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TWENTY CENTS

Placement Data-Book Starts Legal, Ethical Controversy

By Larry L. Pressler

The Law School Placement Office has compiled and distributed a book containing often inaccurate data on members of this year's graduating class. *The Third Year Class 1970-71*, sent

Placement — Stories on Women, Grades, Statistics — Inside

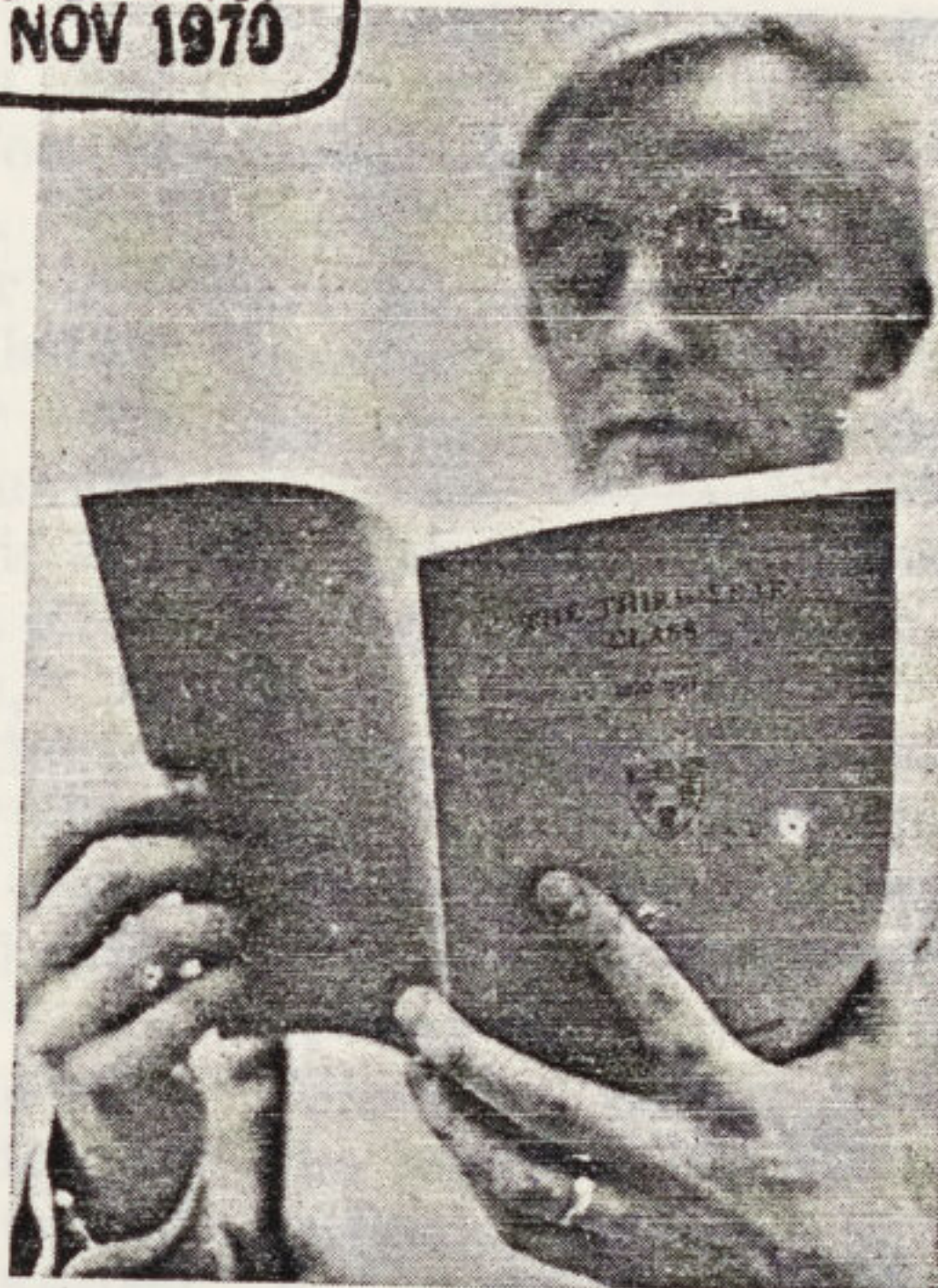
to over 500 law firms which interview here, possibly violates the Massachusetts Fair Employment Practices Act as well.

The book lists all current 3Ls with biographical data. Listings often include draft status, work preferences and geographical

preferences as students indicated them at second-year registration in September, 1969. Usually 2L summer employers are also printed after each student's name. A few people's names are followed only by the statement *Did not register with the Placement Office*.

Miss Eleanor K. Appel, director of the Placement Office, conceded that third-year students were neither given an opportunity to consent to nor given notice of the information's publication.

"The information was supplied to over 500 law firms with the best of intentions — we wanted law firms to be able to contact students whose backgrounds and geographical preferences suited their desires," she said. "We have corrected the 'notice matter' and this fall (1970) second-year stu-



Charles Soberman

Quizzical 3L scans controversial Placement Office data-book.

dents were given an option not to have the information published."

A staff member at the Massachusetts Commission on Discrim-

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Conference Views Virgin Laws For Protection of Environment

By Carol Plumb

"The time is ripe to push for a national Environmental Bill of Rights. The environment is more sacred now than motherhood; Congress in its present mood wouldn't dare vote against it," urged a panelist at the two-day Environmental Law Conference held at the Law School last weekend.

Sponsored by the Harvard and Boston University Environmental Law Societies, the Conservation Law Foundation of Boston, and the Environmental Law Institute of Washington, D.C., the confer-

ence was pronounced a "tremendous success" by Scott H. Lang, 3L, chairman of the Harvard Environmental Law Society.

Lang conceived the idea "over lunch one day this summer" as an opportunity for interested students and lawyers to develop expertise in this almost brand-new area of the law and "to draw law students and lawyers together on a common basis to know each other and work together."

Coming together over a conservationist soul food luncheon of macrobiotic delicacies washed

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Charles Soberman

Environmentalists wash down macrobiotic food with apple cider at conference luncheon.

Graphic Art Exhibit Bespeaks Concept of Contemporary Law

By Judy Carmack York

Dictatorships hate art.

Exorting artists to propagandize with their pens, historian Lewis Mumford gave this message at the first Artists' Conference in New York, 1936.

It was soon confirmed by Hitler who convicted Grosz, Dix and other artists of crimes against the state.

Several graphic artists — Groppe, Shahn, White, and Levine — who rallied to Mumford's message at that first conference are alive, well and venomous on the walls of Harvard Law School. Along with well-known members of the second generation of printmaking protestors — Cuervas, Baskin and Kent — they compose the library's current graphic art exhibit on law and justice.

These artists speak through the stark contrasts of black and white. Their iconography is often as direct as a newspaper headline. Their media are woodcuts, serigraphs, intaglios and even photo etchings.

Printmaking was popularized in the thirties. It was regarded as a "democratic" manner for acquiring originals — for each copy could be thought of a product of the artist himself. Artists used prints to spread their word. They

Artists Strike Out At Bloated Fatcats

took inspiration from Daumier, Goya and the Mexican muralist Orozco. Their topics were strikers being beaten by policemen, lynchings and bloated fatcats.

The graphic artists of the thirties still have their sting. With the exception of a 1958 Shahn, all works in the show were done in the sixties. Borrowed from the New York City Association of the Bar, they will be on display in the Treasure Room through Nov. 14.

Ben Shahn's Sacco/Vanzetti serigraph comes from an idea he

had in the thirties — to protest that Charlestown, Mass., execution of a fish peddler and shoemaker. Lean line and an almost primitive approach express their final message "agony is our triumph."

William Gropper makes the cartoon one of the most effective media for black and white. The former sweatshop worker did three small etchings controlled by iron-hard contours. They look like a rogue's gallery by Daumier, perhaps the greatest graphic artist of all. One of the most effective works is "Matriarch," an etching in brown by Charles White which portrays the "nitty-gritty of ghetto life." The gentle dignity of the woman is haunting.

Leonard Baskin began the post-World War II renaissance in printmaking. "Sheriff" is typical of his exaggeration of physical parts. The tiny-eyed subject peers over his paunch, hand on hip, and although there's no gun there, one gets Baskin's idea.

Sister Corita, now simply Miss Kent, has one of the few bright-colored works. It could be the theme of the exhibit, based on Camus' "I should be able to love my country and still love justice." The "I" is actually a large eye hiding the letter "E." Playing adult *Sesame Street*, she did a book showing all letters of the alphabet.

