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TWENTY CENTS

2L, 3L Classes Set to Select Law Council Reps Next Week

By David Cocke

Law School Council elections will be held Wednesday and Thursday of next week according to interim Council President Jonathan R. Bell, 3L. The deadline for nominations is 5 p.m. today. This election is being held to elect representatives from the second and third year classes to the Council, a student-faculty committee established last year by faculty resolution.

Bell noted that he was having a hard time "getting the election organized" this year. No full meeting of the Council has been held so far this semester, he explained.

The newly elected Council will

have as its first order of business the arranging of further elections for the first year class. Bell said that this might not take place until much later in the term when the 1Ls had a better opportunity to know the possible candidates.

Any second or third year student can place his or her own
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Data Released About 1L Class

By Bob Brown

The new 1L class is a lot like the old 1L class. Academic records are better than those of the previous year, and the traditional pattern of domination by Easterners and Ivy Leaguers continues, according to a statistical study released Monday by Director of Admissions Russell A. Simpson.

The 532-member class includes 201 persons — 38 per cent — from the Eastern Seaboard states of Massachusetts, Connecticut, New York, New Jersey, Maryland, and the District of Columbia. The Ivy League contingent (including women from sister schools Barnard and Radcliffe) numbers 218, or 41 per cent. According to Simpson, these percentages reflect the demographic distribution of the total applicant population.
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N. Y. Bar Changes Threaten Students In Joint Programs

By Daniel M. Taubman

Law students expecting to take the New York bar exam may find they do not have sufficient credits or classroom hours to meet state requirements due to new rules promulgated last month by the New York State Court of Appeals.

The new standards increase the required number of semester hours and classroom hours for admission to the bar, while also permitting students to participate in properly organized clinical legal education programs.

"This creates a real problem for students in cross registration and joint degree programs," Dean Albert M. Sacks said in an interview last week, shortly after learning of the new regulations.

Sacks said he had advised students, via last Friday's HLS Adviser, to contact Assistant Dean Stephen Bernardi or Associate Dean Paul Bator if they are "currently cross registered or are
(Continued on Page 4)



Bernard Nelson

Israeli ambassador speaks on Mideast. See Page 3.

The Harvard Law RECORD will conduct a Presidential preference poll for all HLS students on Monday, Oct. 16 from 9:00 a.m. to 3:00 p.m. in Harkness Commons.

Dean of Admissions Releases Data On New First-Year Law Students

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lation and are not the result of an Admissions Office policy.

Speaking of the academic capabilities of the new students, Simpson said, "We're richer at the top. While the number of applicants with LSAT scores of 700 or higher and a grade-point average equivalent to 3.5 at Harvard College or better was 255 in 1971, it jumped to 403 this year."

This dramatic increase in the quality of applicants was not accompanied by a commensurate rise in total applicants. "The reason for this is the self-selection factor," Simpson pointed out, indicating that the well-advertised difficulty of getting into Harvard Law School is discouraging many from applying. Simpson stressed, however, that grades and LSAT scores are not the only criteria for admission, noting that only about half of the dozen or so applicants with 800 LSAT scores each year are accepted. He expressed the hope that those with exceptional ability in other areas, such as "leadership qualities", would not eliminate themselves from consideration in future years.

Simpson declined to reveal more complete information on the distribution of LSAT scores, maintaining that to do so would discourage some of those who were exceptionally qualified in other ways from applying to Harvard. He also expressed some apprehension about the adverse effect such information might have on students who are members of the 1L class.

Minority applicants were accepted at a somewhat higher rate than were other applicants. "Our goal is to equalize the acceptance rates," Simpson stated, "but achieving it is going to take longer than I anticipated."

In an interview with the RECORD last year, Simpson had esti-

mated that acceptance rates for the class of '75 would be the same for minority and other students.

Simpson denied that there is an Admissions Office policy which seeks to identify and exclude those applicants who are suspected of being dissidents. He pointed out that the Admissions Office has no information of this nature about applicants other than records of criminal convictions and disciplinary actions. He expressed the belief that the Law School faculty would not accept such a policy, but would work against it.

Of the 271 students who refused the offer of admission, 29 (10 per cent) are known to have chosen Yale Law School. Thirty-three (12 per cent) elected to attend other law schools. However, information on half of the 271 was not available, so presumably these figures are higher.

Political science continues to be the most popular undergraduate major, claiming 22.6 per cent of the new class, but history and economics are close behind with 18.0 and 16.4 per cent, respectively.

New York retains its title as "mother of HLS students" with 94 members in the new class. Other leading states and their representation in the class of '75 are California, 56; Massachusetts, 41; and Illinois, 29.

Eighty-eight 1Ls are Harvard-Radcliffe graduates. Trailing far behind are Yale, 45; Princeton, 21; Stanford, 18; and Cornell, 18. Harvard applicants also showed the highest rate of acceptance of any major school—34 per cent. Yale, Princeton, Columbia, and MIT were all in the 22-24 per cent range.

Dorm Group Okays Fetes

The Harvard Law School Dormitory Council has approved the appropriation of \$1.50 per resident, per floor, for corridor parties in the dorms during the first semester. In the face of widespread discontent, an amendment to raise the amount to \$2.00 was defeated. Thus once again, dorm residents will be faced with the awesome burden of planning a floor party that most or all the residents of the floor will want to attend.

The uneven success at planning floor parties so widely noted in past years was attested to by Brian O'Connell, 1L, secretary of the Dormitory Council, who noted that, "Too often, women at 'new dorm' parties are about as rare as tomatoes in the Hark's tossed salad." This seemingly sexist remark was of course intended to apply only to the all-male dorms. Child, Wyeth and Hastings Halls presumably produce a better salad. Is this the greening of America?

The Dorm Council also reported that today and every Friday in October Dormitory Council card holders will be entitled to a double amount of beverages free of charge as part of the planned "Oktoberfest" at weekly TGIF's.

Faculty members are entitled to unlimited drinks free, according to Dorm Council President David T. McDonald, 3L.

Several hundred people attended last week's first Oktoberfest, McDonald said. He explained that the Dorm Council would continue with its liberal distribution of beverages to encourage faculty and student attendance, even though the Council is losing \$50 weekly in the process.

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Council Expects Uniform Prices At Hark Mixer

By Daniel M. Taubman

In an effort to end sex discrimination at Law School mixers, it is expected that one upcoming mixer will offer equal prices — probably \$1.50 — for male and female alike.

Friday night mixers presently sponsored by the Law School Dormitory Council and the Graduate School Association at the Harkness Commons currently cost two dollars for men and one dollar for women. Both men and women, however, are admitted free with Dorm Council activity cards or at half price with GSA activity cards; each card costs three dollars.

