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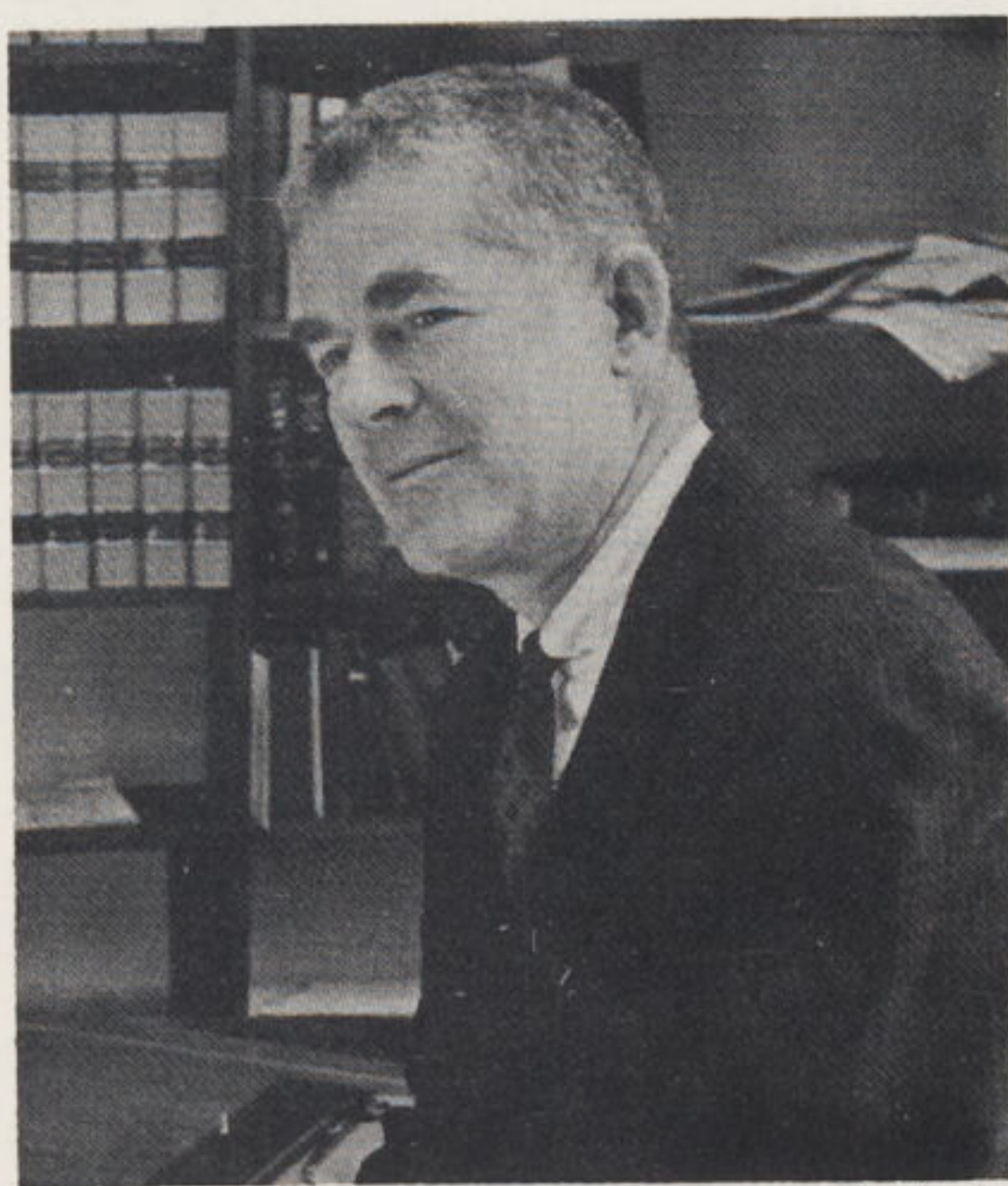
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Yearbook

Professor Archibald Cox

Guild Declares New Principles For Its Action

By David Halprin

The HLS Guild is emerging from the fall semester having learned a number of lessons from experience. They are reflected in a proposed Declaration of Principles that will be presented to its members at a meeting Tuesday, at 7:30 p.m. in the Mallory-Smith Room.

The Declaration is the product of discussions held last semester on the Law School and legal education, concerns at the heart of the work of the Guild.

Ira A. Burnim, 2L, member of the Guild steering committee,
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Cox Heads State Battle To Speed Up Judiciary

By Beth Emery

After a year and a half of rest, former Watergate Special Prosecutor Archibald Cox is off to battle again, this time heading a special "blue ribbon" committee which will attempt to speed up Massachusetts' notoriously slow state judicial process.

Governor Michael Dukakis named Cox to head the 19-member committee last month, making it clear at the time, according to Cox, that judicial reform occupies a "very, very high" place on the governor's list of priorities.

The "Cox Commission," as it has been dubbed by the local

media, includes as members Francis Bellotti, the state attorney general; Joseph Tauro, a retired chief justice of the Supreme Judicial Court; two members of the state judiciary; a district attorney; the president of the state's League of Women Voters; an attorney from Boston's Action Plan for Legal Services; and nine Boston attorneys.

Cox indicated that the group would begin to meet immediately, and would meet often at least until summer. The governor has asked the committee, whose official title is the "Select Committee on the
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Does Success Story End Here?

Some Grads Fail Bar

By Susan Gillette

Did your treasured letter of admission to Harvard Law School seem a ticket to professional success? After all, if you're good enough to get in, you're good enough to stick it out and graduate (so they say). And of course you'll find a job when you're ready to leave the Harvard Law School.

But each year some graduates learn that there's one thing Harvard Law School can't do for them: it can't guarantee a passing mark on the state bar exam.

And without that critical license to practice, a law school graduate is doomed to another six months or a year at clerk's salary and, in some states, a reputation at his firm as a "second-class citizen."

How serious is this threat? Before vacation the RECORD surveyed all 50 states to determine how Harvard's illustrious alumni had fared on their 1975 bar exams. Responses were received from about half the states con-

(Continued on Page 14)

Troubled Trial Defrocks Myth of

By Richard Hall and
Bruce Howard

"Exercise caution in your business affairs; for the world is full of trickery."

Desiderata, 1692 or 1927

As we went placidly amid the noise and haste of the sixties, we missed scarce a day without seeing and/or hearing that hip and mellow manifesto of the counter-culture, *Desiderata*. Whether on poster (shore background optional), record, or Christmas card, the simple poem permeated our society, a vaccination against our growing dog-eat-dogism. And always, at the end of the poem, there was that exotic dateline: "Found in Old Saint Paul's Church, Baltimore; dated 1692."

While the economics of the seventies have muted its virtuous message, *Desiderata* still lives — and is still for sale in a half dozen forms. Like its idealistic audience, though, the poem has gone through some rude shocks, including a Watergate-like scandal trial and, finally, an ironic defrocking.

Truth never leaves well enough alone. The antique claims of *Desiderata* — "Found in Old Saint Paul's Church . . ." — were a fraud. The poem was not written 300 years ago by an anonymous cleric, but barely 45 years ago by a Hoosier poet named Max Ehrmann. In fact, *Desiderata* was first published on January 3, 1927 by Ehrmann (1872-1945) and the Indiana Pub-

lishing Company in Terre Haute.

