

HARVARD LAW RECORD

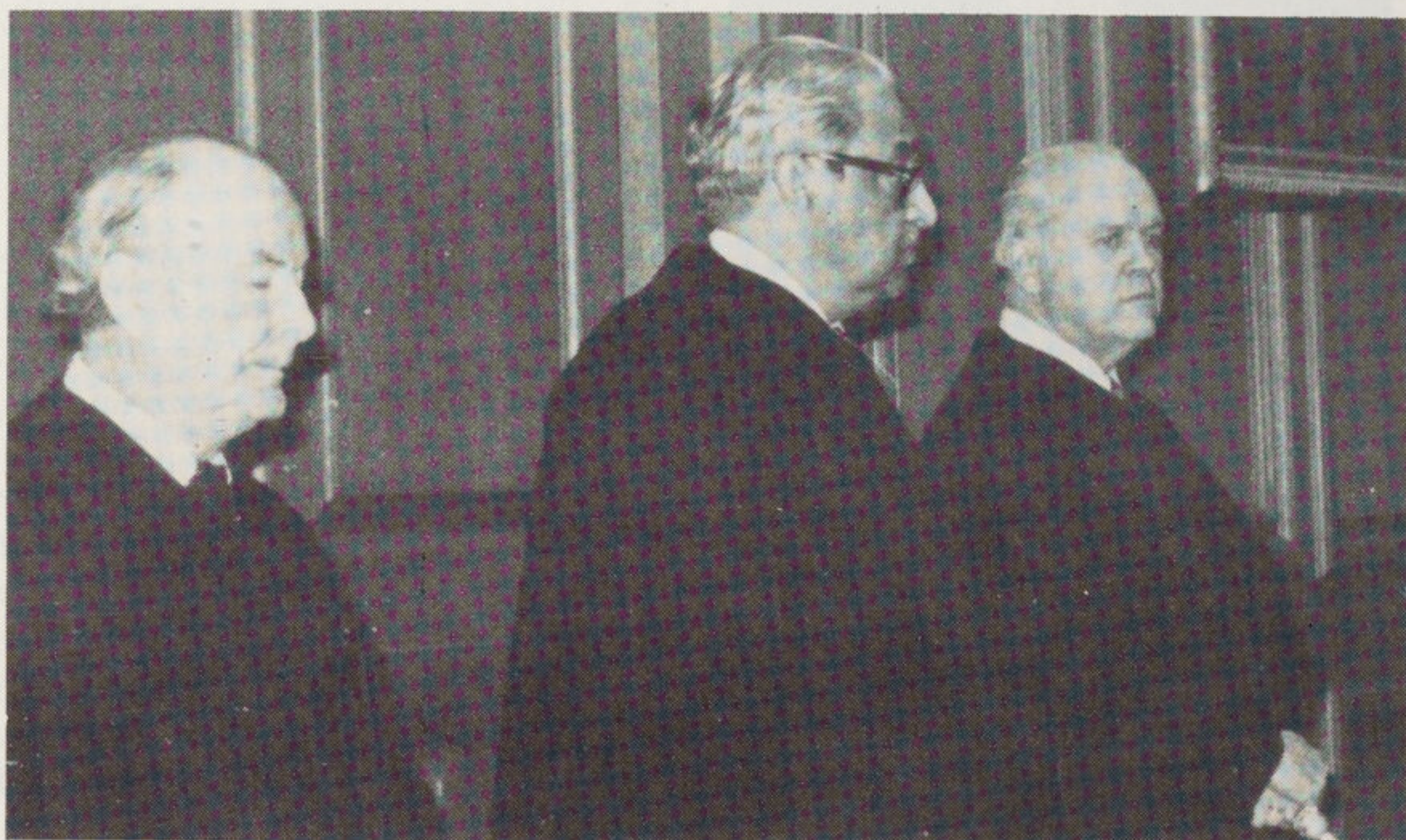
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TWENTY CENTS



"All rise." Associate Justice Thurgood Marshall, pinch-hitting for the ailing Warren Burger, joined J. Skelly Wright and Edward F. Hennessey on the Ames panel.

Sheila Kuehl Chosen As Best Ames Oralist

By J. Ezra Merkin

Oralist Sheila Kuehl took top honors in the final round of the Ames Moot Court competition last Thursday, with the team she helped represent winning the overall judgment as best team. The opposing team won the best brief award.

Justice Thurgood Marshall presided over the three-judge panel hearing appellate arguments in the case of *West Bay Point New Freedom Church v. Barns*. Sitting with Marshall were Judge J. Skelly Wright of the U.S. Court of Appeals, D.C. Circuit, and Chief Justice Edward F. Hennessey of the Massachusetts Supreme Judicial Court.

At issue was the constitutionality of a Maine statute authorizing the appointment of a guardian to force an adult to undergo psychiatric treatment to counter a borderline neurotic state brought on through an allegiance to a controversial religious group.

The oralists for the appellants were Kuehl and John Pagan. Winthrop Minot, Robert Shapiro, Stephanie Smith, and Cass Sunstein collaborated on the brief. Kuehl—one of the crowd's favorites—was announced as best oralist by Marshall—the other of the crowd's favorites. Marc Gottridge and Jonathan Schur were

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Law Guild Leads Protests Against Burger Decisions

By Larry Zelenak

The Harvard Law Guild-sponsored demonstration against the policies of the Burger Court was held as originally scheduled last Thursday night, despite the fact that the initial impetus for the demonstration — Chief Justice Warren Burger's appearance at the Ames Moot Court Competition — no longer existed.

On Tuesday it had been announced that Burger was entering the hospital for treatment of a chronic back ailment, and that Associate Justice Thurgood Marshall would appear in his stead. That evening, members of the Guild met to decide whether or not to go through with the demonstration. After protracted discussion, centering around whether they had been outmaneuvered by Burger and the Law School administration and whether a demonstration would be perceived as an insult to Marshall, they decided the demonstration was still appropriate.

The Guild wrote and distributed "An Open Letter to Justice Marshall," which noted, "as our protest was never directed at Chief Justice Burger, but rather at the policies of the Burger Court, our plans to demonstrate have not changed."

Amy Hirsch, 2L, of the Guild admitted that if Marshall had been invited initially, the demonstration probably never would have been planned, as his visit would not

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Army Counsel Wine-Volner Talks Watergate

By Tammy Jacobs

Jill Wine-Volner wasn't sure what she was going to talk about when she arrived at Harvard for her Forum appearance Nov. 14.

One colleague had suggested she talk in her capacity as general counsel to the Army about the Panama Canal. Others had proposed Watergate as a topic for the former assistant Watergate special prosecutor. A student had asked her to talk about "what the Army general counsel does."

So she talked about all three topics and others, reserving most of her speech for an enthusiastic account of her newest post as general counsel.

She started with Watergate, where Wine-Volner had made headlines with her questioning of Rose Mary Woods on the 18½-minute-gap issue.

"I think basically the one thing we learned is that honest people make honest government and that crooks make for a Watergate experience," she said. "I don't think it depends on changes in the law."

As a result of Watergate, she said, "we elected Carter, who campaigned as an honest man." And, she added, we sent from office Jerry Ford, who had pardoned Richard M. Nixon.

"Everyone in Washington is extremely cautious in moving now, and almost every executive officer asks lawyers before they do anything," she said. "They ask 'will you give honest advice?'"

"That [giving honest advice] is probably the most important thing that lawyers ought to have learned out of this."

Asked later whether there are any loose ends left from the Watergate experience, Wine-Volner answered affirmatively.



Jill Wine-Volner

"President Nixon was never tried and President Ford, by pardoning him, deprived the American people of the presentation of evidence in a courtroom.

"As a former litigator, I really truly believe in the jury system . . . I would have liked to have seen that happen."