The expected change stems from a proposal made at the first Dorm Council meeting last week by Gerald Kerner, 1L, to equalize mixer prices. Kerner's proposal was later amended to one instructing the chairman of the Mixer Committee to consult with members of the Graduate Student As-

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Rabin Cites Peace Hope While Socialists Protest

By Phil Spector

The Israeli ambassador to the United States, Yitzhak Rabin, expressed optimism about the prospects for peace in the Middle East Tuesday evening in an address sponsored by the Harvard Law School Forum.

After a welcome by Forum President Mark E. Mazo, 2L, Professor Paul A. Freund introduced Lt. Gen. Rabin to the crowd of about 600 inside Lowell Lecture Hall. Earlier, outside the hall, Communist and Socialist youths had demonstrated against the Israeli ambassador.

Rabin's address focused on the Middle East situation today, on Israeli hopes for peace, and on options for the future. He stressed that "the trend of events today in the Middle East is in the right direction." Rabin, the son of an American Zionist pioneer, emphasized that after 25 years of Israeli independence, in terms of security, "we have never had it so good." He pointed out

that the guns have been silenced for over two years, that extremist groups in the Arab world have suffered setbacks, and that the Soviet Union has pulled out of Egypt, a "most important event."

Commenting that "the vaguest word in the English language is 'peace'" Rabin explained the essentials of peace from the Israeli point of view. First, the Arab countries must become reconciled to the existence of Israel as an independent Jewish state, although non-Jews could of course live in Israel with full rights. Rabin's second requirement is that peace must be "negotiated, agreed, signed, and maintained by the parties to the conflict, who must live with the peace."

Next, he said, all of the issues should be decided in the context of permanent peace with special reference to the Palestinian issue. Rabin stated that "no one can interfere with the right of the Palestinian people to na-

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Sacks Speaks at Memorial for Judge Learned Hand

A brief memorial in honor of Judge Learned Hand was held yesterday in the Treasure Room of the Law School library. Among the speakers were Dean Albert M. Sacks, Visiting Professor Gerald Gunther, and Erika Chadbourn, curator of manuscripts.

Several members of Hand's family were also present.

The memorial was held in conjunction with the current library exhibit, "The Spirit of Liberty," honoring Hand (1872-1961) on the centennial of his birth.

According to a descriptive brochure published by the library, the exhibit "shows Judge Hand's influence not only an adjudicatory processes, but also the influence he exerted through active participation in professional bodies dedicated to the improvement of

American law, American legal institutions, and the legal profession."

Materials used in the exhibit



Judge Learned Hand

are from the Learned Hand Papers and other collections in the Manuscript Division of the Law School Library. Many items of memorabilia are on loan from the Hand family.

The Library is also distributing a catalogue describing the exhibit which will continue until November 5. The introduction was written by Gunther, Hand's biographer.

Hand, often called the Tenth Supreme Court Justice even though he never sat on the highest bench, exercised a pervasive influence on the American legal system during the 37 years he was on the U.S. Court of Appeals for the Second Circuit. During that time he was chief justice for 12 years.

Hand was graduated cum laude from the Law School in 1896.

Dorm Council Considers Equal Mixer Admissions

(Continued from Page 3)

sociation to determine the effect of equal prices. The motion in its amended form was approved, and the Dorm Council is expected to reconsider the equalization of dorm prices for at least one mixer at its next meeting October 10.

David T. McDonald, 3L, Dorm Council president and chairman of the Mixer Committee, opposed Kerner's original motion at the Dorm Council meeting, fearing that equal prices would put the Council's major source of revenue in jeopardy.

"Though I still hate to take a loss, even a potential loss, I can't object to trying equal prices once," McDonald said in an interview earlier this week.

"I think that it is wrong to charge different prices based on sex," Kerner said, explaining his reasons for introducing his motion. He maintained that the Law School should take the lead regarding prevailing mixer admissions practices. Most mixers presently admit women free of charge or at reduced prices.

McDonald said he realized that the passage of the Equal Rights Amendment might ultimately force a change in mixer pricing policies, and, therefore, he was willing to see the results of charging equal prices at one mixer this fall.

McDonald favors charging equal prices at the last mixer of the year sponsored by the Dorm Council. Kerner would prefer that the experiment begin sooner. Otherwise, he says, if the experiment is successful, it would not be able to be continued until next year.

Explaining his fear of a change in pricing policies, McDonald said that at a \$1.50 admission charge, there would be a nuisance collecting money, especially handling quarters, and that there would likely be a decrease of both men

and women at the mixers.

"We don't want to destroy our major source of income," he declared.

Kerner, who termed his proposal "moderate," said, "I'm not really saying we should just do it, because I'm not looking for the financial ruin of the Dormitory Council." But if "financial failure" is only lower profits, he said, "we can afford to do it."

McDonald stressed that mixers traditionally provide the bulk of Dorm Council revenue and permit the Dorm Council to run TGIFs and movies at low prices.

New York's New Bar Requirements Affect Students in Joint Programs

(Continued from Page 1)

planning to cross register in more than two credits worth of courses which are not related to their program of legal studies."

Bernardi said Tuesday that he could not estimate the number of 3Ls who would be affected by the change since students may cross register until October 11. He added that 240 members of last year's 3L class cross registered in 1971-72, but that he did not know what percentage of them were enrolled in law-related courses.

Also, Sacks added that the Law School is currently communicating with the Court of Appeals in an effort to "advance our program and protect our position."

"On the basis of information privately received," Sacks explained, "we think there is a good chance the court will either amend or interpret its rules to permit joint degree programs and to permit cross registration in courses that are law-related."

The new rules increase from

Nader's Raiders Release Studies About Congress

Sweeping reforms of Congress, including an end to seniority and secrecy, were recommended earlier this week by Ralph Nader '58 and Mark Green '70, as part of a two-year-long study of the nation's legislative branch.

Nader's Congress Project produced the recently released book *Who Runs Congress?* by Green, David Zwick, 3L, and James Fallows, as well as 20-40 page profiles of nearly 500 congressmen and senators. The RECORD will discuss the Congress Project in detail and review the new book in its next issue.

1152 to 1280 the number of classroom hours required for admission to the bar, and increase the number of semester hours of credit from 72 to 80.

Also, the regulations provide that 12 of the 80 semester hours may come from clinical legal education courses, provided, among other things, that the program is "under the direct and immediate supervision of a regular member of the faculty," and that the program includes "adequate classroom meetings or seminars."

The present uncertainty at the Law School stems from the wording in section 520.4 (c) (1) (i) of the New York bar requirements which stipulates that the 80 semester hours must be in "professional law subjects taught by members of the faculty of said law school."

Sacks said that while he expects a court clarification will permit students to pursue joint degree programs or law-related courses outside the Law School, he was not sanguine about the change affecting students taking non law-related courses.

