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TWENTY CENTS

3L's Destined for Law Firms, Placement Office Study Shows

By Tammy Jacobs

Following well-established patterns, the vast majority of the 3L class seems headed for law firms, according to early Placement Office information.

According to an interim report released this week, 272 students out of the 363 reporting to the Placement Office are headed for the firms. There are some 526 third-year students, give or take a

few attending school elsewhere but earning Harvard degrees.

Of 549 second-year students, 415 have reported in on summer jobs. Of those, 50 are working two jobs this summer, with a resultant 443 law firm jobs recorded for 2Ls.

Placement Office personnel emphasize that the figures are preliminary, and will firm up later this year as the office makes its second and third studies of where HLS grads go.

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Palsgraf Kin Tell Human Side Of Famed Case

By Jorie Roberts

For decades law students have been amazed over the extraordinary chain of events which occurred in *Palsgraf v. Long Island R. R. Co.* (248 N.Y. 339, 162 N.E. 99, 1928).

The case was brought by Helen Palsgraf against the Long Island Railroad when she was injured by a falling scale which was knocked over by exploding firework's. According to the facts as stated in Justice Benjamin Cardozo's New York Court of Appeals opinion, the fireworks exploded when employees of the railroad knocked a small package onto the tracks while hurriedly helping a tardy passenger to board a departing train.

Because of Cardozo's majority opinion and Justice William Andrews' dissent, the case has achieved landmark significance. The two opinions clearly outlined the two theories of proximate cause: Cardozo held that the railroad company was not liable because Mrs. Palsgraf's injury was too remote and thus not within the scope of the risk of the railroad employees' actions, while Andrews believed that the railroad's employees should be liable for any results of their negligence, no matter how unforeseeable, if there was a continuous sequence between the employees' actions and Mrs. Palsgraf's injury.

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The 25 graduating classes of HLS women aren't the only ones joining in the Celebration 25 festivities. Even Justice Joseph Story is getting into the spirit of the event which culminates this weekend.

HLS Sends Six to Atlanta Conference

By Tammy Jacobs

Six HLS students joined nearly 2,050 law students and practitioners last weekend for the Ninth Annual Conference on Women and the Law, held April 6-9 in Atlanta, Ga.

The conference, according to its literature, was aimed at promoting "the equality of women through educational workshops, opportunities for women to develop and exchange technical and litigation skills, and the promotion of a nationwide support network of skilled practitioners in the field of sex discrimination law."

The Harvard contingent, along with its counterparts from other schools, attended workshops, strategy sessions, special entertainment, and speeches, and compared notes with others on the shape of legal education and practice around the country.

Enthusiastic Response

Those attending from the Law School were Elizabeth Cazden, 3L, Gwendolyn Spivey, 2L, Barbara Kritchevsky, 1L, Carla Grosch, 1L, Maureen Spencer, 1L, and Tammy Jacobs, 1L. Partial funding was provided by HLS. In addition to attending as participants, the women took copies of the newly-published *Harvard Women's Law Journal* to display and sell.

Several of those who attended from HLS came back enthusiastic about their experiences.

"There was such a variety of strong women, such a variety of talents represented," said Spencer.

Grosch, who attended last year's conference in Madison, Wisc., as an undergraduate, said she saw improvement. "This conference was more technical and less divisive. I

really believe that the women's movement is becoming much more politically sophisticated, and we're learning to put our differences aside and work together."

Conference Publicity Chair Roberta Jackel, a third-year law student from University of Georgia law school, which hosted the conference, said attendance was down slightly from last year's meeting, which 2,100 people attended. One reason was the National Organization for Women boycott of states that have not ratified the Equal Rights Amendment, which became a major issue in individual decisions of whether to go to the convention in unratified Georgia.

Boycott Blues

"We could have handled another 500 or so people," said Jackel. "Where the boycott has hurt is that we didn't make enough profit to pass on to next year's conference. It didn't hurt us in quality. In fact, the smaller workshops may have been less intimidating and therefore a better experience."

This year's group will have \$5,000 in seed money to hand over to the University of Texas-Austin, hosts of next year's San Antonio meetings, however.

The NOW boycott took effect after plans to host the conference in Atlanta were well under way. Conference sponsors made what they call a "tough decision" not to cancel, feeling that a show of strength from women in an unratified state might be beneficial. The conference sponsored an ERA rally in Atlanta last Friday, and supported the boycott by urging its participants to eat only at restaurants from a three-page approved list of pro-ERA establishments.

Grosch said she was "queasy" about the boycott. "I made a special effort not to purchase anything in the city at all, except for a few meals, from the approved list. I think the means of a selective boycott was a good tactic, though."

"I understand the women who did boycott, but I wish they had come," said Spencer. "I don't think the women who did come copped out. I felt there was a good reason to hold the workshop in Georgia."

Varied Seminars

Over 100 workshops were offered, several more than once, to the conferees. Most attended eight workshop sessions Friday and Saturday and several strategy/implementation sessions Sunday. The Sunday sessions focussed on the ERA affirmative action, abortion, raped and battered women, welfare and lesbian rights.

Regular workshops varied widely, from highly technical seminars on how to win a Title 7 (employment discrimination) suit to more philosophical meetings on judicial bias and working within the power structure.

Several hundred practitioners from all over the country staffed the well-organized seminars, and a 250-page source book given participants included outlines and case citations for most of the seminar presentations.

"The workshops were much more technically oriented than other workshops I've attended," said Spencer. "That's why I went and I wasn't disappointed."

"I attended a number of litigation workshops and women would stand up and say 'here's how I handle this,' or 'this is what has worked for me.' There was a real sense of supportive skill-sharing and talent-sharing, and I don't see that here at the Law School."

Kritchevsky also praised the substantive aspects of the workshops. "One of the things I liked best was getting alternative views on basic subjects from the way

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Rights Theory Different Abroad: Henkin

By J. Ezra Merkin

The United States cannot discuss international human rights with other nations on the basis of the American constitutional understanding of democratic human rights, Columbia Law Prof. Louis Henkin, '30, told an audience at Ames courtroom on Thursday. Under the U.S. Constitution, "rights antecede government, to be retained by the individual upon his entry into social government. The international documents of human rights conceive of government as the promoter and advancer of specified rights and freedoms."

Henkin delivered the Francis Biddle Memorial Lecture, biennially presented by a civil rights expert. Henkin, Columbia's Hamilton Fish Professor of International Law and Diplomacy and Professor of Law, spoke on the interaction and on the clash between 'Constitutional Rights and Human Rights.' He was introduced by Dean Albert M. Sacks, who recalled his first meeting with Henkin at an annual dinner for former clerks of Felix Frankfurter and his impression of Henkin as "far my senior, far my superior." Sacks described Henkin as "a very decent, gentle human being, who is particularly suited to talk about human rights."

Henkin defined human rights as "claims which all humans have on their own societies everywhere." Articulated in the Universal Declaration of Human Rights, these rights are now nominally accepted everywhere. Our national version of the international concept is put forth most directly in the Declaration of Independence, which claims the existence of rights "endowed by our Creator," which exist prior to the formation of a government. The idea of rights does not appear in the Constitution — "the Constitution is not a descendant of the Declaration of Independence, but of the Articles of Confederation." These documents hold that government serves to protect pre-existing individual rights from state infringement; "it is not an *activist* affirmative promoter of human rights."



Prof. Louis Henkin

The development of the idea of international human rights, however, took place after the prevalence of the welfare state, and these rights depend upon the acceptance and affirmation of specific, articulated rights by different nations. "Popular sovereignty and individual autonomy are not the bases of international rights. Rights do not precede the government; rather, government must promote and advance rights."