She added that reading transcripts of the tapes give a different impression than listening to them, and when the Nixon tapes are finally released, Americans will have a better picture of what really went on in the White House during those years.

During the question-answer period following her speech, Wine-Volner fielded several Watergate questions, including one on whether she believes convicted Watergaters who say they have repented are truly penitent.

"When people who have been in positions of power realize that not only can you get caught, but you can be punished, it might really bring things home in a dramatic

way," she said with a smile. "They may have rethought their morality — I really have no way of knowing."

She doesn't know who Deep Throat was either, although she guesses it was either nobody at all, or a combination of people.

One questioner noted that E. Howard Hunt, in his recent appearance as a Forum speaker, had strongly criticized Judge John J. Sirica for allegedly using the threat of heavy sentencing to gain cooperation from Watergate defendants.

"If he had been unfair, there would have been a reversal," said the speaker. "The Supreme Court has reviewed all the convictions, and upheld them."

"If it hadn't been for Judge Sirica's inherent feeling that 'you guys didn't burglarize the Democratic National Committee by yourselves,' it might have ended with those convictions. So it's a good thing he did what he did," she added.

With regard to the Panama Canal treaty, Wine-Volner notes that the Secretary of the Army is "the sole stockholder of the Panama Canal Company. As his lawyer, I give him legal advice on how to run the canal."

"We were deeply involved in the negotiations," she added. "I can assure you that the Joint Chiefs of Staff are not supporting the treaty because they think it endangers our national security."

Signing the treaty would promote better relations with the Panamanians, she said, and if it isn't done, there is a possibility of Panamanian rioters harming the canal. Also, she admitted candidly, the canal is less crucial to national defense now, since larger aircraft carriers can't fit through.

Working on the canal issue is only one of the diverse topics Wine-Volner has had to study since assuming the general counsel position on March 29.

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Teach-in Speakers Blast Burger Court Stands On Blacks, Women, Gays, Poor

by Barbara Kritchevsky

Although the Burger Court's policies and decisions have been disastrous, hope still remains, four speakers at a "Critical Perspective on the Burger Court" last week agreed. The speakers called for a return to political action and struggle to correct the Court's wrongs.

The panel "teach-in" was sponsored by a coalition of 16 Harvard Law School organizations, and addressed the consequences of the Court's decisions in the areas of minority issues, gay rights, labor, and women's issues.

Lewis Meyers, General Counsel of the National Conference of Black Lawyers, spoke first. He said that the Burger Court has been a "bleak tragedy" in the annals of jurisprudence, but that no court decisions can affect social conditions to the extent that we can see them in a void. Meyers criticized lawyers for tending to believe that the law is isolated from all social and political realities. He said that, in fact, every major court decision has been made based on social and economic conditions at the time.

Speaking of the *Bakke* case, Meyers stated that no one could write a brief to free people. Lawyers should not become alienated from the real world due to their profession. Rather they should "take to the streets," and become involved in the "real world." Harvard Law School cannot be divorced from Soweto and Johannesburg, he admonished.

The Burger Court, Meyers said, is the representative of a minority interest in this country which is "anti-people, anti-women, anti-minority, and anti-humanity."

The Court will be turned around more by a struggle in the streets than by a brief. "Can you ride home on one man or one woman standing before seven fools who are anti-

people?" Meyers asked. He later excepted Justices Thurgood Marshall and William J. Brennan, '31, from the "fool" category due to their "positive dissents."

Meyers concluded by saying the lawyer should be an organizer, engaged in a sincere struggle "for the liberation of humanity."

Marge Ragona, Pastor of the Providence, Rhode Island, Metropolitan Community Church spoke next. For years, she said, "People have been defined by

The Burger Court represents a minority interest which is "anti-people, anti-women, anti-minority and anti-humanity."

people who know nothing about them." The definers come from classes where they are closed to the experiences they write about. There have not been many gays around to write the definitions.

The Burger Court era is a time of mourning for gays, she said. "The Court decisions turned back the tide of freedom." For the most part, the Supreme Court has refused to consider cases dealing with homosexuality. Rather than facing the issues, Ragona said, the Court begged the question "by not wanting to handle us at all."

Ragona explained that the major areas of concern to gays are job protection and privacy. The Burger Court would not listen to arguments to protect gays on the work force, believing that what someone does in bed will affect the job. The privacy issue, "whether the law can snoop," also has not been decided.

The Court has also refused to extend legal protection to gay couples simply because they are gay.

Ragona said this was wrong because heterosexual married couples received benefits solely because they are heterosexual.

Ragona asked what the Court's fear was. Of the traditional Biblical argument opposing homosexuality, she said, "It's tragic that our folklore and our mythologies are still affecting the lives of human beings." She added that religious morality considerations have no place in court decisions.

On the positive side, Ragona added that the Court is "fighting windmills." People need "crap detectors" which they can use to look at some of the Burger Court's decisions. The Court is "trying to show us what they believe we'll buy, and it's an empty package." People must continue to protest in the courts and in the streets, she concluded. And we "must not ever forget."

Northeastern University Law Professor Karl Klare said that the overall effect of the Burger Court's decisions in the area of labor has been a "sacrifice of workers' freedom and dignity" at the altar of efficiency and industrial peace."

Klare said the Court had made two positive decisions, one reading a due process requirement into the National Labor Relations Act and another saying a worker could not waive a right of speech against the union in a contract.

Other decisions have been affronts to the rights of rank and file workers, Klare said. The Court decided leafleting on the job, usually protected, would lose protection if the workers did not go through their unions and seek action in that way. In the *Gateway Coal* decision, the Court ruled that workers must have objective evidence of an abnormally dangerous condition before commencing a "safety strike," and that the burden of proof of danger rested on the employee.

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Nader Chides 'Soft Students' Ignoring Poor

By Charles Cheatham

Students could have a significant impact on consumer affairs if they would utilize the unique resources and opportunities available to them, Ralph Nader told an alternative careers forum at Sanders Theatre on Nov. 11. However, he expressed great dissatisfaction with the universities themselves because of their general insensitivity to the need for presenting consumer issues as part of the educational experience.

With his larger theme in mind, Nader repeatedly turned to Harvard Law School as a striking example of an institution which has not responded to consumer problems. He commented on many aspects of his own HLS experience, although always within the context of universities' general failure to make education relevant to society's needs.

Nader noted that many traditional undergraduate courses have little or no application to problems that confront consumers, and graduate school course offerings, including those of the Harvard Medical School and Harvard Law School, are no better.

He remarked, "At the Law School they say, 'We teach you to think like a lawyer.' First of all, that could be an insult, depending on how you define the lawyer. It's a copout. You can still [think like a lawyer] and have a need for a much different educational system," Nader stated.

The most important criterion in evaluating law school training, he believes, is to ask, "What's the grist? What's the raw material you rub the mind on?" Too often, he feels, the material taught is whatever has most familiarity to the professor.

Nader characterizes the education which HLS offered in his day as an incredibly efficient "three-year acculturation process." It did not take him long to notice that "the students were becoming sharper by becoming

narrower." As an example he remarked, "We worked on the \$1 million estate plan for half a semester. We completely ignored the millions of [less affluent] Americans who die and have their estates ripped to shreds by the lawyers." In explaining his own reaction to that kind of approach he commented, "HLS was like a *jai alai* wall You bounced off it."

Nader advocates a system of legal training which would have direct contact with consumer problems. "I've recommended that law schools bring in a group of about ten people to each class meeting — for example, debtors who have been shafted," he stated.

"Law students are spoiled and soft . . . They have been completely bought out."

Nader particularly dislikes the way that HLS insulated the students of his day from the problems of the surrounding world. "They had you sealed in a kind of cocoon. A few years later they burrowed under ground [and built a tunnel connecting the buildings] so you could sleep, eat, and study without seeing the sky. A trip to Harvard Square was like a trip to a foreign country," he said.

