

HARVARD LAW RECORD

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TWENTY CENTS

Three Decide to Decline Review

By John York

Six second-year students invited to join the *Harvard Law Review* will not be working for the publication this year.

Three invitees, Peter J. Gabel, Robert J. Katz, and Darrell S. Ross, have turned down their invitation to serve on the *Review*.

Three others — Robert J. Adler, Stephen B. Burbank and John-Mark Stenvaag — are no longer enrolled in school. They will be reinvited to Gannett House when they return to school, according to *Review* President Allen R. Snyder.

Snyder added that "there are no plans to take on more students as replacements. Every year some people can't accept," he continued, "but then there are always others returning from previous years who had to leave school — it tends to balance out."

This year six invitees from the class of 1970 have returned to *Review* work.

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Yet another view of Gannett House, home of the *Law Review*.

Board Announces Twenty Appointments

By Joseph Rafalowicz

The Board of Student Advisors has announced the appointment of twenty new second-year members.

They are Robert C. Alexander, William A. Anderson, Peter L. Arenella, Peter L. Baumbusch, David C. Carrad, Daniel H. Fitzgibbon, Leonard H. Goldner, Charles E. Harris, Henry A. Hubscham, Rhea J. Kemble, Charlynn C. Maniatis, Lauralee

A. Matthews, William McGurn, Michael S. Oberman, Robert A. Pond, John W. Sedwick, Stephen G. Shank, Dean C. Short, William F. Walsh and Nathaniel I. Weiner.

Three third-year members were appointed to fill vacancies created by those Board members who were selected by the *Law Review*. They are Eric S. Anderson, Bart J. Colli, and Julian H.

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Backbenching For One Day In High Court

By Richard Hoffman

It was foggy in Federal City last Wednesday morning and there it stood, plunk in front of the marble palace which houses the Supreme Court of the United States (or SCOTUS, if you represent a wire service or count yourself among such quondam friends of the Court as the *N.Y. Daily News*): a white sign with black

The Backbencher

letters reversing and remanding each early petitioner for admission to the temple: "Closed — No Visitors."

To be sure, the Court was kidding, in that sort of quaint Holmesian vein which found that late Justice, on eyeing a pretty girl shortly before his retirement, remarking, "Oh, to be sixty again!" It wasn't the day's last joke nor was it the final occasion when no one laughed.

A smaller sign supplemented the first: "Applicants for Admission to the Bar Use Side Entrance." So to the side entrance wended the baker's dozen of students, who had come to see Leonard B. Boudin, Esq., Visiting Professor from Practice at the Law School this year, argue for petitioner *In the Matter of the Application of Martin Robert Stolar*.

It was to be a day of surprises: from the arrival of former Dean

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Supreme Court Scene Packed

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Erwin N. Griswold clad in the morning coat of the Solicitor-General to the Supreme Court cafeteria's practice of closing just as the Court recessed for lunch to the *pièce de résistance*, that Mr. Boudin, object of the 7 1/2-hour auto trek, almost didn't get to argue that day at all.

8:59 a.m. came and the visiting party ventured forth from the cafeteria in search of the Marshal's Office, whose personnel, we had been told, would see that we were seated up front, close enough to stare down the Honorable Court. A few of us had gone so far as the first stairwell. It was 8:59 3/4 a.m., we were informed, and so it was not until precisely nine o'clock that we were allowed to ascend.

Those who had glanced at the day's hearing list in that morning's *Washington Post* had realized that it was unlikely that Mr. Boudin would be heard that morning. Oh well, just some more missed classes so Mr. Bruce could call us before the truant officer on our return.

The Marshal's Office, fully realizing that our case would not be timely until after lunch, informed us of their decision to chill our special seating rights until then. Ideas of calling in higher authority were eradicated by the matter-of-fact "Oh yes, Justice Harlan and Mr. Boudin have spoken to us but you won't get privileges until this afternoon." Marshal's Office 1, Harlan & Boudin 0.

So we stood for an hour on a growing line, watching the Solicitor-General, former Dean Erwin N. Griswold, stride by in full regalia and gazing at rubber plants temporarily occupying extra niches reserved for busts of future C.J.'s.

Seated finally, at the rear (the front was occupied by a sizeable delegation

from the Supreme Court bar, along with applicants for admission thereto), we rose as the justices zipped through the crimson (can't fight it) curtain and after hearing the regulation number of oyez, all were seated.

The motions for admission enthralled the Chief Justice, who went out of his way to make it a big moment for sponsor and applicant; Mr. Justice Black, apparently unaware of anything new to be learned at the routine he had viewed for 34 October Terms, postponed his arrival until the new members of the bar had filed out.

One applicant, left stranded by the absence of his sponsor, Senator Dominick, was rescued by the Chief Justice,

Homey Colloquialisms Inundate Court Oral

who asked Mr. Solicitor-General to do the honors, The Griz complied, attesting to the applicant's merit and qualifications after nodding at the court clerk, who helped out by reading the nominee's name.

Now it was down to business for real and the Solicitor-General led off as *amicus curiae* in the last of the school busing cases, this one concerning Mobile. It was a fine argument, technically superb, and represented the Nixon Administration's latest middle path to dealing with *de facto* segregation: let it be. The Justices were warned that if they followed petitioners too far, cities might be emptied; in addition, no one, Mr. Griswold declared, really knew whether blacks were interested in separatism or integration anyway.

Now it was the school board's turn. Large charts were brought before the bench by counsel, aided by courtroom retainers. The charts faced the Court

so we had a nice view of the wood frames. In any event, counsel, who had promised to donate 15 of his 45 allotted minutes to his brother from the P.T.A., reneged. The P.T.A.'s champion was left with a measly eight minutes and promptly proved that his kindly brother had been overly liberal. He reduced the entire litigation to the question—can people have any choice over where they go to school—and garnished his 123-word-per-minute argument with assorted homey Southern colloquialisms. "Poor Thurgood Marshall, he thought he won this one 16 years ago," someone said.

Finally, the NAACP Legal Defense Fund got its chance at rebuttal; after ten more minutes of argument, the courtroom emptied, almost as if one were in Madison Square Garden after a one-round main event knockout as the ring announcer bellowed out promises of three more "great" fights to fill the program.

With twenty minutes left before lunch, the State of North Carolina appeared to argue in a criminal controversy, concerning the voluntariness of a guilty plea. Learned counsel was halted at the crack of noon by a smack of the marshal's gavel and the Justices vanished.

So did we, but more veteran spectators, Professor Charles Nesson among them, had left early, knowing that the Supreme Court cafeteria closed for 15 minutes at noon so that employees could go through the line. When the doors reopened at 12:15, we hurtled through the midday meal, much as lawyers had done during the 180 years when the Court only took a half-hour break.

At 1 p.m. Court resumed and by 1:40 p.m., the criminal case had been submitted. After the Justices had roughed her up with a seemingly unending barrage of questions aiming to show her what the prospects were and making us wonder why they had decided to hear the case in the first place, the Chief Justice graciously thanked the attorney who had argued for the defendant on appointment by the Supreme Court.

