

HARVARD LAW RECORD

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APRIL 28, 1978

TWENTY CENTS

LSAT Scores Up, So Are Applications

By Bill Ross

A recently revealed increase in the number of students receiving high LSAT scores will decrease the number of applicants admitted from Harvard's "hold" category, according to Dean of Admissions Patricia M. Lydon. But Lydon emphasized that the change will have no substantial impact on the admissions process.

The increased number of high scores was noticed a few weeks ago by admissions officers at Chicago, Columbia and Yale. Shortly thereafter, Educational Testing Service (ETS) officials admitted in a letter to law school admissions offices that approximately three times as many students as usual had received perfect 800 scores and twice as many as usual had scored in the 750 range. ETS officials, however, contend that although the number of very high scores increased, the average score is no higher than normal.

According to *Esquire* columnist Steven Brill, ETS altered the test to make it more mathematical, thereby enabling students already in the higher ranges with superior mathematical ability to receive higher scores. The proportion of persons with high-average scores or lower was not affected.

Lydon said she noticed in February the number of scores in the high ranges, but assumed that it

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Fledgling Legal Aid Center Asks HLS to Participate

By Terry Keeney

The Law School may help create a legal services center in Boston to provide improved legal services for the urban poor and continuing clinical education for attorneys and law students entering the field.

The center, called the Legal Services Institute, is the brain-child of HLS faculty members Gary Bellow and Jeanne Kettleson. They and four other organizers, including a professor from MIT, two Boston attorneys, and Katherine Stone, 2L, have submitted a proposal for the Institute to the Legal Services Corporation for funding in conjunction with the Greater Boston Legal Services office.

The proponents also have proposed to the Law School faculty that Harvard sponsor the Institute by providing students, faculty and research opportunities for the Institute. The proposal is currently being studied by a committee chaired by Prof. Frank I. Michelman.

Student Slots

Under the proposal, the Institute, when in full operation in July, 1980, will accept up to 25 third-year law students to work and study full-time at the Institute.

The attorneys and other staff at the Institute will comprise the faculty, along with visiting faculty from the profession or participating law schools. The curriculum will deal directly with legal services

and poverty law and draw heavily from case work at the Institute. Students participating will be closely supervised and evaluated individually.

To be eligible for the Institute, students must come from a participating law school; that is, the school must accept one year's work and study at the Institute as equal in credit to completing a conventional third year. Students must also pledge to work five years in a legal services job.

Bellow and Kettleson will resign from the HLS faculty next year to devote full attention to running the Institute. Both are enthusiastic about the proposal and view it as a means of upgrading legal services to the poor. Kettleson argues that, given the high turnover of legal services attorneys, the Institute will provide a core of professionals who can learn and later teach the skills and knowledge necessary for effective advocacy.

"It takes about two years to learn your way around legal services, which is about the average stay," said Kettleson. "You need people on this side who will stay long enough. You've got to hang in long enough to see things build and change."

Urban Ills Targeted

Bellow hopes the Institute will attack the problems facing the urban poor in an organized and coordinated fashion. The Institute

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Three Vie for Class Marshal Position

By Larry Zelenak

Judging by the platforms of the three candidates for Marshal of the Class of 1978, it appears likely that this year's graduating class will not join the Classes of 1976 and 1977 in their boycott of all alumni contributions to the Law School.

Elections for Class Marshal, class secretary, and the six seats on the class committee will be held on Monday. The three Class Marshal candidates are Jess Hungate, Sheila Kuehl, and Jeff Lepon. Linda Gray Fee, Gordon Hamlin, Tim Hodgdon, Earl Jackson, John Opperman, and Tom Singer are running for Secretary. Twenty-seven candidates are vying for the six committee positions.

Although they disagree on some of the details, all three candidates for Class Marshal favor some form of conditional, strings-attached giving.

Hungate and Kuehl are both advocating the earmarking of donations for special purposes within the Law School, especially for the support of student organizations and journals. Kuehl's campaign literature explains: "I will encourage the Class of 1978 to boycott general, unrestricted giving and instead to do those things that will maximize their power to promote student participation in decision-making."

One advantage of this approach, according to Hungate, is the opportunity it affords for more contact between alumni and student groups. "Direct giving to student organizations might help to bring alumni and students closer together," he remarked.

Lepon's recommendation is that the class committee solicit donations to a savings account held in escrow by the class, with funds to be released to the Law School only

when certain reforms and suggestions of the class are implemented by the school.

Lepon believes his system will afford the class more flexibility than the earmarking plan, but he feels both proposals have very similar goals. "If there are people on the committee in favor of earmarking or a total boycott," he speculated, "I won't have any problem working with them, although I'll want to add my own ideas and input. I might have trouble working with people advocating no-strings-attached giving, but I don't see people like that running for class committee."

A proposal very similar to Lepon's has been advanced by Gordon Hamlin, a candidate for Class Secretary, and a slate of six students running for committee positions. They are calling for "conditional giving:" one joint annual contribution by the class on condition that the School implement selected changes in programs and policies that have been chosen by a vote of the class.

Their campaign literature claims their system is more likely to bring about change than the total boycott advocated by officers of the last two graduating classes: "By failing to link contributions to specific reforms, the last two classes have accomplished no changes." They also claim it is "more effective than individual earmarking of contributions for specific projects," because the Law School "can use earmarked gifts to meet current expenses of programs already in place and shift unrestricted funds as necessary."

And they point out that while the Law School can fairly easily refuse small gifts from individuals if it disapproves of the purposes for which the gifts are earmarked, it

will think much harder before refusing a sizeable gift from the entire class.

The similarity of the various proposals led Hungate to remark, "It looks like we all agree on the basic

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Open Letter To Class of 1978

This Monday, you will elect your class committee and class officers. As members of the class committee of 1977, we feel it is important to share with you our experience with the issues you are facing.

Last spring, our committee considered various alternatives to the boycott, in particular the trust fund, escrow account and directed giving concepts. After much discussion, we concluded that the boycott first used by the Class of 1976 was, and is, the most effective means of directing attention to the problems at Harvard.

We found drawbacks with each of the alternatives we considered. Both the trust and escrow concepts seemed to present potentially insurmountable problems of management for a geographically scattered class committee. In addition, the trust fund would both place too much control in the hands of too few people and would subject those people to cumbersome legal duties. We felt that an escrow account was at best an unpalatable alternative and thus unlikely to lead to the accumulation of a significant fund.

A problem of a different nature was presented by directed giving. Donations to selected organizations and activities currently funded by the Law School would, over time, allow the law school to divert funds from these programs.

Perhaps most important of all was our feeling that such an extreme measure as the boycott was required. Since significant donations are not expected in the years immediately following graduation, the most direct impact can be had through stimulating debate concerning the problems at the Law School. We felt that a continuation of the boycott begun in 1976 would be the best way to focus and intensify such discussions.

A continuation of these efforts to air problems and work for positive reform by the Class of 1978 would truly benefit all students at HLS both now and in the future.

Trent Orr
Class Committee, Class of 1977

Laurie Zelon
Class Marshal, Class of 1977
HARVARD LAW RECORD

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3L's Unhappy with HLS Teaching

By Tammy Jacobs

According to a poll taken by staff members of the *Harvard Crimson*, dissatisfaction with the quality of teaching at the Law School goes steadily uphill from the 1L class to a highly unhappy graduating group.