As with many untruths these days, money lurked behind the romantic "Old Saint Paul's" myth. For years businessmen had made thousands of royalty-free dollars peddling the "anonymous" poet. But unlike the unknown cleric, Ehrmann had descendants inclined to reap the benefits of his poetry. The Ehrmanns recently sued a *Desiderata* poster distributor, and won. The settlement included \$5,000, future royalty rights, and the death of the "Old Saint Paul's" myth, at least as far as future posters were concerned.

But the *Desiderata* trial is most notable for its exhibitions of bizarre amnesia. The testimony showed that the poster company, Pro Arts, Inc. of Kent, Ohio was doing booming business — gross revenues shot from \$350,000 in 1969 to \$1,200,000 in 1973. But however the profits were generated, it wasn't with any of those old-fashioned business techniques like, say, record keeping.

In fact, when it came time for Pro Arts to tell how many *Desiderata* posters it sold — so the court could figure the damages it owed — Pro Arts said it "couldn't recall." The problem was, Pro Arts kept records of its posters like a former U.S. President kept records of his tapes — on scraps of paper, match book covers, or not at all.

The court pressed on. If Pro Arts didn't keep records, certainly its clients and suppliers did. Well, that was another problem. Pro Arts couldn't recall from whom it bought its posters, or to whom it sold them.

To quote the court record: "[Pro Arts owner] M. Trikilis repeatedly stated he did not know how many such *Desiderata* items Pro Arts may have purchased or traded for with such sources of supply and other unidentified sources of supply, which he knew of, but which he could not identify as to name, location, date, quantities, or prices or values at which Pro Arts had purchased or traded for such *Desiderata* items." Did they say \$1,200,000?

In any case, while deciding the legal question, the court failed to shed any light on the mystery of the Old Saint Paul's Church. The court commented simply, as might have a lexicographer, "This myth has no basis in fact whatsoever." But how was the myth born? The court record provided only a single clue — the twenty-seventh finding of the court suggested the solution to the Saint Paul's mystery might be found in the June, 1966 issue of a magazine called *Together*.

With this clue in hand, we headed for the Library of Congress. There we learned that not only were there two *Together* magazines — one, the monthly journal of the Methodist Church, and the other, somewhat compatibly, an insurance journal — but that the 1966 bound volumes of both were missing.

Though we accepted this news calmly, our disappointment was obvious to a pert and trim reference librarian. She led us on a personal search through the stacks, also futile, and then asked why we wanted *Together*, anyway. As soon as we mentioned *Desiderata* she brightened efficiently. She led us out of the stacks and to her desk, explaining she had compiled a file on just that subject. We were too stunned to ask why.

The first item in the thin file was a clipping from the religion section of the *Washington Post*, dated January 1, 1966. Under the headline, "*Desiderata* Assists in Preparation of New Year Resolves," we read that "desiderata" is "a Latin word which may be freely trans-

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Desiderata

DESIDERATA

lated as 'the essentials.' The *Post* reported that "legend holds 'the essentials' were inscribed on a plaque installed in St. Paul's Episcopal Church in Baltimore when it was built in 1692." The usually reliable *Post* then speculated that "The plaque, if it existed, was lost in one of the many remodelings and rebuildings which the old church has gone through over the centuries."

But this reasonable account was dismissed sharply, and the enigma solved, in the file's second item, a photocopy of a letter, dated March 29, 1968, from Harriet W. Brandenburg, Secretary of the Saint Paul's Parish, to a "Mr. Jones."

"In reply to your inquiry about *Desiderata*," the letter began, "This poem was written by Max Ehrman (sic) and published in a book of poetry entitled 'The Poems of Max Ehrman.' It was also included in a small book of devotional poetry compiled by the Rev. Frederick W. Kates who was Rector of St. Paul's Parish 1956-60. At Lent, during his tenure of office, mimeographed leaflets of an inspirational nature were passed out and one of these contained a copy of the poem by Mr. Ehrman. It is presumed that someone 'found' one of these leaflets in the Church."

The third and final item in the file was a photocopy of a clipping from the September/October 1970 issue of *Synergy*, a publication of the San Francisco Library. In a section entitled "Somebody Asked Us," and under the headline "Thank You, Max Ehrman" a long paragraph reported the St. Paul's version of the story, and wryly concluded that "Some hip capitalist reprinted the poem on a parchment sheet with the 1692 date, which is simply the construction date of Old St. Paul's Church."

But what intrigued us most was the beginning of the paragraph, which credited "One of our librarians, in her flower power period," with uncovering

GO PLACIDLY AMID THE NOISE & HASTE, & REMEMBER WHAT PEACE THERE MAY BE IN SILENCE. AS FAR AS POSSIBLE WITHOUT surrender be on good terms with all persons. Speak your truth quietly & clearly; and listen to others, even the dull & ignorant; they too have their story. Avoid loud & aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain & bitter; for always there will be greater & lesser persons than yourself. Enjoy your achievements as well as your plans. Keep interested in your own career, however humble; it is a real possession in the changing fortunes

gentle with yourself. You are a child of the universe, no less than the trees & the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore be at peace with God, whatever you conceive Him to be, and whatever your labors & aspirations, in the noisy confusion of life keep peace with your soul. With all its sham, drudgery & broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

FOUND IN OLD SAINT PAUL'S CHURCH, BALTIMORE; DATED 1692

soul. With all its sham, drudgery & broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

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PAR-120 DESIDERATA

the fraud in 1967 when she "made a pilgrimage to the Old Saint Paul's hoping to look upon the inscription."

A librarian solved this mystery? We hastened back to the desk of our librarian, only to find it empty.

All ballots distributed with last week's RECORD should be returned at your earliest convenience, preferably before February 24, 1976. If you have misplaced last week's paper, or don't want to cut it, send your HLS class, political party affiliation, and presidential preference to RECORD, 23 Everett St., Cambridge, Mass. 02138. Thank you.

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Civil Rights Concern Ferguson

By Harold Cooke

Clarence Clyde Ferguson, Jr., '51, has returned to the Law School as a Visiting Professor after a career that encompassed legal education, government, civil rights and international diplomacy, and now plans to remain in the teaching profession. He believes that he can change society more as a teacher than as a litigator.

Ferguson has a two-year appointment here, and is now teaching Civil Procedure and International Protection of Human Rights. He is one of two black visiting professors here this year.

In his absence from the Law School, Ferguson was a professor at Rutgers U. Law School, was dean of Howard Law School, and compiled a catalog of diplomatic positions.

Ferguson's major accomplishment in academia was quadrupling the size of Howard's graduating class, from 30 to about 130. Howard produces over 90 percent of this country's black attorneys.

As General Counsel to the Civil Rights Commission, he was able to actualize his thesis that the President has a constitutional duty not to spend public funds in any manner which might foster segregation. His position is based upon the Constitutional provision that the President take care that the laws be faithfully executed. Ferguson's

son's thesis was the origin of the withholding provision in the Civil Rights Act of 1965.

In Ferguson's view the advances which were made during the Civil Rights era are rapidly coming to a halt, mainly because of the economy. Consequently in black communities there will be a lot of disaffection with the general principles of the U.S. economy, he predicts.

For a long time Black voters did not hold their elected public officials accountable to them. But a representative from an urban community can no longer neglect to account to Blacks for his acts and omissions.

The Black Congressional caucus is a manifestation of the Blacks' realization that the melting pot has not fully melted its ethnic ingredients, Ferguson said. The caucus is beginning to have impact, mainly in maintaining the level of appropriations for social programs.

