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TWENTY CENTS

Stewart Presides Over Ames Final

Learned Hand Victor Fourth Straight Year

By Phil Spector

Speaking for a divided court before a standing-room-only crowd in the Ames Courtroom, Associate U. S. Supreme Court Justice Potter Stewart awarded this year's Ames Competition victory to the Learned Hand Club. The victory was the fourth straight for the club in the finals of the annual moot court competition.

Named best oralist in the event, held last week, was Ronald J. Waicukauski, who with his partner David J. Fine represented Learned Hand in the competition
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Peter Wirth

Winning Ames oralists Ronald J. Waicukauski and David J. Fine.

Justice Is Skeptical Of New Court Plan

By Daniel M. Taubman

Supreme Court Justice Potter Stewart expressed his reservations about the forthcoming recommendation of a panel of constitutional scholars to create a new appellate court to lighten the Supreme Court's spiraling caseload. The statement was made during a brief but wide-ranging interview held here on November 21 after the Ames Competition Finals.

Asked about the expected proposals of the committee, chaired by Professor Paul A. Freund, Stewart declared that although he was reserving final judgment until the publication of the group's report, he felt that the doubling of the Supreme Court's caseload during the past 10 years did not warrant a change in the structure of the judiciary.

"The very heavy caseload is neither intolerable nor impossible to handle," the 14-year veteran of the Court commented. "If it should continue to increase at this rate, perhaps 10 years from now the situation would be different," he continued.

Stewart also objected to the
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Parents' Tax Forms Required

By Gary L. Rubin

To insure greater equity in the allocation of financial aid monies, the Financial Aid Committee will require that the parents of all applicants for aid submit copies of their federal income tax statements for committee review.

Professor Andrew L. Kaufman, faculty chairman of the committee, told the faculty on November 17 that tax information is a useful supplement to the forms applicants must file with the Law School Financial Aid Service in Princeton.

In a small number of cases, Kaufman said, the committee has requested tax forms as a clarification of information provided

by LSDAS, and adjusted grants of aid in accordance with the additional figures. "In order to treat all students alike, the new policy will be applied to all students receiving financial aid," according to a committee memorandum being circulated to students and faculty.

The policy is also grounded in a desire to allay student suspicion that there is widespread deception on the LSDAS forms. "This is not so much a matter of suspicion on our part," Kaufman said, "but rather an assurance to the students that we're doing what we can to see that everyone is treated fairly."

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Ex-Deans Bok, Griswold Clash Over Popkin Case

By Paul Weiner

An eight-month-long legal battle which pitted two former deans of the Law School against each other ended at 11 a.m. Tuesday morning when Samuel L. Popkin, Lecturer on Government, was released from the Norfolk County (Mass.) Jail, where he had been imprisoned for seven days for civil contempt.

Popkin was jailed for refusing to answer questions before a federal grand jury in Boston concerning his sources of information about the preparation of the Pentagon Papers study. Popkin, an authority on Vietnamese village politics, had unsuccessfully claimed a "scholar's privilege."

In response to the affair Professor Alan M. Dershowitz is now working on a bill to be introduced next week in the Massachusetts Legislature which would empower judges to weigh a journalist's or scholar's claim of confidentiality against the state's need for testimony in determining whether the journalist or scholar would be required to testify before a grand jury.

Dershowitz collected about 30 faculty signatures for a letter protesting Popkin's incarceration between 4 p.m. Monday and the time of Popkin's release.

The grand jury investigating the publication of the Pentagon Papers was dissolved Tuesday, thereby terminating Popkin's contempt sentence.

Popkin was initially cited for civil contempt by Federal District Court Judge W. Arthur Garrity '44 in May, after refusing to answer questions March 27. Two weeks ago, the Supreme Court rejected his request for a stay of execution of the contempt sentence, pending review by the High Court.

Popkin testified that he had no knowledge of the dissemination of the Pentagon Papers except what he had learned through public sources. He agreed to answer

questions about his relationship with other scholars, but not questions about his relationship with his sources within the government. The Court of Appeals ruled on November 20 that this qualified agreement was insufficient to reverse the contempt charge against Popkin.

President Derek C. Bok, former dean of the Law School, appeared in federal District Court in Boston Tuesday, November 21 to argue on Popkin's behalf.

University General Counsel Daniel Steiner '58 had been informed by William Olson, chief of the Justice Department's internal security division, that the government had no intention of calling Popkin to testify even if he did agree to answer questions, thus mooted the issue of civil contempt. When Bok announced this in court, however, Richard F. Bachman, Assistant U. S. Attorney, replied that the government would recall Popkin if he agreed to answer questions, and that Bok had misunderstood Olson.

Judge Garrity then asked U. S. Attorney James Gabriel to call Olson to resolve the confusion. Gabriel replied that Olson supported Bachman's interpretation. Judge Garrity then ordered Pop-

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Younger Members' Committee
Harvard Club of Boston
invites
HLS community, alums & their guests
to **JOLLY UP PARTIES**
on every 1st & 3rd Monday
from 6 p.m. to 9 p.m.
\$3 admission includes wines & cider
and
to **RATHSKELLER NITES**
on every 1st & 3rd Friday
from 7 p.m. to 1 a.m.
\$1 admission; cash bar, Bavarian beer
at the Harvard Club House
374 Commonwealth Avenue
(near Massachusetts Avenue)

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Faculty Group Puts Off Action On 1L Grading

By Daniel M. Taubman

With the fall term fast drawing to a close, the Committee on First Year Evaluation and Related Matters has decided not to recommend any changes in the grading system for the first semester.

In a memorandum to the faculty dated November 13, the committee stated that "in view of the complexity of the issues and the importance of not feeling rushed in our deliberations, it is unlikely that our report will be made in time to permit it to be applicable even to the second semester of the current first year class."

The committee was created last spring as a result of widespread student discontent with the present grading system.

Several professors stated at the faculty meeting November 17 that the committee decision to take no action with respect to first-year students' *Torts* and *Criminal Law* exams, which will be held in January this year for the first time, was motivated in part by the faculty's desire to reach a quick decision in order to allay student uncertainty about whether there would be grades or not.

Professor Jerome A. Cohen, committee chairman, said that there was not much feeling among faculty members that "we were sacrificing first-year students by asking them to take two exams on a graded basis."

The faculty memorandum was distributed earlier this week together with an explanatory statement to students. It announced an informal discussion session with committee members December 15 in Pound 335 at 3 p.m.

The memorandum also asked students to comment on "their perceptions of the methods of in-

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Townsend Named To Head Council By Small Margin

By Mark C. Rutzick

Rene Townsend, 2L was elected Chairman of the Law School Council at its weekly meeting last Monday. She won by a narrow 7-6 margin over William O. Ligon, 2L in a secret ballot marked by the abstention of Dean Stephen J. Bernardi, the only one of five faculty representatives to attend the meeting.

The meeting was attended by 14 of 17 student members and Karen Metzger, the teaching fellows' delegate, as well as Bernardi. Professors Abram J. Chayes, Charles M. Haar, Alan

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Wright Charges Court Limits 'Right to Know'

Court of Appeals Judge J. Skelly Wright attacked the Burger Court's "insensitivity" to First Amendment rights and its "abdication of its responsibilities" to preserve the free flow of information, in a speech to the Law School Forum before 350 enthusiastic listeners in the Ames Courtroom Wednesday night.

Wright, a noted liberal who sits on the D.C. Circuit Court of Appeals, presented an analysis of recent Supreme Court cases which demonstrated to him that the Court has adopted an "absolutist view that the interest of the executive branch in the administration of justice always supersedes the public interest in receiving in-

formation." The Louisiana native contrasted this attitude to the "balancing" test which he said had characterized First Amendment decisions in the recent past.

