen

What can you say about a 67-year old eating club that's conducting a membership drive? That it's "a good place for aspiring lawyers to take their meals"? Clark M. Byse, Bussey Professor of Law, could say that, and did. That "it is worthy of substantial support"? David Westfall, HLS professor of law, has offered that assessment. That it "can make life at the Harvard Law School . . . more humane"? Associate Dean Paul M. Bator will swear that it can.

That "there are a lot of people who don't really know what it's like and think that they do"? That's what Jerome E. Raymond, 2L, the

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Lincoln's Inn on a snowy morning earlier this week.

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Otherwise, the Council will not have the support it needs in order to attend that meeting "in presence and in force," Jones said.

The Council particularly wants 1Ls to attend its forum. They are the first class which would be affected by the proposed revisions in the writing requirement. The Committee on Legal Education recommended that the minimum grade be increased to a B- and that four credits, rather than two, be given for the work.

Despite the fact that the changes will not affect second and third year students, the Council urged them to attend as well. Students who have had experience with the writing requirement in its present form should also be available to contribute to the discussion.

Mark L. Perlis, 1L, a student member of the committee, said the

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New President Makes Plans, Promises "Activist" Council

By Susan Gillette

The Law School Council hasn't taken part in faculty decision-making here during the last five months. But the faculty, despite its resistance, will be "seeing and hearing a lot" of the Council in 1975, its president pledged in an interview last week.

Walter Lee Jones, 3L, promised that the Council is "student-oriented" and will be an "activist" organization this semester.

He made no apologies for the Council's silence last semester. "Before it could be effective, we had to organize ourselves into a more effective unit," Jones said.

Meeting weekly from September through December, the Council appointed students to faculty committees, named students to attend general faculty meetings, and increased its membership by adding representatives from eight student organizations.

Jones believes the Council is now ready to move toward a series of goals which concern changes in the academic programs and the facilities for social life here.

Jones cautioned that sweeping successes shouldn't be expected because the Council has "no power to effect change." Other Council members contacted last week doubted that the Council would accomplish any of its objectives.

Outlining Council plans, Jones said the most important project is the publication of a book of resumés of law firms interviewing at the Law School. The book would be distributed to 2Ls and 3Ls and would be financed primarily by the firms.

The Council will urge the faculty to re-institute pass-fail courses. Jones doesn't expect that change to be made this year, however.

He was more optimistic about Council proposals to make the

Harkness Commons more of a "student center." The Hark is "not being utilized efficiently," Jones asserted. He noted that it does not provide recreation facilities for students nor possess a desirable "atmosphere."

Jones suggested that the Hark might be utilized for an all-night "study hall" which the Council will try to establish this semester.

Many of Jones' plans for the Council indicate concern about the life-styles of law students. He believes the Council and the Law School can do much more to ease the "burden of adjustment" experienced by 1Ls. One plan he proposes is an "open house" for incoming students. It would be a mechanism to supply information about housing, textbooks and assignments.

Jones realizes that many of the changes desired by the Council won't be made without a lot of persuasion directed at faculty members.

The Council has "no power to effect change" directly, Jones said, and its "broad advisory powers" are resisted by the faculty.

Faculty members "don't want to deal with the Council" and "don't want any interference," according to Jones. He criticized the faculty for having "little concern for the impact their actions are having on students." The Council appoints students to most of the standing faculty committees, but these students have no "advisory power" because "most of the committees don't function," Jones said.

He accused the faculty of attempts to "undermine" the Council since its creation in 1971 by refusing to accept the Council as "representatives" of the students. It has been suggested to Jones that the Council poll the whole student body on any issue before expressing student opinions.

Dorm Council To Cut Back Friday Mixers

By Beth Emery

Dorm Council mixers are the latest victims of the economic crisis and will dwindle from six to two this semester according to newly elected Dorm Council President Thomas L. Burroughs, 1L.

The Council will sponsor second semester mixers on February 28 and March 14.

Burroughs, a Collinsville, Illinois 1L, said low profits from last semester's mixers prompted the cut in numbers. The council made approximately \$1300 on the first three mixers, only \$86 on October 25, and lost \$77 on the two November mixers, he added.

Burroughs took office at a dinner meeting and election on February 3. Others elected were John E. Polley, of Indianapolis, Indiana, 1L, vice-president; Richard W. Bowers, of Scottsdale, Arizona, 2L, secretary; Gary Smith, of Annandale, Virginia, 2L, treasurer; and Gary M. Nelson, Wayzata, Minn., 2L, comptroller.

Burroughs said those activities now scheduled were planned by outgoing officers. The new officers will add more council activities for the spring term, he said.

Upcoming events include special movies such as tonight and Saturday night showings of "Paper Chase"; the double feature, "Hush, Hush, Sweet Charlotte," and "What Ever Happened to Baby Jane?" on February 22; and the original "Phantom of the Opera" on March 8.

Among activities the board now has underway are getting the broken pinball machine replaced, and organizing an intramural volleyball league to play outdoors this spring, Burroughs said.

"Dorm Council is here to provide services for students," Burroughs said, "and we're constantly looking for new things to do."

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Center Makes Copious Copies

By Ricardo Hinojosa

In 1973-74 it printed 2,977,365 recorded impressions. What is it? No, it's not the Gideon's printing press, it's the Law School's Distribution Center.

The Distribution Center, which is located in the basement of the Pound Building, has been in existence since Pound was opened. It serves as the printing press and distribution point for Law School teaching materials not to be found in book stores.

According to Administrative Assistant to the Vice-Dean Elizabeth T. Stout, before the Pound Building was built the Center "started out as two separate things." There were separate xeroxing and printing operations which were not conducted at the same location. All xeroxed course materials were distributed at tables in the tunnel and it was a "mess" until the Center was opened.

The Center, which has an annual budget in the neighborhood of \$150,000, is financed mostly through fee charges to students. Every student is charged \$15 for miscellaneous and multilithed materials on the registration term bill to help finance the center.

In addition to the basic fee, a charge is also made for each course and seminar in which materials are distributed. According to Trudy Porter, who along with Zena Jones, George Lund and Frank Carter, comprises the Distribution Center's permanent staff, the added charge occurs only when the distributed materials are in the neighborhood of over 100 pages.

