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TWENTY CENTS

Attendance Poor At Tenure Talk On Student Input

By Tammy Jacobs

Tenure, says Faculty Appointments Committee Chairman Laurence H. Tribe, is "the main point at which students can have an input."

Still, a well-advertised meeting to discuss the subject Tuesday afternoon drew only five people: Tribe, the invited speaker; Jess Hungate, 3L, the Law School Council member who invited him; one RECORD reporter; one 3L working on a paper relevant to the topic, who left a tape recorder running and went to a class; and one genuine audience member, Scott Weiner, 2L.

"I think it's bad, given the level of dissatisfaction and frustration that seems to exist among students, that when a meeting such as this is called on an issue that relates to teaching, which people seem concerned about, that no one shows up." Hungate commented

"Unfortunately," he continued, "this is not an isolated instance."

Tribe, who had talked briefly with the RECORD just prior to the abortive meeting, answered questions for a few minutes, then made plans with Hungate to try to schedule a new meeting on student input into tenure, sometime in the early spring.

Two professors are up for tenure this year, said Tribe. They are Constitutional Law Asst. Prof. Richard D. Parker and
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In this year's predictably unusual annual re-enactment of Erie Railroad Co. v. Tompkins, Civil Procedure Prof. Arthur Miller appeared as Darth Vader and Laura Bartell, 3L, as Princess Leia, in "Bar Wars." (Related photo, page 8.)

Pre-Christmas Exams OK'd for Next Year

By Terry Keeney

The Harvard Law School faculty voted on Wednesday to adopt a new calendar for the next academic year which features pre-Christmas examinations for 2L's and 3L's and a new three-week winter term during January for intensive courses offered to 2L's and 3L's.

The faculty voted 37-6 to adopt the two unprecedented proposals of the so-called 4-1-4 plan, which had been recommended by the Committee on Legal Education and an ad hoc committee of faculty. The vote came at a meeting in which several faculty members recalled the days of Saturday classes and a total year-long curriculum.

The approved calendar leaves intact the existing schedule for 1L's. However, the fall semester reading period for 1L's will be lengthened to nine or ten days. The break between the last 1L exam and the first day of spring classes may also be increased from a three or four-day weekend to a period of six to nine days.

Under the approved calendar, classes for the 1978 fall semester will begin on Sept. 5, the day after Labor Day. The last day for 2L and 3L

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Dorm Students Organize Social Fraternity

By Charles Cheatham

How do you make 21 law school dorm rooms a lot more friendly and livable?

You turn the whole place into a social fraternity.

At least, that is the rather bold solution developed by the students on the third floor of Holmes Hall at Harvard Law School. The possibilities are limited only by the imagination.

The bare hallway becomes a living room, where members sit on the floor and visit with each other, read the newspaper, hold fraternity chapter meetings, throw parties, play the kazoo, the banjo, the guitar, and sing mariachi songs, Italian opera, and theme songs from TV and Broadway. There is a juggling act and a student who literally climbs the walls by bracing his hands and feet against opposite sides and inching his way, horizontally, up toward the ceiling.

The fraternity has its own Greek-letter name, a constitution, officers, and elements of ritual. It even has a picture in next spring's H.L.S. yearbook.

Dick Roelofs, 3L, is president of the group, which calls itself Alpha Beta Gamma Delta.

Explaining the reason for creating a fraternity, Roelofs stated, "We wanted to be more than just a dorm floor. The whole thing kind of grew out of the spirit of Holmes 3 last year. People wanted to return to the floor this year. Early this semester we had a party and two people announced the idea of forming a fraternity. We wanted to make the group more cohesive."

Doug Long, rush chairman, 2L, added, "This is the first such social fraternity the Law School has ever had — the only real social fraternity at Harvard. We're proud of it.

We're doing our best to emphasize an element that the Law School lacks. There are other things that are far more important than legal values. We are working to foster concern, mutual encouragement, and unselfishness in relationship to each other."

Roelofs stated, "The spontaneity and uninhibitedness is what makes us all have so much fun. We want to avoid some of the negative aspects of fraternities, like exclusiveness and extremely formal structures.

"We are primarily a social or-

"We wanted to be more than just a dorm floor.

The whole thing grew out of the spirit of Holmes 3 last year."

ganization. It harkens back to an aspect of undergraduate days that we found very desirable. People come here out of college, where they were used to activities that were not particularly academic-related," he stated.

"We are trying to preserve a college-type spirit. We want to develop a fellowship that people will take with them after they leave Harvard Law School. We have song fests, birthday parties, football games — whatever helps us enjoy being with each other," Roelofs said.

The group is also interested in contributing to the Law School and the community through service activities. As an example, Roelofs stated, the members are planning to go Christmas carolling at a nursing home.

The fraternity has written a con-

stitution and recently elected formal officers in order to be recognized as a legitimate Law School activity, Roelofs explained.

Another, and not unimportant, purpose for writing a constitution was "to provide something for the future, a framework, if the members decide to continue the fraternity," he added. "It's hard to predict whether the organization will continue beyond next year. It depends on the energy and enthusiasm of each succeeding group. If this is a two-year organization, that's no tragedy. Its current existence justifies itself."

Roelofs hinted that the members enjoy being a bit absurd at times and are willing to have fun even at their own expense. The fraternity name, Alpha Beta Gamma Delta, has four Greek letters instead of the almost mandatory three, and uses the first four letters of the Greek alphabet because they are just as good as any others. He conceded, "The name is kind of a knock on fraternities that do take themselves overly seriously."

A similar element, very traditional and serious, but not *too* serious, is the upcoming selection of a Winter Festival queen. Long stated accurately but somewhat impishly, "Nominations are now being taken from all over the country." Although the contest is close, the leading candidate at the moment seems to be a coed in Indiana, Long explained.

Oblivious to the minor detail that it is the Law School which allocates rooms on the dormitory floor, the fraternity prefers to speak of its members as individuals deliberately chosen for their diversity and unique qualities. "We have people from all over — Easterners, many students from the Midwest, and even some international students," Roelofs said.

The group somewhat drolly greets all new residents who move onto the dorm floor, rushes them, votes on them, and

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Torsney Case: Jury Latitude Too Wide?

By Pat Hanifin

The acquittal of a New York policeman on the charge of murdering a 15-year-old boy was an example of the extreme latitude juries have with the insanity defense, according to three Law School professors.

"There is no way to reconcile the legal and psychological views of human nature except in the jury's and judge's gut reactions," Professor Alan Stone said.

New York officer Torsney was acquitted when he claimed that he fired the fatal shot because of a sudden epileptic psychomotor seizure during his confrontation with the youth. Torsney had no known past history of such an illness.

Psychomotor epilepsy is a controversial diagnosis in any case, Stone, professor of psychiatry and law, explained. "One theory is that the seizure affects the system which processes emotional reactions, resulting in a violent outburst." Experts disagree about every aspect of the illness, including whether or not it exists. "Some claim it is only an attempt to reduce the mind to the brain," Stone said.

"I myself have no doubt that it is a real illness in some people and that seizures can produce rage or anxiety," Stone said. He noted that some psychiatrists claim that the illness can exist undiagnosed for a long time and can only be detected by extensive tests.

A similar defense was used unsuccessfully in the trial of Jack Ruby for the murder of Lee Harvey Oswald.

Other variations on the insanity defense are not much less controversial or imprecise. Prof. Alan Dershowitz argued that the Torsney case showed that the success or failure of the insanity defense in general "often depends more on the jury's perception of the defendant, the victim and the crime than on scientific evidence. The defense is a vague, flexible tool for incorporat-

ing community feelings. It is a paradigm of the jury system itself and can be used for good or evil."

Stone agreed that the insanity defense can be and has been used to acquit defendants the jury just does not want to convict. He cited the recent Michigan case in which a woman was acquitted of murdering her husband (by setting him on fire) on the ground that his brutal treatment of her had driven her temporarily insane. "The jury in the Torsney case may well have been acting the same way."

Stone pointed out that as a result of recent changes in the law, aimed at providing due process for the mentally ill, the state must prove that a person found not guilty by reason of insanity is still dangerous in order to lock him up in a hospital for the criminally insane. Further, he cannot be held there unless periodic examinations show him to be a continuing danger.

"Consequently, many of those committed in New York are confined for less than a year and those not confined can walk away from treatment. This creates an incentive to plead insanity," Stone said. It also allows the jury a way of letting people off since it can be very difficult to prove that someone who was "temporarily insane" when he committed the crime is still dangerous.

