

HARVARD LAW RECORD

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Ph.D. with LSAT of 800 Sues HLS after Rejection

By Bruce Howard

A rejected Law School applicant with an 800 LSAT score and a Harvard Ph.D. has filed suit against the Law School; Derek Bok (President of Harvard) Albert M. Sacks (Dean of Harvard Law School), and others, to force his admission to the Law School.

Using the Harvard law library to research and prepare his case, Kenneth B. Krohn, a 37-year-old Harvard Applied Mathematics Ph.D. and a graduate of MIT, filed suit in U.S. District Court on August 11, claiming that Harvard was a public institution and that it violated his constitutional rights by rejecting him unfairly.

"I suppose if I had been rejected by the English graduate school, I would have written a satirical essay," Krohn said in a

RECORD interview this week, "but I was applying to the law school, and I believe the punishment should fit the crime."

Krohn is handling the case pro se, and he says the exercise has been very informative. "One way or another," he said, "I'm going to get a legal education from Harvard."

So far the University, represented in the action by two at-

(Continued on Page 2)

\$2 Million Asked By Fund-Raisers For 1975-1976

Alumni of the Law School met here last Saturday to prepare for a \$2 million campaign for the Harvard Law School Fund in 1975-76, its 26th year. Dean Albert M. Sacks told the class representatives present about his current concerns with the operation of the Law School.

Sacks discussed the decline in admissions, women at the Law

(Continued on Page 20)

Students Will Analyze HLS For Nader-Sponsored Study

By Susan Gillette

Activist lawyer and Harvard Law School graduate Ralph Nader, '58, has recruited five HLS students to spend time this semester researching and writing a book which will explore, analyze, and probably criticize the Law School. Praise will be given if praise is due.

Chosen for their commitment, enthusiasm, independence and writing experience, the students are developing their own topics and an outline of the book. It's clear that Nader, who has criticized the Law School, isn't dictating the content of the book.

"We're not waiting like apostles for guidance," said Bruce Howard, 1L, summing up the writing team's relationship with the sponsors in Washington. "The Nader people will be editing the

book and giving us ideas, but really they're depending on us to design and write the book."

The deadlines established for the book are: completion of research and writing before Christmas; editing in Washington, D.C., during January; distribution of 1,500 copies by Nader in the spring; and possibly eventual publication through Nader's New York City agent. Publication will depend largely upon Nader's attitude toward the book.

Nader's primary input into the book so far was the selection of its writers: Howard; Elizabeth S. Bernstein, 2L; Roger B. Howard, 2L; Lynne A. Bernabei, 2L; and Gail E. Bowman, 2L. They were chosen from students interviewed by Joel Seligman, one of the lawyers in

(Continued on Page 6)



Kenneth B. Krohn, not '78

Law School Sued by Reject

(Continued from Page 1)

torneys in the Boston law firm of Ropes and Gray, has opposed the suit, and moved for its dismissal, solely on the grounds that Harvard is a private institution and not subject to state and federal constitutional provisions.

Judge Frank Friedman is currently considering the University's motion to dismiss Krohn's amended complaint. After a hearing September 4, Judge Friedman denied Krohn's motion for a temporary restraining order, which would have forced the law school to

admit Krohn pending resolution of his suit.

Krohn bases his contention that Harvard is a public institution on the Massachusetts Constitution, which contains provisions indicating state influence over "the government of the said University (Harvard)," and on the founding of the University, which Krohn alleges included making the school accountable to the General Court — that is, the state legislature — of Massachusetts.

Specifically, Krohn alleged that the University violated his rights of "due process of law,"

as provided in the 14th Amendment, by refusing him a hearing to contest the rejection of his application to the law school class of 1978.

Krohn also claims that the University breached a contract by accepting his \$30 application fee, promising to judge the applicant solely on his merits, and then, according to Krohn, not doing so. This section of the suit parallels closely actions brought against other law schools charging they rejected an applicant under inverse discrimination quotas and admission standards.

Krohn feels he was unfairly discriminated against because of his age, his race, his scientific background, and his sex.

Krohn is currently living in Cambridge and unemployed, following the sale of his computer business in Washington, D.C. Once extremely active in the fields of mathematics and computer science, Krohn is nationally known for developing a theory of computer design known as the Krohn-Rhodes decomposition theory, which is commonly taught in computer classes around the country.

Krohn says he first became interested in becoming a lawyer when he was arrested by the Federal Bureau of Investigation for kidnapping, and incarcerated for two months before the charges were dropped.

"I was totally innocent," Krohn said, "but the experience of sitting in the Charles Street jail and being treated like the sole of a guard's shoe made me realize how awful the whole set-up is. At one point I objected to an FBI agent's request that I sign a form waiving certain rights, and he answered, 'If you're innocent, you don't need civil rights.' At about that point I got interested in the law."

As to why Krohn chose Harvard, he explains "Well, I live right near here, and Harvard's a pretty good place, and you know, the old neighborhood school idea."

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Rep. McCloskey Lambasts Suppression of U.S. Secrets

By Charles Jordan

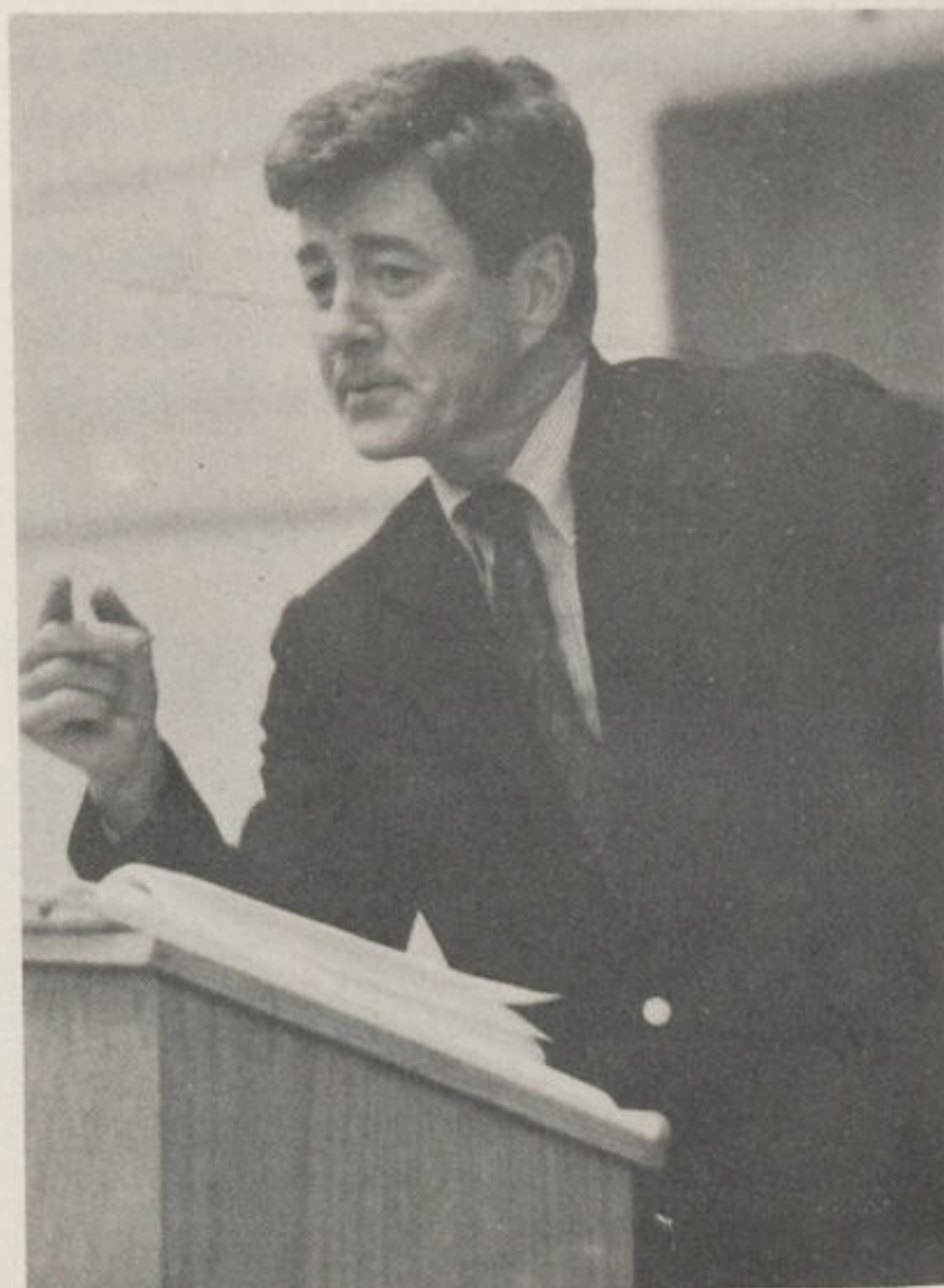
"Politics in America is not a profession that attracts the best lawyers. The two-party system isn't bankrupt. It's just inept." This observation at last Monday's Forum culminated a 90-minute presentation peppered with personal anecdotes of Representative Paul ("Pete") McCloskey's (R-Cal) career as a maverick House Republican.

Speaking to a crowd of 60, McCloskey dealt mainly with the legal issues posed by the so-called "Official Secrets Act." The act, which would criminalize the release of classified information to anyone "not authorized to receive it," is presently before McCloskey's subcommittee in the House. McCloskey is basically opposed to the act, and puzzled by the array of constitutional problems it raises.

"Does the Congress have the right to compel the Executive branch to release any classified information? If not, should discretion as to what is disclosed

remain in the Executive branch? If so, should Congress exercise its right to the limit?"