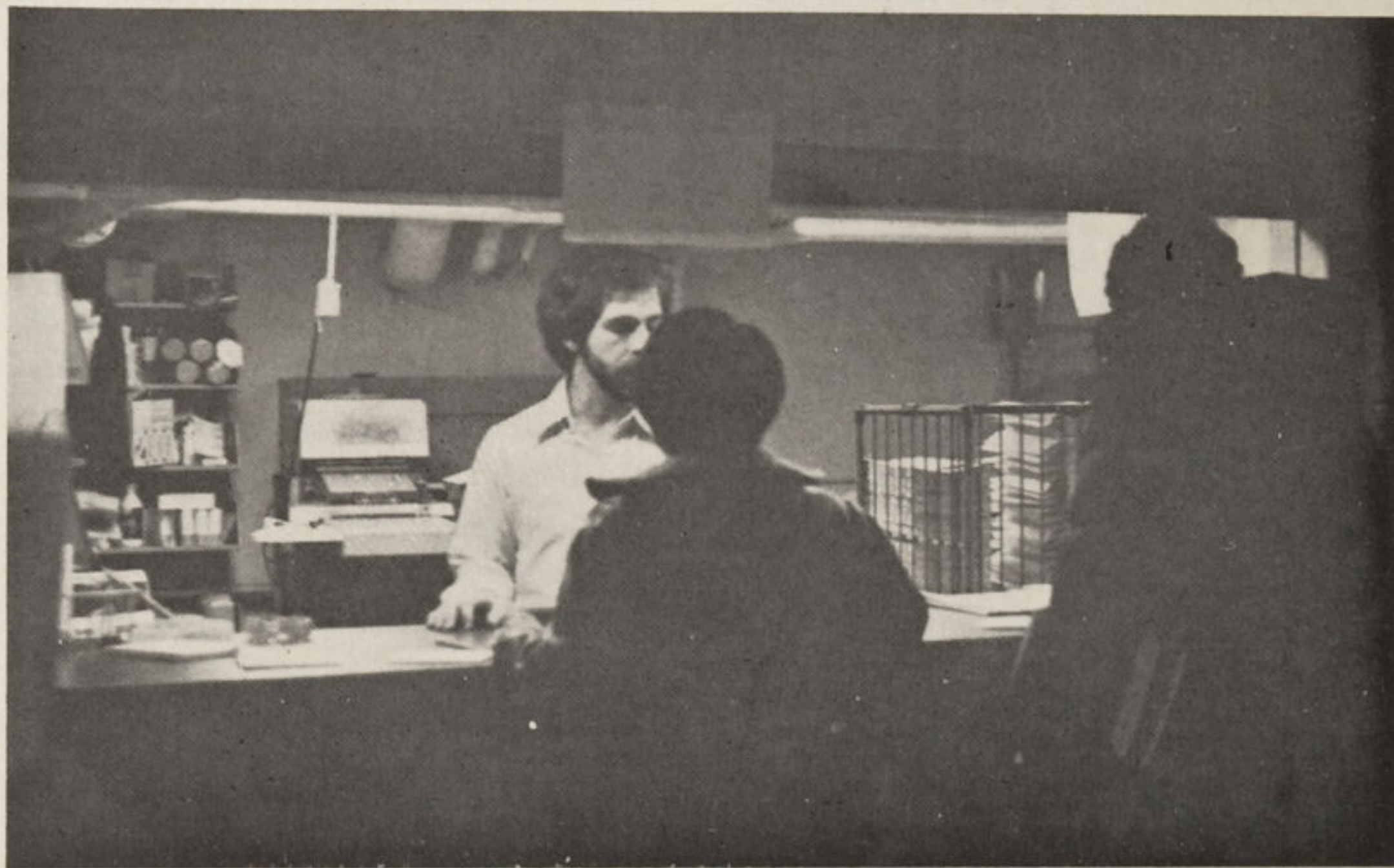
As of January 1, 1975, the fee charged to students for multilithed materials will be 2.275c/page. According to Stout the previous fee of 2c/page had to be upped because of the increase in supply costs. As an example she cited the increase in the price of paper in recent years. In August 1972 paper was bought for the Distribution Center at \$.83/ream (500 pages) whereas this month it was costing \$1.90/ream.

Although students are charged

for printed materials of over 100 pages, there is a limit to the amount which can be charged. The maximum charge has been set at \$35 per course per semester, or, when a student must purchase a casebook, \$30 less the cost of book per semester or \$50 per year for a year course.

courses distributed 300 or more pages per student. Of these 81, 61 distributed 500 pages or more, 41 distributed 400 or more, 17 distributed 1100 or more, and the most distributed in any course was 2171 per student.

As for the costs per course there was a small drop in the



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The Distribution Center in the basement of Pound — no paper shortage here.

This extra charge represents a hefty chunk of the money used to finance the Distribution Center. For the school year 1973-74 students were charged over \$71,000 on their term bills for course materials. This figure is above the \$15 set fee which all students pay.

The number of Professors using the Distribution Center as a conduit for course materials appears to be rising. In 1972-73, 70 courses distributed 300 or more pages per student. Of these 70, 52 distributed 500 pages or more, 32 distributed 700 or more, 15 distributed 1100 or more, and the most distributed in any course was 1874 per student.

The Law School keeps a list of the amount it costs to print the materials for each course. Of the 70 courses using the Center in 1972-73, 35 cost over \$1,000, while of these 35, 6 cost over \$3,000. The most expensive printing cost for a course was \$3,930.

The rise in the use of the Center is evident when the 1973-74 figures are compared. In 1973-74, 81

amount of courses in which printing the materials cost the Distribution Center over \$1000 to produce. Of the 81 courses using the center in 1973-74, 33 cost over \$1,000 and 6 out of these cost over \$3,000.

Comparable figures for 1974-75 will not be compiled until later this year.

There are some courses this year, as in previous years, that are making extensive use of the Law School Distribution Center's services. *The Law of International Trade* taught by Professor Harold J. Berman this semester has multilithed materials totalling 1174 pages per student. *Advanced Constitutional Law: The First Amendment* taught by Visiting Professor Nathan Lewin last semester had multilithed materials which totalled 3438 pages per student. The cost of reproducing the materials for this course was \$9,991.95 and may have set an all-time record for printing costs for one course. The fee charged to each student in this course was \$33.25.

(Continued on Page 7)

ABA/LSD Initiates Job Service

By Patrick F. Kennedy

A computerized job-search service has been initiated as a pilot project of the Law Student Division of the American Bar Association. The program, which is entitled *Juriscan*, was set in motion about a month ago to unite graduating law students with prospective employers who still have positions available for the Fall of 1975.

Employers, to whom the service is provided free of charge, will receive a computer list of fifteen students who are suitable employment prospects. Law Students, who must pay five dollars to participate, will receive up to five matches. Upon receiving a match, students are instructed to forward a cover letter and resumé to the prospective employer. The service is only available to members of the Law Student Division of the American Bar Association. Membership costs five dollars.