Finally, we were about to hear the first of the trilogy of cases concerning the legal status of bar admission and character committees, their ability to question applicants about organizations they had belonged to and the leanings of those organizations toward overthrow of the government—by force

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With Surprises for Spectators

and violence, as Justice Stewart was constantly to add whenever any counsel employed the overthrow phrase.

Baird v. Arizona was the first (would it be the Baird, Stolar or LSCRRRC trilogy students of the future would read about in con law some day?) of the three. Petitioner's husband rose to present his wife's side of the case.

His wife had been permitted to take the Arizona bar exam but found herself stymied when the admissions panel refused to approve her for membership in the profession because she had answered offending questions about organizations with the answer "not applicable." Counsel was peppered with questions: wasn't "not applicable" really an answer? what was wrong with the queries? how did this case differ from adverse precedents?

Later, it would be contended among spectators that the *Baird* arguments eased the way for Mr. Boudin's appearance in *Stolar*. For the attorney representing the Arizona bar association used all the wrong words. Instead of couching his argument in bureaucratic hedging, viz., "Applicant was not admitted because her failure to answer the questions prevented us from completing our investigation," he launched forth into an all-too-clear explanation of the purposes behind the questions: the need to weed out unorthodox ideologies, the use of the questions to trigger further investigation of applicants who listed suspicious organizations and lastly, the aim of keeping future troublemaking counselors from the pristine courtrooms of Arizona.

Arizonan's Argument Fails on Justice Black

Justice Black set a trap which ensnared the Arizonan for at least one-third of his allotted time: the aging dean of the Court wondered why the committee hadn't asked about the applicant's beliefs as part of the questionnaires if they were so interested in these unorthodox ideologies. Ignoring the possibility that questions about beliefs might not please the Court, counsel attempted to respond repeatedly that yes, the committee might well include these questions in the future but at now "we can't restart the football game" in this case.

However well this tack may have pleased any members of the Arizona character committee present, it didn't cut it with Mr. Justice Black, who relentlessly continued to drawl, "If you want to know the answer, why don't you ask the question on the questionnaire?" Ending with a dire prediction of a torrent of young attorneys following the style of William Kunstler (not that the latter's name was mentioned, of course) if the Arizona committee were not heeded, counsel concluded and the case was submitted.

Thus at 2:40 p.m., with twenty minutes left that day, Leonard Boudin was on. It wasn't as if the delegation from Advanced Constitutional Litigation A was unaware of the facts and issues. For two weeks, these had been dissected in the seminar, with Boudin leading the criticism of his own previous argument in the case. (The case had been heard last term, but had been ordered for reargument, possibly because of an equal division which Justice Blackmun might resolve, or perhaps owing to the presence of the two other related cases. Since the secrecy of the Court's conferences has never been penetrated by anyone, including the late Stanley Berman, noted gate-crasher, the reason for the reargument might have lain somewhere else entirely.)

The class considered tactics: whether the first point should be the general argument that political beliefs and associations, along with political advocacy of any kind, are not proper grounds for disqualification from admission to the practice of law; or if a narrow argument that the questions and procedures used by the State of Ohio, the respondent, violated the rule of precision set down by the Court in recent years governing infringement of First Amendment rights.

A third argument, the right to assert the Fifth Amendment privilege against self-incrimination in answers to these questions by character committees, also loomed in the structure of the oral argument.

Reversing his strategy of the earlier appearance, Boudin decided to argue the narrower point first, so as not to be waylaid by the Court's queries which were certain to descend on him when he argued the most general point. In the end, he dwelt momentarily on the general issue before settling into the rule of precision argument. Three

o'clock came with another crack of the gavel and the court's special forces were clearing the building, forcing the class to assemble across the street on the Capitol lawn to discuss the status of the case.

The group was joined by students from a seminar at NYU law school taught by Professor Norman Dorsen, who was to argue the third case the next morning. Also on hand was the Supreme Court correspondent for the *Washington Post*, Jack MacKenzie, who having watched the Court's attitudes shift over the past few years, was able

Boudin Reverses His Strategy on Rehearing

to label arguments "losers" much as George C. Scott evaluated Minnesota Fats' challenger.

Five minutes were left for argument the next day, with five more reserved for rebuttal following the argument of Ohio's counsel. The third point remained to be argued. The Justices had been most sparing in their badgering of Boudin. Did that mean they were tired after a day of hearing the last of the momentous school cases? Or had *Baird* tired them of the issues Boudin had sought to illumine? What did Blackmun think? Why was White so silent after leading the charge the first time the case was heard? Or maybe (although it was obviously too remote a possibility to contemplate seriously), just maybe, they were convinced? The idea was so far-fetched that it never was mentioned.

To be sure, much was mentioned. And most of what was must have appeared in notes being taken by a woman no one seemed to know. Spies? A few policemen in plainclothes lingered a few moments to listen as they left the let's-hear-it-for-the-men-in-blue rally on the steps of the Capitol that day. But after reactions were expressed by students, Professor Dorsen noted that everyone had left him with the hardest job: arguing very generally in favor of points which had already been partially won in lower courts.

A few of the seminar students stayed on for the remaining arguments; many trudged to the cars which at best would

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Choper, Clark Kent from Berkeley,

By Lisa Friedman

When he first steps up to the lectern, bespectacled Jesse H. Choper projects an image which is *à la* Clark Kent — a seemingly mild-mannered visiting professor who this year teaches Constitutional Law and Corporations at a relatively unknown law school [Harvard] on the outskirts of a burgeoning metropolis [Boston].

By the end of the hour he has lived up to your expectations. After a spirited exchange with students, impassioned exhortations and a series of wild gesticulations and arm flailings (in preparation for takeoff, it has been suggested), he rips off his jacket and . . . well, the big red "S" isn't there, but it should be.

Choper has ceased to confine his abundant energy and enthusiasm to phone booths ever since he decided, in the second grade, that he wanted to "take a crack at what the teacher is doing." Unable to get a teaching certificate at this tender age, he was forced to defer his professorial ambitions until 1957, when he entered the University of Pennsylvania Law School, motivated by an opportunity to teach accounting part-time at Wharton.

Following his graduation in 1960, Choper temporarily postponed his teaching career to clerk for Chief Justice Earl Warren. "It was a very valuable year," he recalls, "and I was substantially influenced by my association with the Court."

The thematic thrust of his course in Constitutional Law — determining what role the Court should play — would appear to reflect this early tutelage under the Warren Court.

Choper believes that the practical experience he gained in the course of his clerkship and his strong undergraduate background in finance duly compensate for any lack of experience in actual private practice which might be considered necessary for teaching a course in Corporations.



Lauren Kahn

Visiting Professor Jesse H. Choper

"What I am trying to do," he explains, "is to enable the student to understand the nature of the corporate problem in its social and economic context, so that he can determine what is a desirable legal approach." Choper goes on to add that there have not been many occasions in which he has felt that a lack of corporate experience has inhibited his sensitivity to people in a financial world.