Wright, who has served on the D.C. Circuit for 10 years and who sat in the District Court for the Eastern District of Louisiana for 13 years before that, entitled his talk "The People's Right To Know". He emphasized that the heart of the First Amendment protections designed by the Framers of the Constitution was the right to receive information, and not just the right to disseminate information. He cited early cases like *Gitlow v. New York* as focusing on this latter element, but noted that within the last 20 years the emphasis has shifted toward the more important "informing function" of the Amendment.

The 61 year-old jurist named *Branzburg v. Hayes*, involving the reporter's privilege to maintain the confidentiality of sources, and *Gravel v. United States*, involving Senator Mike Gravel's procurement of the Pentagon Papers, as the two worst recent decisions. Not only did the Supreme Court completely reject the concept of a reporter's privilege, but Justice White suggested in his majority opinion that the newsman could even be prosecuted for obtaining the information, under an archaic section of the federal code, Wright said.

He assailed the Court for deciding an important constitutional question in *Gravel*, after having granted certiorari on other grounds. He also criticized the Justices for basing their decision on a point which the government had conceded in oral argument. The decision restricted the applicability of Article I, Section 6 of the Constitution, which immunizes legislators from testifying with regard to "any Speech or Debate in either House."

Mark C. Rutzick

HLS Tax Scholar Norr Dies

Martin Norr, a Research Associate in the International Tax Program at the Law School for 14 years, died November 20 at his home in Newton, Mass., at the age of 62. Norr, a full-time researcher and writer for the Tax Program, was the editor of *Taxation in Sweden* and *Taxation in France*, both in the *World Tax Series* published by the Tax Program and the Law School.

Norr graduated from Haverford College in 1930 and Columbia Law School in 1936, where he was an editor of the law review. He subsequently practiced law in New York, in Washington with the Department of Justice and the U. S. Navy, and worked in the shoe industry before joining the Law School as Research Associate in 1958.

At the Law School, Norr worked extensively in the international tax field. He completed his book on Sweden in 1959, and his French study in 1966. In 1964 the Swedish government awarded him the Royal Order of Vasa (First Class), and in 1971 he was named an Officer of the



Martin Norr

French Legion of Honor. Both honors represent the highest awards which these countries can bestow upon a foreigner.

Oliver Oldman, Director of the International Tax Program, said, "Mr. Norr's scholarship was a prime example of what can be expected from a full-time re-

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Council Elects Townsend Chairperson

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A. Stone and Stanley S. Surrey were not in attendance. Though all Council members were eligible to vote, Bernardi explained that he would not vote but expressed his belief that both candidates were highly qualified for the position.

The balloting was highlighted by uncertainty over the proper procedure to follow in the election. Townsend was not present, and after Ligon left the room, other Council members openly debated the merits of each candidate and then voted by secret paper ballot. The results were announced by Michael P. Berman, 3L, who served as unofficial chairman of the meeting both before and after the election.

The Council at its meeting on November 20 also acted to refuse the request of the Dormitory Council for a voting representative on the Council, by a vote of 8-6. This action followed by one week the Council's move to seat a representative of the Chicano Law Students' Association, in accordance with a Council Charter provision allowing the seating of "unrepresented" groups.

Council members who voted to reject the Dorm Council's request distinguished it from that of the Chicano group. Since the Law School Council already contains one member of the Dorm Council and eight dormitory residents, it was believed that the interests of the Dorm group were already adequately represented. Most members seemed to feel that there was no inconsistency between the two actions.

The Council also voted at that meeting to replace the current 1L member of the committee on First Year Evaluation and Related Matters with Council member Stuart L. Brown. The committee voted 8-3 earlier this semester to recommend against any change in the current first-year grading system, over the dissent of all three student members, including

Conor D. Reilly, the 1L member chosen by the committee.

The Council's move in replacing Reilly with Brown was made to underscore the group's belief that students should choose their own representatives to joint student-faculty committees.

The committee was unwilling to add to the student membership on the panel, in the face of the belief by many Council members that students should be accorded greater representation. The

Dorm Council Denied Seat

Council responded by replacing Reilly with Brown, leaving the committee with the problem of what action to take with regard to its former member. Professor Jerome Cohen, committee chairman, said Monday that Reilly will be accorded non-voting membership status on the committee.

The Council elected a new Executive Committee at its Monday meeting. The new members include Frank C. Gibbs, 3L, Brian A. O'Connell, 2L, and Steven B. Johnson, 1L, as well as Townsend, the new Chairman, who also will serve as Chairman of the Executive Committee. The Executive Committee is expected to serve as a screening board to select and prepare topics for discussion at full Council meetings, and to act between meetings whenever immediate action of some nature is required.

The first two matters referred to the Executive Committee by Council members were a possible investigation of *Yearbook* financing procedures and a study of changes in the Written Work Requirement.

Bernardi announced at Monday's meeting that President Derek C. Bok had established a University-wide committee to investigate the University's investment policies with special regard to possible future action. He said that two students would be chosen from a three-school group including the Law, Business and Medical Schools. He suggested that interested students submit their names to the Law School Council, which then could select one official nominee. The Council at that point debated whether the nominee should be a current Council member, and finally tabled the discussion until next week's meeting.

The Council also approved the appointment of the following first-year students to Law School Committees: Todd D. Rakoff, College Programs in Law; Allen I. Fagin, Public Policy; Catherine C. Blake, Clinical Legal Studies; Ira R. Nerken, Connie J. Sipe, Jeffrey N. Drummond, Committee on the First Year, Patrick A. Shea, Legal Education.

Berman and other Council members noted that all Council meetings are open to students and faculty, and are held every Monday at 3:00 p.m. in room I-4 in ILS.

HARVARD LAW WIVES CRAFTS MARKET

Sat., Dec. 2, 10 a.m.-5 p.m.

Harkness Commons

Admission Free

Part of Proceeds to HLS Child Care Center

Stewart Leery of New Court

(Continued from Page 1)

possible restrictions of the Justices' power of review contemplated by the Freund panel and feared it would alter the personal nature of a Justice's work. "I would hate it to become the job of just another policy-maker or bureaucrat. I view with some misgiving any change of that nature."

During the interview, Stewart assessed the present Court, commented on recent changes in legal education and the legal profession, and described his leisure-time activities.

Discussing the four most recent additions to the Court, Stewart said, "Anybody would agree from the ideal point of view that there was too fast a transition, wholly apart from the individuals involved." Adumbrating his view that "the two great values of the Supreme Court" are continuity and change, Stewart contrasted the present court with the court of the early 1930's, which President Franklin D. Roosevelt labeled the "Nine Old Men." That lack of change was undesirable too, apart from the men involved, he said.

Asked whether he agrees with President Nixon that Justices should be strict constructionists, Stewart said, "I've never been truly sure I understand what was meant by a strict constructionist." The President's most recent appointments, he said, are "both very fine lawyers and highly qualified by intelligence and professional competence, by temperament, and by their character. I don't know whether they're strict constructionists or not. I think they're two fine appointments."

Stewart, a Republican appointed to the High Court by President Eisenhower in 1958, explained that if he were to choose a Justice, he would seek someone who is "well-trained, broad-gauged, and open-minded." The ideal appointee would also be a man of diligence, industry, character, and dedication to doing a job. Justices William Rehnquist

and Lewis Powell are men who "go far toward meeting all of those qualifications," the Justice noted.

