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THE CREATION OF SOCIAL POLICIES
TO CONTROL A NEW DEVIANCE:
TERM PAPER COMPANIES AS A CASE STUDY

by

HAYIM ABRAMSON

A Dissertation submitted to the Graduate
Faculty in Sociology in partial fulfillment
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Mrs. Bluma Davis and Mrs. Estelle Cooper typed parts of the drafts.

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ABSTRACT

THE CREATION OF SOCIAL POLICIES TO CONTROL A NEW DEVIANCE: TERM PAPER COMPANIES AS A CASE STUDY

by

HAYIM ABRAMSON

A prerequisite for the continued existence of any society is the exercise of social controls by its members with respect to each other so that a minimal level of order in their relationships is maintained. Rules or laws ordinarily provide the basis for implementing social controls. Violations of such rules, however, in the form of deviance and crime, are a continuing feature of any society.

The problem is compounded when new forms of deviance appear, and it is of sociological interest to learn how changes or innovations in a given area of deviance lead to changes in rules (social policy) to facilitate its control. How is it, in other words, that changes in the nature of deviance lead to changes in social policy to control it? A subsidiary problem investigated is how these changes in the nature of deviance also lead to changes in the strategies of enforcement employed by agents whose responsibility it is to implement social controls.

In order to answer the two problems above, I have analyzed old and new forms of academic dishonesty, namely, traditional cheating and term paper companies. Sources of data included a review of the literature, newspaper stories, letters of information requested from persons mentioned in newspaper articles, and miscellaneous information obtained in several states. Furthermore, I conducted extensive field work in Massachusetts,

including several dozen interviews of the key actors opposing the research firms.

Empirical studies of cheating prove that at least a substantial minority of students cheat, from 11% up to 95%, making academic dishonesty a pervasive part of educational institutions. Social controls of academic dishonesty involve firm rules in theory, but mild enforcement in practice. Rules are more strictly enforced, however, when instances of cheating become a public "scandal," usually the result of widespread media exposure that embarrasses those responsible for upholding the law.

The above was particularly so in the case of term paper agencies that constituted a new form of deviance by commercializing plagiarism on a large scale. The businesses operated undisturbed by any sanctions until widespread publicity served to make them salient as a threat against colleges and universities.

Among the people reacting to commercialized cheating, a few "moral entrepreneurs" complained directly to persons with institutional power, who became aware of the problem and initiate sanctions against it. The latter may become 'leaders' insofar as they seize the issue, either on their own or following pressures from outsiders.

I found that the mass media serve as a major but inaccurate source of information prior to initiate policy changes against the new deviance. Means of social control used included mainly court actions and legislation. The implementation of legal actions was carried out with some degree of secrecy.

A fairly small number of persons develop new social policies. 'Leaders' on a particular issue may work independently or coordinate their efforts. The needs of the 'leaders' own universities may be put ahead of general educational challenges for all.

University officials requested personnel of various government agencies to carry through new policies against the new form of deviance. The political strength, status, and coordination of the leaders making the request influenced the responses to their pleas. Legislation in Massachusetts came much too late to make a difference as an actual means of social control over the writing services. Most of the sponsors of various drafts of legislation felt that filing their legislative proposals was a good way to get favorable publicity for themselves.

The aim of the new social policies against writing agencies was not to punish individual cheaters but to control the brazenness of the companies. In those few schools which punished students, penalties were light.

Action in the four states we investigated resulted in making commercial writing services less of an open threat against the educational institutions of each state. As the deviance was suppressed, or merely modified in its mode of operations, it lost its salience as a current educational threat. It may probably continue in this form until a new cycle of social control begins, with new actors on the scene.

CHAPTER I: LAW AND THE CONTROL OF DEVIANCE

Theories of Law

Every viable society must face the central problem of how to exert social control over its members and hence keep some order in their social relations. Since deviance from social norms is a recurrent phenomenon in all societies, a major theoretical problem for sociologists, anthropologists, and legal researchers is: how do societies and other groups maintain enough social control to¹ manage, constrain, and regulate deviance?

One fundamental means of social control is the creation and enforcement of social rules, including law. By social rules, I mean written or unwritten standards as to what constitutes appropriate (and inappropriate) behavior in different social settings.² In this definition I encompass governmental enactments, the norms of pre-literate societies, and the rules of private organizations (hereafter I will refer to all three as³ "rules or laws" or simply "laws.") These rules or laws are very important in defining, prescribing, and limiting the behavior of individuals toward each other,⁴ partly because they indicate what people may expect of another in particular social interactions.

Individuals may, however, choose to violate specific social rules or laws for one reason or another. Social control is the attempt to control behavior, in part, through the application⁵ of sanctions. These sanctions range widely and include ridicule, discharge from membership, fines, incarceration, and other negative sanctions even up to death penalties,

depending on the degree of legal formalization extant in the social setting, the particular law violated, and the agents of social control involved in enforcing the rule. Finally, social control also involves, of course, socialization to ongoing norms and institutions, and positive sanctions, i.e., rewards for compliance such as social acceptance, esteem and prestige, economic rewards, and access to positive but scarce values as these are defined in a particular time, place, culture, and institutional setting.

One theoretical approach used by researchers to clarify how deviance arises has been Emile Durkheim's theory of anomie,⁶ as re-formulated and enlarged by Robert K. Merton.

Merton's expansion of Durkheim's theory states that variations in rates of deviance or crime stem from the degree to which institutional means are available to achieve culturally prescribed goals. Any extreme emphasis on a particular goal may lead to a greater degree of crime when the means to achieve that goal are limited. Faced with this conflict situation, according to Merton, some groups will have higher rates of deviance than others because they will resort to a greater use of deviant means or "innovation" to reach culturally prescribed goals.⁷

Merton's means/ ends scheme has been widely used by other investigators to clarify pressures leading to individual infractions of social rules or laws.⁸ The Mertonian approach focuses on the emergence of new forms of deviance, but in this investigation I want to focus on a different aspect of the

problem of deviance and social control. I will pose the following problem which is, in a sense, the converse of the Mertonian proposition:

How do changes in the nature and incidence of deviance or crime lead to changes of social policy?

I define social policy as the substantial intent or effect involved in the creation and enforcement of social rules or laws, including rules and regulations of private entities, which constitute institutional policy.

9

Durkheim's theories of crime and law will serve as a theoretical starting point in understanding how changes in the nature of deviance may lead to changes of social policy.

For Durkheim, "crime" was any behavior so defined by public law.¹⁰ A "deviant" or "criminal" hence would be any individual who transgressed the law. "Crime" was a dynamic concept. What was considered such varied from group to group and with time within one society, and from one society to another.¹¹

Moreover, Durkheim argued that crime was a prevalent or "normal" phenomenon forming an intrinsic part of the existence of any society.¹² Crime also fulfilled important functions for a society. The punishment of criminals in particular served as a deterrent to other individuals by showing and celebrating the current standards of morality of a society.¹³

One problem arising from Durkheim's concept of crime is its broadness. Theoretically, any and all law-violators become deviant simply by a breach of law. In advanced

societies there are a great number of laws which an individual can violate. Indeed, by the criterion of law infraction,¹⁴ many studies show that most persons are criminals. What seems important to clarify is, therefore, differential levels of prosecution of individuals in the process of enforcing various kinds and types of social rules or laws. This issue has been raised in empirical studies of populations with different types of legal formalization.

At the level of governmental statutes, Edwin Sutherland proved in White Collar Crime that privileged individuals, particularly corporate officials, are regular law violators. Elite offenders were certainly committing crimes from a legal point of view, but their prosecution through non-criminal courts and other agencies of social control¹⁵ tended to remove the stigma of crime from their punishment in contrast with other offenders.¹⁶

Concerning pre-literate norms, on the other hand, Bronislaw Malinowski argued in Crime and Custom in Savage Society that in spite of the fact that preliterate tribal laws generally were obeyed they were also frequently violated, mainly because of contradictory cultural demands.¹⁷

Malinowski found that law violators generally faced only ceremonial punishments. Hence, most laws could be practically transgressed with relative impunity, by deviants who carried on their daily activities without really being fully sanctioned. This situation prevailed only so long as no public clash

occurred between the contradictory cultural principles been violated. At this point the public nature of norm violation
18
evoked strong sanctions.

At the level of private entities, Joseph Bensman and Israel Gerver found (while studying a private organization) that individuals and specialized units there internalized a plurality of both values and ends. To accomplish their divergent ends, therefore, compromises were made by the individuals, sub-units, and law enforcement agencies concerning which types of deviance should be tolerated and which sanctioned in order for the respective parties to achieve their major personal and organizational goals. Consequently, these authors argue that crime is not necessarily "deviant" or "criminal," but on the contrary that it forms a widespread and indeed indispensable part of the normal workings of specific
19
organizations and society in general.

The studies reviewed above lead us to conclude, on different levels of legal formalization, that crime is widespread and that differential enforcement of social rules or laws exists by which only some deviants and not others are sanctioned by agencies of social control in specific situations. The problem now remains why such differential enforcement of sanctions occurs, and more specifically how changes in the nature of deviance lead to changes of social policy. At this point it will be useful to analyze changes in the enforcement of established laws separately from those leading to the enactment of new rules

or laws.

First, some forms of deviance or crime could become more salient than others because there are many different groups interested in exerting control over the new deviance. The relative degree of their interest may result in differential enforcement of social control over some forms of deviance in contrast with others. Two important groups involved in any given deviance are those that enact social rules or laws²⁰ and those that enforce them. The means and goals of these groups may vary, in relation to their attempts to exert social control over a type of deviance, within each of the two groups²¹ as well as from one to the other.²² The makers of a social rule state in the law that violation of that rule will evoke pre-determined sanctions. The enforcers of this law must in principle accept these legally defined sanctions. Herein lies the divergence, because law enforcement is applied to different individuals who violate rules in various circumstances. Human variability cannot be regulated in detail by any given social rule or law, especially when the amount of deviance or crime is so great that only selective law enforcement is socially or economically feasible. This gives leeway to the agents of social control who enforce laws, with the result²³ that differential rule enforcement results.

Selective enforcement of social rules could also occur because agents of social control change their views as to the degree to which they should enforce these rules. To understand

changes of social policy as responses to new forms of deviance, we also need to clarify how law enforcers begin to perceive emergent forms of deviance as a threat.

Second, policy changes may be investigated from the viewpoint of how pressures in response to a new form of deviance lead to the enactment of new social rules or laws as bases of social control.

Changes of policy are implicit whenever new patterns are set through the enactment of new regulations. An example would be new legislation passed to deal with an emergent form of deviance. New social rules or laws will entail new problems in turn, requiring other changes of policy later on.²⁴ Even relatively static societies or institutions may institute changes of laws in trying to protect their established culture against new threats.²⁵ This is especially true of pre-literate cultures accepting some aspects of Western industrialization.²⁶ In more complex societies the necessity for social policy changes is greatly intensified.

The Problem of Academic Dishonesty

The discussion leads to a reiteration of the sociological problem which I will investigate:

How do changes in the nature and incidence of deviance or crime lead to changes of social policy?

I will investigate in addition a particular aspect of this problem, namely, changes of social policy from the perspective of the relationships between agents of social control at the private non-governmental organizational level and governmental

policy enforcement agencies.

Rule violations within private organizations are not usually considered forms of "deviance" or "crime" at the governmental level. For example, loco parentis school rules such as dress codes and the like have not stood up to judicial challenges.²⁷ The intervention of different levels of agents of social control hence could be crucial to effect changes of social policy. I will phrase this subsidiary sociological problem to be investigated as follows:

How does the "jurisdiction" for enforcement of law change as a result of changes in the nature and incidence of deviance?

In an attempt to provide one set of empirical answers to the two problems just presented I have studied the subject of academic dishonesty, defined as cheating by students.

Most research on cheating is of "the survey questionnaire type."²⁸ Students identified as cheaters are compared with non-cheaters through the use of "psychological, situational and/or demographic variables."²⁹ In these studies there is a predominant use of an educational or psychological framework of reference. This fact moved one researcher to point out, after reviewing the literature, that there is a great "shallowness of our sociological knowledge of cheating" and hence "more research efforts are needed into this behavior from a purely sociological perspective."³⁰

The criticism above suggests that most work done in this area is on the distribution of crime and deviance. The

"sociological" perspective should go further and involve the the study of the institutional and collective machinery which facilitates and inhibits crime and deviance, law-enforcement, and the formulation, enactment and enforcement of new social policies toward old and emerging forms of crime and deviance.

Academic dishonesty is an on-going phenomenon amenable to such sociological study. This is much more so since term paper companies appeared in the late 1960's. Term paper companies are writing services specializing in selling term papers to college students. These businesses (hereafter referred to by several names) constituted a new form of deviance insofar as they rationalized and commercialized plagiarism, bringing to the open the traditional "borrowing" of term papers (hereafter also referred to as papers) from friends and fraternity brothers. Reactions against the companies in several states included legal **and other sanctions,** which lend themselves to an understanding of the relation between a new deviance and policy changes.

Research Objectives

I hope to shed light on the two problems previously posed by investigating old and new forms of academic dishonesty. I describe first traditional cheating as an institutional practice in terms of methods, incidence, and sanctions (or policies) attempting to control it. Next, I describe research firms in general and then center attention on four case studies: California, New York, Ohio, and Massachusetts. It was

in these states that the firms first generated a great deal of controversy, so that data are available, including a dynamic interplay between university personnel, government officials, and other groups, **vis-a-vis the agencies**. This clash resulted in national precedents of social control where none had existed before.

In the concluding chapter I advance an empirically-based theory explaining the relationship between innovation in crime and subsequent approaches of social control. To anticipate: the rise of research businesses led to changes of policies with mixed success; many companies closed under the pressure, but others remained open, albeit modifying their modus operandi. Once the open threat was contained in this manner, universities felt free to continue their basic functions much as formerly.

