

HARVARD LAW RECORD

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TWENTY CENTS

Summer Exams Trouble Law School

Some Students Face Disciplinary Action

Disciplinary actions continued this week against those students who failed to meet the September 1 deadline for completing examinations for the 1969-70 academic year. Some 25 to 30 students may eventually be required to make up examinations and—in some cases—class hours before the hearings conducted by the Administrative Board are completed.

The hearings stem from the summer take-home examination option offered to first- and second-year students last May as a means of conducting exams while releasing concerned students for

work in Washington, D.C., or in their home communities against U. S. involvement in Cambodia.

While all third-year students took their examinations and degrees in June, over 900 first and second-year students chose to take one or more exams at home. These exams were to be taken under the same conditions as the regularly scheduled examination and had to be delivered to the school, postmarked on or before September 1, to satisfy the take-home requirements.

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Hoarding of Bluebooks Fouls up Registration

By Greg Ward

Registration this fall was more scrambled than usual.

The hoarding of completed blue-books by students who elected to take their examinations home over the summer was the chief cause of the mix-ups, according to Stephen M. Bernardi, Secretary of the Law School.

In the week prior to the deadline, 1,524 exams swamped the Registrar's Office.

"Registration would have been tough anyway," said Bernardi, "because we didn't have the preliminary registration in the first few weeks of May." Preliminary registration had been deferred until the summer to accommodate those students who left for home in the wake of the controversy over U. S. involvement in Cambodia.

The sudden onslaught of blue-books during the week prior to the exam deadline, said Bernardi, resulted in the overburdening of the Registrar's Office and the subsequent disorganization of the registration procedures.

While 30-40 per cent of all exams on a course-by-course basis were taken at the regularly scheduled time and place, 4,400 exams were mailed to 947 students in June. As of June 15, only 70 1Ls and 76 2Ls had completed all their exams.

The exams were slow coming back. "There was some inflow in June," said Bernardi, "but 'long

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Freund Opposes Women's Law

By Michelle Scott

Paul A. Freund—Constitutional Law authority, Carl M. Loeb University Professor, and opponent of the proposed Women's Rights Amendment—gave a luncheon talk sponsored by the Law School's Young Republican Club last week in the Pound Building large meeting room.

He immediately made note of the fact that the large female delegation in the audience probably disagreed with his much-quoted opinions.

Freund insisted that his position on the amendment did not indicate antifeminist sentiment, but rather the belief that the fight for the amendment was "the pursuit of a mirage rather than of a productive reality . . . [with] possible foolish, unpredictable or chaotic results." Freund urged



Professor Paul A. Freund

the women to consider methods short of an amendment.

Litigation under the equal protection clause of the 14th Amend-

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Curriculum Features New Urbanism, Ecology Courses

By Bob Junghans

Curriculum changes for upper-classmen during the Law School's upcoming academic year mirror society's heightened awareness of environmental and urban problems. First-year students, meanwhile, are guinea pigs for a combined approach to Legal Methods, small sections, Ames Competition, and supervised writings.

No fewer than 11 new classes and seminars have been added to the second and third year assortment, and a 12th combination class seminar has been resurrected after a year's hiatus.

Five of the new offerings fall within two areas which have become popular political playgrounds in this election year: problems of urbanism and of the environment.

Two classes specifically concerned with the problems of urbanism are a seminar taught by Professor Charles M. Haar, *Housing for Low Income Families*; and a combined Massachusetts Institute of Technology-Law School seminar, *Institutional Change in Urban America*, taught jointly by Professor Lloyd L. Weinreb of the Law School and MIT Assistant Professor Robert Fogelson.

Two seminars and a class have been added in the environmental field. The class is *Management of Natural Resources: Water*. The added seminars are: *Topics in Technology Assessment: the Environment and Law: Domestic and International Aspects*, taught by Professor Milton Katz; and another joint HLS-MIT venture, *International Response to Science and Technology*, taught by Professor Abram J. Chayes of the Law School and MIT's Professor Skolnikoff.

Outside of the urban/environmental realm, this year's new offerings include a pair of directed reading and writing courses in legal history, one in Soviet law given by Professor Harold J. Ber-

man, and another in American law taught by Assistant Professor Morton J. Horwitz.

Also added is a one-hour, year-long course in *Supervised Clinical Instruction* for 3Ls who were members of CLAO as 2Ls. A seminar, *Policy Issues in the Public Sector: Legal and Economic Aspects*, is being offered by Professor Richard A. Musgrave spring semester, while another new seminar deals with the regulation of broadcasting. Professor Roger D. Fisher will teach a spring course, *Improving Compliance with International Law*.

The resurrected class is *Professional Responsibility in Criminal Cases*, offered this semester by Professor Livingston Hall.

The Class of '73 gets its feet wet at the Law School with the sacrosanct Big Five: (torts, contracts, property, criminal law and civil procedure). The major change comes in the amalgamation of areas which last year's 1Ls encountered in a piecemeal

Piecemeal 1L Offerings Amalgamated

fashion: Legal Methods sections, supervised writings, and the Ames competition.

In an effort to clear up some of last year's shortcomings and to make a more coherent program out of a wide range of activities, the new program has divided this year's 1L class into Legal Practice and Methods sections of 16 to 20. Each group will be a unit for the Ames competition, for small group sections for an 11-week class in the second semester taught by a professor, and for other administrative and academic purposes, among them the completion of at least one supervised writing during the year.

The groups, which are made up

of members of the same large section, will meet once a week for 1 1/2 hours during the entire year with the exception of several weeks in the fall while the Ames competition is being conducted.

Over a score of professors indicated last spring what area they wished to cover in the small group courses. Incoming 1Ls were given their choice and the student groups reflected those preferences.

The Legal Methods classes, with each section presided over by a teaching assistant together with a member of the Board of Student Advisors, have a more clearly defined purpose than in previous years. Their major goal will be to introduce students to some of the more practical and work-a-day aspects of the legal profession, at the same time giving them closer contact with at least one professor and a greater choice as to their one "elective" subject.

A grade of credit/no credit will be given in Legal Methods, the latter representing a failing mark when computing first year grades. Likewise, the Ames competition will be governed by a complete/incomplete grading standard, and will include faculty participation. There will still be an option for a substitute project in place of Ames.