The program will match ap-

plicants and employers on the basis of: type of employer, fields of law practice, geographic location, size of urban area, size of legal staff, applicant's concentration in law school, applicant's skills and experiences, applicant's foreign language skills, college major, level of degree, etc. Conspicuously absent from matching criterion are grades, class standing, and law school attended. The express purpose of the *Juriscan* system is to de-emphasize such criterion.

Some of the questions put to law students in the *Juriscan* application are complex and ambiguous. Under the section entitled "Student Skills and Experience, for example, possibilities listed for student selection include: accounting, business management, journalism, legal aid, public relations, significant legal research, and significant legal writing. There are 28 possible skills — but only five spaces on the application. A student must decide whether he has the particular skill;

and whether its listing would be strategic.

Applications to enroll in the *Juriscan* system were included in the January issues of the American Bar Association Journal and the Student Lawyer. A description of the venture accompanied the application.

As the founders of the *Juriscan* program admit, *Juriscan* is a pilot project. But they asserted that the inefficiencies involved in the current job-search procedure of mass applications and interviews demand a system be devised to help employers find applicants possessing desired qualification without having to wade through a deluge of applications.

Potential problems with the *Juriscan* system have been suggested. One major problem foreseen is employer acceptance. *Juriscan* attempts to bypass this obstacle by providing free and non-coercive service to employers. It is hoped this will guarantee a trial run.

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Recession Boosts Environmental Law Work

By Tom Trauger

The current bustle in the Environmental Law Society (ELS) office may offer inspiration for persons believing that the environmental cause has been wholly sacrificed to the lions of "energy" and "the economy." One team of ELS members is preparing for upcoming hearings on the controversial location of the JFK Library and Museum. And the Society has attracted 24 1Ls to work on its four Ames Alternatives projects.

Through these and other ELS projects, law students provide a variety of legal services for environmentally concerned clients. The Society functions mainly as a clearinghouse which matches requests from organizations outside the Law School with the interests of students.

As the society's reputation expands, requests for legal assistance far exceed the present resources of ELS. The result is that students with initiative find virtually unlimited opportunities for responsibility and involvement, either individually or as members of teams. Nearly all of the Society's \$2500 budget is used to support these projects.

Several controversies are being researched by Ames participants: a New York planning commission challenging Federal Power Commission construction of electric power lines to Canada; Vermont conservationists seeking to preserve rural beauty along scenic highway Rt. 7; EPA water pollution control standards under attack from the Environmental Defense Fund; and a citizens group trying to restrict noisy sightseeing flights over Cape Cod National Seashore.

Students working on these projects often contribute directly to their client's case. Last year the Ames brief of Frank L. Andrews 2L, Roberta L. Fisher 2L, Chris M. Bennett 2L, and Jack J. McMahon 2L, concerning air pollution control in Colorado, was incorporated into the State's brief and was submitted to the US Supreme Court, which ruled in their favor in the case.

Employment opportunities are a potential side benefit for

ELS members. As an outgrowth of their Ames projects, Wayne F. Foster 2L, worked last summer for the Conservation Society of Southern Vermont and Henry M. Beck 2L, for the Connecticut Department of Environmental Protection. Robert J. Rauch, 3L, spent the summer as Special Assistant to the Deputy Administrator of EPA and Bruce A. Wolk, 3L, worked for the Environmental Defense Fund.

In addition to handling projects in attorney-client relationships, ELS also played an independent advocate's role. Lawrence E. Strickland 2L, Thomas R. Lundquist 1L and Vicki R. Hastie 1L, have been working with Harvard University professors and Cambridge neighborhood groups to develop a response to the recent environmental impact statement for the proposed JFK Library and Museum near Harvard Square. Serious concern has been raised

about the inadequate attention being given to the negative impact of the proposal.

Within the Law School, ELS is educationally oriented. The Society proposed curriculum changes to strengthen the environmental law offerings last December, and faculty response is being invited. Under the leadership of Rauch, the Society sponsored a weekly joint seminar with the Kennedy School of Government this past Fall on environmental policy-making. Speakers included Deputy Administrator of EPA, John R. Quarles, '61, and former Massport director Edward King.

The Society has an office in the basement of Langdell West, and its bulletin board reveals the variety of clients seeking help from ELS members. Typical letters include requests from the Massachusetts Attorney General's Office, the National

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Environmental Law Society workers map strategy for environmental protection.

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Knapp Rejects Authoritarian Role In

By Bruce Kuehne

"My father was a lawyer, but if he ever steered me into it, he did it very artfully. I was never aware of it. Actually, I started in college as a music major, but graduated in government. I used to write music and play the piano for college productions, as well as make sets and other backstage work. Originally, I intended to do that for a living. But

Knapp did well and the dean suggested on graduation that he consider a teaching post. But he was eager to go into private practice. He started out in taxation, at his firm's suggestion, but shortly decided that it was not for him. Shifting into the general corporate department, he specialized in theatrical law. This seemed to suit his background. "I enjoyed practice

But today he thinks of himself "more as a teacher than a lawyer" and has never regretted his decision.

Knapp is teaching *Contracts* and *Commercial Transactions* here. *Contracts* was his first class at NYU as well. Despite his satisfaction with the job, he found himself continually more disenchanted with the case method. "My mental image of the case method was not what I found in the casebooks. I envisioned it as a problem and analysis approach. The casebooks seem to encourage the student to look at the law as a body of rules embodied in individual cases."

Knapp therefor set to work developing his own materials, which focused primarily on the process of solving problems, using the cases as sources. His objective was to make *Contracts* classes as much like the practice of law as he could. He feels that the technique helps give a context which makes the solutions to problems important to students. Though the course is "harder to teach" than with a normal casebook, Knapp finds that the students like the method.

"One of the advantages of this approach is that a well-drafted problem has several potential solutions. By contrast, first-year students are apt to see the court's decision as the only "right" one under the case method. The better the problem is, the more de-emphasized is the professor's fount-of-wisdom role. The student's opinion is as potentially correct as the professor's. I see my function as helping students see the various ways the problem might be solved and helping them resolve it as a court might."

Knapp rejects the authoritarian role of the teacher for a more cooperative version. "I prefer to have people in the class who are engaged and interested in what's going on. You just can't do that if they're afraid or feel that you're a combatant." Knapp's opinion of the quality of education law students receive today is that it's "better than when he attended law school," but still leaves a lot

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Visiting Professor Charles L. Knapp discusses a problem in *Commercial Transactions* with Tony Webb, 2L.

it finally dawned on me that there were lots of people who could do those things decently. I realized that I was foolish to believe that I could support myself in the theater. Since my father was a lawyer, it was a natural shift into law."