The results of a straw vote taken by the congressman showed a large
(Continued on Page 7)



Representative
Pete McCloskey

Librarian Cohen Announces Winners of Research Contest

By Bruce Kuehne

First year students recently had an opportunity to beef up their resumes when librarian Morris L. Cohen announced that the library was sponsoring the First Annual International Legal Research Contest. Donald Levinson and Philip Chiappone won the coveted prizes.

Inspiration for the contest came from a September 27 article in the *New York Times*. It seems that Joseph Feldman, an attorney who admitted that he "liked to read", was charged with criminal possession of stolen property after firemen discovered more than 15,000 New York Public Library books in his apartment. The library was considering charging Feldman the

usual overdue fine of 10 cents per book, per day, up to the value of the book.

Cohen invited the students to find the statutory sections in New York and Massachusetts which applied to Feldman's case assuming "that the books in question were legally borrowed from the library in the first instance." The first student in each of the lecture sessions to bring Cohen the correct citations was promised a "book prize of at least sentimental value."

For those who have overdue library books stacked in their apartments, the relevant citations are: N.Y. Educational Law §265 and Mass. G.L. C266 §100.

Mary D. Upton Chases Papers In Seven Days

By Frank E. Sisson

Registrar Mary D. Upton has announced that the ten dollar fine for failure to turn in the written work requirement form will be "strictly enforced" against 3Ls after Friday, October 17.

Upton explained that 75 3Ls are currently "unaccounted for." The Registrar's Office is assuming that the 263 3Ls enrolled in seminars are planning to fulfill their paper requirements through those classes. Students who have enrolled in fall or spring seminars and who have not notified the Office of their plans to use seminar papers to fulfill the requirement will be fined as well.

To date 110 3Ls have filed forms indicating independently supervised projects. Upton noted that the sign-up process has run smoothly this year, with only Professors Phillip E. Arceeda and Lance Liebman being oversubscribed as supervisors from the 15-professor sign-up list encompassing 29 general legal topics. (Students could alternatively locate a supervisor on their own, but the signature of the faculty member is then required).

Only 60 3Ls fulfilled their writing requirement last year (with 20 more near completion), Dean Albert M. Sacks has encouraged 2Ls to consider doing the project early in order to avoid the pressures procrastination might possibly provide.

Assistant Dean Alfred Daniels noted that early completion is especially helpful to those 2Ls who plan to seek judicial clerkships. According to Daniels, having the written work in hand can be an advantage in the interviewing process. Upton remarked, however, that it is not likely that 2Ls will be given priority in seminars in the foreseeable future.

Scott Provides Link with Past

By Marc Lauritsen

Ed. Note: Last week, a capacity audience gathered to hear Professor Austin W. Scott and was gratified by a fascinating and often humorous talk on the history of the Harvard Law School. The talk was the first in this year's Root Room series. This article is the result of an interview with the Professor a few days earlier in his office.

Beyond the open door of Langdell West 332 sits a man with whom more heritage of the Harvard Law School reposes than with many of the written accounts collecting dust in the library stacks down the hall. One receives the impression that this man's pleasure in recounting a rich past is only matched by a keen concern with the latest developments in law and society.

Professor Scott's 65-year career at Harvard is the longest ever of any faculty member of the Law School or the University. On the same day in 1909 there occurred the fortuitous appointment of two men to the law faculty whose names continue to ring familiar to many in this country and abroad — Roscoe Pound and Austin Wakeman Scott. These men shared another distinction — they were the first on the faculty (which then stood at ten) who had not graduated from Harvard College (Scott did his undergraduate work in Mathematics at Rutgers, where his father served as President).

"At my time, we thought Harvard Law School was the most remarkable place in the world. We admired our professors. Those men had organized the chaotic state of the law, discovered the principles. But they over organized it — the principles became rules, rather than guides. They took logic too far," stated Scott puffing on his pipe.

The professor noted that in the *Restatement of Trusts*, for which he was the Official Reporter, he escaped that abuse of logic by inserting at one point the phrase, "unless it is otherwise inequitable."

Questioned on the seeming inevitability of "equitable" considerations in law, the Emeritus Professor indicated his belief that the evolution of legal thought is very much characterized by an ongoing competition between the need for certainty and the need for flexibility. His generation of law students witnessed the stirrings of a new concern with the latter — an event which precipitated the demise of the views of such men as Beale and Langdell, which was reflected perhaps in the "more malle-

professor must combine a knowledge of history, an acute sense for the present state of the law and a feeling for how the law ought to be.

Considering himself more a "lawyer's lawyer" than a "client's lawyer," Scott has succeeded in gathering to himself those three desirables. This fact is attested to by his reputation as an excellent teacher among those who have found themselves in his classes. The list of past students he mentions sounds like a miniature census of American success: William J.



Professor Austin W. Scott enjoys attentive Root Room audience for talk on HLS history.

able" Williston and in the ambiguities of James Barr Ames.

Scott said that "sensible fellows like me" did not participate in the more extreme views of the legal realists who were then gaining respectability; he agreed that necessary reforms must often await those sorts of exaggeration.

Scott's treatise on *Trusts* continues to stand as the authoritative source on the subject. As a student, he had Ames for that course. He remembers the rich historical treatment with which Ames endowed the subject and objects to that teaching which neglects to deal with the development of a field of law. In his opinion an effective

Brennan, Jr., Harry Blackmun ("that fellow from Minnesota"), Louis Jaffe, William Bruce, "Archie" Cox, Milton Katz, Paul Freund, Dean Acheson, Robert Taft, Archibald MacLeish, Abram Chayes, Elliot Richardson.

Believing that the professor's "great opportunity of dominating, even humiliating, students" is a power which ought not be abused, he could find no sympathy for the methods of men like "Bull" Warren (whom we find incorporated by suggestive reference in the *Paper Chase*).

The teaching of law appears to have suited Scott admirably. His refined feeling for classroom

(Continued on Page 17)

Ford Taps HLS Professor

Miller Joins Copyright Commission

By Roger P. Evans

Professor Arthur R. Miller, who has long evidenced an interest in Copyright law, was appointed this past summer by the president to the National Commission on New Technological Uses of Copyrighted Works.

The Commission is charged with studying the reproduction and use of copyrighted works in conjunction with computer systems and machine reproduction. The commission will not study questions related to reproduction of materials at the request of instructors for use in face-to-face teaching activities. Recommendations are to be made as to any changes in copyright law which may be necessitated by technological advances, with a particular eye to the rights of copyright owners and the public need for access to copyrighted works.

Stanley H. Fuld of New York

City will serve as Chairman of the Commission, which has a total membership of 14. A preliminary report is due in one year, with final recommendations to be submitted by mid-1978.

According to Miller, Copyright law in the United States has run into problems. The statute was passed in 1909 and was drafted to be applicable only to books and magazines. The advent of movies, microfilm, xerography, and the widespread use of phonograph records, have caused unanticipated and significant problems.

Interest groups are at loggerheads on what should be included. Disputes between factions such as the film industry and Community Antenna Television have crippled attempts to formulate a modern standard.

Miller has been vocal on be-

half of the user population and finds the various information industries "too protectionist" in their outlook.

The problem of "xeroxing", also to receive significant attention by the Commission, is a difficult one. Rapid, almost automatic, access to permission to reproduce materials is frequently necessary, particularly in fast developing areas of technology and medicine. Yet attaining permission too frequently takes weeks or months. A general clearing house is one possible solution to the dilemma.

Miller feels that these problems go to the very heart of information access in America. Policies of rewards and incentives for the creation of written, visual and oral works and the necessity of the widest and least expensive dissemination of information are in conflict.

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Art Enthusiasts Rally to Provide Needed Counsel

By Fairlea Sheehy

There are people who think that an aesthetic idea never crosses the mind of the philistines who stride through the tunnels of Harvard Law School. In fact, some would rather burn their signed copy of T.S. Eliot's *Four Quartets* than discuss modern poetry with a law student.

Nonsense, says Harvard Student Legal Assistance for the Arts, a new official student organization. If you don't believe it, stop by 310 Austin and see for yourself.

Harvard Assistance for the Arts (HAA) plans to provide legal assistance for struggling artistic groups in the Boston community. With this aid, they hope to fill the vacuum left in Boston by the recent demise of Volunteer Lawyers for the Arts, a legal aid group of similar purpose.

The new organization grew out of 3L James B. Stewart's recent summer job. One of his assignments involved an attempt to acquire tax-exempt status for City Dance Theatre, Inc., a nine-member dance company in Boston. (Note: There are things besides baseball teams that have nine members.)

But Jim discovered that this was just the tip of an iceberg. There were not only tax exemption problems but also corporate, accounting, and tax problems. (Note: You needn't be in the big money to have big problems.)

John A. Silberman, 3L, and Alice Mattice, 3L, (now directors of HAA along with Stewart) joined Stewart in presenting to Dean William L. Bruce a plan for a new student group that would provide legal aid for artists like City Dance Theatre. "The Law School has put no obstacles in our path — aside from the skepticism they would naturally

(Continued on Page 20)

Nader Enlists Five Students To Investigate, Write Book

(Continued from Page 1)
Nader's organization.

Gregory W. Smith, 2L, was involved in the project earlier. He made a study to determine whether the study of Harvard Law School now being undertaken would be productive. The project is now exclusively in the hands of the writers.

Plans for the book presently call for a chapter of suggestions for change following chapters scrutinizing many aspects of Harvard Law School: teaching methods; teachers; students; curriculum; the placement procedure; the "power structure"; and Law School financing. (The financing

chapter will be done in collaboration with the RECORD.)

One chapter may be devoted to a study of "yes and no" people here. The "no's" are those who've said no to activities and opportunities (Law Review, for example) traditionally considered good. The "yes's" are those who adhere strictly to traditions of the Law School. The two groups will be interviewed to find out what prompted their actions.