Prof. Lloyd L. Weinreb said that successful pleas of temporary insanity often "appear to reflect the jury's unwillingness to condemn, rather than a judgment of insanity. The peculiar feature of a successful temporary insanity defense is that it relieves the accused of both punishment and treatment."

All three professors agreed that there is no way to eliminate arbitrary verdicts by giving the jury a clear general test to decide insanity pleas.

"There's no way to pin the defense down to a clear standard," Dershowitz said. "The problem has existed at least since the Ninth Century. If you try to make a re-

strictive test, you will get the kind of criticism that was aimed at the old M'Naghten test. If you use a broader standard, you get problems like the Torsney case."

Stone has an even stronger view, arguing that the attempt to state a clear test will inevitably break down because of irreconcilable differences between law and psychiatry over human responsibility.

"Anyone can tell in the extreme cases where the person is obviously crazy — you don't need a psychiatrist's testimony for that. But beyond that, the insanity test implies a judgment that unlike normal people the insane person is not responsible for his actions. To test that you have to have a theory of free will in human behavior," Stone said. But psychologists work on determinist assumptions and so cannot provide a test of free will — which is what the law demands.

"In some sense the law is out of date in still relying on the idea of free will and allowing the insanity defense only as an exception in extreme cases. But I do not see how the law can shift to the determinist view without chaos," Stone said. "On the other hand, the social sciences may come around to free will again, so the law may be out of synch rather than out of date."

Dershowitz strongly disagrees with this view. "Prof. Stone and I have been arguing about this for a decade," Dershowitz said. "Lawyers and psychiatrists are not irreconcilable — there are lots of lawyers who are determinists and psychologists who believe in free will."

Jurors, in trials in which the insanity defense is used, are often confronted with contradictory psychiatric testimony about the defendant. Stone noted that some psychiatrists consider this sort of war of the experts embarrassing to the profession and say that testify-

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Raoul Berger: Truth or Consequences

By Larry Zelenak

I recently tried to interview half a dozen constitutional law professors on the Harvard Law School faculty about their reactions to Raoul Berger's new book, *Government by Judiciary*. Berger, the retired Charles Warren Senior Fellow in American Legal History at Harvard, claims in his book that the Supreme Court has usurped legislative power by ignoring the intent of the framers in its interpretations of the Fourteenth Amendment. Among the many cases he cites as unjustifiable extensions of the Court's power are *Brown v. Board of Education* (school desegregation) and *Baker v. Carr* (legislative reapportionment).

Not too surprisingly, all but one professor declined to comment, saying such things as, "I don't think it would be appropriate for me to comment on the work of a colleague." The one professor who did comment was highly critical of Berger's thesis.

I am sure that the reason the other professors would say nothing was that they were equally displeased with the book, but did not want to get involved in a public argument with a Harvard colleague. I am also fairly certain that their displeasure had little or nothing to do with the quality of Berger's research and scholarship, but was focused nearly exclusively on a dislike of his conclusions.

Certainly a legal scholar's conclusions can and do affect his reputation as a scholar. A few years ago, when Berger was busily refuting Nixon's claims of a constitutional basis for executive privilege, he was everyone's darling. *Time* informed the world that he was one of America's leading constitutional scholars. But now that Berger is questioning the constitutional basis of most of the advances in civil rights in the past quarter century, he has suddenly become something of an academic leper. *Time* now describes him merely as

a "retired lawyer."

When I called Berger to ask him to comment on the sharp attacks on his book, he took the position of a disinterested academician, saying he didn't want to get involved in "name calling," and preferred to let the book speak for itself.

He was obviously trying to convey the impression that he was an impartial scholar, interested only in truth and knowledge for their own sakes, and

Very likely Berger is right when he says the Court has repeatedly ignored the intentions of the Framers. . .

that he was being attacked not because his scholarship was poor, but simply because the results of that impartial scholarship happened to offend some people.

But what Berger either fails to realize or prefers to ignore is that the law is not like most academic fields. Unlike the English professor studying Shakespeare's use of the semi-colon, or the history scholar researching Napoleon's dental hygiene, a legal scholar pursuing the proper interpretation of the Fourteenth Amendment cannot remain aloof from life. His ideas have practical political consequences that cannot be ignored.

So if other legal scholars refuse to judge him entirely on his scholarship, and instead criticize the practical consequences of his conclusions, Berger has no right to be surprised or indignant. His ideas do have immense practical consequences, which cannot responsibly be ignored. A legal scholar has no more (and very possibly less) right to pursue knowledge regardless of its consequences than has a nuclear physicist or a geneticist.

And that leads to the question of what are the consequences of Berger's ideas. In all fairness to him, he has not ignored the consequences. In fact, he believes the result of following his ideas would be an important good — the return of power to the people and to the legislature, which is where power belongs in our system of government.

But there are, of course, other values implicit in Berger's thesis, and the effect on them is not so sanguine. Most of the steps the United States has taken in this century towards becoming a truly just society have been made through judicial interpretations of the Fourteenth Amendment — interpretations that Berger finds indefensible.

Very likely Berger is right when he says the Court has repeatedly ignored the intentions of the Framers, and when he says the court has knowingly twisted the Constitution out of shape to achieve what it sees as socially desirable results. But that does not necessarily settle the issue, as he seems to think it does.

At one point he cavalierly dismisses the "discredited idea that the end justifies the means," thus begging the entire question. Berger admits that many of the Court's usurpations of power have in fact moved us closer to the goal of a just society. Given that, perhaps the ends are indeed justification of the means. If the only way we can achieve any semblance of justice in society is through an anti-majoritarian warping of the Constitution, perhaps that's a price worth paying.

The real question is whether fidelity to the Constitution is worth the price of continued school segregation, racially motivated gerrymandering, and so on. Certainly that is a question on which reasonable men can differ, and intelligent discussion of it is hardly furthered

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Profs Vote 4-1-4 Calendar

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classes will be Dec. 8. The exam period for 2L's and 3L's will end on Dec. 22.

The new winter term will begin on Jan. 3 and continue until Jan. 23. Examinations for winter term courses are scheduled for Jan. 25 and 26. The first day of spring semester classes for 2L's and 3L's is Feb. 1.

The 4-1-4 fall semester has been shortened from 71 teaching days to 65. As a result, fall semester classes under 4-1-4

"At some point we're going to have to talk substantively about the second and third years," said Horwitz.

may have to meet for extended periods. For example, a three credit course which currently meets three times a week for 50 minutes or in two 75-minute sessions might meet for 25 extra minutes per week.

Despite the wide margin of approval, some faculty members expressed reservations about adopting the 4-1-4 plan. Prof. Morton J. Horwitz argued that the faculty was "putting the cart before the horse" by considering calendar reform without re-thinking the entire second- and third-year curriculum.

"At some point we're going to have to talk substantively about the second and third years," said Horwitz. Horwitz echoed statements by Assistant Prof. Elizabeth Bartholet who warned that by voting for the 4-1-4 plan at this time the faculty might be reluctant to consider serious reform later.

Prof. Alan Stone noted that the new calendar might further weaken the collegiality of the faculty and questioned whether the faculty was "tinkering for tinkering's sake" with the calendar.

"I'm not really sure that this type of tinkering is worth a tinker's dam," Stone said.

Prof. David Herwitz noted that one effect of the 4-1-4 plan would be to make the fall shorter and more difficult for students who make interview trips. He noted that classes after Thanksgiving are valuable because most students have completed the interview process and are prepared for class. Under the 4-1-4 plan, the time between Thanksgiving and Christmas now used for catching up will be lost.

By unanimous vote the faculty approved an amendment offered by Prof. David Shapiro which urged the Committee on

Legal Education to consider allowing 3L's to write the third-year paper during the winter term or give them the term off. The option of writing the third-year paper during the winter term is not available for next year because of the difficulty of supervising students. Dean Albert M. Sacks noted that because the bar of the State of New York requires law schools to be in session for a specified period of time students may not be able to leave the Law School with of-

One effect of the 4-1-4 plan would be to make the fall shorter and more difficult for students who make interview trips . . .

icial Law School sanction.

Prof. Douglas Ginsburg opened discussion of the 4-1-4 plan by strongly advocating its adoption. Prof. Robert Keeton expressed his enthusiastic support for the intensified instruction because of its opportunities for the advocacy program. Prof. Jerome Cohen cited the fact that the shorter semester would allow the Law School to invite more visitors to teach during that period at a lower cost.