Opposing Conceptions

The two opposing conceptions of American constitutional rights and international human rights lead to differing approaches to the protection of rights. "The Constitution does not grant rights. It offers protection against infringement on antecedent rights. The Constitution says 'Congress shall pass no law' — it sees no need to give government power to protect, promote, or advance rights. The remedies were provided by John Marshall, through the instrument of judicial review, but even judicial review has its limitations: its remedies are usually forward-looking and do not redress the actual violation of the right."

The international human rights documents grant rights, not merely protection against infringement. The documents talk of the obliga-

tion on the state "to protect a right by law." Not only must the states ensure rights, they must pass measures to effect them. "This idea," Henkin claimed, "is foreign to our Constitution." There is no constitutional right to food, housing, employment, shelter, education. The international movement recognizes an individual right to each of these; yet the United States, said Henkin, has never made a statement of national commitment to any of them. "We have become a welfare state not by constitutional compulsion, and in the face of constitutional resistance. We are a welfare state by the grace of Congress, politics, and congressional spending."

No Economic Rights

The American conception of political rights is limited, he contended. It does not include any economic rights. "We believe in equality of opportunity, not equality of estate. Our Constitution talks liberty and international documents talk equality."

International documents articulate such things as presumption of innocence, equality of sex, and the rights of children. "The United States remains one of the few countries with no national commitment to economic freedom, to social rights, or to the right to equality," Henkin said. Henkin did not recommend the constitutional adoption of affirmative, directed principles. "To include such amendments is to propose a new constitutional jurisprudence entirely. If national commitment cannot be made on the face of the Constitution, we should adhere to the covenants of the international documents, including the inability to racially segregate even privately, or in the state of emergency."

Flying Buttress

Henkin suggested the bringing together of the civil and human rights movements through such activities, and through the recogni-

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Stahl: TV Reporting All the News That Fits

By Pat Hanifin

"I thought that if I got to the top that, as a woman, I would put more items on art and education on the news show and less on war and politics. But now that I am at the top I find that I am making the same decisions that the men do and I don't want to change things," Leslie Stahl, co-anchorman of the CBS Morning News said at the Law School Forum Sunday.

Stahl explained that women who work their way up the ladder to executive positions "have worked through the same business work as men do and make the same decisions as men." She noted that the institution of television news restricts what any anchorman, male or female, can choose to put on TV.

Severe Time Limits

Time, she said, is the most frustrating limitation. "Subtracting the opening and commercials, the CBS Evening News has only 24 minutes to present the day's events. In the morning news we have about 45 minutes of news. So there just isn't time to present much material on education or art or health."

From the hundreds of stories sent in from correspondents and wire services every day only about nine video stories can fit into the

evening broadcast and only about 10 more stories can be delivered orally by anchorman Walter Cronkite.

Given these time limits, TV news can give only the "front page of the paper", and aims at "whetting the viewers' appetite" for the newspaper. Stahl finds it "frightening, appalling, that more and more people are relying exclusively on TV for the news they get."

One thing such people miss is news analysis and stories presenting complicated ideas. "You can't take a picture of an idea. The pictures tend to overwhelm the ideas so we don't do a very good job of communicating complex ideas." To partly correct this, news shows are starting to use graphics to illustrate such complex stories as the Watergate financial manipulations.

Sticking to Hard News

Another crucial limitation is self-imposed at CBS. "We still try to stick to giving just the 'hard' news, stressing politics and the day's major events. In a search for increased ratings, ABC, NBC and the local stations are shifting to 'softer' feature and humor material. We are holding the line with hard news but we feel under pressure. If the ratings drop when Walter Cronkite eventually leaves, we may be forced to go Hollywood," Stahl said.

"It would be disastrous if all TV news shifted to soft, material," she

argued. "Our system depends on an informed public." TV news owes a responsibility to its viewers to give them solid reporting of what is happening in the nation and the world, she said.

Although some polls show that as many as 80 percent of the public gets its news primarily from TV, Stahl is skeptical of the impact of TV news as an opinion-shaper. "A great deal of what we report is taken from the wire services and newspapers. For instance, in Watergate we told the Washington Post's stories night after night. Despite setting up a special investigative unit we did not come up with any original stories."

What TV does report is not always believed. People see TV through their own prejudices and preconceptions, Stahl claimed. As an example, she cited a poll taken shortly after TV showed police beating up innocent demonstrators and bystanders at the 1968 Democratic Convention in Chicago. According to the poll 70 percent of the public believed that the demonstrators were the troublemakers.

During Watergate, Stahl said, people were very angry at the media for bringing them news about the president which they did not want to hear. Ninety percent of those coming to hear correspondents speak came to complain about bias. "That kind of anger disappeared during the impeachment hearings but I'm not sure people trust us more now."

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Heymann To Accept Post in Washington

Harvard Law Professor Philip B. Heymann has been nominated to the post of Assistant Attorney General in charge of the Criminal Division of the Department of Justice. He will take on the assignment some time after the end of spring semester.

Heymann accepted the appointment because of a "deep-down urge to get back into government doing something responsible." He feels the job will offer him an opportunity to take advantage of both his experience teaching criminal law and his experience in the Office of the Solicitor General of the United States, where he worked from 1961 to 1965. He has also served with the State Department from 1965 to 1969.

The Criminal Division is organized into ten sections, dealing with such matters as fraud, public integrity, organized crime and narcotics. Heymann expects much of his time will be spent trying to figure out the best way to target the Division's prosecutorial resources. He says he has no preconceived notions as to what changes should be made or what direction the Division should move in. Instead, he plans to spend his first few months thoroughly familiarizing himself with the organization and operations of the Division.

Heymann has committed himself to spending at least two years in the position, but he may stay there longer "if I thought I was being useful and I was enjoying the

work." The maximum allowable leave of absence from the Law School is two years; if he remains longer he will have to resign from the Law School faculty.

Deputy Attorney General-Designate Benjamin Civiletti first contacted Heymann about the position in early February. Heymann reports that at first he was not interested, but that he changed his mind after thinking about it overnight. According to Heymann, there were no political contacts involved in the appointment: "No one ever even asked me if I was a Democrat or a Republican."

Heymann received his undergraduate degree from Yale in 1954. He graduated magna cum laude from Harvard Law School in 1957.

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Women Balancing Careers, Family

By Barbara Kritchevsky

The panel presentations of Celebration 25 began Monday night with a discussion of the lifestyles of professional women. Debbie Breznay and Carol Liebman, two married lawyers with children, Elaine Beilin, a married and childless college professor, and Sheila Kuehl '78, a single law student and past university dean and actress, joined in discussing the practical and emotional problems of being a professional woman.

Dr. Susan Rosbrow, a counselor with a doctorate in clinical psychology, was the panel moderator. She began the discussion with a talk outlining the psychological conflicts felt by professional women.

Rosbrow emphasized that life is a process, and each developmental stage must be recognized and understood. The two most important decisions a woman faces are whether to marry and whether to have children. The fact that a woman feels the freedom to make the choices presents her with a set of conflicts and problems.

While men have historically been raised to believe that they would have careers and families, and that careers would probably come first, women have been raised to concentrate only on families. Thus a woman who wants both a career and a family may have few guidelines to follow. Rosbrow explained that a woman is faced with the task of developing the best social network for support.

The conflict perceived between having a career and a marriage comes from worries women have about time restraints and the effect a career will have on the marriage.

A single professional woman may find it difficult to develop an adequate support network of friends. She may be placed on the defensive by a mother who wonders why she is unmarried, and she may have doubts if she will ever be able to marry if she is too successful or if she is neurotic for valuing her freedom.

Rosbrow noted that a woman in a male-dominated profession is in a position where sexuality is exaggerated. She may then decide to ignore her sexual and social side for a time.

The decision whether to become a mother is influenced by a professional woman's career demands and hesitancy to alter a comfortable existence. And while recent studies show that children are not hurt by having a working mother, Rosbrow said women have been raised to think they are selfish if they work while they have children and may feel victimized by the children.