Another chapter will explore the student culture, considering sex, graffiti, study groups, stickball, and other keys to the student mentality and personality.



Ralph Nader, second from left, poses with the rest of the 1958 RECORD staff. Nader was Senior Editor at the time.

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Best Avoid Politics—McCloskey

(Continued from Page 3)

majority of the Forum crowd shared his doubts about the act, and about the House's apparent intent to test the limits of its power on the basis of the Harrington dispute. He promised "to convey the results of the vote to Ms. Abzug (chairperson of McCloskey's subcommittee on Government Information and Individual Rights)."

McCloskey also discussed his part in the release of the Pentagon papers. "I spoke at Princeton (in

April, 1971) after returning from Laos. I told the students that the government and Nixon were lying, that Laos was being bombed. . . . Ellsberg shared the platform with me. This was some months before the release. He tapped me on the shoulder and said, 'You know, you're right — they *are* lying.' A week later he had delivered to me a three-foot stack of papers — a complete copy of the Pentagon papers."

During an extended question-and-answer period, the discussion turned to the contemporary

"crisis in confidence."

"Not since the Civil War has the American public been so skeptical of the legal profession. Reasoned answers are needed now. The issues being debated — marijuana, abortion, gun control — require the profession's wisdom, not silence. Those who know the law should speak out instead of retreating into the traditional shelters of the profession."

McCloskey spoke almost wistfully of the "clean combat of legal give and take" as opposed to the "sloppy work" of Congress today. "Both parties are inept. Everyone who has the privilege of a Harvard education should stand ready to enter politics, if his talent would be valuable there."

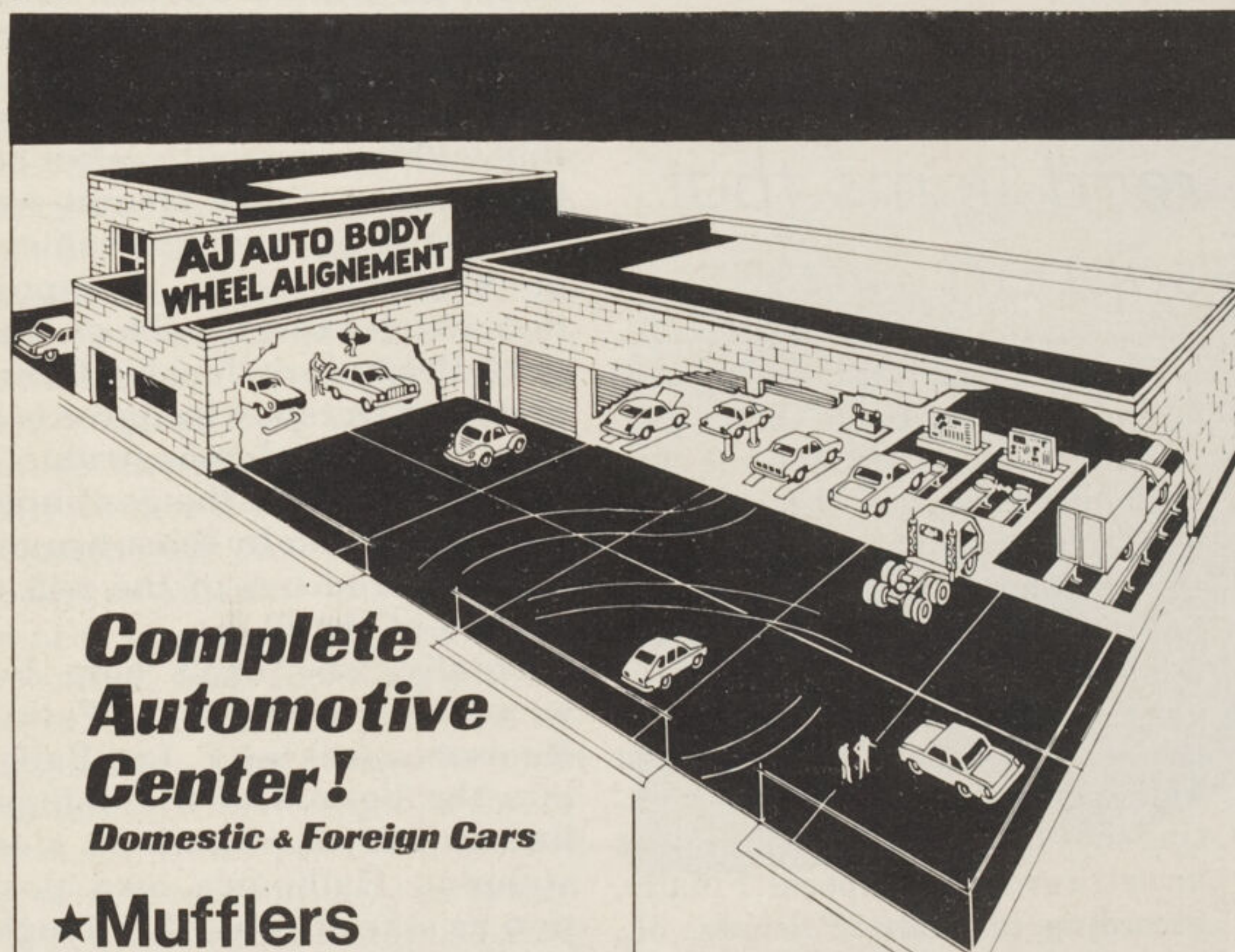
Ford received a warm endorsement from McCloskey, an old acquaintance of the President. "Ford is perhaps the best president we could have now, given his experience and the dearth of acceptable Democratic contenders." Off the podium, but on the soapbox, McCloskey also endorsed Senators Udall and Church, but smilingly declined to choose between either of them and Ford as the best candidate.

The veteran of eight years in the House also hinted at the probable choice the public will face next year. "Never trust a Republican to do what's reasonable. Even if the Democrats did choose Wallace, which is highly likely, the Republicans *still* might shun Ford to go with Reagan."

After the presentation the relaxed ex-Navy and ex-Marine man came down off the podium and admitted some disillusion with public office. McCloskey's home district includes Stanford University, where he attended Law School twenty years ago (and entered academic debating contests with his partner, John Ehrlichmann).

"We registered most of the Stanford campus as Republicans in 1974 . . . and I won by 167 votes against a Nixon Republican. What's left of the Re-

(Continued on Page 17)



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Hearst Prosecution Endangers Fairness

Ed. Note: "Freezing in the Dark" will occasionally appear in this paper containing the personal opinions of RECORD staffers on matters of current interest.

By Arnold S. Rosenberg

"Law students are like little mushrooms, sitting in Austin without heat, in Hastings without light, getting fed a lot of bullshit, freezing in the dark."

— Linda Martin, citing Larry Wagman, both 3L.

The obvious importance of the Hearst case should put us on guard that the prosecution does not overstep the bounds of fairness in its quest for a conviction. One sort of unfairness — if not illegality — lies in the eagerness of the U.S. Attorney and his assistants to release as much apparently incriminating evidence as possible to the media.

One glaring example of this prosecution publicity campaign is the release two weeks ago of a tape recording of a private conversation between Ms. Hearst and a friend conducted in jail. A portion of this tape was first made public at a bail hearing for Steven Soliah, who is charged with harboring Hearst and the Harrises. This portion was introduced by David Bancroft, who "coincidentally" happens also to be one of two Assistant U.S. Attorneys working on the Hearst Case.

"The release of the taped conversation struck me as unusual. I can't recall other cases where such information got out," commented Professor Lloyd Ohlin of the Law School. "It seemed to me to be prejudicial in its effect on public opinion because it gave the impression that Patty Hearst is still a revolutionary, that the 'brainwashing' is just a ploy."

The jail tape is not the only instance of the prosecution's releasing seemingly prejudicial information. When quizzed about an article in *Rolling Stone* which asserted myriad facts about the case, includ-

ing an allegation that Jack Scott offered to let Ms. Hearst go home but was refused, the U.S. Attorney prosecuting the case didn't reserve comment; he stated flatly that the article was true.

There is also the case of one Tom Dean Matthews, whose willingness to testify that Hearst told him she robbed the Hibernia Bank in San Francisco somehow reached the pages of the *New York Times*.

People usually read items that support biases.

No gag order has been imposed on the media by Judge Oliver Carter, and no motion for one has been made by the defense. Defense attorney Terence Hallinan may have three things in mind. First, the publicity has been fairly balanced, at least in the long run, considering the large volume of sympathetic publicity in the early months after the Hearst kidnapping. In addition, permitting the publicity to go on preserves an extra ground for appeal. Finally, according to Andrew Schatz, 3L, author of a scholarly article on the subject, the California court would probably apply a "least restrictive alternative" rule in formulating a gag order, which would leave the prosecution free to release most of the information it has been giving out anyway.

I disagree with the notion that where one newspaper in a city waxes sympathetic and another vindictive, simultaneously or consecutively, the city's population will somehow wind up opinionless. People tend to read newspapers and items that reinforce what they already believe. Newspaper coverage of disparate tenor will therefore tend to polarize people rather than neutralize them.

But then, Lawyer Hallinan has lots of other problems to

worry about. The Justice Department is adding at least one lawyer from Washington to the battalion of state and federal attorneys working on the case, who now number fourteen. His strategy of having Ms. Hearst admit participation in the Hibernia Bank robbery, albeit under duress, in the affidavit she signed before her bail hearing backfired when bail was denied by the court. Furthermore, he is faced with the sticky and uncharted legal problem of demonstrating, first, that within two months after her kidnapping, Patty Hearst was the victim of "thought reform" or "mental duress" — a proposition which experts such as Harvard Professors Jerome Cohen and Alan Dershowitz agree is at least in theory demonstrable — and second, that the continued pressure on her by those around her deprived her of the will to opt out of the SLA.