In a memorandum to the faculty, the committee on Legal Education released the findings of its survey of possible courses to be offered during the winter term. Among them are three-credit courses in *Antitrust*, *Corporate Tax* and the *Trial Advocacy Workshop*; two-credit courses in *Crime and Society*, *Family Law*, *Jurisprudence* and *Legal Profession* and some one-credit options.

Several course offerings have been proposed for the winter term that would be completed in the spring, including *Administrative Law*, *Business Planning*, *Corporations*, *Labor Law* and *Law of the Sea*.

1978-79 Calendar

<i>Fall</i>		
Tu	Sept. 5	First day of Fall classes for all students
F	Dec. 8	Last day 2L-3L classes
F	Dec. 22	Last day 2L-3L exams; last day 1L classes
Sa	Dec. 23-	Christmas recess
Th	Jan. 2	
<i>Winter and Spring</i>		
W	Jan. 3	First day 2L-3L classes
F	Jan. 12	Last day of 1L exams
Sa	Jan. 13-	1L Winter recess
Su	Jan. 21	
M	Jan. 22	First day 1L classes
Tu	Jan. 23	Last day 2L-3L classes
Th	Jan. 25-	Exams for Winter courses
F	Jan. 26	
Sa	Jan. 27-	2L & 3L Winter recess
W	Jan. 31	
Th	Feb. 1	First day 2L-3L classes
Sa	Mar. 24-	Spring recess
Su	April 1	
W	May 9	Last day 2L-3L classes
F	May 11	Last day 1L classes
Th	May 22	Last day 2L-3L exams
Tu	May 29	Last day 1L exams
Th	June 7	Commencement day

(Note: Six holidays in the above schedule are omitted here, but remain the same as at present.)

Tribe on Tenure: Student Input Counts

(Continued from Page 1)

Criminal Law Asst. Prof. Lewis D. Sargentich.

Although few professors are denied tenure, and most current HLS professors are already tenured, Tribe says that students' views are very much taken into consideration when the decisions to give a lifetime seat to a professor are made.

Each of the eight members of the Faculty Appointments Committee, he said, will interview a few students pulled from random lists of the classes of the professors under review. Committee members will also interview students they know, and will sit in on classes.

They'll talk to past students of professors, and talk to students coming out of the classes visited, to see if those classes are typical of the ones the professor conducts.

"In a hard case," Tribe said, "we've sometimes talked to every student in a class."

The evaluations put out by the Board of Student Advisors are also taken seriously, Tribe said.

Still, he noted, after a professor has been at the Law School the three, four or five years it takes before tenure is granted, the decision is usually made to keep that professor.

"When things aren't going well, it becomes apparent, and they leave," he says, speaking of professors who would normally pose difficult tenure problems.

Publications and teaching skills are balanced in making tenure decisions, said Tribe. "I don't know of another part of the University that gives as much weight to teaching as we do."

The overall standard, he said, "is that people have to give evidence of distinction."

If the scholarship level isn't up to par, he suggested, weight might be added on to a good teacher's classroom performance. More often, however, a mediocre teacher is pulled in by his or her scholarly achievements.

"I don't know of another part of the University that gives as much weight to teaching as we do," said Tribe.



Prof. Laurence H. Tribe ^{HLSY}

Tribe was asked, during the few minutes of the ill-attended meeting, under what circumstances a tenured professor could be made to leave.

"Practically none," he replied. Nobody in the Law School's history, in fact, has been officially asked to leave.

"But there are things that can be done — people can be made to feel unwelcome. Some people have left,

to go to government or something, and never returned."

Another question was pressed by Weiner. "How come there are so many lousy teachers here?" he asked.

"I don't know," said Tribe. But the professor did offer four factors that could possibly lead to teaching deficiencies.

First, he said, students are sometimes too nice in their evaluations, and the hints aren't picked up. Second, "I suppose some (professors) just get lazy after they get tenure." Third, he said, some faculty members are hired more for their other attributes than for being "charismatic" teachers. Finally, he said, it may have been easier for teachers to get tenure in the past, and some of those may remain at the Law School.

Should more weight be given to teaching ability and less to a professor's other achievements, he was asked.

"The fact that you're a good teacher, you can explain things, but you don't have an idea of your own, doesn't work for more than six months," he said. "What are needed are intellectually powerful minds."

Tribe said he would be willing to offer another meeting on student input into tenure decisions, in the spring.

Hungate, disappointed but undaunted, said, "We have not at all given up hope. We'll try again and see who comes."

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Fraternity Atmosphere Adds Cohesiveness to Dorm Living

(Continued from Page 2)

invites them to move into the "fraternity house," no one bothering to point out that the new member's quarters bear an amazing resemblance to the room the Law School assigned to him.

Long, as rush chairman, was last called into duty a few weeks ago, when a vacancy occurred. "We had an empty room. Then we found an excellent rushee on the scene, Jay Ahstrom. We told him about the fraternity. We gave him our best sales pitch. He considered the benefits very carefully. I'm happy to report, he decided to join. We don't have any more rooms in the fraternity house now. We're full."

Discussing membership in the group in a more serious vein, Roelofs stated, "We're not actively soliciting, yet we welcome anyone who seeks us out. Anybody who wanted to join, could. We could accommodate more people. It's just that there's nothing we want to do at this stage that we need a larger group for. Our membership centers around Holmes 3 and their friends."

Bill Baumgartner, 2L, added, "Every function we have had has been an open function. And we have had new people at each function."

Baumgartner recalls with particular delight a pecan pie party held earlier this semester. Gary Stanley, 3L, was named Chef and Vice President of Culinary Arts in recognition of his performance on that occasion.

Several individuals were asked to make an official statement, preferably outrageous, for the RECORD. Cathleen Judge, 2L, first an honorary member and now a full member, stated, "I'm the token woman. I'm here to raise their consciousnesses."

Dave Unkovic, 2L, the much-fabled perpendicular wall climber, responded, "In most

dorms, the doors are closed; in our dorm the doors are open. There is a feeling of fellowship in the fraternity among the men, and woman."

Joseph E. Rendini, 2L, Chief of Internal Security, observed, "We are, to the best of my knowledge, currently holding no political prisoners."

James T. Knight, 2L, the resident juggler *extraordinaire*, stated, "Alpha Beta Gamma Delta is like a warm blanket on a cold night."

"Alpha Beta Gamma Delta is like a warm blanket on a cold night."

Although the organization is not interested in becoming larger, it does want to make itself known on campus, because it wants other groups of individuals to be aware of what they, too, could accomplish with a little imagination.

Roelofs commented, "The fraternity atmosphere has made the living situation better. The shared experience of being law students increases the fellowship, but we're coming together as *friends*, and not as law students."

Walls do not a prison make / Nor iron bars a cage.

Sports Answers

1. The Decatur Staleys
2. Emmett Littleton Ashford
3. Gene Tunney won the bout which was a rematch of a 1926 "breach of contract" bout.
4. Oakland won the game by a score of 43 to 32, although most people claim Heidi out-scored both teams.
5. 9-0.
6. Orange

Insanity Case

(Continued from Page 3)

ing psychiatrists should not claim to be neutral but should be seen as making a case for the prosecution or the defense.

The problem is not so much the reliability of the psychiatrists as medical experts, Stone claims. "The problem is that when they testify in court they have to fit their diagnoses into the law's categories of free will or no free will. They cannot do that because they do not have any general theory of free will at all."

Dershowitz sees a solution to the conflict of expert testimony in restricting psychiatrists to "describing in a direct behavioral way the actions and thoughts of the defendant rather than giving a diagnosis" of his alleged illness.