Student Groups Sponsor Ames Projects

The Ames Competition for first-year students will open with the distribution of cases Friday, October 20, but up to 150 members of the class of 1975 may participate in alternatives to the regular competition under the direction of eleven Law School organizations.

In a mini-catalogue given out October 2, students were informed of the many opportunities for studying current issues available to anyone who wishes to do an Ames Alternative Project. A choice of organizations must be made on a form to be turned in to the Board of Student Advisers Office by 4:00 p.m. Tuesday, October 10. Twenty-five percent of the slots in each organization are reserved for first-year students who were already affiliated with the organization, but selection of other students will be random among those indicating a choice for each organization.

The list of Ames Alternative Projects reads like a recent volume of the Federal Reports in its scope and diversity. The organizations which will supervise Ames Alternatives include:

Harvard Legal Aid Bureau, 24 first-year students: the Legal Aid Bureau is involved with

Ames Alternatives Open to 150 1Ls

topics concerning welfare and Social Security, employment discrimination, divorce, public housing and duties of public utilities.

Chicano Law Students Association: This Ames Alternative will emphasize pressing legal problems of the Chicano community such as job discrimination, juries, voting, and education.

Committee For Legal Research on the Draft and Military Justice, 16 students: CLRD notes that the work of previous Ames participants was used in four Federal

court cases. Topics to be considered this year are discovery in selective service cases, rights and risks of draft and military counsellors and a model statute on enlistment contracts, among others. Students are also welcome to suggest their own topics.

Harvard Black Law Students Association, 12 students: This Ames Alternative will deal primarily with problems facing minority criminal defendants and will include seminars on problems of minority prisoners, writing legal briefs and memoranda and presenting oral arguments.

The Harvard *Journal on Legislation*, 20 slots: The Massachusetts Anti-Snob Zoning Act and drafting of a wrongful death statute are two of the projects available to participants in this organization.

Joseph Hill Associates, six to eight students: a public interest consulting group, this organization provides issue oriented assistance to state and local government. Topics to be considered include reform of Middlesex County through legal research into the powers of county commissioners and case law research on Massachusetts' regulation of cable television.

Prison Legal Assistance: six first-year students: PLAP will supervise projects on retroactive application of Massachusetts' new drug law, and discretion of a district court judge to bind over a juvenile for trial as an adult.

Civil Rights-Civil Liberties Research Committee: 20 1Ls: CRCL will study jury voir dire practices in Massachusetts and University of Arizona campus newspaper regulations, among other subjects.

Center for Criminal Justice, two students: The Center will sponsor projects on police rule-making and the question of behavior modification and the right to personality.

The Environmental Law Society, 20 openings: ELS projects include AEC responsibility for the deaths of uranium miners, implementation of the National Environmental Policy Act and standing of a state to sue for large-scale pollution.

Women's Law Association, 20 students: This organization will study veteran's preference on civil service examinations and credit discrimination against women.

Admissions Group Adds Woman Prof

Assistant Professor Diane Lund has been appointed to the Admissions Committee as a result of a request made last spring by the Women's Law Association.

The move follows the appointment last spring by Dean Albert M. Sacks of a woman teaching fellow to serve as an adviser to the Admissions Committee. When former teaching fellow Harriet Tonskemper was named to the advisory post, the Law School's two woman faculty members had not yet assumed their present positions.

Professor Elizabeth A. Ownes was then director of the International Tax Research Program but was not accorded professorial rank until July 1. Lund did not join the faculty until July.

Asked to comment on Lund's appointment, Sacks said that "each member (of the committee) brings individual judgment," and that he did not foresee any significant change in admissions policy as a result of the appointment.

Magnetic Discs Replace Casebooks

By Paul Weiner

Last spring, Harvard Law students got their first exposure to a computerized case-finding system ("LEXIS") in Professor Arthur R. Miller's seminar on *Computers and the Law*. In an interview last week, Miller described this innovation, a great departure for the Law School, as only a harbinger of the changes likely to come through the application of computerized data access systems to legal education, legal research, and judicial administration.

Miller's first contact with computers and the law came in 1967, when he was asked to investigate the copyright implications of computerizing information. The copyright statute was then up for revision, and people were "talking glowingly about the on-line university" with "students sitting in a dorm, presumably smoking pot and watching all of Western civilization on a TV screen." Miller pondered how to apply "absolutely archaic" concepts of copyright law to information systems that don't necessarily produce any "hard" copies but might only produce images on a screen.

Miller sees three separate areas in the use of computers by lawyers. One of the oldest is

non to shoot the mouse." Writing a computerized teaching routine is not like writing a casebook — "You need a hell of a lot of money" for computer time and programmers. Miller sees little progress in the field "until the academic brownie point system begins to recognize this as a really legitimate expenditure of a faculty member's time and until some level of funding is achieved to get the computer — and programmer — time to write and debug these programs."

The second area is what might broadly be termed information retrieval — "computerizing masses of material and making it available to judges and lawyers on a remote access basis through terminals located in law offices and in the courts." According to Miller, lawyers will reap benefits on two levels. On the lower level, computers will get information to the lawyer faster and cheaper. They will eliminate "the book-off-the-shelf problem" and "the competitive-student-ripping-an-article-out-of-the-journal problem." On a higher level, it "enables a lawyer or judge to interact directly with the material he is working on." Without key notes or indexes, the user "conducts a dialogue with the machine", thus

free to the Law School. Miller has served as a consultant to the Mead project.

The Mead system consists of remote terminals in various states linked by ordinary telephone lines to a central computer with a data bank of magnetic discs containing all the statutes and virtually all the appellate decisions of Ohio (where Mead is headquartered), the statutes and most of the appellate decisions of New York, and selected statutes and decisions of some other states and of the federal government. Each terminal consists of a teletypewriter keyboard, a display screen like a television picture tube, a high-speed printer, and an "acoustic-coupler" which converts the internal electric coding of the terminal into signals which can be transmitted over ordinary telephone lines.

LEXIS uses no prepared index or key notes, but depends on the Key Word In Context system. Suppose A leaves his key in his ignition, a misdemeanor in Ohio. A thief steals his car and runs over B. Does B have a cause of action against A? In the LEXIS system you merely type in the words KEY and IGNITION, and the symbols asking the computer to search for each case in which "key" appears within five words of "ignition" — finding, in this example, the one case in point.

Admittedly, not all cases lend themselves this easily to the KWIC approach. In looking up an issue in "stockholder's rights", for example, one might find some cases talking instead of "shareholders". One can, of course, separately ask the computer to look for cases containing each word. But to make this extra step unnecessary, the LEXIS system is compiling a thesaurus which, like a printed thesaurus, will list all words related to the indexed word. Unlike an ordinary thesaurus, however, the LEXIS thesaurus is compiled by computer.