Broadening his field of attack he added, "In terms of civic involvement and civic action, the Ivy League schools are out of it. Harvard grew to great dominance in this century as Cambridge and Boston rotted. New Haven suffered the same thing."

"I used to go to the poorer sections of Boston every two or three months to see what it was like" and

get some perspective of the area's problems, he stated.

Returning to factors that shape education Nader lamented, "The curriculum is reflective of the power structure out in the society. There's a pecking order of what is prestigious — which may be different from what is needed by the consumers. If the Law School is besieged by corporate law firms, that's what it focuses on."

He links the corporate firms' dominance of the job market to a strategy worked out almost two decades ago. "Around 1960 the big law firms were paying about \$10,000, top, for new lawyers. They weren't getting the cream of the crop. They decided to buy [the law students] out."

Intimating his scorn for the great number of students who have been enticed so easily by this method, Nader stated, "Law students are spoiled and soft. They have been completely bought out."

Unfortunately, he observes, the firms are in an excellent position to continue this strategy. "The big law firms are the ultimate transfer economy." They will continue to pay new lawyers high salaries because "they can charge their clients almost anything they want," he stated.

In response to a question about how a law student could pay off large loans incurred while attending law school without taking a high-paying job for a few years, Nader replied, "Go out [and take the low-paying public-interest job] and get a night job [second job] as a janitor. Life is too short for a 40-hour week."

He added, "The student debt is a great way to dilute dissent in society. The first couple of years, you work off the debt [at a high-paying job which doesn't provide any outlet for your desire to pursue an alternative career]. After that, you've forgotten about it."

He feels that a student should not make compromises in choosing a
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Group Proposed To Seek Student Aid To Support Public Interest Law

By Larry Vilardo

Law students will fund and control their own public interest organization in the near future, if they adopt an idea of consumer action advocate Ralph Nader.

Nader has forwarded a proposal to create a "new, national, contributor-controlled public interest organization." Tentative plans for the organization include funding by pledges of law students to pay a portion of their post-graduate income.

Craig Kubey, called by Nader "the principal organizer" of the proposal, spoke to a small group of Harvard Law School students last week. Kubey noted that the idea behind the organization stems from a simple three-part equation.

"The lack of public interest financing" plus "the continued existence of problems in American society" create the need for a better way to fund and control public interest organizations, Kubey said. "The existence and characteristics of law students," when added to this need, "yield a simple conclusion." That conclusion, Kubey noted, is Nader's proposal.

A letter from Nader to law school students, distributed at last week's meeting, notes that "in the past few years public interest attorneys have won major victories . . . but have encountered some serious obstacles as well." At the very heart of these obstacles is "the perennial problem of funding." A new organization is thus needed to combat this problem, the letter says.

"The concept under which such an organization would be created," the letter continues, "is the age-old idea of tithing — the principle of voluntary taxation — coupled with governance over the use of the money raised."

Kubey announced that initial plans for the organization will be decided at a Dec. 3 meeting of law

school representatives to be held in Washington, D.C. Among the issues tentatively planned for discussion are the emphasis of the organization upon "access to justice" problems, and the ways to guarantee governance of the organization by those who contribute to it.

A pledge level of one per cent of one's yearly income or \$200 per year has been suggested by the organizers of the proposal. Contributions will be tax-deductible. The Nader letter notes that "no money will be paid until about March, 1979, more than nine months after graduation, and then only if sufficient pledges are made to lead us to believe that the organization has the capacity to move forward on its own."

Kubey sees the job of interested law students as two-fold. "The long-term job of students is to seek pledges from fellow students and to educate others about the organization," he said.

"The short term job is to talk to fellow students and select a person to attend the December meeting in Washington."

Kubey noted that "Harvard is a particularly important school for this proposal because of its size and because it is a potential leader of other law schools."

The program's organizers are confident of its success. "We don't see this as just another mail solicitation," Kubey said. "We think it can succeed. It seems logical that law students will support this proposal."

"Whether it works depends on the students at each law school," he concluded.

Professor Laurence H. Tribe has agreed to act as the organization's contact for interested students. He encourages those who were unable to attend the initial meeting to contact him.

Nader Summons Students To Aid Poor, Oppressed

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job. "If you really want to do something, you will crawl on tacks. It requires a little degree of sacrifice."

Most law students have too narrow a view of how they could apply their talents, Nader feels. "If you define a lawyer the way Dean Sacks defines a lawyer, you've cut off a lot of opportunities. [If you think lawyers are just supposed to be litigators], you may become involved for six months on one procedural aspect of an anti-trust suit. You can become drowned in means and forget about ends."

The lawyers in Nader's group and similar organizations have carved out an alternative career option. "We train lawyers to be lobbyists," he emphasized. "We [Nader's associates] put our resources on trying to deconcentrate power in our society."

When asked how to bring limited personnel to bear most effectively on issues that need reform, Nader replied, "You work the congressional lever. That is the one most subject to change in our relatively unorganized [consumer] system."

A vital step in producing effective consumer action, Nader believes, is to recognize "the distinction between a set of objectives for change and the instruments to achieve the objectives. The issue really is, 'How do we get from here to there?'"

"One way to leap this gap is through a mobilization of victims to focus on the institutions that victimize them," especially "the dominant institution — the corporate one," he stated.

"We need to ask, 'Where are the victims? How do they get organized?' It will *not* be done by delegation. We need a complete re-focus now on the *direct* democratic techniques — recall, referenda, etc.," Nader said. Currently "under

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Marshall Presides at Ames Trial

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the oralists for the appellees and Neal Beaton, Joseph Sandler, Mark Segall, and Hume Steyer collaborated on the winning brief.

Arguments by counsel and questions and remarks from the bench were followed closely by the large crowd attending the 66th Ames competition. The crowd quickly warmed up to the prods, probes, and quips of the judges, particularly Marshall, and the bench appeared to have thoroughly enjoyed itself in its evening at Harvard.

Wright praised "an extraordinary performance by two gifted teams of advocates" and lauded the briefs as "superb, persuasive, and professional." Hennessey found "the briefs extraordinary, the argument exhilarating," and Marshall, in announcing the decision, noted that the Court was hard-pressed to choose, and selected the appellants as "but the better of the two sides."

The Court heard an appeal from a decision of the Maine Supreme Judicial Court upholding the constitutionality of the appointment of appellees Jonathan and Shaleen Barns as the guardians of appellant Susan Barns, their 18-year-old daughter, under the Maine adult guardianship statute. Two years after Susan Barns had run away to join the West Bay Point New Freedom Church, her parents found her raising money on the streets in Bath, Maine.

During the course of those two years Susan had received instruction in the New Freedom Church. For five months she had no contact whatsoever with the outside world, after which she recognized her parents as "the true forces of evil." Church members, the only persons she saw during most of this period, provided her with materials setting forth the group's teachings and encouraged her to memorize them. After a ceremony in which Susan became a full member of the church and adopted the name "Sister Claire," she moved with other

members from Boston to Miami and to New Orleans, proselytizing and raising money for the church.

An examining psychiatrist found that Susan exhibited symptoms of mind control achieved by various forms of coercive behavior. The church was found to have attained control over her responses by fostering in her attitudes of debil-

but actually to treat the beliefs. To rely on the practices and dogmas of the church to arrive at a diagnosis of illness is a denial of the Free Exercise Clause of the First Amendment, the appellants argued. Kuehl, speaking slowly and deliberately, asserted that "it is anomalous in the extreme to judge the mental conditions of those whose faith has led them to turn



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Associate Justice Marshall was at center stage both in and out of the courtroom.

ity, dependency, and dread toward the group.

The psychiatrist testified that Susan showed a marked degree of regression that signaled a return to a child-like level of functioning. Susan was found to be blocking, unconsciously unable to make the connections with the past and future that she would normally have. Her sense of being totally controlled by the church was emphasized as the source of her belief that she had no prior connection with her family or to the world before she entered the church.