Finally, one can't help but wonder whether Father Hearst's sneaking F. Lee Bailey into the bottom of the defense line-up isn't a prelude to sidestepping Hallinan's own position as star attorney for daughter Patty.

Solution to "Cryptic Law"

Spooner v. Reserve Life Insurance Co., 47 Wash. 2d 454, 287 P.2d 735 (1955) (bulletin describing bonus available to insurance agents held "only an illusion of a promise").

The [insurance] agents of the appellant had no choice but to accept the offer of a bonus with all the terms and limitations placed upon it, and if they were in any instance induced to stay with the company until the termination of the bonus period, it was because they were relying on the corporate conscience of the appellant and not upon an enforceable contract. There is a natural aversion to such one-sided propositions, but we cannot delete terms or words from an offer, nor can we ignore them, to make a binding contract for the parties where none exists.

Hiss: Is Vindication to Come?

Ed. Note: This is the final installment of a three part report on the reinstatement of Alger Hiss contributed by the author to the RECORD.

By Maurice deG. Ford, '62

IV.

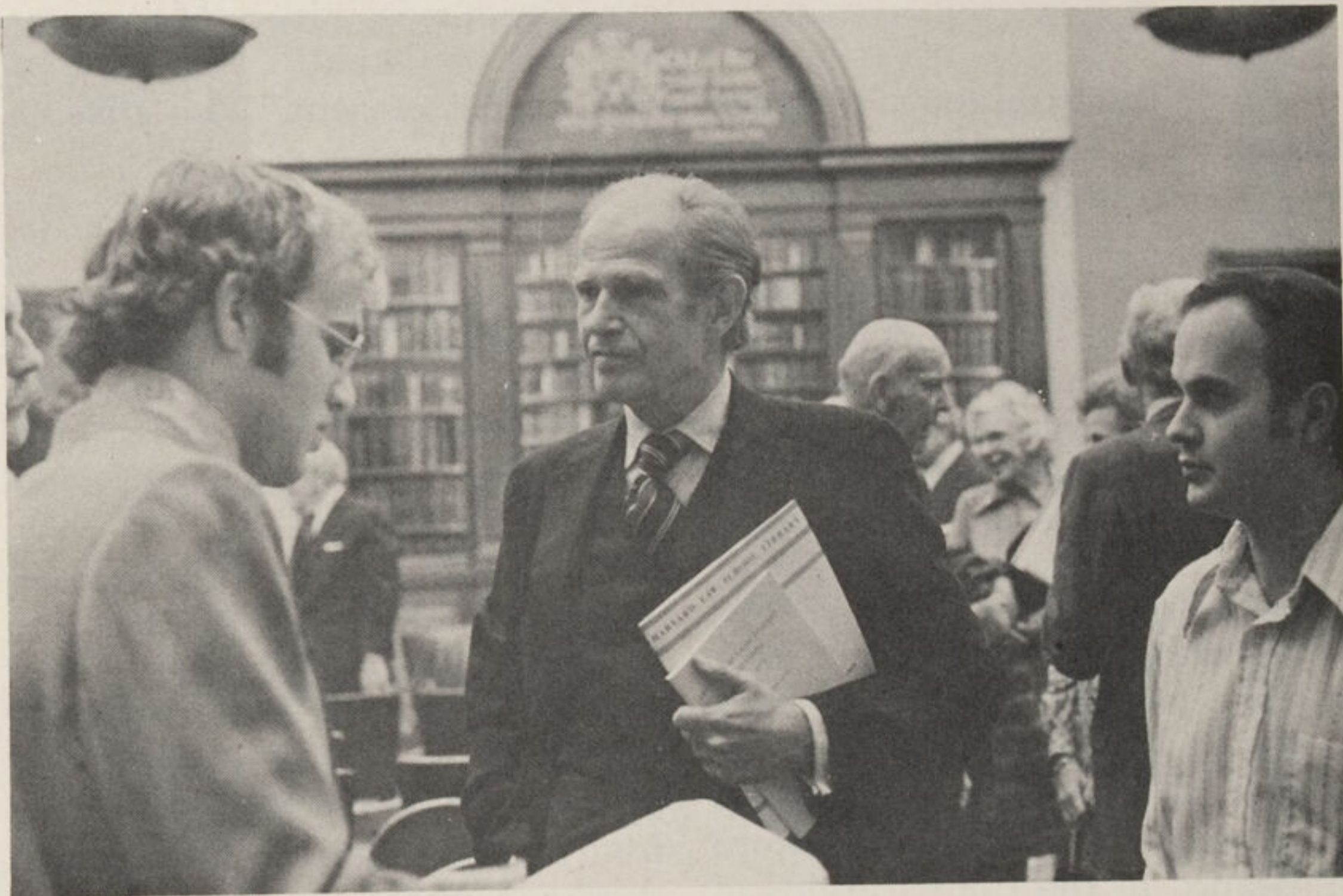
Whether Alger Hiss's 1950 conviction of perjury will ever be reversed in a court of law is unclear. However, he has been working steadily to clear his name. Recently he has succeeded in obtaining the last three rolls of film of the infamous "Pumpkin Papers" which had been used to convict him. These were films of classified government documents which Whittaker Chambers swore had been given to him by Hiss. The two rolls of film introduced in evidence at Hiss's trial were of routine State Department cables. Three rolls were recently turned over to Hiss by Attorney General Edward H. Levi, after twenty-five years under government lock and key. One was completely blank — the others contained fragments of trivial information from the Navy Department on life rafts and fire extinguishers. Hiss insists he could not possibly have obtained the information, even if anyone wanted it, which seems unlikely. Although we now know that the films hardly contain the stuff of international espionage, they seemed enormously important in the public consciousness at the time. "All five helped convict me," Hiss related in an August *Newsweek* interview. "Almost every newspaper in the country carried pictures of Congressman Richard M. Nixon peering at these strips of film . . . the message intended — and conveyed — was that microfilms and spies go together. . . . He was an opportunistic politician."

Even without the recent revelations, Alger Hiss's original conviction came very close to being considered and reversed by the United States Supreme Court. In a chapter entitled "The Witch Hunt in the New Deal," in the first volume of his autobiography *Go East, Young*

Man, Justice William O. Douglas recalls the Supreme Court vote on the decision to refuse to grant certiorari. Usually the votes of four justices are required before the Supreme Court will accept a case for review. In Hiss's case, however, three justices had disqualified themselves — Justices Stanley Reed and Felix Frankfurter, because they had testified as character witnesses at Hiss's trial, and Justice Tom Clark, because he had had some connection with the case while at the Justice Department. The rule of the Court is that when

witness is required. His testimony must be corroborated by other trustworthy evidence. The reason is not only that man's memory of past events is notoriously poor; beyond that is the need to protect "honest witnesses from hasty and spiteful retaliation in the form of unfounded perjury prosecutions."

The Hiss case presented that issue in a dramatic fashion, as Hugo Black and I concluded from our review of the record. Whittaker Chambers, who implicated Hiss, was an ex-Communist. All such characters in the forties and fifties had the halo of those who had "come to Jesus." They easily "fingered" prominent people or people like Hiss who had been



CWM

Alger Hiss attending a gathering at the Law School last spring, prior to his reinstatement to the bar by the Massachusetts Supreme Judicial Court.

seven or less of the justices are left sitting on a petition to review the vote of three in favor is sufficient for the case to be heard. Hiss's petition, unfortunately, received only two votes — those of Justice Douglas and Justice Hugo Black.

Justice Douglas writes that "[i]f either Reed or Frankfurter had not testified at the trial, we would doubtless have had three to grant; and in my view no Court at any time could possibly have sustained the conviction." Justice Douglas continues:

A central weakness in the government's case was the failure to comply with the special federal rule governing prosecutions for perjury. . . . In perjury cases more than the testimony of a single

close to public figures such as FDR. Their word was almost sacrosanct, though as the cases developed, it appeared that many were notorious liars. According to a Supreme Court decision, corroborated evidence had to supply "independent proof of facts inconsistent with the innocence of the accused." Probably the evidence most damaging to Hiss was the fact that some of the incriminating documents were typed on a typewriter once owned by Hiss. There was no evidence that Hiss or Mrs. Hiss did the typing. The typing might have been done by Chambers or any stooge of Chambers. It was not even certain that at the relevant times the old typewriter was even owned by Hiss or was under his control. Certain it is that the inference that Hiss was "framed" was strong. The case illustrates

(Continued on Page 10)

Hiss Victim of National Hysteria?

(Continued from Page 9)

the wisdom of having two witnesses on a perjury charge, or if there is only one, as in the Hiss case, that the court ride herd on the nature of the corroborative evidence to make certain it has that "trustworthy" character which will prevent one accused of perjury from being "framed."

Alger Hiss is presently attempting to gather evidence that the "Woodstock typewriter" was itself a fake — especially built to have all the characteristics of his own. But that is a story for another time.

V.