Although the author of the questionnaire and the *Crimson* staff member who correlated the statistics both expressed questions as to the validity of their findings, the figures — if believed — offer some interesting insights.

The *Crimson* poll showed over 50 percent of respondents are dissatisfied with teaching at HLS, but a majority appreciate their fellow students. It recorded 62 percent of students as planning to enter private practice, with only 15 percent heading towards public interest organizations. A strong showing was made for the view that law is a "useful tool in bringing about social change;" and a strong majority favors affirmative action.

Peter Melnick, an editor of the *Crimson*, devised the poll with the original intention of trying to correlate law students' future career goals with their feelings on affirmative action. He never drew the correlations, he said, because he felt the answers to his questions on affirmative action were so "skewed" as to be nearly worthless.

"It could have been my fault in drawing the questions," he said, adding that he had showed the questionnaire to members of the Law School Council before handing it out in the tunnels earlier this month. In response to his request for input, Melnick said, council members suggested only that he add a "grad" category to his breakdown of 1L, 2L, and 3L. "So I didn't get much help," he added. He didn't get any graduate law student respondents, either.

One-Third Responded

Approximately one-third of the student body — 563 people — responded to the page-long poll,

which had questions on the quality of the Law School, the respondents' career goals, and the respondents' view of affirmative action.

"A lot of people were really facetious and a lot didn't answer the middle (personal) section," said Janet S. Walker, who wrote the report on the poll for the April 19th

The question, "Are you satisfied with the quality of teaching at the law school?" drew dramatic differences in responses from 1L's to 3L's.

edition of the *Crimson*. She added that many respondents spent more time criticizing the questions than filling out answers, and that answers on the affirmative action section seemed internally inconsistent. "We just went by what we got," said Walker, who eliminated from her story all of the affirmative action figures.

Walker and Melnick shared with the *RECORD* the tally sheet, written in percentages. Of the 563 people responding, 164 were 1L's, 181 were 2L's and 218 were 3L's.

The question, "Are you satisfied with the quality of teaching at the law school?" drew dramatic differences in responses from 1L's to 3L's. Some 74 percent of responding 1L's answered "yes;" but the figure dropped to 41 percent of re-

sponding 2L's and to 20 percent of responding 3L's.

Respect For School

However, 78 percent of 1L's, 81 percent of 2L's and 73 percent of 3L's answered affirmatively the question "Has the quality of the students at the law school conformed to your expectations?"

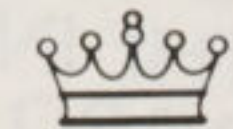
Walker opted to discard answers to the question: "Did you select HLS primarily for the quality of the education, or because of the Law School's reputation among professionals?" One reason was answers like the following, written under the two choices of "education" and "reputation": "because the library is dark and like a prison."

Sex and Blood Law

The library prisoner also skewed the answers to a question asking respondents to specify "corporate law, public interest law, or other" as their career choices. He (or she) specified "other" — "divorce, ambulance chasing, lurid sex crime defense."

More serious answers ended in a tally of 59 percent of 1L's, 64 percent of 2L's and 63 percent of 3L's responding as aiming for a career in corporate law. (The Placement Office's preliminary figures show that 75 percent of 3L's reporting jobs have taken them in law firms).

While the desire for a place on
(Continued on Page 7)



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Published Grid Pierces Admissions Veil

(Continued from Page 1)

was attributable to the Law School's urging students to apply earlier.

Turn of the Screw

"It's a problem because now we won't be able to admit many from the 'hold' category," Lydon said. "The screw will be tightened earlier than in previous years. When you combine that with the increase in the total number of applicants, it's going to be harder to get in. But I don't think the class will look different than in previous years."

Lydon said that the Law School received 7300 applications — the highest number ever received. Some 6500 applications were received last year and 7000 were received in 1974-75.

Lydon said that another reason for the increased number of applicants was the Law School's decision to publish a grid in the Law School Admissions Handbook revealing acceptance and rejection statistics in certain grade and LSAT ranges.

"I always strongly thought that we should put it in because it's another piece of information to help applicants and it couldn't be damaging," Lydon said. She explained that Harvard officials had long favored keeping it out because they feared that prospective applicants would overlook the fact that the Law School considers many factors other than number records in deciding whether or not to admit a student.

Encouraged by Grid

According to Lydon, publication of the grid may have encouraged persons to apply because it showed that although Harvard rejects many applicants in the very highest ranges, it also accepts many students in lower ranges.

Test scores usually receive about one-third weight in admissions decisions, according to Lydon.

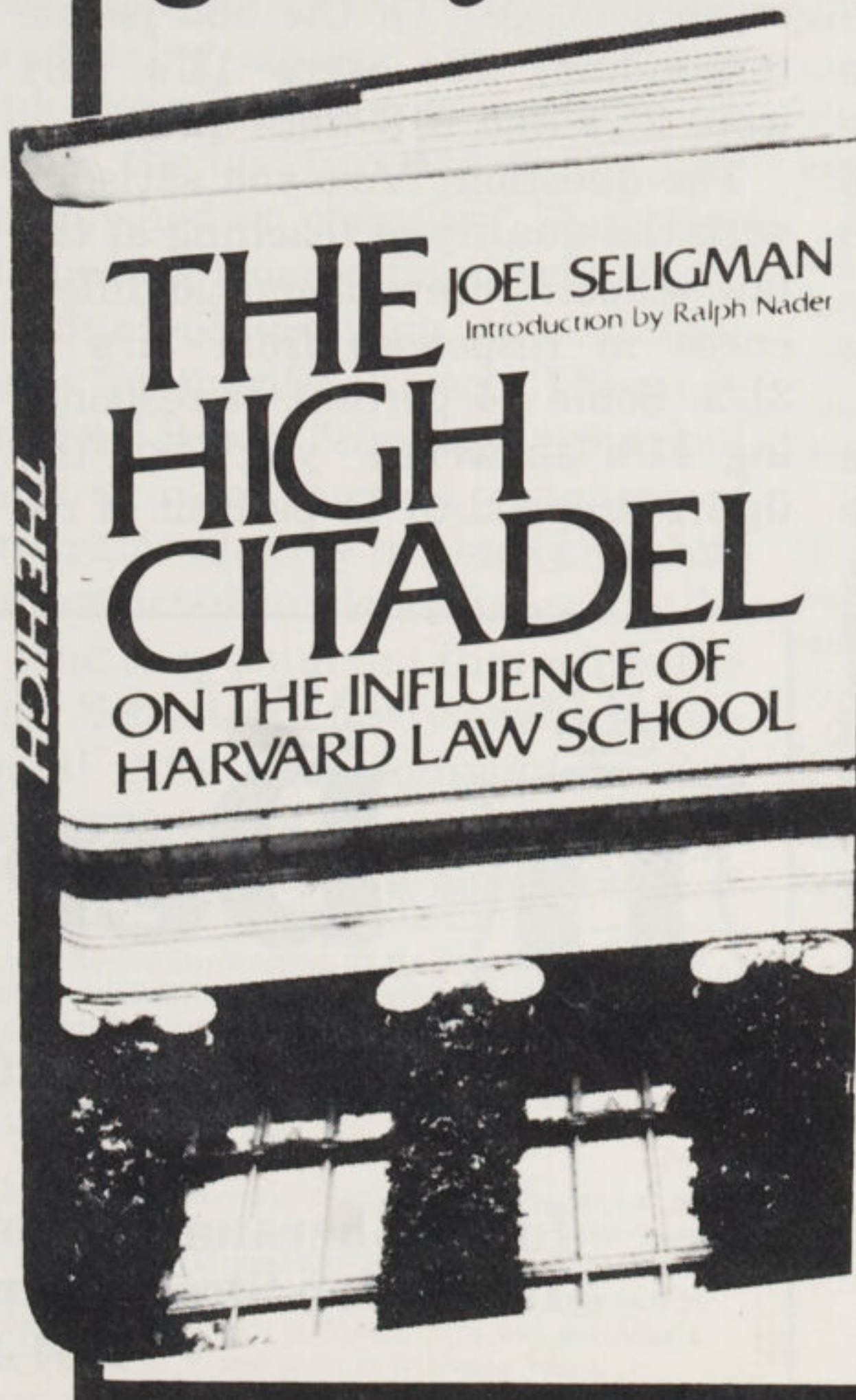
Lydon noted that as a result of the ETS letter, the Law School