Kuehl argued that the manifestations of coercive behavior exhibited by Susan—recitation of religious phrases, obedience to the Church—are similar to those shown by many religious persons, as to whom no guardianship degree would be countenanced. Kuehl claimed that the purpose of the treatment is not to treat the illness,

their backs on secular society by the standards of that society."

At one point, Marshall interrupted to propose the following hypothetical:

"Suppose I have a religion. Our gods are named Mary and Juana. Our religion is to smoke marijuana. Protected or not?"

Kuehl responded that the belief in smoking marijuana is protected, although the smoking of the marijuana is not absolutely protected, because it is religious conduct, not just a faith. She and her co-counsel Pagan conceded that in relation to the clinical norms of society in general, Susan may well be neurotic. But they claimed that the Constitution does not permit the Maine statute to use such an index of normality, since it would permit the state, in the interest of mental health, to curb religious conduct virtually at will.

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Kuehl Draws Praise

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Appellants' counsel also argued that in light of the findings that Susan posed no danger to herself or to anyone else and that the lack of finding that she was incompetent, the state had no compelling interest that would justify its action here. In response to questioning by Wright, they argued that the statute was tantamount to an indefinite sentence based solely on the authority of the examining psychiatrist.

Marshall insistently returned to the issue of the state's interest in intervention. In the questions he put to Gottridge, counsel for the appellees, Marshall insisted that the "purpose of the guardianship is nothing but religion. Isn't it true that she will hurt nobody? Then what is the interest of the state? She can protect herself. Then why does the state desire to take her out of society? How can the state intrude on the First Amendment?"

Gottridge and his co-counsel Schur answered that "Susan is as little able to deal with herself as a child is." They claimed that her "free" choice not to go with her parents was not really free, that she could not properly arrive at a decision. "The disease is not the religion, does not result from the tenets of the religion. It results from the practice of coercive behavior."

Marshall was very concerned with the setting of a broad precedent and pressed Schur on what result would be likely if an established religion had done what the New Freedom Church did. Schur claimed that there were many factual distinctions between the church and established monastic orders.

On rebuttal, Kuehl urged a broad and tolerant view of religious commitment. Quoting from the New Testament, and citing the lives of St. Francis and St. Thomas Aquinas, she asked the Court to view the "specter of the courts as the ar-

biter of American orthodoxy as something to be feared."

Above all, she argued, the First Amendment affords breathing space and permits the development of religious impulses and creeds. The state may not persecute citizens for views that are unpopular or distasteful, she said, nor "may it do so because some psychiatrist considers them the product of an unbalanced mind."

After the arguments were concluded, the bench retired to consider its decision. On its return, about 15 minutes later, Marshall announced, "We have been out, we have talked, we have prayed," and—in a reference to one of the New Freedom Church's activ-

"Suppose I have a religion. Our gods are named Mary and Juana. Our religion is to smoke marijuana. Protected or not?"

ities—"we couldn't raise any money." After the decision, the judges met with both teams for a short discussion of the briefs and a continuation of the banter that Marshall had been engaged in all evening. "Hey now!" he said to Kuehl, his rival for the crowd's affection, as she walked into the judges' chambers, "I really like your style."

The Law School community assembled in the Ames Courtroom clearly liked both their styles. All the oralists were well received, with many appreciative comments, laughs and ovations interrupting the arguments.

Panel Sees Hope To Redress Evils Of Burger Court

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Klare said the most threatening Court ideas have come in dicta, where the justices noted that rights which were protected were only kept to minimize industrial strife, not for their own sake.

Future objectives in the labor field, Klare said, should be to democratize the working place, so constitutional rights are not left behind at the job. Unions should become plaintiffs in sex and race discrimination cases, and the concept of "good faith" should be embodied in labor contracts. Employees should not be able to be discharged at will for malevolent reasons. He suggested that wrongful discharge could become a tort.

"The law is not the instrument which will bring industrial freedom to the U.S.," Klare added. Political struggle is needed. Lawyers must not renounce their political skills, but bring them into the struggle.

Liz Schneider, a staff attorney for the Center for Constitutional Rights in New York City, spoke on women's issues. Schneider said one cannot have a legal movement unconnected with politics, and the women's legal movement is an outgrowth of the second wave of feminism.

The Supreme Court has attacked and rejected the stereotype of women as homemakers, Schneider said, but it has failed to squarely grasp the significance of sex discrimination. In the most serious area of sex discrimination, reproduction control, "the Burger Court can't rule in our favor."

Abortion and pregnancy decisions are at the root of sex discrimination, Schneider explained, because women are tied to the home when they have no control over pregnancy. The Burger Court has denied universal access to abortion and has ruled that failure

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Wine-Volner Tells of Life as Army's Lawyer

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Between her Watergate stint and her present job, she had been in private practice in Washington, D.C.

"I'm working harder than I ever worked in private practice," she told the **RECORD** after her speech. "But each issue is so fascinating — it's endless."

To her audience, she talked of the Army as a consumer and employer, of the Army's work with the environment and of affirmative action programs.

As general counsel to the Army, she supervises a staff of 2,500 lawyers. Ever since U.S. Atty. Gen. Griffin Bell found out that the Pentagon has more lawyers than the Justice Department, she said, only half joking, "we've been involved in justifying each and every one of our lawyers."

In its role as a major consumer, Wine-Volner said, the Army has restructured its program of buying from small minority businesses, to end abuses that went on during the Nixon administration.

As for the environment, she said, "there's a great deal of sensitivity in the administration to environmental concerns. We've now been including in our environmental impact surveys socio-economic impact as well as other kinds."

The role of women in the Army, she said, "is probably the hottest issue. We are at this time considering a variety of steps to really integrate women into the Army."

There are about 50,000 women

in the Army now; she expects the figure to be between 60,000 and 80,000 in the next two years.

More and more, she noted, women are being trained alongside the men, and recent Army studies have shown that up to 35 per cent women in a mostly-male unit do not decrease the efficiency of that unit. She said she had protested that the studies only went up to 35 per cent women.

"Women do not always do the job in the same way as the men," she said. "They do it in a different way — and usually the men end up adopting it."

As to her own role as a woman with the Army, she told the **RECORD** later, "I was the first woman (in the general counsel post) and the Army is known as a macho place. But it lasts for about a week or two until they see how you work. Then you're a lawyer, a professional."

Have you been coopted? asked a voice from the audience, after listening to her enthusiastic portrayal of the military.

"You sound like my friends," she laughed. "I really don't think so, I think that I'm fairly objective," she added, more seriously.

"You have both civilian and military chains of command, and we are limited in how much we can accomplish by how much we (the civilian chain) can learn about what's really going on there."

"We're trying to change the priorities, but it's only been seven months."

As to how much information she does get from the military side, and whether it's complete, Wine-Volner said, she trusts the information now, "but it will take awhile to evaluate."

Still, she told her audience, she has a tremendous respect for the military people she's worked with.

"The Army does a lousy job of public relations," she said. "I have been very impressed by the caliber of men, and it is unfortunate that it is men only, who have become generals in the Army. There is a quality of leadership I have seen almost nowhere else."

"We are at this time considering a variety of steps to really integrate women into the Army."

Asked after her speech if the goal of affirmative action really should be to get more women into combat, she replied, "I'm not fighting for anybody to go into combat."

"There are a lot of benefits to Army service," she added. "It may sound corny, but the ability to serve your country is important for women and men. And veterans' benefits are nothing to laugh at. There are good reasons to join up."

SPORTS QUIZ

1. What pitcher who has participated in a no-hitter has hit the most career home-runs?
2. In 1956, the Summer Olympic Games were held in two cities in two different countries. 145 events were held in the main city, but 3 events were held in a different continent. Name the two cities involved and the category of events which caused the split.
3. What was Jackie Robinson's middle name?
4. Who is the President of the National Football Conference? the American Football Conference?

