

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 65, NO. 4

© 1977 BY THE HARVARD LAW SCHOOL RECORD CORPORATION

OCTOBER 21, 1977

TWENTY CENTS

De Funis Today: The Case That Might Have Been

By Larry Zelenak

The same issues that have made Allan Bakke's suit against the Board of Regents of the University of California a topic of national debate were argued before the Supreme Court three years ago in *De Funis v. Odegaard*. Marco De Funis, a white male, claimed he had been denied admission to the

(Continued on Page 7)

Profs Turn Off Tube As Insanity Defense

By Tammy Jacobs

Overexposure to television violence, claimed Miami defense attorney Ellis Rubin, influenced young Ronny Zamora so much that he lost control, robbed and fatally shot his next-door neighbor, Elinor Haggart, 82.

In a trial that was itself televised, Rubin raised the issue of television violence as an insanity defense to the first-degree murder charge against Zamora, 15.

Judge Paul Baker excluded

Rubin's expert witnesses on the effects of television viewing on adolescents' and the jury convicted Zamora earlier this month after two hours of deliberation.

Rubin told the RECORD he still thinks the television defense, which he believes this case raised for the first time ever, is valid.

Four HLS professors are not so sure Prof. Lloyd E. Ohlin, who teaches Crime and Society, Prof. Alan A. Stone, professor of law and psychiatry and Criminal Law Profs. Alan M. Dershowitz and Lloyd L. Weinreb turned thumbs down on the defense theory.

"A defense lawyer is obligated to try to push the law as far as it could reasonably go in defense of his client," said Dershowitz. However, he added, "what we have here is an observation in search of a legal theory."

"It's true that television, as well as a lot of other things in life, have an influence," he added. "But to understand a thing is not to forgive it."

"My sense of it," said Weinreb, "is that unless you can distinguish the defendant as somehow special, somehow warped in a way that is unlike the rest of us, all you're saying is that all of us are glutted" by violence on television.

"Something that would be true of the run-of-the-mill person would not be an insanity defense," he added.

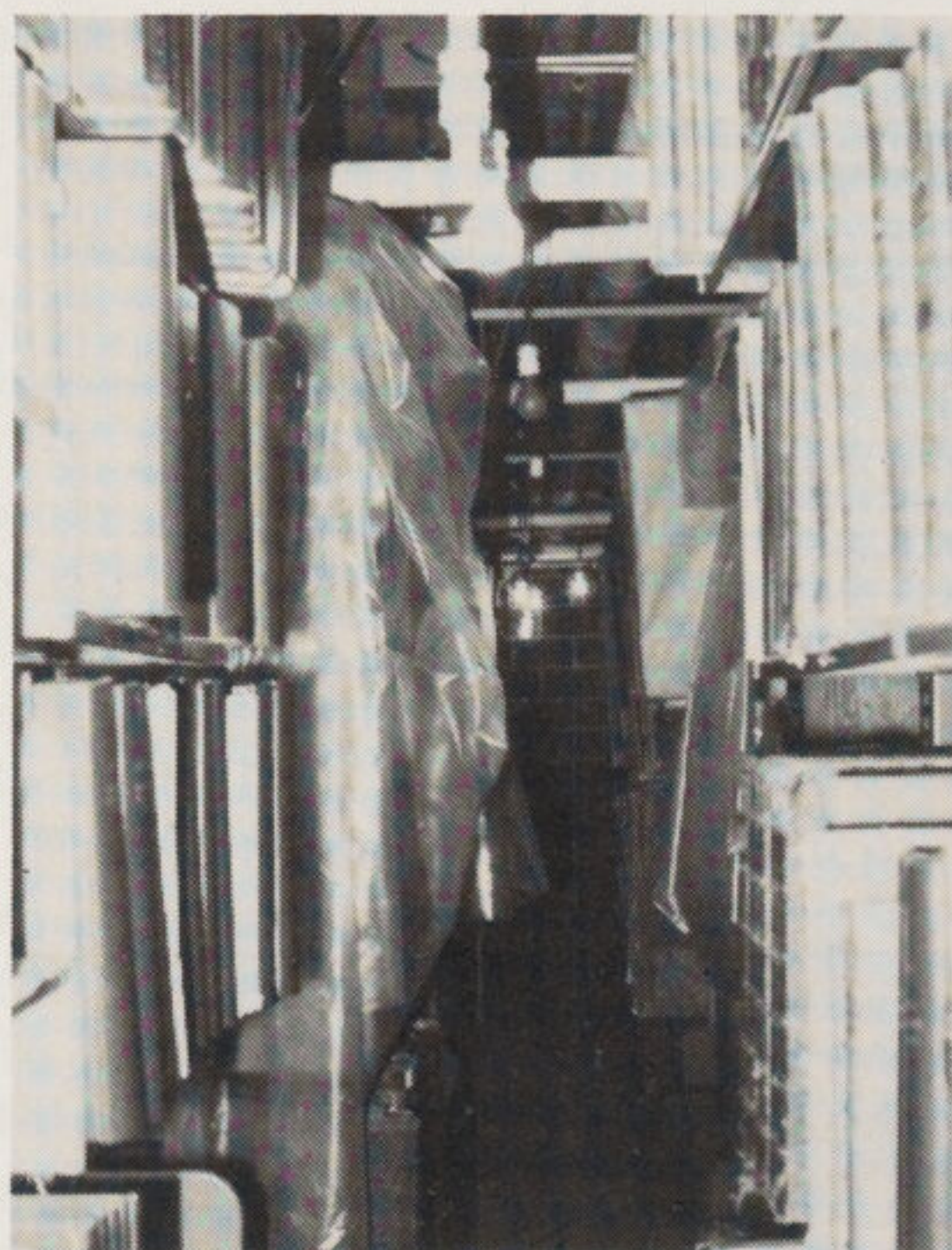
(Continued on Page 9)

Decision On Library Space Problem Due In Six Weeks

By Pat Hanifin

Decisions will be made within approximately four to six weeks on action to combat the library's worsening problem of lack of space. According to Prof. Morris L. Cohen, Law School librarian, and Prof. Andrew L. Kaufman, chairman of the Library Committee, the likely solutions are large-scale conversion to microformat and conversion of a large classroom into a climate-controlled room to preserve older books.

Calling the library "a national resource, a national treasure," Cohen pointed to two major problems: space and the deterioration of some of the oldest materials in the



SS
Overflow volumes locked away in
the basements of the dorms.

(Continued on Page 4)

Ex-HUD Chief Focuses Attention On Energy Issue

By Charles Johnson

As Gerald Ford's Secretary of Housing and Urban Development, Carla Hills was only the third woman ever to serve in the Cabinet. Since then, she has channeled volunteer efforts into a newly formed nonpartisan group of national leaders, the Alliance to Save Energy.

After brief introductory remarks, Hills, speaking last week to a luncheon group of about 40 students, concentrated on the nation's energy woes and the alliance's plans to educate Americans about those problems.

The energy situation has become one of Hills' prime concerns, and she has devoted a lot of volunteer time to the alliance this fall while also serving as a visiting fellow of Harvard's Kennedy School of Government.

Hills is serving as an honorary co-chairman of the alliance along with Sen. Charles Percy, R-Ill. Former President Gerald Ford and Vice-President Walter Mondale are the group's other honorary chairmen. It includes such disparate members as George Meany, president of the AFL-CIO, oil industry officials and representatives of environmental and consumer groups in its membership of 300.

"You're just not going to mandate any solutions simply from government," she said, explaining the alliance's educational function. "You're going to have to get the people involved. If we're going to get through, we're going to have to talk through some credible organizations."

Hills said that she believes that the energy situation has been miscast. "Crisis may be a poor choice of words. Indeed, emergency may be a poor choice of words," she said.