One of the most valuable works is Robert Rauschenberg's "Bonnie and Clyde Suite." Bonnie downs a drink in one corner-of-a space otherwise occupied by a helter-skelter of upturned autos, mo-

tion and shocking pink splashes.

Mexico's most popular graphic artist, Jose Luis Cuervas, shows his debt to the brutal, powerful social commentaries of Goya.

The exhibit provokes a question: Is the art of social protest essentially one-dimensional? Can it be appreciated independent of its message?

Mrs. James H. Chadbourn, curator of manuscripts and archives at the library, says yes.

"It is surprising how many different interpretations one can draw," she said. "Besides they are all of diverse techniques — woodcuts, etchings, collages — and executed with competence."

Diverse Techniques Mark Protest Art

Mrs. Chadbourn, who helped select 42 works on display from the Pratt Graphics center collection, says viewers stop frequently at the two photo etchings by Pravoslav Sovak who captures the terror of the 1968 Prague invasion. The artist was forced to flee Czechoslovakia for Switzerland. Also popular is Andrew Stasik's "State of the Union," juxtaposing a map of the U. S. with photo negatives and the headline "Nixon Vows Justice." This brutal collage is a lithograph, serigraph and a stencil.

Lewis Thomas couldn't be more direct. His aquatint, "Jail, TV and Pacification," shows prisoners face forward in a cell watching TV. A note explains that the artist is currently serving a three-year sentence for destruction of selective service records.

The exhibit joins fact with nightmare. It is humor plus propaganda. The first professional exhibit for the Law School library, it is a promise of more good art to come.

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CAMBRIDGE SAVINGS BANK — Right IN the Square

HARVARD LAW RECORD

Financial Aid Inequities Scored

By Jerry Snow

The problem of misrepresentation—whether innocent or fraudulent—in student financial aid applications and resulting inequities in financial aid awards occupied center stage at a recent meeting of the Law School Financial Aids Committee.

The meeting—open to the public, but sparsely attended by outsiders—was the first of the year for the Financial Aids Committee, composed about equally of students and faculty. Few students responded to the invitation to become working members of the committee.

In a comprehensive report on financial aid issued last spring and approved by the faculty this fall, the Financial Aids Committee rejected several suggested solutions to the problem of fraudulent aid applications. The Committee vetoed procedures such as requiring the submission of certified copies of parental tax returns or randomly but carefully investigating selected applications. The study stated, "Notwithstanding the reports of inaccuracies and some student unhappiness with instances known to them, we believe that the current policy based on trust is the wise one."

At the meeting, Dean Walter Leonard, assistant director of admissions and financial aid, reiterated this view. "It goes without saying that some people are cheating. But once you start to question the system through investigations of this nature, it almost breaks it down."

Nevertheless, the proposals rejected in the committee report of last spring seemed less than entirely dead, since it was observed that the problem of "cheating" in matters of financial aid still remains to plague the system. Professor Andrew L. Kaufman, committee chairman, pointed out the serious potential threats to the entire financial aid program posed by cheating. Chief among the dangers is possible misallocation

of already limited resources and a diminution of confidence of both students and alumni contributors in the program.

While it may be that "a small percentage of cheating is simply the price of any system," as one committee member asserted, that price has often proved to be a conspicuous one. It has aroused objections from students who deem themselves to have abided by the rules of the financial aid application, to their apparent prejudice. "A need to find out just how genuine or widespread the sense of grievance" is among students was expressed by Dean William L. Bruce.

In recent years—as an example of the "price of cheating"—the system's stated policy of trust notwithstanding, it became a standard procedure in the awarding of financial aid to occasionally leave a gap between a student's apparent need—his projected budget less his resources—and his financial aid award. This gap

Gap in Financial Aid Awards Eliminated

operated in theory to force students to call on hidden, unstated or understated resources, thus vindicating the presumption of their availability.

Conceding that the resources dipped into to fill the gap might well be those the committee would otherwise have considered exempt, the committee reversed the policy and the gap was eliminated last year, according to the financial aid report.

"For this reform to be effective," the report states, "students will have to take seriously their obligation to report accurately and to up-date their estimates." A new policy requires students to report in the fall any significant changes in their spring estimate of resources available.

Previously, the tendency to inflate a long-term budget projection was cited as justifying the

insertion of the gap. "Estimating expenses has the inherent risk of self-help, even without cheating," it was said.

The financial aid report described several other proposed changes in the administration of financial aid that have since been implemented affecting both scholarship and grant-loan policies.

First-year scholarships—which cover up to full tuition according to need—have been reduced in number from 50 scholarships awarded to 50 offered, with only 20 to 35 candidates actually expected to accept. The report concludes that "50 offers of entering scholarships each year would cover all or virtually all of the prospective law school 'stars' admitted who can demonstrate a need for financial assistance. . . . We expect that scholarship awards would be made almost entirely on the basis of 'promise.'"

The half-grant, half-loan policy for all other financial aid awards has been modified to the extent that, in certain cases of lower need, the first \$500 awarded is all loan. The grant money thus saved is available for higher percentage grant awards in certain cases of greater need. This change is a possible foreshadowing of a "sliding scale policy" for all awards, in place of the present rigid half-grant, half-loan policy.

Substitution of Law School loans for state or NDEA loans for "graduates doing certain low-paying community service work" is now possible. Also, the maturity date of Law School loans may be extended for long periods where appropriate. "Extension is a way of helping to make it possible for some students to undertake the kind of useful career they envisage for themselves," the report states.

Law School loans at commercial interest rates are now available to replace parent contributions under certain circumstances

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Graduates Go West; Salaries Reach

FIG. I
PERCENTAGE BEGINNING PRACTICE
IN SELECTED STATES

	1950-1954		1955-1959		1960-1964		1965-1969		1970	
	%	N	%	N	%	N	%	N	%	N
California	3.5%	(78)	3.7%	(87)	6.5%	(157)	7.0%	(180)	9.7%	(37)
Washington, D.C.	5.5%	(123)	5.8%	(135)	8.9%	(217)	9.0%	(232)	8.4%	(32)
Georgia	.3%	(7)	.5%	(12)	.9%	(22)	1.1%	(28)	1.1%	(4)
Illinois	3.1%	(70)	4.2%	(98)	4.0%	(97)	5.1%	(132)	2.4%	(9)
Massachusetts	11.2%	(249)	9.4%	(218)	8.6%	(207)	10.8%	(278)	14.5%	(55)
Minnesota	.4%	(10)	.7%	(17)	.8%	(19)	.9%	(24)	.8%	(3)
New York	22.0%	(489)	20.3%	(477)	21.4%	(518)	20.4%	(526)	17.8%	(68)
Ohio	2.8%	(63)	1.7%	(40)	1.9%	(45)	1.9%	(49)	1.3%	(5)
Pennsylvania	3.1%	(69)	3.7%	(86)	3.7%	(89)	3.1%	(81)	1.8%	(7)
Texas	.7%	(16)	.2%	(5)	.7%	(16)	.8%	(21)	1.6%	(6)
Washington	.4%	(9)	.7%	(16)	.8%	(19)	.4%	(10)	.5%	(2)
Foreign	1.7%	(39)	1.7%	(40)	5.0%	(120)	4.5%	(116)	N/A	

By John York

Statistics from the Law School Placement Office show where last year's graduating class has headed: in larger numbers to the South and West; more to law offices and judicial clerkships while less to advanced study and government service; and to record-high salaries.

The Placement Office surveys from the past 20 years reveal significant general trends. But

the Class of 1970 has veered from several of these patterns.

As the class probably hardest-hit by cancellations of advanced-degree student deferments, only 381 of them made it through graduation. In the previous five years graduating classes had topped 510.

This preoccupation with things military and the alternatives thereto, may have guided to some extent the 1970 alumnus' initial career step much as it propelled

some of his entering classmates out of school sans J.D.

Geographically, the Class of 1970 is starting its career much in keeping with long-term trends. As *Fig. I* shows, since 1950 California, Georgia, Washington, D.C., and practice abroad have attracted an increasing share of the recent Harvard Law alumni.

The percentage of 1970 graduates entering private, law-firm practice is near an all-time high for any class. Judged by the fairly stable pattern depicted in *Fig. II*, 1970 is clearly an aberrational year in this respect much as was 1961. Similarly those entering government work, research-study or the military are down sharply from previous averages. Judicial clerkships, however, are once again an ever-more-popular first job for those fresh from the Law School.

Salaries are higher than ever for fledgling Harvard lawyers, as *Fig. III* reveals. Most law students are still interested in financial rewards, according to Placement Director Eleanor R. Appel.