"If an appointee is qualified, he'll be good regardless of his politics," Stewart said in an implied reference to the criticism of President Nixon for choosing men who



Bernard Nelson

Justice Potter Stewart

are said to be political conservatives.

Stewart, whose Supreme Court opinions include *U.S. v. Hoffa* and *Coolidge v. New Hampshire*, termed his most significant opinion that in *Jones v. Alfred Mayer*. He said that opinion for the first time gave meaning to the second clause of the Thirteenth Amendment, which allows Congress to implement the amendment's anti-slavery provisions.

His most significant dissent during his years on the High Court was that in *Ginzburg v. U.S.*, an obscenity case, where Stewart felt the Court was "very wrong."

Turning to legal education, Stewart commended in general terms a recent study of clinical legal education by two Stanford Law School professors, which among other things recommended a two-year law school curriculum.

"In my law school days we were restless in the third year. We

thought it was because we all knew we were going off to war," the 1941 graduate of Yale Law School reminisced. The former United States Naval Reserve officer and recipient of three battle stars added that while the Second World War probably aggravated that restlessness, "it was a fairly common thing to examine the various alternatives to three years all in the classroom."

Stewart noted with favor the recent growth in clinical legal education and explained that while he thought the case method should remain a part of legal education, "I think it has been overdone."

Assessing the broadening of the legal profession, Stewart said it now considers environmental and other issues formerly thought of as nonjusticiable social and economic questions. This change is due, he said, to the rise of public interest law firms and "to whatever causes there have been that have motivated law students to consider those kinds of concerns instead of going into private practice."

The former judge of the 6th Circuit Court of Appeals said that while it is wrong to think courts can solve all economic and social questions, lawyers can achieve positive results in these areas.

In his leisure time, the former Cambridge University fellow enjoys fishing and golf, and spends his summers in a home in the White Mountains of New Hampshire. He recently read Herman Wouk's *The Winds of War*, which he praised.

Asked if he agreed with President Nixon's view of *Patton* as a movie *par excellence*, Stewart responded, "I'd never seen *Patton* till two nights ago on TV. The parts I saw I liked." Otherwise, he said, his work leaves little time for movies. The Justice said he enjoyed older movies, describing himself as a "movie buff." Pausing for a moment, he said, "Those were the vintage years, you know."

Chicanos Define Goals, Stress Communication

By Paul D. Gutierrez

With the establishment of a new constitution, the Chicano Law Students' Association recently became the recognized representative of all Chicanos at HLS. The group is the latest in a growing list of "official spokesmen" for minority interests on campus to be recognized by the Law School administration.

"CLSA, as a group of Chicano law students, has been around for at least two years," explained

There are more than 5,000,000 Chicanos in the United States.

"Already changes can be seen as CLSA assumes a more active role in the Law School," Vice Chairman Russell E. Vigil, 1L pointed out. "Things like the lettuce situation and the great cooperation from the Lincoln's Inn, and CLSA being included in various school publications, for instance; this is the first year that we've ever been in the yearbook in a group photograph."

Vigil feels, however, that

gin discrimination and related Chicano legal problems. A current school desegregation case in Texas is being researched by Chicano 1Ls. Dealing with situations directly related to the Chicano community, Luna feels, has shown new students how the legal process is applied to them and their problems.

The educational process at HLS, however, presents to CLSA members another issue. "Culture shock" is encountered by many new Harvard Law School students but members of the Mexican-American community are, perhaps, uniquely affected, according to CLSA. Members believe that, for Chicanos, adjusting to the Ivy League involves much more than a change in climate.

Many who come to HLS experience a variety of reactions from the people back home. There is often a feeling that Chicanos who attend East Coast schools are selling out the Chicano community for Big Business and corporate law. The visions of "Tio Tomás" or the Chicano "Uncle Tom" add to the adjustment factor. Many in the Mexican-American community believe that Chicanos truly interested in their problems would remain in or near the Chicano areas and not isolate themselves in a distant school. "Although some of the people back home feel we've sold out," Roy Cazares, 3L explained, "it's really an irrational view to think a man would change his ideas or entire philosophy by going to an East Coast school."

Many Chicanos Resent Image of 'Selling Out' Or Becoming Insensitive to Their Communities

Daniel Gandara, 2L, Chairman of CLSA. "However, it had previously assumed a low profile, being more of a silent organization." Gandara feels that in earlier years CLSA's amorphous existence had been beneficial because smaller numbers of Chicano students could operate more flexibly and could avoid conflicts on issues concerning Chicanos and the Law School administration. However, Gandara added, the increasing numbers of Chicano students in recent years required more organization.

"We're suffering growing pains," Gandara said, "as we look for how we fit into the law school scene. This is the first year we've had any organization with a comparatively large number of members."

The first requirements to become a more effective group were procedural. "We had to define sensible and realistic goals," Gandara continued, "and then pursue them."

CLSA's priority programs include: recruitment, an Ames alternative, minimizing "culture shock" of new students, and an active social program. With its largest membership, 33 students, CLSA sees an opportunity to put into effect many of its ideas. There are 15 1Ls, 10 2Ls and 8 3Ls, none of whom are women.

CLSA's primary function is recruitment: "We've got to start recruiting earlier and more effectively." He also believes that the current enrollment of Chicanos is geographically biased and that CLSA should reach the previously unreachable Chicano graduate. There are untapped pockets of Chicanos in the Midwest and Colorado, Vigil explained, as well as the large concentrations in West Texas, New Mexico and Arizona. The CLSA Vice Chairman added that more schools need to be visited and that CLSA should assist applicants as much as possible, before they come to Harvard as well as after they have arrived.

CLSA feels the Ames Alternative, under the direction of David Luna, 2L, has been extremely successful. Members have dealt with issues of racial and national ori-

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SUNDAY BRUNCH

10a.m. - 2p.m.

In the
Harkness Commons
Dining Room

As Key Factor Committee on First Year Delays Report on 1L Grading Reform

"This very image problem of 'selling out' is one of the things that CLSA needs to change," Chairman Gandara said. "Our responsibility extends beyond the immediate campus requiring us to increase our communication with our home campuses as well as with Harvard."

"Perhaps one of the ways the effect could be reduced is to maintain constant ties back home as with Harvard Law School graduates," Russ Vigil added. Increasing ties and communications could have a dual purpose. It would better relate CLSA's position at Harvard with schools in the Chicano community and could help in job placements. Also, communication with the school would be a continuing resource during each individual's legal career. These are ideas that the entire membership must work on, Vigil continued, and each member will be asked to help.

"Although the participation of new incoming Chicanos is limited due to the requirements of a legal education," the Vice Chairman stated, "CLSA will work to increase their involvement within the Law School through CLSA."

Gandara agrees that teamwork here and in the Chicano community is a goal of CLSA. Involvement in Chicano affairs, not previously expressed as a group, can only benefit CLSA. "We've got to contribute as a group at every level," Gandara explained. "We must help each other here and when we return home."

"CLSA desires to work within the Law School but we want the Law School to fit some of our needs too."

Cazares and Vigil both agree that in working with HLS, CLSA should seek formal relationships with other groups on campus. It is believed that only through an active posture can CLSA effectively represent Chicano students at Harvard Law School.

(Continued from Page 2)

struction and evaluation now in use, the values and attitudes that the Law School communicates, prevailing conceptions of law and legal education, and faculty-student relations."

At the faculty meeting, Cohen noted that student response up to that time had been relatively small. Several student members of the Law School Council present at the meeting maintained that this was not indicative of student opinion. Jamienne S. Studley, 1L noted that the only issue fellow 1Ls questioned her about was pass/fail grades.