Research Methods

I obtained an institutional profile of traditional cheating through a review of the literature for the past fifty years. For data concerning term paper companies I used several approaches. In 1972 I contacted a couple of dozen newspapers across the country requesting them to **send copies of stories** they may have printed. Similarly, in the same year I sent, systematically, about 30 letters to persons prominent in the news in relation to the businesses, asking them for details of their role and for further information. The following year, I **also requested any** articles and other facts from all college newspaper editors (approximately 500) in the four states serving as case studies.

Furthermore, at various times in 1972-1975 I did field research and/or some interviewing in New Jersey, New York, Pennsylvania, Washington D. C., and Ohio (ranging from a day up to two weeks).

Above all, my main source of data comes from extensive field work in Massachusetts, carried out mostly in 1973 and partly in 1974. Materials were obtained from various persons and places in the state, and especially in each of the eight major universities of the Greater Boston area. Last but not least, in this state I interviewed several dozen individuals, including most of the key actors opposing the research firms. These persons were identified through newspaper references, from documents found as the investigation progressed, and through systematic referral from one individual to another.

CHAPTER II: ACADEMIC DISHONESTY IN HIGHER EDUCATION

Cheating and the Functions of Higher Education

Occupation, class, status, power, and their relationships
are determinants of class position,¹ which influences deeply
an individual's life style and life in general.² Educational
institutions promote social mobility of students by the
transmission of knowledge, training, and certification.

A college education is a pre-requisite for many jobs in
the United States, particularly middle class positions.
Employers **expect** at least some minimal level of performance
on the part of the college graduate because of his or her
willingness **to spend a number of years in the acquisition**
of academic skills.

Many employers set college education as a prerequisite
for some jobs that do not actually require such training.³
This practice is called "credentialism" and may be counter-
productive as a way to sift job applicants. There is
increasing evidence that educational credentials as such are
not related to job performance. Moreover, almost no
correlation exists between grades and job performance, even
in those professions actually requiring extensive training.⁴

In America it is widely recognized that universities
help to promote class mobility. Since World War II, increasing
help from governmental agencies opened up opportunities for
millions of students to attend college.⁵ During this same
period, on the demand side of the employment market, greater

governmental intervention in the country's economy as a whole promoted increases in new and old government and private agencies, institutions, **and bureaucracies** able to use the services of college-⁶ trained personnel. These trends created pressures to attend college as educational requirements were raised for almost all positions. Higher education thus became one of the most important (and for many individuals perhaps the only) means to be trained and certified -- an increasingly necessary prerequisite for social mobility.

College attendance, regardless of social pressures to achieve success, unfortunately does not guarantee graduation. On the contrary, the majority of college students never graduate, either for personal reasons or because of the negative effects of⁷ schooling upon them:

Of the more than one million young people who enter college each year, fewer than half will complete two years of study, and only one third⁸ will ever complete a four-year course of study.

Pressures for good grades take several forms as facts of college life. It is personally rewarding in this society to have good grades, and a minimum grade average is required to graduate. Applicants for graduate school, particularly professional ones, have the added pressure of peer competition for superior grade averages. In short, student desperation and the⁹ drive for higher grades lead many of them to cheat. Academic cheating is defined as using dishonest methods to fulfill academic requirements, such as examinations and term papers.

Methods of Cheating

Academic dishonesty has flourished as an intrinsic part
of the academic scene for many decades in the United States
and in other countries. Cheaters have devised innumerable
techniques, as they will be presently summarized.

The two most traditional methods of academic dishonesty are
students cooperating with one another to provide correct answers
to the exam and using crib sheets. Crib sheets or "ponies"
are hidden on the student himself or nearby.

Cheaters may also ask questions about an exam of members of a
previous class who took the same test. This occurred wholesale
for some year previous to 1951 at the Military Academy at West
Point, in the most famous cheating scandal ever occurring in
the United States. A "scandal" is defined as a cheating incident
widely reported in the mass media. Moreover, scandals in 1973
and 1976 similarly raised considerable publicity in the same school.

There is always the lively possibility of obtaining test
papers in advance, either indirectly (as from a wastebasket, for
example) or directly through theft. Scandals involving stolen
exams occur every decade, and they are reported in the national
media. The second most famous cheating scandal in the country had
its genesis in 1965 when a student stole exams from a professor's
office in the Air Force Academy. In this type of deceit, cheats
or their accomplices steal exams. After a test is so obtained,
copies of the examination may be sold to other students. In
scandal cases other students report to school authorities that
exams are being sold, with the result that school officials are
then forced to act.

Another method of academic dishonesty is to use a substitute²⁵ to take an exam in place of the student himself. A major 1960 scandal in New York involved, among other offenses, professional substitutes. In one case a much older replacement took a test²⁶ undetected. The impersonality of large institutions is blamed²⁷ as a cause for this method of cheating. One author also indicates that

Knowledgeable students are often at a premium during examination times and transiently enjoy the popularity usually accorded only to prestigious students or champions.²⁸

Other traditional forms of cheating occur outside the classroom proper. Experiments may be copied without an author's²⁹ permission. Cheating may involve cooperation between students³⁰ in laboratory experiments. Homework can be done by someone³¹ other than the student, although more commonly homework is³² simply copied. Lending homework is so widespread "that most³³ children don't even consider it cheating" and it may be a³⁴ normal part of high school life.

An important area of traditional cheating is plagiarism, defined as appropriating somebody's work wholly or in part³⁵ without proper credit.³⁶ Plagiarism is nothing new, and takes many forms. In simple plagiarism a student turns in his old term³⁷ papers from one teacher to another. A term paper may be copied³⁸ from somebody else, or some ideas may be used without giving⁴⁰ credit.⁴¹ In short, there is a continuum of degrees of plagiarism. Plagiarists also read commercially prepared book outlines and claim to have read a whole book; or copy parts of the outline as their

42

own report.

Some authors feel that it is easy to detect student
43 plagiarizing, but others disagree. The usual situation is
that a teacher feels that a student could not write the term
paper presented by himself, but finds it hard to prove his
44 hunch. Incidentally, several books outline plagiarism

45 techniques, i. e., describe how cheaters use different tricks.

Some writers argue that plagiarism is due to lack of
proper teacher guidance of students' habits of work. Leading
textbooks and journals of English composition, for example, do not
46 discuss the problem. Teachers may further plagiarism by asking
47 unoriginal assignments, or by asking "regurgitation," "correct"
statements, and the like in the student's work:

Students have been systematically encouraged
to plagiarize us, their textbooks, and all
their readings from Dick and Jane to Hamlet...
and then we are astonished when they turn in
term papers full of dubious paraphrases... 48

A final example of plagiarism is appropriating somebody's
49 term paper or assignment. A plagiarist with enough friends
(who have other friends in turn), plus access to term paper
"student clearing houses," should have no problem in fulfilling
50 his assignments. If this approach fails, term paper purchases
cover many emergencies.

The Incidence of Cheating

One key question remaining at this point is the incidence
of student academic dishonesty. From time to time commentators
51 indicate with alarm that cheating is either widespread or

52
increasing. Other researchers are more cautious and argue
53
that nobody really knows the actual incidence of cheating.
It appears that studies of **academic dishonesty can only**
estimate the **extent** of the deviance. Since cheating is a
type of covert deviance, it is very hard to find out its true
prevalence in educational institutions. Nevertheless, many
studies have measured cheating with a variety of methods in
different student populations. Research over the last fifty
years thus can provide an empirical estimate of cheating
incidence as institutionalized deviance within educational
organizations.

Some investigators allow students to grade their own
examinations, without the subjects knowing that the exams are
already graded. The difference between students' self-report
of their grades and actual scores generate percentages of
cheaters.

Studies using self-grading measures report anywhere from
54
16% up to 67% cheaters among elementary and high school pupils
55
and from 19% up to 66% among undergraduates. Martin Morris
studied a large sample of college students and found **54%-64%**
56
cheating.

A difficulty with the approach above is that an artificial
inducement to cheat is introduced in the test situation by
increasing opportunities to cheat more than those that exist in
57
normal classroom examinations. Other studies have the advantage
of assessing cheating incidence more directly through other

methods, usually self-reports of cheating incidence by both small and large student populations. A survey of these studies, including some test self-grading research, follows, highlighting research with relatively large samples.

Studies of elementary school pupils (up to 7th grade) report⁵⁸ anywhere from 12% up to 78% cheaters. A 1930's study of 1383 subjects in 13 schools found that 57% **of them** cheated, 12% doing⁵⁹ so consistently. In another 1930's study, 1500 subjects in 8 Iowa cities were sampled. Cheating varied from community to community, with a **range between** "'much or little' rather than of⁶⁰ 'all or none' or of 'normal distribution'". Finally, the Purdue University poll in the 1950's yielded an estimate that⁶¹ 33% of students were habitually academically dishonest.

Junior and high school cheating (grades 8-12) is also widely spread, from 5 - 10% cheating often up to 95% who had⁶² ever cheated. **Ninety-three percent cheats were found in a 1920's**⁶³ experiment. A larger study in the 1940's reported 63%⁶⁴ cheaters. Studies in the 1950's reported 46-84% "sometimes"⁶⁵ dishonest students. The national Purdue poll found 40% cheaters among junior high school pupils and 50-55% at the⁶⁶ high school level.

In the 1960's figures for academic dishonesty range between⁶⁷ 8-10% cheating "often" and 38-60% "sometimes". William Bowers queried more than 5000 college students. More than half admitted⁶⁸ to cheating while in high school. A later study by the same researcher with a new population of 1080 college students, found once again that **50% of students** confessed they had

cheated in high school. A study in 8 New Jersey communities pointed out that academic dishonesty varied with city size, from 38% cheaters in cities up to 60% in small towns.⁷⁰ Finally, a 1975 study of senior English majors reported 95%⁷¹ cheating.

The prevalence of cheating among college undergraduates is more fully documented than for other educational levels. Overall, investigators using several methods and populations report anywhere from 11% up to 85% academically dishonest students.⁷²

In the 1920's-1940's period reports show 32% up to 74%⁷³ cheaters. The Syracuse University Reaction Study conducted in 1926 is one of the largest studies on record with 4,248 students from several colleges of the university filling out questionnaires. About 70% of the subjects reported cheating on one or more quizzes or examinations, 5% of them cribbing at every available opportunity. In addition 47% students received help on assignments, plus 5% frequently and 1% major help.⁷⁴

Studies in the 1950's became more sophisticated in research design. These reports reveal that between 11% up to 85% students⁷⁵ cheated. The Purdue Poll showed an incidence of cheating of between 66% and 85% for all students.⁷⁶ The Cornell survey, covering 3,000 students in 11 universities, merits special mention for its breadth (the sample was made up only of males, however, except in the case of Cornell itself). It was found that nearly 40% students cheated at least once, and more than half of these more than once. These statistics are on the

conservative side, since the particular question was simply whether or not the student had cheated during an examination (other forms of academic dishonesty were not covered).

Cheating percentages varied from school to school, Harvard being the lowest with 11% and Wayne University the highest with 49%⁷⁷ cheaters. Philip Jacobs combined the Cornell data together with data from four other major studies to yield incidence of cheating in 26 colleges. Jacobs overall conclusion was that among students "frequent cheating is admitted by 40 per cent or more at a large number of colleges..."⁷⁸

Research in the 1960's shows a range of cheating from 26%⁷⁹ up to 78%. A later study done at Purdue University with 569⁸⁰ subjects indicated that 37% admitted cheating at least once.

A study of seniors at four large universities reported between 26% and 54%⁸¹ cheaters. A stratified random sample at a major

Ivy League university noted that 50% of students cheated on term papers, a practice more prevalent than other forms of cheating.⁸² Another random sample at a large public college⁸³ reported 25% students cheating "sometimes" and 22% more often.

In a proctor-system university it was found that 54% students cheated by asking questions of students who had taken a previous exam, in contrast with another university with the honor system,⁸⁴ where only about half as many students did likewise. In an important non-random large study of 5000 students at 99 colleges, William Bowers found 39%, 50% and 75% student cheaters, depending on the measuring scale used. His conclusion was that 50% of

students in his sample cheated, and he estimated that 55%
85
of students in the country did so. Finally, the American
Council on Education sponsored the largest sampling of students
ever done in an academic cheating study. A survey of 206,865
current freshman at 251 colleges and universities found that
20% students cheated (24% for men and 16% for females). The
86
percentages were relatively uniform among the schools.

Among studies in the 1970's, one investigation of students
87
in five classrooms reported that 48% cheated. An Amherst
University poll reported that 42% of the student body cheated
88
either in an exam or while preparing term papers. Finally,
a random sample of Ohio State University students reported that
89
20% cheated during examinations.

In conclusion, a review of studies of academic dishonesty
over the last fifty years, with populations from grade school
up to the undergraduate years, show a wide range of cheating
incidence from 11% up to 95%. Students cheating often show a
similar (although lower) range of cheating, anywhere from 17%
90
up to 10%.

Social Controls Over Academic Dishonesty

Social control of academic dishonesty includes measures
to prevent or minimize cheating beforehand and sanctions after
91
detection of the deviance.

First, some methods to prevent cheating are mechanistic in
nature. These approaches include the following: a variety of
arrangements modifying the way tests are given or the format of
the tests themselves; wider spacing between desks, larger

classrooms, more monitors, using different tests for alternate rows). Generally, surveillance of students may be increased. Supervision of students includes requesting students to leave their books elsewhere than by their desks, or even an actual search of students' clothing or parts of the body looking for crib sheets.

A second group of approaches to the control of cheating pays more attention to the teacher-student relationship. Test items may be modified to be more fair to students; exhortations to honesty can be emphasized; term paper assignments may be changed to reduce plagiarism; and miscellaneous improvements in classroom teaching may promote students' loyalty to the teacher.