At nine-thirty on the morning of August 8th, Alger Hiss was once more sworn in as a member of the Massachusetts bar, with his old mentor, Justice Oliver Wendell Holmes, again looking down from his portrait, and two of his present and former lawyers, John Groden and Harold Rosenwald, seated behind him. The scene was almost dramatic in its lack of drama. It was an ordinary swearing-in day. Five young lawyers besides Alger Hiss stood to be admitted; one, Stuart Malawer, cradled his baby in his arms, and beaming wives were in the audience. After they had sworn allegiance to the Constitutions of the United States and the Commonwealth of Massachusetts, Justice Francis J. Quirico asked that they repeat, after him, the Attorney's Oath, which remains today in substantially the same form as when it was first adopted in 1686. Alger Hiss did so:

I, ALGER HISS, SOLEMNLY SWEAR THAT I WILL DO NO FALSEHOOD, NOR CONSENT TO THE DOING OF ANY IN COURT: I WILL NOT WITTINGLY OR WILLINGLY PROMOTE OR SUE ANY FALSE, GROUNDLESS OR UNLAWFUL SUIT, NOR GIVE AID OR CONSENT TO THE SAME: I WILL DELAY NO MAN FOR LUCRE OR MALICE: BUT I WILL CONDUCT MYSELF IN THE OFFICE OF AN ATTORNEY WITHIN THE COURTS ACCORDING TO THE BEST OF MY KNOWLEDGE AND DISCRETION, AND WITH ALL GOOD FIDELITY AS

WELL TO THE COURTS AS MY CLIENTS. SO HELP ME GOD.

Then the clerk of court, former Massachusetts Senate president John Powers (an extraordinarily able and kindly man), presented Alger Hiss with certificate of admission. In doing so, Mr. Powers recalled the late Claude Cross, who had represented Hiss in his second trial and who had, before his untimely death, initiated the proceedings for reinstatement. Cross had been characterized by the Board of Bar Overseers itself "with affection, as dedicated, gifted beyond the capacity of most advocates, persuasive and persistent." "I felt that he was almost present," said Hiss as he left the chamber.

VI.

Alger Hiss's reinstatement at the Massachusetts bar, twenty-five years after his conviction, affords us an opportunity to look back upon the McCarthy era. In his book *Wayward Puritans*, subtitled *A Study in the Sociology of Deviance*, Kai Erikson tells us about the early years of the Massachusetts Bay Colony. During the first six decades of settlement in Massachusetts, from 1636 to 1692, our Puritan ancestors identified, at almost exactly twenty year intervals, three groups who soon became labeled "Public Enemy Number One" and were cruelly persecuted. The first shape of the devil was Anne Hutchinson and the Antinomians, dissidents in a subtle theological controversy. Twenty years later, the Quakers, whose most distinguishing characteristic was wearing their hats indoors, in a way that seemed pernicious, were singled out as deviants. After another twenty year interval, witch craft hysteria developed in Salem and soon spread to neighboring communities. In Andover, for example, more than fifty witches were identified in the space of a few hours. Many went to the gallows; one was pressed to death under a pile of rocks for standing mute at his trial.

Kai Erikson tries to help us find a theory of why these persecutions occurred. When they first came to this land from England, the Puritans had a defined sense of identity. They were participants in a great adventure, residents of a "city upon a hill," members of a favored revolutionary elite who were destined to shape the course of history according to God's holy word. But as they found themselves facing everyday struggles in a remote corner of the world, indeed often in a howling wilderness, the yardstick against which they were trying to define themselves became more blurred. An identity crisis, culminating in hysteria, set in. As Kai Erikson puts it: "For a few years, at least, the settlers of Massachusetts were alone in the world, bewildered by the loss of their own destiny but not yet aware of their new one, and during this fateful interval they tried to discover some image of themselves by listening to a chorus of voices which whispered to them from the depths of an invisible wilderness."

Kai Erikson's theory, then, is that at times of stressful transition, particularly acute at the twenty year intervals he discusses in detail, our country has needed to pounce upon a nonconforming group and label them as deviants. To persecute a group for deviancy is useful for the majority at such periods. When we are not certain of who we are, at least we can point the finger at some unfortunates who we think we are *not* and pillory them as the enemy. This helps us feel secure.

In a recent work, *Political Hysteria in America*, Murray Levin carries Kai Erikson's discussion into the twentieth century. He examines our persecution of the "the Anarchists" in the Red Scare which occurred after we were emerging from World War I. "Tailgunner" Senator Joe McCarthy seized upon the nation's insecurity as we emerged from World War II and found a Communist under every

(Continued on Page 19)

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Briton Compares Cambridges

By Steven Prye

Having taught here nine years ago, Visiting Professor Gareth Hywel Jones finds being at Harvard for the second time not quite like "being thrown into the deep end of an unknown pool." Jones, Downing Professor of Law at Trinity College, Cambridge, is teaching two courses this fall: Trusts and Restitution. The latter is currently his chief area of interest and research.

He is the author (with Robert Goff, Q.C.) of *The Law of Restitution* (1955) which is the first treatise on that subject. He is the author of *The History of the Law of Charity, 1532-1827* (1969), editor of a selection from Blackstone's *Commentaries*, and author of numerous articles.

The Welsh-born Jones has also previously taught at Berkeley and Indiana and no longer encounters problems adjusting to American law schools. Nevertheless, he does find that the differences between the English and American schools substantially outweigh the similarities.

Jones observed that American law schools have long enjoyed an important advantage over their English counterparts with respect to the quality of their teaching staffs. "American law schools have traditionally attracted the best people to their faculties much more successfully than the English law schools. So there is probably a richer depth of talent teaching in the U.S. than in Britain, where traditionally the best people have gone to the bar and practiced. Thus, the English law schools have found it more difficult to get the right sort of person to go into law teaching than, for example, Harvard, Yale, or Chicago."

Until relatively recently, Jones says, the academic study of law in England received little respect. "Many of the greatest lawyers and judges in England today never studied law at a university. Instead, a great number studied clas-

sics, mathematics, and science, then went to a professional school of law and into practice. The law schools in England, although they are ancient in origin, have only become effective forces since the first World War."

Today, however, in England despite the increasing respect for law as an academic discipline, the English law schools are nonetheless finding it difficult to attract qualified people.



Visiting Professor
Gareth H. Jones

The major difference between the Harvard and Cambridge law schools is that the latter is an undergraduate school, and thus the average first-year student at Cambridge is three or four years younger than his Harvard counterpart. "Both universities attract very bright people, and what is noticeable is that law students at Cambridge in the first two years are far less mature than Harvard students, but seem to catch up in the third year."

Cambridge is of course a collegiate university, and the responsibility for teaching law is divided between the colleges and the university. At the university, students are given formal lectures. In the colleges, students work in "supervisions", which are groups of two to

four people under a supervising professor. These groups discuss legal problems and it is only in these groups that English students receive any Socratic teaching.

Professor Jones noted that another major difference between the two law schools is the quantity of written work required. "Most Cambridge law students are required to write at least two essays per week, whereas here the amount of written work required is very small. But then, Harvard has many more students than Cambridge."

The curriculum at Cambridge is much more restrictive and conventional than at Harvard; for example, there are no electives for first-year students. However, Jones believes that the Harvard 1Ls carry a somewhat greater and more difficult load than their Cambridge counterparts who, incidentally, are not taught by the case method.

Undoubtedly, a harried Harvard 1L would find most enviable the Cambridge system of implementing the Socratic method. Since this method is reserved for the small supervisions instead of the large lectures, the students' panic is likely to be less severe. As Jones says, "it's much easier being called on in a room with only two or three other people."

Jones finds British students generally more reticent in class than Americans. On the rare occasion when a professor does Socratically toss out a question during a large lecture "he is likely to be greeted by a stunned silence, as though he were being promiscuous to attempt such a thing. Of course, the student does have to talk in the supervisions."

However, Jones did give a vigorous apologia for the Socratic system at Harvard, saying that students should find it "fun and challenging" instead of viewing it as a living reenactment of "Daniel in the lion's den."

(Continued on Page 19)

HARVARD LAW RECORD

Local Eatery Satisfies Body, Soul Hunger

By Sam Goldberg

In the ensuing weeks (assuming the reviewer's interest, and stomach, hold out) this column will take an in-depth look at the various local establishments which attempt to satisfy the hungers aroused by a law student's work.

There are those of us here who see Law School as it really is: just another period of deferred gratification. This is not to say that we renounce pleasure; it is simply a recognition that many of life's amenities are not to be had for a smile, a song, and 700s on the LSAT.

This is especially true when it comes to food; as far as the providers of this commodity are concerned, big bucks are far more influential. In a few years we will all have big bucks (this is not a column on values) and we will all be eating gourmet meals.

Now, however, those of us who have been dealt an underhanded blow by the financial aid office, and also those of us who merely enjoy playing poor as part of their college and Law School experiences, desire only three things from our daily repast: that it be palatable, filling, and cheap. To this end, God created Charlie's.

Charlie's Beef and Beer House, north on Mass Ave., is easily one of the best inexpensive restaurants (their slogan is "fabulous food at miracle prices") in Cambridge. By inexpensive we mean that a complete, satisfying meal can be obtained for between \$1.25 and \$3.00.

In all honesty, it must be admitted that Charlie's is essentially institutional food, but it has one distinguishing feature: it is good, digestible and arguably wholesome institutional food. One especially fine value is the pork chop dinner: for a mere \$2.00 an overflowing plate of three meaty chops, french fries, salad and applesauce is delivered. It

seemed that every time we picked up a chop we discovered something else to eat.

For that substantial percentage of law students who have historically viewed the pig as an unclean animal, chicken livers (\$1.85) would be a more appropriate choice.

They are as tasty as it is possible for liver to be, and all that nutrition easily counterbalances the full stomach (a good number of chickens donate their livers to each order) and incipient indigestion one feels upon leaving the table.

(Continued on Page 17)



Filled by the warm glow of artificial log fires (on wall), Charlie's experiences an off-hour lull, in marked contrast to dinner-time crowds. The restaurant offers "fabulous food at miracle prices."

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Foul Play

Today marks the end of the second week of the interviewing season. Interviewer and interviewee are simultaneously trying to put their best foot forward while attempting to see through the toes of the person confronting them. The parade of indistinguishable students and indistinguishable firms, inflated resumes and insincere encounters is inherently straining. For many, this is not an enjoyable time.