But the former HUD Secretary

(Continued on Page 8)

HARVARD LAW RECORD

U.S. POSTAL SERVICE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (Required by 39 U.S.C. 3685)		
1. TITLE OF PUBLICATION Harvard Law Record		2. DATE OF FILING September 31, 1977
3. FREQUENCY OF ISSUE 10 times per semester	A. NO. OF ISSUES PUBLISHED ANNUALLY 20	B. ANNUAL SUBSCRIPTION PRICE \$3.00 (\$6.00 mailed)
4. LOCATION OF KNOWN OFFICE OF PUBLICATION (Street, City, County, State and ZIP Code) (Not printers) 23 Everett Street, Cambridge, Middlesex, Massachusetts 02138		
5. LOCATION OF THE HEADQUARTERS OR GENERAL BUSINESS OFFICES OF THE PUBLISHERS (Not printers) " " " " " "		
6. NAMES AND COMPLETE ADDRESSES OF PUBLISHER, EDITOR, AND MANAGING EDITOR		
PUBLISHER (Name and Address) Terry Keeney, 317 Story Hall, Cambridge, Mass. 02138		
EDITOR (Name and Address) " " " " " "		
MANAGING EDITOR (Name and Address) Charles Cheatham, 322 304 Ames Hall, Cambridge, Mass. 02138		
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given.)		
NAME ADDRESS Harvard Law School Record Corp. 23 Everett St, Cambridge, MA 02138 (non-profit organization; no stockholders)		
8. KNOWN BONDHOLDERS, MORTGAGEES, AND OTHER SECURITY HOLDERS OWNING OR HOLDING 1 PERCENT OR MORE OF TOTAL AMOUNT OF BONDS, MORTGAGES OR OTHER SECURITIES (If there are none, so state)		
NAME ADDRESS None		
9. FOR COMPLETION BY NONPROFIT ORGANIZATIONS AUTHORIZED TO MAIL AT SPECIAL RATES (Section 132.122, PSM) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)		
☒ HAVE NOT CHANGED DURING PRECEDING 12 MONTHS ☐ HAVE CHANGED DURING PRECEDING 12 MONTHS (If changed, publisher must submit explanation of change with this statement.)		
10. EXTENT AND NATURE OF CIRCULATION	AVERAGE NO. COPIES EACH ISSUE DURING PRECEDING 12 MONTHS	ACTUAL NO. COPIES OF SINGLE ISSUE PUBLISHED NEAREST TO FILING DATE
A. TOTAL NO. COPIES PRINTED (Net Press Run)	11,200	13,200
B. PAID CIRCULATION		
1. SALES THROUGH DEALERS AND CARRIERS, STREET VENDORS AND COUNTER SALES	845	810
2. MAIL SUBSCRIPTIONS	10,030	11,609
C. TOTAL PAID CIRCULATION (Sum of 10B1 and 10B2)	10,875	12,419
D. FREE DISTRIBUTION BY MAIL, CARRIER OR OTHER MEANS SAMPLES, COMPLIMENTARY, AND OTHER FREE COPIES	35	40
E. TOTAL DISTRIBUTION (Sum of C and D)	10,910	12,459
F. COPIES NOT DISTRIBUTED		
1. OFFICE USE, LEFT OVER, UNACCOUNTED, SPOILED AFTER PRINTING	290	741
2. RETURNS FROM NEWS AGENTS	0	0
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)	11,200	13,200
11. I certify that the statements made by me above are correct and complete.	SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER Terry Keeney	
12. FOR COMPLETION BY PUBLISHERS MAILING AT THE REGULAR RATES (Section 132.121, Postal Service Manual) 39 U. S. C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates." In accordance with the provisions of this statute, I hereby request permission to mail the publication named in item 1 at the phased postage rates presently authorized by 39 U. S. C. 3626.		
SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER		

PS Form 3526 (Page 1)
Apr. 1976

(See instructions on reverse)

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 617-495-4418. Subscription price: \$3.00 semester, \$6.00 year mailed; \$8.00 year mailed outside U.S.; students \$3.00 year distributed at the Law School. Individual copies including back issues: 20 cents at the Law School, 50 cents mailed. Second class postage paid at Boston, Mass. Copyright 1977 by the Harvard Law School Record Corporation. The opinions expressed in the Harvard Law Record are those solely of the students comprising the Board of Directors of the Harvard Law School Record Corporation.

ALUMNI: Alumni who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

Friedan Raps Sex Warfare, Sees Gender Roles Fading

By Elaine Exum

Betty Friedan, author of *The Feminine Mystique* and the recently published, *It Changed My Life*, gave her audience little time to settle in as she warned that women are in danger of becoming as locked into a new mystique (women against men) as they have historically been locked into the old mystique (women dependent on men).

The sexual warfare ideology is wrong, she said, because it carries with it "a basic distortion and a denial of basic sexual reality." Further, she said, "We live in a two-sex society and men are probably here to stay. A rhetoric which gets stuck in a reaction against all things female [heterosexual love, childbearing, emotion] denies a part of women."

Despite the rhetoric of some groups, Friedan said, the emphasis of the women's movement was never meant to be on women against men, but rather on "women and men breaking down the roles of masculine and feminine."

For this to happen women had to first enter the power structure and allow themselves to claim to want a share of the values enviable in society, because men could not at that time admit wanting feminine values. Later the counterculture of the 1960's became part of the culture of the 1970's in which men could wear long hair and still affirm their manhood. They were trying to become liberated from the machismo which demanded that they win the rat race, win it alone, and suppress all tears and feelings. "Perhaps now," she said, "there won't be so many premature male deaths."

The old mystique, according to Friedan, conformed to a reality that no longer exists. It conformed, in fact, to a time when, because of a shorter life expectancy for everyone, a woman was not ex-



Betty Friedan speaking at the Harvard Law School Forum.

The emphasis of the women's movement was never meant to be on women against men, but rather on "women and men breaking down the roles of masculine and feminine."

pected to live beyond her childbearing/childrearing years. Today, when a woman can expect to have 75 years of active life, child-rearing can no longer consume, or define, the whole of her life. Not only are women free to develop other interests after their child-rearing years, but it is now also within a woman's capacity to decide whether or not to have children at all.

Friedan says that women's options are also expanding in fields of employment because of the changing nature of work. Jobs are increasingly becoming less dependent on physical strength and more dependent on simplicity, finesse, and intuition, traits generally attributed to women.

Friedan sees the women's movement as progressing through two stages. The first state of the "revolution" came with a change in consciousness: when women began saying to themselves, "Yes, I am a person." Once women began to assert their own personhood, the second stage of the revolution, the assumption of human rights, followed. It is the fight for passage of the Equal Rights Amendment (ERA) which characterizes this second stage of the revolution, and which shows that, despite some gains, the women's movement still has a long way to go.

Friedan admits that the women's movement is still basically a white middle and upper class endeavor. Women's organizations, such as the National Organization for Women (NOW), of which Friedan was founder and first president, came into being in the middle 1960's when black women were already engaged in their own fight for civil rights along with black men.

Friedan also served as vice-president of the National Association for the Repeal of Abortion Laws from 1970-1973. She sees the major breakthrough for the women's movement as coming from the Supreme Court decision on abortion, which allows women, the poor as well as the rich, to decide whether to bear a child. However, she said abortion now has become the primary issue on which to denounce the women's movement.

Friedan said she expected a right-wing reaction against the gains made by the women's movement. "Groups such as Birchers, the Klan, Mormons, and some corporations don't want to pay the price (and are trying to) block the passage of the Equal Rights Amendment as a signal to take back all we have gained." Friedan sees it as not a coincidence that Anita Bryant, the famous opponent of gay rights, was in Florida at the same time the ERA was up for votes. Those against change, she fears, will continue to prey on deep sexual and emotional fears, and use the hysteria of the abortion and

(Continued on Page 16)

Library Expanding Microfilm Service

(Continued from Page 1)

library. The library is now growing at a rate of about 18,000 volumes a year so new methods and places are needed to store the collection. Old materials on poor quality paper, such as foreign gazettes, are deteriorating now and will not be available in several years if deterioration is not controlled. "Something must be done, soon," Cohen said.

Currently books are stored in several places besides the main stacks in Langdell and the ILS. The collection has spilled out into the Faculty Office Building, three storage rooms in the Pound Building, borrowed space in Littauer Hall (the Kennedy School of Government), and has spread to storage stacks in the basements of Ames, Dane, Shaw and Story Halls.

Four main options have been considered for dealing with the library's difficulties.

First, conversion of some older and less used materials to microfilm and microfiche and the purchase of commercially prepared current microformat material is a main option now. The Annual Fund is allocating \$150,000 to this project. Of this, \$50,000 is expected to be used to purchase commercially prepared materials. The commercial microformat congressional reports introduced last year have been "heavily used" Cohen said.

Cost of conversion to microformat would be at least partly offset by reduced processing and storing expenses. Some commercial microformat services provide catalogs of the material they process, saving the library the expense of cataloging. Unit costs go down substantially if more than one micro-copy is made of each book, so the library may ask other law school libraries if they are also interested in conversion. "A few other schools probably would be," Cohen

Roughly 25,000 to 30,000 volumes per year could be added to the microformat collection.