A third model of cheating control aims to change the social climate⁹² of schools, leading to greater deterrence of cheating. We include here new rules against cheating, publicity of potential sanctions, appeals to student idealism, and general indoctrination to maintain honesty. These means are best exemplified in honor systems.

A fourth approach to cheating deterrence lies in imposing academic and/or administrative sanctions. These serve the dual function of punishing offenders while providing some further deterrence by advertising potential sanctions against cheaters.

Academic sanctions are imposed by teachers, including invalidation of questionable tests or papers, requesting new assignments, lowering grades, and failing cheaters.

Academic sanctions may be complemented by administrative

sanctions, those imposed by deans and other administrators.

Punishments of this type are simple warning, reprimand, extension of course requirements needed for graduation, temporary suspension, and final expulsion. The latter may include forfeiture of credits.⁹³

It is important to underscore that social control of cheating offenders through negative sanctions is generally mild and seldom carried through. Only a tiny minority of cheaters are ever punished, and severe sanctions are even more rare.⁹⁴ Mild sanctions in practice could well weaken their deterrent potential and actually promote cheating⁹⁵ insofar as this fact is known.

Selective Law Enforcement

I hypothesize that the reason why few cheaters are ever punished is because academic dishonesty is a form of deviance that shares certain sociological characteristics with other forms of deviance and crime. Students, teachers, and administrators alike form part of the larger American society beyond the confines of academic regulations, and as such they are certainly influenced by trends within this society. One of these trends is that deviant behavior, including illegal acts in particular, may promote social mobility within the current system of stratification. Indeed, a number of studies show that most Americans become law-violators⁹⁶ at some point in their lives.

Deviant behavior in the United States appears to be, without implying an ethical judgement, so widespread as to perform the latent function of being part of and an indispensable help for the workings of most social institutions.

Some illustrative areas of institutionally widespread illegal behavior, ascending in class level, are as follows: receiving welfare payments although ineligible for such benefits; police corruption; bribery in the construction industry; misrepresentation of prices and worth of merchandise by salesmen; illegal "rackets" among physicians; widespread white collar crimes; corporate crimes; and, finally, wholesale corruption and illegal actions by government officials and agencies.

The studies cited above, together with other examples from disparate areas of social behavior, lend empirical weight to the idea that a continuum of deviant and/or illegal behavior is an intrinsic, i.e. structural, part of the workings of American society.

Illegal behavior exists because in any complex society millions of economic transactions and dealings based on trust occur every day. It is a fact that all kinds of deviant and illegal short-cuts serve to facilitate these transactions at least in a minority of cases. Nevertheless, honesty and trust form indispensable parts of the workings of society as well, probably in most situations.

In contrast to the widespread phenomena of deviance in society, sanctions against law violators are applied only in a minority of particularly conspicuous cases. The literature on crime makes it clear that only a very small minority of crime is ever punished, and even less in the case of white collar criminals.

Overall, higher socio-economic status correlates with lower
punishments in contrast with persons of lower status. ¹⁰⁹

We would expect that similarly only a tiny minority of
cheaters would be ever punished. Even in these cases punish-
ments would also be mild, ¹¹⁰ corresponding to the relatively
high status of college students. These last two points are
actual empirical facts.

It appears that selective enforcement of social rules
or laws involves more than the punishment of individual
deviants. One consequence of rule enforcement is to
publicize at least some cases of deviance so as to make
punishment of rule-violators known and thus provide some
deterrent effect against deviant behavior in a particular
area of social relations.

More important, the degree of selective enforcement
of social rules depends on the extent to which the deviant
or the type of deviance itself represents a threat to a
particular social institution or entity. ¹¹¹

Educational institutions, in particular, enforce rules
against only a few cheaters in relation to their total
number. These punishments serve to publicize widely, in the
mass media at least, some of these instances of academic dis-
honesty and subsequent sanction. The effect may be of unknown
intensity, and it could extend not only to the particular
school involved but to others as well. Students would be

deterred from practicing blatant forms of deviance while teachers and administrators would be encouraged in their efforts **setting** limits to the deviance which always exists.

There are several reasons why enforcement of rules against cheating **are** to a large extent selective and lenient. One reason for this is that an all-out prosecution of deviants would tax the resources allocated for the control of this form of deviance. Another is that it is all but impossible to enforce rules against cheating in practical terms for large groups. Finally, complete enforcement of rules against cheaters would conflict with the more basic university function of certifying students. We have indicated that many studies find that more than half of students cheat at some point in their college careers. Enforcement of rules against cheaters might consequently reduce enrollments **substantially**.

We conclude that some degree of deviance is an intrinsic part of any group, institution, **and social order**. **Total** enforcement of social rules is too expensive in terms of resources. Further, such enforcement would lead to direct threats against some or another vital function of the particular institution. Some selective enforcement of social rules is indispensable, however, in order to limit cheating and to prevent open cheating. Public cheating would represent a direct threat to other basic functions of the institution.

Changing Forms of Academic Dishonesty

In those instances when the incidence or type of deviance does succeed in becoming a scandal or an open threat, i.e., when widely

publicized, penalties are intensified against deviants. Outside agents of social control may then be asked to help to deal with the blatant deviance, because of the open threat to the public claim of the institution involved. This process of contacting outside agents is not an easy one, and requires pushing and prodding of governmental officials or other groups. Howard Becker has described the person concerned with requesting action against a particular form of deviance as being a "moral entrepreneur." We may add that the "moral entrepreneur" could be either a person or a group, who is concerned with the relative blatancy of a new form of deviance which it is felt should be contained. In conclusion, rules and regulations of private institutions may be flaunted to such a degree by a new deviance that "moral entrepreneurs" or concerned institutional leaders may request their lawyers, personnel from governmental agencies, or other persons, to intervene against the new deviance.

Cheating scandals exemplify the process just described. Throughout the years, it has been the mass media reports of rather dramatic changes in the perception of the actual or assumed incidence of forms of cheating that have led to the intervention of various governmental officials and agencies in the problem. In such cases, outsiders or administrators claimed that cheating was beyond the jurisdiction or power to abate it by the latter. Three places where academic dishonesty took place illustrate this:

1. Three major scandals took place at the U. S. Military Academy at West Point, leading to the dismissal of many cadets who were somehow involved in cheating. Outside governmental

intervention in the matter was always extensive, including in 1951 an inquiry into the athletic system (because many cheaters were football players) ordered directly by President Harry S.

113 Truman. Investigations by outsiders, including U. S.

114 Congressman, also took place in 1976.

2. A similar incident occurred in 1965 at the U.S. Air Force Academy, where 109 cadets were dismissed for their involvement in

115 cheating. This scandal led to a study of problem, by a special
116 committee, sponsored by Air Force Secretary Eugene M. Zukert.

3. Finally, a 1960 cheating scandal in New York included governmental officials in addition to administrators from public or private universities. In this instance a reporter helped the Attorney General's Office to uncover and prosecute members of several independent ghost writing agencies in the area. These ghost writers sold term papers or theses and provided substitutes to take exams in place of students. Trials were held separately against members of the companies, with the final outcome that they were convicted
117 and fined.

In the cases we have described, the intervention of outside government officials in sanctioning deviants violating rules internal to education institutions **occurred because these entities** have relationships with one another, with governmental bodies, and also with other institutions. For example, private colleges and universities are chartered by government agencies to create rules and regulations against academic dishonesty. Academic privileges and power to create rules are usually included in state laws dealing with college charters and other educational

matters. Moreover, selected local, state and federal laws
(complemented by court rulings) affect the operation of schools. 118

In spite of these ties, law enforcement agencies outside universities are generally reluctant to use their potential power against transgressors of university rules. A particularly strong tradition of non-intervention in university affairs exists in the courts, although in recent years (partly due to the example of the civil rights movement) there has been increasing government intervention in the internal activities of universities. 119

Since the late 1960's, term paper companies introduced a new form of deviance which warranted changes of social policy among universities and governmental agencies seeking complementary forms of social control. Although term paper sales as a covert type of deviance existed on campuses in earlier years, 120 we may conceptualize these companies as a new form of deviance insofar as they commercialized and routinized traditional forms of academic dishonesty. Modern writing services were in many cases legally incorporated businesses, and advertised the sale of term papers openly. Furthermore, some businesses widened their operations as they began out-of-state sales, from headquarters or through branch offices. These innovations in the way of doing business resulted in greater, more open, sales of papers and made the writing services easily accessible. The very nature of the business of writing term papers placed the companies outside local student culture norms as well as outside potential sanctions attempted by administrators of individual schools, in

spite of the fact that student purchasers were still within the schools' nominal authority. Because of these factors, commercial writing agencies were perceived by university members as an open threat to basic educational functions, particularly the certification of students. At this point, school officials in some states requested and obtained help to regulate the new deviance from government agencies of social control.

Sanctions against the term paper companies were enacted rather slowly. Once they were, however, the whole process of social control became cumulative insofar as each effort to control the writing services encouraged similar actions elsewhere.

Responses to Term Paper Companies

At the university level, reactions against research agencies included strengthening and publicizing regulations against cheating, threats of sanctions against student purchasers, withdrawing term paper ads from school newspapers, and influencing government officials to carry through actions against the businesses. Ultimately, the intervention of government officials or agencies led to new legislation and/or requests for court injunctions as the main methods of social control.

Beginning in 1972 and continuing for the next years, court actions were initiated against research services in a number of states, including Connecticut, Louisiana, Massachusetts,

Michigan, New York, Ohio, Pennsylvania, Virginia, Wisconsin;
and others to be indicated shortly. These court reactions were
undertaken on various legal grounds, such as unfair trade
practices, tortious interference with a contract, indirect attacks
on corporate status, violations of common law, and statutory
122
fraud.

A second response to term paper companies consisted in the
enactment of new state legislation restricting (but not **always**
forbidding) these businesses. Legislation is a broader method
of control than a law suit, because the former applies broadly to
all commercial term paper writing services in a state. As of 1975,
new statutes have been enacted in California, Colorado, Illinois,
123 124
Maryland, Massachusetts, New York, and Pennsylvania. In
125
New Jersey a 1972 bill proposal **failed to pass.** This bill
was eventually approved by the State Assembly in 1974, but still
126
was pending in the Senate in mid-1975. After 1972, writing
services were perceived as an embarrassment or threat to education
(whether the threat was actual or only perceived, in contrast with
the incidence of traditional forms of plagiarism, is a separate
matter.) For the Maryland statute, see Appendix 1.

Other attempts at social control over term paper businesses,
to be fully documented in the chapters that follow, included
petitions for help at the federal level, both in the form of
legislation and court injunctions. Requests for federal
legislation were unsuccessful. Some Congressmen contacted did not
see the new deviance as a national problem. The overall feeling

in the Congress on this issue was that state statutes were sufficient to handle the problem, and hence no additional federal legislation was needed.

Early attempts to involve the U. S. Department of Justice were similarly unsuccessful. Nevertheless, that agency did handle a major case in 1972, appealing a court decision unfavorable to Federal prosecution of Boston term paper companies. The Department of Justice worked closely with the U. S. Postal Service in this case, because it was argued that the activities of term paper companies violated a postal statute forbidding misrepresentations encouraging fraud through the mails. Eventually, the Massachusetts Court of Appeals overturned the earlier lower-court decision. Subsequently the Consumer Protection Bureau of the Postal Service prosecuted several term paper companies under the precedent established **under this statute.**

Court proceedings against some term paper companies in California failed, but there was success against other companies in Maryland, Washington D.C., Rhode Island, and a Canadian company. In the successful cases the courts ruled that the Postal Service could return first-class mail relating to term paper business to the senders. Normal business operations of the companies involved were thus severely limited.

One writer, after thoroughly surveying the problem, **severely** criticized both legislation and judicial injunctions against term paper companies as unconstitutional forms of prior restraint. 127

In general, the means used to limit or attempting to

eliminate the activities of writing services met with varying degrees of success. In particular, Tempapers Unlimited, one of the largest companies in the country (with Boston headquarters) had to reduce the number of its branches to ten, about a third of its original number. This reduction was due both to legal prosecution and to bad business management. Many other companies closed down as well because of legal actions and/or related pressures. Other companies were obliged to change their sales approach so as to comply with newly enacted legislation, but still remained in business.

SUMMARY

In summary, cheating in higher education facilitates educational mobility. There are enough methods of cheating to guarantee that any students who want to cheat will find a way to do so. Empirical studies of cheating prove that at least a substantial minority of students cheat, making academic dishonesty in its traditional forms an intrinsic part of educational institutions.

Various methods of social control are used to minimize cheating. These approaches to cheating are characterized by the fact that sanctions are enforced only in a minority of cases, and then rather mildly. This situation is consistent with the fact that only a minority of deviants in general are ever punished.

Selective enforcement of sanctions against rule-violators, nonetheless, may be important for its deterrent effect. While total enforcement of social rules is difficult, selective enforcement is also indispensable because flaunting the deviance too openly may threaten the institution affected through negative publicity. When the incidence or nature of a deviance change such that

this deviance is interpreted as a public relations "threat" to an institution, "moral entrepreneurs" within or without the institution being threatened request action to control the emergent deviance. At this point, outside agents of social control may complement the efforts of members of the institution affected in a joint attempt to control the new deviance. The perception of a new form of deviance as a threat, together with the intervention of "moral entrepreneurs" demanding action against the deviance and subsequent attempts of social control, **may** result in changes of social policy in relation to the new deviance. This, we hypothesize, is the case with the size of term paper companies and reactions against them. I will explore these issues in greater detail in the chapters that follow, beginning with California as a case study.