For Choper, relative freedom from involvement in university activities is the primary virtue of his year-on-loan at Harvard. He shoulders a number of administrative responsibilities at the Law School at Berkeley, where he is a permanent member of the faculty, and serves on several national education committees. But

he is grateful for an opportunity to do some writing, to develop ideas and test them out — particularly in the areas of standing, political questions and judicial review.

Choper's relative detachment from the controversies which beset Harvard Law School do not

prevent him from expressing opinions on and implementing those changes he would like to see made in legal education. In lieu of the traditional 4-hour final, Choper has offered both his classes the option of a series of take-home examinations.

"The traditional law school exam is over-emphasized and given too much weight," he notes soberly. "Law School faculties should focus on other factors in evaluating a student's performance."

In classes of 100 or less, Choper suggests that he would be able, for example, to add as a factor a relatively accurate evaluation of a student's classroom participation.

With regard to the course of study, Choper feels that most law school faculties are constantly rethinking curriculum and improving it on an incremental basis. Although he believes that many students are satisfied with the present law school curriculum, he notes, "Law schools should be sensitive in developing courses which have sound intellectual content but are more appealing to those people who are unhappy."

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Stirs HLS

Most law schools have done a fairly good job with subject matter, but they should also be concerned with teaching methods and the size of classes."

Choper sees a lack of financial and faculty resources as the major obstacle to the implementation of many desired changes. Finally, he suggests that students themselves take greater advantage of the opportunities for education offered both within and without the classroom.

"Students should talk more in class," he says. "In the practice of law it is always necessary to evaluate the arguments and ideas of other people. Although the classroom is a somewhat artificial forum for this exchange, it demonstrates the complexity of the problems we are trying to solve and enables students to both form and articulate ideas."

The Ames competition, Choper contends, should also be valued at the very least for the variety of experience it offers.

Choper says he is enjoying his year at Harvard. As the year progresses, his drive, enthusiasm and energy appear to be catching on.

1L's Ask Ames Option

By Kermit Kubitz

Last week Fred Siegel, 1L, presented Dean Derek C. Bok with a petition from 300 1Ls requesting an alternative to the Ames competition.

The petition was presented and rejected October 9. A subsequent handout ascribed to the Dean the statement, which he denies making, "If you disagree, and I don't mean to say love us or leave us, we will reconsider Ames again only after it's over this year."

The handout, which appeared on desks in first-year classes, called for a meeting to formulate alternatives to Ames. It summarized Bok's reasons for opposing alternatives as (1) inability of alternative organizations to give the same educational benefits as the Board of Student Advisers and faculty members and (2) last year's decision to make Ames mandatory "could not be contravened simply because 300 students who have been here three weeks felt otherwise."

Bok emphasized that the decision was made last year after discussion, memoranda to faculty and students, and consideration by committees which include student members.

The meeting Wednesday, October 14th in Langdell North, was attended by fifty persons. Twenty agreed to work on a plan for section meetings. Ken Hausman, 1L, chaired a meeting Friday to

draw up plans for the section meetings and for materials to acquaint other members of the first-year class with possible work outside the Ames competition.

Discussion centered around the type of program to present and how to avoid "allowing ourselves to be co-opted." The plan finally adopted was to provide a three-page explanation of 1) the programs outside the Ames structure in which the student could work: Environmental Law, Civil Rights-Civil Liberties Research Committee, Committee for Legal Research on the Draft, or Community Legal Assistance Office, 2) responses to the faculty showing how the alternatives would provide educational benefits and qualified supervision, 3) a poll, asking 1Ls if they would decline to do the traditional Ames if a number of their classmates did likewise.

At the first section meeting on Monday, Hausman moderated a discussion of the benefits of Ames I and Ames II, with Associate Dean Albert M. Sacks, Assistant Professor Lance M. Liebman and Professor Frank I. Michelman. Michelman contended that it is difficult to find appropriate case material for beginning students in activities other than Ames. Sacks reiterated that last year Ames was fully discussed. He noted that surveys prior to

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ABA President-Elect Jaworski—

By John York

What kind of man will the next President of the American Bar Association be? Leon Jaworski of Houston has already been elected to fill that post, and when current President Edward L. Wright of Little Rock, Arkansas, steps down next summer in London, Jaworski will take over.

Perhaps the best initial clue to 65-year old Jaworski's character is found in an article by him in the July, 1961, *American Bar Association Journal*. Entitled *The Unpopular Cause*, the essay decried what Jaworski called a growing tendency on the part of lawyers to shun representation of unpopular defendants. In the article, he went on to outline the careers of five great American lawyers who did not hesitate to do their duty as officers of the court despite public indignation: John Adams, Roger Taney, Steven Field, William Henry Seward and Harold Medina.

From several experiences, Jaworski's own career has been flavored by his willingness to represent unpopular causes in the courtroom. But he is no William Kunstler. "I would have the greatest admiration for Kunstler if he demeaned himself properly," Jaworski said. "But he begins to prostitute himself by interrupting the court and its processes."

Jaworski's first major case was dramatic. Set in Waco, Texas, of 1929—while the Ku Klux Klan was still strong—this trial of a black man for murder "raised a question as to whether he would even get his day in court."

At the time Jaworski had only been practicing law for three years; he had earned his law degree at Baylor University, his LL.M. at George Washington University, and returned to Waco to practice law when he was only 20.

First Major Case

As the Waco morning paper headlined: "Negro Confesses to Pedigo Murder, Jordan Scott

Charged With Double Killing."

The story went on to say that Scott had made a full confession, telling in detail how the crimes had been committed. The grand jury, in session, wasted no time indicting Scott for the shooting murder of Mr. and Mrs. Robert Pedigo, a young white couple with two small children.

Jaworski was appointed to defend Scott, an illiterate farmhand who worked land adjoining Pedigo's. "The judge added that for reasons I would understand he had to set this case for trial without delay," Jaworski explained.

Sensational Murder

From the first, news of the murder had been sensational.

"Feeling was beginning to run high," Jaworski recalled. "Groups of men were gathering in the square, on street corners, and in cafes and barber shops—some of the talk was loud and threatening. We recalled the lynching in Waco a few years earlier, and hoped there wouldn't be another."

Jaworski was convinced that Scott's "confession" was coerced. "When he said he couldn't even write," Jaworski explained, "I realized that he must have signed with an 'X'—in the presence of witnesses—a document which had been written down and read to him. He said they told him he could either confess or they would turn him over to a mob with a rope."

"Public opinion had already found Scott guilty," Jaworski declared. Then the threats and pressure began. There were crank calls and anonymous letters. "My older partner received threats from clients warning of economic reprisal against our firm if I did not withdraw from the Scott case at once," Jaworski added.

The district attorney went for the death penalty. At the first trial, the courtroom was filled. When a deputy sheriff led Jaworski down the packed aisle leading to the front of the courtroom, a

voice growled "there goes that son-of-a-bitch," and he was not referring to the deputy sheriff, according to Jaworski.

As Jaworski had feared, the involuntary confession was introduced into evidence. Then, during the district attorney's impassioned plea for the death penalty he called Scott "a Negro brute and black assassin," Jaworski told.