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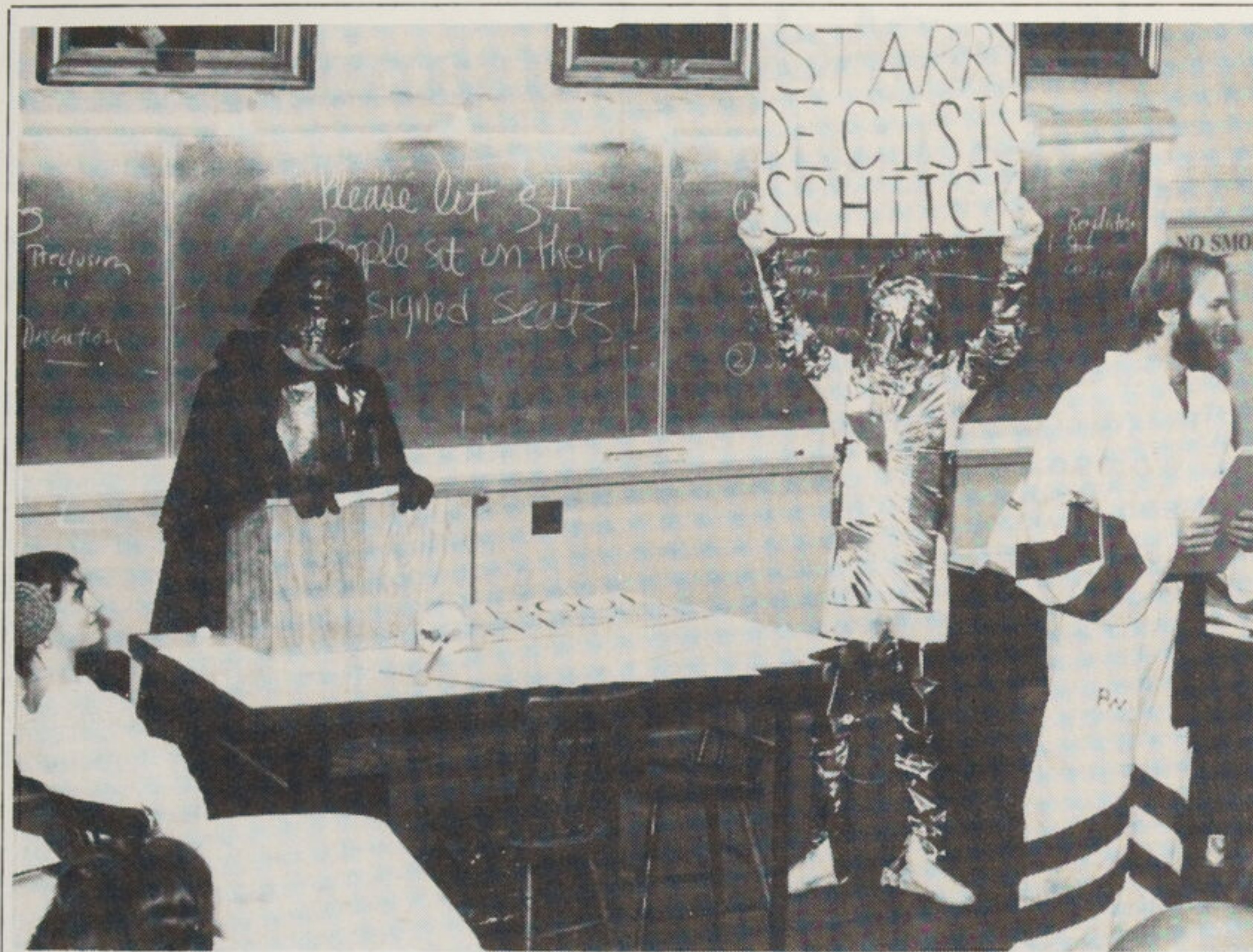
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It was Erie Day in Prof. Arthur R. Miller's *Civil Procedure* class Tuesday, as the 1Ls of Section 2 were joined by an overflow crowd of visitors and faculty members to view the story of "Bar Wars," starring the Dark Lord himself, D(Arthur) Vader. With the help of several 3Ls and some out-of-this-world props that included the diminutive android 12(b)6, Miller took the case of *Erie Railroad v. Tompkins* to a judicial system "far, far away." Section 2 then took Miller back to long, long ago, with a skit on the life of the man to whom the section declared itself firmly "attached" (Civil Pro joke, people). Then beer — Miller's, of course — for the class. And may the Course be with you.

TL

Attila the Hun Rides Again!

Don't be shy with us, HLS!

We know that you haven't exactly been receiving love letters from law firms lately. We know that you've been holding back those rejection letters.

Here's your last chance to use those favorite rejection letters for something better than lining your trash can. The RECORD needs your letters for the "Attila the Hun" contest.

The RECORD is still looking for the best and the rudest and crudest and most original rejection letter to be awarded the coveted Attila the Hun award for the 1977 Interview Season.

Each entry will remain confidential. The names of students and law firms will not be used — to protect the innocent, and the guilty. Our distinguished panel of judges will review all the entries and select one lucky rejectee as the victim of Attila the Hun.

As winner of the Attila the Hun contest, you will reign for one year and win these fabulous prizes: a free subscription to the HARVARD LAW RECORD, a free dinner at Bel Canto restaurant and a round-trip ticket for two to sunny Allston, Massachusetts.

So, don't be shy. Just to make

you feel at home, the RECORD is today giving you a sneak preview of the best of the Attila the Hun entries thus far. If you can top these letters for sheer rudeness, bluntness and Earl Butz-style diplomacy, send those letters to: HARVARD LAW RECORD, 23 Everett St. Cambridge, MA 02138.

Entry 1

This letter comes to an unsuspecting HLS student from a large law firm in New York City:

"As you know, we interviewed a considerable number of qualified people up at Harvard. We do not feel it would be in your best interest to come visit the firm for further interviewing. One important basis for our decision is grades, of course. Your grades were somewhat lower than the level of those persons we invited down to the office . . ."

Entry 2

This short, but sweet, literary morsel was sent from a law firm in a major Midwestern city:

"Dear _____,

We have lost your resume and we do not have a job for you.

Very truly yours,

Entry 3

A California law firm sent this billet-doux to a Harvard 2L:

"Dear _____,

This letter is a sequel to our interview on _____ regarding the possibility of a summer clerkship in 1978. Please do not consider this firm as a possibility for such employment.

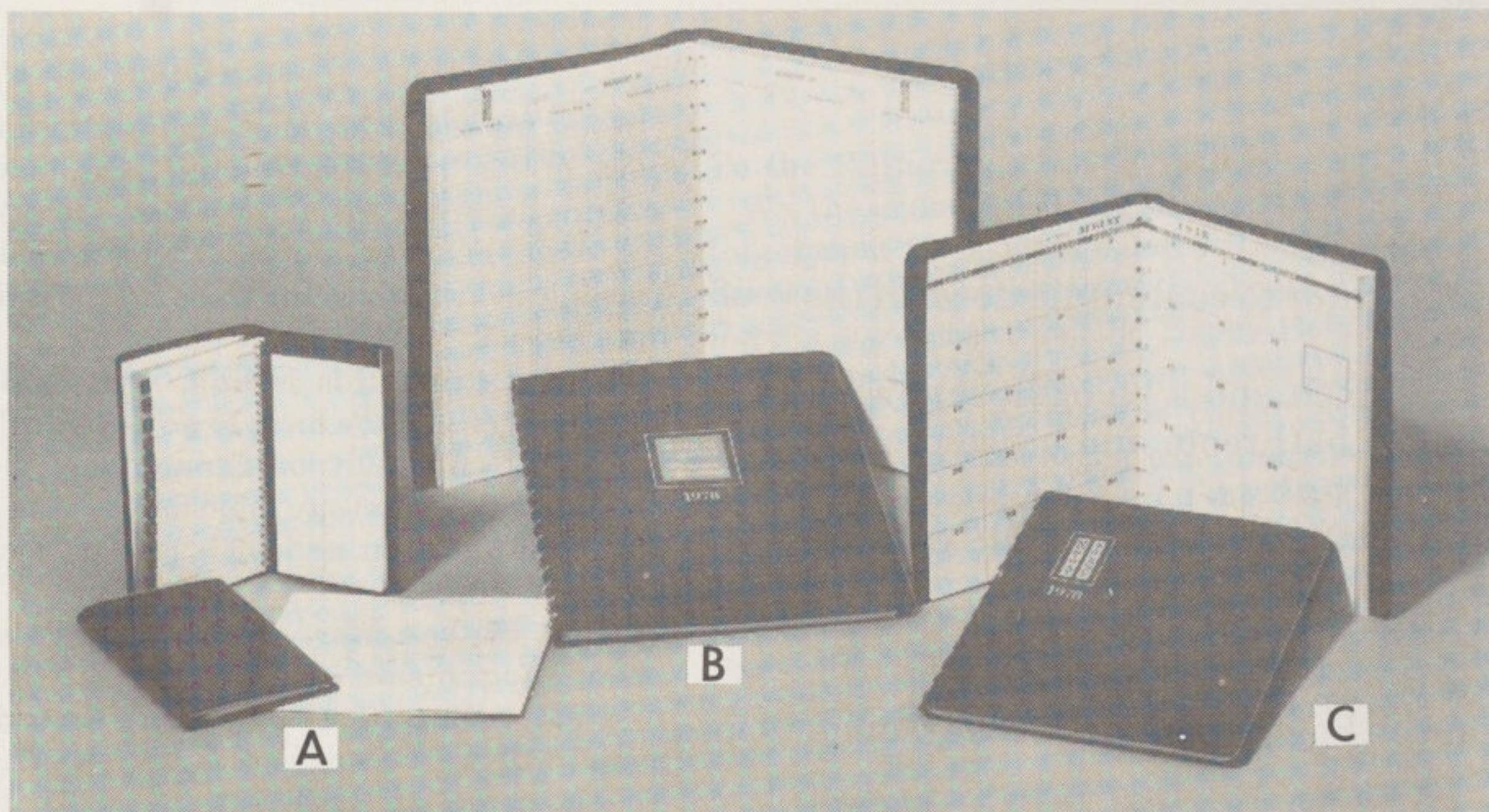
Very truly yours,"

Now It's Time To Say Goodbye

This is the last issue of the RECORD for the fall semester. But lest you fret too long, the RECORD will be back after January exams to chronicle yet another chapter in the thrilling story of life at HLS.