(Continued on Page 16)

Law School Class Entering September, 1977

G.P.A.'s \ LSAT's	LSAT's			Totals
	Below 650	650 to 699	700 plus	
3.70 plus	634/23	633/90	704/413	1971/526
3.69 to 3.50	525/21	408/17	425/123	1358/161
3.25 to 3.49	565/10	350/10	381/33	1296/71
3.25 and below	1002/17	379/6	284/11	1665/34
Totals	2726/89	1770/123	1794/580	6290/792

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New Group to Champion Human Rights

By Jorie Roberts

The Harvard Law School Student Institute for Human Rights was established last month to give students from all ethnic backgrounds the opportunity to work together for universal human rights.

On April 25, the organization, with an initial membership of 50 law students, submitted its constitution and a memorandum of its philosophy and programs to Dean William Bruce in order to qualify for official recognition and funding. The group is also seeking outside sources of financial support.

The Institute recently selected officers for the 1978-79 academic year: President is Joseph Soliz, Vice-President is Earl Richardson, and Secretary is Craig Lewis. In addition to electing officers, the Student Institute has sponsored a speech by a Ugandan S.J.D. candidate, who spoke about Human Rights in Uganda, and has written a tentative constitution.

The Institute originated last semester, when a Balsa subcommittee, chaired by 3L Earl Jackson, led a protest against a D.C. law firm, scheduled to interview at Harvard, which represented South African interests. Although the group was successful in provoking the firm's cancellation, the members found that many other students wanted to be involved in a similar human rights group but were uncomfortable in doing so under the auspices of a specifically ethnic organization.

Realizing that most human rights activities at HLS had previously been carried on by ethnically-defined student groups, several of the Balsa committee members organized the independent Institute for Human Rights. Consequently, students from all backgrounds and heritages can be involved in promoting the global attainment of human rights.

Prof. Clyde Ferguson has agreed to serve as advisor to the Institute. Ferguson has been deeply involved

in promoting human rights in South Africa. He co-authored an article entitled "South Africa — What is to be done?" which appeared in the January 1978 issue of *Foreign Affairs*. Prof. Alan Der-showitz has also been actively involved in the Institute's establishment.

Primary Purpose

According to the draft Constitution, the Institute's primary pur-

pose is the "exposure and elimination of human oppression in America and throughout the world, and the implementation of justice through the rule of law." The constitution also calls for a semi-annual publication of a Human Rights Journal, the running of an Ames Alternative for first year students, and the expansion of the Institute to other law schools with the hope that Harvard will eventu-

(Continued on Next Page)

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Stone Elected by Psychiatrists

By Larry Vilardo

"I was absolutely flabbergasted that I won," said Dr. Alan A. Stone, Harvard University Professor of Law and Psychiatry, about his recent election as President of the American Psychiatric Association (APA).

"All my colleagues in the Psychiatry Department at Harvard told me that I was going to lose."

Dr. Stone will become President-Elect of the APA on May 11, 1978, and will automatically serve as President from May 1979 to May 1980. He will remain on the APA Board of Trustees until 1983.

"It's amazing that someone who is essentially full-time at the Law School was elected president of the APA," Stone noted. "I think it suggests something about the growing feeling in all doctors of how important legal regulation in the medical profession is."

Stone hopes to use his legal background as a springboard for change. "A basic notion that has grown out of my work at the Law School is that psychiatrists have been wearing two hats: doctor and social control agent," he remarked. "I would like to see psychiatrists withdraw from social control functions and give that responsibility to those who are clearly defined in society as responsible for social control."

"I would like psychiatrists to be involved only when they have something to offer in the way of treatment," he said.

Improving the conditions in which psychiatric patients must live is another item on Stone's agenda: "I'm hoping that we can work more with patients and more with lawyers in making progress toward improving patient conditions through litigation and legislation."

Stone also hopes to work to get national health insurance benefits for mental patients so that "people who have serious mental illness will be able to get treated just as people who have physical ailments are."



Dr. Alan A. Stone

During his tenure as APA President, Stone will continue to teach at the Law School. He has taught at Harvard Law School since 1966, and became Professor of Law and Psychiatry in 1972. Since 1975 he has been Chairman of the Law School's Admissions Committee.

Stone defeated Milton Greenblatt, assistant dean of the UCLA School of Medicine and Professor of Psychology and vice-chairman of the Department of Psychology at UCLA, for the APA Presidency. He received 58.5 percent of the vote to 41.5 percent for Greenblatt.

Stone succeeds Dr. Jules H. Masserman of Northwestern University School of Medicine.

Human Rights Group Forms

(Continued from Page 5)

ally become the headquarters for the National Law Students Institute for Human Rights.

Plans for next year have not yet been finalized. However, in addition to the goals laid out in the constitution, the Institute intends to continue working to prevent law firms involved with countries that violate human rights from conducting interviews through the HLS Placement Office. The Institute also plans to expand the speaker series to include representatives from the United Nations Commission on Human Rights and the National Lawyer's Committee for Human Rights. In addition, the group will conduct a letter writing campaign in the style of Amnesty International.

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88% Polled Favor Affirmative Action

(Continued from Page 3)

the corporate ladder seems to have remained fairly stable among the *Crimson* survey's respondents, figures for those interested in public interest law showed a strong downhill slide, from 38 percent of 1L's, to 27 percent of 2L's to a low of 3 percent of 3L's. 3L's showed a corresponding rise in the "other" column — to 34 percent. Many of those specified litigation; others mentioned clerking, said Walker.

\$500,000 Salary Predicted

Walker's figures for salary expectations showed an average of public interest lawyers of an expected \$26,000 at peak earning level, after over a decade. The peak expectancy for those heading for the corporations ran \$85,000, but Walker said she felt the figures were skewed upwards by a few respondents noting extremely large sums up to \$500,000.

Despite the high pay expected the respondents did give law high marks as a "useful tool in bringing

about social change" — 93 percent yes to 7 percent no-answer or not-sure.

Some 88 percent of the respondents favored "the concept of affirmative action," with 9 percent against and 3 percent abstaining or offering inapplicable answers. Answers to further questions, attempting to specify types of affir-

mative action, were inconclusive.