Computerized Law School Courses - Using 'the Cannon to Shoot the Mouse'?

the application of computers to education. Miller and his fellow Michigan Professor Layman Allen produced a series of computer-based dialogues on civil procedure which students could use as a review mechanism.

"It enables the class to be better-prepared and to focus in class on those things which are really difficult or analytical."

But "you had to ask whether you weren't taking out the can-

bypassing "the middleman, the indexer, the headnote writer, with whom he may be on the same wave length or not."

Last spring, students taking Miller's *Computers and the Law* seminar had a chance to use Mead Data Central's LEXIS system, which Miller considers "without doubt the most sophisticated legal research system currently in existence." Mead Data provided the use of the system

As Computerization Electrifies Law

Since synonymous terms such as "shareholder" and "stockholder" will seldom occur in the same opinion, the thesaurus is produced by finding the words with which they are often associated in context. Since shareholder and stockholder are both linked in context with the same set of words such as "corporation", "derivative", and "director", they would be linked in the thesaurus.

Another problem is that words often appear in different grammatical forms. By asking the

varied type sizes and styles of court reporters.

According to Ledeman, Mead now sends all but the most recent decisions to Korea to be typed into punch cards, to avoid the high U.S. labor costs. This poses some problems, because the Korean keypunch operators can't read English. To get around this, each passage is typed twice and the two versions compared electronically. If they don't gibe, an English-reading proofreader inserts a correction. The material is further proof-

been a number of attempts at automating dockets and using computers in jury selection, "we're in a very primitive condition compared to other professions."

Miller looks forward to a day when judges can use some computerized information system to see how much time is available for pretrial motions, to select jurors, and to schedule out lawyer conflicts, especially in urban areas with diverse state, local, and federal courts.

When a computer docket control system was introduced in the District of Columbia to keep track of all pending criminal cases, it found several cases that had "fallen into the cracks". With a computer control system it is possible to see who is holding up the case and prod him into action. "I think it's fair to say we don't utilize anything technological well in the judicial process."

Miller believes that in 1972 the judicial system can no longer afford to demand the simultaneous physical presence of judge, litigators, and lawyers at each stage of the trial process. He foresees as possible a computerized motion practice in which lawyers could make pretrial motions without leaving their desks, televised depositions of witnesses in distant cities, and an end to the notion that a subpoena can only travel 100 miles in an age when instant voice and visual communication is available between any two points on the globe.

Yet Miller does not think that progress will come easily. He compares a proposed \$1 billion appropriation for an HEW welfare information center with an underfunded Federal Judicial Center. He sees the problem as needing "not just money" but talented manpower capable of building computer software with "play in the joints" to accommodate a complex, very discretionary human process.

'We're in a Very Primitive Condition Compared to Other Professions'

computer to search for "tax*", where the asterisk serves as LEXIS' universal character, a researcher can locate sentences containing "taxes" or "taxed." Of course, he will also get lines containing "taxis" — no system is perfect.

One of the biggest problems that Mead has faced, according to Alan S. Lederman, a second-year student in the J.D.-M.B.A. program who worked on LEXIS last summer, is the sheer logistic problem of reducing volumes of decisions to disc form. Optical scanners, which convert typed characters directly into magnetic coding, can't cope with the

read by students at an Ohio law school. One reads the original text into a tape recorder; another listens to the tape while watching the coded text on a screen.

In a forward-looking move, some judges are having their secretaries type their opinions on an IBM magnetic tape Selectric typewriter (MT/ST) which produces a magnetic tape of the decision as well as an error-free final typed copy.

A final area for the application of computer technology to law is in court administration. "This is where we're woefully behind," says Miller. Though there have

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Abram J. Chayes In Spotlight

Professor Abram J. Chayes joined the Harvard Law School faculty in 1955, after working for Governor Chester Bowles of Connecticut, clerking for Justice Felix Frankfurter, and practicing law with Covington & Burling in Washington, D.C. In 1961 he was called to Washington by John Kennedy to serve as legal advisor to the State Department.

One day early in that year, Chayes was sitting in a small room in Kennedy's Georgetown home, waiting to see the President for his official appointment. With him in the same room was a former congressman from South Dakota who was waiting to receive his appointment as director of the Food for Peace program. That man was George McGovern. From that meeting, and others in the years that followed, came a strong sense of mutual respect and admiration between the two men.

In 1962 George McGovern left the Food for Peace program to become the junior senator from

South Dakota. In 1964, soon after John F. Kennedy's assassination, Chayes left the State Department and, after a brief period in private practice, rejoined the Law School faculty where today he is professor of law.

But unlike most professors, Chayes seems to spend as much time these days with reporters as with students. On one recent afternoon a reporter was waiting outside his office as Chayes completed an interview inside with a journalist from the National Observer. As he waited, Chayes' secretary noted that the reporter's tape recorder was the nicest she had seen, and she had seen quite a few recently. For Abe Chayes had backed the right horse, and is today primary foreign policy advisor to the man he first met 11 years ago — George McGovern, the Democratic nominee for president. The following interview occurred that afternoon with reporter Mark Rutzick.

RECORD: What is your official position in the McGovern campaign?

Chayes: My position is director of Foreign Policy Task Forces. My job is to deal with the range of foreign policy matters in the campaign with the exception of Vietnam itself, where my feeling is that Senator McGovern has taught the rest of us a great deal, and his need for expert advice is not very apparent.

RECORD: Are there a few people besides yourself whom you can point to as major contributors to McGovern's foreign policy ideas?

Chayes: On the military side, which feeds very heavily into foreign policy, there's been in recent months Paul Warnke; before that Herbert York, former director of Defense Research and Engineering under Eisenhower; and Herbert Scoville, formerly with the Carnegie Endowment, actually formerly with the C.I.A., and then with the Arms Control and Disarmament Agency. In the area of foreign affairs he has consulted rather widely with various groups.

RECORD: How long have you been doing what you're doing?

Chayes: Well, I've been supporting Senator McGovern since the summer of 1970, officially, and my connection with the campaign and his candidacy has been more or less continual since that time. During the spring and summer of 1970, in connection with the End The War Amendment, I worked very closely with him. In fact, the first draft of the End The War Amendment was

and Professor [Edwin] Kuh of M.I.T., we gave him a breakfast up here in the spring of 1971, for a number of interested faculty.

I was not closely involved in the campaign again until this spring and really until the time of the Wisconsin primary, and ever since then I've been very involved. Toward the end of April he asked me to be his witness

Professor Pledged Support After Cambodia, Joined Campaign Staff After Wisconsin

developed here by a student of mine, Joe Gebhardt [later with the Center for Political Reform] and then forwarded to a number of senators, of whom Senator McGovern was the only one to take it up.