Conspicuous by its absence is Development of Legal Institutions (DLI). Now dormant, its future lies in the hands of two committees, the Committee on Legal Education and the Committee on the First Year, both of which are to present reports on the subject to the faculty by November 1.

One other administrative change was made in the 1970-71 curriculum. For the first time, Taxation is given four hours in a single semester, to students in this year's 2L Section IV.

It does have its advantages, however. In addition to the prospect of a tax-free second semester for many, the more zealous in their pursuit of tax knowledge are eligible to take Advanced Taxation second semester. Previously, this course was limited strictly to 3Ls.

Law Review Selects Ten 3Ls

Ten members of the third year class were selected this summer to join the Harvard Law Review on the basis of their class rank after three semesters.

Allen R. Snyder, president of the Law Review, issued invitations to Richard C. Brautigam, James S. Bryan, Robert P. Feyer,

Edward J. Hayward, Fern L. Leicher, Roger J. Magnuson, David B. Rossmann, Logan S. Stafford, Robert J. Waldman and Edwin V. Woodsome.

It is customary for several 3L students to be selected each year on the basis of their 2L or combined 1L and 2L records. Because

all final spring grades were not available this summer, the Law Review asked the registrar to compile a list of the top ten students in the class of 1971, excluding present Law Review members, according to their first three semesters' work.

According to Snyder, another ranking of students based on four semesters' work will be made when final grades are recorded. "We have made a commitment to take someone who would have made the Review on four semesters' grades, under usual circumstances," Snyder said.

Admittedly hoping there will be some overlap in the two lists, Snyder explained that the procedure was designed to avoid discriminating against anyone who chose to take take-home examinations after the May crisis.

In addition to new members, Snyder announced that four students returning to the Law School after a year's absence had been reinvited to join the Review. Bruce Levine and David R. Zwick, both 3Ls, and Elliot S. Azoff and William A. Falik, 2Ls, had previously made the Law Review on grades or in the writing competition.

Returnees Invited to Rejoin Law Review

Because grades for last years' 1L class were also unavailable, the Law Review held the first round of the 2L writing competition before announcing which 20 members of the class of 1972 made the Law Review on grades.

When grades are available, the top twenty 2Ls will be invited to join the Review. Anyone making the Review on grades who is participating in the writing competition finals will be allowed to withdraw from the contest.

Governance Committee Elections

By Jerry Snow

The Law School Committee on Governance has announced elections to be held on Tuesday, October 6. At that time, the second and third year class will each elect three representatives to the committee. The first year class will vote later in the fall.

Any 2L or 3L wishing to serve should submit his or her name to the Law School receptionist (first floor, Langdell) before 5 p.m. Friday, October 2.

The Committee on Governance was created last fall to develop ways of improving student participation in decision making at the Law School. Professors Abram J. Chayes, Charles M. Haar, and Stanley S. Surrey were appointed as faculty representatives to the committee, and will continue to serve in that capacity this year. Nine student representatives were elected, three from each class.

In the middle of the year, the Governance Committee divided into two subcommittees, one dealing with disciplinary procedures at the Law School, and the other with "responsiveness," or grievance procedures.

Debate over discipline and responsiveness reached a peak last spring during the Administrative Board and faculty hearings on the cases of five black law students who participated in sit-ins at Harvard College last fall. Student members of the Governance

Committee were invited to join in their deliberations after considerable pressure was put on the faculty to give students a voice in deciding the fate of the black students.

Subsequently, the subcommittees on discipline and on responsiveness began their work in earnest. The Responsiveness Subcommittee had begun to hold hearings and had issued a preliminary report, when they were interrupted by campus reaction to the Cambodian crisis. A report from the Disciplinary Subcommittee has not yet been submitted.

The work of the Governance Committee, together with its subcommittees, will resume as soon as elections are over. In addition to developing proposals for improving student participation in Law School governance, the student members of the committee will select candidates to fill current vacancies on student-faculty committees, and will be available for consultation with the faculty on important matters affecting the student body.

The Committee on Governance is not designed to continue indefinitely, but will disband as soon as it has completed its work of finding more viable and permanent ways of incorporating students into the governance of the Law School. If necessary, it will continue into next year.

* * *

Board Changes Ames, Revives Williston

By Joseph Rafalowicz

The Board of Student Advisors will be holding the first-year Ames Moot Court Competition later this year than in previous years. The fall round is scheduled to begin on October 29 and run through December 17.

The Williston Drafting Competition, which has not been held for five years because of a lack of student interest, will resume this year. Other changes in the Ames Competition include grading on a pass-fail basis, having the spring round of first-year Ames entirely voluntary, and combining the Ames Competition with Legal Methods sections.

A failing grade in Ames, according to Don Howarth, 3L, Chairman of the Board's First-Year Program, will be given only as a penalty for lack of a good faith effort by the student and will not be a measure of his work.

A failing grade will be the equivalent of failing half a course in the regular Law School curriculum.

The Ames arguments will be organized around the Legal Methods sections, which will emphasize a workshop approach. The sections will be led by a teaching fellow in the fall term and a professor in the spring term. A Board member will be assigned to each section to grade papers and to participate in class projects. All sections will be dismissed during the time the Ames Competition is in progress.

Last spring, the Law Review made available to the Board \$3,800 to be distributed to students for empirical research in connection with their third-year papers. The Board is entirely responsible for the administration of this program and the distribution of funds. Applications for

such grants should be available from the Board by late October or early November.

Applications will also be available soon for twenty 2L places on the Board. Last year, the Board began selecting its new members on the basis of faculty interviews and recommendations as well as grades, a change from the previous practice of selecting only on the basis of grades.

While the Board members selected last year had about the same grade ranking as those selected in the past, they were more committed to the Board, according to Stephen B. Presser, 3L, this year's Board President. Furthermore, some who could not have made it on the basis of grades alone were selected, Presser added.