All in all, nobody concerned seemed too happy with the survey. Walker and Melnick both attached caveats, and several law students remarked — anonymously — to the *Record* that the questions seemed superficial or "insulting to my intelligence."



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Elections

(Continued from Page 2)

principle — the class is unhappy with some things here, and we want to express our dissatisfaction, but we'd also like to do something positive to encourage the administration to change things. Everyone agrees on that, so it's just a question of details — what's the best way to spur change."

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HARVARD SQUARE

Jewish Group Gets Russia Report

By Barbara Kritchevsky

The Jewish Law Students' Association recently received feedback on its work and information for new projects when Donna Arzt, 2L, returned from a week-long visit to Moscow and Leningrad. In Russia, Arzt met with Jewish dissidents and foreigners working for their emigration.

The main topic for future research Arzt brought back was the Soviet "parasitism" law and the increased number of arrests being made under it. A person can be arrested for parasitism and sentenced to one to two years in prison for not performing "socially useful" work. Arzt explained that the rule is being used against Jewish "refuseniks" — those refused permission to emigrate.

When a person asks to leave Russia he generally loses his job. As a result, he is often forced to work as a Hebrew teacher or in a similar unofficial job. Arzt explained that average people feel threatened by such arrests, because unlike major espionage convictions, they realize that it can happen to them. Russians engaged in English translation or other unlicensed jobs could also be arrested.

The Jewish Law Students' Association will first write a brief challenging the arrests on two grounds. One is that Hebrew teaching is a legitimate activity, as the Soviet Constitution guarantees the right to education in one's native language. The second argument is

that it is not the peoples' fault that they are unemployed because the government first fires them and then punishes them for being jobless.

Arzt said there is a fear that arrests are being increased to "clean up" Moscow for the 1980 Olympics. She said groups plan to urge American sponsors of the Olympics to pressure the Soviet government to stop the arrests.

Concerning the brief writing, Arzt admitted that "there's a sense of futility to all this." Briefs are not acknowledged, and have little direct legal impact. On the other hand, Americans often have more access to legal material than Soviet lawyers and may help if they can get the information to them. The major impact, though, is political.

Arzt also met with the brother of Anatoly Shcharansky, the Russian being held for trial on treason and espionage charges. She was able to bring information about what Shcharansky's wife, who lives in Israel, has been doing in his defense. A number of American lawyers, including Professor Alan M. Dershowitz, are also working on the case.

Arzt was not able to obtain as much additional information on the case as she had hoped, because it is now in abeyance until the government officially brings charges. He has been appointed a "KGB type" defense lawyer, whose services he has tried to reject. The government has kept her on the

case, and refused attorneys Shcharansky has tried to select. Shcharansky has been in prison and has seen no one since March 15. He will not be permitted to see his attorney until charges are officially brought.

Arzt went to Russia in connection with the Boston Action for Soviet Jewry group, which paid for part of her trip. She was chosen because she had been to the Soviet Union before and had a legal background. Someone goes to the Soviet Union in conjunction with the group almost every month. She was given the names of some people to contact and had some contacts from her previous trip.

Students from Harvard and other law schools will work on the Soviet cases over the summer. Arzt said they now hope to get local lawyers involved, too.



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Solution to "Cryptic Law"

It is truly an American phenomenon that "a game" can reduce to equality in emotional frenzy all within its grasp from Chief Executive to humblest citizen. Indeed, when the count is three and two, the Sputniks and Vanguard fade into insignificance beside that tiny whirling sphere that orbits 60 feet from its Cape Canaveral at the mound to the unknown at the plate. . . . And so it is with heaviness of heart that the court, as distinguished from the fan, must find that plaintiff's contentions, while sentimentally "four baggers," are legally "outs."

November v. National Exhibition Company, 173 N.Y.S.2d 490 (1958). (This was a suit to keep the New York Giants from moving to San Francisco.)

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Record Elects Zelenak Next Year's Editor

Larry Zelenak, 2L, was elected editor and president of the HARVARD LAW RECORD Tuesday night. Tammy Jacobs, 1L, was elected managing editor.

Zelenak won a hard-fought campaign for editor, as he ran unopposed for the position. Zelenak hails from Tacoma, Washington (the "City of Destiny") and is a veteran of the University of Santa Clara student newspaper, appropriately named the *Santa Clara*. Zelenak served as features editor of the RECORD this year.

Jacobs will assume her new post as managing editor, after years of experience in the world of journalism. From the newsroom of the University of Michigan Daily to the copy desk of the *Detroit Free Press* to the one-room offices of the Thomaston, Ga. Bureau of the *Macon Telegraph*, Jacobs, a converted Southerner, will step up to manage the news reporting of the nation's oldest law school newspaper.

Jeff Schumacher, 1L, was elected business manager of the RECORD. Schumacher served as business manager this semester.

The newly elected editors replace Charlie Cheatham, editor-in-chief this semester, and Terry Keeney, managing editor.

SPORTS QUIZ

1. The 1963 Rose Bowl was the highest scoring game in that event's history. USC was leading 42-14 at one point and held on to win 42-37. What team was the "rallying" loser?
2. In 1966 Arnie Palmer led the U.S. Open at the Olympia Country Club near San Francisco by seven strokes with nine holes to play and lost. What "rallying" winner overtook Arnie?
3. Who is the current Olympic champion in women's giant slalom alpine skiing?
4. What was the score of the disputed 1972 US-USSR Olympic final basketball game? Who scored the winning "three-second hoop?"
5. What baseball card is currently the most valuable?

APRIL 28, 1978

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Ball String, 100 ft. roll	59 cents and up
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Coop Crate, 13" x 18" x 30" (4 cu. ft)	\$18.95
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TRUNKS

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Overseas Trunk, 40" x 22" x 23"	\$54.99

Fair Comment

This has not been the easiest of semesters for the RECORD. Nor has it been easy for the notion of a free press at the Law School.

In recent weeks members of the Administration have registered their displeasure over several articles of humor and satire that in their opinion were vicious and hurtful personal attacks on specific, named faculty members. Most recently, last week at the annual RECORD banquet, Dean Sacks voiced his continuing opposition to articles that he saw as personal attacks on individual professors and that he felt had no place in the RECORD.

We are not totally unsympathetic to the Dean's position. To the extent that any articles intended as humor or satire have proven hurtful or have been interpreted as hurtful, we apologize to the professors involved. At no time was personal hurt an intended objective of any RECORD article.

We feel a very serious obligation to report what we perceive as true. This includes all areas of life at the Law School. Few aspects are as important as the quality of instruction. If the *Harvard Crimson* survey results reported in this edition of the RECORD are to be believed, the more exposure students receive to HLS teaching, the more dissatisfied they become. Unfortunately, we may have to name individual professors, not out of a desire to be hurtful, but out of the necessity to deal with the problem of instruction.

The articles that stirred this controversy were opinion columns clearly marked as such and clearly intended as satire. Satire is a valid and valuable form of expression when it is written without malice and within the bounds of good taste. While we realize that reasonable people can differ as to what those bounds are, we feel part of our obligation as journalists is to set those standards internally. It is impossible to guarantee that teacher performance will not be a topic for RECORD satire in the future. In the "Fenno" column, individual references to professors are a certainty.