Then came the Cambodian invasion and it became a very prominent part of the protest and resistance to the Cambodian invasion. I worked very closely with him during that period and at the end of that time told him I would be prepared to be with him through the campaign. Then I saw him a few times in the next months, and introduced him at a few rallies and so on. Along with Professor [Jerome] Cohen

and then his non-voting representative to the Democratic Platform Committee, for foreign affairs.

RECORD: You recently completed a trip to France, Israel, Germany, England, and Belgium for Senator McGovern. What do you think you accomplished by making the trip?

Chayes: The object of the trip was not to change official views or to negotiate foreign policy positions with other countries. In Europe there is a great deal of interest in Senator McGovern's foreign policy, both in governments and out. Those positions have not been very fully devel-

As McGovern Policy Advisor

oped, some of the things they have heard disturb them, and there was a lot of interest in hearing them in greater length.

I think the result of the trip was that those views are much better understood. Although I

if you look at the list of people I saw, you'll see it is a very top-heavy list, with a lot of "stars" in it.

There was Israeli TV coverage of every one of the meetings, none of it arranged by me.



Professor Abram Chayes in his office.

Charles Soberman

didn't ask anyone for agreement or endorsement, I think it's at least true that they now know that we are trying to deal in a serious and responsible way with the same kind of problems they're trying to deal with.

RECORD: Whom did you talk to in Israel?

Chayes: I talked to Prime Minister Meir, and I talked to Deputy Prime Minister Yigal Allon, Finance Minister Sapir, Foreign Minister Eban, the Chief of Military Intelligence, and a number of other officials.

RECORD: Were you able to determine what seems such a mystery to me—why they seem so "hot" about Nixon?

Chayes: Well, I don't think they are so "hot" about Nixon. I think the burden of the message they were conveying to me, both in private and in public, was that they don't have any apprehension about a McGovern presidency, and they aren't taking sides in this election. In fact,

After a while, it began to occur to me that more was involved than just my bright eyes and persuasive conversation. They really were trying to make a point of their neutral position.

They understand that basically U.S. policy toward Israel reflects a bipartisan conception of U.S. interests in the Middle East. They know they have to do business with the United States, no matter who wins, and they also know that four years is a very short time as things go in this world. For all those reasons, they are not interested in taking sides in this election.

RECORD: Why has it been made to seem that Ambassador Rabin especially, and to a lesser extent Mrs. Meir herself, are pro-Nixon?

Chayes: I know the Rabin statement—that statement was repudiated. My own belief is that Rabin's view of the situation is dominated in part by a military outlook, and in part by the fact that he's only been here

during the Nixon Administration. It's not the appraisal of a professional diplomat, with a professional diplomat's understanding of the requirements of a long-term relationship between the United States and Israel.

Mrs. Meir contends over and over again that she has not expressed any preference. I think one of the things they tried to do with my visit was to correct any misconception or misimpression which existed abroad.

RECORD: What was the message with regard to Senator McGovern's Southeast Asian policy which you brought to the European and Israeli leaders?

Chayes: I told them that, if elected, McGovern will stop all combat activity on election day, and that he will withdraw all military forces and military assistance from the three countries of Indochina within 90 days thereafter.

RECORD: Is there inherent in that doctrine any notion of "dumping" the Laotian or Cambodian regimes?

Chayes: Not only is such a notion not inherent in that doctrine, but the Democratic Platform and Senator McGovern argue very strongly that we can not and should not try to control the governments those countries have. We have very little real ability to influence the outcome, and in principle ought not to be trying to influence the outcome. Besides, as the article in this month's *Atlantic Monthly* points out, the American presence in these countries is by no means an unmixed blessing for these governments—it creates liabilities.

RECORD: What about Thailand?

Chayes: As Senator McGovern said in Miami, we will retain a military presence there until the prisoners are released.

(Continued on Page 13)

McGovern for President

The Harvard Law RECORD urges the election of George McGovern as president of the United States.

We support Senator McGovern because we believe he represents the finest ideals of the American political system, and the most generous and caring instincts of the American character. A McGovern Administration will set a tone of honesty and sincerity which will be a model for its citizens at home and for other governments abroad. In short, it will begin the long struggle to regain for America the position of moral leadership in the world forfeited by its prosecution of the Vietnam war.

In 1972, only George McGovern can accomplish that task. For in his determined and long-standing criticism of the war, he represents a break with America's post-war past as represented by Lyndon Johnson as well as Richard Nixon. He will end the war as he has pledged, and he will open a new era of American foreign policy free from the myths and mistakes of our current post-war thinking.

At home, George McGovern will strive as no president has since Franklin Roosevelt to bring life to the principles of justice and human dignity upon which this republic was founded almost 200 years ago. He will use all the powers of the presidency to achieve the concrete manifestations of those ideals. He will work for an equitable tax structure and a welfare system which will finally insure an adequate income to every American. He will stop wasting our country's resources on useless armaments, and begin the arduous task of reclaiming our cities and the alienated millions, young and old alike, who live in them.

His opponent, Richard Nixon, must be defeated. Nixon's record over four years is a litany of cynicism, hypocrisy, and rampant opportunism. He lacks the fundamental ability to empathize with the many people in this country who have not shared in the enormous wealth of the American economy, and he lacks concern for the individual liberties guaranteed by the American Bill of Rights. He lacks as well the compassion to see that he is causing the death every day of hundreds of people in Indochina by directing the most extensive aerial bombardment in the history of the world in order to save America's "honor." He fails to perceive that the blood of Vietnamese peasants has stained that "honor."

George McGovern can begin to redeem America from the harm that Richard Nixon and others have done to this country and to the world. We urge everyone to support him for the presidency.

HARVARD LAW RECORD

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Fenno

Fenno crept quietly through the courtyard. He slipped past the World Tree and emerged at the loading dock behind the Hark. A strange place for a secret midnight meeting, he told himself.

He thought back to the phone call which had awakened him from his after-dinner nap hours ago. The girl had sounded frightened as she told him of documents she had stolen from the Dean's office. She never would have dreamed of leaking this kind of information, she breathlessly explained, until the recent directive prohibiting staff to wear blue jeans to work.

She approached hysteria as she described the seven pairs of new jeans she had just purchased for the school year, along with twelve yards of patching material, which the Coop wouldn't take back.

Finally she reached the point. She had secret documents from the inner recesses of the Dean's office, all stamped with the rarest classified mark of all — "For Al's Eyes Only." She would agree to give Fenno copies if he would meet her at midnight at the loading dock of the Hark.

Fenno waited silently in the night as the clock in Bence's Pharmacy passed 12:05. Then a figure approached, papers in hand. Fenno stepped forward to greet her, and took the papers from her without a word.