"They put up a big fuss that

FIG. II
PERCENTAGE OF EACH CLASS ENTERING GIVEN FIELDS 1955-1970

	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970*
Law Offices	42%	52%	52%	52%	50%	61%	54%	48%	49%	50%	50%	49%	44%	44%	49%	58%
Business Concerns	4	3	5	5	5	5	2	4	4	2	3	2	4	4	1	2
Government	4	6	5	11	6	10	9	9	9	6	8	7	8	8	6	3
Judicial Clerkships	6	6	6	7	10	8	8	11	10	12	1	13	12	12	12	19
Banks, Accounting & Insurance	1	3	3	1	1	4	1	1	2	2	1	2	2	—	2	2
Teaching	1	—	—	—	1	1	2	—	1	—	2	2	3	5	3	1
Research & Study	3	4	4	4	4	5	10	5	8	8	6	4	2	2	4	1
Legal Services	—	—	—	—	—	—	—	—	—	—	—	1	2	3	4	1
Fellowships	—	—	—	—	—	—	—	—	—	—	4	5	2	2	1	2
Peace Corps	—	—	—	—	—	—	—	—	—	—	—	3	1	—	—	—
VISTA	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—
Miscellaneous	1	2	—	—	2	1	—	—	1	3	1	1	—	1	1	1
Eligible for Military without jobs	36	23	23	18	15	4	14	20	14	12	10	10	15	20	15	9
Percent in Class	98%	99%	98%	98%	94%	99%	100%	98%	98%	95%	99%	99%	95%	102%	100%	99%
Number in Class	440	452	473	464	496	468	476	468	489	514	515	515	513	517	520	381

*1970 statistics are not entirely comparable because, unlike the other years, they are based on the activities of the class immediately after graduation instead of one year later. For this reason, the 1970 statistics are based on only 77 percent of the entire class while figures for the earlier years are based on substantially more than 90 percent.

HARVARD LAW RECORD

New Height

they are different now," she continued, "but they're not."

To students, the "going rate" is the highest salary that any lawyer can be offered, she explained. This is true even though relatively few firms offer the "going rate" in any one locale.

As for presently-enrolled 2Ls and 3Ls, they are interviewing more frantically than ever this year.

"Students are much more serious about interviewing this year," Miss Appel commented. "And they seem to be doing more of it. Perhaps it is a reflection of their worry that firms may not be hiring as readily as before."

FIG. III SELECTED STARTING AND SUMMER SALARIES

The following is a listing of some current starting and summer-clerkship salaries. In most instances, these salaries represent the "going rate," which is actually the "top salary." Many firms offer much lower salaries.

	Starting Salaries	Summer Clerkships
Anchorage, Alaska	\$13,800	N/A
Beverly Hills/Los Angeles	14,000-15,000	\$225-250/wk.
San Francisco	13,500-14,500	200-250
Denver, Colorado	11,500	175
Wilmington, Delaware	12,500	N/A
Washington, D.C.	12,000-14,000	200-250
Atlanta, Georgia	12,000-14,000	200
Honolulu, Hawaii	13,500	750-850/mo.
Chicago, Illinois	13,000-14,500	200-250
Baltimore, Maryland	13,000	200
Boston, Massachusetts	12,500-13,500	225-250
Detroit, Michigan	14,000	250
Minneapolis, Minnesota	13,000-13,500	200
Newark, New Jersey	12,000	250
New York, New York	15,000	250-300
Cleveland, Ohio	14,000	250
Philadelphia, Pennsylvania	13,500	200
Houston, Texas	13,200	200
Seattle, Washington	12,000	175

Placement Book's Legality Assailed

(Continued from Page 1)

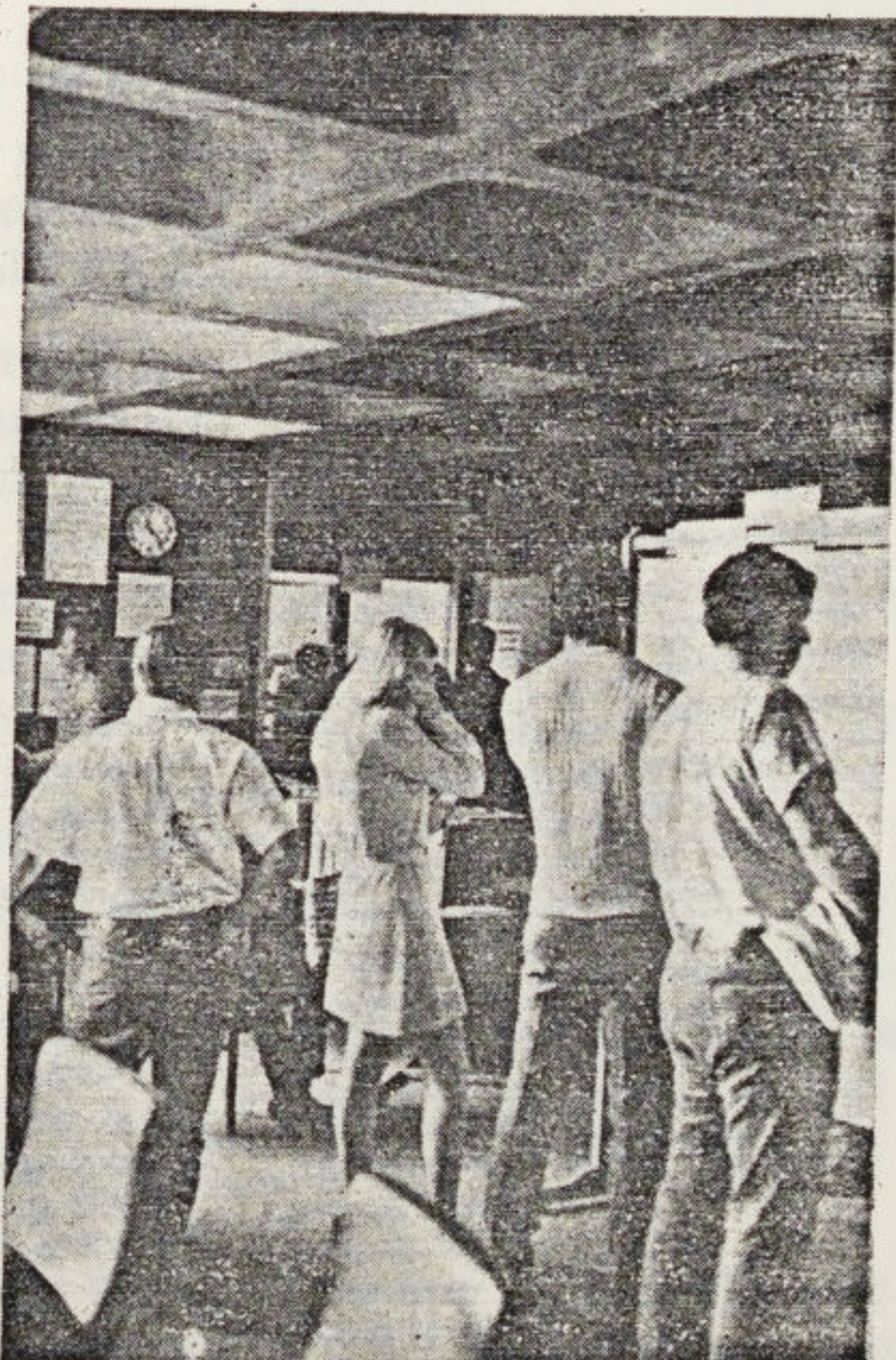
nation — which is charged with investigating violations of the Massachusetts Fair Employment Practices Act — said that even without considering the issues of consent and notice, the law school's publication may well be in violation of Chapter 151(b) §4 of Massachusetts Law, which prohibits employment agencies (including college placement offices) from providing prospective employers with a candidate's date of birth.

In addition to the legal questions which the book raises are those of accuracy and outdated material. The book's introduction contains no explanation of how or when the information on each student was obtained, and leaves the erroneous impression that the information is current.

Miss Appel indicated that the information was taken from three sources: (1) registration material filled out in September, 1969, concerning the student's date of birth, educational and work background, and geographical preference; (2) a questionnaire put out by the Placement Office at the termination of inter-

viewing season last year; and (3) a questionnaire sent to law firms asking for names of students hired for the summer of 1970.

The salmon-covered book,



Jeff Petrucelly

Job-hungry students zero in on posted opportunities at Placement Office.

which bears the seal of Harvard on the front, is dated "Summer, 1970." It was distributed mostly during the summer, but has since been and still is being distributed to law firms which write to the placement office inquiring about graduates from a particular area. The booklet's first page states that "Employers should feel free to contact any June 1971 prospective graduate whose background and career interests indicate they may be pleased to be considered for employment."