Board members are paid \$700 per year for an average of about
(Continued on Page 11)

CHRISTMAS FLIGHTS

ZURICH (via PARIS)	Dec. 18-Jan. 3	\$232
LONDON	Dec. 18-Jan. 3	\$210
SAN FRANCISCO	Dec. 19-Jan. 4	\$189
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	(for details contact office)	

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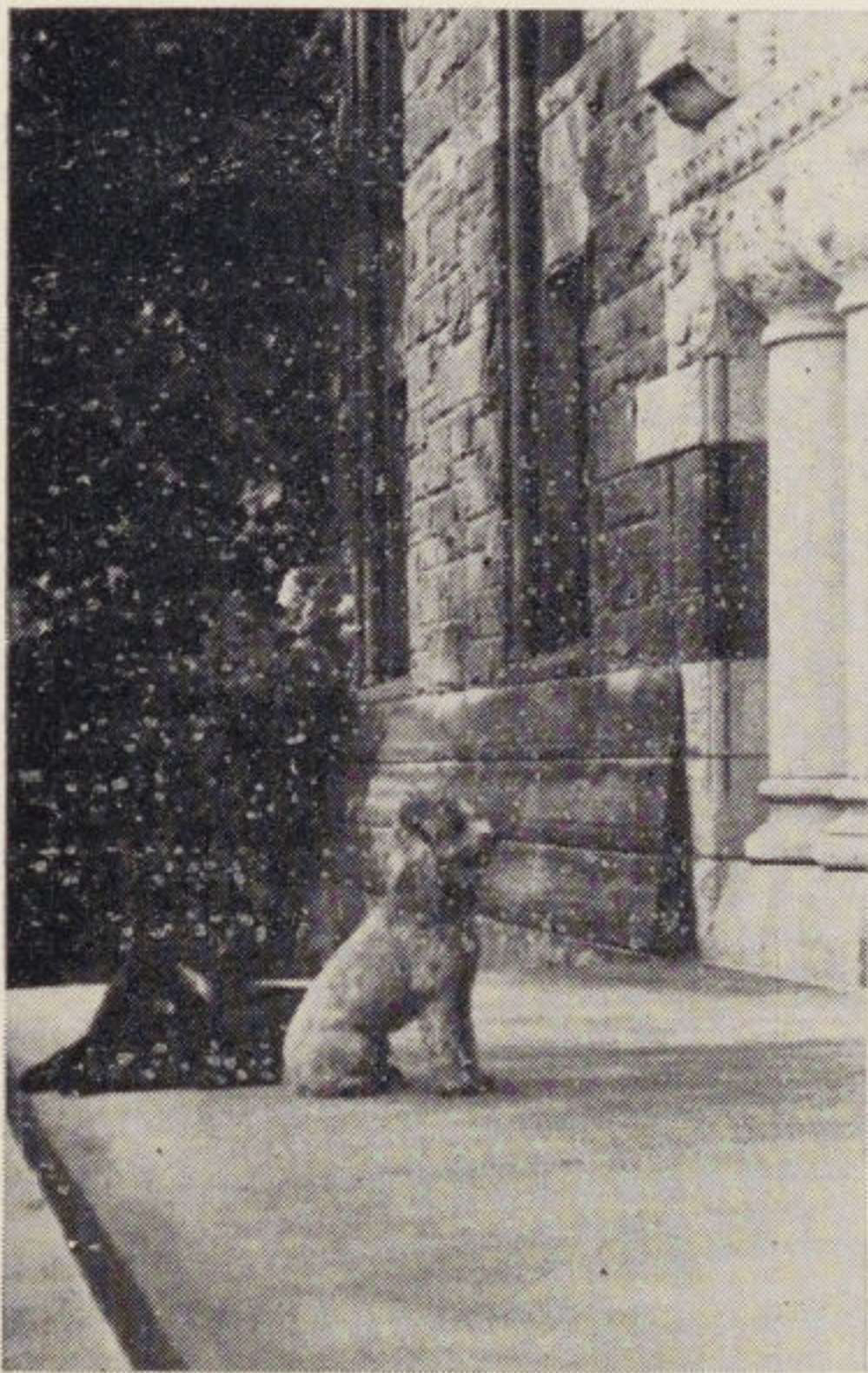
Law School Ousts Pets

By Lisa Friedman

The first issue of the administration's house organ, the *HLS Advisor*, contained a statement of current Law School policy which will adversely affect the lives of dozens of Harvard Law students: "No pets are allowed in the dormitories, classrooms or offices."

Presumably this prohibition is directed primarily to the canine population of the law school, which has increased in size and variety over the last few years.

Because the reasons which immediately come to mind for the ruling against pets — dirt, disruption of classes — apply with equal force to 90 per cent of the student body, it is suspected that the administration's real motive (though shrouded as usual in the



Jeff Petrucelly

Banned pooches miss their nine o'clock class in Austin Hall.

intricacies of Tibetan legal reasoning) is a well-founded fear that Harvard Law School is going to the dogs.

Many of the so-called "pets" are actually *bona fide* registered students. One of the expellees, a *magna cum laude* graduate of Doggie Obedience School, and now

a 3L, believes that violence is the only solution. He has already colared a number of faculty members in the corridors to unleash upon them a vociferous stream of criticism against the new ruling.

"Make no bones about it," he declares. "This is unjustified discrimination!"

The major challenge to conducting successful litigation (expected to begin shortly) will be demonstrating that dogs are persons under the 14th Amendment. Should the case ever reach the Supreme Court, it is believed that it will be sympathetically received, especially by Chief Justice "Gaines" Burger.

Plato (last name omitted to preserve anonymity), a four-footed 2L who often astounds his professors with his extemporaneous and incisive dissertations on the law, intends to band together with several former 1L classmates — Debby Batts, Jerry Muskrat, Paul Fish, and Peter Katz — to uncover ways of mitigating the impact of the ruling. (Last year, all were members of Section IV, affectionately known throughout the school as "The Menagerie," although supposedly for reasons in addition to those suggested above.)

Plato is presently going about business as usual and registering for classes. A natural canine aversion to the newly-christened Pound Building necessarily limits his choice of courses, but he notes optimistically that two — "Man's Best Freund," a course in Dog-Man Constitutional relations, and a criminal law seminar, "Fortuitous Housebreaking and Entering," which is expected to make valuable use of those old DLI handouts — have been recently developed by the faculty to meet the educational needs of the ever-increasing animal enrollment at the law school.