CHAPTER III: TERM PAPER COMPANIES IN CALIFORNIA

In this chapter I will describe the operation of California writing services, and sanctions against them, as a prototype of similar services elsewhere. Term paper companies as modern, commercially-oriented enterprises originated in Massachusetts in 1970, followed by similar businesses in California¹ and New York in 1971. The Massachusetts situation will be treated in great detail in Chapter 6. Hence, events in these states occurred in a parallel fashion, beginning in 1971.

Description of the Companies

During 1971-1972, at least 14 term paper companies (counting branches separately) had California addresses.² One company had two branches in separate cities.³ As of early 1972, Term Papers Unlimited (with headquarters in Boston) had four branches in California⁴ and planned to open three more.⁵ Another Boston company with a California branch was Quality Bull.⁶ In addition to the 14 companies operating from California, two companies with Illinois addresses advertised in the state.⁷ At least one individual sold term papers (hereafter also known as papers) by himself, mostly to friends and without advertising.⁸ Some companies had branches in other states. For example, Term Paper Arsenal had franchises in St. Louis and Atlanta.⁹

Sources of Term Papers

Term papers were sold either from the company's existing supply (or "files") or made to order by writers working for the business. Term paper companies needed a sizeable number of term papers on file in order to function.¹⁰ After an initial

period of stock-piling, the problem was solved for many companies. The following figures illustrate the range of term paper files.

One small firm had 500 papers on file.¹¹ The Paper Mill
(Los Angeles) had 1,000 papers in early 1972.¹² The Paper Mill
owners opened Nat'l [sic] Research Bank in 1973 (presumably a new
company but with the same supply of papers). This company had
1700 titles on file.¹³ In late 1971 the owner of Term Papers Inc.
(Southern California) claimed that his 5000-paper file was the
largest in the Western United States.¹⁴

In competition with Term Papers, Inc., Termpaper Arsenal
claimed to have "thousands of term papers" as of early 1972.¹⁵
One owner was more specific and said that franchises of his
company had access of his "'gold mine'" of about 10,000 papers.¹⁶
This figure seems exaggerated. A 1973 catalogue more modestly
"detailed descriptions of 2,300 quality research papers".¹⁷ A
March 1973 catalogue supplement listed 800 additional papers.¹⁸
In June, 1973, the owners of termpaper Arsenal changed the company
name to Research Assistance.¹⁹ As such, a September 1973 catalogue
had "descriptions of 4,500 quality research papers."²⁰ It seems
that Term Papers Unlimited had more papers on file than other
companies, but estimates are unreliable.²¹

Term paper files were stocked up in various ways. Copies of
custom-made term papers were put on file. Papers were also bought.
One company offered \$1.50 for each old term paper, with bulk sales
bringing in more money.²² Profits to be made seem considerable.

The Writers

Companies could be small (less than sixty writers) or large²³ (100 to 300 writers). There were six companies in the state²⁴ with less than 50 writers, including one which claimed to be²⁵ "one of the largest term paper firms in Southern California".²⁶ Two companies had 100 writers.

Much controversy had surrounded the educational background of term paper writers. It seems that only a minority were not²⁷ college graduates. They also had various occupations besides²⁸ being in the term paper business. In stories about the writers,²⁹ it was usually stressed that they were college-trained, but there is no evidence of how many of them had M.A.'s or Ph.D.'s.

One item in the controversy over the background of writers of term papers concerns how many of them were teachers at the same time, which would seem a contradiction from the point of view of academic norms which proscribe cheating. In one company 9 out of 35 writers were said to be "instructors"³⁰ (without specifying teaching level). The manager of another company claimed that the 40 writers on his staff were "all³¹ faculty members or Ph.D.'s at various institutions of higher learning". I would assume a high degree of exaggeration in the latter case.

Another exaggeration occurred with Termpapers Unlimited. Ward Warren, its president, stated "'many of the writers have graduate degrees, and some are professors, teachers or other professionals'". He recruited some of these people from³² unemployment lines and others through newspaper ads.

Later on, it was reported that among the writers "some.....
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are college professors". Elsewhere, nevertheless, Warren
claimed that he had in his company "more Ph.D.'s and M.A.'s
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than the Rand Corporation", giving thereby the impression
of many professionals on the staff.

Warren undoubtedly exaggerated not only quality but the
size of his writing staff. At one point Warren said that he
employed "2000 people across the nation, most of whom are term
35
paper writers." Elsewhere the figure given was 2000 writers
36
without qualifications. In yet another interview, Warren
37
stated that "he has some 2000 professors writing term papers." 38
Finally, the figure of 3000 writers was also indicated. Such
exaggerations helped to publicize the amount of deviant activity,
and there was no practical way to check the validity of such claims.
The ignorance of the extent of cheating could result either in an
under or over-reaction against the deviants by policy makers.

Other aspects of the operation of term paper companies
with regard to their writers are also of interest. Term
paper company writers shared several characteristics, one of
them their utter unreliability, which made this one of the
39
worst aspects of the business. Sometimes writers signed an
40
agreement giving up legal claim to their papers. Writers
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worked either full-time or part-time. The number of the former
was rather small. In one company, two full-time writers were
employed in addition to the owners, because they projected a
42
"phenomenal growth" in their business. Furthermore, two

Los Angeles companies "often shared writers."⁴³

Most writers on the staff of Term Papers Unlimited⁴⁴ worked to earn a second income, starting at \$2 a page.⁴⁵ In another company the commission was the same,⁴⁶ but in a third company, the going rate was \$3 per page.⁴⁷ The writers varied in the average income they received per week, depending on their experience and the total number of hours they worked.

Term paper companies advertised their products in many ways. An individual writing term papers for her friends relied⁴⁸ only on word-of-mouth advertising. Larger companies used in addition other means of advertisement, including, for⁴⁹ example, flyers on campus bulletin boards. Toward the end of the school term, when term papers and final tests are due, handbills were used. Flyers were "dropped into parked cars and stapled to telephone poles and tree trunks in and around⁵⁰ campuses." One company used "student representatives on campuses who drum up business by canvassing dormitories,⁵¹ sororities and fraternities..."

The main means of advertising, through long columns, was by newspaper ads. It is important to note that the legal⁵² status of the business allowed them to "advertise openly," although some companies tried to minimize their impact by⁵³ using "discrete" names. The companies advertised⁵⁴ frequently, preferring local campus newspapers,⁵⁵ independent student publications,⁵⁶ and the underground⁵⁷ press. In addition to individual ads, some companies

"waged enticing advertising campaigns".

Through advertising, term paper companies became widely
59 known. One writer thought that the companies "advertise in
60 most college newspapers." The most active company in this
respect, Tempaper Arsenal, Inc., "advertised in college
newspapers reaching more than 300 college campuses in the United
61 States and Canada."

Product Characteristics and Pricing

Prices for term papers "on file" varied from \$1.50 to \$2.75
62 per page, with \$2.50 as the mode. Term papers written to order
63 ranged from \$2.50 up to \$6 per page, with a mode of \$4.
Selling term papers already on file was more profitable. The
64 average paper was about seven pages in length. The owner of
one company said that "the majority of students...can't afford
65 to pay for term paper services." A student reporter also
66 noted that the fees were too high. Term papers could be ordered
on a rush basis for an extra fee. This fee was charged if the
67 paper was wanted within one 68 or two weeks. In one company
this "rush fee" was \$1 extra per page over the custom-made
69 price. Tempaper Arsenal also specified a minimum price of
70 \$29.00 for custom-made term papers.

Some companies claimed that orders for masters or doctoral
71 theses could be negotiated. For example, Term Paper Liberation
(the San Francisco branch of Tempapers Unlimited) offered a
reporter the opportunity to negotiate the fees for the purchase
72 of a master's thesis. The extent of such sales is unknown.

A student purchasing a term paper might wonder about what grade to expect. There is little information in this respect. One writer doing business by herself guaranteed an "A" on papers⁷³ made to order. Warren indicated that surveys of his company showed that in 80% of the cases, term papers sold had contributed⁷⁴ to a grade of "B" or higher. In its first catalogue of term paper titles, Term Paper Arsenal guaranteed that all papers⁷⁵ listed would contribute to a grade of "B" or better, but this⁷⁶ claim was dropped from later catalogues. It seems that the majority of writing services did not guarantee grades.

Several term paper companies took precautions not to sell the same term paper to two students with the same teacher. Two companies kept sales files so that no instructor would get the same paper twice. A branch of Tempapers Unlimited recorded and cross-referenced the names of the professor, school, course,⁷⁷ and department. Another company insured that a paper never⁷⁸ went to the same instructor twice, even if he changed schools. Apparently, they were so careful as to keep a record of the instructors' occupational mobility. In addition, three companies guaranteed that their term papers would not be sold to two students⁷⁹ of the same school. •

Clients of term paper companies varied in background. In one company, they included undergraduates, graduate students,⁸⁰ minority, and foreign students. Some students purchased term⁸¹ papers simply to avoid work in "required" courses. The companies thus provided a solution for the dilemma between

elective courses which students may choose freely and **required courses which may be disliked.**

Size of Market

The perception of the extent to which purchased term papers were a problem varied with the position of the evaluator. A college newspaper editor pointed out that the problem was exaggerated, since most students would simply not buy their term papers.⁸² The owner of one company followed a similar trend of thought, adding that at most, five percent of all term papers turned in by college students were derived from term paper companies.⁸³ But Glenn S. Dumke, Chancellor of the California State University and Colleges system, expressed alarm during a press conference concerning the success of Term Papers Unlimited and the number of students purchasing term papers in general.⁸⁴ Similarly, Representative James Keysor remarked that term paper sales **had reached "'epidemic proportions'" in California.**⁸⁵

Generally in the early 1970's term paper companies were called "a flourishing business."⁸⁶ In the country as a whole, Term papers Unlimited and other companies sold 100,000 papers in the period of December 1970-May 1972.⁸⁷ I want to emphasize that these figures are estimates, not backed up by any actual counting or other hard data from corporate records. To offer a contrast to the figures just given, elsewhere it is reported in an article where it was stated "that American (term paper) companies made \$250,000.00 last year (1971) and that they are planning a great expansion of their program."⁸⁸

Some indication of the business of particular companies may be estimated from reports of income of companies in the Los Angeles area in late 1971 and 1972. There were at least ⁸⁹ five companies near the UCLA campus in particular.

In November, 1971 the Paper Mill was selling ten papers ⁹⁰ a day. The owner expected to double that figure within a week. During the period from October 1971 through January 1972, the ⁹¹ owner claimed to have "grossed more than \$10,000.00." Pirate Papers reported to be selling twenty papers a day (with an ⁹² average of seven pages per paper). The owner of Term Papers Inc. estimated that his company would do \$100,000 worth of ⁹³ business in its first year of business. Similarly, in March 1972, the co-owner of Termpaper Arsenal, Inc. estimated that if there would be no legal problems, he could expect to make a ⁹⁴ million within one year. One writer noted that the Los Angeles area companies were doing a "brisk business." The operators of these companies claimed that "the burgeoning demand from students has launched term paper enterprises into a multi-million dollar ⁹⁵ industry."

One would have to be skeptical of any figures given. Nonetheless, it would be very hard to get better data or information, of course, due to the reluctance of term paper company owners have in showing these figures. It is important to realize, however, that policy-makers do rely on figures which are hard to check, as a means of buttressing arguments asking for changes in policy to control new forms of deviance.

The case of Termpapers Unlimited, Ward Warren's company, is a good illustration of the above. Warren estimated that his company sold 90% of the term papers in the country. About 60% of these papers were for undergraduates and the rest were for theses or for corporate research. During the months when "the academic pressure is on" the company was xeroxing 300,000 pages a month. (This figure could include regular photocopying as well as term paper sales).

The income from its operations is unknown. Warren began business in December 1970, and after one year claimed to have made a million dollars and to be working toward his second million. One writer set this figure at 1.2 million. Afterwards, the Warren brothers (Ward and his brother Kenneth) said "they did 1.8 million worth of business" in 1971, the income obtained from the apparent sale of 100,000 term papers.

The last income figure cited (1.8 million) was reported by the Associated Press service, and subsequently was used as the official figure in making a statement in the State Senate of California by representatives from the California State University and Colleges, supporting the legislation against commercial writing services. Elsewhere, Termpapers Unlimited was expected to gross \$2 million, for 1971. And in another article this sum was said to be the net figure of earnings.

Statistics concerning the income for Termpapers Unlimited in 1972 showed a similar variation. It was expected to earn \$2 million gross, but the Los Angeles Times noted the same month:

Warren, the "young entrepreneur of the largest firm, claims
it will take in \$5 to \$10 million" in 1972. ¹⁰⁶ The same process
of inflation of estimates occurred as far as his estimate
income for the near future. ¹⁰⁷ We conclude that Warren himself
or others made changes in estimates of his income all through
the early years of his business. Hence, the figures are
unreliable.

The Rationales of Term Paper Company Operators

A common set of rationalizations was shared, at
least outwardly, by many members of California term paper
companies. Elements of this ideology are as follows:

1. The sale of term papers was not dishonest work
or aiding plagiarism. ¹⁰⁸ One writer noted that although the
sales were not illegal, ethically they were still plagiarism.
Warren, on the other hand, said that only firms other than
his own sought to sell term papers which students submitted
as their own work. His company and he himself, on the contrary,
¹⁰⁹ took a firm stand against plagiarism. Warren expected
students to re-write the term papers. Not only this, but he
claimed to turn down the business of 35-40 students per week,
whose motives clearly were too crass, or who would use the
product "dishonestly". ¹¹⁰ Warren and his associates would
point to a standard sign in Termpapers Unlimited branches,
'We do not condone plagiarism', as further proof of their
¹¹¹ honesty. Warren also noted that there was no factual
¹¹² evidence that his company had caused plagiarism.

2. It was claimed that term papers were sold "for research
113
and reference only." This objective would be indicated in en-
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closures with the order form, the order form itself, and
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in catalogues. These materials suggested that students should re-
117
type the term papers and add materials on their own.