The next issue of the RECORD will appear at your local newsstand on January 27, 1978.

Distinctive Gifts from Our STATIONERY DEPARTMENT



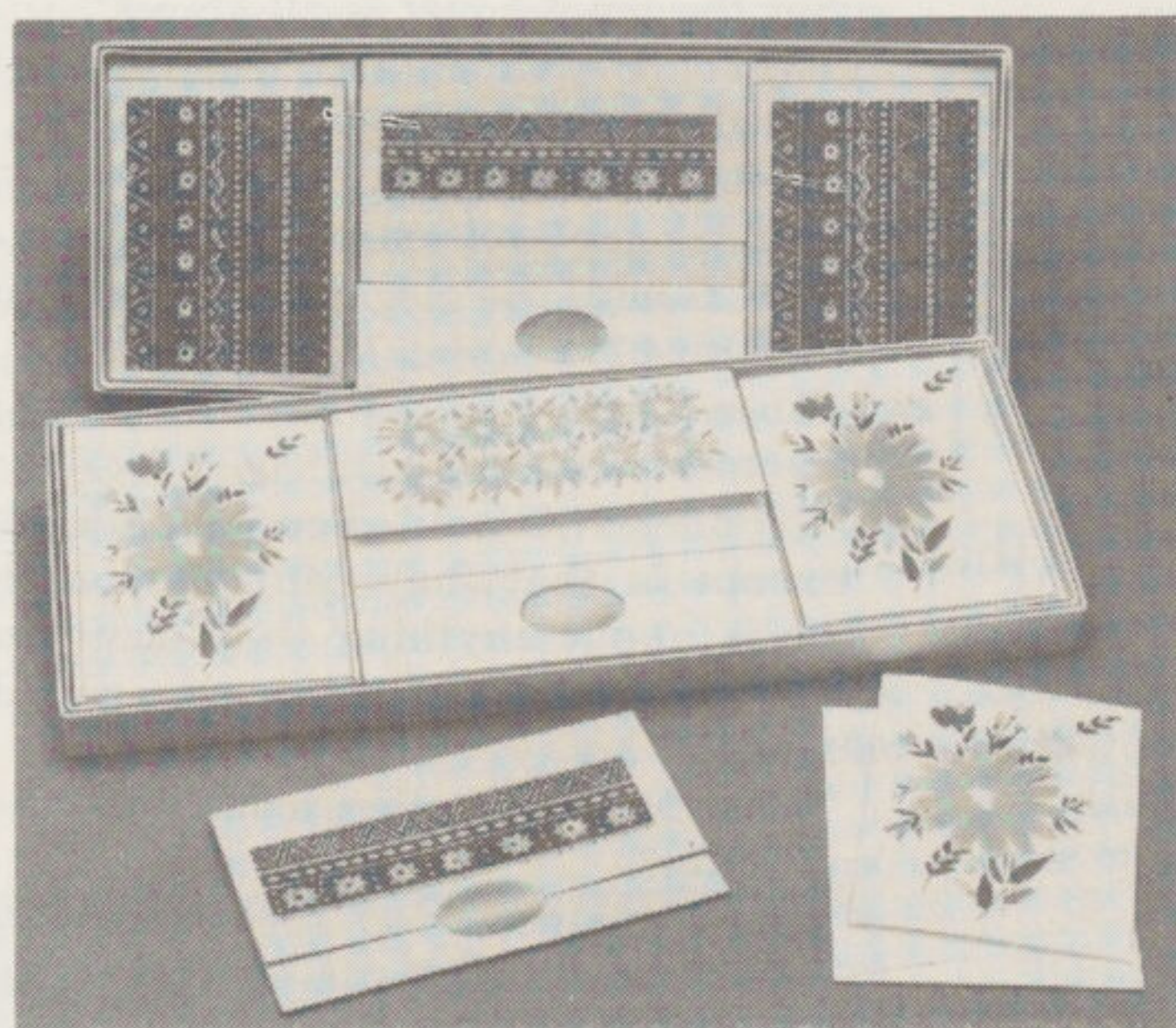
A. Pocket Month At-A-Glance® Appointment Book. You won't miss important appointments with this easy-to-maintain monthly calendar appointment section including separate tab-indexed Tel./Address section and Memo Pad section. Handsomely stitched, simulated leather cover with full fold pockets. Lots of space to jot down daily appointments and notes. Black, brown or ginger. 6½" × 3½". Refillable. **70-064, \$3.75.**

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Stocking Stuffers

'Tis the season to be jolly. So in a fit of overpowering jolliness we would like to present some of our favorite gifts of the season to some of our favorite people:

Dean Sacks: A new 1L greeting speech.

Robert Keeton: A Howdy Doody doll.

Arthur Miller: A copy of *One L*.

Larry Tribe: An erogenous zoning permit.

John Mansfield: A Star Trek communicator to communicate with those of us on earth.

Stanley Surrey: A \$50 three-martini lunch and a bologna sandwich.

Dean Bruce: Paper towels for his home bathroom and a fire-proof Hark.

Lance Liebman: Two tickets to *Damn Yankees*.

A. James Casner: A new movie contract and a patent for his wife's chocolate chip cookies.

Charles Fried: A friend . . . as lawyer.

Alan Dershowitz: A mirror to view the fairest of them all.

Jim Vorenberg: A special exhibit at the Fogg entitled, "Great Moments in Criminal Law."

The Wizard of Oz trio; *Charles Haar* (Tin Man), *Archibald Cox* (Cowardly Lion), *David Westfall* (Scarecrow): A heart, a medal and a brain, respectively.

Duncan Kennedy: Flesh-colored underwear to go under tattered blue jeans.

Vern Countryman: A new joke and free haircuts at Gino and Mike's.

Frank Michelman: A new sweater from Goodwill.

Louise Loss: A recording of "Blue Skies" and a ghostwriter to revise his 1961 casebook.

Clark Byse: The facts.

Mort Horwitz: A toupee and an honorary Ph.D. in social engineering.

Milton Katz: A guide to Latin pronunciation.

Abe Chayes: A new yellow marker.

David Rosenberg: A new pair of sunglasses that do not stick to the top of the head.

The HLS student community: A real Christmas vacation next year!

HARVARD LAW RECORD

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Fenno

From the top of his blue wool cap to the soles of his insulated hiking boots, and wearing layers of shirts, sweaters, scarves, and coats, Fenno was dressed for the cold. Turning awkwardly to the 1L sitting next to him, he said:

"If you think this is bad, wait until class is over and we have to go outside."

"I'm not going outside Fenno," said the 1L. "I have to select my topic for the Ames Moot Court by noon, and I'm hopelessly confused."

"Wait till you start working on your brief," Fenno said cheerily.

"What about 'Con Law/First Amendment'? I figure it's a defense of free speech." The 1L threw his chest out. "Newspapers trying to unearth the truth about a corrupt and horrible administration, like the *Times*, *The Washington Post*, or the *RECORD* . . . that's what law is all about!"

"Perhaps," said Fenno, "but it's not what the moot court is all about."

"What do you mean?" said the 1L, stunned.

"I did that case," explained Fenno. "It combines the excitement of Article 9 of the UCC with the elegance of Utah civil procedure."