Suddenly the sky was brightly awash with the glare of four fierce spotlights focussed on Fenno's surprised figure. Five Harvard University police cars drove up with sirens blaring and 18 guards jumped out, armed with sub-machine guns, bazookas and flame-throwers.

The guards closed in without a word. Then from behind an evergreen bush strode a figure in a black leather jumpsuit and a blue sailor's cap, with a .38 Beretta in his hand. Dean Sacks walked up to Fenno, grabbed the papers from him, and finally smiled. Then his eyes closed to slits and as he motioned to the guards to prepare to fire, he said to Fenno in a grim voice, "You RECORD people have gone too far this time. First the Hark, then the *Law Review*, and now the Placement Office. It's just too much. But you'll never do it again."

He stepped once more into the darkness and the guards opened fire. Fenno knew no more.

Law Notes

The East Asian Legal Studies lecture series will next feature Law School Professor Roberto Unger who will speak on "Legal Theory at the Gate of Heaven." The luncheon talk will be held in Pound 419 at 1:00 p.m., Friday, October 13.

* * *

American Bar Association President Robert W. Meserve '34 has announced appointment of a special commission to draw up plans for the creation of a National Institute of Justice.

Charles S. Rhyne of Washington, D.C., president of the World Peace Through Law Center and a former president of the ABA, was named chairman of the 22-member group which, in addition to lawyers and judges, includes representatives of business, labor and civic groups as well as leaders of other professions.

The Institute, as tentatively outlined, would provide for the field of law and justice the kind of centralized direction and funding now supporting research and development in the physical sciences and medicine through the National Science Foundation and the National Institutes of Health.

The new commission will draw up plans for a conference in Washington, D.C., December 6-8 at which some 100 persons, appointed by the commission, will be called upon to further define the concept of a National Institute of Justice.

* * *

The Cambridge School Volunteer Project is looking for "reliable and committed" people to serve as tutors to children in the Cambridge community. Volunteers work two or three hours per week teaching remedial reading and English as a second language. Call CSVP at 492-7046 between 8:30 a.m. and 1:00 p.m.

* * *

Professor Archibald Cox, former solicitor general of the United States, has spent much of the last two weeks arbitrating a dispute involving striking teachers in Burlington, Mass. Cox was appointed to the position by the state labor relations board.

* * *

The RECORD will not be published next week, Friday, October 13. The next issue will appear two weeks from today, Friday, October 20.

Rabin Cites Peace Hope While Socialists Protest

(Continued from Page 3)

tional self-determination, but their right can't be had at the expense of our national self-determination." He suggested that a new nation could be formed within the original boundaries of Palestine, which included both Israel and Jordan. Rabin also noted that it was the Arab nations who kept the refugees in camps for 19 years, and that conditions in the camps have vastly improved under Israeli rule.

The final essential for peace outlined by the ambassador was that the boundaries between the nations in the Middle East be kept open for the free flow of people, commerce, and information.

The Israeli ambassador completed his address by listing the options in the Middle East. The first option, and the one he prefers, would be for Israel and the Arab nations to achieve the transition from war to peace by direct diplomacy, building confidence in each other as they go along. The second option involves indirect, close-proximity talks, with a third party as a go-between. He pointed out that Israel agreed to an American proposal for such talks on reopening the Suez Canal, but that Egypt refused to participate, perhaps because "Egypt still believes that the international community will deliver Israel to them, mutilated."

The last two options listed by Rabin seemed to be the least desirable. Hostilities could resume, but Rabin saw little likelihood of this, largely because "the Arab countries have concluded that, for the present, the military option doesn't exist." The final option is that the situation will remain as it is today — no war, no peace; Rabin, however, feels that this also isn't very likely, saying "We're at the be-



Bernard Nelson

Socialist youth protest talk by Israeli ambassador.

gining of the corridor that will lead us to real peace. When it will happen, I don't know."

In answers to questions, Rabin discussed some very specific current issues. On the Munich tragedy, he said, "We see terrorism as an obstacle, but we were encouraged by the speech of the Soviet foreign minister at the United Nations, where he called these people criminals."

Before the Ambassador's speech, a group of about 30 demonstrators, representing the Spartacist League and the Revolutionary Communist Youth, picketed outside the hall. With such signs and chants as "Not Arab against Jew but class against class", "Down with Zionism", and "McGovern: Vietnam Dove, Near East Hawk, Imperialist Swine", the protesters walked in a circle and leafleted. Most of the crowd waiting in line to enter the auditorium, however, seemed unaffected by the group. Once inside the hall, the lecture audience was free from serious heckling, and the Israeli ambassador received long, sustained applause.

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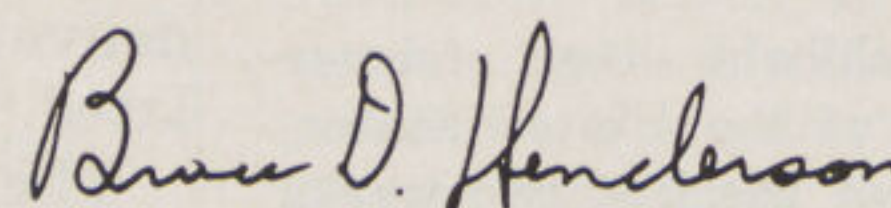
The other reason is because we think Harvard Law graduates in general will have an enormous effect on the public perception of future policies. We want to enlist them as allies in a crusade to make this a better life for more people.

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The subsequent short essays in this series will touch lightly on some of these questions.

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Chayes Discusses European Trip, Election

(Continued from Page 9)

RECORD: How do you respond to charges that McGovern is isolationist?

Chayes: If you measure involvement by the size of the military presence, then I suppose it is possible to call McGovern an isolationist, because he does not believe that military presence is the measure of international involvement. But if you measure international involvement by the effort to pursue and promote our real interests, then I think McGovern has a much more sensibly internationalist view than we've had for some time.

RECORD: Turning to the election itself, do you believe McGovern is following his own instincts in his manner of running the campaign so far?

Chayes: I think with regard to the activity in August, that is, going around talking to labor people and talking to Johnson and Daley, I think he felt that was the necessary thing to do, that he was the leader of a party that has its own personality and its own tradition, and that you don't win an election or lead a party without paying attention to the people who have traditionally supported and built that

'He needs the people who built the party'

party. He needs them, or at least he needs their acquiescence or tacit support. Now he's turning again to the fundamental issues of the campaign. He won't accomplish a successful shift in one speech.

I recall the Kennedy campaign of 1960. First of all, August was a terrible doldrum in that campaign. The newspapers were saying much the same things as now, that the candidate was floundering and so on. Then in September there was the same feeling that he wasn't really get-

ting to the people, that his speaking style was no good. All of us remember Kennedy as a great rhetorician, but in fact for most of his career, until he was elected President, he was thought of as a rather poor speaker, without much ability to wind people up. He wasn't regarded as being at all charismatic until close to the day of election.