The impersonality and insincerity of this process is bad enough in itself. But certain parties on both sides of the coffee table have succeeded in making things worse. Some students have accepted offers, yet continue to hold other offers or to accept invitations to fly out to firm's offices without disclosing their status. It is inconceivable that such students can fail to recognize that as long as they hold such offers "for fun," another law student, perhaps a classmate, will be passed over.

Some firms are no better. Last year one firm was reported to have greeted interviewees with an oral torts quiz. One Boston firm asked one interviewee to state the parole evidence rule. Putting students on the spot by quizzing them as if they were in a high school chemistry class does not seem helpful, given the qualities which are needed to be a competent practitioner. Prying away at the second-year grade rule by noting "I guess we aren't supposed to discuss grades, are we" seems questionable at best.

And despite the efforts of the placement office, sexism and discrimination by some law firms continue unabated. One woman was asked whether she expected the firm to hire her (law student) husband if they wanted her.

Given the negative feelings the process can generate, breaking the rules may seem justifiable to some. We don't expect that an editorial will affect those who are insensitive enough to indulge in these "games." But we strongly register our disapproval of their methods. We hope their interviewing ethics don't reflect their professional ethics.

HARVARD LAW RECORD

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Fenno

"Well," Fenno said as the 3L seated himself delicately beneath the vegetation dominating the Hark dining room, being careful not to put his sleeve into the globules of grease that dotted the table, "I guess the interviewing season has started."

"What gives you that idea?" the 3L asked.

"Your 3-piece suit was a big clue," Fenno remarked. "And your haircut that makes you look like a Texas high school football player on his way to a revival. Not to mention the fact that you've shaved for the first time in two weeks. But I guess the thing that really gave it away was the little American flag pin in your lapel."

The 3L shook his head, having no lines in this paragraph.

"Which firm is it this time?" Fenno asked.

"It's an Atlanta firm," the 3L admitted. "Or Hot-lanta, as we say in KNOXVILLE."

"All this time I thought you were from Akron."

"Well, keep it to yourself. The South gets more chic every time someone in California tries to kill the President, and Akron is very, very out."

"Which Atlanta firm are you talking to today?" Fenno persisted after this geographical interlude.

"I don't know," the 3L said. "Last year I made a big deal out of reading all the firms' resumes, looking them up in Martindale-Hubbell, checking the Wall Street Journal for news about their major clients, all that kind of crap. I was zip for thirty-seven on December 1, and if that Cabbageville firm hadn't come in here in the last week making offers to everything at Harvard that had taken contracts, I would have ended up clerking for a cashiered public defender with his offices in the hallway of the third floor of the Criminal Courts Building in Newark."

"And this year that doesn't sound so bad?"

"So this year I'm proceeding on the ignorance theory. All I write down on my calendar are times and cities. If it's a southern firm, I make it a point to check the Alabama and Texas football scores from the week before, and if it's a New York firm I remind myself to mention that I'd like to specialize in bankruptcy and that I find debentures titillating."

"Can you use a word like 'titillating' when you talk to the 'Hot-lanta' firms?"

"I guess they'd understand. But I play it safe and stick to conversations about Southern bourbons and the last time it snowed at the Peach Bowl."

"That's all it takes?"

"Yup. Except accent, y'all."

Letters to the Editor of the RECORD

In Hoc Signo Vincit Porcus?

To the Editor:

The urge to reply to Linda Rabin's letter in your September 19, 1975, issue must be tempered. It would waste everyone's time to start by saying that I didn't call her a lady, and to continue by saying that I am not impressed by an argument which seems to be that 53 per cent of the world is female, hence feminists can't be wrong. However, when she starts in on language, the need to comment becomes overwhelming. After all, she has already called me a pig and a chauvinist.

The presiding officer of a meeting, whether male or female, is a chairman. Latin has the word "homo" and the word "vir" with two different meanings. English uses for these two meanings the single word "man". The word according to my dictionary also has other meanings. This is a deficiency but it is not an excuse for using an abomination such as "chairperson".

I am not on the defensive with respect to my attitudes, and do not feel any need to resort to particular terminology to show I am not a male chauvinist pig. To me "chairperson" is akin to "woper-son", and both should be rejected.

A belief that "The real problem is that this society discriminates against women" does not license an attack on our language. In Ms. Rabin's experience "only men who are ambivalent or reactionary on the issue of feminism" bother to make such a point. Perhaps writing this letter condemns me; I suspect that the "experience" is in fact a conclusion that anyone who disagrees with her is automatically condemned. I probably will have company, just as the man who was so busy in Hell meeting his friends that he didn't mind the heat.

Roger P. Stokey, '48
Boston, Massachusetts

A Downwind Draft Of 10th Amendment

To the Editor:

The resigned tone of the article on pages 2 and 16 of the RECORD with respect to parking is an indication of how readily the younger generation of American citizens have been willing to give up their vital political rights in some areas while insisting frantically on them in others.

The right which is being abandoned is the one reserved to us by the Tenth Amendment of the United States Constitution to regulate our local affairs by officials locally chosen and laws locally enacted.

While the creation of a Federal Environmental Authority was justified by the need for Federal power to act in such interstate matters as the design of anti-pollution features of automobiles, the failure of upstream states to prevent pollution of interstate rivers and the failure of upwind states to prevent the pollution of the air which blows from them to those downwind, the careless drafting of the statute which permits that Authority to exert its power over local questions was a mistake.

The question of air pollution by automobile exhaust in the Greater Boston area is one of those purely local questions since the prevailing winds here are such that the chance that automobile exhaust fumes emitted in Boston or Cambridge will reach the air of another state is, as a practical matter, negligible.

Both as lawyers and as citizens, we should work for the election of officials and appointment of judges who will work actively to free us from empire-building appointed bureaucrats and to restore control of our local affairs to our local elected officials whom we can readily and rapidly replace when they persist in policies which displease us.

Franklin N. Cunningham, '48
Boston, Massachusetts

Yet Another Slant On Slanting Oak

To the Editor:

In one of your issues late last spring, you printed a picture of the slanting oak tree near the southeast entrance to Langdell Hall. As I recall it, you wondered whether the tree had had too much to drink.

No, it was too much wind. That tree was blown almost flat in the hurricane which reached Cambridge in September, 1938. It was propped up, and it was hoped that it would grow straight again. However, the impress of the storm was too great, and the tree has continued its slant. It remains today a very striking souvenir of that rather spectacular event.

The grove of oak trees was planted during the Deanship of Roscoe Pound. At the time of Harvard's Tercentenary celebration in 1936, the trees were quite small. Now they have grown so that there is a very fine "North Yard" to the east of Langdell Hall. This is only one of many things for which we are indebted to Roscoe Pound. May the slanting oak slant long in this fine grove, a continuing record of the greatest storm since the original Langdell Hall was built.

Erwin N. Griswold, '28, S.J.D. '29
Washington, D.C.

Course Can't Cure Lack of Integrity

To the Editor:

The introduction at HLS of mandatory instruction in "Professional Responsibility", as "a product of a growing concern expressed by bar associations since the Watergate era about the ethical irresponsibility of members of the legal profession" (RECORD, 9/19/75) prompts me to comment on certain points which concerned bar associations and responsive legal educators appear to have overlooked.

Those lawyers whose participation in the various criminal acts of the Nixon administration included in "Watergate" did not act as they did because of their ignorance or disregard of the ethics of their profession. They suffered, rather, from a severe lack of fundamental moral integrity—a characteristic which Richard Nixon and those with whom he surrounded himself while in office appear to share in common. Watergate was not so much a question of unethical lawyers, as of dishonest men.

The Watergate disease therefore cannot be cured by instruction in legal ethics. Personal integrity cannot be inculcated by formal instruction, nor are formally learned ethical principals any substitute for it. A course in legal ethics produces positive results only insofar as it instructs an already ethical individual in matters as to which a lawyer's professional responsibility extends beyond mere honesty. This, of itself, is ample reason to offer such instruction: to be honest does not guarantee that one will be an ethically responsible attorney, however necessary basic honesty may be for ethical responsibility; but it does not constitute an inoculation of ethical weaklings against the corrosive effects of avarice or powerlust, either their own or their clients'.

If the student has not already achieved a substantial level of personal moral integrity, and learned to value ethical behavior for its own sake, rote-learning of the principals of legal ethics will merely supply an additional set of hollow rules, discovery of one's breaches of which is to be avoided.

The most effective contribution which HLS could make to the improvement of professional behavior would be to do everything possible, in the entire course of legal education, to counteract two tacitly accepted (and often expressly stated) precepts of legal practice: (1) that an attorney has neither the responsibility nor the right to make moral judgments on the acts, practices or objectives of a client; and (2) that any act which succeeds in furthering a client's interests is justified.

The existence and prevalence of these attitudes, and the cynicism toward ethics which they engender, are responsible, in large measure, for an ethical

(Continued on Page 16)

climate which (at least) fails adequately to discourage attorneys from the commission of technically ethical, but morally reprehensible, acts in the service of their clients. From this point, it is not a particularly large step to the commission of frauds, perjuries and crimes in that same service; and, as long as the profession continues to acquiesce in those precepts, Watergate will always be with us.