(Answers on Page 12)

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Protesters Denounce Burger Court As Reactionary, Biased, 'Anti-People'

(Continued from Page 1)

have been seen as an appropriate occasion to express dissatisfaction with the Supreme Court's policies. But she also pointed out, "All the concerns are still there. We didn't want it to look as if the concerns had vanished or been abandoned."

At 6:30 Thursday evening, when the demonstration was scheduled to begin, only 60 or so protestors had assembled outside Austin Hall. Although the crowd later grew to nearly 100, one law student-demonstrator guessed that with Burger and without the threat of a thunderstorm, the crowd would have been two or three times larger.

One demonstrator from outside the Law School, who called himself an independent, said he felt "mad and disappointed" when he heard Burger wasn't coming. And although he still wanted to make a "symbolic appearance," he thought some of his friends who didn't come would have protested had Burger not cancelled.

Representatives of various special interest groups circulated among the protestors, handing out flyers (among them one entitled "The Murderers of South African Freedom are Right Here at Home," and one from the Abortion Action Coalition captioned "Damned if You Do, Damned if You Don't") and selling "Reverse Bakke" buttons (50 cents).

The organizers of the demonstration were also distributing a press release concerning an open letter strongly critical of the policies of the Burger Court, signed by 467 of the approximately 1,700 members of the Harvard Law School community.

The crowd remained fairly quiet throughout the demonstration. The few attempts to get chants going died down quickly. The leaders repeatedly emphasized that the protest was not designed to be disruptive, and they appointed marshals to

make sure that demonstrators did not block the entrance to Austin Hall. The two Harvard University Policemen outside the building had to do nothing more than stand around looking slightly bored.

Most of those entering the building to listen to the Moot Court Competition ignored the demonstrators, although a few stayed briefly to listen to a speaker or a singer. One passerby was heard to remark, "They should have slapped a prior restraint order on the whole bunch of 'em."



The demonstration against the Burger Court went on as planned despite the absence of the Chief Justice.

A few protestors came with their own signs, while others grabbed extra signs various groups had brought along. Among the numerous pickets were ones reading "We Don't Relish Burger," "Keep Your Laws Off My Body — Gay Rights Now," "Justice Misconceived," "The Court is a Suspect Class," and "Don't Carry Us Bakke 300 Years."

At one point an organizer announced, "Most of the signs up here are for gay rights, so all gay people out there should have a sign." He quickly corrected himself, however: "Especially those who aren't gay should have them."

Among the speakers were representatives of pro-abortion, gay rights, and black organizations. A speaker from the Abortion Action Coalition remarked: "It's ironic

that anti-abortion people call themselves pro-lifers and us murderers, when they're murdering all the poor women who'll die because they can't afford an abortion and the government won't pay for it."

Joe Martin, a Massachusetts lobbyist for gay rights, explained his nervousness by admitting, "I consider public speaking an unnatural act." Martin held out little hope for gay rights reforms from either the courts or the legislatures.

"We all know that white Americans are racist," Winston Kendall of the National Conference of Black Lawyers told his receptive, overwhelmingly white, audience.

"Black people have no rights in this country. They never have had any rights as far as the Supreme Court is concerned."

Between speakers several folk singers performed songs such as "Homophobia" and "Women Unite," which its singer described as being about "Women working together on all different levels." One song emphasized that "they're long overdue for a kick in the rear, so stand up and tell 'em you're here."

Shortly before 8 p.m. the demonstrators began to disperse, some to watch the Moot Court on closed circuit television in Austin Hall, some to move on to a demonstration against J. P. Stevens, Inc. at Boston University (as one speaker had earlier urged), and others simply to get out of the steadily increasing rain.

Three Sizes Too Small

With the exception of commencement exercises, the Ames moot court final argument is the most public and ceremonial annual occasion at the Law School. Indeed, since the argument, unlike graduation, is attended by members of all three classes and has intellectual significance, one might call the Ames argument the zenith of the Law School year.

It therefore is incongruous—even disgraceful—that each year a large portion of the Law School community is relegated to watching the proceedings on closed circuit television because the Ames Courtroom in Austin Hall is too small to accommodate all interested spectators. The Ames Courtroom seats only 600 persons, yet it is likely that a large majority of the Law School's 1600 students and at least several hundred other persons, including College students, professors and local attorneys, would want to watch the proceedings. Every year, however, it is necessary to arrive at least two hours early in order to obtain a seat and hundreds of persons are forced to crouch in the corridors and huddle in the anterooms in order to hear the arguments. And in all probability, many persons don't even bother to attend the proceedings simply because they know they won't be able to find seats.

From a historic, aesthetic and symbolic viewpoint, the Ames Courtroom is the appropriate place to hold the argument. No other room at the University is designed to resemble a courtroom. Moreover, moving the arguments from a room that has witnessed 66 annual Ames proceedings would break a fine old Law School tradition.

Many people believe that tradition is more important than convenience. Winston Churchill certainly did. Benches in the old House of Commons chambers accommodated only about half of the House's members; yet when the chamber was destroyed by German bombs in 1941, Churchill insisted that it be rebuilt exactly as it was.

Like Mr. Churchill, we respect tradition and are loathe to break it. But sometimes, tradition must yield to practical considerations. The tradition of the Ames courtroom is less important than insuring that all who want to see and hear the Ames proceedings have the opportunity to do so.

The Law School should consider scheduling next year's proceedings in a different location. There are many auditoriums at the University that could comfortably hold the Ames crowd. We especially recommend Memorial Hall and Sanders Theatre both of which seat 1100. Not only are they near the Law School but, in contrast to the ghastly sterility of some of the University's newer buildings, they offer an appropriately dignified atmosphere.

We hope that never again will Law School students be turned away at the door of the Law School's most important annual event.

HARVARD LAW RECORD

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Fenno

A solitary figure was leaning against a pillar in the alcove by Austin West, reading a copy of THE RECORD and waiting for the coffee to come. He was chuckling to himself repeatedly.

"'Yawning outrageously,' indeed," said Fenno at last.

Looking up, Fenno saw the coffee cart approaching, its coveted cargo of caffeine being guided safely into the alcove. Also on board to serve the large morning crowd which already had begun to form were several hundred stirring rods, an equal number of sugar packets, and, guessed Fenno, no fewer than five or six styrofoam coffee cups.

Suddenly, the door to Austin North burst open, and a figure dressed entirely in black shot out into the hall and executed a perfect Pete Rose — head first slide under the wheels of the coffee cart.

A pair of 2L's was first on the scene and slowly, delicately, checked the victim's pockets for interview confirmation cards.

Fenno arrived quickly and was relieved to see the pair of black wingtips moving slowly under a pile of stirring rods.

The victim let out a low moan and sat up. Then he sighed.

"Would you mind if I asked you a dumb obvious question?" said Fenno.

"I don't mind dumb obvious questions at all," said the victim. "I enjoy them. They're comforting."

"Excellent," said Fenno. "So why dive under a coffee cart? Why not a truck, or Clark Byse's tongue?"

"Symbolic gesture, I'm afraid," said the victim. "You see, Fenno, ever since I made the mistake of dropping Accounting at mid-term, all the boredom has gone out of my life. I'm a nervous wreck, and I can't take it any more!"

Fenno put his arm around the victim's shoulders and steered him toward the windows. "Look out there. What do you see?"

"A bunch of Horwitz' students beginning to study for their Torts final."

"No," said Fenno, "beyond that. Those buildings are chock-full of professors just waiting to bore you. They've dedicated their lives to doing exactly that, and," reflected Fenno, "it's the only thing they do really well."

The victim nodded his head slowly and said, "You're right, of course."