After graduating from Denison University in 1960, Visiting Professor Charles L. Knapp spent a year on a Rotary Foundation Fellowship in Sydney, Australia. Since the seasons there are different than in the United States, Knapp returned home in the middle of the American academic year. New York University admitted students in mid-year and he was anxious to start school immediately. He was also drawn to New York by that fascination which has afflicted so many other midwesterners in search of the eternally open option. "It was partly a function of growing up in the 40's when big city life seemed glamorous and partly my interest in music and the theater."

very much on a day to day basis. The department was small — about eight or ten people. So we had the closeness normally associated with a small practice. And the work was very pleasant. It was a good example of what private practice at its best can be."

"But something about it, or me, just wasn't right. Maybe I wasn't emotionally involved. Or maybe I'm not disputatious enough to enjoy litigation. In a class, you have the opportunity to discuss a case on its merits, not because of your client's interest in the outcome. I guess private practice sometimes demands that a person enjoy combat for its own sake."

Emboldened by his previous offer, Knapp approached the dean of NYU in 1964 and asked if he was still interested. He was, and a second career was begun. Knapp found it "scary" at first. "It was a gamble; I'd never taught anyone anything before and I wasn't sure I'd like it."

Favor of Cooperation

to be desired. Although he's taught at three law schools (he was also a Visiting Professor at the University of Arizona) he finds that none have made any attempt to guide him as an educator.

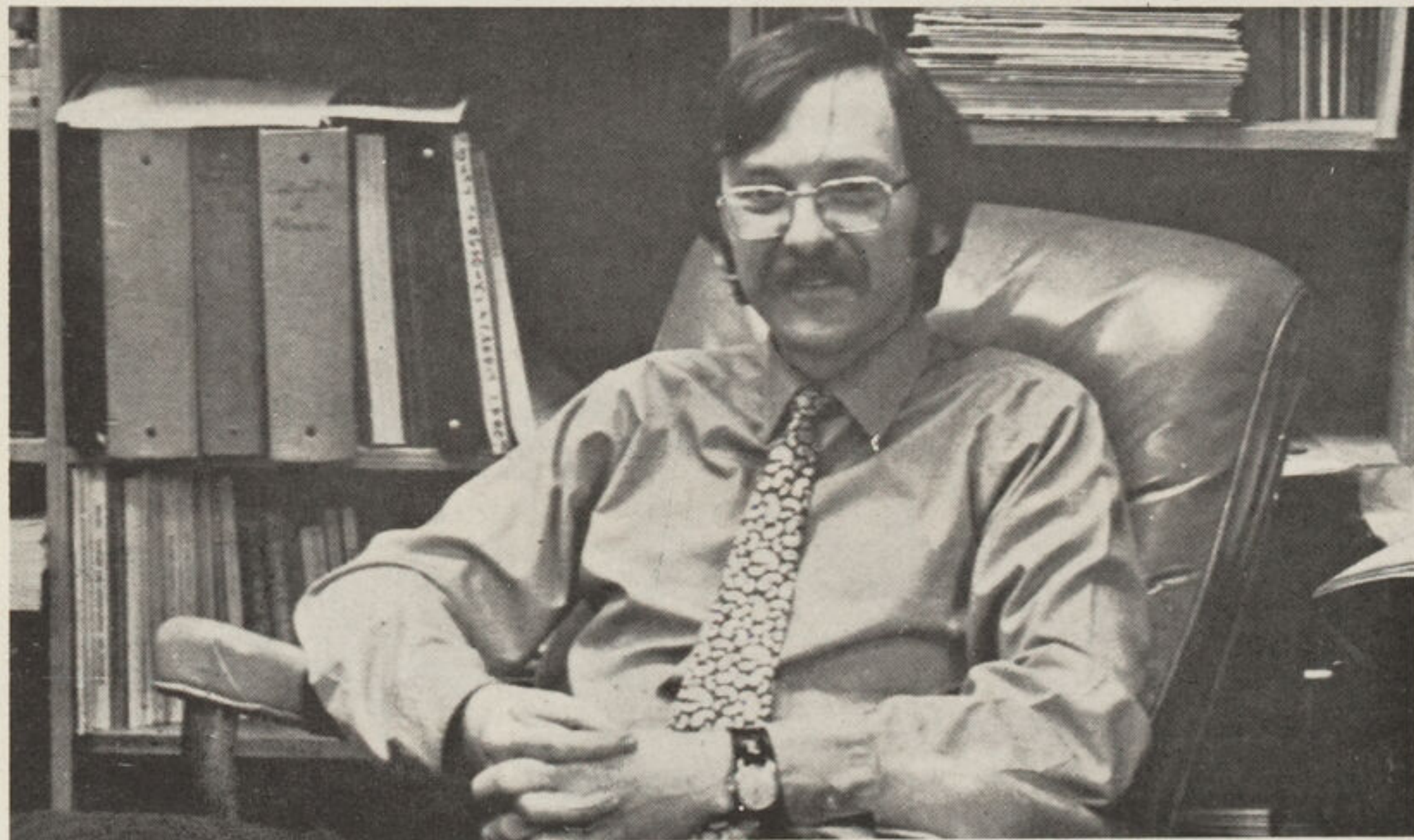
"It may be the result of the inflated opinion we lawyers have of ourselves. We presume that we can teach because we know something about the law. That's just not true." He feels that a lot could be done to improve the quality of teaching, including encouraging new teachers to sit in on classes of the better teachers, offering teachers detailed feedback on their techniques and encouraging visitation among teachers generally.

Lawyers are a paradoxical sort, in that many of them don't believe in the utility of long term planning. Knapp is no exception. "I have no long term goals other than longevity. So many things happen by chance that I'm distrustful of the usefulness of or the necessity for long term planning. After all, lawyers are at the mercy of the

discrimination. He developed an interest in the subject in the late 60's when he was on a New York Bar Association committee studying proposed federal legislation aimed at sex discrimination.

"That was before the subject was very fashionable. My subcommittee advised against the adoption of the legislation and I concurred at the time. But the research I had done awakened my interest and I pursued the subject later. I discovered that I had been wrong." The article leaves little doubt of that: "Judges are not entitled to the luxury of shielding themselves behind ... community attitudes.... A Judge whose opinions on important questions of public policy reflect nothing more than his private estimate of public majority opinion is engaging in journalism, not jurisprudence." (at 747)

This is Knapp's first exposure to Cambridge, except for a time he "got lost trying to pass through the town several years ago." But he finds living here "very attractive."