Plato claims that Harvard Law School furnishes ample opportunity for a dog to develop those

nebulous but eagerly-sought qualities of mind and spirit required of any good lawyer. His extracurricular activities include regularly-scheduled boycotts of the food service at Harkness as well as legal aid work at the Commu-



Jeff Petrucelly

"Hashish" takes morsel of wisdom from owner and Law Review staffer Joel Klein.

nity Assistance Legal Office (CALO) and the Ames Legal Protection Organization (ALPO).

This summer, Plato, like many other 2Ls, expects to enter the dog-eat-dog world of corporate law. Having just missed garnering a seat on the *Harvard Law Review* by a cold, moist nose, he foresees no difficulties in obtaining employment. In fact, he has already received an offer from the exclusive firm of Rin, Tin & Tin, which handles the accounts for a number of major Malaysian mining companies.

A dog whose long hair belies his moderate stance on the administration's new pet ruling, Plato remains genuinely hopeful. "I believe that the prohibition will be repealed before long," he states positively. "In the past, the administration's Bok has inevitably proved to be worse than its bite."

Feathered Horse Held Constructive

By W. Barton Leach

Story Professor of Law Emeritus

I have recently come across a Canadian case which merits the attention of each of you. It is not officially reported but appears in 8 Criminal Law Quarterly 137 (Toronto, 1965) and is reprinted in a volume entitled LEGISLATION AND THE COURTS at page 512. The case is REGINA v. OJIBWAY. If it had a headnote, which it does not, it would be something like this:

IS A PONY, FORTUITOUSLY SADDLED WITH A FEATHER PILLOW, A "SMALL BIRD" WITHIN THE MEANING OF THE ONTARIO SMALL BIRDS ACT?

I here reproduce the Opinion in full as above reported.

(IN THE SUPREME COURT)
REGINA v. OJIBWAY

BLUE, J. AUGUST, 1965

BLUE, J.:—This is an appeal by the Crown by way of a stated case from a decision of the magistrate acquitting the accused of a charge under the Small Birds Act, R.S.O., 1960, c. 724, s.2. The facts are not in dispute. Fred Ojibway, an Indian, was riding his pony through Queen's Park on January 2, 1965. Being impoverished, and having been forced to pledge his saddle, he substituted a downy pillow in lieu of said saddle. On this particular day the accused's misfortune was further heightened by the circumstance of his pony breaking its right foreleg. In accord with Indian custom, the accused then shot the pony to relieve it of its awkwardness.

The accused was then charged with having breached the Small Birds Act, s.2 of which states:

2. Anyone maiming, injuring or killing small birds is guilty of an offence and subject to a fine not in excess of two hundred dollars.

The learned magistrate acquitted the accused, holding, in fact, that he had killed his horse and not a small bird. With respect, I cannot agree.

In light of the definition section my course is quite clear. Section 1 defines "bird" as "a two legged animal covered with feathers." There can be no doubt

that this case is covered by this section.

Counsel for the accused made several ingenious arguments to which, in fairness, I must address myself. He submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not the issue. We are not interested in whether the animal in question is a bird or not in fact, but whether it is one in law. Statutory interpretation has forced many a horse to eat birdseed for the rest of its life.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect, the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird because it is silent.

Counsel for the accused also argued that since there was evidence to show accused had ridden the animal, this pointed to the fact that it could not

be a bird but was actually a pony. Obviously, this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offence at all. I believe counsel now sees his mistake.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel, however, that how an animal dresses is of no concern to this court.

Counsel relied on the decision *In Re Chicadee*, where he contends that in similar circumstances the accused was acquitted. However, this is a horse of a different colour. A close reading of that case indicates that the animal in question there was not a small bird, but, in fact, a midget of a much larger species. Therefore, that case is inapplicable to our facts.

Counsel finally submits that the

Bluebooks Foul Registration

(Continued from Page 1)

about the end of June it dwindled to a trickle."

"We were lucky if we got 200 exams a week," said Mary D. Up-ton, Assistant to the Secretary.

The inflow was so slow that it was decided at the end of July to contact students individually. Members of the Administrative Board called 69 students who had five or six exams outstanding, and managed to contact 23.

"The ones we did reach seemed to have the whole thing under control," said Bernardi, "and it was decided that the amount of time spent wasn't worth going forward and doing more calling. We got the impression then, however, that there was going to be a deluge."

On August 25, one week before the deadline, 1,659 exams remained outstanding. The following week 1,524 examinations arrived at the law school.

This deluge affected registration indirectly, but severely. The

slow return of bluebooks had caused many professors to decide to wait until all exams were in before attempting to grade them, feeling that grading could not be consistent if it were done on such a piecemeal basis. As a result, the Registrar's Office was forced to process grades for the 1969-70 academic year at the same time it had to register students for 1970-71.

"The Registrar's Office has two peak periods," explained Bernardi, "the first few weeks of the term and the last few weeks when the grades come in. This year the two peak periods coincided."

The registration problem and the continuing problem of picking up "dropped stitches"—lost bluebooks or bluebooks with no exam number—has generated little support among the administration for the take-home option.

"I would hope that the editorial position of the RECORD is that no more take-home options be made available," sighed Bernardi.

'Small Bird'

word "small" in the title Small Birds Act refers not to "Birds" but to "Act", making it The Small Act relating to Birds. With respect, counsel did not do his homework very well, for the Large Birds Act, R.S.O. 1960, c. 725, is just as small. If pressed, I need only refer to the Small Loans Act R.S.O. 1960, c. 727 which is twice as large as the Large Birds Act.

It remains then to state my reason for judgment which, simply, is as follows: Different things may take on the same meaning for different purposes. For the purpose of the Small Birds Act, all two legged, feather-covered animals are birds. This, of course, does not imply that only two-legged animals qualify, for the legislative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multi-legged animals with feathers as well. Counsel submits that having regard to the purpose of the statute only small animals "naturally covered" with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain that the phrase "naturally covered" would have been expressly inserted just as 'Long' was inserted in the Longshoreman's Act.

Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and *a fortiori*, a pony with feathers on its back is a small bird.

Counsel posed the following rhetorical question: If the pillow had been removed prior to the shooting, would the animal still be a bird? To this let me answer rhetorically: Is a bird any less of a bird without its feathers?

Appeal allowed.