We are sensitive to these recent criticisms expressed by administration, faculty and even students. We share the concern of Dean Sacks that faculty morale may be injured by some of our satire. But the RECORD, as the only forum for student opinion, will not abandon what we perceive as our obligation to express opinions critical of that faculty whenever that criticism is called for in our news, satire and editorial columns.



HARVARD LAW RECORD

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Fenno

(Ed. note: In Part I last week, 3L's Sam and Louise had ventured to Fenno's Cafe American in order to learn from Fenno the where-abouts of Professor Unger's lecture notes, which had recently been stolen from a courier. Sam needed the notes in order to graduate, and Fenno appeared at first to be uncooperative.)

Sam was silent for a moment. Very softly he then said to Fenno, "What if someone wanted to graduate very much. And because he wanted this so much he did a terrible thing. Would it be all right? Fenno, you must tell me!"

"I'm afraid I never wanted anything that much," Fenno said. "But I suggest you ask Louise. She's taken the course and already has a set of lecture notes. I remember her sitting in class clearly. She was wearing a grey suit. Unger was wearing blue."

Sam turned with surprise and mumbled something to Louise.

"Say it, Sam," Fenno commanded. "You said it to her, you can say it to me. If she could stand it, so can I."

Sam turned to Fenno. "I said, 'What was that course like really? What did you do, and what did you think?'"

Louise held her head in her hands. "I don't even know what to think anymore, I'm so confused. Oh, Fenno, do the thinking for both of us!"

Fenno tossed down a final shot of coke and stood up. "It doesn't take much to see that three little exam problems don't amount to a hill of beans at this crazy law school," he said. "Take that test and get the hell away from Harvard. If those exams are collected and yours isn't among them you'll regret it. Maybe not now, maybe not tomorrow. But soon, and for the rest of your life."

Sam raised his head and looked at Fenno. "I'm just sorry I came to you with such a terrible problem."

"Everyone at HLS has problems," nodded Fenno. "Maybe yours will work out."

"No, you don't have a problem anymore," Louise said to Sam. "You'll make it out of here and so will I."

Sam's eyes began to twinkle and a smile played on his lips. The 3L's stood close together for a moment and then Louise turned to Fenno. "Will you come with us?"

Fenno shook his head slowly. "Where I've got to stay, you can't remain. What I have yet to do you can't have any part of."

Fenno began to walk off towards Langdell Hall. Before he left, he turned and said with a grin, "Louise, this could be the start of a beautiful vacation."

Letters to the Editor of the RECORD

A One-Sided Deal

To the Editor:

As a participant in the recent Williston contest I would like to register what may be a futile protest as to the quality of Contracts courses taught to 1L's at Harvard.

Some readers may not be aware of the fact that the Williston Committee refused to award a prize for best Contract on one side of the competition because, as they so tactfully put it, the contracts were so poorly drafted that the Committee would not award to anyone. To those of us on that side of the competition it was an embarrassment bordering on humiliation. Being supposedly intelligent people, and having worked rather hard on the competition, it was definitely a blow to our already fragile 1L egos.

But my embarrassment turned to anger as I coincidentally contemplated my incompetence and the recent announced increase in next year's term bill. Fueling my anger is the statement I have recently heard from several sources (on my recent rounds of interviews and conferences) that a good solid basis in Contracts is so vitally important in any field of law I could choose to pursue.

I am frustrated and I am angry. I speak only for myself, but I believe I am articulating the sentiments of many other students. After six months of classes I do not have the basic skills to draft a decent contract. And this is even more maddening when I consider that I was in the Legal Methods section which worked on drafting a contract! I really ask what the hell I am doing paying so much money for so little.

This is not just sour grapes. I was not alone in embarrassment in that room last week. It is hard to imagine, considering the high quality of students in my class, that not one team could draft a decent contract. I can deal with my own limitations, but I do not accept limitations imposed on me by inept instructors or useless curriculum.

(Name withheld upon request)

Plea Bargaining Praise

To the Editor:

The headline of a March 17, 1978 RECORD article, "Witcover Deplores Plea Bargaining," indicates a response that typically muddies the waters on plea bargaining and other institutions, such as furlough and work release. It is one thing to question the wisdom of plea bargaining in specific cases. It certainly is true that if a bargain is unreasonable in that the sentence is too lenient (or too severe), it is the obligation of the judge to reject it. However, there are many, many instances where a reasonable plea bargain can lead to a fair result while eliminating uncertainty and unusually se-

vere or lenient sentences and can also save considerable time and money.

The same reasoning that leads to the settlement of an overwhelming number of civil suits can well be applied to the criminal process as well. In a great many situations, true justice can be accomplished by effective negotiations. A case or two where one lawyer strikes a bad bargain does not mean that the whole system is evil or corrupt.

The same is true for prison pre-release programs. It is hard to argue with the concept that it is better to gradually reintroduce an inmate into the community rather than throwing him in "cold turkey". It is true that sometimes people are placed on pre-release too soon. That just means that the system is working badly, not that the system is a bad one.

Richard B. Klein, '64
Judge,

Court of Common Pleas
Philadelphia, Pennsylvania

Imprisoned Alumnus

To the Editor:

Law school alumni who may not otherwise have paid much attention to recent political events in the Philippines may have noticed the arrest of former Senator Lorenzo Martinez Tanada, LL.M., '28. Tanada, the first Filipino to graduate the law school, wrote the first constitution for the Republic of the Philippines after it achieved independence.

Undoubtedly, President Ferdinand E. Marcos of Quezon City, the Philippines, would appreciate hearing from those alumni and others who would care to comment on the imprisonment of Senator Tanada, his nation's foremost statesman and patriot.

Edward M. Levin, Jr. '58
Chicago, Illinois

A Better Idea

To the Editor:

Your March 10 issue quoted Ralph Nader as saying that it is a consensus of prospective tithers to the so-called Equal Justice Foundation that the Foundation will primarily be based in Washington D.C. and that its local chapters will help coordinate national efforts.

As an alternative model, prospective tithers might want to consider the two-year experience of the Berkeley Law Foundation. BLF, a 1976 creation of Boalt Law School students, has already successfully funded four local public interest law projects (Asian employees rights; rights of the disabled; family day care representation; and lesbian rights) staffed by young lawyers with ties to

the communities they serve. The BLF membership has been surprisingly loyal and steadfast in its support of BLF; BLF's overhead has been minimal; and students and graduate members remain heavily involved in the activities of BLF and its grantees.

As the Equal Justice Foundation goes national, its overhead will climb, the loyalty of its members will suffer, and the members' involvement in the Foundation's activities will be nil.

Harvard students still have a choice in setting up a tithing organization. I hope that the choice they make will be a wise one.

Thomas J. Graff, '67
BLF Board Chairman

Not a Believer

To the Editor:

At the risk of being blasphemous (I am not just sure to whom) I should like to inquire who nominated Ralph Nader to be the omniscient and omnipotent Deity?

William G. Guernsey, '34
Wellesley, Massachusetts

Join the Crowd

To the Editor:

Re Dorothy Willey's letter in the March 3 Law Record —

There are always people who are willing to follow the worst examples which others may set — for example, a legal secretary who uses the word ratiocinate when two syllable words such as reason or logic will do.

However, to descend to a lawyer's level is to sink really low!