Rosbrow said a woman's choice of lifestyle is influenced by her girlhood experiences. Professional women were often close to their fathers and had supportive mothers. Oldest children with the opportunity for early undivided parental attention more easily become professionals, while it is more difficult for younger sisters of successful brothers. If a woman's

mother is a housewife, role models outside the home may help her overcome her discomfort about going beyond what her mother was.

Within marriages, couples must be careful to realize the falsity of the romantic notion which regards marriage as an unchanging state. Stress and change is certain in a marriage as the partners develop and their needs change, and especially as a woman becomes more successful and sure of herself. Partners must enter marriage knowing what they want outside of it. An understanding of joint, long-range goals allows for periods of disequilibrium.

A single woman, Rosbrow suggested, must discard ideas of marriage as a necessary end state and concentrate on herself. When she knows what makes her happy, she can bring that into a relationship. And all professional women, Rosbrow concluded, are still pioneers who can take pride in their accomplishments.

In the discussion, following Rosbrow's talk several people spoke critically about the "super woman" idea: the woman who holds a full-time job, takes care of the house, and raises the children. They emphasized that one can hold a part-time job or take some time off and still be serious about a career. They emphasized that many firms are responsive to family needs. It was also suggested that women could begin careers a bit later in life, after having children.

Beilin commented on the difficulty of working out practical living arrangements when the partners' careers require them to live in different areas and commute.

Kuehl emphasized the importance of dialogue about problems and the need for supportive friends. A single woman has added mobility and flexibility in a career, she noted, although there is still a desire for close relationships.

Her parents, Kuehl added, have finally learned to be proud of their daughters as lawyers, not mothers.

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So What's New? 3L's Grabbing Up Law Firm Offers

(Continued from Page 1)

Figures came in slowly this year, as compared to last year. By mid-March of 1977, according to Assistant Dean Alfred C.W. Daniels, 67.9 percent of the class of '78 had reported their 2L summer jobs. This year, by that time, only 58 percent had reported. It could mean anything from blizzard-induced delays, to lazier students, to more trouble finding jobs.

The 272 members of the class of '78 who have reported accepting law firm jobs constitute 75 percent of those reporting in so far. Unchecked Placement Office figures from August, 1977 show 336 of 493 then reporting as having law firm jobs — 68.2 percent.

Judicial Clerkships

For those who will be graduating this May, the second-highest number of students will be employed in judicial clerkships — 62. By August of last year, 72 had reported clerkships. This year 15 of the 3L's will go to federal government positions, one to a state government post, three to local government. Six students will be taking jobs, in Massachusetts, at management consulting firms, two are going to public interest posts, one to legal service/public defender and one to a union/association, according to the Placement Office materials.

Of the 415 members of the class of '79, occupying 465 summer jobs, eight will be going to federal government jobs, one each to state and local government, four to public interest law, two to legal services/public defenders and four to corporations. One will work in accounting/banking and one in management consulting.

Some 286 students reported disclosing their 1L grades at 2L interviews, 24 did not disclose and 16 disclosed sometimes. The others of those reporting in did not answer

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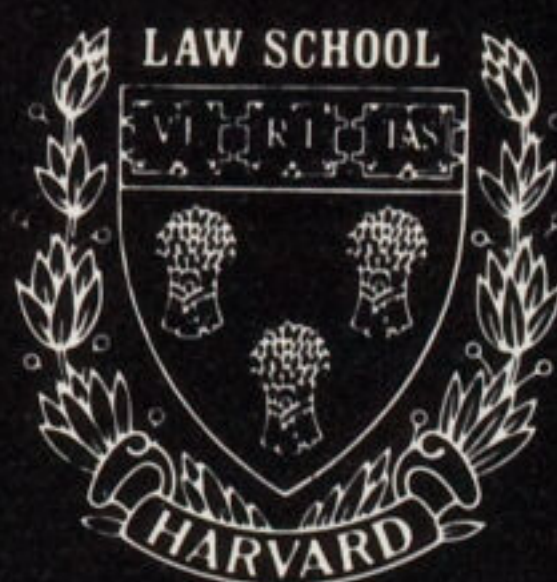
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On Friday, April 21, members of the Admissions and Membership Committees of The Harvard Club of New York City will be in Cambridge at the Program for Management Development lounge of Mellon Hall at the Business School and at the Hasty Pudding Club at 12 Holyoke Street between 11:00 A.M. and 5:30 P.M. to make it easy and convenient for Faculty, University Officers and graduates to become a member of the Club.

Candidates for membership will be proposed, seconded and interviewed in one step. Requirements for supporting letters, etc., are waived for this event. Information about the Club will be available and Committee Members will try to answer any questions you may have concerning membership.

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Palsgraf Relatives Say Case Still Makes Them Well Known

(Continued from Page 1)

The basic facts and decisions of the Palsgraf case have been included in most Torts casebooks since the late 1930s. However, in order to provide a broader understanding of the case, the RECORD has delved into the background and the aftermath of the case both through examinations of newspaper articles and the record of the case and through interviews with Mrs. Palsgraf's grandson Charles Palsgraf, her daughter Lilian Palsgraf Farmer, and her daughter-in-law Martha Palsgraf.

Fireworks Created Panic

On Monday, August 25, 1924, the *New York Times* carried the news of the explosion in a single column on its front page. In describing the incident, the article stated: "The explosives were dropped by a man as he tried to fight his way on to the train in the midst of a pushing crowd of men, women, and children. He and two companions, said by the police to be Italians, disappeared in the panic that followed."

The article went on to describe the scene of the accident in detail. "The explosion, which was heard for several blocks, occurred at 11:25, when the congestion of the excursionists (headed for the Rockaways and Long Island resorts) was at its height. When the express train pulled in, the crowd, eager to get seats, surged to the gate, jostling and pushing."

After the man dropped his package between the tracks, "there was a terrific roar, followed by several milder explosions, and a short-lived pyrotechnic display. The car nearest the explosion rocked and the windows crashed. The force of the detonation also ripped away some of the platform and overthrew a penny weighing machine more than ten feet away. Its glass was smashed and its mechanism wrecked."

Mrs. Palsgraf (misspelled

Palsgraf in the *New York Times* account) was among the 14 people listed as injured by the *Times*: the article stated that she had suffered from shock.

Police Found Explosives

The police later located one of the man's companion's packages, similar to the one dropped; it contained several fireworks about 16 inches long and several inches thick, as well as smaller explosives. The police concluded that the trio was headed for an Italian celebration on Long Island. Believing the man who dropped the package to have been jostled by the crowd, the police recorded the incident as an accident.

In 1924 Helen Palsgraf, age 43, was a domestic worker and house-wife. She and her three children — William, Elizabeth, and Lilian — lived in a Brooklyn basement apartment. To escape from the summer heat in the city, the Palsgrafs made frequent weekend excursions to Rockaway Beach.

Daughter Was Scared

On that hot Sunday morning, Mrs. Palsgraf, accompanied by her two daughters, had been waiting for the train. Elizabeth, then age 15, was at her mother's side when the scale fell, while 12-year-old Lilian had gone to buy a newspaper. Elizabeth died in 1971, but Lilian still lives on Long Island. She remembers turning, before she had purchased the paper, to see the package fall and then "lots of smoke." When asked if she was scared, Lilian Farmer replied "You Bet!" Farmer also stated that the scale was definitely knocked over by the explosion, rather than by the rushing crowd as was speculated at the trial. Finally, Farmer has vivid memories of the ambulances arriving and the confusion which followed the blast.