"And as usual," said Fenno with some pride. "Now go back in there and let Ferguson do his stuff."

With that, the victim returned to Austin North. There was a new sluggishness in his stride, and he walked back down the aisle, yawning outrageously.

HARVARD LAW RECORD

Letters to the Editor of the RECORD

Boycott the Boycotters

To the Editor:

Your report of October 7, 1977 is very helpful concerning the so-called "alumni boycott" of the Class of '76 and the similar such boycott which Class Marshall Laurie Zelon apparently proposes to her colleagues in the Class of '77. I hadn't heard heretofore about any of these proposals and I speculate that many of the School's alumni were similarly uninformed until they read your report.

Upon consideration I must concede that the Classes of '76 and '77 are free to express their opinion about the Law School and to make the expression concrete by taking concerted action to withhold alumni contributions. When their members decide whether to exercise that freedom, however, may I suggest to them that members of other alumni classes (with perhaps a different idea of the Law School) are likewise free to express their opinion about the Classes of '76 and '77. Nor are the senior alumni without power to give *their* opinion concrete expression also.

Ms. Rieman's promise for a continuation of the "boycott" — that "Law School graduates owe little to the School because they would have succeeded in any other profession or at any other law school" — bespeaks a sort of adolescent arrogance which calls seriously into question the professional judgment and competence of any alumnus or undergraduate subscribing to it. One would have to think twice about entrusting client interests to such people.

William Q. Keenan
LL.B. '49

New York, New York

Forgiveness Is Divine

To the Editor:

"Forgive me Lord, for I have erred." Indeed, I knew the life of a One L would be cold and disheartening, but I never expected such ultimate abuse. No Lord, it's not Contracts, nor Torts, nor Crim, nor even Civ Pro- it is my SPORTS QUIZ!!

"Oh, cruel world!" Hark(ness), is not the life of a One L tough enough (save for a timely trip to Wellesley) without the burden of two attacks inspired by errant Sports Quiz answers? Is not an attack from a female 3L, concerning a trivial miscue like forgetting about Rod Carew, cruel and unusual punishment? I have not yet enrolled in Con Law (let alone backbenched), and yet, I have been subjected to harassment from Professor Ely over the "harmless error" of calling an offensive guard by the wrong first name. Steve Mix, Ron Mix, Whiskey Sour Mix — is it a difference that makes a

NOVEMBER 23, 1977

difference? "Go gentle on the poor One L for though he is liable for such sins, he has not been negligent." Can you imagine the cost of prevention (give me a "B") in finding out Mix's first name, compared to the damage done (give me a "P", give me an "L") in providing the wrong name? "Forgive me oh Lord, forgive me Learned Hand, mock not the Sports Quiz writer with the Unlearned Head"!

Howard Gutman, 1L

Commitment Varied At Joseph Hill

To the Editor:

The Joseph Hill Associates very much appreciate the recent RECORD article on our activities. On the whole, Madison King's article on our work on state and local governmental problems was a true picture.

There was one mistake which I would like to correct here. The statement that we require a 15 hour per week commitment was taken from material describing our summer clinical work. The projects we are now involved with are research oriented; the time commitment involved with such projects varies according to the size of the project, the deadline and the number of people working on it. We consider that one of the strengths of our program is the students' ability to set their own schedule for completion.

I apologize to Madison and your readers for this misimpression.

Mark F. Nielsen
Executive Director
Joseph Hill Associates

Driving Moneychangers Out of the Temple

To the Editor:

In response to your editorial on legal advertising (Oct. 7):

"Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness."

Matt. 23:27

Yes, the public does suspect that justice in America is a commodity that can be purchased for a price. This attitude, in fact, reflects the social reality of unequal treatment under the law received by rich and poor, white and non-white, and of the major economic obstacles to equal access to legal resources in our system. Problems of taste in legal advertising are far from the problem.

Your editorial voices the economic paranoia of the established bar. Your characterization of legal clinics as offering "shoddy services" due to their reliance on para-legals is the worst type of expression of

no-nothing snobbery. (e.g. that good 'ole Harvard elitism) As to your comments regarding the threat that such clinics will economically undercut small firms dedicated to serving the poor, I can only reiterate:

Woe unto you, scribes and Pharisees, hypocrites!

Although there are small firms dedicated to serving poor and working people, the RECORD should well know that these are few and far between. For those of us attempting to create a viable legal practice serving poor and working people, legal workers, even more than advertising, are essential to our efforts.

Amy Totenberg, '77
Al Horn
Atlanta, Georgia

Bob Cratchit Had It Easy

To the Editor:

Your article, *Leading Law Schools Differ on Pre-Christmas Exams* (4 November 1977), contains one major error in its description of developments at Stanford — the assertion that there is a "move to exams before Christmas at Stanford."

Our Curriculum Committee is now at the fact finding stage of its review of the academic year calendar. I don't think that anyone can safely predict the outcome of this review now, much less the outcome of any considerations that the full Faculty may decide to undertake.

Paul Goldstein
Professor of Law
Chairman, Curriculum Committee
Stanford Law School

Cryptic Law

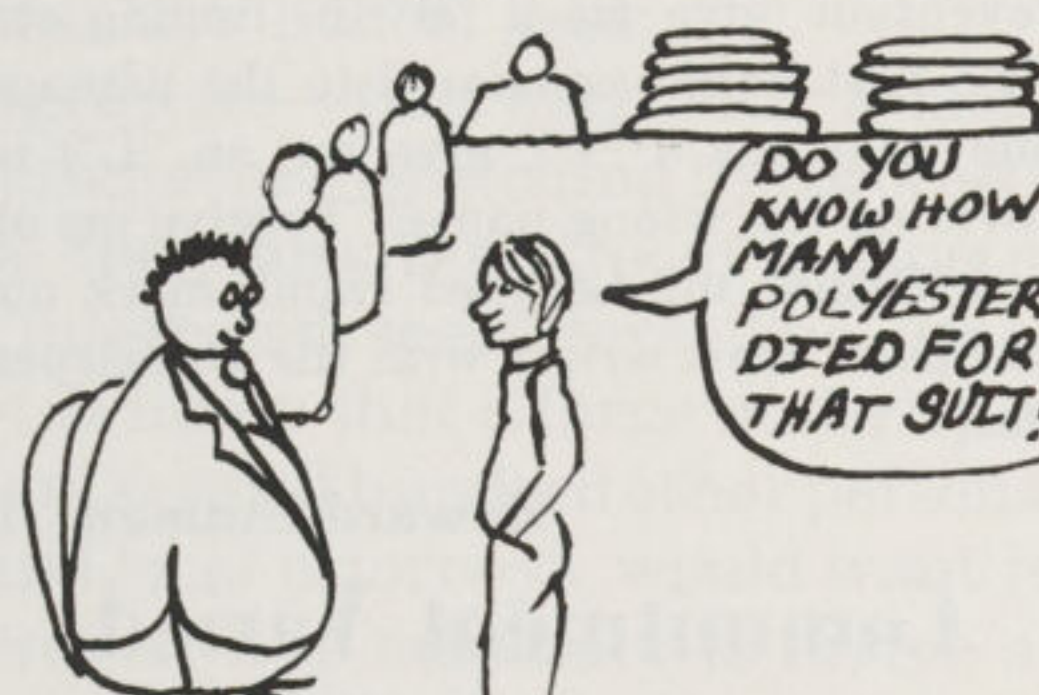
"[I]mfrt Qasomyoggd' "Qoh Grrfomh Shtrrzmy" . . . , sqqraarrd dpaf vptm yp qasomyoggd gpt idr om qasomyoggd' qoh htpeomh pqrtsyopm [Q]asomyoggd mrbrt omyrmfrf yp qsu gpt yjr vptm [smf] nrgptr qasomyoggd qitvjsdrf yjr vptm yjru jsf satrsfu grf oy yp yjrot qohd [Y]jr qohd ertr dpaf yp [s yjotf qsty, smf sqqraarrd] jsf vpmdivyobr mpyovr, og mpy svyisa mpyovr, yjsy qasomyoggd sqtpqtosyrf yjr vptm."