"Then where does the First Amendment come in?"

"It doesn't," said Fenno patiently. "Except in that they can tell you the case is about anything they want and there's not a damn thing you can do about it."

"What about the other topics? Are they any better?"

"Not a chance. You see that one — 'Torts/Allocational Efficiency'?" Fenno asked.

"Sure," said the 1L. "That's some kind of environmental law topic, right?"

"Nope," said Fenno curtly. "Both teams reenact *Vincent v. Lake Erie*. You don't learn anything about torts, and you get pneumonia to boot."

The 1L looked depressed. "I don't understand the motivation. What are they trying to do?"

"Mislead you," said Fenno. "Confuse you. What they usually try to do."

"What about the Ames Alternatives?" asked the 1L with desperation.

"A matter of perspective," Fenno offered. "The subject matter is more apparent but the risks can be greater."

"This Women's Law Association alternative," asked the 1L, "what's the risk there?"

"I've read the case," said Fenno, "and if you're not into immersible frying pan law you won't find much of interest."

Letters to the Editor of the RECORD

At Long Last, Praise!

To the Editor:

The editorial in the October 7, 1977 issue of the Harvard Law Record, entitled "Controlling Legal Advertising," is the most sensible and carefully considered editorial I have ever read in the RECORD.

You have my congratulations.

Solon J. Stone, '37
Buffalo, New York

Strike Three, We're Out?

To the Editor:

Although I hold the major stolen base records and have batted leadoff most of my career, I also fancy myself a power hitter. Once I hit a ball over the center field fence in the Polo Grounds. My freewinging ways have led me to strike out more times than I would like, but your assertion in the December 2nd Sports Quiz that I am the second leading strikeout man of all time is untrue. Harmon Killebrew, with 1699, ranks second behind Mickey Mantle's 1710. My 1658 ranks third. By the way, I ran into Bert Campaneris and Ron Mix the other day and they told me you've been having some problems with the Sports Quiz. Is this true?

Lou Brock
St. Louis, Mo.

SPORTS QUIZ

1. The Chicago Bears in the National Football League can trace their roots as an organization back to 1920. What was the original name of the team when it existed in the American Professional Football Association?
2. What is the name of the first black umpire in major league baseball?
3. In 1927, Jack Dempsey lost the now famous "long count fight". What pugilist beat Dempsey in this battle of the clock?
4. Few Jet fans will ever forget the televised football game between the New York Jets and the Oakland Raiders, when N.B.C. decided to televise the adventures of a little blond girl rather than show the misadventures of Joe Namath. What was the final score of the "Heidi" game?
5. What is the score in a forfeited baseball game?
6. What color is a five ball in billiards?

DECEMBER 16, 1977

Who Cares?

To the Editor:

We, the undersigned, are sick and tired of this insipid focus on Jay Darby. Don't you have anything better to write about? The *Gazette* scooped you on the Happy Hotdog exhibit, as did *The New Yorker*. As Wild Bill "Andrews" once said, "Who cares?" Who cares whether or not Darby can think like a lawyer when you are ignoring the burning issues of the day? I refer to the quality of the food in the Hark, the true identity of Duncan Kennedy's fashion consultant, and the rise in the going rate for NYC firms. What you should do is send Tammy Jacobs out to find that great Platonic missing case which will clinch every Ames brief ever written rather than write about Darby's obsession with grades.

Jim Kentch, 2L
Greg Inskip, '77

Cryptic Law

The following excerpt from a case decided twenty-five years ago is in judicial code. Bruins fans will find the court's holding somewhat dated. Decode this week's selection. (Hint: Each letter stands for a different letter of the alphabet.)

"Bdujpo gps jokvsjft tvubjofe xifo
qmbjoujgg xbt tusvdl cz b gmzjoh qvdl bu bo
jdf ipdlfz hbm f jo dfgfoebou't bsfob. Ifme,
kvehmfou gps qmbjosjgg bggjsmf pwfs
efgfoebou't dpoufoujpo uibu b wfsejdu
tipvme ibwf cffo jotusvdufe po uif hspvoe
uibu qmbjoujgg bttvmfe uif sjtl bt b nbuufs
pg mbx. Ipdlfz jt opu tp vojwfstbmmz qmbzfe
bt cbtfc bmm, boe uif ebohfst bsf opu tp
pcwj pvt up b tusbohfs up uif hbnf bt xpvme
cf uif ebohfst jodjefou up cbtfc bmm."

(Solution on Page 14)

Framers' Intent

(Continued from Page 4)

by a didactic assertion that the end never justifies the means.

Of course the question is never discussed by the Court in those terms, because the Court cannot afford to admit that it is ignoring the source of its legitimacy in pursuit of a higher goal. Like Dostoevsky's Grand Inquisitor, who in the name of Christianity opposed everything Christ stood for, believing that in so doing he was acting for the good of his people, so the Court often has ignored the Constitution while pretending to interpret it, in the belief that only in that way could justice be done.

The burden of that dissimulation is heavy for everyone involved. After the decision in *Reynolds v. Sims*, requiring reapportionment, was announced, Anthony Lewis asked Solicitor General Archibald Cox how it felt to be present at the second American Constitutional Convention. "It feels just awful," answered Cox.

Maybe, in the end, Berger is right. Maybe the steps taken towards social justice are not worth the cost to society of the debasement of the Constitution, and the psychological costs to the individuals involved in the deception. I don't know. But either way, it's worth noting that neither Berger with his dogmatic assertions about the sanctity of the intent of the framers, nor the Court with its pretensions that it is simply interpreting the words of the Constitution — that neither Berger nor the Court has even admitted the real nature of the question.

TGIF: Friday, Dec. 16 from 4-6 p.m.
in the Hark.

"ALL THE KING'S MEN"

Saturday, Dec. 17 at 8:00 p.m.
and 10:00 p.m., in the
Harkness Commons Dining Hall.
Admission: \$1.00 or \$.50 with
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HLS Hosts Update Course for Practitioners

By Barbara Kritchevsky

What happens after graduation, years of practice and problems, when suddenly the time at Harvard Law seems like the best years of your life? Don't worry. You can come home again.

This July marks the tenth Harvard Law School Program of Instruction for Lawyers, an intensive program of continuing legal education. The two-week program, directed by Professor Louis Loss, opens in Cambridge on July 17.

The summer instructional program, Loss explained, began in 1953 as an experiment to see if Harvard should play a role in continuing education. Two courses were offered that year: Professor Loss taught Securities Regulation and Professor Andrew J. Casner, the original director, taught Estate Planning. This year 31 courses, ranging in topic from the Soviet Legal System to Tax Planning in Divorce, will be taught, with 31 Harvard Law professors participating.

Loss explained that continuing education is becoming increasingly popular, and that Harvard began its program in response to a "felt need" in the area. Other than Cornell, which is beginning its third summer program, Harvard is the only law school offering continuing education of this kind.

Some states, such as Wisconsin and Minnesota, Loss added, have instituted continuing education requirements for their bar members. The Harvard program satisfies this requirement, and participants receive attendance slips and certificates of enrollment. There are assignments for the courses, but no examinations.

Loss said that much of the worth of the program comes from the professors' ability to give practitioners the background of a legal field as it develops. While the courses cannot teach the latest litigation techniques in each area, they

can synthesize the law in different fields. The most popular courses are the "bread and butter" courses which practicing attorneys take to help them with their work.

The last program was held in 1976, and 403 lawyers attended. Participants came from all over the country, and approximately one

For those who wish to recreate their student days . . . modest dormitory housing is available.

quarter of them held Harvard law degrees. About one half of the participants are members of law firms, while the rest include professors, house counsels, and self-employed and government lawyers. The median participant had been out of law school for 11 to 15 years, with the range from one to 30.

Loss noted that the reaction from the participants is often "euphoric," and some return every year. He explained that some participants said they got more out of the program than out of their third year at law school, because they had a much better perspective on what they were learning after experience as a lawyer.

Seven of the 31 courses offered run for two weeks, the others for one. They are all lecture, and meet for an hour and a half a day, six days a week. The participants may attend for one or two weeks, and take as many courses as they wish. The basic tuition is \$750 for two weeks, and the only admission requirement is bar membership.

In addition to the regular program, there are afternoon colloquia for participants and spouses. These talks are the "cultural by-product"

of the more serious and practical program, Loss explained.

The participants stay either in local hotels or in the dormitories. As the program catalog states, "For those who wish to recreate their student days . . . modest but comfortable" dormitory housing is available.