Reported by: H. Pomerantz

S. Breslin

P.S: By telephone to Toronto I have learned all of the circumstances of this case. These will be revealed by my secretary to any interested party.

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Summer Exams Worthwhile Experiment

Conceived amidst that emotional confusion following the Cambodian invasion last spring, the summer take-home examination option was an agreeable compromise at the time.

The faculty approved the option as a means of "offering students the maximum flexibility in making their own plans consistent with the educational aims of the Law School." The students accepted it, with 947 of 1,093 of the then first- and second-year students taking one or more exams home.

The administration, however, probably underestimated the magnitude of potential foul-ups. Registration was particularly hard-hit, as the Registrar's Office found itself ill-equipped both to process grades and register students during the first few weeks of September. Some third-year students belatedly found themselves excluded from desired classes and seminars essential for their required third-year paper. Four weeks after the exams were due, many students (and the *Law Review*) are still unaware of last year's grades. Better solutions to these problems might have been forthcoming.

Yet some students could be less petulant in attacking these now-apparent shortcomings.

For many, exam-taking last spring was a psychological impossibility. For others, exams this summer were a similar strain; many whose still-incomplete work would have under normal conditions left them expelled are back this year only because the student-faculty Administrative Board is bending over backwards. (And present at registration this fall is the long-sought advance exam schedule, which helps the grade-conscious plan ahead.)

Last spring the faculty, reasonably foreseeing a bath in the last-minute exam-return deluge, were flexible and unflinching. The RECORD hopes that this same sense of cooperation and willingness to bear certain social costs will continue amongst administration, faculty, and students throughout the coming year.

On Naming Halls of Justice

It is fitting that the new *Roscoe Pound Classroom and Administration Building* be so named in this centennial year of the great man's birth. One hopes that a similarly suitable appellation can be found to replace the graceless *Faculty Office Building* title besmirching its architectural twin. Would not the structures *Langdell*, *Austin*, *Ames*, *Dane*, *Shaw*, *Story*, and *Holmes* then be happier?

HARVARD LAW RECORD

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Fenno

Bending my head as I walked into Story Hall for the first time so I wouldn't have to see everybody lugging the books I would never buy, something sharp and painful hit my noggin. Of all things, a hockey puck!

"Hey, you look like another Teddy Green," I advised one participant who, it turned out, was a 1L. "A 1L? Playing hockey this early? And using Casner & Leach as the goal? Who are you guys?" I screeched.

"Aw, Fenno," one rejoined. "Don't kid a kidder: we've heard all about this place, all the stories, even about you!"

"Oh," I answered swiftly. "You mean the stories about guys hanging blankets over their windows so no one else will know they're studying all night?"

"No, silly," he answered back, "about how you guys got away with taking all summer to do your exams!"

"But what about the terror-inducing tales of 1Ls blitzed into breakdown by blistering Socratic method, e.g. Byse, Casner, Braucher, Dershowitz, . . . Nesson?" I surrebutted.

"What? That was the *old* Law School! Don't you have 'New Wave' professors? There's no more of that harrassment these days. Professors try to *relate* to us. This is 1971!"

I was stumped. "But don't you want to make *Law Review*? You'll have to stay in and work every night."

"And miss Bruins games? To tool for some student magazine which nobody can understand? Forget it!"

"But you guys still have the Ames Competition in front of you. All those hours in the library reading every case, Shepardizing, psyching out your opponent . . ."

"Fenno, Ames is later in the year now. And everyone's just going through the motions."

"You guys still don't realize what's in front of you," I wept as I tried my slap shot. "Why, you'll stay up at night all week waiting to meet some lovelies at a dorm council mixer."

"Mixers? Fenno, the dorms are co-ed now. And you don't want to mess with any of these Women's Lib types. How do you think Bobby Orr wrecked his wrist?"

Letters to the Editor of the RECORD

Editor's Note: The RECORD welcomes letters from its readers. Brevity is valued; the staff reserves the right to edit rambling epistles. Worthwhile albeit lengthy writings may be run as guest columns. All letters must be signed as evidence of the correspondent's good faith. However, names will be withheld at the request of the writer.

Questionnaire for Student Pollsters

To the Editor:

By coincidence, shortly after reading in the RECORD of the poor response of interviewing law firms to the questionnaire sent out by some of your saucy classmates, I chanced to find the enclosed questionnaire evidently intended for interviewing HLS students.

The questionnaire was found on our airport runway in a soggy envelope bearing the letterhead of the local prominent firm of Graymatter, Youngblood, Proudfeather and Bumptious. Evidently the firm planned to have HLS applicants complete it. You may know their Ozark jet bound for Boston was hijacked to Cuba with the entire firm, headed for your placement office, on board. None has since been heard of. The questionnaire, retyped on dry bond is quoted below:

STUDENT-APPLICANT QUESTIONNAIRE

1. Name, class year, required salary, fringes? Give details.
2. How long have we to make you an offer: days.
3. What % of your classes do you attend?
4. What % of your lectures do you understand?
5. Do you rely on classmates to take notes for you? Help you study for exams? Give details.
6. How many times were you in the library in the last month? Estimated time in library: (a) reading newspapers and magazines; (b) talking with friends; (c) reading law books.
7. You are attending law school because (check any number of the following): (a) to get another degree; (b) to avoid the draft; (c) to advance the cause of student protest; (d) to be a lawyer; (e) for prestige; (f) my parents want me to; (g) I got a scholarship; (h) it's close to home; (i) it's far from home; (j) my friends were going; (k) no particular reason; (l) all of the above.

8. The betterment of humanity is served by my attending law school because (be precise):

9. The following kinds of people have no right to have lawyers (name as many individuals, companies, groups, societies, organizations, etc. as you like):

10. State your political and social views and why they make any difference in terms of your qualifications for association with us in the practice of law.

11. Is it permitted for us to have differing views if we keep quiet about them?

12. Do not answer any questions "yes" or "no" — ok?

13. Explain briefly how we can tell if our clients' interests are adverse to the best interests of society. Be definite.

14. Will you promise to do only *pro bono* work if we hire you?

15. If you wish, disregard all of the above questions, merely tell us your race, creed, color, political affiliation and socio-economic orientation so we can tell if we need you to get a good "mix" in our firm.