In general, Ferguson believes that the traditional "single issue solution" to the plight of Blacks has been ineffective. He contends that the "problem" should be attacked from many perspectives.

As the U.S. representative on the Economic and Social Council of the United Nations from 1973 to 1975, Ferguson became acquainted with U.S. policies regarding that organization.

He said that so-called "new" assertiveness in the U.N. under the direction of Daniel Patrick Moynihan (who resigned his post as Ambassador last Monday), reflects a change in style, not in position. Despite the rhetoric of Moynihan and others, the U.S. will continue its involvement in the U.N., Ferguson believes. U.S. economic interests around the world compel participation because, in terms of global policy-making, "the U.N. is the only ball game in town."

The U.N.'s future importance will be in international economics, he suggested.

This compels a change in U.S. diplomacy, he pointed out, because the U.S. has formerly attempted to keep significant economic issues out of the U.N. — which has a one nation-one-vote structure — and in settings such as the World Bank — where nations vote on the basis of comparative wealth.

Ferguson's posts in International Affairs have included Deputy Assistant Secretary of State for African Affairs, U.S. Ambassador to Uganda, and special coordinator for relief to the civilian victims of the Nigerian civil war (with the special rank of ambassador), and membership in several U.N. committees concerned with humanitarian issues.

Ferguson's changeable career has never included political aspirations. He objects to the kind of "prostitution" that candidates must involve themselves in.

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Ex-Star of "Dobie Gillis" Leaves Television, UCLA Administrative Post, Comes to HLS

By Gary D. Hailey

Most HLS students probably have at least dim memories of *The Many Loves of Dobie Gillis*. Dwayne Hickman starred in the title role and Bob Denver was Dobie's sidekick, Maynard G. Krebs.

Sheila A. Kuehl, 1L, remembers *Dobie Gillis* very well indeed. In the character of Zelda Gilroy, she unsuccessfully pursued Dobie during the four years that the series was aired on CBS.

"I enjoyed those years, but I had very little control over my life. There were always people around to tell me what to do and what to look like. I was paid very well, but I didn't have much freedom."

Sheila's show business career began in Los Angeles in 1949 when her mother took her to audition for a network radio show.

"My dancing teacher told my mother that she should take me to the interview. I'm not sure why I was picked — maybe because I was the most extroverted eight-year-old they had ever seen."

After a six-month stint on radio, Sheila was given a role in ABC's *The Trouble with Father*, which was the first filmed TV series.

Trouble with Father ran for six seasons, and then Sheila went back to school full time. She was sixteen years old when she graduated from high school in 1957.

"At sixteen, I wasn't quite ready to go out into the world. So I went to UCLA as a theatre arts major, and occasionally did some freelance TV work."

An appearance in Bob Cummings' *Love That Bob* led to an invitation to try out for the Zelda Gilroy role for the fourth episode of *The Many Loves of Dobie Gillis*.

"I was sent in to see Max Shulman, who had written the novel from which the series was taken and who was doing the scripts, too.



Sheila Kuehl, 1L

Max was kind of a J.D. Salinger to college students of that day, and I was pretty nervous when I went in to see him."

He hired me right there and later told me that it was because I was shorter than he was."

Zelda Gilroy appeared in three episodes in the first season of *Dobie Gillis*. When the character

was featured more regularly in the show's second year, Sheila thought about dropping out of college. "But Max Shulman talked me out of it, and now I'm very glad he did."

Zelda appeared only four times in the fourth and last season of *Dobie Gillis*. But Shulman thought enough of Sheila Kuehl's Zelda to write a pilot for a series of her own in 1963.

When the pilot of *Zelda* failed to sell, Sheila became a regular on a series called *Broadside*, "a female *McHale's Navy*," in the 1964-65 season. Except for an occasional freelance job, that was the end of Sheila Kuehl's television career.

She went back to UCLA and worked for the alumni association, left to form an ad agency, and returned as an assistant dean. By 1971 she was associate dean for student programs and activities. Most of her time was spent working with the student government.

After a few years, Sheila was ready for something else. "I knew

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Student Urges Integrated Approach To Joint Law, Public Policy Degrees

By Phillip L. Spector*

Ed. Note:

The following is adapted from an article to be published in the Journal of Urban Analysis, Spring 1976 issue, which will have the general theme of "Education for Public Service."

At a meeting last fall of law students interested in participating in Harvard's combined degree program in law and public policy, the opinions of students currently in the program diverged sharply. Several thought that the decision to supplement their legal studies with a year at the John F. Kennedy School of Government was one of the best decisions of their educational careers, while others believed they had made a major mistake.

To a significant extent, the law students' opinions of the value of a year spent studying public policy seemed negatively correlated with their interest in becoming lawyers. Students who expected to practice law for some significant part of their careers tended to disparage the Kennedy School year. On the other side, many of those who were most positive about the Kennedy School had little interest in lawyering; rather, they tended to view a law degree as a helpful credential in professions requiring policy analysis.

This apparent negative correlation between interest in lawyering and interest in public policy studies should be of concern to several groups.

For the students and faculty involved, simply the fact of such a correlation should be troubling; it means that students who, by enter-

ing a combined degree program, manifested strong initial interests in two fields lose or suppress one of those interests somewhere in the course of either the program or their later careers, instead of having the two interests reinforced.

For the faculties in both disciplines, there is a further problem: if the combined program is not succeeding, the wisdom of officially encouraging student participation in it is drawn into question.

There may also be consequences of concern to the larger society. In attempting to solve public problems, one must usually consider both legal issues

"Separate courses do not encourage integrated analyses."

and policy issues; their interaction is unavoidable. In such currently important areas as taxation, environmental protection, energy conservation, and the prevention of crime, for example, sophisticated analyses depend on an understanding of regulations, statutes, and constitutions as well as on knowledge of basic microeconomic and statistical techniques.

Most policymakers today in these and other areas are trained in only one discipline and must rely on specialists with relatively narrow perspectives to fill in gaps in their knowledge. There would at least be the potential for better, more creative policy if persons in key positions in government not only had training in both law and policy analysis but in addition considered the two types of skills to be important and closely complementary tools.

The present structure of approximately simultaneous but entirely separate courses in law and public policy does not encourage integrated approaches to analyses of complex policy problems. Indeed, as the polarization observed at that Harvard meeting suggests, there

may be aspects of the present structure that inadvertently discourage integrated approaches.

For obvious reasons, law courses generally are taught by those who excel at legal analysis, public policy courses by those who excel at economic, statistical, or political analysis. As highly qualified specialists, these teachers often believe that their methods of analysis are the best methods available for approaching complex problems.

Thus law teachers may unintentionally convey the impression that classroom discussions of policy questions in other than legal terms are intriguing but not particularly fruitful diversions from the serious and quite separate business of learning the law. Conversely, teachers in public policy courses frequently treat relevant statutes as inflexible outside constraints, as factors external to the solution of policy problems, rather than viewing them as dynamic instruments subject to shaping by administrative regulation, judicial construction, and the imposition of procedural requirements.

Two entirely separate methods of analysis therefore confront the student taking courses in law and in public policy. He is given few or no incentives to synthesize the two methods in his coursework; instead, the incentives are, to a large degree, in the opposite direction. Mastery of one field is likely to bring — or to be perceived as bringing — tangible rewards in the areas of grades, faculty recommendations, and jobs.