Other Faculty Aid McGovern

Democratic presidential candidate George McGovern is also receiving the assistance of three other faculty members in his campaign. Professor James Vorenberg, former executive director of President Johnson's Commission on Law Enforcement and the Administration of Justice from 1965-67, is advising McGovern on issues of law enforcement and crime, as well as drafting speeches on those topics.

Professor Stanley S. Surrey, former Assistant Secretary of the Treasury for tax policy from 1961-69, is advising the Democratic nominee on tax policy, a key element in the South Dakotan's campaign.

Professor Stephen Breyer has drafted position papers for Senator McGovern on anti-trust and regulatory policy, and is organizing a fundraising banquet for the legal community on McGovern Day, October 11.

In addition, Professor Lance Liebman participated in the drafting of the Democratic Platform plank on urban affairs which was adopted at the Democratic National Convention in July.

No one on the faculty is known to be working for President Nixon.

RECORD: Do you have a scenario for the next five weeks?

Chayes: I mainly think a lot of people are hanging back. They don't support Nixon in any real sense; even Nixon supporters are not terribly enthusiastic about him. A lot of people are simply asking if McGovern can do it. Some elements of his original supporters were cooled off to a certain extent by some of the things he's done or had to do during the summer. My belief is that as the campaign begins to move, a lot of those people are going to come back on. And around the universities especially, but also in general, so far the campaign has been a spectator sport for most people. They've been observing the performers and criticizing them. But as the election comes closer and closer, they will begin to realize that they are involved as well as George McGovern.

It's not just a question of whether he's going to win a gold medal or not, it's a question of what kind of society we're going to live in for the next four years, and as that becomes more apparent, more and more people are

Election not over— 'by a long shot'

going to lose this tentative quality that they have now and find themselves more wholeheartedly committed to the campaign—working and talking in a different vein than they have been in the past month. As that begins to happen, you can see the possibility of it gathering speed with quite a rush, and if it does, then you can see a lot of other things falling into place.

RECORD: Do you think there's a reasonable chance McGovern can still win?

Chayes: Yes. I don't think the election is over, by a long shot.

Nick Johnson: Make Your Own Kind of Music

Test Pattern for Living, A Twentieth Century Guide to Coping With Life, Liberty and the Pursuit of Happiness — Without Dropping Out by Nicholas Johnson, commissioner, F.C.C.

By Mark Rutzick

Dear Nick,

How did you ever become a commissioner of the F.C.C.? They don't normally let people like you — people with real hu-

but up here at Harvard we have this strange myth that a legal education provides flexibility in our career choice. Why then does everyone end up going into the same job — being a corporate lawyer? That doesn't seem very flexible. You go into a law firm straight out of law school, knowing that if you stick it out eight years you'll become a partner. After a couple of years you're afraid to quit and sacrifice the

I'm glad you wrote your book, too, because in my more depressed moments I had begun to doubt the existence of an alternative to what is to me the unhappy choice between corporate law and something like a freaked-out law commune. I dislike corporate law immensely (I did it last summer in New York), but I'm even less enthusiastic about a future consisting of dope, Alice Cooper, the L.A. *Free Press*, and the organizing of radical shoe workers in my spare time.

You suggest a third possibility. It is, as you put it, "Life as an Alternative." It's almost a revolutionary idea in our country these days, and I think some people will never get into it. But I like it.

Your basic idea is to make "humanness" the predominant element in our lives. We should continue to live as a part of our society, bearing our social and personal responsibilities as we perceive them. We should earn as much or as little of a living as we see fit (not necessarily as a corporate lawyer — a lot of legal jobs pay a decent salary these days). But most importantly, we should explore what it means to be a person.

You did it in one way, by living in an isolated cabin in West Virginia for two weeks, by riding a bicycle to work, by doing your own cooking, sewing and cleaning without benefit of the miracles provided by corporate America.

You advise us not to try to copy you, though, but rather to go out and do it our own way. We should select our food, clothing, shelter, transport, exercise and schedule to emphasize those experiences we prefer, within the basic context of our fundamental existence as human beings who think, feel, and love, apart from

(Continued on Page 16)

"You Propose 'Life as an Alternative'; It's a Revolutionary Idea These Days"

man emotions, who care about our country — into policy-making positions in the federal government. LBJ must have been planning one hell of a bombing raid over North Vietnam when your name came up in 1966, because you sure slipped one by him.

Your book is a reflection of the philosophy you've developed in your six years at the F.C.C. It accomplishes a very unusual thing — it outlines a rational method for choosing a lifestyle which maximizes every individual's instinctual preferences while allowing full participation in, and hopefully reform of, our society. You wrote, "A great many Americans have been searching for some new meaning in their personal lives during the past few years. You may be among them. I am." It's precisely because so many people are doing just that (I'm one of them, too), and so many more would if they just thought about it, that your book is so great, and so necessary.

I wish all my friends and classmates at Harvard Law School would read your book, because I think a lot of them are as uncertain about their choice of lifestyle as I am. It's funny, Nick,

seniority you've built up, so you're stuck until you make partner. By that time you've got the mortgage(s), payments on the car(s), and the kids' private education; you literally can't afford to quit. So you end up working at one job for 46 years. That's flexible?

I wish all my friends and classmates would figure out that the myth of flexibility is real — but only if they make it real. All of us could do any legal job that exists, but only if we go out and look for that job and pursue it until we get it. Those jobs won't show up in the Placement Office for interviews. But they exist, if we have the imagination and perseverance to go out and find them. We don't *have* to work for Cravath.

And this is really what your book is about, too. You're telling us that each of us should make our life into what we want it to be, whether or not "corporate America" wants it to be like that. The biggest single choice any of us makes in determining our lifestyle is our job. If all my classmates could figure out that the choice really does belong to each of them, they would be able to select a lifestyle they really want.

2Ls, 3Ls to Elect Council Officers

(Continued from Page 1)

name in nomination for the council elections by marking his or her name on a list at the Receptionist's Desk in Langdell Hall. The subsequent election will take place in certain "selected" classes next week. The classes will be chosen from the 2L sections and other "big" classes, said Bell.

Plans are being made to prevent a reoccurrence of last year's ballot stuffing scandal. Last year 1L elections were held twice after complaints of multiple voting. Bell thought one possible solution would be to adopt the election technique used by 3Ls to vote for class officers. Voters would place their completed ballots in a sealed envelope and then would insert this envelope into a second envelope with their names on the outside. Tabulators could then insure that participants vote only once.