Submitted humbly and contritely,
GRAYMATTER, YOUNGBLOOD,
PROUDFEATHER & BUMPTIOUS
(Until the firm is recovered from Cuba, replies may be sent to the undersigned).

John E. Fick '65

RECORD Blasted for Irresponsible Editing

To the Editor:

In the 30 April 1970 issue of the RECORD there appeared under my name an item concerning the Earth-Day Mini-Forum. Professor Tribe, in a letter appearing in the 21 May 1970 issue, rightly attacks the accuracy of the "story" — concluding that "although I have a high tolerance for inaccuracy, blatant misquotation seems to me a bit too much in a law school publication."

Tribe's statement is entirely too kind.

The "story" in question was an accurate, if somewhat subjective, account when I handed it over to the editors of the RECORD. The inaccuracies resulted from gratuitous insertions made by editors without concern enough to check the factual validity

of their emendations, without consideration enough to remove my name from an item made inaccurate by editorial indiscretions, without compassion enough to see that a no-names-mentioned parody should not be changed into a quasi-news story (which was bound to hurt the people whose names were inserted in front of intentionally — but, as it stood, accurately — insipid dialogue), and without candor enough to own up to their own practices when some irate reader quite naturally resorted to ridicule in anger over having been made out to be a boob.

However, since the policy of the RECORD manifests such a cavalier lack of concern, consideration, compassion and candor, I wish to publicly disassociate myself from both the editorially inserted inaccuracies in the item appearing under my name concerning the Earth-Day Mini-Forum fiasco and the editors who chose to realize and then to run such a disgraceful distortion.

Will R. Knedlik, 2L

Victorian Reticence Re: Lawyers' Spock

To the Editor:

A couple of years ago I volunteered a few facts about what lawyers actually *do*. Namely, they spend 90% of their time in matters for which no training is offered anywhere — administrative, psychological, legwork, business decisions, arguing with government, and with an occasional thrilling dash at the General Laws (green or black editions).

I am now in a position to report *how* they do it. Did you ever wonder how these slobs around Boston turn out all those building contracts, Bills in Equity, and Powers of Attorney? It's that maroon masterwork, the Mass Practice Series; that's where it's all at. Yet I managed to graduate without ever having heard of this Dr. Spock of the law trade. Surely a Victorian reticence. Released into the mainstream with no more procedure than the Federal Rules and no more drafting than a rewrite of UCC Article 9, the fingerling is going to have to use Mass Practice. It would be nice if the law schools took notice of the maroon and tried to get it more in line with the green and the black.

The Prayer Book which goes with this King James Version is called the Lawyer's Diary. It is full of Rules of Courts, deadlines, lawyers' phone numbers and, best of all, the bar's official price-fixing schedules.

(Continued on Page 11)

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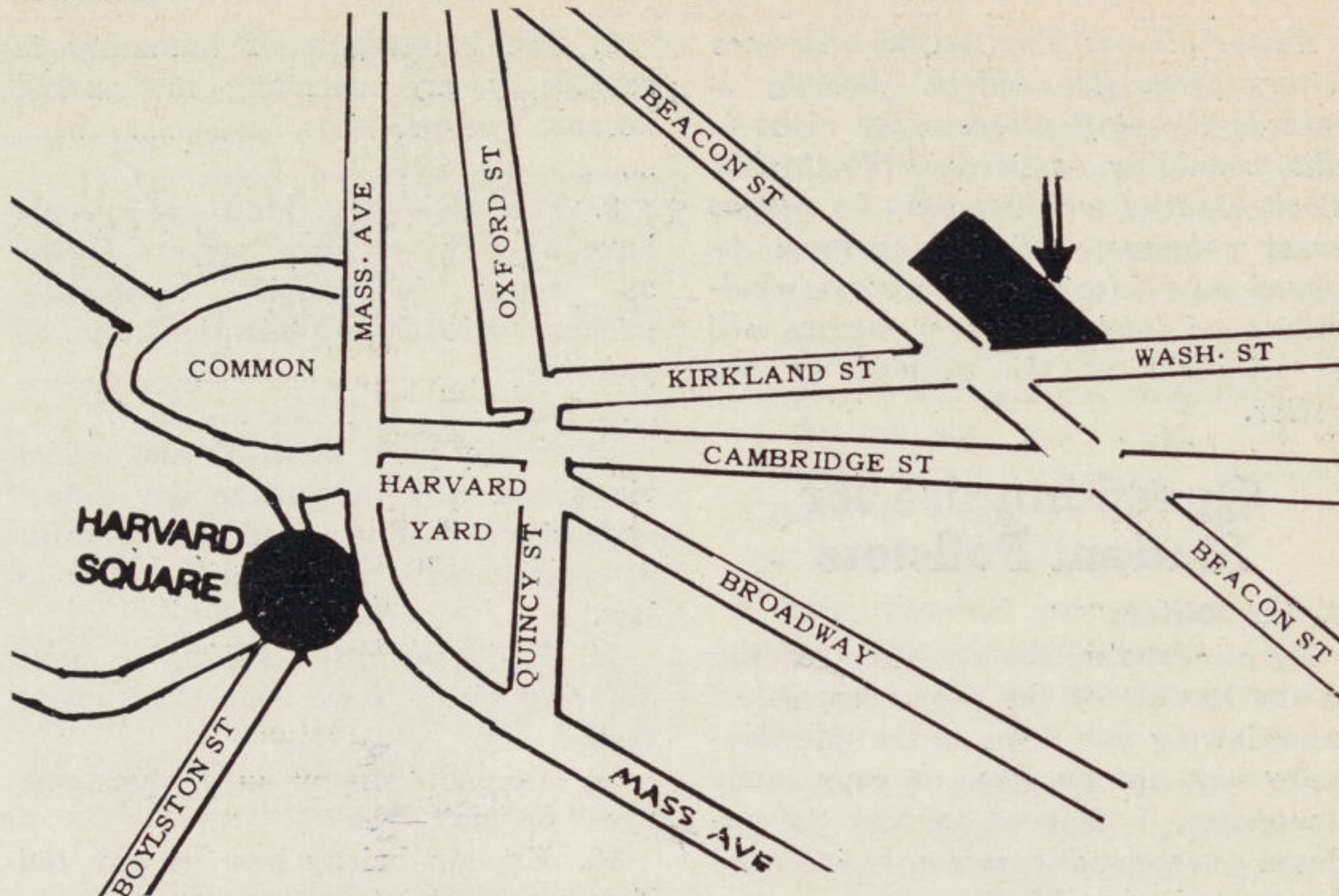
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Letters to the Editor of The RECORD

(Continued from Page 9)

Supposing these fail, you try to think of the name of that guy who does all that SEC, Workman's Comp, etc. Carry an address book when you go to legal functions. If you don't dare ask outright for the work product, find out the names of the parties and read the papers at court. What you will practically never do is read an appellate case. Less than 10% of lawyers litigate regularly and most of those are in the preliterate courts. And you will never read a case from another jurisdiction.