The jury assessed the death penalty. Motion for a new trial was granted, but before trial Scott confessed to Jaworski that he had indeed killed Mr. and Mrs. Pedigo.

Jaworski then felt the crushing knowledge that "the rest were right and I was wrong. Still it was the state's duty to prove him guilty," he added. "That reminded me that no matter what I knew about Scott's guilt, he was entitled to the protection of the law."

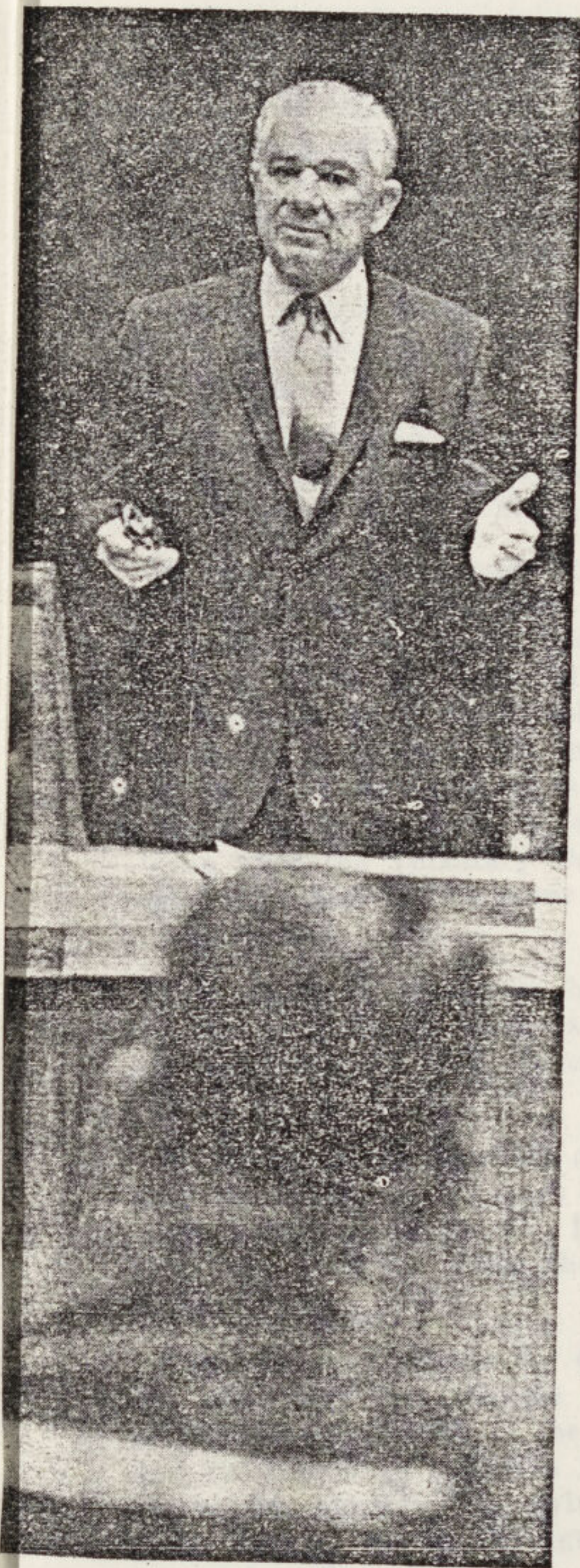
Again, the jury found Scott guilty. Jaworski appealed, but the conviction was affirmed. "This was the end of our appeals," Jaworski concluded. "The United States Supreme Court was not taking jurisdiction, in those years, of cases involving such issues." Jordan Scott was executed.

Fame in Houston

As a result of having "defended the unpopular cause," success also came to Jaworski, as it had to the five lawyers in his article by the same name. A Houston lawyer had heard Jaworski in court, and asked him to come to Houston to practice. There, he opposed lawyers from Fulbright, Crooker & Freeman several times in court until John Freeman asked Jaworski to join it. Today, Jaworski is the most senior partner of Fulbright, Crooker, Freeman, Bates & Jaworski of Houston.

In 1931 Jaworski married Jeanette Adam. Today, they, three children and five grandchildren often retreat to the luxurious Jaworski ranch near Wimberly, Texas. A painting of one ranch scene hangs behind his desk

Defender of Unpopular Causes



ABA President-Elect Leon Jaworski urges point at special conference.

in the law firm. "Sometimes it empties me away from my work," he said, gazing at the depicted creek and trees.

Jaworski attained fame after World War II when, as a colonel in the Judge Advocate Department, he served as chief of the War Crimes Trials Section in Europe, prosecuting the first major war crimes trials there. For this experience, he was awarded the Legion of Merit. He planned and successfully prosecuted two precedent-making cases and played a vital part in the de-

velopment of the Dachau Concentration Camp case. In 1961 he chronicled his behind-the-scenes account of the Nazi war crimes trials in *After Fifteen Years*.

In 1955, Jaworski was drawn into a controversy among members of the Houston Board of Education. Over the years the Board's even members had split into liberal and conservative factions, attacking each other in furious controversies.

School Controversy

"The factions had disagreed on the philosophy of education, integration, accepting federal aid, and sometimes on the time of day," Jaworski said.

Mrs. Arthur S. Vandervoort — first elected in 1952 and re-elected in 1954 — was a member of the liberal faction which in those days controlled the board. Unable to beat her at election time, and restless under policies she and the other four liberals were able to establish, the three conservatives decided to try to remove her from the board.

One of the leading conservatives on the board claimed that there had been a big effort coming from Columbia University to "socialize" American school systems. It was his feeling that Mrs. Vandervoort was trying to promote this socialism and "progressive education" in Houston schools.

Mrs. Vandervoort's family owned a substantial number of shares in the First National Bank, which at one time was the official depository for school funds — having been chosen by competitive bid. By the time her conservative opponents moved to unseat her, Mrs. Vandervoort had sold her stock.

The conservatives then went to the Attorney General of Texas and got a "favorable" advisory opinion. Thus armed, the conservative minority called for a lawsuit that would decide Mrs. Vandervoort's eligibility. She asked Jaworski to represent her.

"Briefly, my investigations disclosed that the three conservative board members who were so determined to unseat Mrs. Vandervoort themselves had interests or connections in enterprises which dealt or had dealt with the school system. I didn't believe that such involvement barred them from serving on the board. But if it barred my client, it barred them as well," Jaworski continued.

"Confident that a court would not hold that eligibility could be determined on such illogical grounds (for there was no suggestion that anyone had profited from board membership), I asked for a declaratory judgment that Mrs. Vandervoort was in fact legally a member of the board," Jaworski said. "The court agreed and we won our case: all of them — Mrs. Vandervoort as well as the conservatives — were held members in good standing."

"I should add that the policies Mrs. Vandervoort urged so ably — and which the conservatives opposed so bitterly — have since become fact: schools in Houston are integrated and federal funds are accepted to help operate the school lunch program," Jaworski said.

Law Guards Tolerance

There is a second thread of belief that is woven through Jaworski's experiences: that a disregard for law corrodes the foundation of a society in which unpopular causes may find toleration and justice.