J. Robert Thompson '71
New York, New York

Cryptic Law

The following excerpt from a not-so-dated opinion is in "judicial code." Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

Svd [wihoeifd] eqdish at svd emmdbbeis
vel ia fvawfd ros sa effdms svd attdc at e
raioh nwsv ebb svd sdcuh eil bwuwswaih
mbefdl omai ws eil wt svdg ndcd wi eig
wihseifd wilofdl sa hseg nwsv svd faumeig
oiswb svd sdcuwieswai at svd raioh mdewal,
ws neh rdeohd svdg ndcd cdbgwiq ai svd
facmacesd faihfwdifd at svd emmdbbeis eil
ias omai ei ditacfderbd faiscefs. Svdcd wh e
iesoceb exdchwai sa hofv aid-hwldl
mcamahwswaih, ros nd feias ldbdsd sdcuh
ac nach tcau ei attdc, iac fei nd wqiadc svdu,
sa ueyd e rwilwiq faiscefs tac svd mecswdh
nvdc d iaidd kwsh.

(Solution on Page 8)

Law Notes

Root Room Talk: Professor Phillip Ar-
eeda will talk in the library's Root Room at
4:00 on Wednesday, October 15, on "The
Washington Scene." Everyone is invited
and coffee will be provided.

* * *

Harvard Law Community Association:
The next meeting will be on Wednesday,
October 15, at 7:30 p.m. in 335 Pound. B.F.
Skinner will speak on "Walden Two Revi-
sited." Refreshments at 7:30 p.m. and meet-
ing at 8:00 p.m. All are cordially invited.
Non-members — 50¢.

East Asian Law Speakers Program:
On October 17 at 1:10 p.m. Charles R. Ste-
vens, Esq., Coudert Brothers, Lecturer, Col-
umbia Law School, will speak on "New De-
velopments in Asian Law Practice."

* * *

Organizations wishing to purchase
space in the 1976 HLS Yearbook should
contact the Yearbook office, 23 Everett St.,
or call 495-4411. Inquiries are welcome from
any group under any name, even if or-
ganized solely to purchase space. Rates are
\$20 per half page and \$35 for a full page.
Deadline is Oct. 13.

SPORTS QUIZ

By Katz, Noto
& Zagrans

Float like a butterfly, sting like a bee;
This week's on boxing, to honor Ali.

1. Muhammad Ali has recently fought many title bouts in exotic and faraway parts of the world. However, one of the pivotal fights of his career was fought in a small town in New England. Where did this fight take place, and who was his opponent?
2. Who was the stiff Ali fought in Indonesia? a) Karl Mildenerberger; b) Jurgen Blin; c) Rudi Lubbers; d) Al (Blue) Lewis.
3. Who was the last man Ali fought before his title was taken from him in 1967?
4. Who was the youngest man ever to win the heavyweight title?
5. Who was the only heavyweight champion ever to retire undefeated?
6. Three other heavyweight champs defended their titles without a defeat. Who were they? (Hint: two of them later left retirement to try unsuccessful come-backs.)
7. Ali became only the second heavy-weight in history to regain his title when he knocked out George Foreman in Zaire last Oct. 30th. Who was the first heavyweight to do so, and who held the title in between?
8. Who are the Englishmen whom Ali has fought and defeated?
9. Who won the Olympic Gold Medal in the heavyweight division the year that Ali won as a light-heavyweight? a) Dick Tiger; b) Francesco de Piccoli; c) Willie Pastrano; d) Ernie Terrell; e) Joe Frazier.
10. Who fought a title fight with Ali while carrying a bullet lodged in his stomach?

BONUS QUESTION

What heavyweight has joined with How-
ard Cosell to make a great comedy team?

Sports Answers

- day night variety show.
0 You are ready to host your own Satur-
Jerry Quarry.
1-3 You've shown the heart and courage of
svelte bod of Buster Mathis.
baby face of Chuck Wepner, and the
the curly locks of Henry Cooper, the
4-6 You're not just good, you're beautiful —
quizzes.
7-9 You are ready to take on five 3-round
10 You are the greatest!
Scoring
Bonus Question: Alex Karras, of course.
ton on Nov. 14, 1966.
and-a-half rounds against Ali in Hous-
10. Cleveland Williams, who lasted two-
Frazier won it in 1964.
9. b. Francesco de Piccoli of Italy won the
Olympic Gold Medal in 1960. Joe
8. Joe Bugner, Henry Cooper, and Brian
on June 26, 1959 in Yankee Stadium.
knocked out Patterson to take the crown
Johansson twice after Johansson had
7. Floyd Patterson, who beat Ingemar
Louis.
6. James J. Jeffries, Gene Tunney, and Joe
1955 after 49 victories without a defeat.
knocking out Archie Moore on Sept. 21,
5. Rocky Marciano, who retired after
won it at 21.
4. No, not Ali; he was 22. Floyd Patterson
seventh on March 22, 1967.
3. Zora Folley, who was KO'd in the
Dublin.
Frankfurt, Blin in Zurich, and Lewis in
1973. Ali fought Mildenerberger in
2. C. Rudi Lubbers, in Jakarta on Oct. 21,
fight.
round of the famous phantom punch
Ali knocked out Sonny Liston in the first
1. On May 25, 1965 in Lewiston, Maine,

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Daily Special The Highlight At Charlie's

(Continued from Page 13)

The real secret to cheap eating at Charlie's is to take advantage of their "specials". The "double hamburger special" is not really a special, since it is offered every night, but at \$1.45 it deserves the name. It includes two hamburgers (oddly enough), french fries and a small salad, and is easily worth the price.

The true specials are served from Monday through Friday. They vary depending on the day from meatloaf to chicken to stuffed eggplant. All taste suspiciously similar, but each provides a generous serving, includes rice, vegetable and bread, and, at only 99¢, is surprisingly satisfying. Finally, add a little tabasco sauce (at least try it) to your veal cacciatore and spaghetti (on special at \$1.65) and you'll have a dinner that will at least keep you awake while reading Torts.

Charlie's has more to offer than gourmet meals at Filene's Basement prices. The atmosphere is incomparable: where else could you wine and dine your Lesley sweetheart (trying to satisfy the hungers of your soul) in the romantic glow provided by the red and blue fireplaces on the wall?

For the unattached men, several waitresses in short little skirts and varying states of frumpiness are present for your viewing pleasure. And for the women, there is a bartender who is simply one gorgeous hunk.

In any event, Charlie's is well worth the price for the cost-conscious future member of the corporate conspiracy. Truly a people's restaurant, it will keep you in touch with the masses. Most importantly, it insures that even if you are not completely full when you leave, you will at least have enough change left for a dish of all-natural ice cream at Bic's.

Maverick McCloskey Speaks On Attorneys' Political Role

(Continued from Page 7)

publican party in California today is in Reagan's camp, and when I look at my Democratic colleagues in the House, I don't feel like I belong with them, either." He likened his situation to that of another disenchanted Republican, John Lindsay.

"The only 'asset' we gained out of Watergate was John Connally . . . sometimes I ask myself, what am I doing here?"

On the hopeful side, McCloskey perceived a return to "real philosophic differentiation" between

the parties. On one issue, oil price controls, he saw Ford as holding to a traditional Republican stance favoring big business, while the Democrats in Congress "are wedded to the idea of continued price controls for the protection of the 'common man.'"

In fact, the energy question should be the dominant issue in the upcoming election.

McCloskey is uncertain if he will seek re-election in '76. Judging from the skepticism about political life he brought to the Forum, he may soon be enjoying the "clean combat of legal give and take."

Scott Expects Socialized Law As Result of Cost Increases

(Continued from Page 4)

dynamics showed through in the admission that it is much easier to sit as a teacher than it is to speak up amid the sometimes threatening presence of one's peers. He once chastised a class in which the exceptionally long-winded ruminations of a student were greeted by the rude shuffling of feet and papers, and was always sure not to call on men like Chayes until there had been a "full discussion" of the topic at hand.

Looking at students today, Scott does not find them significantly different from those of his day, beyond the fact that the former no longer wear waistcoats to class. He does find, however, that the "dissatisfactions" reported last year by the RECORD in its investigation of student opinion were not as much in evidence in 1906 as in 1975.

Professor Scott has a few personal "dissatisfactions" himself: The fact that law is too expensive and practically unavailable to significant groups of people in our society, "incompetence" in some quarters of the profession, and, spe-

cifically in his field, abuses in the appointment of guardians *ad litem*.

He is anxious that more of the underprivileged have the opportunity for legal representation and believes it to be a duty incumbent upon law firms to see to this. It is his expectation that eventually some sort of socialized law will have to come about to cure this defect.

Although Mr. Scott has not taught since the early sixties, he comes in most every day to consult the statutory changes and read through the 500-odd cases arising each year in the field of trusts in order to keep his treatise up-to-date. He bears the burden of this work himself, preferring not to farm it out to research assistants.

Suspecting this, many students apologize for interrupting him. ("Of course I'm interrupted. What do they think — that I sit here and do nothing?") But the good professor says with conviction, "I always welcome an enthusiastic law student." In fact, he senses that perhaps too few feel free to drop by. Those who do will be greeted with a warm conviviality — and the prospect of getting to know a man who occupies a special place in the history of this institution.

Reiman Responds to Sacks, RECORD

By Jeffrey F. Reiman

Ed. Note: This Backbencher is written in response to Dean Sacks' comments and a RECORD editorial which appeared last week. At issue is the Law School's refusal to send out to all entering students a letter written by Mr. Reiman, President of the Law School Council.

In a memorandum to the faculty dated September 25, 1975, Dean Sacks explained the reason for his refusal to print the letter I had written to all incoming 1L's. He indicated that the Registration Materials packet was an inappropriate place to respond to the "specific charges" included in my letter.