The last item is of course particularly significant. Law has a well-defined career path; public policy's is less well-defined, but one does exist. But there is no obvious career path for the person interested in using legal and policy analytic skills simultaneously. He is likely to become either a lawyer to whom policy analytic skills are decidedly secondary or a government of-

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* Candidate for M.P.P. and J.D. degrees, Harvard University, 1976. Helpful comments on an earlier draft were provided by Dean Albert Sacks and Professors Paul Freund and Philip Heymann of the Harvard Law School, Assistant Professor Mark Moore of the John Fitzgerald Kennedy School of Government, Harvard University, and Harvard law and public policy students Christopher Edley, Jr. and Kate Pressman.

Mock Argument Slated For Limited Growth Plan

By Judith Albert and
George Van Cleve

Petaluma, Cal. is a town of 30,000 situated just north of San Francisco. Until 1971 it was known chiefly for its contributions to the world poultry farming industry.

Recently it has become involved in a controversy which goes to the heart of local government in the United States: whether a city, caught in the path of regional population expansion, can decide to limit its growth.

Counsel directly involved in this case and ones similar to it will argue the Petaluma case in the Ames Courtroom February 10 at 8 p.m. Robert H. Freilich, Professor of Law at the University of Missouri-Kansas City, Editor of *The Urban Lawyer*, and author of the Ramapo, N.J., limited growth ordinance, will appear on behalf of plaintiffs-appellants. Arguing for defendants-appellees will be Daniel W. Fessler, Visiting Professor of Law at the University of Virginia and co-author with Harvard Professor Charles M. Haar of an *amicus* brief in this case, and Alan Feld, Professor of Law at Boston University, who teaches State and Local Government Law.

The citizens of Petaluma had become alarmed at the rapid increase in the city's population in the early 1970's. Desirous of saving the "small town character" of their city, they adopted a plan to limit its growth to approximately five hundred houses a year. Local real estate developers promptly sued, alleging that the number of housing starts permitted under the plan was far below the number which the free market would otherwise have produced, and that the plan therefore infringed the constitutionally protected right to travel by barring low and moderate income families from finding housing in Petaluma. The California Real Estate Association,

30 California cities, the National Committee Against Discrimination in Housing, the National Resources Defense Council, the Sierra Club and the Harvard-MIT Joint Center for Urban Studies have all entered the fray as *amicus curiae*.

The adoption of the "Petaluma Plan" is by no means an isolated event. It lies in the intersection of two post-war developments: the evolution of the municipal zoning power and the change in the configuration of the American urban center. The base of municipal power has been the ability to control land use through taxation and zoning to achieve social, environmental and physical objectives. Suburban cities, faced with the problems which attend rapid population increase, have been using these powers — sometimes to direct the course of expansion, sometimes to limit it.

It has been argued that the effect of municipal units operating independently of one another has been chaotic, inefficient and unjust distributions of municipal services. Metropolitanization and regional planning are two solutions often proposed — but to adopt these solutions would reduce the power of municipalities to control local land use. Until recently, the majority of state governments and courts have left the cities free to go their own ways.

The thrust of the plaintiff's argument in *Construction Industry Association of Sonoma County v. City of Petaluma* is that Petaluma cannot constitutionally be allowed to view itself as a "tight little island" in planning for the future. The District Court, 375 F.Supp. 574, agreed with the Association's right to travel argument, and sent the case to the Ninth Circuit on that basis alone. The Ninth Circuit reversed, 522 F.2d 897, holding that the Association had no standing to raise the right to travel claim, and

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Cox Heads Study Of State Court System Reforms

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Judiciary," to have some "concrete recommendations" ready within six months, Cox said.

The committee will decide how to proceed, Cox added, saying that he feels the logical approach would be to think in terms of three objectives: emergency measures, reforms to be accomplished with "reasonable dispatch" and long-range goals.

The state's criminal "trial de novo" system, currently under scrutiny by the U.S. Supreme Court, is an area which might require emergency action if the present system is struck down, Cox explained.

He added that the system, which gives a criminal defendant the right to a completely new jury trial if first found guilty by a district judge, will probably be reconsidered regardless of the outcome of the Supreme Court decision.

Cox said the six-month deadline set by the governor is for those suggestions which either can be implemented without legislation or can be brought before the legislature this session. This would include recommendations such as legislation allowing district court judges to sit on cases in superior courts.

Other suggestions for legislation, such as to computerize all court records, will take substantial time to implement, even if the legislature could pass and fund it this year, he added.

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Views On Joint Program Differ

(Continued from Page 6)

official or consultant to whom legal skills are secondary.

His one-discipline peers in either of these categories of jobs can be expected to reinforce the message first communicated by many of his one-discipline teachers and peers at the university: there is little to be gained — intellectually, professionally, or personally — from taking an integrated approach to problems with legal and policy components.

An effort to communicate a different message to joint law and public policy students might be begun in several ways. The most extreme possibility — and one whose disadvantages would probably outweigh its advantages — would be to develop an entirely separate curriculum for what would be, in effect, a new, integrated discipline, a law curriculum suffused with a policy analysis component and oriented toward consideration of public issues.

The objections to this type of integration are formidable, however. A student taking the new, combined curriculum would learn neither the legal basics nor the public policy basics in the same depth and from the same perspective as his one-discipline peers. He might therefore lack confidence when working in either field alone.

For the foreseeable future, the law and public policy careerist, if he is to be successful, will have to work with and understand both lawyers and policy analysts, and he will have to be comfortable in both disciplines as they are traditionally conceived. Hence it seems preferable to have the joint student's basic learning, which provides a foundation for all later study, occur in regular courses alongside students who are involved in only one of the two disciplines.

Once the minimum requirements are met, students interested in pursuing the joint study of law and public policy should be encouraged to integrate their skills. Three areas for initial exploration can be iden-

tified.

First, some form of continuing seminar or colloquium should be introduced specifically for advanced law and public policy students. The seminar would be designed to provide a forum for interchange among these students with regard to the unique combination of skills they possess. It ideally would be taught by faculty members from the two disciplines or, better yet, by persons trained in both disciplines and holding joint law-public policy appointments.

The seminar that Harvard offers its students taking a combined degree program in law and business administration suggests a possible model. According to the catalog, this seminar, "intended to be the 'capstone' of the joint J.D.-M.B.A. program," encourages consideration in depth of problems with "both legal and business complications."¹

As a complement to participation in a seminar designed exclusively for combined degree students, the law and public policy students should be encouraged to enroll in advanced substantive courses that have both legal and policy components but that are taken primarily by single-discipline students.

At Harvard, for example, the Law School offers courses in tax policy and environmental policy as advanced law electives. The majority of enrollees in both of these courses are law students, although the courses are each taught jointly by a law professor and an economist.

In a course of this type, the law and public policy student, in addition to improving his own skills, should provide a perspective that significantly enhances the value of the course for those trained in only one of the two disciplines.

In the law classroom, the joint student could bring to analyses of statutes and judicial opinions — particularly ones with explicit or implicit policy premises — a framework for thinking about public issues that might contrast

sharply with the gut-level reactions often characteristic of policy discussions among lawyers and law students.²

In advanced public policy courses with legal aspects, the joint student could give his one-discipline peers and teachers an understanding of the basic legal constraints on a decisionmaker's actions and the ways in which the constraints can be avoided or manipulated. He might also supplement traditional policy analysis with application of the systematic process of questioning in which the lawyer is trained to engage.

Finally, in connection with either the special joint students' seminar or one of the advanced courses in a substantive field, the law and public policy student should be required to write a long paper or to engage in an intensive project that combines skills from the two areas.