Jaworski served as a member of both the *President's Commission on Law Enforcement and Administration of Justice* (1965-1967) and the *President's Commission on the Causes and Prevention of Violence* (1968-1969). He has chaired the ABA's *Special Committee on Crime Prevention and Control*. He is the U. S. member of the Permanent Court of Arbitration in The Hague. And he was instrumental in recently establishing the National

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Review Turndowns

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Since none of the three students who refused *Review* took part in the writing competition, their selection to the publication was made on the basis of their 1L grades. Only 14 of the 24 2Ls working for the *Review*, therefore, were selected for their grades.

Various reasons were cited by those who refused *Review* as the basis for their decision.

Katz cited the 40-hour workweek and the petty concern with proofreading as prime disadvantages to *Review* work.

"I care too much about myself to sit around straightening lines on galleys and seeing that all of the footnotes are even," Katz said. "Several professors told me to try it for a week before reaching a conclusion. On my first assignment, I was sitting there and asked myself 'Bob, what are you doing — you liked the Voluntary Defenders better than this.'" Katz never finished the assignment.

The consulted professors had told him that while *Review* work was generally worthwhile, it was not tragic to quit.

"I care too much about my courses," Katz concluded, "And I don't care too much about the *Law Review*. Its members think that it's worth the effort; I don't."

Gabel had two reasons for declining the offer: (1) his full-time teaching of *Expository Writing* at the college, and (2) his plans to get a Ph.D. in philosophy, which he is studying in his spare time to get the background he missed in college.

"I had to make an unpleasant choice," Gabel said, "between the experience offered by the *Law Review* and what I actually want to do."

"The time demanded and the type of work required is part of a whole repugnant lifestyle, said Ross.

"I prefer going to class, having outside activities, studying leisurely and relaxing to working 40 hours a week on the *Review*," continued Ross. "If the weekly hours were cut to 20, I would do it."

Ross remarked that he enjoyed his work with CLAO (Community Legal Assistance Organization), although he does not regard this work as a substitute for the *Review*.

"I'm not saying that *Review* work is a lot of trivia," said Ross. "I'm just not the type of person who enjoys working so intimately with the law."

Ross admits that the *Review's* prestige is tempting. "But among my classmates I have more prestige by turning it down than accepting it," he continued. "I've gotten more congratulations for declining than for making it."

Katz also regards the prestige of *Review* membership a strong attraction. "That's a psychological problem which I admittedly share. But it wasn't enough to motivate me to join," said Katz.

"I like what Mark Twain said through the mouth of one of his characters who was being ridden out of town on a rail: 'If it weren't for the honor of the thing, I'd sooner walk.'"

(Continued on Page 15)

Interviewer

By Greg Ward

Resplendent in levi's and white wind-breaker, I paced the lobby of the Holiday Inn waiting for my interview with the law firm of Latham and Watkins. David Vena, the firm's representative this day in Cambridge, came right down, suggesting we conduct our interview in the bar over a beer. I eagerly agreed.

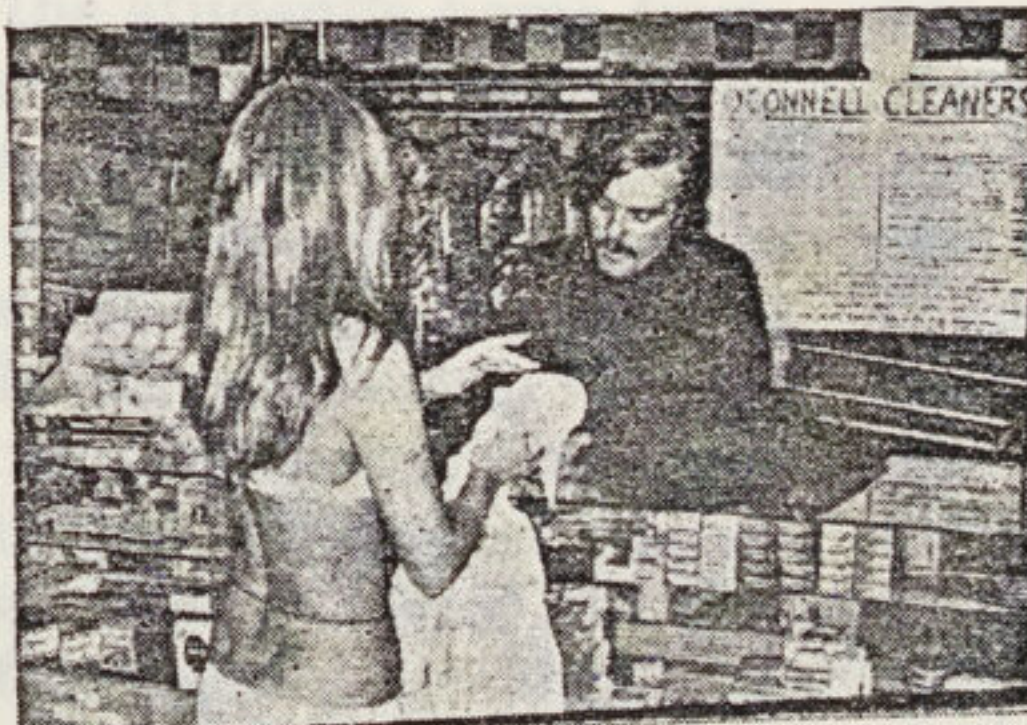
Vena had spent the day interviewing about 20 Harvard 2Ls, and would have to be at Boston University at 8:00 the next morning. He had, however, consented to one more interview that day, and I questioned him on his role as interviewer of prospective Latham and Watkins employees.

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Discusses His Evaluation Standards

For Vena, the interviewing process is an attempt to look beyond "the paper record" presented on the résumé in order to find out what the person is like. He admitted, however, that a solid record was essential and that the firm has to "fall back on something." That something is usually grades.

While Vena never asks a second-year student for his 1L grades, often he is aware of the applicant's performance in the first year. Only one Harvard Law student was invited to clerk for the firm last year, and he revealed his grades on his resumes.

Vena also expects third-year students to have their grades on their resume and admits that he is rather suspicious of those who fail to list their grades.

As with all subjective evaluations, however, other criteria enter into the ultimate decision of whether to hire or reject, at least for those students who evidence a "good solid record," which Vena regards as the top quarter of the class.

In deciding between a student on *Law Review* and another highly qualified applicant, the interviewer's opinion of the student's ability to deal with people may determine who is selected. This ability, said Vena, is something that a law school doesn't teach and students who are able to successfully deal with people are preferred over those who have merely a strong academic bent.

Vena also looks for expressions of the student's desire to practice law, although he feels that those who are in doubt as to their desire to enter the legal profession would find the work exciting enough to develop a permanent interest.

Contrary to popular belief, the applicant's location preference is of little concern to the firm, although Vena admits that he perpetuates the myth that it is by asking the question of his interviewees.

Only three of 13 students hired

by the firm last year had ever lived in California.