3. Sale of research materials to the students, in any case,
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were simply to help them to get through irrelevant or busy work,
In one company, it was argued that gathering information was not
really necessary more than once (in order to learn how to do
119
it), a step which should already have been learned in high
120
school, anyway. It was also pointed out that most people
outside college, businessmen or politicians, for instance, do not
carry out their own research because it is done by assistants;
121
hence college students should not do so either.

4. Finally, several operators claimed that they sought to
122
reform the educational system itself. Gallivan of Pirate
Papers suggested, for instance, that as term paper sales increased,
openly, teachers would use different and more creative methods of
teaching. Weber, of Weber's Term Paper and Research said, further-
more, that purchasers could also learn something by re-typing a
123
well-written paper, rather than failing a course for lack of it.
Lowe of Termpaper Arsenal said that in the meanwhile the companies
124
would help students to overcome the excessive stress on grades.

Ward Warren had the most ambitious goal of eliminating all
the busy work involved in term papers, by using computers. The stu-
dent's future task would be to select on a screen those references
125
wanted. Presumably, this system would make dull teachers, as

libraries, obsolete. Only better teachers, those really contri-
buting to the students' education, would stay. ¹²⁶

Only one company manager did not feel this way. He indicated that some operators said that educational reform was their aim, but whether or not they actually believed it was a different thing. ¹²⁷ David Martin, president of Champion Termpapers (Boston) wrote an article where he mentioned that stories about the term paper businesses were "greatly exaggerated," although with "a kernel of truth in them." ¹²⁸

ATTITUDINAL REACTIONS AGAINST THE COMPANIES

The activities of writing agencies, as described above, evoked a number of reactions from various persons and groups. The following section, to be paralleled in the other case studies, is indicative of the range of attitudes as well as specific actions or policies undertaken by several of these groups, rather than a formal survey of the incidence of such reactions. In California, attitudinal reactions were complemented by the concrete social changes of enacting, in 1972, a new statute and by a 1974 court action against a major company.

Student Reactions

My analysis of newspaper articles shows that students had few reactions to the firms. One individual raised the question of what should be done to teachers who wrote term papers to be sold, or who sold their students' papers to it. ¹²⁹ Another complained that grading made it difficult for students to complete school. ¹³⁰ Finally, a student editor answered a professor's complaint concerning term paper advertisements appearing in the school's

newspaper with the comment that there was nothing wrong with helping fellow students to obtain research materials; with a new library building opening up, perhaps it would be unnecessary to use the services of the companies.¹³¹ Another editor remarked mildly that nothing but ethics stood between term paper companies and students.¹³² Elsewhere, however, it was noted strongly that students and professors were alarmed by the term paper companies.¹³³ Students also reacted by stopping the advertising of term paper companies in their school papers. Students within campus organizations also sponsored resolutions against the companies.¹³⁴

Faculty Reactions

Among teachers reactions printed in newspapers concerning term paper companies were stronger and more negative than among students. Individual teachers at various campuses invariably¹³⁵ condemned term paper sales. Some teachers would punish students¹³⁶ presenting a plagiarized term paper, and others would not accept¹³⁷ one. Some teachers, however, defended term papers as tools through¹³⁹ which students learned how to do research. Contrary to the claims by term paper companies, term papers were not busy work but meant¹⁴⁰ work for professors.

On the other hand, teachers also recognized that term paper sales pointed out problems within the academic system, and thus created a challenge for them to solve. For example, teachers could¹⁴¹ work more closely with students doing papers. Another solution to the problem consisted in modifying term paper requirements,¹⁴² or eliminating them altogether. Some teachers pointed out that

large classes promote cheating, ¹⁴³ and more pressure on grades
¹⁴⁴
than on teaching.

At the organized level among teachers, there was an initial indifference and then a gradually mounting concern about writing services, although without major drives to change the educational system as such. In November 1971, a few months after the companies opened, academic reactions were reported in the Los Angeles Times as follows:

Occasionally from within such distinguished institutions as UCLA or USC, sporadic rages of righteous indignation are heard from isolated members of the teaching community. Aside from restrictions against hustling term papers on campus or in school newspapers, however, the local universities tend to ignore the term paper firms. ¹⁴⁵

As of January 1972, the UCLA Academic Senate had not taken a stand concerning term paper companies. The Senate chairman felt that there was no point making resolutions, since little could be done against term paper companies, although he supported ¹⁴⁶ the idea of enacting legislation. One professor remarked how it was "'practically impossible'" to stop term papers ¹⁴⁷ purchasing, due to the lack of resources to track them down. One general comment made in January 1972, was that "college ¹⁴⁸ administrators and professors have acted angrily," but no illustrations were given of those reactions besides ending advertisements.

In February 1972, a college teacher expressed his dismay at term paper companies, and added:

The only feeble protest from the educational fraternity to date, seems to be a concern that if the practice is allowed to continue 'a college degree will become increasingly less credible as a certificate of a high level of academic competence.' 149

A major change in the situation occurred in UCLA's Academic Senate, in March 1972. A committee's recommendations to study possible sanctions against commercial writing agencies was accepted. Several decisions took place at the March meeting. First, the chairman of the Senate would study legislation dealing with the companies. In addition, the submitting of purchased term papers was condemned; faculty aware of these papers were requested to report them. Another committee was directed to put out guidelines relating to examinations and plagiarism, and to determine current UCLA disciplinary practices. Finally, the Chancellor was requested to distribute to the students and faculty, on a regular basis, regulations concerning cheating. 150

Actions taken at the UCLA Academic Senate meeting had wider results. A few days later "faculty senates and student groups adopted resolutions condemning commercial term papers as a form of plagiarism." 151

Newspaper Reactions

Local newspapers also condemned cheating, 152 with some editorials going beyond the immediate issue. One editorial pointed out, for instance, that many disadvantaged persons wanted educational opportunities, so that the sale of term papers was even more reprehensible when teachers were defenseless against plagiarized papers. 153 Another found "unnerving"

the prospect of a new generation of professionals who obtained
154
their credentials by cheating. Finally, there was something
wrong with the educational system and the ethics of the members
155
of the larger society.

Reactions of School Administrators

In the Los Angeles area at first, "local universities tended
to ignore the term paper firms" (besides prohibiting ads in student
156
newspapers). By March 1972, however, stronger reactions appeared.
The owner of a term paper company commented that "college
administrators are unduly concerned by the commercial term papers."
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His rationale was that most students did not cheat this way.
The same article mentioned that the term paper companies' claim
to sell materials "for research and reference only" was seen as
158
"a false front" by most administrators.

SPECIFIC REACTIONS AGAINST TERM PAPER COMPANIES

So far we have discussed the general attitudes of various
groups reacting to term paper companies. In the following pages
I will cite specific actions by these groups.

Threats Aimed at Cheaters

One reaction to term paper sales was to make threats of
punitive sanctions against cheaters. At first, it seemed hard
159
to know how professors would react in individual cases.
One theme, nevertheless, emerged that term paper purchasers hurt
themselves by denying themselves the opportunity to do their own
160
research. Thus, student purchasers would be punished in terms
of their own miseducation.

Several persons reminded students that there were rules¹⁶¹ and regulations punishing plagiarism. Specifically, a change of policy was initiated by Mr. Norman Epstein, General Counsel for the California State University and Colleges system, following initial publicity about term paper company activities. Epstein sent a memo to the presidents of the nineteen colleges comprising the system, reminding them that students turning in purchased term papers, and those helping them, violated college rules¹⁶² and could be punished. Later on, a statement along the same lines by Chancellor Glenn S. Dumke was widely publicized. Plagiarism, Dumke pointed out, fell under the students' disciplinary¹⁶³ code.

These threats impressed at least some students. At California State College (Los Angeles), editors of the college newspaper felt that academic careers of plagiarists could be seriously jeopardized. The editors quoted California Administrative Code provisions, specifying various punishments that could result¹⁶⁴ from cheating or helping other students to do so. A term paper company owner believed that most students would not buy term papers for reasons of price, ethical considerations, or¹⁶⁵ outright fear of punishment.

The Prohibition of Advertising

Soon after California term paper companies began advertising some schools forbade ads for them in student newspapers. In the Los Angeles area, for example, this and little else was done as¹⁶⁶ of November 1971.

In December 1971, Norman Epstein advised presidents of the 19 colleges of the State College system that they had the legal right to request local campus newspapers not to carry advertisement for term paper companies. The State College system student code prohibitions on cheating or helping a student to cheat were interpreted to mean that student newspapers carrying ads for term paper companies were "'auxiliary organizations'" to cheating; and hence, their editors were subject to disciplinary sanctions.¹⁵⁷ Since the companies were not specifically mentioned in the code, **this shows how an old law can be used as a source of control over** a new form of deviance when an authoritative source re-interprets the law and creates a new "definition of the situation." Shortly thereafter, in January 1972, lawyers for the nine-campus University of California system gave similar advice to their campus administrators.¹⁶⁸

Sanctions against term paper companies resulted in "several campuses" **refusing to accept these advertisements, as of January**¹⁶⁹ 1972. In the San Francisco Bay area, companies were forbidden¹⁷⁰ to advertise in administration-controlled student newspapers. Later on, ads were cut off in at least eight specific schools in¹⁷¹ various parts of California.

Term paper companies were small but steady advertisers during¹⁷² the early 1970's. In spite of official restrictions, some ad space was always available to the companies in underground newspapers, independent student newspapers, and in some regular campus¹⁷³ newspapers. These and the other advertising means previously described, allowed students to know that term paper companies

existed and now they could be reached. Prohibiting ads could be seen as a moral protest against the companies, rather than as a thorough effort to curtail ads. Nevertheless, after 1972, the companies became much more cautious and worded ads as "research" materials, rather than as "term papers." They thus attempted "linguistic" compliance with the new sanctions.

Forbidding ads would limit the public prominence and possible illusions of acceptability of term paper companies and purchasing. For example, the dean of students of one school could not convince newspaper editors there that "cheating" rules applied to term paper companies, but at least made the editors discuss the ethics involved. Another editor compromised on the issue by printing term paper ads, (i.e., without "playing censor"), at the same time inserting an "editor's note" (agreed to by the companies) next to the ads saying: "Students may be suspended or expelled for buying term papers for use as course work."

The attack on the ethics of employing term paper companies, even if not wholly successful in controlling their activities, is not to be discounted as a means of showing concern against the new form of deviance. The moral act may operate toward the ethical indoctrination of students in general, and influence hesitant students in particular, more than might outright legal coercion and/or social pressure. But in addition to the ads themselves, newspaper stories about term paper companies would certainly help at least some students become aware of the services, and make concrete their existence. Stories about the modus operandi of

the companies, their speed, prices, and guarantees of anonymity, could influence the decision of some students to buy term papers.

COURT ACTION

Court action was considered against California term paper companies, but eventually was dropped as a possibility. Soon after the companies opened in 1971, Mr. Norman L. Epstein, Vice Chancellor and General Counsel for the California State University and Colleges, raised the possibility of court action in addition to legislation. In December 1971, he began meetings with the California Attorney General and with the University of California General Counsel. Initially, Epstein was very hopeful that meetings with the Attorney General would result in an injunction against term paper companies, although the business did not fit legal theories of "'unfair competition'" or "'nuisance'". He did not expect that an injunction would solve the problem entirely, but at least it would be an answer against those contending that there was no law against commercial writing services. ¹⁷⁹ As of January 1972, court action was still an open possibility. Chancellor Dumke, of the California State University and Colleges system, announced then that legislation had been introduced in the California State Assembly, and that Epstein was studying a possible injunction on the theory that selling term papers "debased the grading system and defrauded students who did not use them". ¹⁸⁰ Afterwards, Chancellor Dumke's press release was widely publicized, ¹⁸¹ giving the impression that "something was being done", although several months would pass before results were

evident.

Court action was contemplated by the California State College system in conjunction with "other agencies and institutions." Speculation was that The University of California's System was meant by the latter.¹⁸² Legal action of some sort was thus initially contemplated without spelling out exactly what could or should be done. Eventually, by April 1972, it was decided not to prosecute term paper agencies through the courts, because there was "serious doubt whether legal action could be successfully brought" without the proposed legislation which was then being reconsidered by the California State Legislature. There were legal difficulties in asking for an injunction "on the basis of any established legal theory." There was agreement among the State College System Counsel, the University of California, and the Attorney General that new legislation would be the best solution to the problem. Furthermore, doubt was expressed that court actions pending against term paper companies in New York and Ohio would succeed.¹⁸³

LEGISLATIVE ACTION AGAINST THE COMPANIES

In November 1971, soon after initial publicity about the agencies, the Board of Trustees of the California State University and Colleges system urged the passage of legislation.¹⁸⁴ Carrying through the directives of the Board, Norman Epstein, as General Counsel to the California State College system, sought and discussed legislation starting in December 1971. Something needed to be done, Epstein felt, because term paper sales had "become

185
blatant." New forms of deviance, apparently, may well flourish legally or illegally without facing major problems until they become a "scandal," i. e., are widely publicized. This evokes thought of sanctions from institutions directly affected by the emergent deviance.

Subsequently, legislation was drafted with the cooperation of several institutions. Legislative efforts were summarized by Richard N. Grey, Office of the General Counsel, the California State University and Colleges, as follows:

Drafting of this bill was a long and careful process which had involved the Attorney General's Office, the Office of General Counsel of the California State University and Colleges, and the Office of General Counsel of the University of California. 186

The Attorney General was "actively involved" drafting the 187
bill. The General Counsel of the California State University and Colleges System seems to be the most active group and 188
received credit for drafting the bill. Specifically, the bill 189
was prepared by Richard Grey, the chief counsel to the System. Hence, in California, legislation was ordered by the head of a coordinated state system, which could act monolithically. Nevertheless, it took two months to research and prepare the bill.