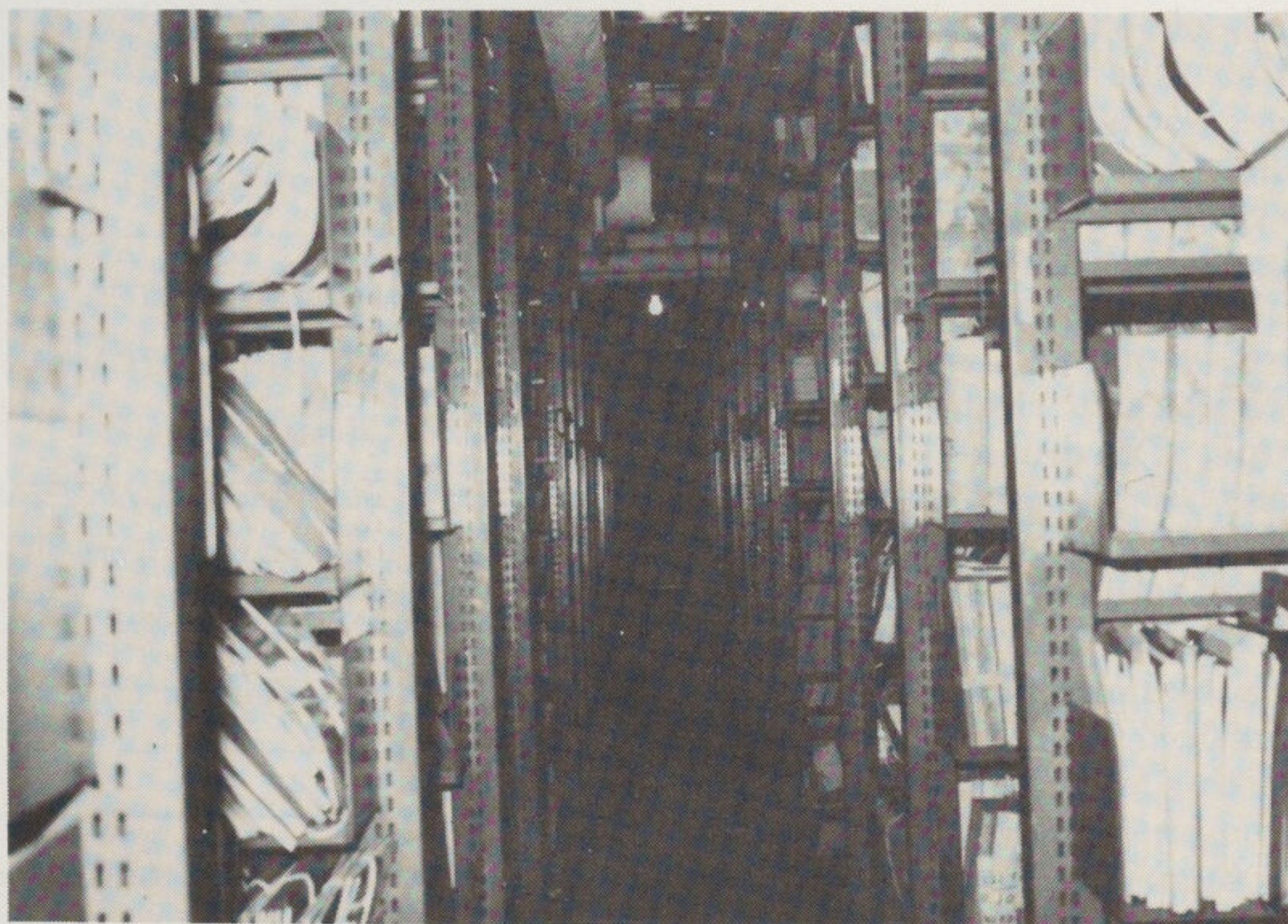
commented, "but we have not actually gotten to the stage of contacting anyone yet."

Roughly 25,000 to 30,000 volumes per year could be added to the microformat collection including those volumes originally purchased in microformat. Over the next ten to twelve years the total might reach 200,000 to 300,000 volumes.

"The changes will be very impor-

man, the choice is likely to be Langdell North or North Middle. "The room would be divided into two levels and equipped with humidity-controlling air-conditioning." Kaufman noted that Langdell North Middle seems to be the more likely choice now but stressed that no decision would be made for several weeks.

Other, much more unlikely options for dealing with lack of space would be to store books off-campus or to put up a new building. "If the current plans for microformat and the new room in Langdell don't work out, we might go to off-



Books, books everywhere, and nowhere left to keep them.

tant to the development of the library," Cohen said. "But they will not be revolutionary for the average reader. Most of the materials students use will remain on paper."

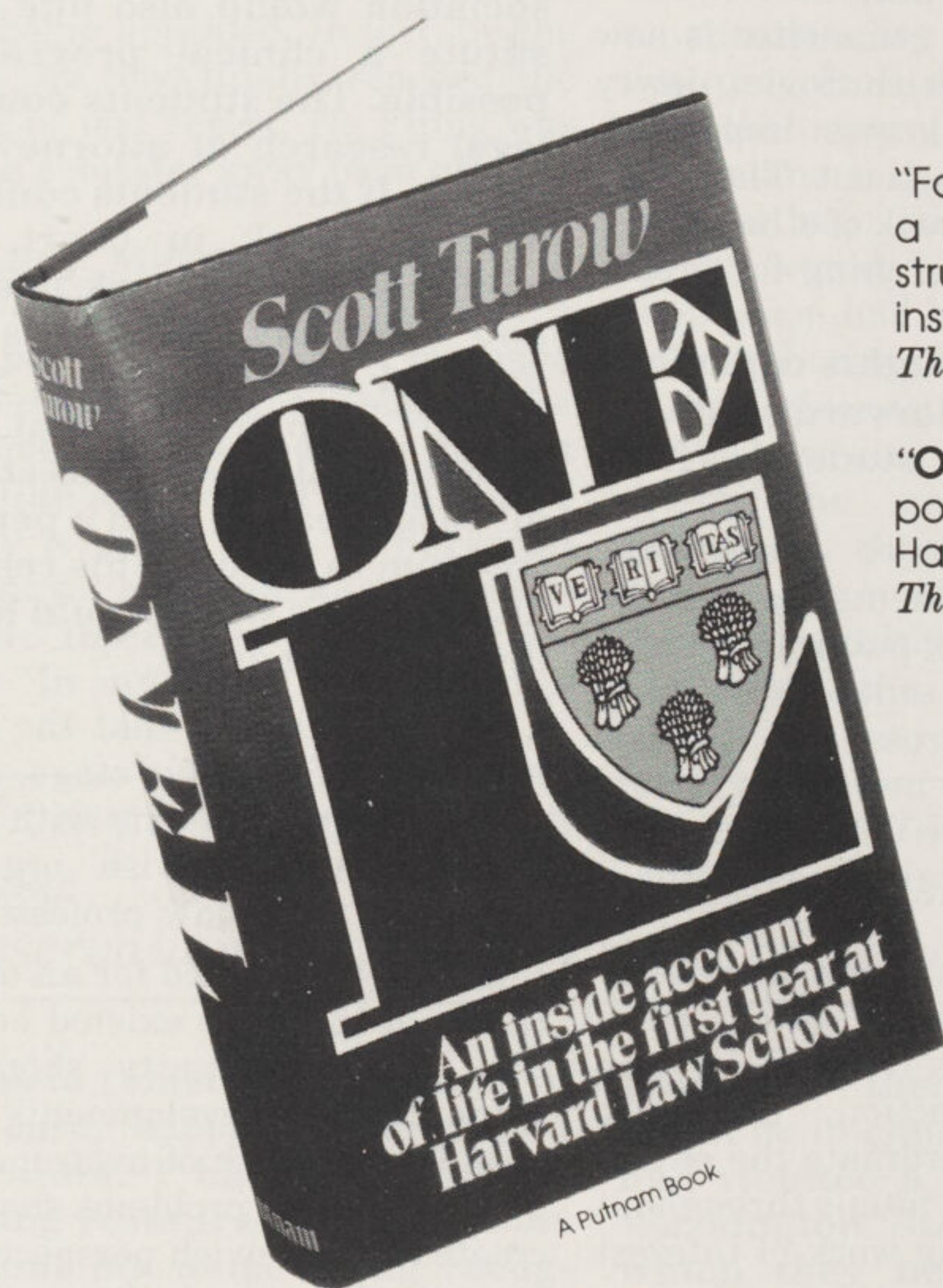
The second major option for dealing with the library's problems is to convert a Langdell classroom into a climate-controlled room to house approximately 100,000 older books which would eventually fall apart if left in the regular stacks. The University Planning Office is now studying which classroom would be used and what would have to be done to convert it. According to Kauf-

man, the choice is likely to be Langdell North or North Middle. "The room would be divided into two levels and equipped with humidity-controlling air-conditioning." Kaufman noted that Langdell North Middle seems to be the more likely choice now but stressed that no decision would be made for several weeks.