This note is anonymous because I, too, am secretary to a Harvard lawyer.

Anonymous

Sport Chauvinism

To the Editor:

Have you given birth to a new form of discrimination: "major sport" chauvinism. Either those in charge of the Sports Quiz are poorly informed (unlikely) or have consciously chosen to ignore the North American Soccer League in their answer to question 2 in the March 3 issue in which the Chicago Sting and the Dallas Tornado, though both active in the NASL last season, were not included as major sport teams whose nickname does not end in an "s." When the coming season opens next month, the NASL will have nearly monopolized the use of such nicknames, as the following four new teams join the league: California Surf, Houston Hurricane, Philadelphia Fury and, no kidding, New England Tea Men.

Better luck next time.

Michael C. Ryan, '74
New York, New York

Letters to the Editor of the RECORD

A Fenno Faux Pas

To the Editor:

I realize that the author of *Fenno* doesn't intend his column to be taken seriously, and that he (or she) *does* intend to offend the targets of the column's satire, but I still feel compelled to object to the anti-Semitic slur in his column of April 1, 1978.

I am referring to the column's reference to a yarmulka fluttering to the ground when Fenno shoots a particularly offensive band of turkeys in Prof. Fried's Contracts class. The implied association of religious Judaism and "turkey-ness" is offensive to me. While a turkey may be characterized by as many bits of clothing or possessions as Fenno would like to name, there is no reason for the author to include a particularly ethnic possession within that list. All turkeys do not wear yarmulkas, and those who wear yarmulkas as a manifestation of their Jewish-ness do not necessarily tend to be turkeys. Any implication to the contrary is beneath even Fenno.

Larry Wittenberg, 2L
Cambridge, Massachusetts

The Author of Fenno Responds:

I deeply regret that Mr. Wittenberg drew an implied association between religious Judaism and "turkey-ness" from the April Fool's *Fenno* column. This association was, of course, not intended, and even though I was aware that such an association could plausibly be drawn, a conscious decision was made to print the column as written.

A yarmulka was chosen to flutter down to the ground after the classroom gunfight because I thought it best served the humorous ends sought. Against a background of a silent and still classroom, and a heavy cloud of smoke rising slowly to the ceiling, no equally contrasting and incongruous substitute could be found. A piece of paper could not flutter down so effectively, nor could another article of clothing.

So against the clear choice of a yarmulka was weighed what I consider my duty to be at least moderately tasteful and inoffensive. The line in question was flagged and numerous opinions sought as to its propriety. The result was overwhelmingly (but not unanimously) in favor of publication.

And so the yarmulka was written into the column with a clear conscience. It was expected that the line would be understood in context, as for the most part it has been. I do not intend to demean Mr. Wittenberg's sensitivity, but with candor I do not believe that it is with regard to the most sensitive that satirical judgments should be made.

A Second Opinion

To the Editor:

After reading the review of the Law School Show which ran in the RECORD on March 10, I was left with the impression that the Show was about as good as "Beach Blanket Bingo." One would have thought the Show made "Camp Runamuck" look like Shakespeare.

Nonetheless, some unknown force impelled me to buy a ticket. And a lucky thing it was. That Show was terrific: two-and-a-half hours of enthusiastic fun. The songs were brilliant, the script managed to slay every sacred cow at HLS, and the cast brought it off with as much spirit and energy as most professional troupes.

Sure, it won't win a Tony Award. Sure, there were a few muffed lines and a few lines that might have been better off muffed. But it was a clever and well-executed display of the Law School laughing at itself — a rare slice of *Veritas* that everyone should have seen.

Perhaps drama critics are supposed to knock productions which provide good entertainment but have technical defects. Then again, perhaps the RECORD should send along a second critic who will scrap the artistic review and just tell us whether the show is worth seeing.

I may give my regards to Broadway, but my loudest cheers this week go to the people at the Law School Show.

Lindsay Conner, 1L
Cambridge, Massachusetts

Carnival Capers

To the Editor:

The spate of letters which you have been publishing about the wounded dentist has recalled to my mind a famous Texas rape case which delighted us at The School forty years ago.

As I remember the facts, the alleged victim and her husband were carnival workers, as was the alleged rapist. The extraordinary feature of the case was that the victim claimed that the rape took place in her double bed with her husband asleep beside her. The comments of the unbelieving writer of the opinion were quite amusing.

I suggest that if one of your Fenno-type writers could find the case he could do a piece that would evoke nostalgic chuckles from all of us.

Unfortunately, I do not have the citation. However, I remember that it was in the Texas Criminal Appeals reports and that the back of the volume was so worn and grimy from the hands of the multitude of prurient students that the volume could be spotted from twenty feet away. Perhaps that

is a misleading clue, for now, forty years later, probably your writer should look for a volume which has been rebound.

Peirce Wood, '39
Melbourne, Florida

Ed. Note: The case is Mooney v. State, 15 S.W. 724, 29 Tex. App. 257 (1890). The spine was falling off the volume, so we asked the librarian to rebind it.

A Student View

To the Editor:

[Re: the last two pages of the March 17 issue of the RECORD and Dean Sacks' response thereto]

Harvard Law School professors have engaged in gratuitous *ad hominem* attacks against students for years. The administration has been unwilling or unable to stop these "personal, hurtful, and . . . vindictive" remarks.

The RECORD is simply giving them a dose of their own medicine.

Norman C. Ankers, 2L
Cambridge, Massachusetts

Cryptic Law

This week's quotation is especially appropriate for this time of year. (Hint: each letter stands for a different letter of the alphabet)

Km kl meaxs fp Fgbekqfp tzbpcgbpcp
mzfm "f rfgb" qfp ebwaqb mc bjafxkms kp
bgcmkcpfx uebphs fxx ykmzkip kml reflt
uecg Qzkbu Bibqamknb mc zagvxbml
qkmkhbp. Kpwbbw, yzbp mzb qcapm kl
mzebb fpw myc, mzb Ltampkol fpw
Nfprafewl ufwb kpmc kplkrpkukqfpqb
vblkwb mzfm mkps yzkexkpr ltzbeb mzfm
cevkml 60 ubbm uecg kml Qftb Qfpfnbefx
fm mzb gcapw mc mzb apopcyp fm mzb
txfmb. . . . Fpw lc km kl ykmz zbfnpkbl cu
zbfem mzfm mzb qcaem, fl wklmkpraklzbw
uecg mzb ufp, galm ukpw mzfm txfkpmkuu'l
qcpmbpmkcpl, yzkxb lbpmkgbpmfxxs "ucae
vfrbel," feb xbrfxxs "caml."

(Solution on Page 8)

Center to Merge Teaching, Legal Service

(Continued from Page 1)

may concentrate its resources on larger problems that lie behind individual client cases.

"If it turns out that lead paint poisoning is a major problem among the clients we see, we might take the bulk of our cases for up to a year from clients with those kinds of problems," said Bellow. The type of work performed in the lead paint case might range from the conventional suit against the landlord for housing code violations to working with neighborhood groups on education and health programs.

"This type of approach at least takes what limited resources we have and has an impact," said Bellow.

Bellow believes that one of the

strengths of the Institute is the teaching function performed by all Institute staff members. By teaching future legal services lawyers, the techniques of good advocacy will be passed on. "This is the first try at making legal services a teaching/learning experience," he said. "We'll spend a lot of time teaching."