Virtually no significance is given to a student's work in legal service organizations unless, said Vena, the student has managed to achieve officer status. To Vena, former president of the Harvard Legal Aid Society prior to his graduation in 1964, mere "membership doesn't mean anything."

The fact that one is a member doesn't show his ability to adequately handle the work required, elaborated Vena, while officers are

Location Preference Myth Preserved

usually elected on the basis of their ability. The fact that one is an officer shows that he has been chosen to lead and that he considers himself to be a leader, capable of coping with the pressures and workload which accompany the office.

Due to the subjective nature and brevity of the interviews, Vena seems to prefer to let the student determine the direction of the conversation. After inquiring into the student's home town, draft status, and future plans — "to get a faint indication it (the visit) is more than a lark" — the interview continues along the path of least resistance. One interview, recalled Vena, was spent discussing the virtues of mountaineering. Many talk of the difficulty of assessing potential on the basis of a 20 minute interview.

Following each interview, Vena tape-records his impressions of the applicant. At the end of the

day the interviewed students are ranked and compared with the top-ranked students at other institutions, a technique followed for the 25 schools on his schedule. A final review takes place at the Los Angeles office where the firm's eight interviewers meet and compare notes.

Those hired full-time will be a mixture of "futures" (those destined for judicial clerkships and military service) and those ready to go to work. Summer clerks will be hired with the objective of eventual permanent employment.

The rate of return of 2L clerks as permanent employees of Latham and Watkins is regarded by Vena as the best in the country. Last year the firm hired seven clerks; they made seven offers and last week received their seventh acceptance.

Permanence and personality, therefore, are essential qualities of a prospective employee for the firm. Not to be forgotten, however, is performance.

"Grades are important," said Vena, "and they are extremely important outside Harvard."

At Harvard, Latham and Watkins has hired "deep into the class," largely as a result of the Placement Office ruling which forbids interviewers to ask grades of second year students. Vena reports that the firm has "had a pleasant experience" with their recent Harvard employees and has acquired confidence in the ability to select qualified Harvard students without the benefit of grades.

Nine 3Ls and six 2Ls will eventually be selected to join the firm this summer.

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Pettifogging the Board

The Board of Student Advisers is an organization operating under some questionable tenets.

Two striations of the Board's grain run untrue. One is its continued "honorary" status; the other its clinging reliance on grades for membership selection. While the two are related, neither is necessary for the continued operation of the Board as long as there is a genuine desire for the continued existence of the Ames competition and someone to administer it.

Until two years ago the Board selected members solely for their high academic rank. It was the middle of a three-tier honorary system, with the *Law Review* above and the Legal Aid Bureau below.

Should the Board any longer have the status of an honorary organization or pay each of its members \$700 a year? Action this year stripping Board members of Faculty Club privileges is a step in the right direction.

Two years ago the faculty mandated that non-flimsy factors other than grades be included in the Board's selection process. Now the Board also requires: (1) a 20-minute interview with a faculty member or a Board officer, (2) an essay (e.g., "How to Improve the Board"), and (3) a résumé and faculty recommendations. The Board's insistence on retaining grades as a key selection criterion — coupled with its failure to set forth any additional standards clearer than "a certain degree of technical competence" and "a sympathetic understanding" — demonstrate its failure to get the point. This year no one was considered for Board membership whose grade-point average fell below a certain cut-off (rumored to be around a "B—" average, which in turn is rumored to be the median grade average at the Law School). From a universe of 20 final selections for the Board and 30 for the *Review*, a large number — seven — of those first getting bids to the Board later received them as well from the *Review* (and again rumor has it that even writing-competition winners on that publication possess high grades). Finally, three Board 3Ls have made the *Review* thus far this year (two left the Board for Gannett House while one serves both organizations now).

There is something unrealistic in saying that concocting Ames cases is beyond the mental reach of the average Harvard Law student. There is something distasteful about an honorary here which chooses only from those who hold themselves forth to be honored.

There is no good reason for Board members to continue enjoying perquisites for the same service and qualities demanded by every meaningful activity at the Law School.

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Fenno

Just as I returned from viewing the latest destruction of Clive Rush's charges in the wind tunnel (it wasn't that the Giants were good, you understand), I heard Blood, Sweat & Tears' latest, "The Law Review Note," jingle its way to my heart over Waldo the Wonk's Grundig.

Having finished my daily scrutiny of the Placement Office's resume folders, I decided that what we needed was a new agency to plan the future for law students. A certain slickness and superficiality would entice hordes to sign on with Great New Futures Inc. — as I intended to style the new entity.

So rapping on Waldo's door to get some legal knowledge, I was surprised to hear his voice shout "Enter laughing!" and I did, fighting my way through gray, chartreuse and buff sets of galley proofs.

"Waldo, I want to organize a corporation. I'm going to run a Harvard Law Personnel Placement outfit. You know, I have this way with people and lots of guys will be taken in by me."

Waldo pushed back the blanket over his window long enough to let a photon or two penetrate the gloom. "All right, Fenno, if you insist. I'll have Bunky do a prelim on it by the end of the month."

"By the end of the month, Waldo? I realize I can save on taxes by deferring income but first I have to have some. I'll miss out on the current season. This has to be quick," I implored.

"Can't be done, Fenno. None of this rush-rush realism. I'll let you know when the fuchsia proof set comes in."

"When is that?" I surrebutted.

"After the subspitechecker tears up the shocking pink (don't reach any political conclusions without a wreck-bitecheck, ever!) set, we'll have a good bead on your corporation's earning potential over the next half-century and a record of how every similar firm has fared over the last 800 years," Waldo intoned, unbuttoning his vest.

"Waldo, this is ridiculous. You guys are totally impractical. Who are you kidding with all this?" I exhorted.

"Fenno, if you don't like our style, you can always try our competition, the Faculty."

Letters to the Editor of the RECORD

Dershowitz Attacks Fisher's 'Chutzpah'

To the Editor:

In The RECORD of October 8, Professor Fisher is quoted as saying that American neutrality in the Mid-east would be best for Israel. American neutrality, realistically understood, would mean a one-sided world wide arms embargo against Israel in the face of massive Soviet military aid to Egypt, Syria, and Iraq. This would bring about a reduction in Israel's deterrent capacity which would neither be good for Israel nor for the cause of world peace.

I have no objection to Roger Fisher telling the Egyptians (whose views he has long espoused) what is best for them. I don't even mind his lecturing the United States on what he thinks is best for us (though I think he is clearly wrong). But it requires incredible "chutzpah"* for Roger Fisher to advise Israel what is best for her.

One must always be wary of advocates who claim impartiality and then tell their adversaries what is best for them.

Alan M. Dershowitz
Professor of Law

*Chutzpah, the Yiddish word for "gall," is best illustrated by the story of the boy who killed both parents and then offered in mitigation of punishment the fact that he is an orphan. Cf. Jack Newfield, "Nelson Rockefeller: The Chutzpah King," *Village Voice*, Oct. 9, 1970.