(Solution on Page 16)


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TO WOMEN.



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CHAPTER 16 ON 'HOW I SPENT MY
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YOU LIKE TO GO TO

DINNER?!



I KNOW WE'RE NOT ALLOWED
TO ASK YOUR GRADES, BUT HOW
DID YOU MAKE LAW REVIEW?



WELL, I'M NOT EXACTLY
ON THE REVIEW.



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4. N.F.C.-George Halas, A.F.C.-Lamar

3. Roosevelt

holm, Sweden.

the Equestrian had to be held in Stock-

bourne, Australia; however the events in

2. The main events were held in Mel-

hitter.

game, in which the reliever threw a no-

ceeded to have himself ejected from the

pleased with the umpire's eyesight, pro-

balls to walk the first batter. Ruth dis-

starting pitcher and threw four straight

1. In one ball game, Babe Ruth was the

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Dalhousie break-away.

HLS, Dalhousie Face Off In Annual Hockey Series

By Terry Keeney

They may not skate like the Montreal Canadiens or rival the NHL's finest in stick-handling. But few teams enjoy playing hockey as much as the Harvard Law School and Dalhousie Law School teams.

The Harvard-Dalhousie match is fast becoming the most heartily-fought rivalry on the law school circuit. When the Dalhousie team returned to its native Halifax, Nova Scotia on Nov. 13 after a weekend series against HLS, it left with undisputed possession of the Dean R. St. John Macdonald Trophy, its dominance over the American team intact and perhaps at least a few hangovers.

Dalhousie outskated the HLS team for a 10-6 victory at Watson Rink on Friday night. Saturday night's game at the Boston College arena resulted in another Dalhousie victory, but Harvard and Dalhousie lost track of the score after several team members exchanged jerseys to play for the other side.

But, even Jim Battin, Dalhousie's captain, readily admits that hockey isn't the only, or even most important, reason for making the ten-hour-plus drive from

Halifax. "We've had some very close games," Battin said. "And we've really had a good time here."

Battin seemed surprised by the students he's met at Harvard during the last two years. "Our typical view of Harvard Law School students was nose-to-the-grindstone," he said. "But we really met a different group of guys."

The Dalhousie team was treated to a welcome reception,

a Saturday morning brunch and post-game victory celebrations sponsored by the Harvard team.

The hockey rivalry began last year when Battin and teammate Tom Khatter searched the horizon of available law schools to begin a sports rivalry. Contacting HLS seemed natural to Battin.

"Dalhousie and Harvard have always had very close academic ties," Battin said. "Dal is the Harvard of the North."

Dalhousie invaded Harvard for the first time last February and swept the weekend series 4-3 and 7-4. HLS trekked to Halifax in April and tied Dalhousie 4-4 in the first game and won 8-2 in the second.

"We were treated very well that weekend," said John Morrocco, staff assistant to the librarian and second-year veteran of the HLS team. "As long as we said we were from Harvard, we got free beer all weekend."

The Harvard team was greeted warmly upon its arrival at Dalhousie. Among the greeters were several justices of the Nova Scotia Supreme Court, several of whom are Dalhousie graduates.

To finance the trip for this year's squad, which included a Scottish bag piper and a team photographer, the Dalhousie team raised money through raffles and a "High Rollers" night at the casino.



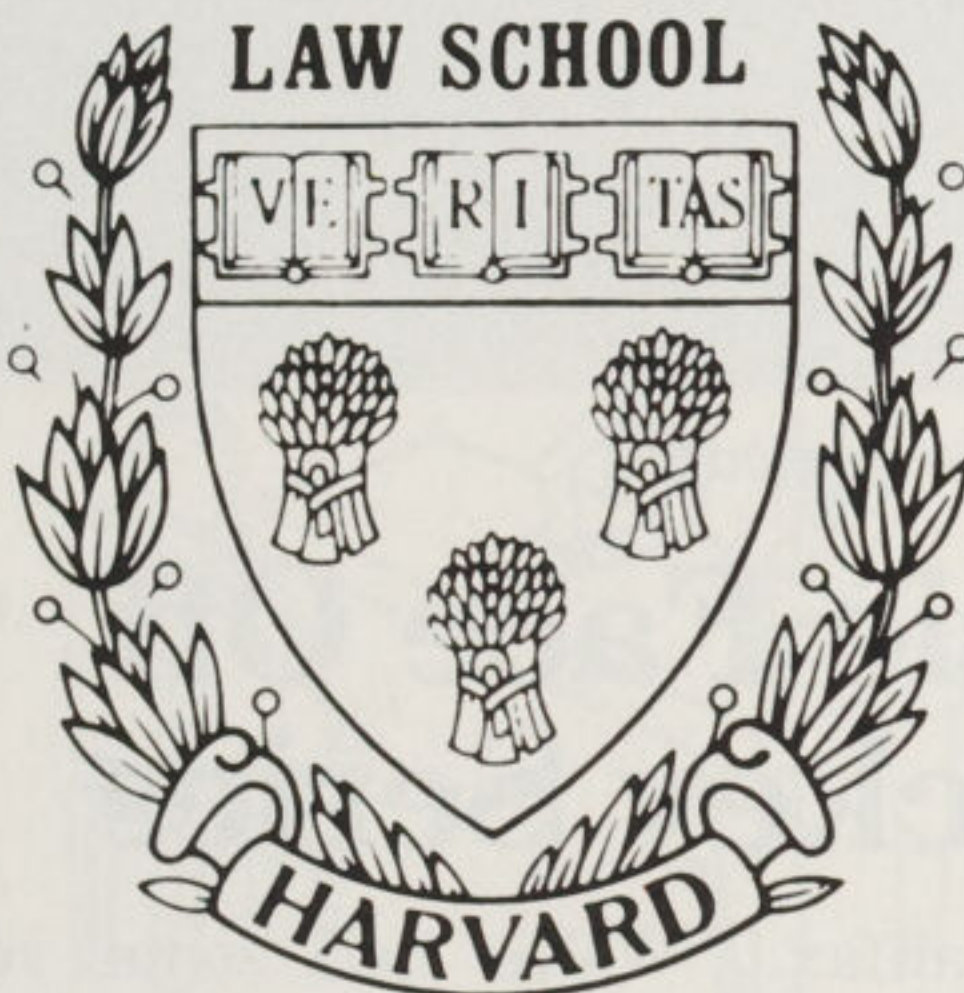
Dalhousie saves.

HARVARD INSIGNIA

A GOOD WAY TO REMEMBER



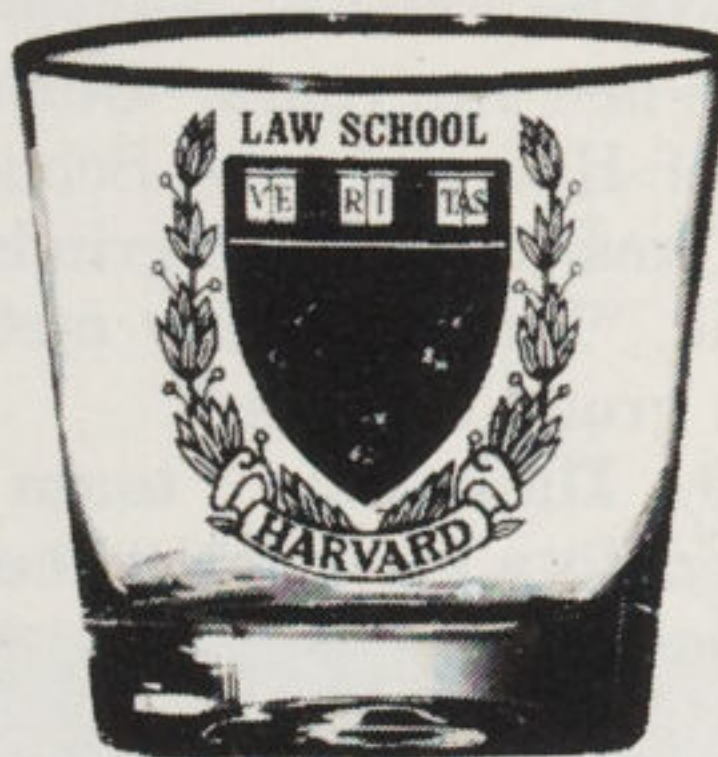
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Looking into Law Firms' Love Letters

By Otto Chu

Every day I receive a number of letters, which constantly reaffirm my faith in the recruitment process. A typical day's mail:

Dear Mr. Chu:

It was certainly an excruciating experience to talk with you while I was in Cambridge. Your questions reflect a near-Neanderthal mind, and you gave a good impression of knowing nothing at all about anything. I must admit I nearly fell asleep while I was talking to you. In fact, you may well be the most boring person I have ever met.