David W. O'Connor, 2L declared that 70 per cent of the present 2L class voted last year to support mandatory pass/fail grades in the first year, and that those students — including a Sears Prize winner — still favored a pass/fail system. O'Connor noted that trying to convince faculty members to support a pass/fail plan would be like trying to persuade Andrew Carnegie or John D. Rockefeller in the 1890s to switch from capitalism to socialism.

Cohen said in an interview Monday, however, that he had recently spoken with eight 1L advisees for three hours and that "nobody said anything about the grading system" until Cohen himself brought up the subject. Cohen said the students had some ideas about "how they could improve things, but there didn't seem to be anything fundamental."

He also noted that Professors Alan A. Stone, Gary Bellow, and Morton J. Horwitz had submitted memoranda to the committee.

According to Cohen, Arthur M. Klebanoff, 3L is surveying the faculty to determine what kinds of evaluation faculty members call for, and whether there is a difference in student performance between papers and written examinations.

Cohen described at the faculty meeting the balance of views on the committee, and declared that "its virtue may be its vice." In his office Monday, he termed himself "profoundly ambivalent" and said, "I'm personally open as I think other members of the committee are to see what new data can appear."

He speculated that he, Associate Dean Paul M. Bator, and Professor Charles Fried were all appointed to the committee because they were on sabbatical last year and thus "untainted" by last spring's proceedings.

Other committee members are Professors Vern Countryman, Philip B. Heymann, Andrew L. Kaufman, Frank I. Michaelman, Laurence H. Tribe, and Jonathan R. Bell 3L, David P. Towey 2L, and Stuart L. Brown 1L. Conor D. Reilly 1L, who had been on the committee earlier this year, was recently replaced by Brown, and will continue on the committee as a non-voting member.

Harvard-Radcliffe

Hillel Society

CHANUKAH CELEBRATION

Sunday, December 3

Concert featuring

NAHAMA LIFSHITZ

renowned Russian folksinger, at
Sanders Theater, 5:00 p.m.
Admission \$4.00, students \$2.00.

Supper, folk singing, and folk
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7:00 until 12:00. Admission
\$2.50, students \$1.25.

Tickets available from Hillel,
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Kennedy's Classroom a Model

By Glenn Stover

Law students, like comedian Rodney Dangerfield, "don't get no respect". Professors, under the guise of the Socratic Method, flay them mercilessly with the loose ends of their own arguments in class. Fellow students, whose hands are up long before their classmate has a chance to finish his thought, are eager to demonstrate the laughable inadequacy of his contribution. And classes frequently punctuate student remarks with titters, groans, and other signs of collective disdain.

The atmosphere in many, I daresay most, classrooms in the Law School is thick with tension and hostility — between students and teachers, and between students, "identifying with the aggressor", and other students, who commit the cardinal sin of venturing an incompletely-formed thought. Attributes which are considered by many educators to be essential to education — a sense of community and mutual respect — are largely missing in the legal classroom at Harvard.

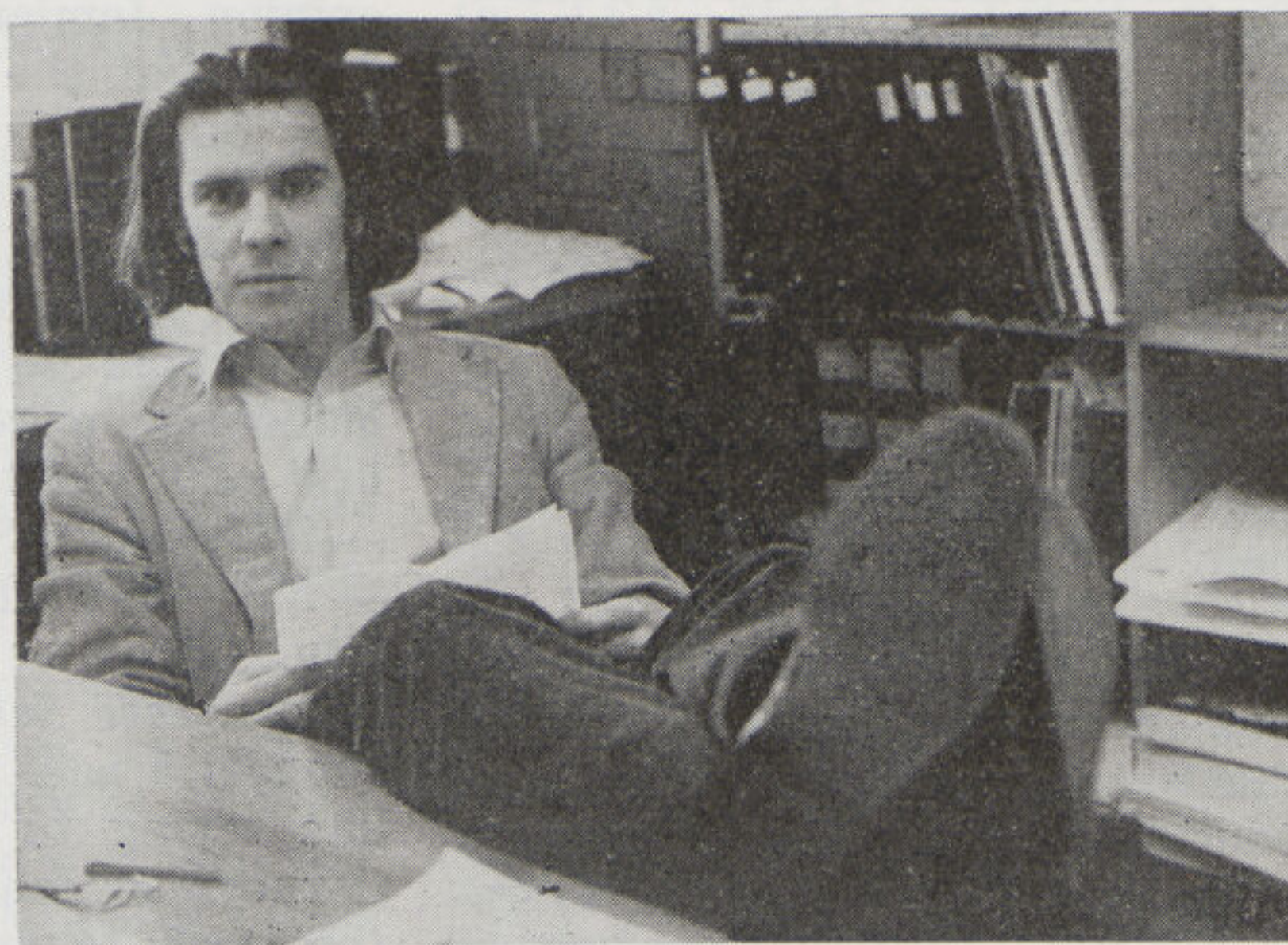
Duncan Kennedy, now in his second year of teaching at the Law School, is one of few professors who understand the acute need to humanize the law school classroom. He approaches his classes with an eye towards eliminating the rituals which turn classes into Cold War battlegrounds.

One of the rituals Harvard sustains is the seating chart; the idea is that by regular use of the device, professors will come to know the names of all their students, fostering a more personal atmosphere in the classroom. Of the carrot-stick aspects of using the seating chart to make favorable or unfavorable remarks (or subtle checks) next to a student's name we do not speak. Kennedy does not mark his seating charts, using them only to spot the first person to be called on in each class. After the first, he calls on "the person to your left" and then "the person to your left" and so on, down entire rows.

Students, who were apprised by Kennedy himself of his "no-name" policy early in last year's Contract's course, were surprised to find later in the year, when the policy had had the desired effect of encouraging wider participation, that Kennedy knew almost everyone's name and used names frequently.