Bridge to Career

Proponents of the Institute argue that the program is an ideal "bridge" for students wanting to enter the legal services profession. Students who are serious enough about legal services to make a five-year commitment may find the

(Continued on Page 16)



Prof. Gary G. Bellow

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Contemporary Racial Issues, Bell

Current Issues in Criminal Law and Administration, Vorenberg

Federal Jurisdiction: Constitutional Litigation and the Federal Courts, Bator

Federal Jurisdiction: Recent Developments in Jurisdiction and Practice, Bator

International Business Problems, Vagts

International Tax Aspects, Surrey

Jurisprudence: Moral Theory and Law, Fried

Law of the Sea, Sohn

Professional Responsibility, Kaufman

Real Estate Planning, Liebman

The Soviet Legal System, Berman

Tax Planning in Divorce, Sander

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A New International Economic Order, Ferguson

Law and Lawyers in Medieval England, Thorne

Law Schools and the Profession, Sacks

Legal Research: New Forms and Materials, New Technology, Cohen (Librarian)

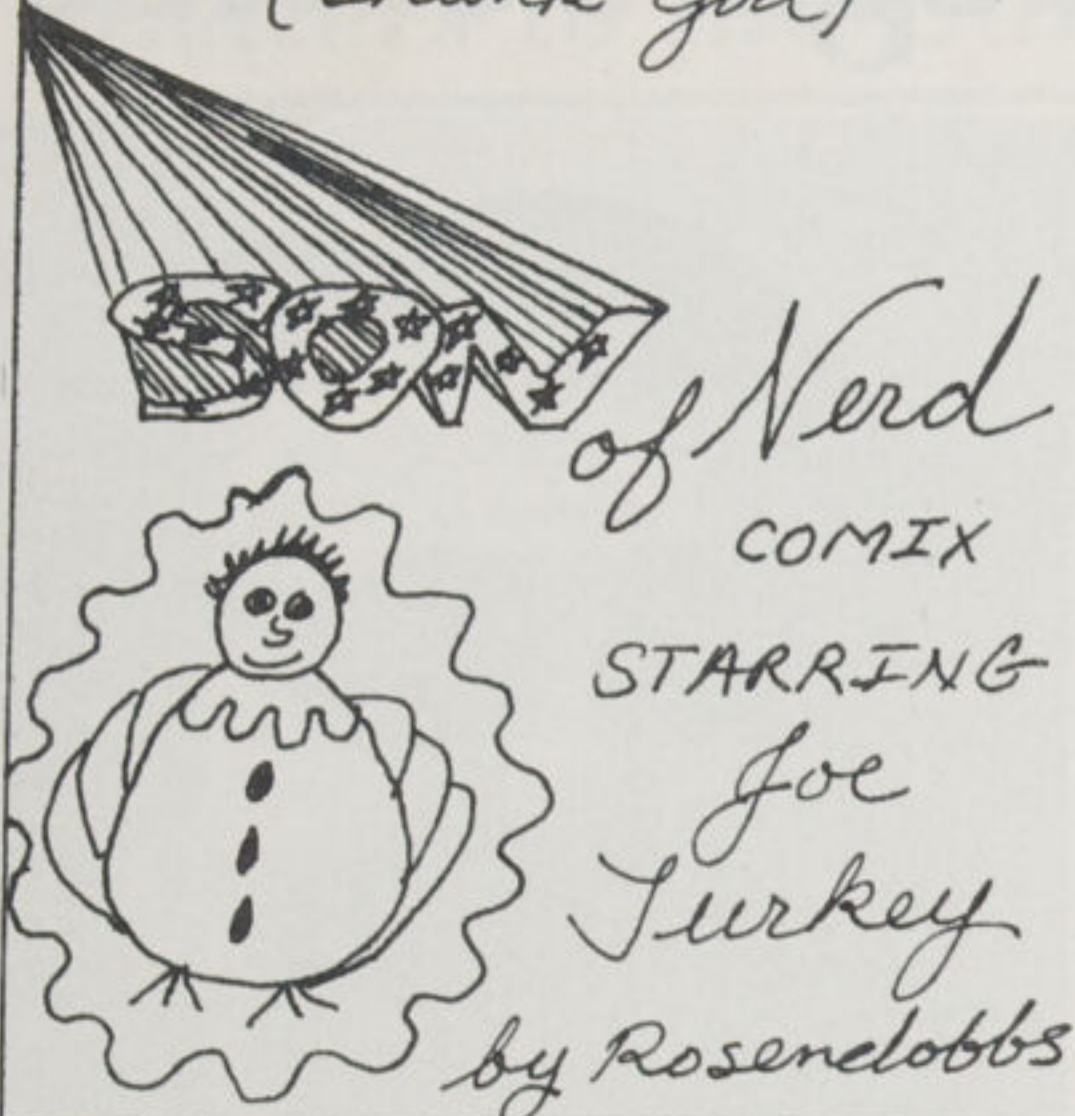
Tax Policy, Surrey

Subject to be announced, Cox

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THE VERY LAST (Thank God)



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LAWYERS SCHOOL
METHOD: CHOOSING
ONLY PROFESSORS WHO
HAVE BEEN QUOTED IN NEWSWEEK.

I'M STICKING
WITH THE
OLD STAND-
DARD:
COURSES
BEGINNING
WITH THE
LETTER
L!



HOW ABOUT YOU, JOE?
STILL WORKING ON
YOUR THIRD YEAR
PAPER?

YEAH. IT WAS DUE
YESTERDAY. BUT
WHAT'S THE WORST
THING THEY CAN
DO? FAIL ME?
HA! HA!