Other, much more unlikely options for dealing with lack of space would be to store books off-campus or to put up a new building. "If the current plans for microformat and the new room in Langdell don't work out, we might go to off-

(Continued on Page 16)

"ONE L" AT 30% OFF!*



"For lawyers, this will be a sentimental journey back to a year they will never forget. **One L** is about the struggle between careerism and humanism, between institutional coercion and personal integrity."

The Washington Post

"**One L** is a compelling and important book ... a vivid portrayal of the high-tension competitiveness of Harvard Law School."

The New York Times Book Review

~~List Price \$8.95~~

\$6.25

* For a 30% Discount
Bring or Mail This Coupon To:

The Law Annex at Harvard Book Stores, Inc.

12 Plympton Street
Cambridge (Harvard Sq.)



Offer expires 11/30/77

***BRING IN OR MAIL THIS COUPON
FOR A 30% DISCOUNT**

The Law Annex at Harvard Book Stores Inc.
12 Plympton Street
Cambridge, Mass. 02138

Please send me _____ copy (ies) of **One L** @\$6.25 plus
50¢ postage and handling per book. (Mass. residents
add 32¢ sales tax per book)

☐ Check enclosed Master Charge # _____

Visa/BankAmericard # _____

Expiration Date _____

☐ Check if you would like our Free 48 page Law
Book Catalog (no purchase necessary)

Name _____

Address _____

City _____ State _____ Zip _____

Offer expires 11/30/77

Jewish Students To Focus On Soviet Jewry, Human Rights

By Barbara Kritchevsky

Fifty students assembled at the recent organizational meeting of the Jewish Law Students Association. This new group, according to spokesperson Norman Berlin, 2L, is envisioned as an umbrella group embracing a number of projects involving international and American legal and political issues. The group, says Berlin, serves primarily an "educational and service" purpose.

The group's advisor is Criminal Law Professor Alan M. Dershowitz, whom Berlin called the "inspiration" behind the organization. Dershowitz spoke at the organizational meeting, emphasizing the need for a group such as this.

Dershowitz said that he encouraged the formation of the group to serve as an inspiration to law students and lawyers here and elsewhere. He said groups around the United States have begun to organize by ethnic association, and that historically Jews have been concerned with the rights of all minorities. He said Jews should continue to follow this concern while not neglecting their own legal rights.

The major substantive work begun by the organization is that of the International Human Rights Committee, led by Donna Arzt, 2L. That committee is focusing its attention on the problems of Soviet Jewry. The group is currently writing a brief on behalf of Anatoly Shcharansky, who is being detained by the Soviet government on espionage charges. The brief will be sent to the Soviet government.

Arzt explained that Shcharansky's wife, who does not live in the USSR, has retained Dershowitz as counsel.

The Soviet government does not directly acknowledge the American briefs, Arzt said. However, she noted that some Soviet prisoners are released

after foreign pressure is applied. The briefs do more political than legal good, and they can "only help."

Dershowitz explained that while Soviet lawyers are powerless to aid Soviet political prisoners, American lawyers are not.

Arzt said that committee is now dealing mostly with Soviet Jewry as that problem is most important. It will then branch out. The group is also keeping track of other Soviet prisoners and watching for breaking cases.

The Human Rights committee is made up of Harvard students, lawyers and students from other schools.

The other major project the Jewish Law Students Association envisions is the publication of a newsletter, to be sent to law schools and lawyers across the country. Berlin said the newsletter would cover substantive developments in legal and political issues relevant to Jews.

Berlin said that the newsletter ideally will function as a type of loose-leaf service. It would serve an educational function, and also could help to coordinate the efforts of groups or individuals throughout the country doing work of interest to Jews.

The first issue of the newsletter will be published during the school year, Berlin said, if a sufficient number of people choose to work on it. Dershowitz said he is confident funding for the newsletter can be found. He said it would be premature now to say where the money will come from, but that the expense is not too great and that there are private sources and interested lawyers who would help to fund it.

In addition to the human rights work and the newsletter, the organization envisions certain other projects. One would be a study of the National Lawyer's Guild report on conditions in the occupied terri-

tory on the West Bank of the Jordan. Berlin explained that the report and the law in the area must be examined, and questions answered about why the Guild chose the West Bank to write about and whether the conditions are favorable compared to those in other occupied territories.

The organization is also thinking of examining possible U.S. stances on the Helsinki agreement.

The Jewish Law Students Association would also like to institute a clinical program, if possible. The students could do legal research at attorney's requests. If the students could not actually work in court, they would do all the work possible, and then have attorneys take over for the courtroom work. Berlin explained that the group would be interested in all cases dealing with a person's freedom to practice his religion, although the work would have a Jewish emphasis.

Berlin explained that the group is still in a formative stage, and is trying to form contacts with attorneys, national Jewish organizations, and other law professors.

Berlin said a need for an organization of this type existed because the legal community should be made aware of developments in the area, and a sense of awareness regarding Jewish problems should be created. The Jewish perspective on matters of current interest, such as quotas in admissions, should be presented.

Dershowitz explained that a group like this could help to deal with the problems faced by Soviet Jewry and by Jews in South America. It could help to offset the Arab boycott's effect, and challenge the legality of such a boycott in the U.S. It could also work to combat the discrimination still felt by Jews in this country.

Dershowitz said he has envisioned an organization such as this, one that could apply the law to matters of interest to Jewish lawyers and students, for a long time.

De Funis, Now Lawyer, Shuns Spotlight

(Continued from Page 1)

University of Washington Law School because of an admissions program which unconstitutionally favored minority applicants.

Hopes for a landmark decision were dashed, however, when the Supreme Court held the case moot because De Funis had been admitted to the law school while his case was being appealed. In fact, by the time the case finally reached the court of last resort, De Funis was only a semester away from graduation.

Today Marco De Funis is a lawyer with Felix and Zimmer, a five-person Seattle firm engaged in general practice. Despite the notoriety of his case, he doesn't feel like any sort of celebrity. "I enjoy a great deal of personal privacy," he remarked in a telephone interview with the RECORD. "In my home town no one

De Funis has been involved in the Bakke case as an author of an amicus brief for the Young Americans for Freedom.

would become a challenge to the constitutionality of affirmative action programs. All he knew then was that many applicants with grades and test scores lower than his had been admitted. The University wouldn't tell him why his application had been turned down; he brought suit to enable him to get at the University's records through the tools of discovery.

Until he and his lawyers looked at those records, they had no idea what legal theory they were going to rely on eventually. At the beginning they

"In my home town no one seems to remember my case . . . I have no problem making restaurant reservations without my name being recognized."

seems to remember the name of the case, except lawyers and educators. I have no problem making restaurant reservations without my name being recognized."

He didn't always feel so secure in his sense of privacy, especially at the beginning of his law school career. "At first there was a little bit of hostility from some students," he recalled. "There were some feelings that I had no right to be there. I tried to avoid publicity, I didn't grant television interviews, and I tried to distinguish myself from the case. *De Funis v. Odegaard* and Marco De Funis were not the same thing, and most people realized that. Gradually most of the bad feelings subsided, although there's one black woman from my class who I think is hostile to me even now."

De Funis explained that when he brought his suit he had no idea it

suspected their best chance might be to claim the University had violated a provision of the Washington State Constitution which they believed required preferential treatment of in-state applicants. Only after a careful study of the records did they decide to challenge the minority admissions program.

Although De Funis was much more interested in getting into law school than in being associated with a landmark decision, he was still disappointed when the Supreme Court held his case moot. "I felt the issue had been sufficiently crystalized," he explained. "It had been hotly argued by both sides; organizations all over the country had invested substantial sums of money in preparing *amicus* briefs. The facts would have provided just as good a vehicle for a decision as the facts in *Bakke*, and it would have been an opportunity to re-

solve the issue once and for all."

De Funis has been involved in the *Bakke* case, too, as the author of an *amicus* brief for the Young Americans for Freedom (YAF). He is not a member of YAF, and had had nothing to do with the organization until it contacted him with a request to write a brief. He emphasizes that he does not view the case as a liberal-conservative issue, but as a question of individual rights. He supports that view by noting that Justice William O. Douglas, considered by many the most liberal Supreme Court Justice ever, reached the merits in his case and found the minority admissions program did indeed violate the Equal Protection Clause.

In the YAF brief, De Funis argues that the equal protection clause prohibits reverse discrimination in selecting students for admission to graduate schools. "The Fourteenth Amendment protects *all* citizens, not just blacks," he said in discussing the brief. "If it even protects corporations, as courts have held, it certainly protects all people. There are alternatives to racial classification, such as giving special consideration to all poor and underprivileged applicants, which aren't unconstitutional. The poor white student who has had all the disadvantages associated with poverty can't overcome those disadvantages any easier than a poor black can."