Topic selection for the paper or project should be flexible, but there should be one overriding requirement. The topic should provide an opportunity for the student to combine skills creatively in a finished product that stands as tangible evidence of the importance of integrating legal and public policy skills.³

2. Lawyers and law students are not alone in this regard, of course. In a persuasive article in the *New York Times*, Oct. 27, 1975, at 29, Horace Brock of the Stanford Research Institute observed that "most people don't know that policy problems and the philosophical quandaries they pose can profit from conceptual and empirical analysis." He proposed that courses on basic aspects of policy analysis be offered to high school seniors or college freshmen.

3. Much of my own interest in the concept of an integrated education in law and public policy is derived from the intellectual stimulation and feeling of making a contribution that I enjoyed while working on two Kennedy School papers with significant legal components. Both papers were later published in legal journals. Spector, *Financing the Courts Through Fees: Incentives and Equity in Civil Litigation*, 58 JUDICATURE 330 (1975); Spector, *Regulation of Pesticides by the Environmental Protection Agency*, 5 ECOLOGY LAW QUARTERLY 229 (1976).

1. Harvard Law School Catalog, 1975/76, at 137.



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Blackboard Jungle

There will be a meeting of the Committee on Legal Education this Monday, February 9th, in the Root Room. Professor Abram J. Chayes and other faculty and student members of the committee will speak and be available to answer questions.

The Legal Education Committee is responsible for curriculum, the legal methods program, the written work requirement, and degree requirements.

The Monday meeting will have the purposes of informing students about the work of the committee and of soliciting student views concerning the committee's work.

If students are concerned about recent developments in the written work requirement, about the direction of clinical courses at the Law School, or about any other aspect of education at Harvard Law School, their attendance is urged.

The activities of this group affect each student in a very direct and real way. The presence of concerned students at Monday's meeting could affect the resolutions of the Committee on the issues discussed. It at least will indicate that student input on such matters can and should be recognized.

Butterflies Are Free

The spring semester of the Free University begins next week. Those members of the Law School community — students, faculty, staff, spouses, or friends — who have participated in Free U. courses in semesters past will attest to the enjoyability and value of the endeavor for those who participate. The course offering of the Free U. is, as always, interesting and varied: some old favorites — Basic Seamanship, Bread Baking for Anyone, Chinese Cooking, and TM (that's *not* all one course) — as well as Wine Tasting II, Reading Aloud, Bicycle Touring, Traveler's French, Exercise, and Volleyball are being presented. Registration continues through Monday at the BSA office.

A Free U. course might be just the answer for the Corporations student who finds himself basking in the daydream sun on the shores of the Texas Gulf. Or for that frustrated soul who is in charge of the Pound 102 pipes. Or for *Sec. Reg.* students who failed to look at past exams last month. But the prescription is one that should be considered, or at least appreciated, by all — the Free U. is living proof that even HLS knows that a complete lawyer is not completely law.

HARVARD LAW RECORD

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Fenno

"Gee," Fenno said to the 3L, "I guess you're pretty upset about the *Securities Regulation* exam."

The 3L was a picture of equanimity. "I try to take these things calmly," he said, calmly. "I mean, Professor Lost is a very busy man. There's his treatise, which is celebrating its seventh anniversary of being out of date. There's his *Sec. Reg.* course, which he's been able to update only when he mistakenly delivers one of his *Corporations* lectures. There's the addendum to the Third Revision of the Second Tentative Draft of the Proposed Federal Securities Code, which Congress is at this moment busily ignoring. I can understand how he wouldn't have time to make up a new examination."

"I realize you're a fundamentally kind person," Fenno said, "but it does seem a little bit raw for a professor to give an examination that is substantially identical to one that he gave only four years before. I mean if it's not actual fraud, it seems it's at least a material omission."

"Take a tip from someone on the inside," the 3L said sulphurously, "there's a vast gulf between appearance and reality. You have to look at the thing pragmatically."

"Explain the pragmatic considerations to me," Fenno ordered patiently. "But leave the bad puns out: the 1Ls don't get them."

"Well," the 3L obediently began, "there's the instructional concern. I wouldn't be unkind enough to suggest that Professor Lost is more familiar with securities law as it was in 1972 than he is with securities law as it is today; but anyone who took his class sure as hell knew more about 1972 securities law than about the current variety. So it only makes sense that he should give a 1972 exam."

"Tell me something," Fenno said. "Did you and your friends by any chance review the 1972 exam while you were preparing for this one?"

"Well," the 3L admitted, "we did want to be thorough."

"And now do you mean to tell me," Fenno demanded, "that despite your obvious self-interest, you intend to pretend to present an objective defense of Professor Lost?"

"Well damnation," the 3L said, "the man had to do something. When your *Corporations* class moves from Langdell South Middle to Pound 107 in one year, you'd better do something to attract attention or people are going to forget you're there at all."

"Answer my question," Fenno directed sternly. "Do you really intend to defend Professor Lost to your dying breath?"

"Oh no," the 3L hastened to assure Fenno. "Not to my dying breath. Just until he turns his *Sec. Reg.* grades in to the Registrar."

Letters to the Editor of the RECORD

SFF: Half Gainer Into Income Pool?

To the Editor:

I think the share-the-wealth proposal of the "Student Funded Fellowships" (RECORD, December 5, 1975) stops short of really fulfilling the beauty and promise of the underlying concept. As long as wealth grows on trees to be plucked by those lucky enough to be favorably situated, and as long as none of us really exercises any free choice in deciding whether to serve as public or private lawyers, we should all agree to pool our annual incomes to be evenly distributed among Law School graduates.

And why make it voluntary? If the idea is right, we should have the courageous conviction to make it work for everyone.

Rauer L. Meyer, 73
Los Angeles, California

Kell (Cohen Critic) Counter-Countered

To the Editor:

Despite its incoherence, the letter of Raymond M. Kell '36 ("Realist Counters Cohen's Idealism," Jan. 30) deserves a response, if only to counter its distortions.

Kell, who fails to reveal that he is the Honorary Consul General for Korea at Portland, Oregon, claims that my condemnation of President Park for ending democratic rule in South Korea is based on a "personalized, emotional and subjective evaluation" and a lack of familiarity with or concern for the situation there.

I urge interested readers (there are all too few, alas) to make their own determination of the state of human rights in South Korea after perusing the record of the two recent sets of Hearings on the subject held by the Fraser Subcommittee of the House Committee on International Relations.

There a host of official and private witnesses with vast experience in Korea leave no doubt about the demise of Korean democracy.

I also urge readers to consult my article "Lawyers, Politics and Despotism in Korea" in the June 1975 *American Bar Association Journal* in order to assess the accuracy of Kell's caricature of it.

Kell seeks to perpetuate the Korean government story that Professor Tsche committed suicide in the arms of the Korean CIA. Yet an Amnesty International report placed before the Fraser Subcommittee reinforced earlier evidence which suggests that Tsche died under well-known KCIA torture techniques. Indeed, the KCIA tries to frighten subsequent detainees by warning them that Tsche had been beaten to death and "Not a rat nor a bird told a soul."

Is there political freedom in South Korea?

Donald Ranard, recently retired Director of the State Department's Office of Korean Affairs, stated in December that Park's latest "emergency decree" suppressing freedom of speech "is as sweeping a denial of human rights as is probably to be found in any country outside the Communist world." Kell will have a hard time branding Mr. Ranard an uninformed, romantic academic.