Mrs. Palsgraf later testified at

the trial that she was hit on her hip, arm, and thigh by the scale. According to the medical testimony, she also developed a stutter. Farmer states that her mother became mute for much of her life and had health problems until she died in October, 1945. She also developed diabetes later in life, which Farmer attributes to her mother's extreme shock.

Mrs. Palsgraf lived in Queens for the last 20 years of her life. As her daughter recalls, until her death she was upset over her failure to collect from the accident.

Case Brought Fame

Mrs. Palsgraf initially recovered \$6,000 from the railroad at the trial court, but the New York Court of Appeals overturned the trial court's award. As the statements of Mrs. Palsgraf's surviving relatives show, the case's long-term legacy to the Palsgraf family consists primarily of widespread recognition within the legal field.

Lilian Farmer said that visitors had frequently "knocked on the doors" of the Palsgraf family members during the 1940s and the 1950s, but that no one had contacted her about the case in the last 15 years. However, she had read the case in the torts book of a neighbor who was in law school.

Martha Palsgraf, who married Helen Palsgraf's son William, has also frequently aroused comments from lawyers when stating her name. When she applied for social security, one lawyer exclaimed to his partner: "You'll never guess who this woman is!" Martha Palsgraf's husband died in 1967 and she now lives on Long Island, near most of her eight children.

One of her sons, Frank Palsgraf, lives in Brooklyn. He shared with the RECORD several humorous anecdotes concerning reactions to his name. All through life, Palsgraf stated, people have been happy and surprised to meet him.

Frank Palsgraf encountered excited responses to his family name in the Navy Reserves and when having his will drawn up. In addition, he has sent messages to

(Continued on Page 15)

Celebration?

This year marks the 25th anniversary of women at the Law School. A full week of events honors the generation of women graduates who have made their ways from Harvard into a profession previously considered an all-male bastion.

But perhaps "Celebration 25" is misnamed. For what the Law School has done or failed to do to integrate women into the legal profession is certainly no cause for celebration.

Maybe the festivities should be called "Only 25" instead. Harvard Law School didn't admit women until 1950, and acceptance has come slowly. The apprehensions that many women have about entering a predominantly male profession are not eased by the fact that there are too few female peers and almost no female role models at the school to lend encouragement.

Only 27.4 percent of first-year class members are women, leaving the Law School's total at about a quarter. The faculty is virtually all-male, with only one woman professor and one woman assistant professor on campus this term.

HLS says it admitted 11.2 percent of the women who applied last year, which compares adequately with the 12.7 percent admission of male applicants. The problem is that the application figures are low. Harvard's reputation as a male preserve of "Paper Chase" pressure tends to scare off potential women applicants. The school should be expanding its efforts to recruit qualified women applicants, and to encourage women to attend once accepted.

Moreover, HLS's record as concerns female faculty members is abysmal. As Regina W. Tate, 3L, told the Overseers Visiting Committee last month, "Many professors still consider women unqualified to join the faculty and [they] communicate this attitude to students. Bringing in one woman at a time is like propping her up on a rack, while everyone watches to see how she does."

The Appointments Committee should be making major efforts to hire more than one woman at a time, and to attract more visiting women professors. Of 21 visiting professors expected next year, only 3 are women.

We don't say that women here haven't come a long way since 1950; or that there aren't reasons to celebrate. But perhaps this week should better serve as a rededication period for women on campus, to work to increase both the numbers of women at Harvard, and the quality of life that awaits them. And perhaps it can spark a dedication to those same things on the part of an administration that has showed too little sincere effort for too long.



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Fenno

With five minutes of class remaining, Professor Haar stepped aside and introduced a dumpy fellow with a moustache who was carrying a large stack of papers.

"It can't be!" gasped a 1L in surprise.

"My god!" shrieked another, realizing that class had been cut short.

"So this is what the BSA is for," concluded a third 1L, "to take away five minutes of class time a semester so we can fill out Course Evaluation forms."

"Five minutes really isn't much," someone said with disappointment.

"True," said Fenno as he sat down. "But used wisely, it's enough."

"Wisely?" the 1L asked.

"Right. Now what have you written?"

"It's a concise psychohistory of Haar, from his childhood in Antwerp to the present. Plus, I've thrown in a comprehensive list of suggestions regarding the class and the teaching materials. Pretty good, huh?"

"A disaster!" Fenno barked. "Too reasoned. Plus you haven't used the words 'boring,' 'terrible,' or 'crafty Belgian' even once."

"Does that make a difference?" asked the 1L.

"Makes *all* the difference. Professors get hundreds of these things each year. They skim them quickly for buzz-words and clever phrases, and things they can read to each other at parties. In other words, they treat them just like final exams."

"I've been a fool," said the 1L, his head lowered. "Is there anything I should remember about the numerical scores I give?"

"Absolutely," Fenno said. "That's an art in itself. Sprinkle your form liberally with 9's, which mean the question is inapplicable. Professors can't understand that at all. Drives 'em nuts."

"How about the scores I *do* give?"

"Avoid the middle range at all costs," Fenno said soberly. "Sticking to the extremes shows that you mean business, and it mucks up the distribution, to boot."

The 1L became excited. "Maybe our class will even give Haar a record-setting mark!"

Fenno shook his head. "Haar's been close, mind you. And more than once. But Sally Neely's record-setting 'Recommend to Others' rating of 2.31 on a scale of 7 for contracts for the 1976-1977 season looks pretty safe."

Fenno looked off in the distance reflectively. "You could call it the Law School's answer to Joe DiMaggio's 56-game hitting streak," he said. "It might just stand forever."



Letters to the Editor of the RECORD

Sacks Criticizes Article

To the Editor:

What I have already said to the RECORD staff privately, I want now to say publicly. I write to express a deep dismay and concern regarding a column appearing on the last two pages of the March 17 issue of the RECORD.

This column expresses an appreciation of Professor Milton Katz that is fully deserved. But it then mounts attacks on a number of faculty members that are personal, hurtful, and in one case clearly vindictive. No reply on the merits is possible, since the attacks are irrational and propose nothing constructive. In short, by any test that I can apply, these attacks are completely unfair.

I can not accept the explanation that this article can be considered satire or wit, or that it amounts to "letting off steam" by students who feel or perceive a grievance. I do not believe that students and faculty on the premises would understand the column as serving these purposes. But in any event the RECORD is neither a classroom party nor a law school show. It is a newspaper read not only by people in Cambridge but also read by about 10,000 alumni to whom it is circulated and who have no way of understanding the column as anything other than an emotional, unreasoned, and deliberately personal attack.

The RECORD has often urged that steps are necessary to improve faculty-student relationships, and it has at times made useful proposals toward that end. Therefore, I hope that the RECORD will hereafter avoid unfair, personal attacks on all members of the Law School community. Such attacks hurt feelings, harm reputations, and erode the very relationships the RECORD wants to improve.

Albert M. Sacks, '48
Dean
Harvard Law School

Ed. Note:

The Dean's remarks about student-faculty relations show a total imperviousness to what our humor columns are all about. He is making some valid comments, but so are we.

Not specifically with regard to the March 17 column, but speaking of the RECORD's long-term approach, almost every humorous reference to professors has been a direct or indirect commentary on the classroom environment. Generally we have no interest in commenting on professors' private lives, their personalities, or their scholarly pursuits, except insofar as those are injected into the classroom, explicitly or implicitly.

A direct and serious criticism of factors affecting the classroom might focus more attention on the problems than they deserve. We cannot believe that Dean Sacks wants us to start poring over these matters with the utmost gravity and detail.

As a general objective, we are working toward a classroom environment filled with a greater amount of warmth, more intellectual honesty, and less pretentiousness. If the professors would read our humor in light of this goal they would recognize that we have been and continue to be deeply concerned about the quality of faculty-student relationships. Understandably, they sometimes prefer to believe there are no constructive comments underlying what we say.

