

job applications, or is this something that comes to you on all students who are in your class?

Professor REICH. Mr. Horton, every student who graduates from law school has to get a job someplace, and nearly every place requires references. In the case of the Government, he must give them the names of those teachers he knows best. So, on all the students I know, I receive from private or public agencies questions which are at the student's behest but, nevertheless, he is required to give references. He probably chooses me because he knows me and he hopes I will say something nice about him. Sometimes a student comes in and says, "You don't remember me, but you gave me an 'A' and I would like a recommendation." I say, "Did I? Well, you must be a good student."

You see, I do not even know all the people that well, but the system requires that I appear to. It is in connection with employment that this crosses my desk.

Mr. GALLAGHER. I am sympathetic with the problem, Professor, because we get the same questions as Congressmen, and the only related incident and the whole reason we are asked to serve as references is the fact that a mother or father might have voted for us. We have to fill out the whole business concerning character.

Please continue.

Professor REICH. I want to illustrate this one more time by the Navy, which gives you a series of boxes to check. As to each thing you can say "outstanding," "excellent," "good," "satisfactory," "unsatisfactory." For example, "Ability to lead others," "Degree of cooperation with others," "Emotional characteristics and stability," "Attitude toward carrying out desires of those in authority over him."

Look at the danger of that question, for example. I am in authority over these students. Maybe I am awfully unreasonable. Maybe once in a while they say, "I don't think this ought to be done the way you say. I have a better idea how to write this paper." Is that something that is going to get my back up and am I going to check him "poor" on this?

The point is, if somebody wants to come and talk to me about a student, inside of 10 minutes they get an idea of what I am like and they get an idea of the way in which I talk about people. But a machine does not know those things. So when I say "unsatisfactory" because the man talked back to me, the machine only knows that this man is unsatisfactory. It does not know anything about me. Maybe it is I that is unsatisfactory and not the student. All of that is part of this whole problem. There is no way to go back to the source.

Another source of information that gets into the files is something I would call private adjudications, that is, formal decisions about people that are made outside of the courts. For example, we, the Yale Law School, find that a student cheated and that becomes part of his permanent record. The problem there is to know whether we did as good a job as we should have to find out if it was true that he cheated. We pride ourselves, because we are a law school, on being very careful. We hear the student. We give him every opportunity to explain. We try to find the facts as lawyers should. But schools all over the United States engage in the process of disciplining students, and not all of them are lawyers and not all of them know how to do things fairly. Some of them do not hear the student at all.