If there is freedom of religion, why has the KCIA infiltrated all religious groups, sent many priests and ministers to prison, and required certain American missionaries to leave the country?

If there is freedom of travel, why are Koreans not free to leave the country and why must many who gain exit permits leave their families behind as hostages for their return and their silence abroad?

If there is freedom of academic pursuits, why are the universities being purged of independent-minded administrators, faculty and students at this very time, and why won't the government reveal the number of students in prison?

If there is freedom of the arts, why is Korea's most famed poet, Kim Chi Ha, serving a life sentence for his poetry, why are other artists and writers locked up whenever their work steps out of line, and why has there been a "cleansing" of Korean folk songs and American popular music?

What can freedom of a career mean when the KCIA brutally represses efforts to organize independent labor unions that strive to improve the plight of exploited workers?

If Korea's Confucian tradition begets obedience, why must Park use tanks and troops to prevent demonstrations, why are people being punished for calling for a return to earlier constitutional government, and why can a Korean receive seven years in prison for criticizing the present regime to a foreigner?

Kim Young Sam, leader of the now token opposition party, has just been indicted for speaking out. Kim Dae Jung, whose real offense was to poll almost 47 per cent of the vote against Park in 1971 despite a variety of officially imposed handicaps, has been sentenced to prison for alleged technical violations of the pre-1972 election laws, laws that no longer exist because Park has destroyed the entire electoral process that placed his tenure at risk. I wonder whether Kell savors the irony of this.

He tries to tell us that North Korean Communism is the only alternative to a regime that increasingly resembles it. I know of no one in the U.S. Government who believes this Korean government rationalization. During the 1960s, when North Korea was behaving in a more menacing manner, Park presided over a far more open society. What he has done lately is to whip up popular fear of the

North in order to free himself from the hazards of elections and criticism.

Must the U.S. silently witness the death of Korean democracy, as Kell suggests? In April 1950, not long after the U.S. undertook its long and tragic investment in Korea, Secretary of State Dean Acheson stated that our economic and military aid to South Korea have been "predicated upon the existence and growth of democratic institutions within the Republic." If the Park regime persists in its current repression, it will have to engage a more persuasive advocate than Kell to convince us that this investment should long endure.

Jerome A. Cohen
Cambridge, Massachusetts

Anger at Unger: "Glib Assertions"

To the Editor:

In covering Mr. Unger's discussion of Chinese and Western law (1/30/76), your reporter mentioned, but did not describe, the controversy which Mr. Unger aroused. Constraints of time, and the fact that a number of questioners were obscured at the back of an overflow crowd which came to hear Mr. Unger, did not permit all who wished to answer or to argue with Mr. Unger to do so. This was unfortunate, since Mr. Unger made a number of disturbing generalizations which should not have gone unchallenged, especially for the benefit of those auditors who had little knowledge of China and Chinese law and came seeking better information.

Two points in Mr. Unger's characterization of Chinese civilization were especially provocative to those in the audience who had some sinological training. The first was his unitary view of 2500 years of Chinese political philosophy and religion, and the second involved his arguments for the "superiority" of the Western attitude towards law.

As far as the first point is concerned, Mr. Unger's view of China as a civilization dominated by a single Confucianized ideology and ruled continuously by a central imperial government displays a naiveté toward the course of history generally and toward the facts of Chinese history in particular. What is annoying is the arrogance underlying the assumption that a few glib, generalized assertions could deal with a culture as vast and complex as China's (or the West's, for that matter).

More disturbing was Mr. Unger's contention that there was something fundamentally superior about the Western approach to law and its development, which Westerners would have to admit or risk being labeled by Mr. Unger as "cultural relativists." This not only was annoying, but smacked of the narrowest sort of ethnocentrism; delivered to an audience which contained Chinese legal scholars and Western students of China, it was tantamount to an insult.

Given Mr. Unger's lack of knowledge about China, his discussion and its conclu-

(Continued on Page 12)

— Letters —

(Continued from Page 11)

sions might be dismissed as risible by experts; unluckily, Mr. Unger's audience did not consist solely of "China hands," but included a large number of the law school community who sought to learn about Chinese law. If they learned what Mr. Unger lectured, they went away sadly misinformed — little law developed in China, and what there was was inferior to the West's anyway. Hopefully, Harvard's students will avail themselves of the rest of the Friday lecture series, which Mr. Unger's talk initiated, or the course offerings in Chinese law, to gain a better understanding of the role of law in traditional China, which may counter Mr. Unger's culturalism.

With a little humility in the face of a foreign culture and with open, inquiring minds, those of us at the Law School may find something of value to the West and to Western law in the study of Chinese law.

James V. Feinerman, 1L
Cambridge, Massachusetts

Cryptic Law

. . . joni inmyoluev advvnx, [xnbnixdif]

atdznx dmev mifnixnx fu godedgfnemkn dix

deez fonw mi jomgo von vrggnnxnx. Ontx,

xnbnixdif uexnenx iuf fu atdz "Cmiytn

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envnwltN Vdofd Gtdrv, ue "Digouev Djnmyo"

bue d vdmtue, ue "Tmfftn Utx Tdxz" bue di

ntxnetz juwdi, dix fu tmwmf one [wdemwld]

atdzmiy fu endvuidltn ourev dix sutrwn.

(Solution on Page 14)

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SPORTS QUIZ

By Katz, Noto, & Zagrans

1. Who was named first commissioner of the Superstars competition?
2. Wilt Chamberlain, Chet Walker, Luke Jackson, Wali Jones and Hal Greer were the starters on the '76ers' 1967 championship team. Name four of their six well-known reserves.
3. NFL offensive linemen were polled this year as to who they thought was the best defensive lineman. Who was their choice?
4. Who was the Celtic center whose job Bill Russell took?
5. Who was the center and other star on the great Michigan basketball team which Caz-zie Russell led?
6. Which pro football team drafted Ted Marchibroda in the first round in 1953, and what college did he graduate from?
7. What pro football team did K.C. Jones play for, and at what position?

Sports Answers

1. Joe Frazier.
2. You have sunk, much like professional swimmers performance rivalled that of wrestler Haystacks Calhoun, whose spectators on his first roll.
3. You have surpassed the Superstar bowl-ing performance of Tommy, professional pinball wizard, who knocked down ten million Derby driver, who was the only one to finish last year's bicycle race.
4. You've scored higher than Anatole Italia, the professional pizza tosser, who failed to qualify for the finals, but did hit three meatballs for home runs.
5. You free-wheeling performance rivals that of Clyde Crashcup, professional De-molition Derby driver, who was the only one to finish last year's bicycle race.
6. Pittsburgh Steelers; St. Bonaventure.
7. Defensive back, L.A. Rams (OK, so he only played during the exhibition season). Add up your score, and compare it with great performances in past Superstars competi-tion:
1. Bud Wilkinson.
2. Larry Costello, Al Bianchi, Dave Gam-bee, Matty Guokas, Billy Melchionni, and Billy Cunningham.
3. Jerry Sherk of the Browns.
4. Arnie Risen.
5. Bill Buntin.

"Dobie Gillis" Star Has No Problems Adjusting to HLS

(Continued from Page 5)

that I couldn't move higher in uni-versity administration without another degree. I could have gone for a graduate degree in education, but law school seemed to offer more options."

Sheila took the LSAT and the re-sults were encouraging. Out went applications to law schools all over the country, and Harvard was one of the schools that sent back an accep-tance letter.