In other developments the Council members appointed two representatives to the newly established Committee on First Year Evaluation and Related Matters. This is an ad hoc committee established last spring by the faculty to review first-year grading and the new semesterization program. The chairman of the body is Professor Jerome A. Cohen. The student members are Bell, representing 3Ls, and David Towey, 2L.

Cohen said that the committee is still in the information gathering stage and stressed that students and faculty alike were encouraged to submit written comments on the first-year program. He said the committee was reviewing first-year programs at Yale and grading programs at various institutions.

The noted Asian studies scholar was noncommittal when asked

whether the results of the committee's investigation might be used to make changes in this year's first-year program. He said a report would be prepared "as expeditiously as possible" and that meetings would be held "almost every Friday."

Bell said the committee was uncertain whether discussion of the grading issue for the first year could be separated from a discussion of grading reform in general. If the latter was necessary the committee was uncertain that it had the authority to deal with this problem.

Since grading will begin for 1Ls in the first semester for the first time the annual pass-fail controversy is expected to begin earlier this year. Several 2Ls are reportedly discussing plans for organizing a student movement for pass-fail reform.

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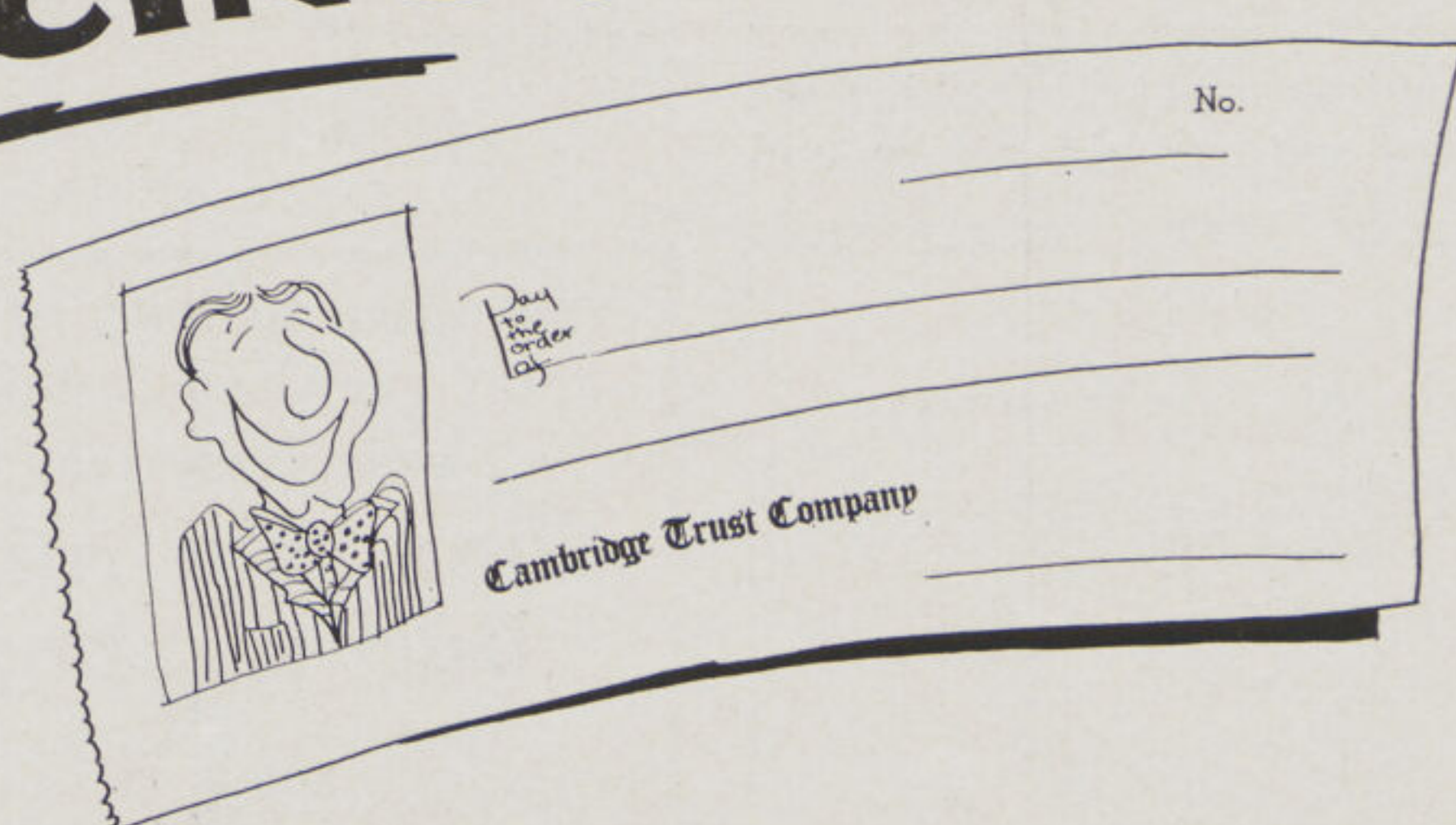


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Johnson Asks Lifestyle Change To Accommodate 'Humanness'

(Continued from Page 14)
the culture modern-day America has arbitrarily imposed on us.

For me, this means, among other things, not watching television, not owning a car, not buying brand-name clothing and not practicing corporate law. Most of all it means continually reminding myself that I must always be a person first and a lawyer second (if that high). Maybe later it will mean more. It doesn't mean eating organic food, though I do make some efforts to keep my chemical intake down, and it doesn't mean living in a cabin or disdaining electricity. Making your life what you want it to be shouldn't mean doing things you don't want to do simply because it's popular with counter-culture folk. That's not freedom, and besides, I just don't like granola.

Ultimately what I liked most about your book was the idea that we can *rationaly* alter our lives in response to the self-perceived imbalances generated by our roles in the society in which we live, and yet remain active and

productive in that society. The idea that an individual should control his own life is pretty old, but the need to do so remains vital and compelling to the people who feel that need.

Many people both older and younger than I do feel that need; but most of them seem to respond anti-intellectually — as if in order to reject the product of 20th century society, they have to reject the logical processes upon which that society was built — a sort of existentialism gone wild. You refuse to reject the intellect, but rather choose to use the rational mind as a basis for building a better society. I prefer your way.

You wrote, "This is a 'how to' book in the most fundamental sense. If, after reading it, you continue to think about and participate in your life the same as before, the book has failed." Well, Nick, it hasn't failed for me, and I think it won't fail for others.

I sure hope some of my classmates read it.

Affectionately,
Mark

Hoffa to Appear At HLS Forum



James R. Hoffa

Former Teamster Union President Jimmy Hoffa, now on parole from a federal conviction for jury tampering, will speak at the Law School a week from Thursday, Oct. 19. Hoffa will speak on prison reform at a lecture sponsored by the Law School Forum.

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