Veteran Criticizes Beating System

To the Editor:

Mr. Amchan's analysis of the Army's personnel system in the October 15, 1970 issue of the RECORD is, judging by my own experience in the service, entirely correct in its pinpointing of a means by which one may fulfill his military obligations with a minimum of personal danger. Whether one should follow his advice, however, seems to me a much more important consideration than whether it works or not.

One of the most frequently aired criticisms of the war in Vietnam is

that its burdens fall most heavily on the black and poor segments of our society because "the system" discriminates against them. How much of this inequality, one begins to wonder, is attributable to the structure of the system itself, and how much to the actions of those who, like Mr. Amchan, have decided to play along with it as long as the inequality tips the scales in their favor?

Mr. Amchan points out that snagging a rear-echelon clerk's job is safer than going to Officer Candidate School since the latter course "entails a significant risk of becoming an infantry platoon leader"; true, but one begins to wonder whether the tragedy at My Lai would ever have happened had the platoon leaders had GT scores over 115 and a Harvard Law School background.

In short, for everyone who takes the expedient route to beat the system there will be another who is forced to carry more than his own share of the burden. Walt Kelly expressed it concisely when he said, "We have met the enemy and he is us."

"I think it is required of a man," said Mr. Justice Holmes (who, by the way, was wounded three times while serving as an infantry captain in the Civil War), "that he should share the action and passion of his time at the peril of being judged not to have lived."

Whether one opposes or supports the war, Mr. Amchan's plan provides an outlet for neither action nor passion; at best it eliminates some physical danger at the expense of personal integrity. I think this factor deserves to be weighed in the scales along with the pragmatic considerations which are Mr. Amchan's sole concern by those who are faced with the prospect of service in the armed forces.

David C. Carrad, 2L

Boudin . . .

(Continued from Page 3)

take 7 1/2 long hours on unexciting superhighways back to Cambridge. The following Monday, Professor Boudin was looking for would-be travelers to New York to hear the Martin Sostre case argued in the Second Circuit.

Law Notes

On October 30, 1970 the Harvard Law School Forum will present its first program of the season, featuring Dr. Werner von Braun, at 8:30 p.m. in Sanders Theater. Season tickets, at \$6.00 per person, will be available up to the time of this program. Tickets at the door will cost \$1.50 to \$2.00 depending on the program.

* * *

This fall the Institute of Politics will sponsor a series of recent political films from several countries. All films will be shown at 7:00 p.m. at Harvard-Epworth Church, 1555 Massachusetts Avenue, Cambridge (North Yard). All are free and open to the public. There will be coffee and informal discussion after each film:

October 25: *Early Works* — Zelimir Zilnik (Yugoslavia).

November 1: *Mandabi* — Ousmane Sembene (Senegal).

November 15: *The Rise of Louis XIV* — Roberto Rossellini (Italy).

November 22: *Chicago* — Students at UCLA (USA).

* * *

Professor Gino Gorla, who holds the chair of Civil Law at the University of Rome, will speak in ILS 4 at 4:00 p.m., today, Thursday, October 22, on "The History of Judicial Styles in Italy and France." All persons interested in legal history and comparative law are welcome to attend.

* * *

Mid-year examinations for first year students are presently scheduled for January 9, 1971. The examinations, which are each expected to be one hour in length, will be given in the following subjects:

Section I: *Contracts, Criminal Law, Property.*

Section II: *Contracts, Property, Torts.*

Section III: *Contracts, Criminal Law, Torts.*

Section IV: *Civil Procedure, Property, Torts.*

The mid-year examinations are intended to acquaint first year students with the format of law school exams as well as provide feedback to enable them to improve their year-end performance. The grade will be counted only if it is higher than the year-end grade.

Bar Head Cites Experience as

(Continued from Page 7)

College for District Attorneys — the first in the country — at the University of Houston's Bates College of Law.

Jaworski served as Special Assistant to the United States Attorney General from 1962 to 1965. His task was to prosecute Mississippi Governor Ross Barnett for *criminal* contempt in defying both the Fifth Circuit's order to stop interfering with the admission of black James Meredith to the University of Mississippi and an ensuing civil contempt citation from that court for violation of the earlier order.

Because U. S. Attorney General Robert Kennedy would probably have to testify to the telephone conversation he had with the governor, it was decided that outside counsel — not connected with the Department of Justice — would be chosen to prosecute the criminal contempt charges brought by the United States of America against Barnett.

Jaworski's partners in the law firm gave him the go-ahead. At the time, Jaworski was serving as President of the State Bar of Texas. "I knew some lawyers would not approve of my acting as prosecutor, and I debated with myself whether I should resign from my office. But I decided that if I resigned, it might be interpreted as tacit admission that the prosecution of Barnett was not consistent with the views of the state bar."

Icy Stares

The announcement of Jaworski's appointment was made one Saturday morning; by afternoon of that day the news media were filled with word of it. There followed icy stares from friends and threatening calls from strangers. "That night, although we had not asked for it, the police put guards around our home," Jaworski added.

There were also bitter letters. One society matron told Jaworski that she was most distressed to learn that he would prosecute

Barnett, exhorting Jaworski "not to be a cat's paw to try to silence the eloquent voice of the fine old South. . . . Many of your friends and admirers are heart and soul for Barnett and believe what he is standing for far transcends any law of any court."

From a banker Jaworski received this note: "Every mentally mature person knows that you are participating in the Mississippi affair to curry favor with the Administration and, probably, at the instructions of your bishop. I hope your daughter has a nigger baby." Jaworski belongs to the Presbyterian Church, which has no bishops.

To the High Court

One judge — and a friend — took Jaworski aside at a bar meeting and in so many words asked him if the Barnett prosecution was a *quid pro quo* for appointment to the U.S. Supreme Court.

A Texas state senator bragged that a resolution condemning Jaworski would be the first one dropped in the hopper when the Texas Legislature convened early in 1963. He was persuaded otherwise.

Jaworski also received encouragement. A number of lawyers commended him for accepting the responsibility. Editorials in the Houston Press and the Houston Chronicle backed him.

At court, counsel for Gov. Barnett raised the question of whether he was entitled to a jury trial. After considering the issue at length, the Court of Appeals for the Fifth Circuit divided four to four (one judge was ill) and certified the question to the United States Supreme Court.

Barnett's lawyers believed that a Mississippi jury would be more lenient than the Court of Appeals which he refused to obey. The government fearfully believed likewise.

Professor Archibald Cox, then Solicitor General of the United States, argued the case with

Jaworski before the Supreme Court.

When Cox insisted that Jaworski accompany him to the Court in a cutaway coat and striped trousers, Jaworski had to admit that he didn't bring along a set of tails. The Solicitor General called in his staff and found a man "more or less about my size," said Jaworski, "and I borrowed his formal attire." Although he had made other appearances before the high court,



Gittings

Leon Jaworski

this was the first time he had gone in tails.