In the 43 pages that follow a variety of information on each student is given — depending on how thoroughly the 2nd year registration materials were completed. Some students have a long list of accomplishments, while other accounts are short and sketchy. About three-fourths list a geographic preference. Many list former non-legal jobs as well as summer law jobs.

Most third year students do not seem aware that the book exists, and those who do know have found out from law firms interviewing here.

Of 25 students interviewed at
(Continued on Page 6)

Data's Accuracy Questioned

(Continued from Page 5)

random this week, 20 said they had not heard of the publication. The other five learned of it when law firm interviewers pointed out that their present geographical interests or their résumés appeared to be different from what the book said. In three cases the person's geographical preference had changed since September, 1969.

The problem of accuracy was frequently cited. Eleven of the 25 students saw errors in their individual sections. The book was not proofread by students, and was transposed by secretaries from the two or three sources.

All students interviewed expressed unanimous disapproval of publishing the personal information. John C. Lovett, 3L, summarized much of the sentiment when he said, "I in no way authorized the publication of this data. I resent its being published. If I want employers to know this information I will tell them and I do not need the Placement Office to tell them for me. The inaccuracies contained in this booklet may prevent me from realizing my full employment opportunities."

Members of the Law School Committee on Placement claimed that they were not consulted or notified of the book's publication.

Professor Robert Braucher, Committee chairman, said, "I never heard of it until Bob Feyer wrote a letter sometime in late summer calling my attention to it." Braucher did not think much damage was done, however, "since the *Yearbook* also publishes information about students, and there are errors in the *Yearbook* too."

Robert P. Feyer, a student member of the Committee, said that he had received a complaint last July from a student who had gone to an interview in New York and had been quoted his description in the book.

"I immediately wrote a letter to Miss Appel and sent carbon copies to Braucher and to Dean Bok," Feyer said. "I requested that they consider sending out corrective statements to law firms and notices to third year students. I followed this up in August when I returned to Cambridge by visiting both Miss Appel and Braucher. I was told that they didn't think a corrective statement would be useful since most of the books had gone out already. If the book is still being given out, I am surprised and disappointed."

Michael K. Wyatt, a 2L on the committee, gave the RECORD this statement: "The student-faculty Committee on Placement, charged with recommending general placement guidelines to the faculty, was not told about the book's publication at any of its regular

Committee Never Approved Book

meetings last year. Upon examination the book appears to raise substantial questions concerning disclosure of information probably considered confidential by many students."

Wyatt continued: "The Committee on Placement should immediately explore the issue and fashion a suitable response. Perhaps recipients of the book should be made aware of the source of the data; certainly all third-year students affected should know that the book exists for purposes of disclaiming, correcting, or updating its information where dealing with prospective employers."

As of last week, it was very difficult for a student to even examine the book. Initial inquirers were told that it was "for law firms only."

When asked whether the book would now become available for third-year students to at least in-

spect their individual sections, Miss Appel responded, "The same questions of confidentiality that you raise about law firms would apply to students. Should one student be able to look up another's background?"

Miss Appel said that she was solely responsible for publishing the book and that she had not consulted the Committee because she felt that the book was in keeping with the Placement Office's past practices.

Claiming that very few Harvard Law students appreciate the efforts the Placement Office makes in finding them good jobs, Miss Appel said, "Nobody appreciates our work and everyone is so demanding."

Russell A. Simpson, Admissions Director, Assistant Dean and Administrative Counsel to the Placement Committee, defended Miss Appel's sending out the book and said that he was sure that she did it with the best of intentions. He felt any damages done were minimal. "The basic idea is a good one," he concluded.

Two law firms contacted agreed with Simpson's and Appel's views on sending out such information. An interviewer from a New York firm said that his firm had used the book for writing to students who had "major accomplishments" behind their names. A Cleveland firm said that it had used the book "to write letters to people from the area who might be interested in working for us. We also find the information is a good supplement to most résumés."

A check with the Business School Placement Office revealed that the Business School has a program of providing some résumé material to firms if the student consents and meets a certain résumé format. Such a résumé cannot list date of birth, place of birth, race, or sex, and must follow a certain format. A placement officer at the Business School said, "We are extremely careful to observe the state and federal laws in regard to giving out such information."

Women Cite Job Discrimination

By Richard J. McManus

Few women students have officially complained of discrimination based on sex by interviewing law firms so far this fall. More firms are apparently considering the addition of women associates or summer clerks, even if only as a token gesture to the women's movement. Actual discrimination is less blatantly prejudicial.

Mary Louise Frampton, 3L, chairman of the Women's Law Association's placement committee, said that the committee has only received six written complaints of discriminatory interviewing practices. She speculated that several factors, particularly the fears of women students that they would lose all chance of employment if they protested, may be holding down the number of complaints until job offers are actually made during the next several months.

"We were surprised there were so few complaints," she said, "but it may be early."

Three of the women students who did file objections with the women's group, for example, asked that their cases not be discussed until the firms in question made their decisions.

Both Miss Frampton and other women students observed there were indications that this may be a "token" year for women.

"Firms are growing more aware of what's going on," Miss Frampton said. "We aren't the only law school where women are putting pressure on interviewers." She specifically mentioned N.Y.U. Law School where 20-25 per cent of the students are female (Harvard is less than 10 per cent). Women law students from all over the country met at N.Y.U. last spring and agreed to share information in order to bring pressure on their placement offices.

Women have even more difficulty at other schools that don't have Harvard's prestige," she said, but added that complaints

at the University of California (Berkeley) led to a ban on some firms.

"I am sure Harvard would not do it, though," she said.

Tokenism may have at least one particularly unpleasant aspect, according to Miss Frampton. Firms may choose among female applicants on the basis of appearance. "It is a very sensitive area," she said. "Of course it is partly true for men, but ap-

pearance is much more important for a woman seeking a job."

The charge is supported by male students who have found that interviewers when discussing women in their firms often first mention the physical attractiveness of their female associates.

Discussing two of the complaints this fall, Miss Frampton

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Discrimination Warning

[The following is the text of a Placement Office memorandum to all interviewers.]

The purpose of this memorandum is to call attention to certain rules of the Placement Office which could easily cause problems this year.

The first of these problem areas involves our rule (implementing federal law) prohibiting discrimination based on sex, race, color, religious creed or national origin. As stated in our Placement Office Rules and Information Bulletin: "This rule applies not only to offers of employment, but also to salary scales, working conditions, type of work available and promotion policies."

In recent years, there has been increasing concern over discrimination in the hiring of law students. In particular, many women students report that some interviewers have made derogatory comments about women lawyers and have given the impression that interviewing a woman student was a waste of their time. Similar reports have been made at other schools, and women law students even instituted suit last year against the University of

Chicago Law School and several firms alleging violations of Title VII of the Civil Rights Act.

As you know, we are opposed to improper discrimination on legal and moral grounds, and we hope and believe that every employer will be committed to abiding by the applicable placement rules and federal laws to this effect. Even so, difficulties can easily arise. For example, some students may well be very sensitive and quick to infer discrimination where it is not present or intended. Some interviewers may inadvertently make statements that could suggest a disinclination to hire women or members of minority groups. Although we are most anxious to avoid having to investigate numerous complaints of improper employment practices, it is difficult to ignore plausible allegations that our rules and federal laws are being violated. In order to avoid problems for all concerned, we must therefore ask for the cooperation of every employer who uses our facilities to avoid not only the substance but also the appearance of wrongful discrimination. . . .

Russell A. Simpson
Assistant Dean

DO YOU KNOW THAT...

Each year Savings Bank Life Insurance ranks 4th or 5th in sales in Massachusetts — of all Ordinary insurance sold?

The reason: low-cost; annual dividends; first-rate protection. See us.

CAMBRIDGE SAVINGS BANK — Right IN the Square.

Students Report Interviewers Violate

By Michelle Scott

In its second year of operation, the formal faculty request that employers using Placement Office

services not inquire about 1L grades for 2L summer employment continues to meet only partial compliance and to arouse stu-

dent and employer dissatisfaction.

While only one letter of complaint against a firm has been presented to the Placement Office, many 2Ls report both direct and indirect violations of the regulation.

While only a few have directly asked for grades, many interviewers reportedly disregard the Committee on Placement's request that they not inquire about the election of the Pass/Fail option and that they "avoid statements . . . which students may interpret as being calculated to induce disclosure of 1L grades or exerting pressure in that direction."