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Visiting Professor Knapp in his office.

market. There's some shaping of your future, but you really can't control it. I suppose that's one of the attractive features of teaching. We're largely beyond external control after we're tenured. We can do what's interesting and beneficial, either for ourselves or the school or society."

One of the activities of which Knapp is "somewhat proud" is an extremely interesting article (46 *NYU Law Review* 675) on sex

He also finds the physical facilities at the school excellent. He does find that the relationship between faculty and students at Harvard is "perhaps more distant and formal" than at NYU, though the classes are about the same size. He's enjoyed working with the students so far, but added cryptically at the end of the interview, "Thanks for not asking me whether Harvard students are brighter than those at other schools."

HLS Center — Copious Copies Are Distributed

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In 1973-74 some of the courses which had the largest amount of multilithed handouts were: *Criminal Law* (2171 pages), Professor Allan M. Dershowitz; *Law of International Trade* (1462 pages), Berman; and *Legislative Process* (1436 pages), Professors Richard B. Stewart and Stanley S. Surrey.

When asked if students made any comments concerning the Distribution Center when picking up their course materials, Porter, who has worked at the Center for nine years, said most of the students seemed to be satisfied with the service provided in the Center. She said "most of the troubles" that do develop occur when a Professor announces that materials are available at the Center before they have been sent there for printing.

Stout, who agrees that most students don't complain about the service said that some students do complain "all the time, constantly" about the cost. She stated the most oft repeated complaint is "Why do I have to pay for this stuff? It was garbage!"

ELS Activities Are Fueled Up By Recession

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Wildlife Federation, and the Wild Horse Organized Assistance Project (WHOA). The Society also keeps a schedule of the activities of the Appalachian Mountain Club and sponsors some weekend trips of its own.

In spite of an apparent decline in national fervor about environmental problems, the Environmental Law Society has continued to provide Law School students with the opportunity to gain practical legal experience and to become involved in timely issues as part of an enthusiastic organization.



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Faculty Voices Mixed View Of Edelin Manslaughter Trial

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for statutory standards. Common law criminal prosecutions were not what the Supreme Court had in mind. Dershowitz added that the manslaughter prosecution is "ridiculous — not fair warning" to individuals such as Edelin reading *Roe* for guidance.

"Political processes have not decided to protect the human being" represented by the fetus, according to Dershowitz; in order to force physicians to use "extraordinary efforts" to save the aborted fetus, a specific statute must be passed.

Professor Lloyd L. Weinreb stated "The Edelin case is in fact the surfacing of a more general and long-contested issue about the performance of abortion at Boston City Hospital." Weinreb, through a City Hospital source, confirmed the fact that that particular hospital, one of the few *public* facilities locally available for abortions, has been traditionally resistant to the operation's performance. Weinreb opined that such a case would not have arisen in a hospital without a controversy-provoking background.

Weinreb identified a lurking issue to be whether those unable to afford private hospitals will be able to obtain abortions: "At stake is whether the constitutional decision is going to be implemented across the board, or whether it be a matter of wealth."

Dr. Alan A. Stone has personally observed premature births during his medical training, including a one year pediatric internship at Yale. "The problem is serious, but to approach the problem by putting the doctor on trial is not the right way to do it," stated Stone. "Why isn't the mother on trial? If Dr. Edelin is being accused of manslaughter, surely the woman who came to him and asked that he do it should be on trial."

Stone quarreled not only with the prosecution's theory, but with the tests that have been preferred to determine the viability of the unborn child. The suggestion that the fetus is "alive" when it can draw

breath is "not very persuasive" to Stone. "There is no question that for a while the brain is functioning whether the creature takes a breath or not."

Stone would reject both the breathing test and the Supreme Court's 24 to 26 week old viability standard, and would instead measure the chance of survival of a fetus by its weight; a fetus under 750 grams would be highly unlikely to survive outside the mother. The *Edelin* fetus has been approximated at 500 grams.

Stone added: "It is upsetting to me that it is a black doctor operating on a black patient being tried in a predominantly Catholic jurisdiction."

Visiting Professor Nathan Lewin expressed a feeling that the prosecution was "unwise" though as "more of an instinctive reaction than an analytical appraisal of the facts." Lewin's criticism of the case rested more upon the failure of the prosecution to arm itself with sufficient evidence than upon inconsistency with Supreme Court standards. Lewin foresees a jury instruction which will require a finding that the age of the fetus met the Supreme Court "time frame" allowing fuller state regulation during the final trimester of pregnancy to protect both the potential life involved and the more endangered mother.

Professor Andrew L. Kaufman also denied the existence of inconsistency with *Roe*. Kaufman stressed the importance of the viability issue—the state should be able to protect the life of an 8½ old fetus, and the problem is how far to extend this protection. Manslaughter prosecution is consistent with the Supreme Court's approval of late-term state regulation.

Kaufman did have some doubts on the attempted equation of ability to breath with ability to live. "It is questionable that the two are equivalent." Kaufman suggested that with the advance of science, viability will be reached at an earlier time, but that the flexibility of the *Roe* dicta is such that the 24 to 26 week test can be modified.

63 3Ls Face \$10 Surprise; Delay at Fault

By Roger P. Evans

Sixty-three members of the class of '75 were surprised to find an extra \$10.00 charge on their January term bill. Better than one in ten members of the 3L class were assessed the fine for late selection of a topic and advising professor for their written work requirement.

According to Registrar Mary D. Upton, notice of the due date was given "in three different places", including the Law School catalog. Upton had previously thought that students were informed about the fine in this fall's HLS Advisers. However, further investigation by her office has shown that the charge was not mentioned.

Upton attributed the large number of students who failed to register on time to the "change in procedure" instituted by the Registrar's Office "to more evenly distribute students among professors." This registration modification requires that students sign up for Professors directly through the registrar instead of "begging on doorsteps" as in previous years, noted Upton. A later check by Upton revealed, however, that this year the number of students fined is actually two less than last year, when 65 3Ls anted up 10 dollars apiece.

In a conversation with Charles W. Maurer, 3L, Upton called the fine analogous to a charge levied on those who are late in changing courses. Maurer stated that he is "surprised that they administered a fine without giving any notice; they give notice about all the other fines at the Law School." He added that it would be very "decent" if the Law School were to refund the \$10.00 assessment.

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Vox Populi

The Law School Council has called a meeting to discuss the proposed revisions of the Written Work Requirement pending before the faculty. We urge students to attend.