The Dean stated that the printing of my letter would require a "full response". Now that the letter has been printed, both by the RECORD and by the Dean, I call upon Dean Sacks to respond to the issues raised in the letter. The letter discusses the following issues of importance to students while at the Law School:

- faculty revocation of the 1L pass/fail option in the face of a petition, signed by 80% of the class of 1976, calling for its reinstatement
- the viability of the written work requirement, criticized by three consecutive Visiting Committees of Overseers
- overemphasis of the corporate model at the expense of clinical education
- racist and sexist hiring practices with regard to faculty positions
- an absence of student input into hiring and tenure decisions
- oversized first year classes
- a denial to all 1L's of access to Placement Office facilities

As was mentioned in my letter, by no means is this list exhaustive of the problems that plague a student's life here.

I want the Dean and the faculty to know that in no way do I consider these allegations to be extreme ones. Rather, these is-

sues have continually been raised by the hundreds of students with whom I've spoken in the course of my stay here. I welcome the Dean's response.

The October 3 editorial supporting the administration's refusal to print the Law School Council's letter to incoming 1L's was based on completely erroneous information, which could have been corrected by contacting any Council member.

That editorial was presumably written on the basis of additional research which uncovered information not available prior to a Sept. 26 editorial which criticized the administration. The reasons behind the RECORD's change of heart are entirely out of touch with the realities of the situation.

The RECORD first mentions that there is "some question" as to whether I received Council authorization to write the letter. In fact, there is no question as to my authority. The Council at its May 9, 1975 meeting designated me, as President of the Council, to write a letter to incoming 1L's. This authorization appears plainly in the Council's minutes of the May 9 meeting.

It is also stated that the letter was received by the Registrar "long after the posted deadline". The fact is that the Council never received any information with regard to the deadline and indeed, unlike other organizations, was never contacted at all about submitting a letter. Why is it that the administration notifies the more "non-political" organizations on campus about the Registration Materials and the deadline when the Law School Council, the student governing body, is not contacted?

In any case, at no time in the course of my summer correspondence with the administration was I informed about this hypothetical deadline. The Registrar gave two reasons for refusing to publish my letter: that it was too long and that it was "political" in nature. I wrote back and offered to shorten the let-

ter to the required length. The Registrar wrote again and stated that even a shortened version of the letter was unacceptable, still not informing me of any deadline.

The RECORD goes on to discuss the administration's willingness to release the names and addresses of all 550 incoming 1L's. One is left with the impression that the administration told me that I could have access to this information. In fact I was never told I could have such information.

Even assuming I was so informed, the RECORD would have the Council pay the cost of mailing the letter which, as it describes it, "would not be prohibitive". In fact the Council had no budget with which to pay for such postage and indeed never had a budget until last Monday.

The fact is that these reasons, so heavily relied on in the October 3 editorial, are mere makeweights. The administration did not rely on any of these reasons for refusing to publish the letter. The administration refused to publish the letter, as it informed me in June, because the letter was "political" in nature.

What is most odious is the RECORD's failure to check with any Council member to see whether the information relied on in the Oct. 3 editorial was correct. Whether I was authorized to write the letter, whether I was ever informed as to any deadline, whether I was informed as to the availability of names and addresses of 1L's, and whether the Council had money to pay for any mailing are questions that could have been resolved with a simple phone call. Yet the RECORD failed to do so. It proceeded on the basis of general information provided by the administration, with such a cavalier disregard for the truth of the particular facts of this situation as to make a mockery of its journalistic responsibility.

Hiss Irony: 'God's Mills Grind Fine'

(Continued from Page 10)

bush. We may have not known who we were, but we were not Commies! Alger Hiss, as Justice Douglas so poignantly recalls, was the tragic victim of the hysteria of this sad period.

Today there are new shapes of the Devil, new Public Enemies Number One. Dr. Matthew Dumont, director of drug rehabilitation of the Massachusetts Department of Mental Health (who spurred me on to reading Erikson and Levin) has suggested that Public Enemy Number One today may be the narcotics addict. He is blamed for Crime in the Streets, although actually responsible for comparatively little of it. He is more a passive victim of society than a victimizer.

But today, in the sorry aftermath of Watergate, there may be, in the American consciousness, an even more dangerous enemy — ironically, Richard Nixon and the Palace Guard, the Haldemans and Ehrlichmans of this world who so betrayed their public trust. Twenty-five years ago Richard Milhous Nixon first became a household word (as it were) by capitalizing on the national hysteria against the Communists in general and Alger Hiss in particular. But although the mills of God grind slowly, they do grind exceedingly fine. It was fitting, in the same year in which former President Nixon resigned from all bar associations to which he belonged in order to escape being disbarred, and almost a year from the very day on which he left the White House, Alger Hiss was re-instated at the bar of the Commonwealth of Massachusetts.

Ed. Note: The Harvard Law RECORD invites members of the legal profession or the legal community to offer for publication articles regarding current legal controversies or general problems of the law.

English Legal Collection Receives Jones' Praise

(Continued from Page 12)

Having studied at HLS for a year himself (1953-4) as a Choate Fellow, Jones remembers the late Professor Seavey, whom he calls "the supreme exponent of the Socratic system to such an extent that he would never answer a question. The question would be met by a question, and that I did find frustrating.

"But to some extent this is valuable, particularly in the first year, because one shouldn't suggest every answer to every question, and sometimes there are no answers to some of these questions."

Asked what he likes best about being at Harvard, Jones answered "Well, negatively, one of the nicest things about being away from one's own university is that the telephone rarely rings and you don't have to serve on any committees."

He enjoys working with the faculty and the students here, but what impresses him most of all is the law library. "The library facilities here are unequalled. It has the best collection of English legal history outside of Oxford, Cambridge, and London. And in certain items, this library is much better than anything you'll find in the British Museum or the university library at Cambridge."

In light of the financial crunch afflicting the universities in the United Kingdom Jones spoke wistfully of the Harvard financial endowment. He believes that in the near future the very

costly supervision system may be threatened. "How long it can be maintained is a question many are already asking. It would be terrible to lose it, since it is what makes Oxford and Cambridge unique."

Educated at London and Cambridge, Jones recently became an Honorary Benchler of Lincoln's Inn, which in England is one of the four inns of the Court. "Occasionally, the governing body of the inn, who are judges and practicing lawyers, decide to elect an academic."

Jones is an avid reader, but also finds time for tennis, squash, walking, and "gardening under duress, which may explain my interest in restitution." Most of his non-teaching time is spent with his wife and three children.

*"... you don't have to
serve on any
committees..."*

Jones's goals are those "... I've always had, which are to get on with my work, and produce from time to time something which in fact can earn the respect of the people whose judgment I respect. I have some rather vague projects in the background, which I certainly hope to get on with. I would like sometime to go in the field of intellectual property, and perhaps do something on bankruptcy, particularly the history of bankruptcy law."



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43 Per Cent of Law Alumni Contribute to '74-'75 Fund

(Continued from Page 1)

School, financial aid policies, placement procedures and the job market, the trial advocacy course, and finances. He painted a generally optimistic picture.

The quality of students admitted is stable, he said, but applications are down. The Law School will be admitting and graduating classes which are one quarter women, but women are "a little suspicious" of the Law School. Financial Aid is being given to more students, easing the burden on "middle-middle class parents," but students are borrowing a greater percentage of aid than in the past. Harvard students are still getting job offers, but not as many as they might like. Trial advocacy was a raving success, but it will be an expensive program to continue.

Finally Sacks got down to the meat of the meeting. Alumni donations to the school have been extraordinary, but operating costs are rising at a rate of 10 to 11 per cent annually.

Alumni donors are being asked to keep pace with this inflationary trend. Donations to the Fund have risen nearly every year since its formation in 1950, peaking at \$1,750,000 last year. The current \$2 million goal is double the amount contributed in 1970.

Nearly 10,000 alumni and other donors residing throughout the U.S. and the world par-

ticipated in the fund in 1974-75. Alumni meeting this year were provided with a breakdown of the gifts by regions, states, and sometimes even cities.

Over 1000 greater Boston alumni contributed \$167,099.45, placing them second in the ranking of donations. New York City contributions were highest, with 2068 gifts totaling \$331,868.92.

Overall, 43 per cent of all alumni contributed. The average gift was \$178.46.

By regions, the highest average gifts were made by donors in northern Ohio, \$489.61 (55 per cent contributing); Kentucky, \$346.20 (51 per cent contributing); and Delaware \$261.81 (73 per cent contributing).

Lowest average gifts came from North Dakota, \$33.00 (60 per cent contributing); South Dakota, \$35.00 (25 per cent contributing); and Idaho, \$39.16 (30 per cent contributing).

Delaware had the highest percentage of alumni contributors, while North Dakota ranked second.

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HAA Provides Legal Help for Needy Artists

(Continued from Page 6)

bring to any new student organization, they've been very generous," Stewart said.

But the final blow to the philistine myth came at the first meeting. Over 30 students showed up, eager to receive their assignments and save the arts. Silberman describes the organization as "one which is as egalitarian as possible. We have no designated officers. And we hope that members will be both giving and receiving assignments at all times." A 3L and a 2L are appointed directors of a case, and they then delegate the work to other members.

Future projects include advising another dance company, a non-profit literary magazine and the writer of a movie script. But HAA plans to expand its activities in the future beyond advising individual clients. By building files on the problems which particularly plague artistic groups, they can provide a base from which to sponsor a general information service as well.

The work is still legal work, and the educational experience may be similar to other kinds of legal assistance projects. But for those law students with a serious interest in the arts, the pleasure seems to be multiplied: As Stewart describes it, "Can you imagine how gratifying it is to attend a splendid performance, knowing that you also helped to make it possible?"

Although the HAA may not be in the Law School mainstream, it can provide an outlet for many who feel oppressed by the general character of legal study and who, like Silberman, "were praying to find something like this."

So the next time you pace the corridors beneath Langdell, beware: at least 33 fellow students may be thinking Caruso instead of Cardozo, Hogarth rather than Hand.

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