Professor Robert Braucher, chairman of the Committee on Placement; Miss Eleanor R. Appel, placement director; and Russell A. Simpson, assistant dean, all admit that compliance with the request is difficult to enforce without formal complaints from students. Simpson further noted that the faculty request does not have the status of a rule and is not included in the Placement Office's *Rules and Information Bulletin*. He refused to speculate on sanctions the Law School could impose on employer-violators.

Braucher, however, suggested that the request enjoyed rule status and compliance was expected. He said that last year employers informing the Committee on Placement of their intention to deny the faculty "request" were told that "request" was simply polite usage and violators would be disciplined.

"The rules are clear enough," Braucher emphasized pointing out his explicit letter to users of the Placement Office. "There isn't any difficulty with the rules."

"Pass/Fail produced a tremendous outcry from law firms around the country," Braucher recalled. Adopted as part of the 1968-69 grade reform movement to de-emphasize first-year grades, the plan was designed to protect

Grade Inquiry Warning

[The following is the text of a Committee on Placement memorandum to all interviewers.]

As most of you know, employers using the Placement Office last year were formally requested not to ask 2L students for information about their 1L grades. The purpose of this memorandum is to advise you that the Faculty has voted to make the same request for the fall of 1970. This affects summer employment of 2L students only; employers who wish to do so are entirely free to inquire about all grades when interviewing 3L students for permanent employment.

This request was made last year as part of an arrangement designed to reduce an overemphasis on first year grades which was perceived by both Faculty and students. Part of the scheme was an option given students who exercised that choice. The request may have served that purpose, but it also produced a number of complaints from employers and students. As a result the Placement Committee, considering the problem solely as a placement matter, unanimously recommended that the request be eliminated.

Our Committee on Legal Education, however, considering the problem more broadly, recommended that no change be made for the coming year. A major reason was the likelihood that students would regard a change as a deliberate Faculty decision to make the Pass-Fail option less attractive. Some Faculty members opposed to the Pass-Fail option

and hoping that students would not elect it, desired to avoid the charge that grading had been forced on students; others, supporting the option, desired to protect it.

We believe that almost all of you honored our request last year, and we earnestly request that you do so again next year. We believe that most student complaints that they were indirectly asked about grades reflected misunderstanding rather than violation or evasion. To avoid such misunderstanding, we request that you not inquire whether 2L students elected the Pass-Fail option for 1L grades, and that you avoid statements that evaluation is difficult in the absence of grades or other statements which students may interpret as being calculated to induce disclosure of 1L grades or exerting pressure in that direction. On the other hand, we are not trying to discourage students from making voluntary disclosure; if a student asks whether disclosure of grades would help his chances for a job, you are free to answer, and of course should answer honestly.

Two points should be made to reassure those who disapprove of our request. First, I believe we are fully aware of the difficulties, and if difficulties continue to be reported I shall seek reconsideration of the request. Second, to the extent that 2L students are employed through the internship program we are starting this year, the problem disappears.

Robert Braucher
Chairman, Committee on Placement

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Placement Letter on Grade Inquiries

students electing the Pass/Fail option. While "elite" firms continued to offer positions dependent on grades, Braucher felt that general compliance with the request and successful placement were achieved.

"Many firms don't give a damn," Braucher stated. "Others figure that if grades are disclosed, it's part of the picture."

According to Miss Appel, some interviewers have requested explicit directions. "Some have come in and asked, 'can you tell

selection of Pass/Fail as a negative factor in evaluating an interviewee.

While the employers who state, "Yes, I know all about the rule, but I still am asking your grades," have apparently been few, violators of the coercion strictures are more numerous — and inventive.

Many who try to discover grades without directly demanding them suggest that evaluation of an applicant is very difficult without "objective data." Others

dent in here, I asked him his grades," the interviewer confessed. "I didn't know I wasn't supposed to ask. *Of course he told me his grades*, and he told me about the rule. I hope he doesn't report me."

The interviewer, so far, has not been formally reported. And the student to whom he made the admission did not fall for the ruse, since he knew in advance that the interviewer had been here last year and should have been informed. And when the student



Jeff Petrucelly

Monday . . . Tuesday . . . Wednesday: Résumés and appointment cards must be filed in a continual cycle by student employables.

me very specifically what I can and cannot do?" she reported.

This autumn student attitudes run from amusement to anger in confronting interviewers' tactics to elicit grades from non-disclosing interviewees.

The formal complaint filed by a 2L against a nationally prominent firm charges that the interviewer ignored the student's reminder that he could not inquire about grades and continued to ask for them suggesting that non-disclosure absolutely foreclosed consideration for a position. Another interviewer from a medium-sized Chicago firm freely admitted he always asked for grades, though he claimed he would not consider

spend inordinately long periods scanning résumés, apparently searching for undisclosed grades somewhere between the lines.

Many interviews open with the remark, "Well, I'm not allowed to ask you about your grades, eh?" And, several interviewers, after having failed in attempts to learn a 1L record have inquired simply, "Is there anything else you'd like me to know about yourself?" One resourceful employer asked interviewees their LSAT scores.

Not many employers, however, have devised the ruse of the dramatically inclined firm representative who took a 2L applicant into his confidence: "I just made a terrible mistake! The last stu-

left the interview, his grades still a secret between him and the registrar, he overheard the interviewer talking to the next interviewee, "I just made a mistake . . . of course he told me his grades . . ."

A few interviewers have stated that they do not consider grades essential, especially in summer employment, and that except in choosing between two candidates of equal caliber, grades are only one of many considerations. One interviewer confronted with a gradeless resume and silent 2L smiled resignedly, "I guess I have to believe you're bright, after all you got in here, didn't you?"

(Continued on Page 15)

Placement Office Miscalculation

During the past summer the Law School Placement Office released to Harvard talent recruiters a booklet describing each third-year student's Law School activities, draft status, geographical preference, work experience, work preference and the like.

Although conceived with the best of intentions by the Placement Office, the booklet — developed without consulting the Committee on Placement — has spawned justifiable resentment in those few students discovering its existence.

Some of the crucial data is as much as one year old, yet is currently used by recruiters as though it were hot from the griddle. The book contains no warning that it may be obsolete or inaccurate. A student — under the impression that the forms which he completed last year were confidential and for internal use only — might have opted to leave them blank or later proofread them had he suspected their future use. No effort was made to elicit student consent for the project, a recognized shortcoming already remedied in next year's edition. The book's inclusion of birth dates is technically illegal under Massachusetts law. While only the rare student will be hurt by public notice of his age, its publication is illegal. If birth dates are admittedly of little use, why include them?

The worst offender is an unprecedented feature: publication of geographical and work preferences. Obtained long ago, these frequently outdated preferences in the hands of recruiters often foment a chilly reception for the student tiring of his former "New York/securities law" preference and searching for "Beverly Hills/entertainment law." The California recruiter may presume an interviewing lark; the student — ignorant of the booklet's existence — has no chance to rebut this unmentioned presumption. Serious prejudice may result.

While realizing that students are increasingly sensitive to questions of confidentiality in these days of omnipresent data banks, the administrators who were alerted this summer to the book's flaws have remained paternalistic, inactive and defensive. At the very least each student affected should be apprised of his "description" so that he may combat further unfair inferences.

HARVARD LAW RECORD

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Fenno

"So why would you like to clerk for me, Mr. . . . Fenno, or is it Feeno?" inquired Judge Crater as I twiddled my résumé into the form of a paper airplane.

"Well, Your Honor, the Law School thinks it would be good for me to have another kind of legal experience before I plunge into practice, and since you were going to be up here for the football game anyway, I thought it was only fair that I give you first crack at me."

"Do you have any written work that I can consider?" resumed the Judge.

"Well, there's these columns I write and the note I wrote for the *Law Review* competition which they apparently didn't think was really the best and let's see here in my vest, here's last week's football odds-spread card, oops . . .," I juggled.

"Why don't you have your grades down on this résumé, Mr. What-Is-Your-Name-Again?" the Judge reiterated petulantly.

"You really don't want to see them, Your Honor. I really like your chambers and the interior decorating. They'll do rather well next year, I think."

"You think? Who are your faculty references? I can't just hire someone off the street, you know."

"Not even Wall Street . . . or Everett Street?" I implored.

"Who are they?" he reemphasized, with a strong crack of the gavel on my noggin.

"Well, there's Professor Bator. He'll tell you how great my taste in ties is. And there's Professor Jaffe, although he may ask you which law school he's at. And there's Professor Dawson, who told me you liked Kruger Pilsner too."