"I think some law schools are hesitant about considering people like me. I had been out of school a long time and my grades, which were fine for 1962, didn't look as good in post-grade inflation 1975."

"I had heard the usual bad things about HLS — it was impersonal, it made people into corporate lawyers, and so on. But I knew that if Har-vard would accept me, they couldn't be that bad."

"That may sound arrogant, but I mean it this way: Harvard wasn't so tradition-bound that it wasn't wil-ling to consider an application as unusual as mine. That told me something positive about the place."

The transition hasn't been that difficult. "My job at UCLA in-volved research, writing, and a lot of work with students. I never really left academic life al-though I haven't been a student for several years."

If Sheila Kuehl's past is not typi-cal of HLS students, neither are her plans for the future.

"I'm still interested in university administration. And I intend to get involved in elective politics."

"I'll be working for a firm that handles criminal law work in Los Angeles, and I certainly intend to practice law actively in the future. But I wouldn't have been happy doing television all my life—I can't think of anything that I would want to do forever."

HARVARD LAW RECORD

A Full Glass of Water's Not Enough: Bean Curd and Proverbs Don't Mix

By Sam Goldberg

The Chinese have an ancient saying: "With a little rice at noon, you'll make it through 'till June". Perhaps that is to paraphrase it somewhat. But the thought, at least, is a comforting one for those of us having difficulty getting excited about the second semester of a year-long Corporations course.

The luncheon buffet at the *Yen Ching* restaurant, apparently specializing in Szechuan cuisine, and located right across from the Yard on Mass Ave, could help to sustain you in the barren months ahead. For about \$2.85 (tax and tip included) you can receive a fairly filling, mildly satisfying experience in Cambridgized Chinese food.

We began our meal with a good bowl of hot and sour soup. It has been our experience that many law students do not fare well with food spiced beyond a well-done bland. While this soup is certainly *hot*, it should not scare away even those with the most incipient ulcers. It was tasty and full of little goodies.

This is not a buffet in the true sense. In other words, not an all-you-can-eat, pig-until-you're-sick meal. Rather, upon finishing our soup, we went to a small table in the back and were served from warming trays. Note that we were *served* — they take pains to make certain you don't take a little too much of the spicy chicken. And while the at-

tendants don't look *exactly* like their last job was as extras in a Bruce Lee movie, they do make one hesitate to ask for "more, please".

One major problem with the meal was that it relied rather heavily on bean curd. The soup contained long strips of it (it does make it look like there's more meat in the broth), and one of the main dishes was a bean curd with baby shrimp and peas (yes, *peas* — Americans do not have a monopoly on vegetables ordinarily found with meat and potatoes. In fact, there are historical references to peas — or a vegetable very similar thereto — in China dating back to 4371 B.C.).

Bean curd is somewhat of an unusual animal. Often mistaken for solid food, it has a consistency similar to that of jello, and a texture comparable to dried frying grease. It doesn't even taste particularly good (or even very much like anything at all, for that matter). In essence, bean curd is one of those foods where taste, texture and appearance combine to let you know that it *must* be good for you.

The 3- or 4-ingredient fried rice gracing our plate (and the plates, bowls and soup spoons *are* beautiful, and added much to the aesthetic aspect of our meal — the food itself added little) was more pleasing, though we have sampled much better.

In fact, there's a little Mandarin restaurant in Evanston, Illinois,

which serves a fantastic *ten*-ingredient fried rice. That's probably a little far to travel, however, just for lunch.

The best dish was undoubtedly the spicy chicken — large pieces of chicken with vegetables in a not overpowering sauce. Even if the mere thought of spicy anything turns you away, have no fear — in terms of refilling water glasses the service was excellent (an extremely rare quality in most restaurants).

Also accompanying the meal were crispy won-tons and a nicely-fried piece of something covered in a thick, bright red sauce that looked very much like a liquid my dentist used to coat my teeth with.

It is difficult to find precise words to describe a restaurant that offered a not unpleasant meal, but about which we are not wholly enthusiastic. Certainly "eminently palatable" is not appropriate. Our dining companion, in searching for an apt word or two, phrased it as "not shabby". That sums it up nicely.

Petaluma Subject Of BSA Mock Appellate Contest

(Continued from Page 7)

that the plan was a reasonable exercise of the police power. A petition for writ of *certiorari* filed December 30, 1975 is pending in the Supreme Court.

The panel of judges at the mock argument will be Professors Haar and Lance Liebman of Harvard Law School and Richard Johnson, a senior partner in Ropes & Gray, Boston. Briefs in the case are on reserve in Langdell. The argument will be followed by a reception in the Pound Building for students and faculty.



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Guild Will Focus On One Problem

(Continued from Page 1)

put it this way: "It's hard to think about the Law School, about what the purpose of legal education is. Last year many students began talking about these things, and the function of the Guild became to facilitate the process, to bring together students with a similar analysis and experience of the Law School in order to plan."

Beginning its second year of evolution, the Guild last semester organized itself into a constellation of semi-autonomous committees. The pressures of school work and the pull of other activities took their toll, however.

Elizabeth S. Bernstein, 2L, chairperson of the Guild's governance committee, said, "We were over-ambitious last semester; this semester I hope we will concentrate the entire Guild on one issue, maybe placement, and work on it with other student organizations."

Although the Guild may have over-extended itself last semester, it did make contributions in several areas. The controversy over the visiting committee report is probably the Guild's best-known effort.

To Burnim, two issues were involved: first, whether students should participate in official evaluations of the Law School; and second, whether the administration is sufficiently responsive to student views. Some results emerged from the furor: next year students will be able to meet with the overseeing committees directly and formally.

The Guild governance committee has been studying the issue of blind

grading. The discretion of professors to change grades on the basis of classroom participation became an issue at the time of the notorious "Miller incident" when members of Section III were reluctant to express their views because of fear of retaliation. This issue is now before the Student-Faculty committee on legal education in preparation for consideration by the faculty, and the Guild plans to present its recommendations at that time.

The survey of first year student career goals and expectations was another Guild project providing information for examination of the nature of the Law School. The Harvard College placement office has expressed interest in using it in future publications. The Guild also published *The Outlaw*, asserting the need for diversity of press coverage of the Law School.

Burnim expressed the view that

the Guild encourages other activities of general concern to the Law School Community. For example, J. Robert Kirk, 1L, a Guild member, is working on the Student Funded Fellowship project.

Kirk feels that among first year students the "revolutionary fervor" is being "re-channeled, repressed, and sublimated" and that competing demands on one's time require a careful choice of extracurricular activities.

The Guild believes that its purpose is essentially an intellectual one: to encourage a continuing dialogue on the Law School. Burnim said, "There has always been a question: what is the Guild? People join together as part of an effort to create an identity at the Law School, to talk seriously about the issues of the school. I've found it to be one of the most helpful things here, and one of the most rare."

Harvard Alums Did Well On Many Licensing Tests

(Continued from Page 1)

tacted. These responses have been compared to pass/fail statistics for all law schools for 1974, printed in the magazine *Before the Bar*.

In New York last year 21 of 113 Harvard graduates taking the bar exam failed it; in Nevada, 1 of 2 failed; in Kentucky, 1 of 3; and in Maryland, 1 of 10.

In Washington, 2 of 14 Harvard graduates failed; 26 percent of all candidates taking that state's exam were unsuccessful. In Alabama, 1 of 3 Harvard graduates failed; 25 percent of all candidates were unsuccessful. In Iowa 1 of 2 Harvard graduates failed; 16 percent of all candidates were unsuccessful.