The proposed changes have been defended on the ground that they will not require a student to do any more work than is presently demanded. We think such a view is either unrealistic or disingenuous.

The stated purpose of the change is to give the Written Work more weight in the determination of academic honors without requiring students to do more work to fulfill the requirement.

We believe it is unrealistic not to expect students will readjust their work priorities in light of the change. If students are concerned about their grades, and we must assume that they are, then they doubtlessly employ some kind of cost-benefit calculus. Students who currently expend what they conceive to be two credits of effort on the Written Work Requirement will now respond with four credits of effort.

Although some faculty members may support the proposal for the reasons stated above, it is our opinion that many members of the faculty will support the proposal primarily to force some students, whom they consider to be lax, into taking the requirement more seriously. If such is the case, then clearly their purpose is to require some students to do more work.

Despite the fact that the proposal will pressure students to devote more time to the Written Work Requirement, the Committee on Legal Education has recommended that student course obligations should remain at the same level — necessitating an overall increase in the degree requirement. Consequently, despite assurances to the contrary, we believe the effect of the proposals will be to increase the work load in the second and third years.

Student opinion on the Law School campus lacks a clear voice. Neither the Law School Council, nor the students on faculty committees, nor the RECORD, can truly represent student opinion. Yet all three in the present case have expressed concern that the faculty is making substantive degree requirement alterations under the guise of mere procedural changes.

The meeting being held on Wednesday in the Harkness Commons has been arranged to enable the Law School Council to accurately and forcefully present the student view on these issues to the faculty. Although the proposed changes will not affect present second and third year students, nevertheless we urge all students to attend and take part in the discussion.

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Fenno

"Well," Fenno said as the 2L reverently withdrew a cream-colored envelope from his mailbox, "how did you enjoy your first week as a putative corporate whore?"

The 2L opened the envelope and read the letter inside before replying.

"It's beginning to feel better and better," he said. "This is the letter confirming my firm's offer for this summer and my acceptance. It has a nice, heavy, solid feeling — it tends to increase one's sense of assurance, if you know what I mean."

"That's really something," Fenno remarked: "From the Pepsi Generation to the Metrecal-for-Lunch-Bunch in less than a week."

He took the letter the 2L offered him.

"It has a heavy solid feeling all right," he said. "They must have used half a tree making the paper. I'm surprised they didn't have to send it parcel post."

"I think you're being a little bit hard on them," the 2L observed rather defensively. "I mean, we must never forget: it is a *law firm* we are construing."

"I don't think you'll be able to marshal many arguments on that premise," Fenno rejoined. "But I'm glad you realize the kind of outfit you're getting involved with. Aren't you afraid that working for a firm is going to put some constraints on your life-style?"

"No, I was very careful about that. They told me I could wear blue jeans on Sundays and alternate Wednesday nights, as long as I wasn't working."

"Great," Fenno commented.

"Also, they'll let me keep my 'boycott Gallo' poster in my apartment as long as I put my refrigerator in front of it and keep my mouth shut about it anytime I'm within forty feet of a client."

Fenno tried unsuccessfully to conceal his distaste. "They seem to combine the respect for freedom of thought of the SDS with the intellectual courage of the Harvard Law Forum," he remarked. "What other wonderful things are they going to let you do?"

"Well," the 2L said, "they have a new visitation program under which I can have dates every other Friday night, as long as I'm caught up on my memo's. Moreover, I won't really have to worry about my social life because the firm takes care of everything. We play softball together and pitch horseshoes together and ride the elevator together. I think it's going to be a real communal experience, just like being in a family or a study group."

"Have you figured out how to break all this to your friends from your days as a campus revolutionary?"

"Yes I have. I've decided to put it in terms they can appreciate: 'I'm in the belly of the pig — and the bacon sure tastes good.'"

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.)

"Wbi ciorymim chxw pl g viuxwi gvig
oxyrm bgai fiil ciriowim fn Rylm jxv pwc
gmaglwgkic gc g viuxwi vilmiq-axyc pl
sbpob wx oxlmyow gl prrpopw rxai gjjgpv.
Wbi uglliv pl sbpob wbi ogvc sivi hgvdim,
wbi cwgwi xj hgvwpgr mpcbgfprri pl sbpob
wbi fxmpic sivi jxylm, wbi jgow wbgw Rylm
bgm mpaicwim bpucirj xj bpc ylpjxvu . . .
gvi grr opvoyucwgloic jvxu sbpob wbi wvpiv
xj jgowc upkbw bgai vigcxlgfrn oxlorymim
wbgw bi bgm ipwbiv gfglmxlm xv miapg-
wim jvxu bpc mywn. . . Rylm, sbpri
gowplk pl wbi coxhi xj bpc iuhrxnulw sgc
hivupwwim wx mvpai wx pcxrgwim chxwc
sbivi kgui apxrgwxvc upkbw fi jxylm. Pw
sgc g ugwwiv xj mpcoviwpxl spwb bpu sbiw-
biv xv lxw gw cyob wpui bi oxlaivwim wbi
ogv plwx g fim glm crihw.

Wbivi fiplk g obxpoi fiwsiil wsx pljiviloic
vigcxlgfrn mimyowpfri jvxu wbi iapmiloi, si
ogllxw cgn wbgw wbi Oxuupccpxl gowim
spwbxyw xv pl ieoice xj pwc hxsivc xv wbgw
pwc jplmplkc xj jgow [wbgw Rylm sgc
dprrim pl wbi rpli xj mywn] sivi ylvigcxlgfri.

(Solution on Page 12)

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
FEBRUARY 7, 1975

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 Court-house**", 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.

SPORTS QUIZ

1. The United States is in the throes of another Davis Cup slump similar to the 1964 through 1967 period. Name the participants in the U.S. victory in 1963.

2. Baseball season is just around the corner and Floridian tales of rookie phenoms will soon be flying. Three present major league managers are former National League rookies of the year. Name them.

3. During the late 1940s and early 1950's the college basketball world was rocked by betting scandals. One team affected was Kentucky's fabulous five. Suspended for life was a star guard, whose younger brother later became a standout on the professional golf circuit. Name this guard.

4. Johnny Miller has won both the Phoenix and Tucson Opens in 1974 and 1975. In 1973, a different golfer won these back to back tournaments. Name him.

5. A present starting center in the N.B.A., who stands 6' 11" started his career as a forward which gave his original team the tallest regular front line ever. Name this veteran star center.