"Clerking is a very serious business, Mr. Feeno, and I'm not sure you understand how much work is required," the Judge advised me.

"I guess not, Your Honor. Don't you just sit outside the courthouse and wait for The Jersey Lily to show up one fine day?" I crackerbarrelled.

"You know, Your Honor, you really ought to empty those shelves and put in psychedelic lighting, bring in a group — like say, Federal and the Supplements — big room like this going to waste . . . gee, I know why you guys never get promoted except by the guy with the iron butt . . ." I babbled.

"Out, out, out of my chambers," the Judge shrieked. "Next year, I'm writing to Suffolk and Portia!"

HARVARD LAW RECORD

Letters to the Editor of the RECORD

'Justice Delay Is Justice Delighted'

To the Editor:

It was certainly gratifying to see the concern of the faculty, the students and the editorial staff of the RECORD for permitting the postponement of exam taking when such activity is "a psychological impossibility." This realistic approach will be a great contribution to the new attorney's preparation for the practice of law.

As is now generally conceded, our State of New Jersey has one of the most advanced systems for the administration of justice. For a number of years the rules of practice promulgated by our Supreme Court have recognized that the public is ill-served by requiring an attorney to try a case when it would be a psychological impossibility to do so.

On an *ex parte* application certifying to psychological impossibility, any matter may be automatically adjourned for up to three months. Subsequent adjournment for psychological impossibility may be applied for on notice to the adverse parties. Except in the cities larger than Vineland (where cut-throat competition is rampant), attorneys consider it a routine courtesy to consent to the application.

A recent survey conducted for the New Jersey Bar Association by one of the leading opinion research firms indicated that a representative cross-section of clients feels they are much better served by the present system than in the antediluvian days when attorneys sometimes attempted to try cases even in the face of psychological impossibility. The summary of the report concludes: "Justice delay is justice delighted."

William L. Boyan '55

Easier to Parody Reality Than Face It

To the Editor:

Ah, to be a reactionary and not give a damn about the poor, bombed, polluted and exploited rest of us!

Have you ever wondered why Al Capp is funnier than Caesar Chavez, or Bill Buckley more so than Ralph Nader? When you possess the power and the goods, and the victims want a share, snideness is a frequent alternative to analysis. Easier to parody reality than to face it.

John E. Fick, '65 (fickicious?) wrote a letter to the RECORD, Oct. 1, ridi-

culing the Law Firm Questionnaire sent out by 316 Harvard law students last year and by 8 other law schools since then. Was it as late as 1965 that HLS graduated such antiseptic technicians, equipped to de-tail a fee tail remainder or de-body an incorporeal hereditament—but little else? Was it but 5 years ago that the acquiescent fodder were carted off into those law firm granaries, preserved for later, not present, social usefulness?

Somebody should tell Fick '65 something: that our system of justice often serves injustice, that law firms contribute by selling their wares to the highest bidders (that law firms are less than perfect is seen in the letters column, where an anonymous writer told of his firing from a firm when he failed the bar the first time), that law schools happily accept their role as training ground for elite professionals, and that, as a result, the Law serves only the rich segment of our society.

Unwilling to be tarred a nabob of negatives, there are clearly rumblings of change both in the law schools and the profession. Students have more diversified curricula and activities, many work for little representing the unrepresented, and many who do represent corporate wealth do so with somewhat greater sensitivity. The reasons are multiple, but if the political message of the law school questionnaire is an iota of the reason, it was a significant event.

Fick '65's ridicule is far from surprising. It is the problem.

Mark Green '70

Fed Up With Law School Kooks

To the Editor:

Please don't send me any more of your publications. I am fed up with the kooks in the Harvard Law School and with your faculty which has apparently abandoned education for politics. Harvard University has sunk to an all-time low.

T. W. Samuels

Law Notes

The Committee on the First Year is considering modification of the curriculum to include a "perspective course." Courses considered perspective courses in the past include Development of Legal Institutions, Comparative Law and Jurisprudence. Committee members believe perspective courses implicate a broad range of curricular matters including course content, semester courses and first-year electives. Professor Lloyd L. Weinreb, committee chairman, is seeking student information and suggestions in this area.

* * *

Members of the first-year class will view a film of the trial of *City of Denver v. Watson* on a repeat, day-long segmented schedule on November 9-11 and hear a panel discussion of the trial November 14 from 4 to 6 p.m.

Speakers invited to participate in the discussion include Judge Zita L. Weinshienk '58, who presided at the trial; David Nelson, a Boston attorney with extensive practice in criminal cases and a Trial Practice instructor, and Joseph McNamara, a New York City police officer associated with the Center for Criminal Justice. Earl J. Silbert '57, a Department of Justice attorney with extensive experience as a prosecutor has also been asked to participate. Professor James Vorenberg will moderate.

According to Professor Lloyd L. Weinreb, chairman of the First-Year Committee, the film and discussion will replace the model trial usually conducted in conjunction with the Legal Method course.

"We have not decided to junk the model trial," Weinreb emphasized. "But we thought that since this movie was so good and was available that we'd use it this year. Our plans are open for future years."

During her visit, Judge Weinshienk, who sits on the Denver County Court, will meet with women law students. Mary Louise Frampton, 3L, and Cynthia Mollenkopf, 2L, co-chairmen of the Women's Law Group, are in charge of arrangements.

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Sutherland, Professor Emeritus,

By Carol Plumb

Professor Arthur Eugene Sutherland became Bussey Professor of Law Emeritus on July 1, 1970. But "emeritus" à la Sutherland holds no possible connotation of "retirement." Instead, it has "liberated" Sutherland from his teaching duties in order to devote more time to his myriad other activities.

Avoiding the *Mister Chips* stereotype of the retired professor, Sutherland spends a greater proportion of his time jetting to appointments than rocking in front of a fireplace. During one recent week, for example, Sutherland flew to Williamsburg, Virginia, on Wednesday to speak of First Amendment freedoms at a conference of editors and publishers of daily newspapers. Wednesday night Sutherland flew home to Cambridge. Friday morning he boarded another aircraft to Buffalo, New York, where — with fellow members of the New York State Education Commission — he listened to the testimony of college and high school students, parents and PTA members in connection with the two-year survey of elementary and secondary education in New York State. Twenty-five years of associating with students has not jaded his appreciation of their comments.

"Extremely interesting, those students. I wish we could have heard more of them," he commented.

Remains Appreciative Of Student Comments

Although retired, Sutherland is deeply involved in his post as secretary-treasurer and a member of the Executive Committee of the Harvard Community Health Plan.

"It's an interesting new direction in medical service," Sutherland explained. "We try to de-

liver comprehensive medical care on a prepaid medical plan for employees. This is figured on the average annual cost of medical care for an average family. Our subscribers — so far it's mostly large employers such as Harvard, Brandeis, insurance companies, a few large law firms; we can't take individuals yet — pay the cost of a year's subscription for their employees. It comes to about \$50 a month per employee. Instead of getting a bill, all of their actual medical needs — with a few minor exceptions such as eyeglasses — are treated during the year at no additional expense. This includes maternity benefits for any female, married or unmarried, if she belongs to a covered group."