A Kaufman Supporter

To the Editor:

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Richard B. Child, '68
Professor of Law
New England School of Law

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To the Editor:

I participated along with two other members of the faculty (Dr. Stone and Ms. Lund) and a Boston practitioner (Jane Cohen) in judging the Client Counseling Competition here. This is a national competition conceived by Professor Louis Brown at USC Law School and now administered by the Law Student Division of the American Bar Association. It seeks to train students in interviewing and counseling. The problem this year was to counsel a young man and woman who were contemplating living together and had some mixture of personal and legal problems with respect to which they wanted to get advice. The contestants work in pairs, first interviewing the clients for thirty minutes and then orally dictating a memo to the file summarizing their view of the problem as well as detailing further steps to be taken. At the conclusion of the exercise the judges sit down with the contestants and try to give them some evaluation of their performance as well as suggestions for how to improve it.

It seemed to me that this experience was a very valuable one for the contestants, involving relatively little time investment (even including a bit of background reading on the subject matter of the interview). I am only puzzled why in a school of 1700 students, many of whom are frequently complaining that the education here is too theoretical and appellate-litigation oriented, only six students would avail themselves of this kind of unparalleled opportunity to get practical experience at what they will be doing much of their professional life, along with extensive faculty feedback.

Frank E.A. Sander, '52
Professor of Law
Harvard Law School

Cryptic Law

The following excerpt is in "judicial code." Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

"Fnqtj qe rpo cj ugvujhjh enpe enjxj uq-
kulrxepvujx qrdgxjh gv engxj dkjxjve enj
hle0, akgr enj xepvhdgqve ga ugrrgv
nlrvpqeo, eg lxj enjqk cjxe blhijrjve qv hgqvi
fnpe enjo uglth eg kjtqjsj enj lvagkelvpej
squeqr akgr nxq djkt, fj mvgr ga vg
dkquvudtj ga rlvquqdpt tpf enpe qrdgxjh gv
enj hjajvhpe gk qex xjkspvex p tjpt hleo eg
kjtqjsj nqr co cpumqvi enj upk gaa nxq cgho
gk tqaeqvi ge ld xg px eg kjtqjsj nxq djkt."

Letters to the Editor of the RECORD

The Question of Competence

To the Editor:

Chief Justice Warren Burger needs no defense from me, but upon reading the views of Professor Alan M. Dershowitz as reported in the RECORD of March 3, 1978, at page 8 on the subject of the Justice's concern "about the competency of American trial lawyers," I have the following random thoughts:

1. Isn't the problem one of definition, i.e., the standard of "competency?" If that is so, might it not follow that the norms of the Chief Justice are simply higher than those of Professor Dershowitz?

2. The Professor's suggestion that judges "are the most serious problem in this country," if true, simply raises a different issue. In any case, judges are merely lawyers elevated to the bench, generally after acquiring some trial experience. In that light the charge that "lawyers are more qualified than the judges they appear before," is logically suspect at best and an unsupportable generalization at worst. Furthermore, if the record of judges is poor, doesn't that reflect upon the bar as a whole and on the selection process? Pointing the finger at judges scarcely supports the claim that lawyers, by and large, are competent in the courtroom.

3. But then, surprisingly, the Professor is quoted, "I am not going to defend the trial bar in this country * * * ." To prove the Chief Justice wrong, one would suppose that necessary, but perhaps it is easier to hit at the Judge himself. And I thought the *argumentum ad hominem* has been discredited from ancient times!

4. The Professor's complaint that "Lawyers are brought down to the level of judges" is simply another variation of departure from the issue. Do I detect an admission that the level is low but it's not the lawyers' fault? I doubt whether any competent lawyer, appearing before an inferior judge, has ever been reduced in his level of competency by the experience.

5. The statement attributed to Professor Dershowitz that "it is the extreme of arrogance for Warren Burger to criticize lawyers" comes, I humbly submit, with poor grace from one who displays such eagerness to excoriate the Chief Justice. I hardly think

the remark reflects that judgmental balance we should associate with the academic. Moreover, its premise that "He (Mr. Justice Burger) has no experience whatsoever with trial lawyers" must, I think, be false. What is an appellate court but a trial court on a different level? Appellate lawyers generally also act on the trial court level. If they lack ability in the appellate court, it is reasonable to suppose that its absence is evident at the trial level. The transcripts before appellate courts are often the truest mirror of the skills, or the lack of them, of the actors below.

6. I suggest that the judgment of Mr. Justice Burger is better, certainly not worse, for having been made after consultation with others, i.e., "fellow judges." By contrast, is the Professor's certainty about the ability of lawyers, or even judges, in a courtroom based upon his personal observation of all

the lawyers or judges operating in all the courts?

7. If I may intrude a personal observation, my own experience in attempting to hire the best trial lawyers available around the country in a variety of cases for my company persuades me, and I have had trial and appellate experience, that even those enjoying high local reputations often leave much to be desired. After all, reasonable skill in the courtroom requires talents, experience and training which only a few possess and to these must be added the many qualities necessary for adequate preparation. I suggest there is an infinite difference between the really able trial lawyer and the average one that a client can expect to get.

As a somewhat regular reader of the RECORD, I have an impression that the Professor is inclined to "sound off" and has some vanity in the correctness of his judgments. He may wish to reconsider this posture from both points of view.

Peter Keber, '33
Wilmington, Delaware

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5. 1 1/2 times the Oakland Raiders led the A.F.C.
4. Walter Payton of the Chicago Bears topped the N.F.C. while Mark van Eeghen of Jack Dempsey
3. Professor Clyde Ferguson
2. Cliff Mapes
1. Cliff Mapes

Atlanta Conference Draws Women in Law

(Continued from Page 2)

they're presented here. One seminar showed how to get around traditional estate doctrines and will doctrines and use them for what your clients want, not just the way they've been used for centuries."

Special speakers during the evenings included Rep. Shirley Chisholm, New York City Council President Carol Bellamy, and Charlotte Bunch, a director of the National Gay Task Force.

Cross Section

Although the workshop offerings ranged widely, there were major emphases on lesbian issues and Third World issues. Jackel explained that the lesbian emphasis was essentially a legacy from the last several conferences; the Third World emphasis was partly a reflection of the amount of good Third World speakers available, and the growing entrance of minority women into the feminist movement.

"I like the emphasis the conference put on gay rights and minor-

ity issues," said Kritchevsky. "There seemed to be pretty much of an interest in what the other groups are doing, and a togetherness; and a visibility that you don't have (at HLS)."

"We wanted a cross-section of speakers and seminar leaders, but with more southern women than in the past," Jackel said. "Generally conferences of this nature are held in the Northeast or out West and they tend to draw on the same experts. We used many of the people from past conferences but also tried to get some new blood."

There were women from as far away as California at the conference, with the southern states most highly represented. Jackel estimated a greater number of actual practitioners than last year's 30 per cent, although she had no final figures. Several of the participants and organizers were men although they were in the minority.

But in the final analysis, it was the other women who made the conference a success for the HLS contingent.

"I made some contacts with in-

teresting women and shared a lot with other law students," said Spencer. "Sometimes you lose sight of the fact that Harvard isn't the only law school."

☛

Placement

(Continued from Page 7)

that question for the Placement Office.

Of the 2L's who have reported in, 131 will be working in their home state this summer; 76 of those in their home towns.

Big Apple Draws

As usual, the big-draw state for 3L's is New York. Of the 363 reporting so far, 93 are going to New York firms, eight to clerkships in New York and three to local government there. That makes 28.7 per cent of those reporting so far.

Add to that the 41 third-year students known by the office to be headed to Massachusetts firms, the 11 in Massachusetts for clerkships and the eight in other in-state jobs, and the statistics for the preliminary report say that 45.2 percent of the 3L's are heading to New York or staying here. The next highest number is going to California: 24 to firms in Los Angeles, 23 to firms in San Francisco and five to California-based clerkships. Washington D.C. has claimed 36 HLS grads this year, 16 in firms, eight in clerkships and 12 in federal government posts.