The personal satisfaction he gains from his legal practice has been well worth the long court battle, De Funis feels. He also believes the experience has made him a better lawyer: "Having been a client myself has helped me to sympathize with my clients. I know how easy it is for a client to get lost and confused, and how important it is to keep him informed about what's going on in his case. I think much of the bad publicity about the legal profession is because clients are too often kept in the dark. Because of my experience I'm very sensitive to that problem."

Hills Blasts 'Bureaucratese'

(Continued from Page 2)

said she was disturbed by the public's lack of knowledge about the situation. She cited recent figures showing that 67 per cent of Americans don't know there is an energy problem and that 50 per cent don't know that the United States imports foreign oil.

She said that the country must develop solutions for a peril which may strike it within the next 25 years, and she advocated loosening price controls on domestically produced energy products in order to spur investment in developing old and new sources.

While the Alliance to Save Energy doesn't support any single plan for conservation and development of energy sources, Hills, though refusing to brand herself a political conservative, allied herself with the proponents of free enterprise.

"We're asking the oil companies to put money in oil without telling them the rules," she said, adding that if oil companies continue to deplete their present inventories they may not last long.

She acknowledged that there are many alternatives to oil as energy sources—including coal, solar energy and nuclear energy—but that they couldn't be effectively developed under governmental constraints.

"I don't say that a solution isn't possible, but it just won't be possible until the public gets mobilized," said Hills. Only by removing governmental price constraints will profits in new energy sources become attractive enough to spur increased investment, she said.

To induce the removal of governmental constraints, the public will have to be willing to pay higher prices for fuel, Hills said. Energy regulation will be a major issue in next year's congressional election campaigns, and candidates will undoubtedly be influenced by the public's disapproval of higher energy prices, she added.

She criticized President Jimmy Carter's energy proposal which has

"What I find in government is mushy talk. It has to be put down in specifics."

been revised by Congress in recent months.

"I must say there are some grave omissions there, especially on the production side," Hills said. "It may be the administration is trying to accomplish too much with one package."

Questioning the proposal's redistribution aims, she added, "There are many parts of the proposal that I think are good and justified. But a

said, though the predominant cynicism has placed the United States at a historic low point "on the credibility of traditional repositories of respect."

Looking back at her tenure as HUD secretary and as assistant attorney general in charge of the civil division, Hills retains a profound respect for and belief in the efficacy of modern democratic government, even as administered by a bureaucracy.

"I came away not at all frustrated by the bureaucracy, but convinced that the art of government is 'do-able,'" she said.

Hills received her A.B. from Stanford in 1955 and her L.L.B. from Yale in 1958. She taught antitrust law in 1972 at UCLA, but observers harshly questioned her



Former HUD Secretary Carla Hills, flanked by Albert Maule of the HLS Democrats and Paul Meyer of the HLS Republican Club.

lot of patch-up work is going to have to be done."

Despite her emphasis on her energy interests, Hills initially planned to speak about what she called the real danger facing the country which is "the lack of credibility that Americans as a group give to institutions of all kinds."

She decried people's unwillingness to participate in government, and she defended labor, business and government despite the general public's lack of confidence in them. "It's so easy to be simplistic and say, 'I'm not going to participate. . . there's hardly any reason to participate because it's all bad.'"

But they're not all bad, Hills

credentials when Ford appointed her to the HUD job. Sen. William Proxmire, D-Wis., Chairman of the Senate Banking, Housing and Urban Affairs Committee which held her confirmation hearings, called her "able and intelligent" but said she had "absolutely no known qualifications for the job."

Undeterred, Hills set a goal of the construction of 400,000 housing units in the first year, and 492,000 units were actually built, she said.

"Universally, on those goals that were numerically picked, the staff came through," said Hills. "It will happen when everyone knows precisely what he or she is accountable for and when."

Professors Nix Tube Defense

(Continued from Page 1)

Noting, however, that he was not totally familiar with the facts of the case, Weinreb added that "I would not say that it would never be the case that someone watching all that television would go balmy. . ."

Stone, a psychiatrist, drew a distinction between how psychiatry and social science look at behavior and how it is looked at in criminal law.

"The basic issue is that all psychiatry and most social science is deterministic—it assumes human behavior is determined. The question then is to trace out the particular determinants."

"The basic jurisprudence of criminal law is that behavior is not determined and the insanity defense is there for the exceptions to the general principle that everyone has autonomy.

"Various judges have had to face this dilemma," Stone added, "and everyone who takes any course in criminal law thinks about it."

"The insanity defense is a limited compromise between the world of determinism and the world of free will."

Widening that compromise to include a television-violence defense, he believes, is "quite a jump."

"For the law's purpose, the question is, whatever the cause, was he insane? You can see how the fact that he watched a lot of television is a deterministic theory."

"It would be another thing if the lawyer had said this youngster was so deranged that he thought he WAS Kojak. Then he'd be demonstrating that the client was insane and how he became insane would be irrelevant."

Ohlin admitted a curiosity as to what evidence would have been shown had Rubin's expert witnesses been permitted to testify.

"The evidence on the influence of television violence on youthful conduct is very mixed, to say the least," he said. "It seems to have a short-term effect on heightening

aggressive responses," but most tests have been laboratory-situation experiments.

"My guess right along was that he [Rubin] would have had

difficulty convincing the Court, even if he had been allowed his full range of evidence," Ohlin added. "The standards of proof of the connection would have to be fairly high and my concern is
(Continued on Page 13)

Sacks, Harvard Officials Pass Buck On Male-Oriented Saltonstall Award

by Charles Johnson

Harvard Law School and College officials have denied that the Law School has any control over the Saltonstall Prize, an annual award given to a male graduating from Harvard College and bound for the Law School.

Six law students raised the issue of the award's sex discrimination in a letter printed last month in the *Record*. Dean Albert M. Sacks sent letters this month to the six students stating that the prize was strictly a Harvard College matter and that notice of it had been inadvertently placed in the Law School catalog.

In the letter, Sacks said he had expressed to the College his personal view that the prize should be opened up to students of both sexes if it is legally possible, but he emphasized that the Law School has no control over the matter.

As specified on page 28 of the catalog, the Saltonstall Prize is worth about \$790 and is "to be awarded by the Deans of Harvard College and the Harvard Law School to that Senior in Harvard College proposing to enter the Harvard Law School who shall be considered to be best fitted, by intellect, character, and physique to be influenced by Saltonstall's example and in turn to influence others."

The office of the University's General Counsel is now looking into the legal stipulations attached to the prize, which, according to James A. Sharaf, an attorney in the office, was established in 1926 by friends of Endicott Peabody Saltonstall, '97.

Sharaf said his office was working on the prize at the re-

quest of the faculty of the College of Arts and Sciences, but that "I really can't comment. We're working on it, but I'm not finished."

In recent years, Harvard College has taken legal steps to end sex restrictions on many fellowships, prizes and financial awards, often renegotiating the terms of the bequest to the University with the family of the donor or having the terms of the bequest reinterpreted in court.

But the students who wrote the letter that first aroused concern about the prize aren't happy with administrative efforts so far.

"I think it's so outrageous that once it's brought to their attention they ought to do something," said Marjorie Heins, a 3L. In the letter, the students urged others to join in demands that the prize not be awarded or be reinterpreted "in the light of present legal and social realities."

Although Sacks said the notice of the prize was mistakenly placed in the catalog, Heins said, "My feeling is that even though he's not technically responsible, he's involved."

She said the six students wrote the letter to bring the charge of sex discrimination to the public's attention, but that they plan to take no further action.

"It was kind of a symbolic gesture," said Cary Corbaley, a 3L who also signed the letter. "It's a hope that it will generate some kind of response."

But Heins said she fears administrators will keep passing the buck. "I think the buck will have to stop with [Harvard President Derek C.] Bok at this point," she added.

Editorial

Irving Wallace wrote a book in which a young man being tried for rape raised a defense of intoxication/insanity resulting from reading a pornographic book. Now Florida has televised a murder trial in which the defendant tried to claim that he was insane by reason of television.

The judge did not allow Ronny Zamora's attorney to present witnesses to testify to the effect of TV violence on children, and for good reason. None of the witnesses was prepared to link TV violence to the commission of any crime, despite the profusion of studies conducted on the subject. The conclusions of the studies range from the observation that small children imitate TV behavior to the claim that TV violence is cathartic.

Nor is it clear that the jury would have been impressed had an expert been found who would causally link TV to crime. Most of the jurors probably watch hours of TV a day, have children who do the same, and have never even contemplated killing a little old lady. What made Zamora different? Certainly not the ubiquitous TV.