Assembly Bill 230

The General Counsel of the College System contacted Assembly- 190
man James Keysor, concerning the term paper legislation. In January 1972, Keysor introduced the bill, names AB 230 (See Appendix 2). Subsequently, the Assembly Education Committee amended the bill (See Appendix 3). Word changes were designed to make the

bill sharper. After further amendments by Assemblyman Keysor, the bill specified that the submission for the academic credit of purchased term papers was a misdemeanor (See Appendix 3). Later on, the Committee further amended the wording, and took out the misdemeanor provision (See Appendix 4). Eventually (in April 1972,) the bill was passed in this latter version, ¹⁹¹ whose provisions I will presently review.

The first paragraph of AB 230 amended forbids sales of term papers and other similar materials when the seller should reasonably have the knowledge that they would be submitted for credit at a college or university in California. The bill was ¹⁹² limited to institutions of higher learning.

The second paragraph forbids advertising for the services above.

The third and fourth paragraphs spell out the mechanisms for enforcement of the bill. Any person, school or the Attorney General of California could initiate court action against a term paper company for violation of the act. Any state court could then issue an injunction or other remedies as necessary.

Paragraphs 5-7 defined some terms and noted that the rights of the parties involved "to prepare" a term paper did not include "the mere furnishing of information or research." Practically, term paper companies could thus continue doing business as "research" companies, although without public or open guarantee that a paper would not be turned in twice to the same teacher. Since some companies continued asking for the name of the department and school of purchasers, the bill did not provide sanction in

this respect. Obviously, the bill needed court interpretation, although it was an attempt to solve the implicit constitutional problems of freedom of speech, while attempting to control term paper companies.

To gather support for AB 230, two simultaneous press releases were made on January 26, 1972, the day when the bill was introduced. First Chancellor Dumke, of the State University and College system, called a formal press conference in Los Angeles to let them know concerning a recent statement he had made to the Board of Trustees in telling them that Assemblymen Keysor was to introduce the bill. Chancellor Dumke condemned term paper companies, calling the sale and use of term papers cheating. There were school rules against cheaters already, so that the bill was aimed only at term paper sellers. Finally, AB 230 showed the State College system's concern about the problem, an area where Chancellor Dumke stated that he would continue seeking solutions. 193

On the same day, in Sacramento, Assemblyman Keysor also issued a press release dealing with similar themes. The bill was requested by the State Colleges Board of Trustees. 194 It was aimed against sellers of term papers, rather than against student buyers. 195 Elsewhere, Assemblyman Keysor added that the sale of term papers was unfair to both the purchasers and, even more so, to honest students who had to compete against term papers written by persons with M.A.'s or Ph.D.'s. 196

Assemblyman Keysor and Chancellor Dumke thus orchestrated a common effort to influence passage of AB 230, both press releases being widely publicized. 197 The process of influence and decision

making is therefore from the mass media to policy-makers as well as to the public and other decision makers (legislators) through the mass media.

Support and Opposition to AB 230

There were pressures for term paper legislation since late 1971, when term paper companies opened up for business in Southern California.¹⁹⁸ After the new bill was announced there was further support by newspaper editorials,¹⁹⁹ and apparently from professors in the two main university systems.²⁰⁰ Richard Grey noted that support increased widely because the companies had received more nationwide publicity than any other problem of higher education;²⁰¹

There may not be very many issues on which all of higher education can agree, but this is one of them. The State University and Colleges, the University of California, the Community Colleges, the Association of Independent Colleges and Universities and the California Teachers' Association all have concluded that this academic cheating must be stopped. A substantial number of newspaper editorials and radio and television news commentaries have shared this view. They are asking for legislative help to do the job. ²⁰²

After passage of the bill, Counsel Grey noted that:

AB 230 has received considerable support from virtually all of California higher education; students, faculty and administration alike. It has also won the endorsement of the Governor's Office. There was never any organized opposition to its enactment. ²⁰³

In spite of all the support just described, the bill was rejected by the Assembly (although granted reconsideration) in March 1972.²⁰⁴ Unorganized opposition to the bill came from

several quarters. A term paper company owner was opposed to the bill because it aimed at term paper sales for a profit, but not to fraternities doing the same thing at no cost. Another research company manager contended that the bill was an example of "legal bulldozing" by educational institutions without improving the faults of the system. This comment was widely publicized too.

Finally, the co-owner of Termpaper Arsenal said his company would challenge AB 230 in court, in case of passage.

Grey noted that "there has been no organized opposition to this bill." Nevertheless, opposition came from some writers and editorials, regardless of the fact that they did not condone cheating as such. One writer questioned AB 230, and suggested that professors devise assignments that do not lend themselves to cheating. Another opinion was that the solution to the problem was not new legislation, but greater alertness on the part of teachers to spot plagiarized papers. Indeed, one California representative (and perhaps some others) felt that professors knew how to spot plagiarism. On the other hand, one editorial pointed out specifically that teachers had little defense against purchased term papers, because it was assumed that they were written by the student. Not only this, precautions taken by the companies not to sell a term paper twice for the same professor, made detection an impossibility.

Indeed, as Grey pointed out, the process of gathering evidence of plagiarism was extremely difficult, because companies kept information not only about the place of sale, but also wrote term

papers at the student level in such a way that it would not stand
213
out.

Another criticism of the bill was that term paper sellers
needed to have knowledge that their products would be used for
academic credit. Since the companies contended that term papers
were "educational aids", it was hard to prove wrong-doing through
214
the courts (which were overworked anyway). Indeed, the bill
proponents themselves admitted that this would be difficult to
prove. Some administrators expressed the naive hope that dis-
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satisfied students would perhaps complain about the companies.
While this idea seemed far-fetched, a case did occur of a student
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complaining about a company in Washington, D. C.

There are legal answers to the criticisms presented above.
Disclaimers that companies did only research conflicted with the
efforts to keep papers from being submitted to the same professor
more than once. The courts would decide these matters. Further-
more, operating legal precedents applied to the idea of when and
how sellers of term papers could have "reasonable knowledge" that
217
papers were used for credit.

Another criticism of the bill was offered by the Assemblyman
having UCLA in his district, the first time the bill was rejected
and even after it was passed. He said legislation would be an
infringement of academic freedom and that the next step would be
to interfere in the classroom itself. Schools themselves, and
not the legislature, should take care of the problem.

Other people felt, on the other hand, that the sale of

assignments, by itself, constituted an infringement on academic freedom, when it interfered with assignments made by teachers. Moreover, the argument was also made that the Academic Senate of California State Universities and Colleges supported the bill, serving to ratify that infringement of academic freedom was not
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involved.

Another criticism was that there were no penalties for term
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paper buyers. The answer to this criticism was widely reported, that students were subject to college rules already, and thus
221
did not need to be subject to further regulations.

Before the bill was voted upon, statements in support of the statute were made by three persons, one of them an attorney, in the floor of the House. The statements described the seriousness of the problem, the inability of schools to control the sellers,
222
and the need for the bill.

On April 18, 1971, AB 230 passed the House, by "the exact majority required." There was still considerable opposition to the bill. Assemblymen opposing the bill repeated the arguments which we have previously discussed. Once again, Assemblyman Keysor criticized the ready availability of term papers. The opponents of the bill, however were not convinced of the bill's merits even after its approval by the House. For example, one Assemblyman introduced a resolution to reconsider the bill, but
223
the resolution was defeated.

Criticisms of the bill suggest that, in the case of new forms of deviance, there is lack of consensus as how to deal

with the deviance.

Hence, regardless of how much publicity exists about changes of social policy, at least some people are not reached, or convinced of the wisdom of the new forms of social control, and continued to question whether it is needed.

Eventually, AB 230 went to the Senate in late April. In the Senate, the bill was screened and accepted by various Committees.²²⁴ Before the final vote, a formal statement supporting the bill was made on the Senate floor by somebody,²²⁵ outlining the problem and extensiveness of term paper sales.²²⁶ The bill was approved by the Senate in June 1972. The bill received Governor Reagan's approval, and became law the same month.²²⁷ In a statement, Reagan praised the bill, noting that its intent was to stop term paper sales when it was known that the latter would be submitted for academic credit. He said that everyone lost by the sale of term papers except the sellers. Finally, Governor Reagan gave credit for authoring this legislation, which had the support of almost all representatives of colleges and universities in California,²²⁸ to Assemblyman Keysor.

According to Grey, Counsel to the California State College system, the intent of the bill was to make a clear statement of policy, since before the bill's passage there had been great doubt that court action would succeed against term paper companies. AB 230 was deliberately not made too broad; it would be up to the courts to decide the final problem. A court injunction would aim to put the sellers out of business, but not to bring criminal convictions against them. The bill did not infringe on the

constitutional freedoms of speech and press²²⁹ (an argument used around that time in the legal defense of writing agencies prosecuted in Ohio, for instance²³⁰). In short, one of the outcomes of the new law will be its test in court.

As of August 1972, there were more term paper companies in California than in any other state in the country. The law took effect on October 1 of that year.²³¹ A Chronicle of Higher Education article states that many companies went out of business afterwards.²³² Some services evaded the law by redefining themselves to maintain their activities within the letter of the law. In Los Angeles, for instance, Academic Research (formerly The Paper Mill) continued their business as "research," although not asking names of professors of term paper purchasers as formerly.²³³ New forms of deviance are thus modified and represent a less obvious threat, until a new cycle of converting them into an "scandal" brings them to the open again.

SUMMARY

In summary, California term paper companies constituted a new form of deviance in contrast to traditional cheating in their way of doing business: extensive files; custom-made papers by writers; open advertisement; and commercialization of paper sales in terms of prices, features, and sometimes grade and anonymity guarantees. Operators presented a series of rationalizations for their work when pressed to do so under criticism.

Knowledge of the extent of the new deviance, in terms of

numbers of papers on file, backgrounds of writers, numbers of papers sold, and economic success, was inaccurate or unavailable. Naturally, no subpoenas were requested while preparing legislation. Persons threatened by the new form of deviance therefore relied on uncertainty and exaggeration as elements involved in initiating changes of social policy to control the deviance. In California, the new deviance brought forth public reactions only after it became an open threat to educational institutions through the fact that it, along with activities of similar companies in other states, was openly discussed in the newspapers.

With the exception of term paper writers and company managers, public attitudinal reactions were generally negative to term paper companies: students showed few reactions, but teachers, newspaper editorials, and administrators had stronger negative feelings. Groups which are potential participants in a new form of deviance thus tend to respond less negatively to it than groups more directly threatened in their institutional positions by the openness of the emergent deviance.

Some persons used the opportunity to point out shortcomings within educational institutions, besides condemning the writing services. It is important to note that no large scale or sustained efforts of any kind were undertaken by academic groups to solve these shortcomings as a direct result of term paper company operators, ideology, or challenges. A new form of deviance may thus serve to criticize fundamental shortcomings of an institution, but does not necessarily lead to prompt or radical changes in the status quo.

Specific reactions against term paper companies were piecemeal. Threats were made against purchasers of papers, but there is no proof that some deterrent effect took place with students who were contemplating term paper purchases. Actual purchasers of papers, however, had virtual immunity from prosecution, due to the precautions taken by the companies. Potential sanctions against students, although widely publicized, were not carried out. This new form of deviance, therefore, continued relatively free of formal prosecution, at least for an initial period.

Term paper ads were prohibited by administrators, or by students themselves, in a number of newspapers. This change of social policy served to curtail the easy availability of avenues to deviance. In some cases, ads were suspended after administrators were informed that a current school rule against cheating was interpreted to include term paper companies. An authoritative reinterpretation of old laws may thus be applied as means of social control over an emergent form of deviance.

Refusal to print ads in some newspapers did not stop term paper companies from advertising through other newspapers and with other advertising means. Therefore, a new form of deviance may have a fair chance to reach at least a minimum pool of potential deviants, which will allow the deviance to continue to some degree. New deviances are not stopped, only curtailed to some degree. Changes may occur, however, as the deviance adapts itself to fit the letter, if not the spirit, of new forms of social control.

Prohibiting term paper ads did not completely succeed in stopping term paper companies, but restricted their means of advertisement and further provided a moral statement against them. Ethical attacks against the firms, moreover, may have helped to indoctrinate some potential cheaters against academic dishonesty. Besides, as the firms were strongly condemned, in stories and by newspaper editorials, they lost their claims of legitimacy.

Court action was considered, but later dropped as a means of social control. There was cooperation in this respect between representatives of various bureaucracies. This possibility was carried out with some secrecy as to the individual participants, serving thus to insulate them from criticism as they sought to explore solutions to the problem. The court option was open for several months, contributing to an impression of "concern," and to the feeling that "something was being done."

Talks of legislation followed wide publicity about research agencies in California and out-of-state. A new form of deviance thus may flourish without major problems until it becomes a "scandal." Then, because of its openness it leads to sanctions imposed by some persons with institutional power who feel that the problem threatens their institutions.

When there is cooperation between various heads of institutions, it is relatively easy to draft and introduce legislation to control a new deviance. Careful drafting of legislation, however, does not insure that the proposed bill will not be changed and made relatively ineffective by Assembly

committees. As it happened, amendments to AB 230 lacked clear punishment provisions to serve as an effective deterrent. Changes of jurisdiction and cooperation in social control over a new deviance, between members of educational institutions and sympathetic government officials in this case, do not insure perfect success (although definitely at least some) in resolving the task at hand. This occurred among persons of relatively high status, such as Chancellor Dumke and California representatives.

The publicity coordination between Chancellor Dumke and Representative Keysor apparently resulted (along with other factors and independent newspaper stories) in gathering wide support for the proposed bill. This support, however, was not sufficient to provide unanimity on the issue on the part of legislators, since almost half of them continued their opposition to the bill to the very end. One of the latter included an assemblyman whose district included the University of California, Los Angeles, an institution directly threatened by the emergent deviance.