Another ritual which is student-created but encouraged by professors is the forest of hands which rise at the slightest sign of faltering by a student speaker. Kennedy testily waves hands down when students attempt this ritual in his classroom, to the amazement, and sometimes frustration, of many. He views the hand-raising as a signal by other students that something is wrong with what the speaker is saying; it inhibits the speaker and, especially when rewarded with recognition that interrupts the speaker, encourages other students to "go for the jugular".

Kennedy feels that tentative ideas should be examined in a tension-free atmosphere for their strengths and weaknesses and in a way which will bring the student to offer his ideas again when they show promise for discussion. Closely related to the suppression of hands is the suppression of groans or derisive laughter; a stern, moralistic tone creeps into Kennedy's voice when he asks classes *not* to react *en masse* to their classmate's answers and contributions. This, he feels, is a matter of intellectual arrogance, and intolerable. A common thread of these techniques is the fight against student-to-student hostility; he believes that students are ritually taught to denigrate, rather than to respect, other students' and, by extension, their own additions to the class.



Charles Soberman

Duncan Kennedy: 'the new humanist'

Some of Kennedy's techniques are right out of beginning Ed School texts. It is a basic concept of progressive education that the class is a community of students educating one another, as opposed to the more traditional concept of the classroom whereby the teacher hands down received doctrine to the students. The Law School, to my surprise, has built one of the consequences of the more progressive view into its classrooms: the U-shaped seating arrangement. Kennedy follows the rules for teaching in the U shape: he walks into the U, frequently right up to the student with whom he is speaking.

This year, he reported in an interview, he often allows a student to start talking and then sits down somewhere in the back of the classroom, out of the student's sight lines. The object is to dramatize the notion that the students speak for their own, and other students' benefits, and not for the teacher. Teachers, in this formulation, do not teach, they are facilitators for students educating themselves. Moreover, students, in this model, are en-

Of Humanized Legal Education

dowed with as much responsibility for their fellows' education as is the teacher. Out of these methods emerges an educational community which is self-supportive and need not rely on traditional carrots and sticks to make the process work.

As well as avoiding traditional rituals, Kennedy is a practitioner of some new ones which are calculated to reduce the uptight ambience of the law

**'He treats every argument
as worthy of consideration.'**

classroom. The "no-hassle pass" may just be coming into vogue in other classes, but it is the rule in Kennedy's. The "no hassle pass" takes a lot of the terror out of being called on, and it encourages the student to risk an idea which is unconventional or tentative. Educational psychologists agree that one of the crucial elements of the classroom dynamic is risk-taking by the participants; frequently an unformed or unusual idea will stimulate a whole new and fruitful vein of discussion or unique outlook on a conventional topic.

More directly related to the issue of risk-taking is the teacher's attitude toward student answers; one of the attributes of the Socratic Method (Harvard Law School version) is the rapier-like criticism that is expected to follow student rejoinders. This lies at the heart of the tension and the repression that characterizes the law classroom today. Whether intended or not, this expectation and its frequent fulfillment tends to convey to students that they are unworthy to make comment without elaborate equivocation. It leads to the frequently heard and carefully constructed "on the one hand, . . . on the other hand" arguments. It also leads to the disastrous drop-out and freeze-up of large segments of students who do not care to put their ideas under the knife. And this, in turn, leads to the impoverishment, in almost every aspect, of the law school classroom.

Kennedy's tendency is more toward reformulation than dissection. Careful to encourage parts of arguments he finds promising, he points out inaccuracies of fact and suggests, by restatement rather than by indictment, alternative courses of reasoning. These practices may seem self-evident; they are nonetheless notable for their absence in many of our classes. Kennedy assumes that all participants bring to the classroom a sense of what he calls "moral seriousness"; as teacher and de facto authority figure in the classroom, he strives to demonstrate his own seriousness and his respect for that of his students by treating every argument as worthy of scholarly consideration.

Nowhere is this concern more evident than in

his treatment of the "gut feeling" reaction to questions he poses in class. Rather than taking the view, as many professors seem to do, that a student who offers a "gut reaction" analysis is engaging in "sloppy thinking," Kennedy assumes that some unformulated but eminently logical base underlies much of a student's "gut reaction." He seeks to bring out the undercurrent rather than to surpass the entire line of thought as "cheap moralism" or "emotionalism."

"You must", he exhorts his classes, "make the subject your own. It doesn't belong to law schools or law professors, or other law students merely because they parrot the line which the schools and professors follow." He sees that students have become discouraged by the hostility in the classroom and disillusioned by a perceived failure of justice or morality in much of the law they are studying. As a result they tend to reject the subject as a matter of personal interest and to reduce it to mechanistic concepts. He seeks to help students infuse a legal question with their own perspective and their own enthusiasms, rather than instructing them in "the official view".

As a student in Kennedy's first law school teaching venture, last year's Contracts IV, I think he largely succeeded in humanizing the atmosphere in our section. I do not recall "class stars" in Contracts or any other of our courses. I do recall a healthy mutual respect in our section and, what always seemed an anomaly at the law school to me, a sense of community. I also recall that participation in classes was widely dispersed over the section and did not concentrate around a few aggressive individuals. And I can recall the personal satisfaction of feeling that I, in some way, made at least the subject of Contracts "my own". These last views are highly subjective and open to detached questioning, but I find a happy correspondence between Kennedy's expressed motives in utilizing certain classroom techniques and the results we found in the section's participation in all of our courses.

**'He assumes a logical base
underlies every "gut reaction."'**

Harvard Law School has fallen victim to nineteenth-century educational thinking, not only in classroom teaching, but in many areas fundamental to educational motivation. If a few classroom "tricks" will bring us into this century and establish education as a personal, self-sustaining process, rather than a parasitic absorption, then we should experiment with them as long as they hold promise.

Beyond Popkin

Harvard faculty member Samuel Popkin's recent jailing shocked the academic community. He was the first scholar to be punished for protecting his confidential sources of information from a grand jury investigation. Before this event took place many had taken for granted that such sources were protected by the First Amendment freedom of speech or of the press. But that assumption was shattered this summer.

In *Branzburg v. Hayes* the Supreme Court held that the public's interest in law enforcement affects all citizens equally and reporters are not entitled to special favors in testifying before grand juries, 40 U.S.L.W. 5025 (U.S. June 29, 1972). A district court in Massachusetts made the same observation regarding the privilege of scholars, *In re Falk*, 332 F.Supp. 938 (1971). Neither of these two cases has settled the question, however. The *Branzburg* case was decided by a divided (5-4) court and Justice Powell in a concurring opinion maintained that "no harassment of newsmen will be tolerated." But the threat persists.

Justice Stewart dissented in *Branzburg* and criticized the majority, saying that the "Court's crabbed view of the First Amendment reflects a disturbing insensitivity to the critical role of an independent press in our society." We agree. Newsmen and scholars provide an outlet for information in our society that is fundamental to the protection of democratic principle and necessary for healthy social development. This outlet is at least as important as effective law enforcement and can be compared in sanctity to due process.

One wonders what a federal grand jury will gain by denying the privilege in the long run. It is likely to cause a serious "chilling" effect on news gathering, reducing the amount of information available to the jury in the first place.

The trend of the law is away from granting privileges generally, with the notable exception of the attorney-client relationship. As a rule of evidence we have no quarrel with this. But such a trend should not be used to interfere with an important First Amendment freedom such as free press. We are not entirely convinced that Justice Douglas is correct when he suggests an absolute immunity from subpoena for newsmen. But Justice Stewart's suggestion is undoubtedly correct: the state must at least show a compelling state interest before it may compel a newsmen to testify. And we believe the same standard must apply to scholars.