Harvard's record was 100 percent success in the 1975 bar exam in these states (numbers in parentheses indicate the percentage of all candidates who passed): South Carolina (92); Tennessee, Colorado

(73); Ohio (92); New Hampshire (71); Montana (90); Pennsylvania; Utah (94); Minnesota; Mississippi (46); North Dakota (100) and Hawaii (87).

The most recent statistics available from California are for 1973, when 14 of 71 Harvard graduates failed and the overall failure rate was 47 percent.

No Harvard graduates were candidates for the bar last year in Idaho, South Dakota, West Virginia and Nebraska. Massachusetts, Arkansas and Indiana did not release information concerning pass/fail rates.

The District of Columbia and several states reported that they do not maintain records of the success of candidates from various law schools. These states included New Jersey, Connecticut, Virginia, Vermont, Texas, Kansas and Indiana.

Nevada, Washington and Ohio
(Continued on Page 16)

Solution to "Cryptic Law"

... when neighbors passed [defendant] played airs intended to characterize and annoy them, in which she succeeded. *Held*, defendant ordered not to play "Jingle Bells" to annoy plaintiff, thought to resemble Santa Claus, or "Anchors Aweigh" for a sailor, or "Little Old Lady" for an elderly woman, and to limit her [marimba] playing to reasonable hours and volume.
Collier v. Ernst, 31 Del. Co. (Pa.) 49 (1941) squibbed in Keeton & Keeton, *Torts* (1971), at 126.

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WOMEN IN POLITICS

Patricia E. Mitchell, WBZ-TV, Boston, News; former political media consultant; former Instructor of Literature, Drama, Film, and Interdisciplinary Arts at Virginia Commonwealth University and University of Georgia

SOME PSYCHOLOGICAL ASPECTS OF PUBLIC LIFE

Xandra Kayden, Assistant Professor, University of Massachusetts; and Alvin Kahn, Instructor of Psychiatry at the Harvard Medical School, attending physician at McLean Hospital, and a participant in the Group of Applied Psychoanalysis

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GOVERNING A CITY: ARE THERE SOLUTIONS TO THE PROBLEMS?

Timothy A. Barrow, Fellow of the Institute of Politics; former Speaker of the Arizona House of Representatives; former Mayor of Phoenix, Arizona

THE ART AND POLITICS OF PUBLIC MANAGEMENT

Frederic V. Malek, Senior Vice President, Marriott Corporation

THE POLITICS OF HUMAN SUFFERING

Richard Broeker, Fellow of the Institute of Politics; formerly Minnesota State Planning Director for Human Services, and President Minnesota Social Services Association

OF CRIME AND THE CRIMINAL JUSTICE SYSTEM

Philip Scribner Balboni, Editorial Director, WCVB-TV, Boston

TELEVISION REPORTING: TWO CRITICAL PERSPECTIVES

Frank A. Mariano, Fellow of the Institute of Politics, ABC Network Television and Radio news correspondent in Los Angeles; formerly Bureau Chief and correspondent for ABC News Saigon Bureau; correspondent ABC News Asian Bureau—Hong Kong (Southern Asia & Asian Sub-Continent)

NATIONAL SECURITY, FOREIGN POLICY, AND CONGRESSIONAL COMPETENCE

John Holum, Fellow of the Institute of Politics, Legislative Assistant to U.S. Senator George McGovern of South Dakota; chief issues and speech-writing coordinator for McGovern's 1972 Presidential campaign and author of the alternative defense posture statement

ISRAEL AND THE PALESTINIANS: PROSPECTS FOR CO-EXISTENCE

Trudy Rubin, Fellow at the Harvard Center for International Affairs, formerly staff writer for *The Christian Science Monitor* and *The Economist* of London (in Egypt, Lebanon, Israel)

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State Examiners Tell Alums' Luck In 1975 Testing

(Continued from Page 14)

were the only states providing information comparing Harvard graduates' success to that of other candidates.

In Nevada the pass/fail ratios for several schools were: Harvard, 1/1; McGeorge (in-state), 19/1; U. of Utah, 3/2; Western, 5/1; and Santa Clara, 4/1.

Pass/fail ratios in Washington were: Harvard, 12/2; Boston U., 5/0; Chicago, 4/1; Duke, 3/0; Gonzaga (in-state), 100/63; Oregon, 10/2; Stanford, 6/3; Washington U., 105/18 and Yale, 2/1.

In Ohio, where 92% of all candidates passed the bar, only in-state schools reported significant numbers of failures. Graduates of Harvard, Duke, Tulane, Yale, Stanford, Chicago, Boston University, Columbia, Cornell and Virginia had perfect passing records.

Students who don't have faith in bar review courses may want to consider this summary of the passing rates in the states where the most candidates were successful in 1974: North Dakota and South Dakota, 100 percent; Wyoming, 99 percent; Utah, Nebraska and Missouri, 94 percent; Idaho, 93 percent and Ohio and South Carolina, 92 percent.

Should the ax fall on your neck one day, remember that failure does not mean your purpose in Law School was not achieved. As they tell the first year students, you're here to learn to think like a lawyer.

Cox Commission Studies Bay State Court System

(Continued from Page 7)

"There are also those recommendations which need no legislation, such as adopting a rule disallowing or severely limiting continuances for convenience of counsel. These could be put into effect at once," Cox said.

Cox also noted that the committee must decide whether to use the "considerable number of apparently very good studies" of the state judicial system now in existence, merely "reviewing and concluding," or whether they should gather more data themselves.

He pointed to one area the committee may explore further — the huge backlog of civil cases. "There's not much knowledge of what kinds of cases comprise the backlog, why they are there, and which ones are really 'dead' issues," he said.

Cox noted that in 1974, six of the 12 U.S. counties in which it took the longest for a personal injury case to get to jury trial were in Massachusetts.

"The greatest disgrace of the legal profession is the time it takes to do anything in the courts," Cox said. Yet he said that at this point he has no concrete ideas as to how to speed up the flow.

Cox pointed to the idea of the state taking over from the counties the financing of the courts as a "long-range goal," noting that committees similar to his had suggested just that in both the 1950s and 1960s.

When asked whether he foresees any problems in implementing court reform in light of the state's present budgetary crisis, Cox said any court expenditures would be "peanuts" compared with other budget items.

"If the state took over the entire cost of the judicial system, and if there were no savings from doing so, and even with additional judges and administrative costs, it still would not equal two percent of the state budget," Cox stated.

He continued by saying, "We get an awful lot in return for any money put into this, humanly speaking; simply in achieving justice, achieving confidence in the courts, very probably in reducing violent crime, and certainly in reassuring victims of violent crime."

"Think of what these delays mean as to the worry of the victim in certain types of crimes," he said, pointing out the common practice of releasing criminal defendants until trial.

"It's awfully easy to forget the victims of crime, and the resentment they have for the system when they get kicked around by it," he added.

Cox said that in his opinion better administration and economizing would provide necessary funds to pay for some reforms such as extra judges to handle the backlog.

He also pointed to other states such as Colorado and Maine, which have had some success in reforming the judicial process, and also to Massachusetts' lack of a strong, centralized administrative office. And he emphasized that while the official role of the committee is to look at ways to speed up the judicial function, they will naturally have to view the civil and criminal systems in their entirety.

"But," Cox concluded, "it is inexcusable to leave the courts operating in an outdated, creaky fashion because we can't change the rest of the system at the same time."

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