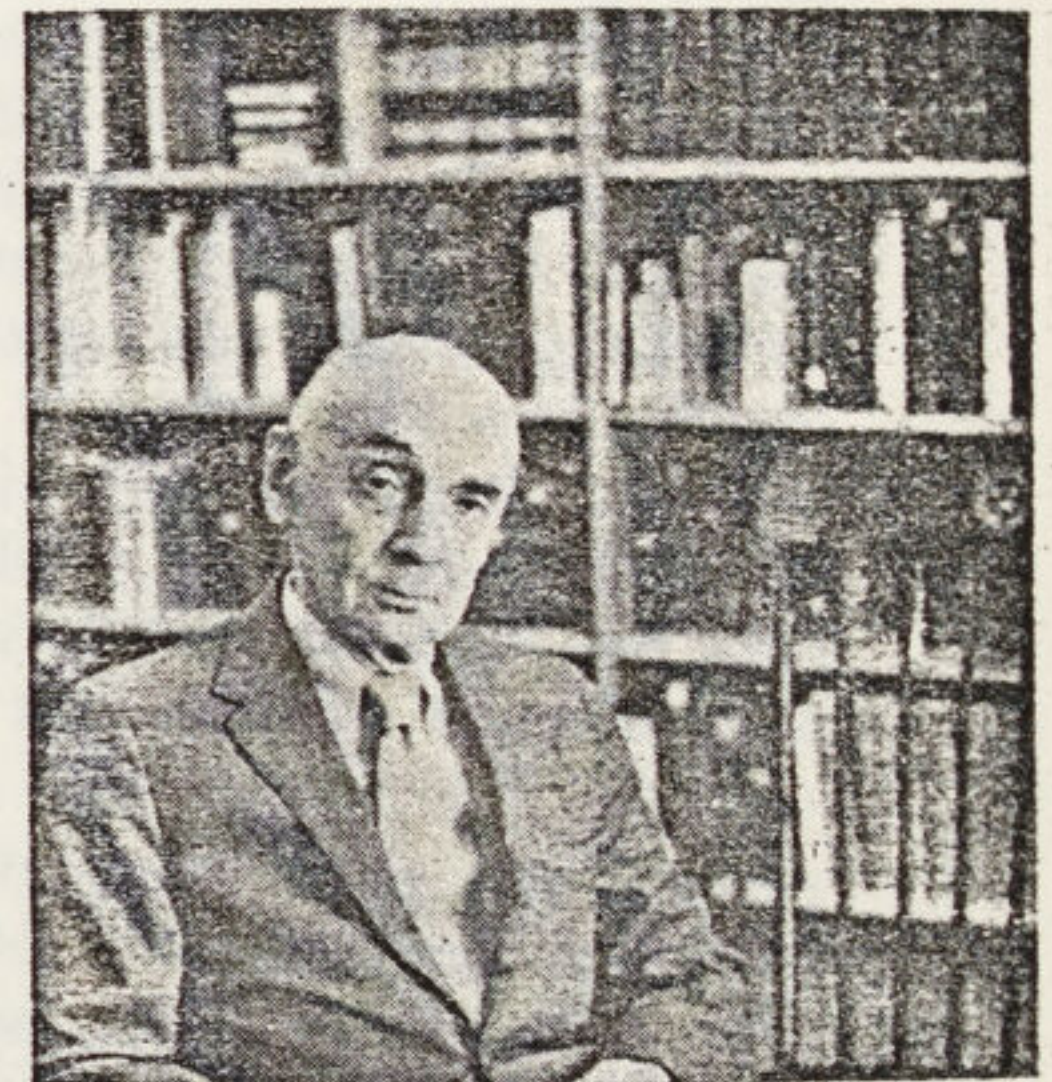
"The doctors and nurses at our clinic in Boston are on annual salary basis," he continued. "We've been fortunate in finding generous foundations — Ford, Harvard — who've given us start-up money. We try to keep people out of the hospital; everyone is given a complete physical examination once they're enrolled. We hope to get up to a sample population of 30,000. So far, we've got 6,500 enrolled, including an interesting population of welfare people — 1,300 — in the Mission Hill area."

Sutherland describes his position as "a mixed legal and medical enterprise. The president is the dean of Harvard Medical School. To give you an idea of the dedication of the people involved in this model plan, the executive committee meetings are the first Tuesday of every month . . . at 8:00 a.m.! We're all pretty busy people and that was the only time we could find at which we would all be free."

Sutherland is also active as a member of the Board of Trustees of Mount Holyoke College. Sandwiched somewhere in between everything else is the production of a book, *The Lawyer in America*. This will be a comprehensive history of the legal profession in

America "from 1607 to 2007 inclusive."

In the course of his research for this volume, Sutherland has been impressed very much that "throughout the history of the United States, the lawyer has always played a very strong political role. From the very beginning of this country, the majority of our leaders were lawyers — John Adams, Madison, Jefferson, Andrew Jackson who was a fighting district attorney at one time — down through and including Lincoln, who we mustn't forget was a very busy courtroom lawyer."



Charles Soberman

Professor Arthur E. Sutherland

"When we get these young public service lawyers today," Sutherland observed, "they're simply carrying out what lawyers have done for 150 years. *Pro bono* work began to rise in the 1890's; it was handled on a discreet, individual basis before this, but the young modern lawyers are simply institutionalizing what Thomas Jefferson did on his own when he argued for a mulatto held in indenture under an early Virginia statute."

Sutherland sees great similarities not only among young lawyers, but also among law students over the years.

"One of the advantages of living a long life is that you get to realize things change much less rapidly than we like to think they do," noted Sutherland. "The stu-

Trades Rocking Chair for Jet

dents at the Law School today are much less different than you might think from the students in my day. My roommate at that time wore blue jeans and a blue farm workshirt, open at the neck. As I go over what became of my classmates, some are labor lawyers, some judges, law teachers, some defend the downtrodden . . . it's an old French cliché, but very true, *Plus ça change, plus c'est la même chose.*"

Although he's given up his classes in *Commercial Law*, and seminars on *Price Law* and on *The Bill of Rights and The Fourteenth Amendment*, Sutherland is still very much at home in his comfortable nook adjoining the Ames Courtroom in Austin Hall. A scholar with an infectious enthusiasm for learning, he is prone to punctuate a point by pulling down a volume and quoting from it.

"The year I consider most dangerous as far as violence, repression of civil liberties, race riots, etc., was 1919," he told a recent visitor. "1919 makes this year look like a Sunday School picnic when it comes to mob violence." And to prove his point, Sutherland read from the opinion of Justice Holmes in *Moore v. Dempsey*, 261 U.S. 86 (1923), concerning denial of due process so that a "trial was no trial at all" for a group of blacks convicted during a Montana race riot in 1919.

To support his own cyclical theory of history, Sutherland brings forth a photograph of his father and teammates on the Wesleyan College football team of 1884. With their striped T-shirts, long sideburns and mustachioed countenances, they would easily melt into the Harvard Square crowd today, Sutherland asserted.

Sutherland followed his father to Wesleyan, where he majored in history and classics. He received his L.L.B. from Harvard and was case editor of the *Law Review*. After clerking for Mr. Justice Oliver Wendell Holmes,

he turned down an invitation to join the Harvard Law faculty, preferring to return to his Rochester, New York home, where his older brother practiced law.

Private practice with the family firm of Sutherland & Sutherland commanded his attention until 1941 when he became "just an ordinary soldier." Sutherland served in the Tunisian campaign with the First Infantry Division; he was on the beach at Anzio and participated in the Allied drive through Italy, serving on the staff of General Mark Clark at the Headquarters of the Fifth Army.

Re-entering civilian life in 1945, he became a professor of law at Cornell and taught there until 1950, when, "exactly twenty

Joined HLS Faculty Twenty Years Late

years after my first invitation to do so," Sutherland joined the faculty at Harvard Law School. He has since lectured and taught at such diverse schools as Brasenose College, Oxford University, the University of North Carolina and the University of Wisconsin.

Sutherland humorously underplays his legal writing. "In my years at Harvard I've been involved in the book business, big books, middle-sized books, all sorts of books," he admitted. His books include *The Path of the Law* (1968); *The Law at Harvard* (1967), a history of the Law School from 1817 until 1967; *Apology for Uncomfortable Change, 1865-1965* (1965); *Constitutionalism in America* (1965), and casebooks on commercial

transactions and on constitutional law.

One of the cherished memorabilia in Sutherland's office is a large gavel, labelled, "To be used only for destruction of contingent remainders." Presented to his father, the gavel was a tribute from friends when Sutherland, Sr., became a New York State Supreme Court Justice. Today, both of the professor's sons, both Harvard graduates, follow the family legal tradition. His older son, David A. Sutherland, practices law in Alexandria, Virginia, and is a member of the lower house of the Virginia legislature. Peter, the younger son, is a professional diplomat. A daughter, Mrs. David Lukens, is married to a missionary teaching at Cuttington College in Liberia. Sutherland is married to the former Mary Kirk, and his youngest child, Prudence, "stays home with us and makes sure the old man behaves himself."

On numerous occasions Sutherland has entertained delighted audiences of law students with his singing and original guitar arrangements. "I've committed indiscretions in that direction," Sutherland acknowledges. He admits, also, to a "homemade repertoire."

"We elder statesmen can get away with things like that," Sutherland declared.

In spite of years and his emeritus title, Sutherland defies time and bridges any generation gap. With airplane schedule in order, guitar in hand and activist spirit in command he continues an outstanding career of professional accomplishment.

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Environment Conference . . .

(Continued from Page 1)

down with apple cider, participating in workshops, panel discussions and rap sessions were over 300 students from all five Boston-area law schools as well as Columbia, Yale, N.Y.U., and Maryland. Environmentalists from other disciplines like Bill Blatchley, a M.I.T. graduate student in chemical engineering, found that "the meeting rounded out my knowledge on what's necessary in solving environmental problems."