6. Name the school where Lefty Driesell coached before coming to Maryland.

7. Marquette has had three big star men jump to the pros prior to graduation in the past few years. Name them.

8. Earl Averill was recently selected by the Old Timers Committee for the Hall of Fame. An outstanding hitter, Averill is best remembered for an incident in which he accidentally injured another star. Describe this incident.

9. The Sullivan Award was recently awarded to a track man. Name this award winner.

10. The 1971 Super Bowl was won by Baltimore on a last minute field goal by a little known wide receiver. Name this former Colt kicker.

(Answers on Page 12)

Air Force Secretary McLucas To Deliver Speech for Forum

Dr. John L. McLucas, Secretary of the Air Force, will speak at the Law School on Thursday, February 13th in Pound 101 at 8 p.m. Admission will be \$1.50. The address is being sponsored by the Harvard Law School Forum.

McLucas became Secretary of the Air Force on July 19, 1973. He had been Acting Secretary of the Air Force since May 15, 1973, and Under Secretary of the Air Force since March 1969. Prior to his appointment as Under Secretary, he was president and chief executive officer of MITRE Corporation.

McLucas' first governmental office was as Deputy of Defense Research and Engineering (Tactical Warfare Programs) for the Department of Defense in 1962. Two years later he was appointed Assistant Secretary

General for Scientific Affairs at NATO Headquarters in Paris, France.

McLucas is the author of numerous scientific articles and the holder of ten United States patents.



Secretary of the Air Force, John L. McLucas, will speak at the Law School on Thursday, February 12th at 8 p.m.

CWM

Solution to "Cryptic Law"

217 P.2d 992 (1950).
Commission, 97 Cal. App. 2d 380,
State Employees' Retirement Sys-
tem v. Industrial Accident

unreasonable.
was killed in the line of duty] were
that its findings of fact [that Lund
without or in excess of its powers or
say that the Commission acted
ble from the evidence, we cannot
two inferences reasonably deducti-
"There being a choice between
and slept.

"The secluded spot in a remote
area could have been selected by
Lund for its advantages as a remote
rendez-vous in which to conduct an
illicit love affair. The manner in
which the cars were parked, the
state of partial dishabille in which
the bodies were found, the fact that
Lund had divested himself of his
uniform ... are all circumstances
from which the trier of facts might
have reasonably concluded that he
had either abandoned or deviated
from his duty.... Lund, while acting
in the scope of his employment was
permitted to drive to isolated spots
where game violators might be
found. It was a matter of discretion
with him whether or not at such
time he converted the car into a bed
and slept.

Sports Answers

1. Chuck McKinley, Dennis Ralston
2. Alvin Dark, 1948 Boston Braves; Bill Virdon, 1955 St. Louis Cardinals; Frank Robinson, 1956 Cincinnati Reds
3. Ralph Beard
4. Bruce Crampton
5. Nate Thurmond (The center was Wilt Chamberlain.)
6. Davidson
7. Jim Chones, Larry McNeil, Maurice Lucas
8. In an All-Star Game, Averill broke Dizzy Dean's toe with a line drive. Attempting to return too quickly, Dean developed arm trouble and never regained his prior effectiveness.
9. Rick Wohlhuter
10. Jim O'Brien

Council Meeting Seeks Opinions On Written Work

(Continued from Page 1)

proposals were "not very seriously thought out and debated by the committee," but would come under "much more discussion" at the faculty meeting.

According to Perlis, the faculty committee views the credit increase as "purely symbolic." The change was made in order to give the requirement more weight in the computation of grades to determine graduation honors.

The change is not conceived as requiring "a doubling of time or a doubling of effort or even a minute increase in the amount of work" required of students, Perlis explained.

Council members asserted that the changes would provide "justification" for professors who make "excessive demands" for the writing requirement and will indicate to all faculty and students that the requirement is "more important than it is commonly thought to be."

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Eckstein Evaluates Economy of China

By Rob Leflar

Professor Alexander Eckstein of the University of Michigan, speaking January 29 at the East Asian Legal Studies Center, evaluated the economic performance of the People's Republic of China since the Revolution as "impressive" and in many ways "spectacular."

Eckstein, who visited China for a month at the end of 1972, said that by any of four standards of economic performance—stability, growth, income distribution, or efficiency—the Chinese accomplishments have been remarkable when compared with the experiences of other developing nations, advanced capitalist countries, or the Soviet Union.

China probably ranks ahead of all other nations, according to Eckstein, from the standpoint of economic stability, defined as full employment without inflation. Aside from the mass migrations of exuberant young Red Guards throughout the country during the Cultural Revolution of the late 1960's, China has seen very little open unemployment for two decades, though there is a significant degree of underemployment.

Inflation, too, is under control in China. Nor is there much of the "repressed inflation" which expresses itself in other controlled economies in the form of shortages of goods. "One gets the impression that 'repressed inflation' is more

limited than in, say, the Soviet Union, where there are always shortages," said Eckstein. "I never saw any long queues in China when I was there."

Eckstein hypothesized three theories to explain the Chinese economy's strength. Labor is more abundant than in the U.S.S.R., so there are fewer upward wage pressures. Greater social control is exercised by the Communist Party in China than in the Soviet Union, which damps down Chinese consumer aspirations. And the Chinese have pursued more orthodox fiscal and monetary policies than the Russians. "A leading Chinese monetary authority told me their policy was a balanced budget, with a slight Treasury surplus," recounted Eckstein. "They're really much more conservative economists than Milton Friedman."

China's growth in agricultural output since the Revolution has only marginally outpaced population growth, Eckstein added. Industrial growth, however, averaging 8-12% a year over the last two decades, has been high by any standards.

The Chinese performance from the viewpoint of income distribution has likewise been impressive,

Eckstein pointed out. Though material incentives are by no means abolished—wage differentials run as high as twenty to one—the rationing of housing and necessities, and the very high price tags on luxuries, enforce an egalitarianism of consumption. Egalitarianism is further reinforced by the structure of collective services.

China has been relatively successful, according to Eckstein, in reconciling centralized control with economic efficiency. Unlike the Soviets, the Chinese planners do not assert extensive control over details at the local level, but do exercise strict supervision of investment and budgets through which they can indirectly control other economic activities.

Eckstein also analyzed the recent Chinese cancellation of grain contracts with American concerns. He said that China's good harvests in the past two years rendered the American grain unnecessary to rebuild China's stocks, that China was cutting back the expansion of exports in the face of balance of payments problems, and that the cancellation was probably a "political needle" to spur the U.S. toward full diplomatic relations.

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University Wine Quiz #1

1. Which Country produces the most wine?
2. What grape variety is used in making Red Burgundies?
3. Name a recent vintage in Germany widely acclaimed for its excellence?
4. Where is there a store that has a great selection of California wines?