The fact that legislation was pending was used to show that "something was being done" against the research agencies, in spite of the problem that the bill took several months to become law, and that it almost failed to pass.

Analysis of the continued opposition to the bill, leads me to conclude that the proponents of social control over new forms of deviance do not always succeed in explaining the issue to other people, including influentials such as legislators who

will vote on it. Even when the legislators at large or the public learn about the point of view of those who are against the deviance, many people could still oppose the legislative solution on practical or philosophical grounds. Thus we see a number of people supporting the new deviance indirectly, while not necessarily practicing it themselves or agreeing with it.

Finally, new forms of social control may be seen as policy-setting means, to be further clarified and approved by other agents of social control, such as the expectation of government and university officials that after the legislation would pass the courts would clarify the legal position of research firms.

Meanwhile, and until that time, many of the deviant organizations will disappear or redefine their outward operations so that they no longer constitute an open threat ²³⁵ to particular institutions, which are thus free to continue their basic functions as they had done before the new form of deviance emerged.

CHAPTER IV: TERM PAPER COMPANIES IN NEW YORK

Description of the Companies

By sometime in 1971-1972, eight¹ local term paper companies² and five³ with out-of-state addresses were operating in New York State. Reactions against them eventually provoked a scandal, paralleling the events and sanctions unfolding in California and elsewhere. In addition, some individuals did "research for sale" on a smaller scale.⁴ One of the largest companies was Term Papers Unlimited of New York, a branch of Ward Warren's Tempapers Unlimited in Boston.

Sources of Term Papers

Writing services could sell term papers on file or made to order. Term Papers Unlimited advertised 10,000 papers on file in early 1972,⁵ and soon afterwards, 20,000.⁶ Academic Marketplace⁷ also claimed to have 20,000 papers on file.

The owner of Minuteman Research claimed to have bought a batch of term papers from another man, which unknowingly included⁸ twenty-three papers stolen from Harvard University. The Attorney General initiated suit against this particular company,⁹ on grounds of selling stolen property. Theft, however, apparently¹⁰ was not a prevalent method of obtaining term papers.

Other papers were stolen from Columbia University, about¹¹ 150 in all, but nothing was ever learned as to their whereabouts.¹² The stolen Harvard papers¹³ were purchased along with "'a couple of hundred'" term papers from other schools, at a¹⁴ cost of between ten and twenty-five cents per page. Papers were also purchased from the company's own writers, since many

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of them were recent college graduates. Furthermore, term
paper companies built up their files by trading with companies
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from other areas.

The Writers

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Enjoy Termpapers reported a staff of 100 writers, and
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Possibilities Unlimited, 300. Writers at Warren's branch
signed a detailed agreement, including a requirement of 50 pages
minimum work per week; signing a release form with every work
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completed, and promising original work only in writing
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papers. In this company writers began earning \$2 per page,
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and could go up to \$2.50 with experience.

Means of Advertising

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Research services' advertisements seemed to be widespread.
As of early 1971, Term Papers Unlimited of New York advertised
in most college newspapers in the metropolitan area. Moreover,
three colleges reported regular advertisements from various
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companies at this time. This may not have been the situation
in other college newspapers. For example, there were only 15
ads in Hunter College newspapers for the period late 1971-
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early 1973, when the companies were most active. In addition
to newspaper ads, the companies used other means of advertising,
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such as leaflets.

Product Characteristics and Pricing

Term paper sales seem to have been profitable, at \$1.85-
\$2.50 per page for papers on file and between \$3.50-\$5.50 per
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page for custom-made work.

Size of Market

The owner of Minuteman Research earned between \$1.50-\$2.00²⁸ per page beyond writers' fees. Enjay Termpapers was estimated²⁹ to have earned \$30,000 in less than two months. Term Papers³⁰ Unlimited grossed \$35,416 over a three month period. In one company the demand for papers was heaviest during the period³¹ "beginning three weeks before Thanksgiving until Easter." The companies' income, therefore, should be adjusted for seasonal³² variations, including lower figures during the summer months. Some term paper companies asked whether students wanted an A or³³ a B paper. It was reported that Long Island University students and faculty agreed that purchased papers were of sub-³⁴standard quality, but elsewhere it seems that the papers³⁵ stood up fairly well under examination. Whether standard or substandard, it would be extremely hard to prove plagiarism on the basis of internal evidence of the report by itself. Unless a teacher receives two identical papers, he is unsure if the student is plagiarizing the assignment partially or even in toto. This applies particularly to papers tailor-written for a specific assignment. Of course, a teacher may have strong suspicions that plagiarism is involved, but he cannot prove it so easily.

Companies took precautions that papers should not be sub-³⁶mitted twice to any one department. Indeed, some teachers³⁷ checked with each other concerning suspicious papers. One professor felt that it was easy to spot plagiarism from

published sources, but that teachers were helpless against custom-made papers. Another educator thought that teachers had to be "stylistic detectives [and] would need computer services" to detect plagiarized papers. ³⁸ Needless to say, ³⁹ teachers trying to do so would have more work.

The Rationales of Term Paper Company Operators

Some managers of writing services argued that they were not doing anything unethical in their work. This was the case, as we have seen, with Warren, ⁴⁰ and also with persons from two other companies. One of these individuals pointed out that there were problems with assigning term papers in and of itself. He also argued that persons other than students also employ others to do their research. He hoped that his service would improve education by encouraging the elimination ⁴¹ of papers as an educational requirement. But it is unlikely that his ultimate aim was to put himself out of business.

ATTITUDINAL REACTIONS AGAINST THE COMPANIES

Reactions to New York term paper companies varied with the group, students, faculty, or administration. As with California, the following section illustrates the range of publicized social changes: first, attitudes and then concrete actions, rather than a quantitative survey of their actual incidence.

Student Reactions

Some students strongly believed the outfits were ethically ⁴² wrong. They were rather lonely voices, but this does not detract from their potential influence over policy makers. Whether or

not individual complaints are used as policy inputs depends on higher level decisions concerning the possibility of change. Once policy changes are agreed upon, complaints may be used as rationales for effecting the changes.

Some students criticized the educational system that encouraged the writing of papers as a matter of form, rather than as a means of seeking knowledge. Furthermore, term paper purchases were simply another facet of business practices
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prevalent elsewhere.

The editors of Seawanhaka, the Long Island University (Brooklyn Center) student newspaper, urged reconsideration of a deleted recommendation from a faculty resolution which condemned commercial writing services. What was deleted was a paragraph stating that faculty could consider decreasing the number of term papers required in their classes; while still requesting students to submit term paper drafts, and perhaps asking students to write papers in class. Insofar as the last two suggestions, the editors suggested that the deletion of these
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resolutions meant that faculty did not want to work harder.

Similarly, the Barnard College Student Academic Council urged The Bulletin editors to discontinue term paper ads. The latter replied, in part of their response, that absence of student reaction to the advertisements contributed to the edi-
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tors' decision to continue their publication. A small number of articles and letters to the editor seems to be sufficient to influence editors and making an issue of the deviance. The provision of such publicity, nevertheless, is up to the editors'

discretion.

Reactions to the companies were not lacking elsewhere. A John Jay College of Criminal Justice resolution condemned the firms, and stressed the idea that students should do their own work. It was overwhelmingly approved by the College Council⁴⁶ (composed of faculty and students). At the Long Island University Brooklyn Center, the student body was evenly divided over a similar faculty resolution. Half of the students polled offered "passionate additional comment" on the controversial issue. Finally, a majority asserted that they would not waste⁴⁷ their money and learning through term paper purchases.

Faculty Reactions

Teachers in two schools failed to react publicly against⁴⁸ research services. Elsewhere, however, professors did not accept the companies' argument that they were selling only research materials. On the contrary, said the educators, the⁴⁹ student learning process suffered by such purchases. Moreover, these assignments were defended as worthwhile instructional⁵⁰ tools.

There were other types of faculty responses as well. It was felt, for example, that the firms destroyed an essential⁵¹ trust between teachers and students. The companies were⁵² characterized as a threat to university life, a "cancer,"⁵³ academic prostitution,⁵⁴ and the like.⁵⁵ Incidentally, one teacher made a point of the fact that he read thoroughly all⁵⁶ term papers submitted by his students. Other professors, on the other hand, mentioned that some teachers perhaps did not

read term papers submitted to them.

A Brooklyn College professor emeritus used the scandal as an opportunity to address himself to general educational problems. He condemned, for example, memorized examination outlines as being similar to unethical term paper purchases. In addition, he noted that nobody protested that fraternity members were getting ahead through academic dishonesty. He also criticized the undue emphasis on grades and badly designed examinations, both of which encouraged cheating. ⁵⁸ Nevertheless, comment in stories, concerning underlying educational problems, so suggested by the new deviance was not a main concern among those teachers who condemned term paper companies. ⁵⁹

Professors also expressed group reactions censuring the companies. Departmental resolutions against term paper sales decried plagiarism and upheld the principle of intellectual honesty. ⁶⁰ A strongly worded statement approved by the Sociology Department of Brooklyn College, for instance, was subsequently distributed to the entire faculty. ⁶¹

Resolutions along similar lines were made by college-wide representative councils in three schools. ⁶² The main step in these resolutions thus occurs when an individual prepares a recommendation and brings it up for faculty council consideration and debate. Thus, it is individual teachers who function as articulators of dormant opinions ⁶³ within academia. ⁶⁴

Newspaper Reactions

The New York Times described term paper companies as a "racket" which served to promote student and societal deception,

the latter insofar as it is taken for granted that a degree⁶⁵ stands for real scholastic achievement. The Wall Street Journal looked upon term paper sales as an unethical practice⁶⁶ which "corrupts the very soul of higher education."⁶⁷ Editorials elsewhere followed the same trend of opinion.

The New York Times editorial made the further helpful suggestion that colleges could improve the situation by stressing⁶⁸ penalties against plagiarists. The Wall Street Journal statement characterized student rationalizations for buying term papers as a form of "ethical myopia," indicative that there was something wrong with American society. Furthermore, it noted that complaints that students had bought papers to pass a bad educational system should be used to ask hard questions about the direction of this system, the purpose of term papers,⁶⁹ and the possibility of alternative assignments.

Reactions of School Administrators

Administrators reacted negatively to commercial writing firms. One dean noted that, contrary to the argument of some persons, term papers were not "busy work." Indeed, it was the students' job to do such research, and they had enough time to⁷⁰ carry it out. Another dean outlined in a memorandum new plagiarism policies for his school. His statement gave latitude to teachers to impose academic and disciplinary sanctions against cheaters. The right to appeal these penalties was spelled out, particularly when a grossly disproportionate punish-⁷¹ment was imposed against cheaters. In other words, this administrator sought to avoid extreme situations. This formal method

of action was not unique. Elsewhere it was noted that administrators across the country were "unequivocally negative" toward writing firms.⁷²

SPECIFIC REACTIONS AGAINST TERM PAPER COMPANIES

Concrete responses against the New York companies included threats, cancelation of advertisements, new legislation, and court action.

Threats Aimed at Cheaters

Teachers and administrators at several schools agreed on the theme that submission of purchased assignments would be punished. One teacher interviewed said that he would judge each case of plagiarism considering the circumstances involved,⁷³ although his inclination would be to punish all cheaters.⁷⁴ Another educator would give an F to such a student. A dean commented that plagiarists caught "would be suitably reprimanded."⁷⁵ The resolutions we previously mentioned also implied or actually spelled out potential threats against term paper purchasers. For example, the Department of Sociology at Brooklyn College resolution emphasized: "the department will support any teacher who imposes sanctions on a student who plagiarized."⁷⁶ Moreover, in the same school, a completely different resolution was also accepted by the faculty as a whole, requesting that teachers inform students concerning the severe penalties applicable to plagiarism. Interestingly,⁷⁸ however, this paragraph was subsequently rescinded.

At John Jay College, a resolution approved by the College Council reinforced the threat of sanctions by spelling

out the potential penalties against plagiarism. This draft pointed out that plagiarism violated "academic ethics as well as accepted moral codes and law."⁸⁰

The resolution above was authored and promoted by Dr. Arthur Pfeffer, a member of the English Department at John Jay College. In addition, he drafted a strongly worded letter against writing companies, arguing that they might constitute a form of consumer fraud, making newspaper advertisement for them possibly a form of crime. Professor Pfeffer collected the signatures of other teachers in his department who supported his views, and forwarded the letter to Louis Lefkowitz, the Attorney General of New York. Furthermore, copies were mailed to the District Attorney, the Department of Consumer Affairs, the New York City Council, and to the New York City Police Commissioner.⁸¹ The latter was quite appropriate due to the fact that John Jay College has many students who are policemen.

As a response to Pfeffer's letter, the Police Academy Commanding Officer investigated the matter, and, in January 1972, arrived at the determination that no violation of legal statutes was involved in term paper sales.⁸² Nevertheless, the matter warranted enough concern so that consequently a memorandum was sent to all police commands, reminding policemen who were students that the submission of plagiarized term papers was definitely unethical. It was indicated that severe academic penalties could be invoked against cheaters, up to revocation of the degree. Policemen were reminded that as such

they should be above reproach, while purchased term papers brought discredit upon all those concerned: the individual,⁸³ the school, and the police department. According to the New York Police Department, this particular memorandum was only an "informative reminder rather than a prohibitive order,"⁸⁴ but the implied threat of sanctions was nonetheless clear.

The Prohibition of Advertising

There was considerable controversy concerning term paper ads in student newspapers of the New York City metropolitan area, headquarters for most companies in the state.