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Fenno

There was something eerie about the library in Langdell. It was like some huge ominous cavern and the rows of bookshelves stood like monolithic soldiers guarding its treasures. Overhead were obscure quotes chiseled into plaster in even more obscure Latin. The place was almost frightening.

Fenno walked down from the Root Room and as he passed each table the occupants looked up and glowered at his echoing heels having disturbed their intellectual process. Fenno grinned sheepishly and strolled casually up to the Circulation desk. He crept slowly along the counter until he could see the exit. *HE* was there all right, sitting at a tiny crackerbox-sized desk, reading yesterday's *Boston Globe* and fingering a roll of nickels for the copy machines, his elbow resting comfortably on the Police Officers Manual.

Fenno nonchalantly sauntered over to the card catalogue, pulled out a random file and feigned academic research. He glanced again toward the door. The man turned the page of the newspaper, yawned, and continued reading. Fenno threaded his way behind the elevator, across the aisle to the Reference desk, smiling inwardly at his sagacity. He set down his brief case and peeked around the corner. He was still there. Fenno realized that sooner or later he must use the exit! Swallowing hard, he picked up his brief case and started casually around the Reference desk.

Suddenly—"HOLD IT!" came a shout from the sleeping giant at the tiny desk, "AGAINST THE WALL!" and Fenno found himself, palms up—feet spread, against the glass case, his nose pressed against the Learned Hand Exhibit while two not so learned hands thrust themselves upon his person in a violent frisk for contraband books. Up one leg, in his pockets, under his arms, in his waistband, and all Fenno could do was stare at Learned Hand's diary four inches from his face. Click, click, his briefcase was opened, its contents spilled on the floor as Learned Hand's photo vanished in a foggy mist. "ALL RIGHT" came a heavy growl. "YOU CAN GO."

Fenno bent down to pick up his books that lay in pathetic disarray, stuffed them into his briefcase and slipped out the door. I'm lucky, he thought, this time I didn't get the body cavity search for microfilm.

Law Notes

The **Volunteer Income Tax Assistance Program**, sponsored by the Internal Revenue Service, is seeking law students to help elderly and low-income taxpayers to complete their tax returns completely and accurately. A training session of two or three days or evenings will be given all volunteers. To participate, call 223-3446 or 3447, or write VITA, J.F.K. P.O. Box 9093, Boston, Mass. 02203.

The **Harvard Law Wives** will sponsor two events in the next week. On December 2, a **crafts market** will be held in Harkness from 10:00 a.m.-5:00 p.m. This will be a repeat of a similar market held last year. The Law Wives will sponsor a **free wine-tasting party**, open to the entire Law School community, on December 6 at 7:30 p.m. in Harkness. Crackers and cheese will also be served. Everyone is invited to both events.

Edward Finch Cox '72 and his wife Tricia Nixon Cox will visit the **People's Republic of China** next spring, according to the White House office of Mrs. Richard M. Nixon. The President's daughter and son-in-law will presumably travel as guests of Chairman Mao Tse-Tung, although Mrs. Nixon's office would not confirm this or any other details of the trip.

Professor Alan A. Stone will speak on the topic of "**Civil Rights and Civil Confinement**" at an informal discussion sponsored by the Board of Student Advisers at 4:00 p.m. on December 6, 1972 in the Root Room at the south end of the Langdell Reading Room in Langdell Hall.

Emphasis during the gathering will be on student input and dialogue with Dr. Stone in a less structured situation than that of the classroom. The BSA hopes to initiate a series of student-faculty discussions on a similar basis in the future.

Topics to be covered in the discussion will include the right of mental patients to refuse such treatments as lobotomy, electroshock therapy, and narcotics, and their right to demand such treatments. Readings on this subject have been placed on reserve in Langdell for students who wish to explore the area before the talk. Free coffee will be served during the discussion.

The **Committee on First Year Evaluation and Related Matters** will meet

with interested students, particularly 1Ls, in Pound 335 on Friday, December 15 from 3-6 p.m. to discuss the first-year grading system and other topics of interest to students. The committee, with eight faculty and three student members, is exploring alternatives to the present grading system and welcomes the views and ideas of all students. Note that the *HLS Adviser* gave the incorrect date for this meeting: it is December 15 rather than December 8. Refreshments will be served at the gathering.

The formal opening of the **Marshall Club Lounge** in the first floor of Holmes Hall will be held December 4 from 4-6 p.m. The lounge is open to and intended for all students. Refreshments will be served at the opening. The Lounge will feature a selection of magazines and free coffee, courtesy of the Marshall Club.

The newly-elected members of the Executive Committee of the **Black Law Students' Association** are John W. Daniels, 2L, President; Francessa F. Ormes, 2L, Vice-President; Ernest L. Brazil, 2L, Secretary; and June M. Baldwin, 1L, Treasurer; Lawrence C. Patrick, 1L; and Gail J. Wright, 1L. The Executive Committee will serve until November 1973.

The names of the professors hidden in last issue's Fenno are as follows:

"Sonja Feline, the fluffy kitty cat, strutted over to the barn. She wanted to see if Roy and Chunkey were around. Roy was the coolest rooster and Chunkey the biggest black ox on the farm. 'Hey Man,' she said prancing up to the fence where the rooster perched near his huge friend, 'what's new?'"

"'Well,' the rooster began, 'I scared away a foreign burglar last night. He had a lot of goodies in a sack so I hollered, 'HOLD IT!', he shouted, 'TOUCHÉ, SIR' and I chased him out with a bat or something. He looked a little like Henry Fonda's son. I went after him because nerve is something I've got."

"'Not only that,' the ox bellowed. 'I come along to borrow a book, I wanna read a story. I see the two and wonders which is the chaser and which is the chasee. But I figures if I catch him I'll eradicate that monkey tonight. So I pounce on the burglar, but he was such a bruiser he went and freed himself.'"

Note that Bruce and Surrey are joined, as are Bell and Bellow.

Assistant Professor William Fairley of the Public Policy Program in the Kennedy School of Government will speak on the topic of "**Probability in Law**" in Room 17 of Hilles Library at Radcliffe, Tuesday, December 12 at 7:30 p.m. A minimal statistics and mathematics background is sufficient for the non-technical talk, and a Harvard I.D. is required to enter Hilles Library.

A representative from the National Office of the Office of Legal Services of O.E.O. will discuss **employment opportunities** in its programs for the coming year on Tuesday, December 12 at 4 p.m. in Austin East. Both summer and permanent placement will be discussed. O.E.O. Legal Services will hire at least 500 attorneys in the next year.

Judge Zita Weishienk '58 will appear in panel discussion at 4 p.m. Monday in the Ames Court Room in a discussion of the film "The City and County of Denver v. Lauren R. Watson," shown last week to first-year students. This is the third consecutive year she is appearing in such a discussion.

Other speakers will include Robert J. Glass, legal adviser to the Boston Police Department, and Harry Silvergate, a Boston attorney.

Norr, Tax Specialist, Dies at Newton Home

(Continued from Page 3)

searcher who has the requisite intellect and experience. He brought to his work his experience in private law practice, government and private business, and his work always reflected that unique point of view. All of us valued his friendship as well as his intellectual ability, and we regret his death very much."

Beth Eischen, Administrative Assistant in the Tax Program, said, "Mr. Norr's breadth of knowledge was enormous. He could quote from James Joyce as easily as from foreign tax statutes. He would always take time out from his work to talk to one of us about something we were interested in, and he would have a lot to say about it. He always cared very much about his friends."