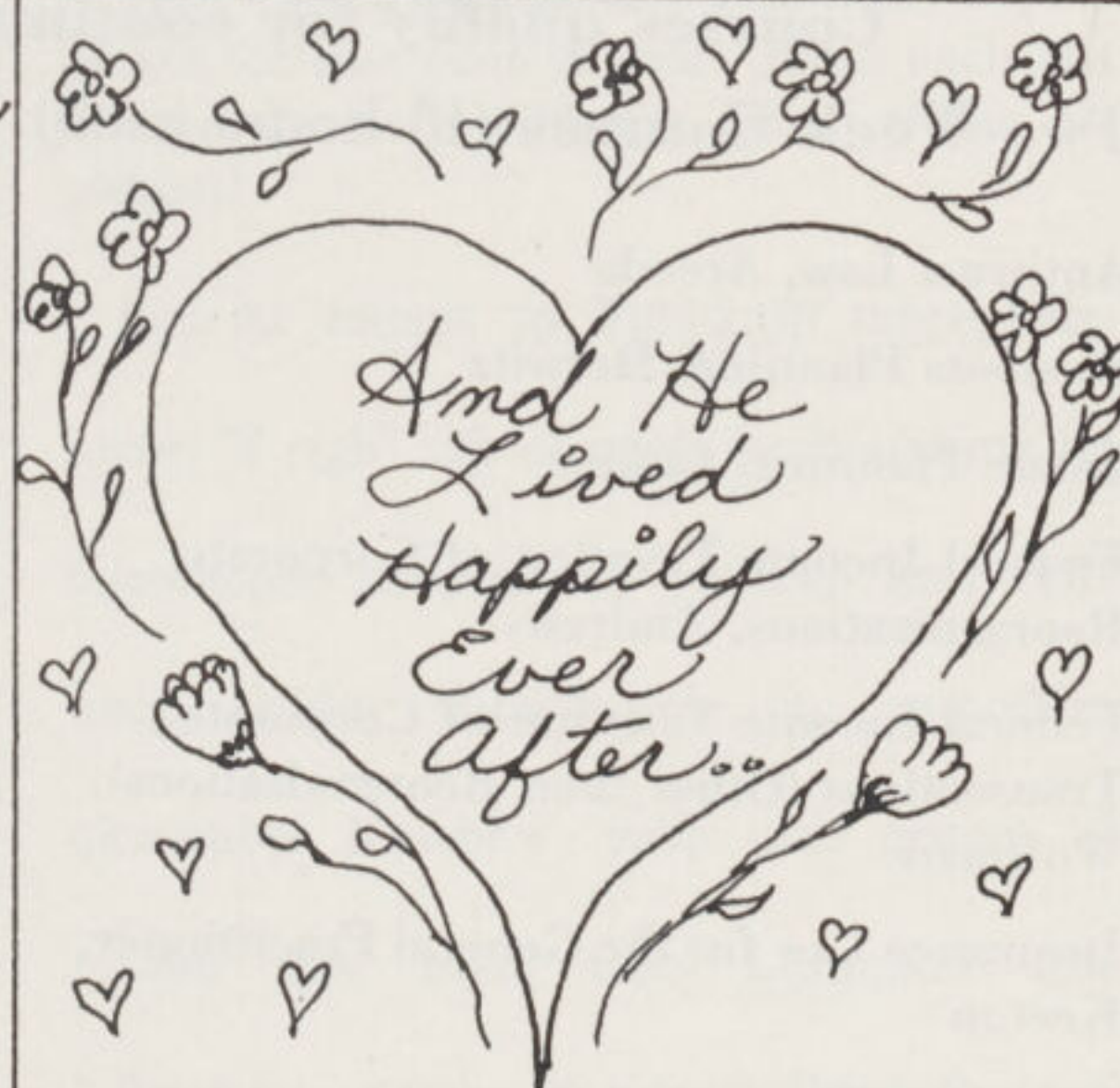
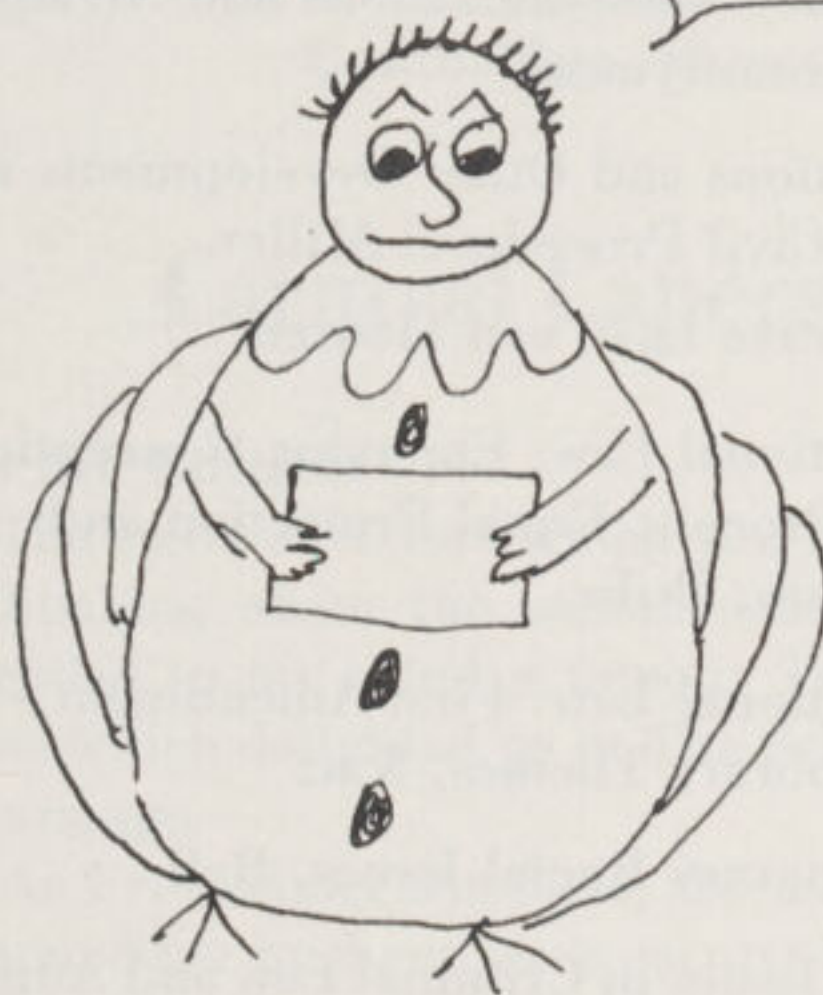
JOE TURKEY? THE
DEAN WANTS TO SEE YOU.



IT'S ABOUT YOUR
THIRD YEAR
PAPER. WE'VE GIVEN
YOU 16 EXTENSIONS
SO FAR. WE CAN'T
GO ON. I'M
SORRY.



I CAN'T BELIEVE IT! THEY
FLUNKED ME OUT!!



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Bellow, Kettleson To Found Legal Aid Center

(Continued from Page 13)

year at the Institute valuable, commented Bellow. After the year spent at the Institute, the Legal Services Corporation will try to place graduates at one of its offices throughout the country.

"Our experience is that students taking this career line would benefit greatly from this bridge experience," said Bellow. This same bridge experience, if successful, might be applied to other career lines, such as criminal prosecution.

"The way in which this is a real education program is that it can be applied to other areas," Kettleson said.

Michelman said, "At this moment I see nothing distinctive about the legal services career that would preclude the application of this approach to other areas."

Bellow sees the Institute as the first of several such centers around the country. "We have in mind five or six other Institutes around the country," he said.

The proposal is now being considered by an ad hoc committee appointed by Dean Sacks consisting of Michelman, Laurence Tribe, Richard Stewart, William Andrews, Duncan Kennedy and Bernard Wolfman.



Jeanne Kettleson

LSAT Scores Leap Upward, Vex Admissions

(Continued from Page 4)

might place a greater emphasis on academic record.

She said that it is too late for the Law School to reconsider any students already admitted. But she hastened to add that all students admitted who might have received lower scores on other tests had such outstanding records that they probably would have been admitted anyway.

Lydon and Assistant Dean Russell Simpson, said that the change in scores might cause law schools to re-consider whether they want to renew their contract with ETS.

Negotiations Underway

According to Simpson, contract renewal negotiations with ETS are underway between ETS and the Law School Admissions Council. The Council, which is composed of every ABA-approved law school, owns the test and has hired consultants to consider the possibility of taking the test away from ETS.

"Certainly in the near future ETS will be administering the tests because it's hard to find anyone competent on short notice to do it," Simpson said.

But in the long run, the Council might select another testing service, such as the Iowa-based ACT service, or perhaps even establish its own agency, Lydon added.

Simpson noted that "ETS has been sloppy with other tests," citing recent problems it has had in scoring the PSAT and at least one other test.

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