The defense presupposes that TV legitimizes violence by graphically portraying it, and thus encourages it. Violence has been publicly portrayed since the Romans invented spectator sports. The function of reason and morality is to discriminate between those acts one sees that should be emulated and those that should not. In disregarding this, the TV defense is morally and intellectually outrageous.

There have been few exercises of violence in American history as extensively portrayed, as deeply endorsed, as fervently considered moral, as American involvement in World War II. Millions of people rejoiced over the demolition of enemy towns and lives. Yet when the veterans left the trenches and atolls, they did not return to their homes believing that murder was henceforth acceptable. The children of that period grew up on war movies, vivid newspaper stories of bloody battles, and heroes who wrought more havoc than Dirty Harry. Other children lived in London and Berlin, and saw violence portrayed so realistically that they didn't all grow up. The survivors are our parents, who do not casually accept violence any more than the returned soldiers do. How, then, did simply watching people plug each other on TV for several hours a day so warp Zamora's free will and comprehension?

An insanity defense might be more convincing were Zamora's actions less rational. He robbed a neighbor and killed her in an attempt to avoid detection. He clearly was not as influenced by TV as his lawyer asserts, or he would have learned that evil never triumphs: Starsky and Hutch catch all murderers, and in only 47 minutes.

HARVARD LAW RECORD

TERRY KEENEY	Editor
CHARLES E. CHEATHAM	Managing Editor
BILL ROSS	Associate Editor
PAUL COADY	Senior Editor
CHARLES JORDAN	Senior Editor
ANDREA BROWN	Executive Editor
LARRY ZELENAK	News Editor
TONY LICATA	Photography Editor
VALLI LONG	Business Manager

Staff: Jay Darby, Jim Delphey, Elaine Exum, Howard Gutman, Pat Hanifin, Tammy Jacobs, Charles Johnson, Madison King, Barbara Kritchevsky, Jeri Macon, Ezra Merkin, Randy Phillips, Steve Prye, Robert Reznick, Joan Shear, Scott Sherman, Ellen T. Taylor, Hayden Trubitt, Larry Vilardo, Robert A. Williams, Jr., Howard Zaharoff.

Fenno

The 1L stood by the entrance of the Law School library and took a deep breath. He was comforted by the distinctive library smell. He wondered how many of the great legal scholars of history had stood exactly where he was standing and had smelled the very same aroma. Four floors below, by a ventilator intake, Fenno was eating a Harkburger.

"Fenno," said a passing 3L, pointing at the Harkburger, "I didn't think food was allowed in the library."

Fenno cast an appraising eye at the Harkburger and then at the 3L, noting the similarities. "Still exalting form over sustenance, I see."

The 3L had begun to move off when he stopped, struck with a sudden realization.

"What's wrong?" asked Fenno. "You look as if you actually read one of Herwitz' 'background' assignments by mistake."

"No, Fenno, that would be disgust. I'm in shock. You, sitting at a carrel in Langdell with a stack of books — is nothing sacred?"

"No," smiled Fenno, "but that's beside the point. I'm doing research for my new book, *Sixteen L.*"

"Your long-awaited treatise on Professor Stewart's shoe size?"

"Not nearly so ambitious a venture," conceded Fenno. "It's going to be a modest chronicle of my years around the Law School."

"Oh," said the 3L, "just like that new book . . ."

"You mean the one that's been compared favorably with *Cary on Corporations*?" interrupted Fenno. "Hardly. My book will be interesting. It will capture the *angst* of an Areeda antitrust class, and will have more plot twists than Keeton's *Torts* book."

The 3L was impressed. "What about anonymity?"

Fenno shook his head. "The names stay just as they are, even if it's at the risk of professors not recognizing themselves. And for the final touch of authenticity, the book will be printed in multilith and available only at the Distribution Center. Liebman suggested I do that."

"That will get their attention," said the 3L with admiration. "But how will you keep it?"

"Mystery," said Fenno. "I plan to include a sentence or two on Dean Sacks' contribution to the Law School."

Letters to the Editor of the RECORD

Elitist Attitude Shoddy

To the Editor:

The editorial in your October 7 issue demonstrates an elitist attitude upon which I cannot avoid commenting. In discussing the possible disadvantages of legal advertising, you say, "Legal clinics offering shoddy services and relying heavily on para-legals could undercut the business of small firms that are generally dedicated to serving the poor." The clear implication is that reliance on para-legals can be equated with shoddy law. To be blunt, that is wrong. Most of legal practice does not require a Harvard Law School education. The use of para-legals probably improves the quality of legal services by freeing lawyers from tasks which can be handled as well by para-legals. Precisely for this reason, many corporate firms hire significant numbers of para-legals.

Moreover, your concern for the poor, though touching, is, in this instance, inappropriate. Indigents will continue to rely primarily upon legal services provided by law schools or through federal and state funding. The benefits of advertising, and the advantages of relying on para-legals will be realized, for the most part, by the middle-class, who have been priced out of the legal market but have not been eligible for subsidized legal services.

If advertising contributes to a suspicion of lawyers, as you suggest it will, that may mean only that law is a suspect profession. Just because we now have an investment in the law, we should not encourage rules which perpetuate the misrepresentations which bar associations have perpetrated for so long.

**T. Thomas Singer, 3L
Cambridge**

**JAMES F. BRINE, INC.
29 BRATTLE ST.
HARVARD SQ. 876-4218**

SPORTS EQUIPMENT AND APPAREL FOR THE ENTIRE FAMILY

- Skates • Skiis • Squash •
- Darts • Soccer •
- Jogging • Exercise •

WARM WINTER CLOTHES:
DOWN PARKAS AND VESTS, HATS,
GLOVES, SOCKS, LONG UNDERWEAR
AND SWEATERS

A Lack of All Conviction

To the Editor

The title chosen for the Frankfurter retrospective now on display in Langdell Hall is an unfortunate one. It is presumably taken from, or at least unmistakably evokes, the following lines from Yeats' short masterpiece, "The Second Coming":

"The best lack all conviction, while the worst

Are full of passionate intensity."

Surely this is something of an injustice to a wise and good man.

**Peter Nils Baylor, 3L
Cambridge**

Law Notes

As noted above, the Harvard Law School Library has just opened a major retrospective entitled A PASSIONATE INTENSITY: FELIX FRANKFURTER, PUBLIC SERVANT, TEACHER, JURIST, COLLEAGUE. There is a brief program scheduled on October 21 at 2:30 p.m. to formally open the exhibit.

Cryptic Law

The following excerpt from a repealed federal statute is in "judicial code." Professor Andrews' students will especially enjoy this week's selection. Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

"ykfygt. - Vjg vgto 'ykfygt' kpenwfgu
cp wpocttkgf jpfkxkfwcn yjq ku ngicnna
ugrctcvgf htqo jku urqwug wpfgt c fgetgg qh
fkxqteg qt qh ugrctcvg ockpvgpcpeg."

(Solution on Page 16)

Professional Dry Cleaning and Shirt Laundry at

**Rite-Way
CLEANERS**

**KI 7-8008
4 Hudson St., Cambridge
(off 1672 Mass. Ave.)**

Cryptic Letter

Turmnrl:

K "Wnyt np Utmlrmzi" rl mat clnuzwm np
tlnirny qs k imltkh ryirut k wkxt. Mat vkmtl
tlnuti mat lnwg, ltuzwryd rm mn dlkxte kyu
ikyu, kyu wkllrtl rm nzmirut, vatlt rm ri
utcnirmtu km mat hnzma. Mat tpptwm ri
ynm zyergt makm varwa nwwzli km mat
hnzma np k lrxlt, izwa ki mat Hriiriircci, ry
Enzirirkyk. Ki mn Qte Wkymn'i, rm'i dnuu,
qzm R ergt mary crook, varwa snz wky'm
dtm atlt. R vnzeu qt dlkmpze rp kysnyt
wnzeu mtee ht np izwa k cekwt.

**Mnh Vklrwg
2E**

RECORD READERS

We know you're out there. But we can't hear you.

If you have some thoughts, *any* thoughts, on our articles, share them with our readers. Write letters, postcards, checks, anything to us. We love it.

Work out your passionate intensities.
Write a letter to the editor of the
RECORD.

SPORTS QUIZ

1. One Rose Bowl was not played in Pasadena California. In what city and during which year was this "mislocated" bowl game played?
2. Who is the youngest player in the history of baseball to amass 200 hits in one season? What year did this feat occur?
3. Who was the only football player to be selected as "All-Pro" in the old A.F.L., each of the ten years that league was in existence?
4. In 1977 Seattle Slew captured the Triple Crown of horse racing; however, just one year earlier another horse had won two of the three major races. Name both that horse and the "horse thief" who "stole" the Triple Crown by winning the Preakness.
5. Who was the last non-American tennis player to capture the women's singles crown at Forest Hills? At Wimbledon?