My colleagues on the hiring committee nearly collapsed with laughter when they read your resume. One partner commented that he had accomplished more before he finished first grade. Your most impressive credential seems to have been your role as a telephone pole in your college musical.

Frankly, I believe there is no possibility at all that you will succeed as a lawyer. I must express my doubt that any other firm will even bother to talk to you. My colleagues and I are extremely insulted that you took up 20 minutes of our valuable time with your frivolous application. What made you think we would even consider hiring you?

Moreover, since you are neither black nor white, nor a woman, you do not fit into any of our acceptable categories. In short, we gleefully refuse to offer you employment now, or at any time in the future.

**Yours cordially,
A notorious Wall Street firm**

Dear Mr. Chu:

It was a great pleasure to talk with you at Harvard. You are probably the most fascinating and articulate young man I have met in twenty years of interviewing.

If you will allow me to say so, all of us on the hiring committee were dazzled by your achievements. I have never seen such a magnificent

resume. We wonder only whether you will be on the Supreme Court or in the U.S. Senate when you are thirty.

*I am sure you will have
no trouble finding some
other suitable family to
dine with on
Thanksgiving.*

As I told you at our interview, I have a rather attractive daughter at Wellesley. I do hope you will give Lisette a call if you have a chance. Her telephone number is 235-2235. I've told her a great deal about you, and she says she'd be delighted to hear from you.

Unfortunately, we will not be able to extend an offer of employment to you.

**Yours sincerely,
A lawyer from a leading
Washington, D.C. firm**

Dear Mr. Chu:

I enjoyed talking to you on the telephone last week.

As you know, each year we receive a number of inquiries about places at our Thanksgiving dinner table. You are all extremely good children, and we would like to be able to invite each of you. Unfortunately, our places are limited, and we must make a determination as to which among you would benefit most from eating dinner with us at Thanksgiving.

We have reluctantly decided that we will be unable to invite you home for Thanksgiving this year. I am sure you will have no trouble finding some other suitable family to dine with on that weekend.

We encourage you, however, to speak with us again next year. Best of luck in your studies.

**Yours cordially,
Your Mother**

Dear Mr. Chu:

Linda Stevens and I were pleased to discuss your interest in practicing law in Tahiti with you when we were in New York.

We were impressed with your very obviously heartfelt interest in joining our firm on a permanent basis. We were also pleased to hear that you have narrowed your list of cities to Tahiti, Monte Carlo, and Rio de Janeiro. While the quality of practice in Monte Carlo and Rio approaches the level of practice in Tahiti, we feel that Tahiti offers some genuine advantages in life style, despite its undeservedly bleak reputation in the United States. We would also like to reiterate that we are not a sweatshop; it simply is not true that one of our associates once had to come in to the office on a Tuesday.

While we were very favorably impressed with you during our interview, we do have some questions about your resume. While Linda has heard of the Harvard Law School, I must confess my ignorance. Linda informs me that apparently, most Harvard Law School students are barely capable of doing legal research, much less actual thinking. She has also heard that Harvard Law students are the dregs of American society, sentenced to three years of hard labor and misery, reduced to eating gruel in an elementary school cafeteria, and confined to small, dungeon-like rooms; apparently, some even come from Harvard College, an intellectual wasteland where the illiteracy rate is said to be 97 per cent. Linda has also heard that most Harvard Law students are social parasites; that most of them do no useful work before their 25th birthdays, and very little useful work afterwards.

What assurance do we have that you can do anything at all? We hope to hear from you.

**Yours sincerely,
A medium-sized
firm in Tahiti**

Nader: Lawyers Should Moonlight as Janitors

(Continued from Page 5)

one per cent of the people in this country are active citizens."

An additional subject of vital interest to Nader is consumer co-ops. He stated, "For years they have been on the defensive. They have been called Commies and radicals." However, he sees that changing as the consumer movement gains more support.

He added, "When consumers own the supermarket, there is great potential for communication. Why can't 3,000 or 4,000 co-ops be a power force in Washington?"

He envisions co-ops as a focal point for other objectives, including group legal services, access to television, and better control of certain financial resources such that money could be recycled more times in poorer areas before it leaves the community.

Nader challenged the audience to become active in consumer affairs and listed four reasons why students have unique opportunities to do so.

"First, you can communicate with one another through newspapers, radio stations, bulletin boards, etc. You see people every day.

"Second, you are at the peak of your idealism — at least, relative to what you will be when you get out. You are not subject to the daily erosions that the job situation will cause. Men and women are walk-

ing around [out there] with invisible chains.

"Third, you've got a repository of information here [which tells you, for example] how you can deal with the EPA.

"Fourth, you can double-track your educational training and consumer experience at the same time. Outside, there is a pressure that ends up in self-censorship. Here, you can learn how to be an effective citizen and put out a report for the community.

Sometimes the educational system operates to "shatter people's confidence in themselves," Nader stated. "Perhaps a student can think more highly of himself in a citizenship role."

Solution to Cryptic Law

["Under plaintiffs' 'Pig Feeding Agreement' appellees sold corn to plaintiffs for use in plaintiffs' pig growing operation. . . . [P]laintiffs never intended to pay for the corn [and] before plaintiffs purchased the corn they had already fed it to their pigs. . . . [T]he pigs were sold to [a third party, and appellees] had constructive notice, if not actual notice, that plaintiffs appropriated the corn." *Central Soya Co. v. Bundrick*, 137 Ga. App. 63, 222 S.E.2d 852 (1975). This case involved a creditor whose corn had been fed by the debtor farmer to pigs which had already been pledged as security for other loans. *Soya* sued for fraud, but the court found no evidence of the farmer's "putative peccabilities." A pure case of plaintiff pred-icating putative peccabilities premised on purchases of porcine provender.

SECOND CLASS POSTAGE
PAID AT BOSTON, MA.

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HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138

Teach-in

(Continued from Page 7)

to provide pregnancy benefits does not constitute sex discrimination.

Schneider also said the Court is continuing to act based on a "protectionist rationale," making decisions to protect women.

The Court's decisions are helping the reactionary forces, Schneider explained, but the loss in courts can help women to organize. The educational process stopped after the right to abortion was granted, and must start again.

Litigation must be integrated into the movement, Schneider said. "People tend to rely on the courts," but organization and education must lie behind this. Certain issues should not be brought to the courts until there is a proper educational background.

People left the ERA totally to the courts also, Schneider said, and failed in necessary grass roots organization and in dealing with others' fears and resentments. Schneider noted that the failure of the ERA would be a green light for oppression.

The Burger Court has been a disaster, Schneider said, but women must look at the long range; they must watch for the potential educational value of cases and issues and strengthen their resolve.

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