After its inception in 1953, the program did not meet again until 1959. It then met every three years until 1970, and has now met every other year. Loss said the program is also scheduled for 1979, and if the response is sufficient, it will become an annual occurrence.

Officers Elected To Dorm Council

New officers were elected Monday to run the Harvard Law School Dormitory Council for the next year.

Susan B. Miller, 2L, will replace Kathiann Kowalski, 2L, as president. Miller served as secretary of Dorm Council during the 1977 year, and is resident of Wyeth Hall.

Thomas S. Warrick, 2L, the third-floor Story Hall representative, will replace Bruce D. Ryder, 2L, as vice-president. Kathryn P. "Jeri" Macon, 1L, will take over from Miller as secretary; James Ray Streinz, 2L, will replace James R. Saunders, 3L, as treasurer, and Kay A. Thomas, 1L, will take over the job of comptroller from Michael G. Meissner, 2L. Macon and Streinz represented Hastings Hall; Thomas, second-floor Dane, this term.

Among other activities, Dorm Council sponsors weekly TGs and movies at the Hark, schedules dances and other special events, oversees the room draw for upper-level students and serves generally as a liaison between on-campus students and the administration.

HARVARD LAW RECORD

RECORD Cagers Demolish Review 88-32

By Robert Reznick

The HARVARD LAW RECORD, displaying an opportunistic offense and a surprisingly well-groomed defense, outscored a bewildered *Harvard Law Review* team 88-32 in a basketball grudge match Wednesday afternoon at Hemenway Gym.

The start of the contest was delayed when the *Review* five petitioned the referee to be declared a "suspect team," representing, as it does, an insular and discrete, despised minority. Briefs were exchanged and following oral argument before Coady, Referee, the request was summarily denied.

Controlling the opening tipoff, the RECORD drew first blood as Andrea Brown, 3L, executed a picture-perfect dribble drive finishing with a reverse layup. That was to set the tone for the first five minutes of play as the RECORD reeled off sixteen unanswered points, many off assists from playmaking guard and team captain, Editor-in-Chief Terry Keeney. Most of the RECORD hoops resulted from drives down the middle, left and right around *Review* center Bruce Joseph, whose sneakers appeared to be nailed to the floor.

Sitting in the locker room after the game, Joseph reminisced, "I don't want to point a finger, but some son-of-a-gun glued my sneakers to the floor at the beginning of the game. Every time I tried to pivot it looked like I was doing the Twist."

"But," conceded Joseph, "I can't say it slowed me down much."

Taking over the duties as *Review* center, Chuck Davidow, 2L, played with fierce intensity for the remainder of the half. Davidow crashed into the boards with abandon, if also with some unpredictability, his leaps seemingly unrelated to the position of the ball on the court.

Starting RECORD center Charles Cheatham, 2L, kept scoring at a

torrid pace as he connected repeatedly with his "blue sky" hook, for which no known defense exists.

Complementing Cheatham's play was the vaunted "Black Friday" RECORD defense, for which no known offense exists. The defense, led by Larry Zelenak, 2L, met little challenge, but nevertheless managed to hold the *Review* team to only 16 minutes playing time in the first half.

High scorer for the *Review* was Bruce Howard, 3L, who played

The Review bench was a study in dejection and frustration: four members of the squad were still trying to tie their shoes. . .

with the agility of a man twice his height. Howard, former Editor and Chief Correspondant for Page Three of the RECORD, showed no mercy for his former compatriots. Howard missed no opportunity to administer a "cheap shot" foul when the referee was not looking, and was wont to shower the court with a stream of poorly chosen obscenities of the most vulgar order at the slightest provocation.

Howard scored 12 points, 10 on layups and short jumpers at halftime.

In fact, halftime provided an excellent opportunity to compare the two squads.

The *Review* bench was a study in dejection and frustration: four members of the squad were still trying to tie their shoes, and many of the rest were passing a basketball around, trying to figure out how it worked.

In vivid contrast, the RECORD side of the gymnasium was jovial. A Dixieland band was playing, and team members were busily signing copies of the RECORD for well-

wishers.

The *Review* controlled the tipoff at the beginning of the second half and came out shooting. Unfortunately, the *Review* squad was unaware that the teams were supposed to switch sides at the half, and their enthusiasm contributed to the greatest burst of scoring for the RECORD during the entire game. Both teams were clustered at the RECORD end of the court, fighting side by side for rebounds, layups, and tip-ins. After almost six minutes, *Review* captain Mike Peterson, 3L, called a time out. After the game, Peterson shouldered much of the blame for his team's confused and petulant performance himself.

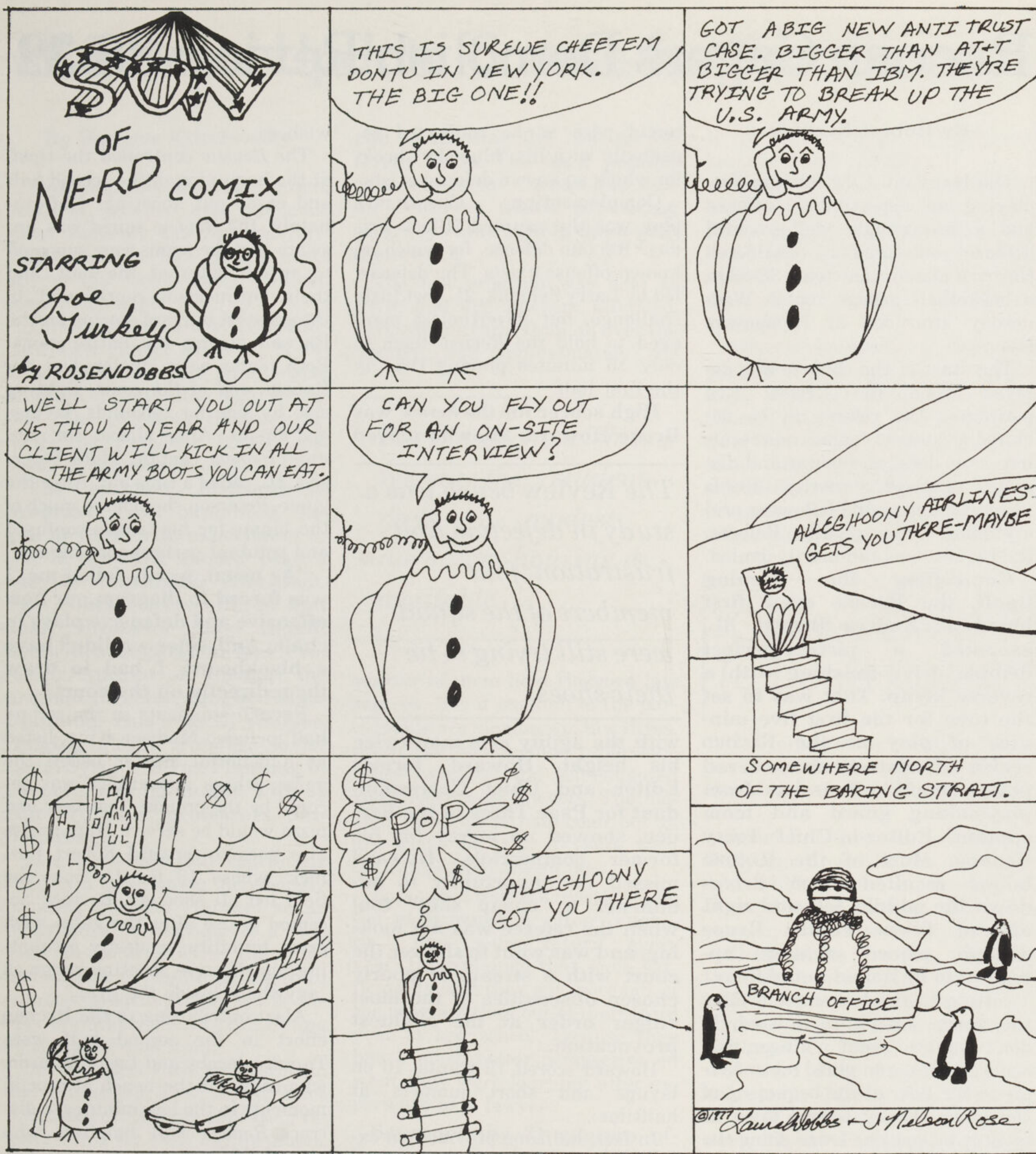
"As usual, words failed me. I was forced to diagram our new offensive and defensive plays in chalk. And, since we didn't have a blackboard, I had to draw them directly on the court."