The case before the Supreme Court was not without its ironies. In 1958, the high court had ruled that there is no constitutional right to trial by jury in contempt cases. Barnett's lawyers wanted that decision overturned. Their brief adopted the reasoning of the dissenters in the 1958 case: "With the utmost deference, we are convinced that the dissent of Mr. Justice Black, in which the Chief Justice of the United States and Mr. Justice Douglas concurred, is the better reasoned opinion and should now be adopted by this court as the controlling rule." This praise of the thinking of those three members of the Court most vigorously condemned

Defender

in the South probably brought several smiles in the courtroom.

Furthermore, Barnett's argument that the 1958 decision should be overturned was supported by that *bete noire* of Southern conservatives, the American Civil Liberties Union. The Court allowed it to file a brief without Barnett's approval.

The Supreme Court held, five to four, that a defendant in criminal contempt proceedings was not entitled to a jury trial so long as the punishment did not exceed that for petty criminal offenses—interpreted to mean not more than six months in jail.

Two and one-half years had passed since the trouble at the University of Mississippi, and Barnett's term as governor had ended. Meredith had graduated. A majority of the Fifth Circuit now believed that the changed conditions had brought about full compliance with the court's orders and that the proceedings should be dismissed.

Justice Goes Unpraised

"Although this dismissal was widely publicized, I did not get so much as a single letter about it," Jaworski said. "The howls that deafened me when I was getting ready to prosecute Barnett had no echo when the calm operation of our system of justice let him off."

"I have often wondered what impact Governor Barnett's defiance of the orders of the Fifth Circuit would have had on the administration of justice had the court not immediately directed that criminal contempt proceedings be brought," Jaworski said. "Emotional blindness often prevents irrational dissenters from realizing the importance of preserving the system itself, regardless of current issues that may strain it. It is sad that so many who strike at the system this way are often the loudest when it comes to proclaiming patriotism and devotion to the Constitution."

Sports Briefs

Boston Patriots Matriculate

By Jim Schuyler

George Bennett, treasurer of Harvard, released information concerning Harvard's contract with the Patriots for use of Harvard Stadium this year. Now that the financing has been completed, Bennett was willing to discuss the university's attitude toward a situation which Harvard did not enter "by choice." "We did it because of public interest in having the Patriots remain in Boston," Bennett stated.

Harvard became involved in the Patriots' quest for a home in Boston because Harvard Stadium was the closest available to a 50,000 seat stadium, an NFL requirement. There were 29 bills in the legislature concerning a new stadium—all "false starts" as Bennett called them—none of which received favorable consideration. Last year, Harvard took a hard line in its negotiations with the ballclub, demanding that the Patriots have a location and a "firm contract at a firm price to build a permanent stadium and financing to cover the contract price." Harvard would then make its stadium available to the professional team on a temporary basis for this season.

Bennett declared that if Harvard had not handled the situation the way it did, "it is likely that the stadium would not have been financed and built. We have been instrumental in getting their own stadium off the ground, and Billy Sullivan [Pats' President] would also say that it was a fact."

Bennett still feels that Harvard's reasons for not wanting to share long-term tenancy with the Patriots, as expressed by President Pusey last year, are still valid. However, the relations with the Patriots so far this season have been very good.

Harvard showed "flexibility," according to Bennett, that enabled the Patriots' organization to complete their financing for the new stadium in Foxboro. The deal was not closed until after the second game of the season, but "Harvard was confident that the financing would be completed."

After lengthy negotiations and adverse reaction to Harvard's "hard-nosed" stand of last year, the university has shown that it has made a significant contribution to the sports-minded community. It has performed a dual service in giving the Patriots a temporary home and acting as a catalyst in getting a new stadium built for Joe Kapp and his squad.

* * *

Harvard's treasurer told me that the university has not purchased any shares in the new stadium.

* * *

Football-Intramural football competition began last Monday. Dick Spoor, Football Co-Commissioner (along with Norm Bonner) said that there are 21 teams in the new three-league setup with 240 players ("the largest in at least the last three years"). There have been a number of significant changes this year in addition to the new three-league schedule. For the first time, graduate students, alumni, and faculty have been invited to participate in intramurals. A female law student has achieved starting status as a quarterback in the "C" league.

The Commissioner emphasized that anyone may still sign up as an individual to play on one of the existing teams by contacting either Spoor in Story 405 or Bonner in Hastings 312. The schedule for the year should be posted on the bulletin board (glass enclosed) in Harkness.

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Board Appointments

(Continued from Page 1)

Spirer. Douglas Muir, 3L, returned to the Board after a one year leave of absence from the Law School.

The Board's selection process for 2Ls began last spring when applications were distributed along with a statement explaining the Board's functions and selection procedure. Grades, faculty recommendations, interviews, and the essay on the application were designed as selection criteria. The essay asked "what emphasis and/or reform in the functions and program of the Board [the applicant] would favor" and how his or her "qualifications would contribute to the realizations of the program [the applicant] suggested." The Board's statement included but did not stress the \$700 annual stipend Board members receive for their work.

Recommendation forms were then sent to the professors listed by applicants. Beginning in mid-August, a selection committee consisting of Stephen B. Presser, Board chairman; Don Howarth, first-year chairman; and Susan A. Cahoon, second-year chairman, began categorizing candidates as grades started to come in. The dozen most qualified applicants — on the basis of available grades and faculty recommendations — were scheduled for early interviews with Board members while another sixty applicants had interviews scheduled with professors. No interviews were then scheduled for about thirty students whose grades seemed inadequate at the time.

"We asked the faculty to set aside time for only sixty interviews," explained Presser, "as we felt asking for more would be putting demands on the faculty's time. They granted us all the interviews we asked for."

"I want to emphasize," he added, "that no applicant was disadvantaged by having or not having a faculty interviewer. In the end, we believe that it didn't really matter whether the appli-

cant got a Board or faculty interviewer."

When more grades became available in September, the Board re-evaluated that group of applicants for whom no interview was previously scheduled and scheduled Board interviews for half of them. Most though not all of the Board interviews were conducted by the selection committee. Board members sat in on faculty interviews. Frequent comparisons were made between the standards used by Board and faculty interviewers.

"We tried to use a non-mechanical selection process," Presser claimed, "so that no one factor — including grades — was enough to insure appointment or to preclude it."

At the conclusion of the selection procedure, letters of acceptance were sent to twenty-five 2Ls. The successful applicants had first-year averages from "B+" to "A". Since seven of those selected also made *Law Review*, another two 2Ls were chosen to fill the Board's quota of twenty second-year members.

Review Turndowns

(Continued from Page 8)

Realizing that students who are interested in teaching or clerkships find strong practical reasons for doing *Review* work, Ross said that if he had shared those interests he "would have thought much harder about accepting the arduous work load before deciding. For me to accept would be intellectually dishonest, because I could never do the work and simultaneously enjoy it."

Sources say that there are some 2Ls who joined the *Review* with a thought toward working within the organization to question the necessity of the demanded time commitment.

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Ames Alternative

(Continued from Page 5)

participation in Ames showed a majority of the students opposed to it, while afterwards, 90 per cent of the participants thought it was valuable.

Some students argued that the faculty and the proponents of alternatives to Ames do not clash. The students claimed they sought alternatives for social as well as educational reasons and believed the mechanics of administration blocked their proposal.

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