For the answers, see next week's quiz or, come to the answer of question #4.

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Dennis Shaul, Fellow of the Institute of Politics, and formerly Director of the Ohio Department of Commerce

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David A. Stockman, Fellow of the Institute of Politics, and Executive Director of the House Republican Conference

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Michael Harrington, U.S. Congressman, 6th Congressional District of Massachusetts; Member, Government Operations Committee, Foreign Affairs Committee

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Neil Staebler, Fellow of the Institute of Politics, Member of the Democratic National Committee, and Member of the Democratic Charter Commission; former Democratic State Chairman of Michigan and former Member of the U.S. House of Representatives

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William Spring, Director, Boston University Regional Institute on Employment, Training and Labor Market Policy

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Herbert Levin, Fellow of the Harvard Center for International Affairs; U.S. Foreign Service Officer; formerly State Department Deputy Director for Japanese Affairs, NSC Staff Member, and Political Officer in U.S. Embassies

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Edward R.F. Sheehan, Fellow at the Harvard Center for International Affairs; journalist and novelist; specialist on the Middle East and frequent contributor to *The New York Times* on Middle Eastern problems; former American diplomat in Cairo and Beirut

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International Sea Law Needs Revision

By Fred Bauman

Billed as "the only full-scale meeting of diplomats to be held between the conference in Caracas and the forthcoming conference in Geneva," the Regional Meeting of the American Society of International Law on the law of the sea was held at the Boston-Sheraton this past Saturday and Sunday.

Four hundred-odd lawyers, professors, students and citizens registered to attend. The figure included 45 Harvard students for whom the Harvard International Law Society arranged and financed registration. The 22 speakers discussed the difficulties of rewriting the currently inadequate law of the sea.

Diplomats from Africa, South America and Asia are engaged in codifying the international law of the sea to represent the views of developing states as well as those of the former colonial powers responsible for the present law.

This reformulation was prompted by a desire of the United Nations General Assembly to devise a program of marine development for the common benefit of all mankind. Since the inception of the conferences, every aspect of the law of the sea has been subject to such controversy that serious doubt exists whether a single Convention amenable to general ratification can emerge. This point was the subject of an argument (couched in diplomatic terms) between John Stevenson, Chief U.S. delegate to the Convention, and Donald McDonald, Canadian Minister of Energy, Mines and Resources. The latter suggested that separate small-scale treaties on the various areas might be preferable because

of "ratification considerations." But McDonald's solution might lead to states adopting only favorable bilateral treaties and would preclude a general law of the sea.

The consensus seems to be that the territorial sea will expand to 12 miles with an additional 188 miles becoming the "economic zone" of the coastal state. The proposal is partly aimed at world-wide fishing nations like Japan. These countries have insisted that the economic zone be fished to the maximum sustainable yield with fish above the coastal states' catch available "to accommodate needs of nations historically dependent on distant water fishing" — as Counsel Iguchi of Japan put it.

Land-locked states also want to get into the act. Mhlanga of Zambia insists on the rights of land-locked states to living and non-living economic zone resources without even being subject to bilateral agreement between coastal and landlocked states. Predictably, Mhlanga denied agreement on the new 200 mile economic limit.

DeSoto of Peru urged the Conference not to forget the spiritual as-

pect of the deep seabed's status as "the common heritage of mankind." Deep sea-mining would produce nickel and copper in substantial quantity, threatening land producers (like Peru) with a drop in price.

There is major power speculation that the proposals by developing states to put deep seabed mining under complete control of an international authority would lead either to a delay or prevention of mining or to a deliberate inflation of the price of the minerals. This is categorically denied by third world representatives; DeSoto explained that developing states are simply eager to get involved in an innovative experiment in international regulation.

Over the whole meeting hovered the figure of Suffolk Law Professor Basil Yanakakis, the mastermind of the gathering, who joined Harvard Law Professors Richard B. Baxter and Louis B. Sohn as a panel discussion moderator. The success of the meeting must be attributed to his dynamic leadership and the tireless work of Suffolk Law students.

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Lincoln's Inn Loses Members, Solicits More

(Continued from Page 1)

Membership Chairman of the Lincoln's Inn Society, thinks, and he's anxious to do something about it. So far, in addition to making himself available for a RECORD interview and conducting the normal recruiting activities, Raymond has sent letters to every member of the first-year Law and Business classes, at the beginning of the second semester informing them that 15 to 20 Inn memberships were open, and inviting their applications.

Raymond feels that the Inn has "the kind of elitist image that attaches to any organization that once had fairly exclusive membership requirements." Such requirements, Raymond remarks, are a thing of the past. Today, he says, any Harvard law, business, or graduate student can join the Inn "up to the limits of the Inn's building" at 44 Follen Street. Raymond estimates that the Society could accommodate as many as 190 members within those limits.

Raymond is also quick to point out that the Inn has an active social program as well as lunch and dinner facilities. Examples of the program include the annual Christmas Dinner, a mint julep party on Derby Day, and a fall Road Rallye—"that's R-A-L-L-Y-E," he emphasizes.

The reason that Raymond is anxious to make the Inn's virtues and accessibility more widely known are apparent in the Society's membership figures. Raymond estimates that the Inn now has only 140 members, down 40 members from the 180 at the beginning of the year, and while he characterizes both the attrition and the member-

ship level itself as "normal for this time of year," it is no secret that the Inn would like to add more members. Five new members have joined as a result of the letter sent out earlier this semester.

The Inn's image, of course, goes beyond membership requirements. Raymond agreed that Inn members tend to be "more socially conservative than the Law School populations generally," although, he cautions, "that doesn't mean we go in for raised pinkies and teacups." Still, no one asks if the wine at Inn functions was made from non-union grapes, and the annual Christmas Dinner — an Inn institution since 1919 — is a black tie affair, though in recent years qualified as "optional."

The membership brochure makes

a point of the fact that Harvard faculty dine free at the Inn, and that meals there are "served by waiters at table-clothed tables."

Raymond is convinced, however, that the Inn offers something to everyone. "The Inn is for people who want to have a place where they can feel comfortable — where they can meet their friends for a lunch that isn't oppressed by the presence of the Law School." And while "about a third" of the Inn's members went to Ivy League schools as undergraduates, Raymond feels that they are, on the whole, "a pretty diverse bunch." Finally, he notes, the Inn's menus now include duck and an occasional Indian dish, along with the traditional broiled steak and such innovative responses to soaring food prices as cabbage salads.

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