New York, not surprisingly, is where the money is. Those taking jobs in New York City firms will be earning \$25,000-28,000. Second-year students in those firms will be taking home \$450-525 a week. For other states reporting in, the median salary is roughly \$19,500, with Maine running low at \$15,500 and Washington, D.C. running high at \$22,000-25,000.

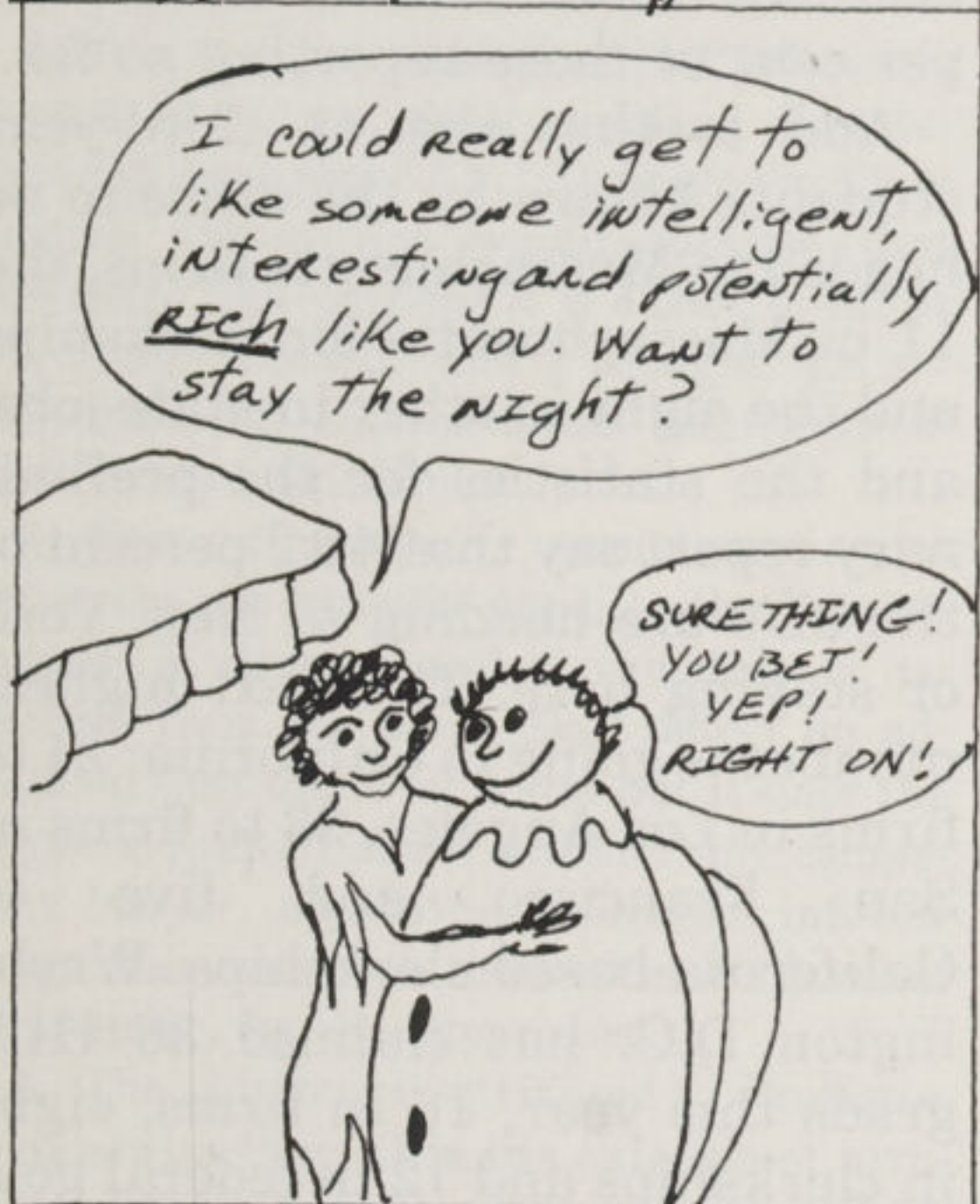
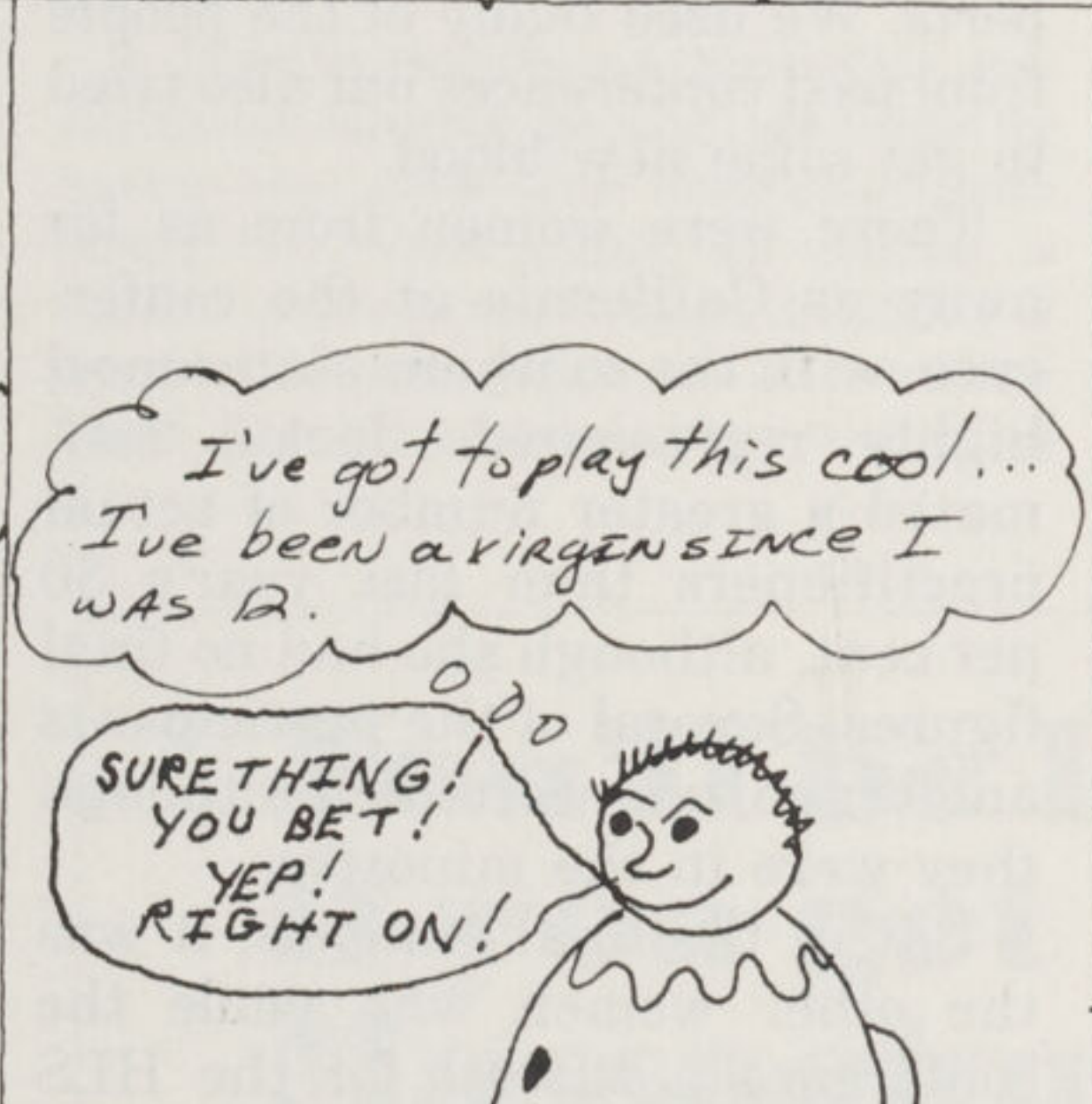
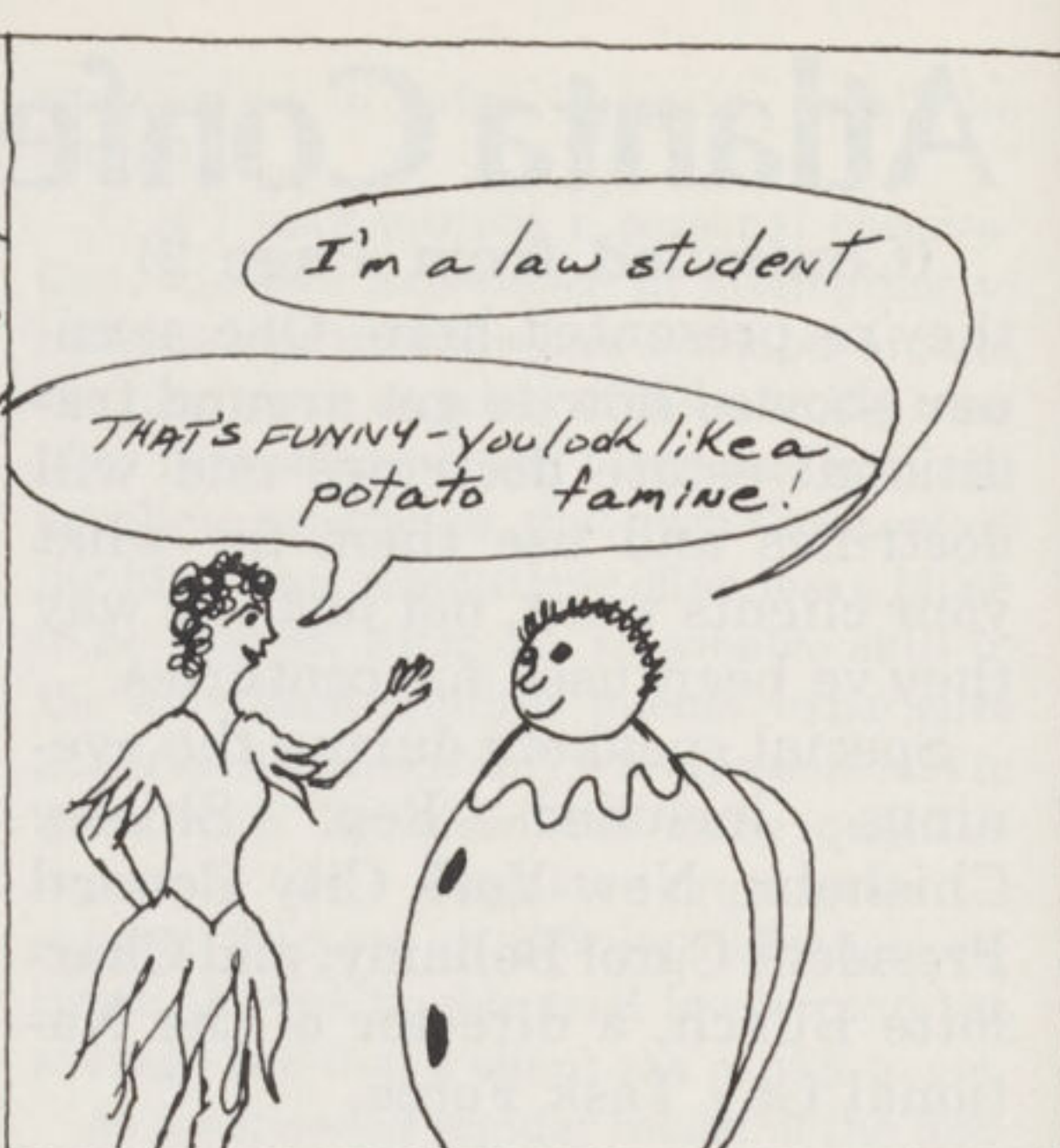
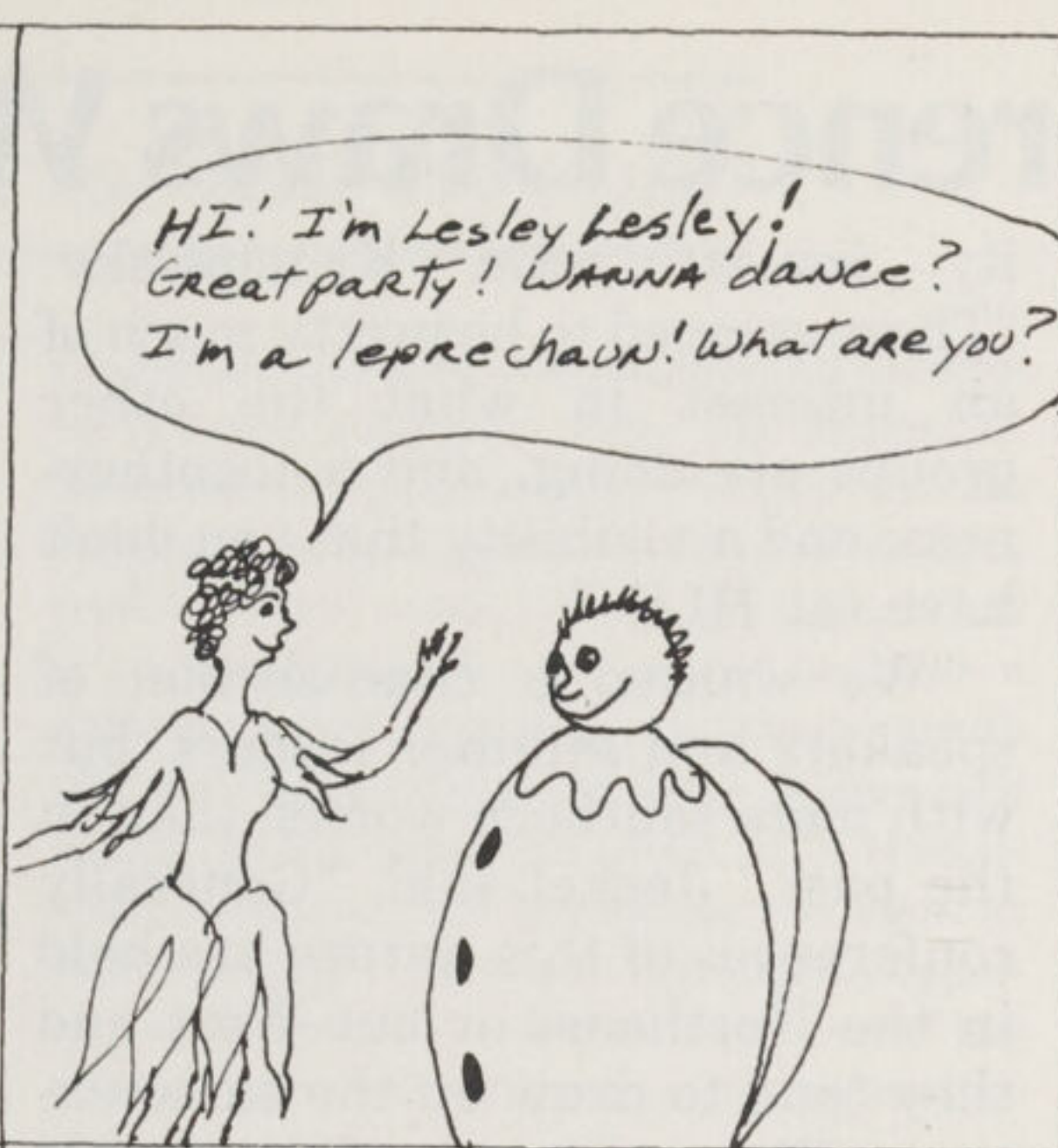
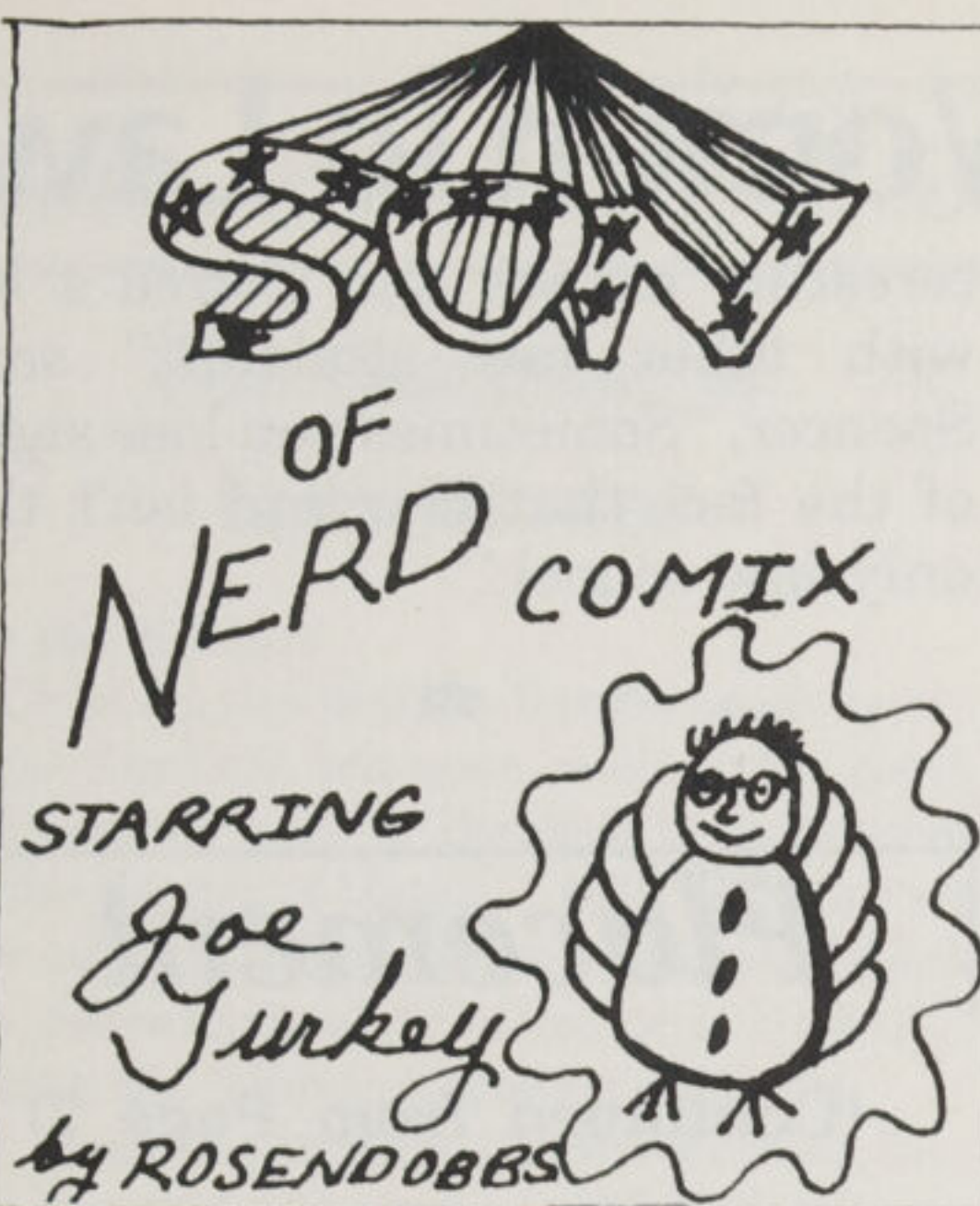
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91, 127 So. 519 (1930)
Turbeville v. Mobile L. & R. Co., 221 Ala.