So get the schooling of your choice, depending on whether you prefer teachers or clients, Frankfurter J., or governmental forms. Neither a transportation specialist nor a transmission mechanic has exactly learned to drive a car. Enjoy, enjoy, gentlemen, but for godssake, don't forget your pocket parts.

A. D. Dawson '66

And Should You Fail The Bar Exam . . . ?

To the Editor:

Soon the starting date will come for many firms to extend offers to visit their "plants" and to accept a position. My purpose is simply to inform you

of the dangers latent in the failure to ask one question: what will happen to me if I don't pass the bar exam the first time?

To former professors, my classmates, and present students this might come as a shock. We know Harvard's record regarding bar exams (even C. E. Hughes "fumbled" it). We know people who passed the second or third time.

My point is this: find out if the firm will give you that "second chance." Find out if they will keep you but cut your compensation by half. Find out.

Unforseen circumstances ushered me into the bar exam in an ill-prepared state. I did not know the material; that much I knew. The next exam was six months away. So, hoping to pass the exam somehow, and assuming nothing would be lost by trying, I wrote the exam. The results came out on October 15. I did not pass. On October 17 the managing partners informed me that "the firm cannot afford to hold you over until the next exam in six months." Matter-of-factly, I was fired.

Don't make the mistake of not asking this question. Don't take the exam if you're not prepared.

Name Withheld, '69

Law Notes

As space permits, the RECORD will print concise law notes concerning the activities of law school organizations. As Wigmore might say, the burden of production shall be upon such organizations to deliver a typed notice to our offices at 23 Everett Street no later than the Sunday night preceding the Thursday of desired publication. Depositories are located on the third floor of the building (or in the vestibule if the front door is locked). The early bird gets the worm.

* * *

This year the Civil Rights-Civil Liberties Research Committee will again be working closely with lawyers from around the country on all phases of litigation in the fields of human-rights and public-interest law. Students interested in helping with research, writing, interviewing, and assembling facts should contact Douglass W. Cassel, Jr., 2L, or stop by the Committee office in room 20 of the Langdell basement.

* * *

The St. Thomas More Society has arranged for weekly Sunday Mass to be offered at 11 a.m. in the Wheeler Room of Holmes Hall. Thomas V. Cliff, 3L, is the group's president.

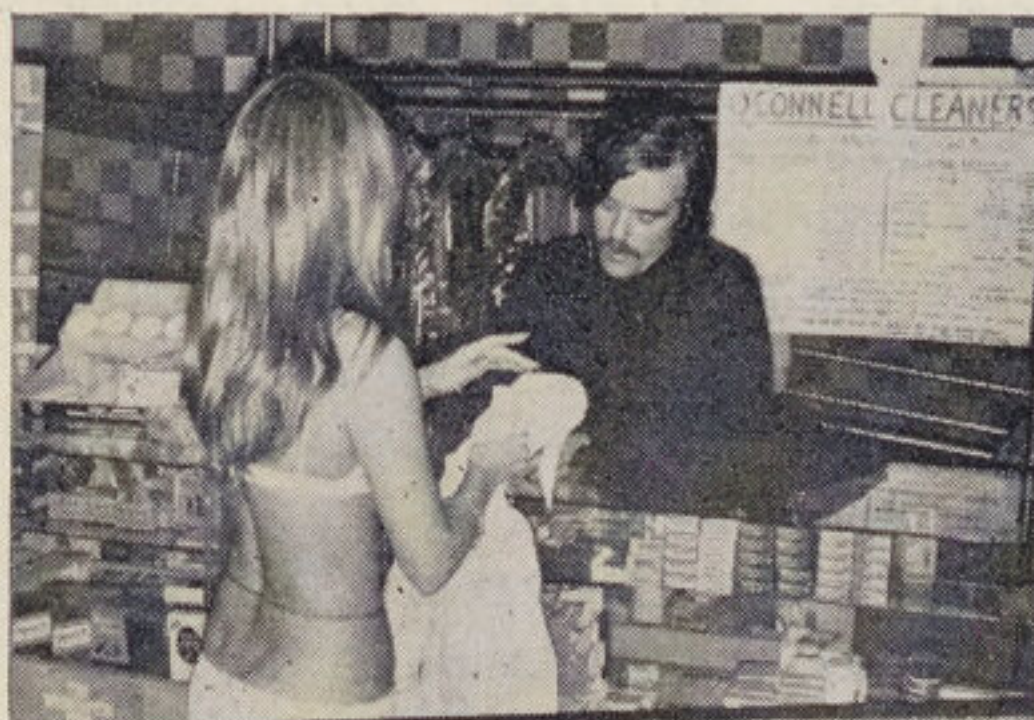
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Ames, Williston . . .

(Continued from Page 4)

eight to ten hours of work a week.

With the additional Legal Methods and Williston work, the Board budget will now have to stretch further. To remedy this situation, two Board members, Howarth and Jim Magnuson, 3L, have begun to sell Roscoe Pound visors this year, the centennial of his birth. They are available at the Board's office in Langdell Hall for one dollar apiece.



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The True Story

Brushing Up on the Law

By Ira Finkelstein

The true Story has at last been revealed. Mr. Justice Story, that is. The marble statue of the seated, gesturing Story in the main entrance of Langdell Hall is getting a well-deserved bath.

"I don't think it has been cleaned since it was moved here from Mt. Auburn Cemetery," revealed Mr. Arsen Charles of the Fogg Museum's Conservation Department as he daubed a mild solution on the Justice's right knee. (Mr. Story was one of the founders of the cemetery, that graceful precursor to Forest Lawn.)