(Answers on Page 16)

Law School Interview Disaster, Or . . .

By Jay Darby

On a typical day, the students at Harvard Law School dress in the style known as Ivy League Low Rent. It's this casual, let's-go-clamming look — Levis, rugby shirts, Adidas sneakers, painter's pants, flannel shirts — that makes the whole campus look like the casting studio for one of those Pepsi Generation beer commercials where the people devote their lives to playing co-ed football and hanggliding. Oh, sure, there is always the stray who shows up wearing a tweed coat and the dickey Mom picked out, but most law students dress as though they do their serious clothes buying at the Central Square Army Surplus store.

Then, one day near the end of September, you walk into class and — Cazart! — it looks like you just stumbled into a stock exchange. Everyone is running around in these three-piece suits, incredibly conservative-looking, kind of like, well, you hate to say it, but kind of like morticians. Even Ed, who normally looks like an Easy Rider extra, shows up one day in a worsted Edwardian, replete with French cuffs, Gucci loafers, and a haircut that he has been keeping in a jar somewhere. God, that haircut! It looks like a fourth piece to the suit, this haircut that he takes out of a jar and wears to interviews.

Yes, interviews! The classic pasttime of a New England autumn is watching the leaves change colors, but around the Law School it is much more interesting to watch the students change plumage as they prepare for the fall interview season. Interviews, of course, are a Law School variation of the Millgram experiments, a measuring of behavioral conformity, so that fall interview season offers a rich selection of human foibles. These foibles make excellent fables, and I would like to tell a few stories, which, incidentally, just happen to be true.

Terry shows up at the Holiday Inn for his appointment, and he is nervous, see, because this is his first interview. Well, the guy from W____ & S____ shakes his hand and they sit down in chairs, facing each other. But Terry is still nervous, and his hands have that strange awkwardness, that don't-know-what-to-do-with-them unfamiliarity, as if they had grown on the ends of his arms that morning. So he tries to relax, and he goes to cross his legs . . . and he kicks the interviewer in the knee! It's true! The guy is in *real* pain! He is moaning loudly, this "uuuuunnggggh" sound that you sometimes hear in a public bathroom when the guy in the next stall is constipated.

Terry is apologizing profusely, and the guy is holding his knee with both hands, moaning still, these long deep "uuuuunnggggh's" that come from deep within the solar plexus. Terry is incredibly nervous now. His hands feel like hooks, and he notices that his hair is hanging over the top of his glasses. He goes to brush his hair back . . . and somehow he knocks his glasses off! He can't believe it's happening! He looks at his glasses on the rug, and they seem a million miles away, as though he was on a surveillance satellite watching this episode by telescope.

The guy is rubbing his shin tenderly, and he has this very curious expression on his face as he watches Terry bend over to pick up the glasses. Finally the guy asks a question, but Terry is distracted by his nervousness and he really has to concentrate on what the guy is saying. The question sounds like, "What do you do after you graduate?" Terry responds with "I don't know," a simple, honest reply, no frills but otherwise okay.

Except that what the guy actually asked was, "Where did you go to undergraduate?" and here is Terry saying, "I don't know." The guy is incredulous! He is staring at this . . . this BABOON! — there is no other word for *this* guy — this baboon that Harvard Law School has foisted on him.

Well, you can imagine the rest of the interview. It is a bizarre parody of "the show must go on," and so for twenty minutes they slog along, like a marathon runner in last place who can not decide whether it is more ignominious to quit altogether or to finish behind the 75-year-olds who took up jogging to recover from cardiac operations.

(Continued on Next Page)

Mass. auto insurance, explained.

Mass. automobile insurance can get a little complicated. And if you're under 25, it can get expensive. We'll simplify things. And we'll help you keep your premiums as low as possible.

W. T. Phelan & Co.

Insurance Agency, Inc.

11 Dunster St., Harvard Square (next to the Holyoke Center).
876-0876. Representing Aetna, Travelers, Hartford.

How to Enjoy Being a Fool **Tube Defense**

(Continued from Page 12)

Finally, mercifully, the interview ends. The guy even mouths the line about a letter in seven to ten days. But Terry cannot quite admit to himself that the whole thing was a fiasco and so instead of beating a hasty retreat he finds himself making small talk, as if it has been an encouraging interview and there is a chance he may be working with this firm next summer.

"What's the housing market like in Cincinnati these days?" Terry asks as he stands up to leave. Well, the interviewer gives him this LOOK, the kind of look you might give a stockbroker who sold your blue chip stocks and invested the proceeds in Uganda Government bonds. Finally, the guy says in this even voice, "I don't know about Cincinnati. (pause) We are a Chicago law firm."

But it is a learning experience. From this interview Terry learned, among other things, to keep his legs down and to wear contact lenses. Other people have other experiences, but eventually everyone develops an interview style, a technique for surviving the situation intact.

Carl has the best style I have ever seen. It is a sardonic approach that . . . but rather than attempt to describe it, I will let the stories speak for themselves.

Carl is at an interview, and initially everything is standard procedure, shake hands, sorry to keep you waiting, etc., and then they get down to the resume. After a minute or two of absorption, the guy says, "Well, I see you did much better second year than first year. Why was that?" Now Carl has this voice that he uses on interviewers when he explains things, full of patience and seriousness, the kind of voice that an ex-jock father would use when showing his 7-year-old son how to grip a baseball bat. "Well, sir," Carl says in this voice, "the reason my grades improved second year is because I took much easier courses."

The guy is stunned! He just heard the last thing he expects in an interview: a completely honest answer. He tries to cover his amazement, but you can tell his mind is agog because all he can manage at first is a string of one word sentences, like "Ah. I see. Okay. Sure. Easier courses. Uh-huh." He finally pops the clutch and gets his mind back in gear, but clearly his heart is not in the task. This smart aleck is different from the other interviewees, with their medical excuses and family tragedies to explain the C in Torts. Somehow, the interviewer feels deflated, the victim of a put-on.

Carl's finest hour, or perhaps I should say his finest twenty minutes, came last year at an interview with a particularly prestigious New York firm. Carl walks in, and the first thing the interviewer says is, "What can I tell you about our firm?" Carl asks a few polite questions, but each time the guy ends his spiel with, "What else can I tell you about the firm?" This becomes tedious, and Carl starts asking the most trivial questions imaginable. What kind of coffee do people drink? How many men's rooms per floor? Each question elicits a very serious response.

This goes on for twenty minutes. Then the guy switches to, "If you have any more questions, feel free to write." The guy says this about four times, and Carl rebels. "Yes, I have a lot of questions," Carl says as he stands up to leave, "I will send you a letter in seven to ten days." The guy is caught speechless, because Carl has used his closing line, and all he can do is mumble something like, "Sure." There is a perfunctory handshake and then Carl departs, leaving a perplexed middle-aged partner of a prestigious Wall Street law firm with the gnawing feeling that some punk kid has just turned the tables, that the kid has been interviewing *him* rather than vice versa.

True to his word, Carl waited a week, then mailed off a rejection letter.

(Continued from Page 9)

that there isn't enough evidence to prove it exists."

Rubin said his three witnesses, two psychologists and a psychiatrist, had done extensive studies on the effect of television on teenagers.

He said he will appeal the Zamora conviction, after his client is sentenced in early November.

"The main grounds (of appeal) will be that the trial judge erred in not allowing us to present our expert witnesses on the effect of television violence on viewers," he said.

Rubin expected his experts to testify that television violence predisposes adolescents to violent conduct by legitimizing it. After establishing this, he planned to argue that Zamora suffered from such a failure to internalize the traditional prohibition against unprovoked violence.

A second point of appeal, Rubin said, will be that during *voir dire* he was not allowed to question jurors about their television habits.

Finally, he said "part of the appeal is going to be to try to set *McNaughten* (the insanity standard used in Florida) aside. It's just so archaic.

"So the kid knew right from wrong, so what? I'm going to argue diminished capacity to comprehend . . ."

Asked his view of Rubin's chances on appeal, Stone noted that "some jurisdictions have said psychiatrists should be allowed to testify. On that narrower technical issue they may get somewhere."

"I think a judge is usually wrong to exclude evidence," said Dershowitz. "I think the jury is usually able to decide."

On the more general issue of the defense, however, Dershowitz noted that the view that exposure to television violence is a valid insanity defense "demeans the concept of human self-determination and I don't think it would be something the law would be anxious to approve."