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Lawyers Gasp When Meeting Real Palsgrafs

(Continued from Page 9)

lawyer parents of his acquaintances that "Frank Palsgraf says hello."

When finally called for jury duty, Frank Palsgraf stated that he was "treated like a celebrity by the Assistant District Attorney." The judge then informed the jury venire that "one jury member's family caused me many nights of hard studying in law school." Subsequently Frank Palsgraf was struck from the jury, primarily, he believes, because of his name.



Rights Preceded U.S. Constitution, Henkin Says

(Continued from Page 3)

tion of the United States's place today in international rights. "Although we furnished the lead which the whole world followed, today we are not a pillar of the church, but a flying buttress. We stand outside the church and support it." The United States has resisted any changing of its own political order by the documents of the movement. Various covenants have rested dormant for 30 years, waiting for congressional acceptance. Those that have been accepted have had appended the explicit reservation that they will not change American law in any way.

Henkin argued that human rights began as constitutional rights. They sprouted out of the American experience. Yet today the movements appear to be growing farther and farther apart. Henkin urged a greater and wider awareness of their differing fundamental doctrines and outlined some steps to bring the two movements closer together.



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Legal Philosopher Lon Fuller Dies

Emeritus Prof. Lon Luvois Fuller died Saturday after a long illness. He was 75.

Fuller, who had served as Carter Professor of General Jurisprudence prior to his retirement in 1972, was perhaps best known to students as the co-author of a first-year text on contracts. In the academic world, he was known not only as a contracts scholar but as a leading legal philosopher.

A native of Hereford, Tex., Fuller received undergraduate and law degrees from Stanford. After serving on the law faculties of Duke, Oregon, and Illinois, he joined the Harvard faculty in 1940.

As chairman of the Committee on Legal Education at Harvard from 1944 to 1947, he led a movement to revise the curriculum to establish more courses on jurisprudence, legal history, and legal process. Fuller was a strong advocate of the view that the law is not merely a practical discipline but also a subject of intellectual inquiry and that therefore the study of law should be tied more closely



Prof. Lon Fuller

to the social sciences and humanities.

Fuller authored many books on jurisprudence, including the celebrated *Morality of Law*, a book that grew out of a debate with British Professor Herbert Hart in the 1958 *Harvard Law Review*. This study of "the morality that makes law possible" concerned the forms and

limits of adjudication and the types of issues that can be settled by judicial decision. Other publications include "Law in Quest of Itself," and the article "Case of the Speluncan Explorers," which has been translated into Spanish and Arabic.

During the 1960 presidential campaign, Fuller served as chairman of Scholars for Nixon and contributed to several Nixon position papers.

He is survived by his wife Marjorie, two children and two stepchildren, and eight grandchildren.



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SPORTS QUIZ

1. What New York Yankee wore uniform number 7 during the 1951 season, thereby forcing a rookie by the name of Mickey Mantle to temporarily wear number 6?
2. When Paul Brown coached at Ohio State, he actively recruited and indeed attracted a young football player who, through the fortuity of an injury, decided to pursue a legal career. Who was Brown's recruit, later recruited to the faculty at Harvard Law School?
3. Chuck Wepner is commonly known as the "Bayonne Bleeder" after his hometown in New Jersey. What heavyweight, who experienced considerably more success than Wepner was known as the "Manassa Mauler"?
4. Who were the leading rushers in the AFC and the NFC during the 1977 season?
5. How many times should the "ideal" knuckle ball (the what?) rotate before the batter misses the pitch?