RECORD standouts in the second half included Madison King, listed as a doubtful starter before the game, whose appearance was secured by the promise that beer and pizza would be served. High praise also goes to forward Robert Reznick, whose 13 for 15 from the field led all shooters. Reznick accepted praise after the game with great humility, modestly estimating his effective shooting range as "anywhere inside the gym."

Also contributing to the RECORD effort in the second half were Tammy Jacobs and Larry Vilardo, who came off the bench at crucial moments in the late minutes to distract *Review* ball handlers who were dribbling past.

The *Review* bench was as consistent as the RECORD, if less effective, with Cheryl LaFleur and Randy Phillips contributing key turnovers at inopportune moments.

The *Review* team was favored by ten points going into the game and so the defeat might have been taken especially hard by them. But, as Joseph said after the game, "being overrated is nothing new to us."



Solution to Cryptic Law

the dangers are not so obvious to a stranger to the game as would be the dangers incident to baseball." *Morris v. Cleveland Hockey Club, Inc.*, 157 Ohio St. 225, 105 N.E.2d 419 (1952), *squibbed in* P. KEETON & R. KEETON, CASES AND MATERIALS ON TORTS 647 (1971). Query: Would a Massachusetts court reach the same conclusion?

"Action for injuries sustained when plaintiff was struck by a flying puck at an ice hockey game in defendant's arena. Held, judgment for plaintiff affirmed over defendant's contention that a verdict should have been instructed on the ground that plaintiff assumed the risk as a matter of law. Hockey is not so universally played as baseball, and

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Time Spent in Worthwhile Places

—by Jay Darby

By Jay Darby

Recently, I found myself in a situation that enabled me to sit for several minutes and read graffiti. The setting for this edifying interlude was, broadly speaking, the Harkness Commons, and I was struck by the high quality of the graffiti, which is every bit as good as that produced by the laureates of the MBTA. Naturally, the graffiti tended to editorialize on Law School topics. There were several speculative essays on the sexual capacities and preferences of various professors. There was also a study that documented important similarities between a Harvard diploma and the two-ply tissues contained in the nearby dispenser, focusing particularly upon interchangeable uses. But the contribution that seemed to offer the most intriguing possibilities as the topic for a column was the claimed discovery of a "third sex, comprised of female law students and television negroes."

The first thing that struck me was the word "negro," which has suffered one of the swiftest extinctions in the history of language. "Negroes" became "blacks" roughly ten years ago, and the change in nomenclature symbolized a monumental change in black aspirations and self-perception. Today, the word "negro" connotes the attitudes and stereotypes of another era, an era whose legacy still remains but whose foundations can no longer support the weight of a single undernourished idea.

What made the allusion to "television negroes" so striking is that the blacks portrayed on T.V. all too often are "negroes," in the sense that they are represented as the happy-go-lucky, watermelon-gobbling people that it was once convenient to believe them to be. But then anything television does, it does badly; educators are rapidly concluding that, in terms of

mental development, television is about as good for children as eating leaded paint. Given the fact that television does a disservice to almost every ethnic group, it is a significant, if dubious, improvement that blacks are no longer excluded from the ranks of the prime time buffoons.

Compared to "television negroes," the description of female law

There is even insidious pressure to dress like men in those abominable three-piece suits and in other "business apparel."

students as a "third sex" was a far more intriguing comment, and it eventually led me to jot down some thoughts that became the substance of this essay. Law women have always impressed me as an interesting and distinctive subgroup of their gender. Contemporary law women are, if not exactly pioneers, still a part of the vanguard of women that are fighting for and winning equality. Trailblazing the legal profession is not an insignificant feat: it takes determination, it takes guts, it takes, well, balls.

There are roughly 400 women at the Law School now, and it is interesting to catalogue the characteristics that these women have in common. All the women share the trailblazing quality, the extra bit of courage that it takes to pursue a professional career. But beyond this ubiquitous trait, it is hard to make even the most general statements about Law School women without finding serious contradictions. The law women are a heterogeneous group, and common professional aspirations do not offset the fact that between women, and even between ardent feminists,

there are enormous differences of opinion and outlook.

On a recent foray to Washington, D.C., I had a chance to observe some of the anomalies of "feminism" first-hand. I ate dinner with several people, including a young woman attorney who was proud of her feminist values. She was also quite proud of her new fur coat. It was a rather pedestrian fur by furrier standards, rabbit or maybe opossum, but it was quite striking: it made her look like an Eskimo princess. Unfortunately for her, I am the type of person who thinks real people wear fake furs. She, however, had no qualms about her coat, and was only disappointed that she could not afford a more endangered species.

At the time, this episode seemed to confirm my feeling that there are a lot of very different and very interesting women joining the legal profession, and that they will make for some interesting changes. But upon reconsideration, it seems that the innovations are mostly cosmetic, and I literally mean cosmetic: eye shadow and Farrah Fluffhead hairstyles are new to courtrooms, but otherwise the young attorneys of both sexes seem almost interchangeable. Quite simply, the new woman lawyer seems to be exactly one chromosome different from the traditional male lawyer.

There are, to be sure, some interesting and innovative woman lawyers, but most law women feel inexorable pressures to meet the standards of a heretofore "man's world." Since women were once depicted as crying too much, or as being too emotional, it becomes wrong to ever cry or to show more than mannequin-like impassivity. There is even the insidious pressure to dress like men, in those abominable three-piece suits and

(Continued on Page 16)

Are Law Women Really a Third Sex?

(Continued from Page 15)

in other "business apparel." Being a woman is wrong, and even being a man is not enough; the women have to come across like a new John Wayne in order to win their spurs.

One of the goals of the women's movement has been to break down sexual stereotypes and to promote a more androgynous set of potential role models. Unfortunately, the present status of professional women is more aptly described as assimilation rather than innovation. In *Words and Women*, a feminist book that is intelligently written and therefore a rarity for the genre, the authors focus on the fact that the qualities attributed to the male stereotype, the macho/warrior/hombre syndrome, are responsible for most of the evils in the world. Essentially an upgraded version of the *Lysistrata* theme, their argument is that the qualities associated with the female stereotype would make for a far saner world.

It is an empirically proveable fact that contemporary men and women differ significantly in terms of intellectual and emotional development. The differences are almost certainly cultural, but the differences unquestionably exist. Women show significantly more aptitude for languages, arts, and social/cultural skills, such as bath-

ing regularly. Men excel at hard science and sports trivia. These

One of the goals of the women's movement has been to break down sexual stereotypes . . . Unfortunately, the present status of professional women is more aptly described as assimilation rather than innovation.

may seem like cutesy differences, but they strike me as critically important: I would love to see someone who raises plants as a hobby become the head of a notorious polluting company. If men had these culturally attuned traits it would be wonderful, but most men do not; far more women exhibit these traits, but in law school the tendency is to treat the traits as vestigial and even undesirable.

In his books on the radical students of the 1960's, Kenneth Keniston described the dilemma of people whose value systems were antithetical to those of the dominant society. In many respects, women law students face a comparable situation. Of course, all law students must make adjust-

ments to the "real world" roles, but for men at least the adaption is to a role for which they have been socialized. For most women, the adjustment process is much more difficult.

Part of the adjustment problem is attributable to the dynamics of the Law School. Women now constitute nearly 25 percent of the student body at Harvard Law School, and until recently the figure was much less. Rosabeth Kanter has hypothesized that "tokens," members of minority groups in a law school setting, will show significant behavioral differences depending on the percentage of the minority represented in the law school environment. Specifically, Kanter hypothesizes that "tokens" who are badly outnumbered will do poorly academically, will feel socially isolated, and will suffer from role entrapment and stereotyping.

The gist of Kanter's argument is that the more numerically balanced the law school is in terms of sex, the better the women will perform, both academically and otherwise. Implicit in this hypothesis is the notion that a balanced student body will mute the pervasive maleness of the law school. This salubrious balancing is on its way, and will be achieved through the natural growth in the number of woman applicants.

There is one other thing conspicuously missing from the Law School that is needed NOW: women faculty members. The argument about how hard it is to find qualified women reminds me of the old argument that it was hard to find blacks who could compete in the NBA. If the Administration cannot find a few women on its own, I suggest randomly promoting 1L's. It would probably improve the faculty enormously.

Even the chauvinists are in favor of female faculty members: they know that women grade easier than men.

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