Bain & Company

WHY WE RECRUIT JD'S

Bain & Company specializes in the development and implementation of business strategy for large U.S. and multinational corporations. Our task is analysis of complex problems, development of conceptual frameworks for their resolution, and precise, creative communication. The JD process refines and exercises these skills.

WHY JD'S JOIN BAIN & COMPANY

- | | |
|-----------------|---|
| VALUE: | Our client is the corporation president or CEO. We deal with the key decisions which face his corporation. |
| DEVELOPMENT: | Our task requires an unusually broad range of skills: intellectual rigor, creativity, convincing communication, and interpersonal agility. The personal growth is both balanced and rapid. |
| RESPONSIBILITY: | Client contact and contribution begin immediately. As the fastest growing strategy consulting firm, opportunity for professional advancement is not delayed by a lengthy or fixed apprenticeship. |
| COMPENSATION: | Starting salaries are well above those of New York law firms. Salary growth is similarly excellent. |

HARVARD JD'S

We would like to discuss with you the career opportunities with Bain & Company. Please send us your resume. We will telephone you and arrange an interview.

Bain & Company
3 Faneuil Hall Marketplace
Boston, Massachusetts 02109

Gerry Sweats Out Interview with Cravat

By Otto H. Chu

Gerry knocked three times on the hotel room door.

A silver-haired man with chiseled features opened the door. He wore the garb of modern nobility: pinstripes in a field of gray, a white shirt buttoned down, wingtip shoes, and a crimson cravat.

"Are you the gentleman with Cravat?" asked Gerry.

"Yes," the man intoned, "William Seward Smythe-Oxenridge, IV. You must be Mr. Ford."

Gerry nodded, and shook the attorney's hand.

"Please sit down. May I offer you a glass of claret?"

"Yes, thank you."

Smythe-Oxenridge handed him the glass, sat down, and picked up Gerry's resume. "Gerry, please correct me if I am wrong, but I don't believe you've worked on law review."

"That's correct. However, I have had some interesting extracurricular activities, and have done some interesting things outside of law school."

"Yes, I see you helped coach the Yale football team. We've drawn some fine attorneys from Yale. Gerry, this is admirable; unfortunately,

nately, we don't field a football team at Cravat." The lawyer smiled benignly.

Gerry smiled wanly in return. "No, of course you don't. I have done other things aside from coaching football, however."

"Yes, I see. 'President of the United States, Vice President of the same, U.S. Representative from the state of Michigan for over twenty years . . . Gerry, we certainly find your interest in public service commendable; but, to put the question can-

"I see you helped coach the Yale football team . . . Unfortunately we don't field a football team at Cravat."

didly, what makes you think you can be a good lawyer?"

"Well, I did graduate in the top third of my class at Yale Law School."

"And you probably just barely missed the opportunity of working on the *Law Journal* there?" Smythe-Oxenridge smiled sympathetically.

"Well, yes," Gerry replied.

"But I don't believe my service in the government should be totally discounted." Gerry was grasping at straws. "I did serve as the House Republican leader. I take it you are a Republican, are you not?"

"I, a Republican?" Smythe-Oxenridge seemed amused by the suggestion. "Surely not. I am a monarchist. We do have, however, several Republicans in the firm. We've always taken pride in entertaining diverse political views both within and without the firm."

"That's certainly admirable," said Gerry faintly. "Mr. Smythe-Oxenridge, is there anything else on my resume that you would like to inquire about?"

"Anything else about which I would like to inquire? Yes, Gerry, perhaps you would tell me something about your family background."

Gerry felt sufficiently flustered to stretch the facts a bit. "My grandfather was named Henry Ford. He started a small business which is now called the Ford Motor Company. My brother, Henry Ford II, is now chairman of that corporation."

Smythe-Oxenridge smiled. "These nouveaux riches!" he thought to himself. He said nothing aloud, however, lest a lawsuit be launched against the firm for discrimination against parvenus. "Well, Gerry, our 15 minutes are up. You will be hearing from us within the next two weeks. I do not wish to promise you anything just now, but I believe there is a good possibility that we will be able to offer you a summer clerkship with our firm next year."

"A summer clerkship?" Gerry was shocked. "That isn't quite what I had in mind."

"Oh, don't worry," said the attorney with a reassuring smile. "The title of your position matters very little. I can assure you that we treat our associates exactly the same way we treat our summer clerks."

Gerry left, feeling a bit numb.

Attila the Hun Is Here!

Save those rejection letters, folks, for the first annual RECORD Attila the Hun contest.

The RECORD is looking for your best and funniest and rudest rejection letters.

Hiring partners, don't miss this golden opportunity to try out your Don Rickles wit on some job-seeking, money-hungry Harvard law student.

All entries should be sent to the RECORD office, 23 Everett St., Cambridge, Mass. 02138.

Prizes will be awarded for the funniest and most imaginative rejection letter.

Excerpts from the best letters may be printed in future issues. Names of students and law firms may be withheld on request . . . but no one can escape the wrath of Attila the Hun.

HLS Looks to Microfilm As Solution to Lack of Space

(Continued from Page 4)

materials now found in books, he estimated.

One option not being considered is to simply throw out some old material entirely. "This is a research library, so material is valuable even if it is used only once every few years," Cohen said. However he noted that some marginal material might be shifted to other libraries within the University if it is unlikely to be used at the law school.

Sports Answers

1. In 1942 the Rose Bowl was held in Durham, North Carolina.
2. Garry Templeton, the shortstop for the St. Louis Cardinals recorded his 200th base hit on the last day of the baseball season this year.
3. Jim Otto, who played center for the Oakland Raiders, was the only player selected in each year. However, Steve Mix, a guard for the San Diego Chargers, was selected the first nine years of the league's existence.
4. In 1976, Bold Forbes ridden by Angel Cordero Jr. won both the Kentucky Derby and the Belmont Stakes, but failed to capture the Preakness, which was won by Elucidationist.
5. The last non-American to win the women's singles crown at Forest Hills was Margaret Court, while Virginia Wade captured the Wimbledon crown this year.

The current plans were made with the assistance of an independent library consultant, Hunter Lewis. "He is an expert in system analysis of very large library operations and served as a catalyst to stimulate data collection and suggest options," Cohen noted. "His estimates of costs and knowledge of special techniques was also valuable."

No final decisions will be made for several weeks on any of the proposals. The University Planning Office must first present its report on the renovation options. Then the Library Committee must submit a report to the Faculty and Dean Sacks for final decision. The Library Committee is headed by Kaufman and its members include Cohen, other faculty members and some students.

Solution to Cryptic Law

"Widower. — The term 'widower' includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance." Internal Revenue Code § 214(d)(2), amended, 1971, repealed in full, 1975. The Code used this definition in defining those eligible for a deduction for the expenses for care of certain dependents. Fortunately, Congress had the good sense to repeal the section. Not only did it define apples as oranges, i.e., widowers as divorcees, but it also left open the possibility that "widower" might include those of the female persuasion.

Friedan

(Continued from Page 3)

the gay issues to distort the aims of the ERA.

There will be no great changes automatically arising from the passage of the ERA, Friedan predicted, but it is nevertheless necessary to get the Constitutional underpinnings. For the women's movement to continue to gain ground, she feels, "we must have a new law as the embodiment of the revolution." For too long, "women have been passive, dependent, inert, and easily manipulated. They are now acquiring independence as they become people." But the acquisition of personhood in our society will require changes in static institutions, she says, and people are threatened by change.

In the face of a backlash and a diminution of gains already won, Friedan's message to this generation is, "You must pay your dues." The issues are important enough, she says, that the Girl Scouts, a traditionally non-political organization, took their first political action in their history, and endorsed ERA.

In closing, Friedan said that the success of the women's movement, and the passage of the ERA, requires that the movement cut across class lines to embrace all women and it requires the participation of the present generation of men and women to fight for changes which will place the greatest emphasis on the person.

TGIF: Friday, Oct. 21 from 4-6 p.m. in the Hark.

"THE RULING CLASS"

Friday, Oct. 21 and
Saturday, Oct. 22 at 8:00 p.m.
in the
Harkness Commons Dining Hall.

Admission: \$1.00 or \$.50 with HLSDC Activity Card. (One show each night).

HALLOWEEN PARTY: Friday, Oct. 28 from 8:30 p.m. - 12:30 a.m. In the Wheeler Room, Holmes Hall. Refreshments; dancing; prizes awarded for best costumes and Jack-O-Lanterns. Admission: \$.25 or free with HLSDC Activity Card.

SECOND CLASS POSTAGE
PAID AT BOSTON, MA.

RETURN ADDRESS:

HARVARD LAW RECORD
HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138