Learned Hand, Respondents, Win

(Continued from Page 1)

against the Cardozo Club. On the brief for Learned Hand were Geoffrey M. Conner, Paul P. Daley, Steven B. Jacobson and Thomas D. Phillips. The Cardozo Club was represented by Richard Lyle Berkman and David B. Goldstein as oralists and Christopher T. Carlson, Jeffrey L. Dye, Jon W. Nickel, and Garry B. Watzke on the brief. All the participants are 3Ls.

The three-judge panel which judged the Ames event included Stewart, who acted as Chief Justice for the evening, and Court of Appeals Judges Paul R. Hays (2d Cir.) and Harold Leventhal (D.C. Cir.).

The case, assumed to be before the U. S. Supreme Court on certiorari, involved an attempt by Petitioner Agar Chemical Corporation, represented by Cardozo, to enjoin the respondent members of the Michigan Employment Security Commission from paying unemployment benefits to the company's striking workers, presumed to be still on strike when

the case was argued before the Supreme Court. The benefits were obtained on the basis of interim employment obtained by the striking workers, employment which the company alleged was a "sham" taken merely to evade the

granting of unemployment compensation to strikers. The two issues on appeal, after the Court of Appeals affirmed *per curiam*, thus became whether the District Court correctly declined to abstain and whether federal labor



Peter Wirth

Stewart, C.J.; Hays, Leventhal, JJ. of Ames Supreme Court.

labor dispute disqualification on benefits.

The District Court, after declining to abstain on the substantive question (an abstention urged by the defendants because of what they claimed were unresolved issues of state law more appropriately passed on by the Michigan state courts) went on to grant defendant's motion to dismiss, essentially finding no significant preemption of federal labor laws in the Commission's

policy preempted the Commission's granting of benefits.

Goldstein spoke first for the petitioner, stating the above facts. The questioning by the judges, which was intense throughout the night, began with a question from Stewart. He asked Goldstein whether the case would be moot since benefits for the strikers terminate in three weeks. Goldstein answered in the negative, pointing out that the strikers may be eligible for continued benefits, and

Loss Takes Walk As Students Balk

Professor Louis Loss made a surprise exit from his *Corporations* class last week when about a dozen students failed to answer a question he had posed.

"I did it to show this was more than a lecture class," Loss, who had once before walked out on an unprepared class, said Tuesday.

Since then, "my class has been very well prepared," he said, so maybe walking out "is good medicine."

Loss speculated that the poor response was due to students' tendency to "freeze" in large classes and to the general lower degree of preparedness among 2Ls and 3Ls in recent years.

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Fourth Consecutive Ames Contest

then went on to make the key point for the petitioner, that the benefits work to prolong the strike. After discussing the abstention issue, Goldstein was questioned by all the judges and particularly sharply by Leventhal, who persisted in asking why, if sham by the workers could be proven, the company hadn't tried to get relief on grounds of fraud.

Berkman then argued the substantive issue for petitioner, claiming that the balance between employer and organized employees, which federal labor laws sought to maintain, was upset by the granting of benefits to strikers. In response to a question from Hays about hypothetical "oppressive" work conditions, Berkman argued for the free play of competing economic forces. Leventhal pointed out that, while it is operating at a loss because of the strike, Agar Chemical will be saving on its state income taxes and asked if this was an "unfair subsidy" to the employer's side. After Berkman's response, Leventhal suggested that he was "begging the question," and Stewart asked about other services received by the employer, such as police and fire protection. Berkman pointed out that the strikers receive the same protection.

Fine, first oralist for the victorious respondents, argued that

since there hadn't been any authoritative determination of state law on the benefits-for-strikers issue, the federal courts should recognize the autonomy of the Michigan Supreme Court and thus abstain. After Stewart suggested that it would have been less confusing if the respondents had argued for what they wanted affirmed first, i.e., the dismissal, instead of arguing error in the District Court's declining to abstain, Leventhal asked about the time delay problems for the company if it had had to go through

Justices Uphold Strikers' Benefits

state channels. Fine argued that this wasn't significant and went on to urge that the federal courts have no jurisdiction to grant the injunction requested by petitioner relating to the corporation's contribution to the unemployment compensation fund.

Waicukauski, the final speaker, began by warning that federal preemption of state law was not to be lightly inferred. Stewart questioned him as to whether the availability of unemployment compensation made a difference in union behavior; Waicukauski con-

ceded that it might but argued that the problem wasn't significant enough to warrant preemption. Leventhal was again concerned about the possibility of fraud, asking what state interest there could be in paying benefits based upon a "subterfuge." Waicukauski replied by avoiding the fraud issue and pointing out the state interest in keeping out-of-work people above poverty. After some humorous dialogue between Stewart and Waicukauski over the meaning of the word "macrocosmic" used by the oralist, Waicukauski closed the argument for the respondents by urging that the problem was largely political and could best be solved by Congress, rather than by the federal courts.

After a short rebuttal by Berkman for the petitioner, in which he argued that the federal courts could better balance the competing interests of state and federal law involved, the Court retired to consider its decision. When the Justices returned, Justice Stewart emphasized that the Court was deciding not the merits of the case, but rather on the comparative quality of the written briefs and oral arguments and that the Court was divided on a very difficult decision. He then announced the results.



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Generally Accepted Forecasting Principles

Too much is expected of public accounting. It should disclose facts. It cannot convert these facts into an equivalent present value of future profit. No one can. Ask for relevant data, not E.S.P. There is no profit until cash is received by the investor with no strings attached. Any allegation to the contrary is only forecast.

The asset side of every balance sheet is a forecast that each item will be converted into cash at some indeterminate time in the future. The liability side is usually no forecast; it is a list of claims and only a list of known claims even at that.

True corporate profitability accounting would provide a forecasted dividend schedule to perpetuity. That and only that could provide a shareholder with a means of determining the real profit on his investment. Anything less is no more than a stylized output from generally accepted forecasting principles (GAAP).

- Land does not change in value until it is sold.
- All benefit from advertising is realized almost immediately in the accounting period in which it is paid for. The same is true for research.
- A long term lease is neither an asset nor a liability.
- Inventory is worth no more than its cost.
- Oil and gas in the ground are worth what they cost to obtain.
- An efficient highly productive organization has no value in excess of the cost of its component elements.

All of the above statements are usually clearly false. To some extent their truth is uncertain and unknowable. However, these statements are consistent with generally accepted accounting principles. Reliance on such assumptions is often misleading and usually understates value. However, there is no way to accurately state the values that are unknown.

On the other side of the balance sheet, there are enormous liabilities that are never recognized explicitly. Changes in economic, competitive, political, legal and technical environment can create a continuous stream of new liabilities which are quite out of phase with the effect on revenues. The exposure to future loss is unavoidable. Forecasts of this future are virtually meaningless. Accounting usually understates these liabilities since it cannot recognize them in advance.

There is no way to match expenses and revenues if both are uncertain in amount and indeterminate in timing. Earnings can never be more than forecasts until the books are closed for the last time.

Any accounting evaluation of a going business must assume an orderly and conventional continuation into the indefinite future. All "reported retained earnings" are at stake and always will be until paid in dividends. All accounting "reported profit" is based on some sweeping assumptions about the future.

Professional accounting practice has provided a superlative technical model of business. It will be difficult to improve it. It has been so good that it has created wholly unrealistic expectations of precision in evaluating the unknowable.

The real object of all accounting is to facilitate determination of profit and the factors that affect profit. The only profit that really counts is cash paid to the shareholder. Only future dividends and their timing really matter. No application of accounting principles can provide a forecast of that.