The statue, Mr. Charles noted, was done by the Justice's son, W. W. Story in 1863. A bust of the younger Story may be found somewhere in the lineup, beret askance, at Memorial Hall.

Mr. Charles expressed curiosity at the strange stains on the jurist's extended right index finger. This reporter obligingly described to him the coke bottles, little yellow tweety-birds, and numerous other legal and illegal artifacts that have come to rest in that inviting place.

Exactly *why* Mr. Story was portrayed in that position is open to conjecture. It may be noted



Ira Finkelstein

Museum conservator at Justice Story's knee.

that Mr. Story's finger points in the general direction of O'Connell's store. But, no, that couldn't be. . . .

Freund:

(Continued from Page 1)

ment, Freund suggested, could achieve substantial results in breaking down discrimination and arbitrary classifications in jobs and education. Although Supreme Court decisions involving women's rights are few, Freund cited many lower court rulings favoring the equality of women.

"I don't think you've given the courts a chance to prove themselves," Freund insisted.

State and federal legislation offered another alternative to the amendment, in Freund's view. This method would be more economical and also would allow retention of necessary differences in the legal status of men and women, such as eligibility for social security and the benefits received, which Freund feared would be barred by the proposed amendment.

"I confess there are differentiations in the law that don't shock me," Freund said. He claimed that many special provisions for women are not indications of romanticism or oppression, but rather are realistic policies that recognize the average woman's limited savings and earning power.

"True, the amendment would be symbolic," Freund admitted. "I have no objection to a symbol. I wouldn't vote against a concurrent resolution of Congress. But the advocates of the amendment are letting Congress off the hook too easily. It is so much easier to pass a motto of five words and turn your back on it, thinking it will never be effective because it will take three-fourths of the states to ratify it."

Urging women's groups to model their tactics on methods used by the NAACP and the ACLU, Freund suggested that they press for strict enforcement of existing laws and regulations and seek strong enforcement clauses in further legislation.

Action on the state level, where conservative housewives

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Women Should Use NAACP Tactics

and working class women have more influence than the nationally prominent, professional, college-educated feminist activists, is imperative for real advancement, according to Freund. Even with an amendment, he noted, clarifying legislation will be required.

"Congressional enforcement of the 14th Amendment," Freund suggested, "is a route far too little explored." Noting that this method had been employed in such diverse areas as the abolition of restrictive voting registration and residency requirements, and the passage of the crime-in-the-streets act, Freund continued, "If this new amendment supersedes the 14th in respect to rights in relation to sex, it may well achieve the anomaly that Congressional power is more restricted under the 14th Amendment than under the new one."

After his prepared remarks, Freund volunteered "to leave this thing open for belligerency." The capacity audience appeared receptive to Freund's proposals but strongly supported the amendment.

Several students agreed with Linda Mathews, 2L, who found Freund's views theoretically preferable to the amendment proposal, but who contended that her experience as a Congressional lobbyist for the amendment demonstrated that Freund's suggestions were "hopeless."

"The laws you speak about will never be passed," Mrs. Mathews insisted. "I don't think it is as rosy a picture as you think."

In response to questions, Freund stated that the amendment could affect draft laws, public educational institutions and legal obligations of family support. He also expressed support

for women's pursuit of professional education and careers.

"In the present state of our culture, however, women do have a function of child-rearing different from men," Freund remarked. "This has to be taken into account . . . yet, I don't see why a woman's career has to be uninterrupted."

Throughout his address, Freund stressed his advocacy of equal rights for women. "I'm all for greater recognition of women," he emphasized. "I think we should have more women in government and politics. I think we should have a woman Secretary of State — like Mrs. Meir."

However, Freund remained adamant in his opposition to the Women's Rights Amendment. "I find the relationships of life much too varied and complex to be fixed and regulated by five words," he concluded.

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Ad Board Discipline . . .

(Continued from Page 1)

On September 1, however, 40 1Ls and 50 2Ls were missing one or more exams.

"The difficulty with these figures," said Stephen M. Bernardi, Secretary of the Law School, "is that as you investigate you find out that in a sense many aren't delinquent."

Bernardi indicated that many of the examinations were lost in the mail, were mailed directly to the professors, were hand-delivered on September 2 or 3, or were "lost in the shuffle"; and that exams lost or delayed in this

fashion were held not to be delinquent.

Bernardi also pointed out that five 1Ls have withdrawn from the law school and that these students were missing five or more exams.

"We haven't investigated all of the cases," said Bernardi, "but it looks like we're talking about 25 or 30 students who have been delinquent."

In attempting to deal with these students the Administrative Board has adopted what Bernardi regards as a "starting position." This position considers two classes of delinquents and im-

poses different sanctions on each category.

The first category consists of those students missing exams in one and one-half courses (one year course and one semester course) or less. These students are required to retake the examinations in their delinquent classes. "Category Two" delinquents — those missing exams in two full courses or more — are being required by the Ad Board to make up both the examinations and the class hours in those courses.

"The reason for drawing this line," said Bernardi, who sits on the Ad Board, "is the old rule of the law school that a student can flunk up to 1 1/2 courses and still continue with his second year."

The "starting position" of the Ad Board, however, is qualified by its normal "dispensing" power. The board has heard and accepted various excuses for late exams. In the first wave of hearings held last week for nine second-category students, the board accepted the explanations of three students, and two of these students were able to drop into the less severe first category.

In these three cases the board liberally interpreted the exam deadline to include those exams hand-delivered to the school on September 2, the date on which exams postmarked on September 1 would have arrived. The board also held that examinations which were mailed shortly after the deadline were on time if the student represented that he had taken the exam before September 1.

"I would hope that the hearings would be substantially over for the students in the second category in a week or two," said Bernardi.

The Administrative Board will consider the cases of those students in the first category last, as it is believed that these students do not feel the same sense of urgency that is felt by those with two full courses or more outstanding. These delinquent students will hear in due course from Mr. Bernardi.

By Greg Ward

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¹Ralph Nader once edited the RECORD.

²Some of this stuff isn't Mickey-Mouse, either.

³E.g., H.U.D. v. Haar, 13 Ames 69 (1959 ed. with 1970 Supp.).

⁴Trust computers.

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