The planners were particularly "surprised and pleased" by the presence of 30 practicing attorneys from the Boston area.

Many of the participating students had already had experience in environmental litigation. For example, Rhea J. Kemble, 2L, spent last summer working for a law firm which represented a client who was being attacked by a conservation group. "It was a good way to learn about conservation and get paid for it," she explained. The clinical sessions at the conference gave her "practical ideas on ways limited-resource ventures can maximize their effort."

To B.U. student John Marshall, who spent the last two years as a Vista Volunteer in rural Connecticut, the conference was "an inspiration! Having only been in law school for six weeks, I found

some of the constitutional theories over my head, but it was a really exciting thing at this meeting, being in on the development of a whole new field of law. It made me happy I decided to come to law school."

Legal theorists are divided into two camps on the issue of environmental rights as constitutional rights. Harvard's Louis L. Jaffe, Byrne Professor of Administrative Law, outlined the reasons for belief that—as constitutional rights are not frozen, but evolve constantly as society's needs change—provisions of the Fifth, Ninth, and Fourteenth Amendments can be declared to include environmental rights.

The second theory—the need to adopt a completely new national statute detailing an Environmental Bill of Rights—was first propounded by Justice William O. Douglas. An actual statute was drafted for the first time in 1965, when environmental protection provisions were included in the proposed new constitution for New York state. Although the new Constitution was rejected by the voters, two successive sessions of the New York legislature adopted the environmental rights section, making New York the first and so far only state to have such a statute.

Strong movements are current-

ly active in Maryland, Massachusetts and several other states to get similar constitutional amendments enacted. When they do become law, the next question to be resolved will be to what extent such amendments are self-enabling or whether the legislatures must follow up with more specific commands.

Most of the conference speakers are practicing specialists in ecology and the law. One of the panelists, Fred Anderson, executive director of the Environmental Law Institute, will be the editor-in-chief of the new *Environmental Law Reporter*, which will start monthly publication in November 1970. Malcolm Baldwin is the senior legal advisor to the Conservation Foundation. Two others, David Sive and Edward Berlin, are members of law firms which handle conservation cases.

The sessions explored the use of classical common law actions such as nuisance, negligence and strict liability to fight pollution as well as possibilities for legal action under the National Environmental Policy Act passed by Congress last year. Practical considerations of litigation were also explored: jurisdiction, standing and the importance of getting preliminary injunctions at the beginning of a suit—"otherwise by the time you get to trial, the bulldozers have already cut down 2,000 trees and it's a *fait accompli*."

Student comments that the meeting was "too short" included those by Steve Cotton, 2L, who spent most of last year as press director for Environmental Action, national co-ordinator of Earth Day. "The conference points up a deficiency in the Law School curriculum," declared Cotton. "There should be a clinical course at the Law School in this field as well as in other areas like civil liberties, welfare law, etc., and since virtually no one on the present faculty has had experience in environmental litigation, every effort should be made to draft a lawyer from private practice, perhaps one of the conference panelists."

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Panelist James Moorman of the Center for Law and Social Policy commented that "with so many students showing their avid interest in environmental law, it's too bad that at the faculty level, law schools in general have left an intellectual vacuum in this area. They seem to feel that the proper role of professors is to follow, not to lead, in new developments in the law."

On the other hand, panelist David Sive confessed he was "a little disturbed that government in any form seems to be constantly assumed to be the bad guy by today's students. Part of the interest law students have in conservation is that they see environmental lawyers as heroes fighting the establishment — we have the image of Davids against Goliaths."

Sive noted that government agencies are not necessarily anti-conservation and that such bastions of the legal establishment as Practising Law Institute and the American Law Institute have recently scheduled symposia on ecology. "I wish that students wouldn't think that the establishment is uniformly the enemy. But the students' very attendance and rapt attention here at this meeting means they have faith they can do something."

Grade Inquiries

(Continued from Page 9)

Lack of grades presents the interviewer with a more complex evaluation problem. Many admit that a twenty-minute interview is an inadequate basis for forming a judgment and would prefer some comparative standard.

However, Simpson noted that he has received no complaints from employers who hired Pass/Fail 2Ls last summer.

Both the Chicago attorney who admitted that he asked for grades, and Professor Braucher suggested that interviewers may turn to less desirable methods of selection. College records may be considered and a degree from a "prestige" college, formerly a discriminatory standard, may weigh in an applicant's favor.

Last year, according to Braucher and according to a survey of 2Ls reported last May, many students who concealed their grades or elected Pass/Fail felt prejudiced in the placement process. However, a placement study revealed that more students than ever obtained positions through the Placement Office last year and that an almost equal percentage of disclosing and non-disclosing students were placed. Braucher emphasized that non-disclosing students may have believed they obtained less desirable positions, and it would be difficult to determine if their feelings were justified. Overall 60-65 per cent elected Pass/Fail or did not disclose grades last year.

"To say there were a number of complaints would be a mild statement of the problem," Braucher admitted. "A number of students came in and demanded release from their Pass/Fail option. Of course we could not allow that."

Problems and reaction to the Pass/Fail system were presented to the current 2L class last May. Only 27 per cent of them elected Pass/Fail [See RECORD issue of October 15, 1970]. Braucher admitted that this figure, substantially less than the previous year's, does not necessarily reflect dissatisfaction with Pass/Fail, since many students may have missed the date for filing grade report options because of the May strike.

Braucher indicated that most of the complaints received by the Committee on Placement were concerned with keeping offers open to the uniform acceptance date. In addition, administrators are very sensitive to sex discrimination issues. At the request of several women students, a firm was asked to rephrase a resume referring only to "men" attorneys. According to Miss Appel, the firm — which employs several women lawyers — readily complied. An apparent case of sophisticated race discrimination has been alleged and is reportedly being investigated.

Braucher, Simpson and Miss Appel stressed that students must make official complaints according to Placement Office procedures before they can act. If violations of the request not to inquire about 1L grades appear widespread, Braucher stated, further memoranda may be issued to interviewers. Miss Appel suggested that some interviewers may innocently ignore the request and students should remind them. She stated that her office receives only fragmented information on interviewers' practices.

"We aren't getting many reports yet," Miss Appel claimed. "So either interviewers are abiding by the request extremely carefully or they're openly flaunting it."

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Female Job Bias

(Continued from Page 7)

said that one was about an Atlanta firm whose placement office bulletin said that they were looking for "young, intelligent, ambitious men." Confronted, their interviewer said that they had never hired a woman because they expected them to leave.

"When they were shown Dorothy Glancy's report that said that women generally stayed longer in their first job than men," Miss Frampton said, "they got very defensive."

The second was a very large Chicago firm that claimed to have a very liberal policy about women—they always had one. Miss Frampton said that their interviewer had related that although one of the women they hired married a Negro and another left to have a baby, they would still hire a woman. He reportedly referred to their present woman associate as "our little girl." When asked whether he called his male associates "our little boys," he didn't get the joke, Miss Frampton said.

Recently the Women's Law Association handed out a flyer that said women students in the past had been asked what type of contraceptive they used and whether they could type. One judge had patted a woman clerkship applicant "on the fanny". All the incidents allegedly happened last year at Harvard.

However, when she passed the flyer out to male students, Miss Frampton said, she "got a lot of flak." That "this doesn't really happen" was the general reaction.

The flyer also asked male students who discovered during the course of an interview that they really weren't interested in working for a firm to question the interviewer on female employment practices.

"Some who did ask told me that the interviewer attempted to make them feel stupid," Miss Frampton said.

The discrimination complaints so far have been limited to private practice law firms but some women students say that it exists in legal services organizations as well. "The situation is as bad in

radical law groups and in law communes," Miss Frampton said, "but we don't hear so much about them."

Another reason for the small number of complaints may be that in what is apparently a tight job market this year, women students can't tell whether they are being discriminated against on the basis of their sex or some other factor in their background. One put it this way: "If you're a Jewish girl with pass-fail grades, how do you know where the crunch is?"

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Financial Aid . . .

(Continued from Page 3)

and to provide additional funds in emergency situations. Extensions of Law School loans more than three years after graduation will also be handled on a prime rate basis. Currently, interest rates of 2 per cent are charged while in school, and 4 per cent upon graduation until repayment.

The Financial Aids Committee concluded its meeting by appointing two sub-committees to update the current average Law School student budget and to revise the financial aid guide. The new budget projection, together with the revised guide, should be available later this fall.

Other committee members, besides Kaufman, Leonard and Bruce, include Russell A. Simpson, assistant dean and director of admissions; and Antonio Rossman and James A. Brodsky, student co-chairmen.

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