The real role of public accounting is to provide full disclosure of relevant and material facts together with a stylized evaluation for the convenience of the casually interested party. Public accounting can do no more. To ask for more is unrealistic.

The real role of the security analyst is to provide a sophisticated and well informed analysis of the present value of forecasted future events with respect to the shareholders. This, of course, must be based on accounting data disclosures. This can be done, but the wide margin of error and large factor of subjective judgment should be obvious for all to see.

The corporate management itself is in the best position to evaluate the future. However, human frailty makes it very difficult to evaluate the forest when you are in the deep woods. Corporate management forecasts are unlikely to be objective and precise.

Yet the burden of disclosure and forecasting the future must be the responsibility of management, not accounting. The management recognition and evaluation of the future risks and rewards are as much a measure of management competence as the statistical record of past history provided by accounting.

The chief executive's review of the state of the business in the annual report should be a far more significant document than the data base certified by the public accounting firm. That, of course, requires a tightly reasoned concept of corporate strategy and competition as a starting point.

Current earnings as reported and long term performance often can be traded for one another. The management must have the wisdom and insight to recognize the tradeoff. The security analyst must have the wit to fairly evaluate the probable consequences. The public accountant is responsible for the provision of adequate relevant data. The investor is on notice that simplistic short term reported earnings are no more than indicative of the forces at work.

The responsibility for disclosure and interpretation of significance cannot be divided. It belongs to management alone. Accounting can only authenticate the facts as stated, not the implications.

Perspective #111

Bruce D. Henderson, *President*

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Interviewing: Cravats Wane—And More

By Phil Spector

From October to December, the student body at the Law School takes on a slightly different appearance from the rest of the year. Each day what seems like a fairly significant percentage of the 2Ls and 3Ls exchange their blue jeans and sweaters for suits and ties, or, in the case of women, fairly "dressy" dresses. (The rest of this article will be confined to discussing suits and ties, but most of what is said is applicable to women's attire as well.) In men's rooms in the Pound Building, there will often be someone madly changing his clothes for an interview five minutes away; he just couldn't stand the thought of wearing a suit the whole day, but he also wouldn't think of being interviewed without wearing the obligatory garb.

Before continuing this column, I should preface my remarks by emphasizing that I have nothing against coats and ties, if that's what someone wants to wear. Although I can personally see no purpose in knotting a piece of

colored cloth around one's neck, and although a coat which leaves most of the chest exposed when fully buttoned is very inefficient in New England weather, that mode of dress is fine if that's how someone wants to express his personality. I only object to the implicit but very real imposition of the suit and tie requirement on law school interviewees. I'll reserve for another time and place the question of whether law officers and courts are justified in requiring, either informally or explicitly, that their attorneys wear coats and ties.

When a firm comes to Cambridge to interview, it is looking for future associates and partners. Thus, it has been variously argued, the interviewers want to assure themselves that you own at least one tie or that you know how to tie a tie, or perhaps they just want to see how you look in a suit. None of these reasons seems particularly strong, and the underlying rationale may instead involve custom, inertia, and undoubtedly a certain feeling among interviewers that they

can more comfortably talk to others dressed as they are; most lawyers don't very often meet people who don't wear ties.

Whatever the reason, it is certainly true that most students feel a coat and tie are indispensable for interviews. Obviously, in a competitive job market, where most employers feel more comfortable with those who are "properly" dressed, the student needing a job can't afford the risk of not wearing the customary attire; the student is likely to lose the job to a better-dressed peer. From the student's point of view, this conformity is both necessary and understandable; the employer, however, may have a responsibility to act to ease the dress-up-for-interviews requirement.

Employers, who count within their ranks many alumni readers of this publication, could specify, as has one public interest law office this year, that interviewees should dress informally, or at least that they are not required to wear coats and ties. The Placement Office could encourage this by asking, on the form firms return if they want to interview here: "Is informal dress appropriate for the interview?" or words to that effect.

One of the more noticeable changes around the Law School from ten or twenty years ago is that now coats and ties are very much the exception, rather than the rule. Where once a coat and tie at a law job interview might have been very genuine, today it is little more than a formality that fools no one. It will be both better for students and, if one believes employer-employee relationships are best when built on a foundation of honesty, better for employers if the latter recognize the changing modes of dress at Harvard Law School and modify their interviewing policies accordingly.

Dorm Council to Begin Loan Fund

The Dormitory Council voted last week to begin making grants and loans to Law School organizations, with funds to be allocated according to the recommendations of a special standing committee of the Council to be established. This Grant and Loan Committee, proposed by Robert W. Mack, 2L, was created by the Council at its meeting Monday, November 20.

It is expected that the Law School Show, which is \$600 in debt, will be first to seek financial assistance from the group.

The Council also decided to tentatively schedule its Holiday Season Party for Friday, December 8 on the first floor of Harkness. After a heated ecological

and religious debate, the Council voted 12-5 to purchase a menorah, the traditional candelabra for the Jewish holiday of Chanukah, as well as a naturally-grown Christmas tree, on the understanding that Frank Gallagher, Harkness manager, will defray half the cost.

Gallagher also offered the Council the use of various gambling devices from a "well-known Las Vegas casino" for a possible "Casino Night" at the Hark some evening this winter.

The Council had \$1439.37 in its checking account, \$1590 in its restricted savings account, and \$7613 in its unrestricted savings account as of November 20.

Financial Aid Committee To Require Income Tax Information of Parents

(Continued from Page 1)

Tax forms will be required for the first time next spring, when students who will be 2Ls and 3Ls in 1973-74 make application for financial aid. The committee has sometimes adjusted aid awards retroactively, after discovering substantial discrepancies between the real income of a student's parents and the income they reported through LSDAS.

Prospective 1Ls will not be required to include tax returns with their applications for admission and financial aid, primarily because they generally apply before their parents have completed their spring returns. But the parents of 1Ls receiving aid will be required to submit tax information during the following year even if they receive no aid as 2Ls, and those who fail to do so will have their aid redesignated as loans.

It is a policy of the Law School that parents are expected to contribute to a student's legal education in amounts consistent with

their financial means, even if the student is married or otherwise financially independent.

Kaufman reported that his committee is currently considering methods of insuring that tax records will remain confidential and be kept at the Law School no longer than is administratively necessary. "The records we have now are kept under lock and key," he said, but Dean Albert M. Sacks has asked that information concerning persons already graduated be destroyed if no longer useful.

Professor Arthur R. Miller, an authority on the problems of maintaining privacy in a technological age, suggested at the faculty meeting that the committee file tax returns by a cross-filed numbering system which would preserve the anonymity of parents submitting returns.

The practice of requiring tax information to supplement other financial data was conceived about two years ago by financial aid personnel at the University of Pennsylvania and the Massachusetts Institute of Technology.

Release of Popkin Ends Controversy Dividing Ex-Deans

(Continued from Page 2)

kin to begin serving his sentence.

Daniel Klubock '62, Popkin's attorney, criticized the government for misleading the defense on that date about whether it intended to call Popkin again as a witness before the grand jury.

"There is no doubt about it," said Klubock, according to Sunday's *Boston Globe*. "They [Steiner and Bok] were told one thing in the morning and another thing in court."

In a memorandum filed with the Supreme Court, Erwin N. Griswold, Solicitor General and former dean of the Law School, had stated that the government only intended to ask questions about Popkin's "conversations with other scholars."

"I believe Solicitor General Griswold has a duty to go back to the Supreme Court and tell them he was wrong and that he misrepresented to them the correct posture of the case," said Klubock, according to the *Globe*.

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