1. As of November 1971, ads for term paper services had been appearing regularly in The Ticker (Baruch College).

Faculty had not complained, and the editor would not care if they did.⁸⁵

2. A total of 15 ads were printed in The Hunter Envoy (Hunter College), throughout the controversial period of late 1971-early 1973.⁸⁶ Nevertheless, only one complaint was made about the ads, in which the writer argued that term paper purchases corrupted the education of students.⁸⁷

3. Two Queens College newspapers were printing such advertisements as of early 1972.⁸⁸ The business manager of the Phoenix, one of the newspapers, wrote about the issue, hoping that his article would stimulate discussion concerning the ethics involved in these ads. In his opinion, professors were complaining about the firms only because the latter were open in carrying out their business. He felt that this objection

was invalid as such, because it was a fact that other ads (for contraceptives, abortion, R.O.T.C., and the like) also raised ethical questions. In this situation it was pretty much an open question whose ethics should prevail. Therefore, individual students should decide by themselves whether or not they wanted to do the required work. In his experience, sentiments were clear at the school: non-students complained about the companies, but students were calling in the Phoenix to obtain more
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information about them.

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In March 1972, the two Queens College newspapers stopped printing the ads. Editors of the Phoenix justified their action by claiming that: since it was extremely hard to know how many students were involved in purchasing papers, it was possible that suspicions could consequently be cast on those individuals whose work varied in quality in the course of one
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semester. The change was apparently influenced also by the introduction of anti-term paper company legislation in the New
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York State Assembly.

4. In late 1971, term paper advertisements were been printed in a Brooklyn College newspaper without complaints. In the February 1972 faculty resolution previously mentioned one provision directed the Dean of Students to encourage the elimination of ads in Kingsman and Ken, two student newspapers. The Kingsman, regardless, continued printing such advertisements. In March 1972, an indignant professor sent a letter to the
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editors questioning their rationale for this situation.

The editors replied that every ad was a necessary source of revenue for the newspaper and that they took no stand on their content. Furthermore, if a student wanted to purchase papers, he was at least requested to patronize Kingsman's advertisers. ⁹⁴

The matter did not rest there. In April, another educator wrote angrily to the editors, stating that the latter's arguments could hardly stand up in serious discussion. There were some ads which should surely be refused, particularly term paper company advertisements which presented a real threat to academic life. The editors did not bother to reply. ⁹⁵

Also in April, the editors of Ol' Spigot, representing the student government, condemned other campus publications for accepting the ads. These newspapers, they said, helped term paper companies to make fortunes, and thus reinforced the outfits' determination to ruin students' education. In addition to the editorial comments, the Ol' Spigot ran in the same issue an article of interviews with professors, who provided negative opinions of the firms and/or their advertisement. ⁹⁶

5. The Lex of John Jay College of Criminal Justice was printed term paper ads early in 1972. Soon after they began doing so, Professor Pfeffer of the English Department, along with other teachers, complained about this matter to the Lex. ⁹⁷ The editors replied that they did not take a stand as to the "'quality or morality of the products offered'" in their ⁹⁸ pages. Furthermore, they invoked their right to print whatever they pleased, under the freedom of press provisions of the First Amendment. ⁹⁹

In February 1972, another teacher complained in a letter to the editors that the latter's "pious expression of morality" was "banal." She further argued that term paper purchases destroyed student-faculty trust.¹⁰⁰ The editors replied that they had already set their policy to print such advertisements.¹⁰¹ This exchange of opinions was in the same issue which contained a copy of the letter which Arthur Pfeffer sent to the Attorney General.¹⁰²

Events continued developing when later in February 1972 the [faculty and student] College Council of John Jay College held a meeting to discuss, among other items, a resolution sponsored by Pfeffer. It was requested that no advertisements for term paper companies should be printed in Lex. During the meeting, besides condemning term paper agencies, Professor Pfeffer reviewed the latest developments concerning the companies,¹⁰³ and mentioned that new legislation was pending against them.

During the debate that followed, there was considerable challenge of a controversial sentence in the petition, namely,

The Council therefore requests that no John Jay publication ... accept advertisements.

Pfeffer felt strongly that this sentence expressed John Jay College members' sentiments. Peter Dodenhoff, Lex editor, and other persons argued that it would infringe the First Amendment.¹⁰⁴ Dodenhoff added that if the resolution were passed including the offending sentence, he would not abide by any part of the whole resolution.¹⁰⁵ Personally, he agreed with the position taken by the Pace College student newspaper,

namely, that ads should continue until state legislation forbade them.¹⁰⁶

Moreover, someone pointed out that the Student Council had already voted on the matter, agreeing to support the resolution as long as the sentence under contention was deleted.¹⁰⁷ The debate's outcome was that the College Council¹⁰⁸ approved the resolution after deleting the sentence.

Some private colleges also cancelled ads for research companies, while others did not. The level of controversy also varied, as follows:

6. The Statesman (Stony Brook) stopped ads as of March¹⁰⁹ 1972.

7. At New York University, advertisement for the services were regularly printed, as of November 1971, with no complaints¹¹⁰ about them. Sometime during the fall term 1971, still, there was a "mild controversy" about them. Administrators felt that even if they were not the publishers of the school's newspapers, they still had "every right" to see that school money supporting these publications was used responsibly. Furthermore, they also pointed out that cheating was against University rules and a¹¹¹ misdemeanor under State laws. Apparently, at least one newspaper discontinued running term paper advertisements at that¹¹² time. Moreover, in March 1972, The Washington Square Journal¹¹³ did likewise.

8. The Fordham University Ram cancelled this type of ads¹¹⁴ in the Spring of 1972.

9. The Columbia University Spectator continued running ads¹¹⁵ for writing firms all through the period of the scandal.

10. In late 1971, a small ad for Termpapers Unlimited was printed in the Bulletin (Barnard College). Readers complained about the advertisement. But the editors replied that each and every advertisement revenue was a necessity. Hence, the editors asserted that they were willing to print any ads, excepting those that were racist, sexist, or otherwise injurious, without necessarily agreeing with the use of the products been advertised. Finally, the editors argued that Barnard students were bound by the honor system; and if they were tempted by term paper company ads it was obvious that the system needed changes.

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In the months that followed, further protests were made. In addition, a formal complaint about the ads was made to the Academic Council, an organization composed of students plus two teachers. The Council determined that the Bulletin violated the spirit if not the letter of the honor code. The editors were asked, therefore, to suspend term paper ads. In their reply to these criticisms, the incoming editors elaborated on the policies of the previous editors. They said that although the ads perhaps were in bad taste, this was not a sufficient reason to stop them. Printing such advertisement was far better than censorship.

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11. Finally, ads for writing services began running in the Seawanhaka (Long Island University, Brooklyn Center) student newspaper sometime in the Spring 1971. One student and, subsequently, Ed Clark, Dean of Students, complained to the editor about the matter. Since the editor himself was not particularly

interested in printing the ads to begin with, he complied with
the requests, although the newspaper lost some revenue thereby. 120

In late 1971, new editors formulated a different policy,
as they accepted ads for Term Papers Unlimited (under another
trade name), in October of 1971, 121 in addition to accepting
the advertising of Possibilities Unlimited. 122

In November 1971, four faculty members condemned this type
of ads; and one of these teachers took up the matter to Dean
Clark for further action. 123 The Dean complied, suggesting to
the editors that they cancel the ads, because the income from
these ads was not enough, they looked "bad for the school,"
etc. Dean Clark's main objection was that purchased term papers
could be used for "'fraudulent purposes.'" He expressed his
feelings that this matter was up to the discretion of the
editors themselves, although he would be "'disappointed'" if the
advertisement for the companies continued. 124 The president of
the Student Council commented that the request was reasonable,
but that the editors should decide the issue. 125

As a preliminary reply, the Seawanhaka editors reprinted an
editorial which originally appeared in a George Washington
University publication. The writer of the editorial felt quite
neutral concerning the research businesses, which appeared to
him simply as a variation of the old theme on how to get rich
quickly. Moreover, it appeared to him that protests against
such companies were happening due to the fact that the practice
of selling term papers was now in the open. 126

A few days later, the editors of the newspaper made a

direct editorial reply to Dean Clark. The editors said that they had checked the matter with two writing services, who asserted that professors in other schools had not complained concerning the ads. Furthermore, Seawanhaka editors had found that the same situation prevailed in other schools, after contacting other newspaper editors at Baruch College, Brooklyn College, and New York University. Afterwards, having discussed the matter even further, the executive board of the newspaper decided to continue printing the ads because there was not enough evidence that these were offending many people in the school.

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Nevertheless, the dispute continued in December 1971, when a different professor than those previously mentioned introduced a resolution in the Faculty Senate. In this statement it was remarked that Seawanhaka editors had continued running term paper advertisements "in contempt of faculty protests." It was asked, therefore, that the ads be cancelled and that other steps be also taken to eliminate term paper companies.

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An editorial

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reply stated that the newspaper's policy was already set. A later editorial, in February 1972, reiterated that ads from any and all term paper companies would be printed; it was up to the students to use their own judgment on the matter.

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Finally, in March 1972, a former editor of the newspaper wrote a letter to the editors stating that neither they nor faculty should waste their time in this issue. It was obvious to him that the reactions seemed to arise because term paper companies organized cheating practices which had long existed,

although previously unorganized. It was easy for any student to obtain a term paper from a friend, or to plagiarize in some other way. It seemed to the writer that those faculty members teaching courses they disliked assigned irrelevant term papers, and students acted likewise by purchasing their assignments. Rather than fight research businesses, the former editor concluded, faculty and students should turn their attention to real problems such as drugs and the choice of teachers who could
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motivate students to learn within the school.

In conclusion of the cases described above, term paper company advertisements led to controversies in several schools, but not in others. A point to keep in mind is that as of early 1972, few newspapers refused these ads, as the Daily Princetonian
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did, for instance. Indeed, many administrators across the country were making an effort to stop advertisements for term
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paper services, with only partial success. The fact that this type of ads were cancelled in several New York State colleges, therefore, represents clearly a concrete reaction against the new form of deviance. Nevertheless, other university weeklies kept printing the ads so we must also conclude that new forms of deviance appear to find at least some means of publicizing their activities, regardless of opposition against them.

While on this subject, it is vital also to note the role of New York Assemblyman Leonard P. Stavisky (Democrat of Queens
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and, in addition, a professor at City College), who authored legislation against the research outfits.

Assemblyman Stavisky organized in February 1972 a conference of teachers, administrators, and students to discuss his proposal for Assembly Bill 8651. Following up the subject, the gathering was held on February 11, 1972, and it included, among others, a speaker representing Lefkowitz, from the Attorney General's Office. During the forum, Stavisky argued that "by condoning the continuation of advertisements from this source or failing to act against it, the schools and colleges are undermining their own academic requirements."¹³⁵ This was "high level" pressure --pressure aimed at school administrators in particular. Commenting on these developments a few days afterwards, a New York Times editorial suggested that student newspaper editors could help academic integrity by rejecting term paper company advertisements.¹³⁶

Stavisky was partly successful in this endeavor. In March he did issue a press release announcing that ads for research firms had been banned from the newspapers of three colleges.¹³⁷ When asked to comment about this, the owner of Minuteman Research said that his business was not greatly affected by the ban, long as his competitors were also forbidden to advertise at those schools.¹³⁸ As of April 1972, "several" student-owned newspapers were rejecting advertisement for the companies.¹³⁹

The sanctions against the writing agencies, as spelled out above, occurred not only within each institution. Policies made within one school, when publicized, helped to promote similar actions elsewhere. Those editors who argued their right

to publish materials as they saw fit, on the other hand, also made use of arguments presented by persons elsewhere in order to buttress their point of view.

Court Action

On January 14, 1972, a "'major investigation'" of term paper companies was initiated by Stephen Mindel, Assistant to the New York Attorney General. Mindel's objective was to ascertain whether or not the companies violated any state law, including one which upheld the "'integrity of the educational process.'" At this time, subpoenas were issued to "a number" of writing companies.¹⁴⁰ As a type of negative sanction, this was a crucial step, due to the fact that there were no legal precedents as yet against the businesses anywhere in the United States. Until this time, moreover, the courts had been reluctant to enter in disputes involving universities.¹⁴¹

The specific "moral entrepreneur" or activist which brought this issue to the attention of the Attorney General was the Faculty Senate of Long Island University,¹⁴² whose representatives were following the December 1971 resolution to do so.¹⁴³ In addition, "a series of complaints...led [Attorney General] Lefkowitz to act."¹⁴⁴

Eventually, these pressures resulted in court action initiated on February 10, 1972, against Kathleen Saksniit, President of Tempapers, Inc., located in New York City, and four other affiliated companies located in the same address.¹⁴⁶ All these defendants (hereafter collectively referred to as "the company") constituted in essence, one branch of Tempapers

Unlimited of Boston.

A supporting affidavit to the suit cited faculty concern in several schools, and it included as exhibits the Long Island University Faculty Senate resolution with an accompanying letter, and other letters: from Brooklyn College, Queens College, Dr. Pfeffer of John Jay College, and a student. The latter wrote to the Attorney General expressing his feeling that his chances to enter medical school diminished because he was competing with students who could purchase term papers from ghost writers having advanced degrees.

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Concerning the role of the various "moral entrepreneurs" above, people contacting someone in authority, I want to single out the role played by Arthur Pfeffer of John Jay College. We may recall that he complained about term paper company ads in the Lex, on January 11, 1972, without redress. On January 14 a "'major investigation'" was publicized by the Attorney General's Office. On January 18, Pfeffer sent a letter to Stephen Mindel, Assistant Attorney General, complaining the activities of the companies. The latter replied expressing his appreciation for "the support of the faculty members of John Jay," and eventually made use of the letter as a supporting exhibit for the court action. Meanwhile, at the same time, Pfeffer renewed pressures against the companies by forwarding a copy of his letter to the Lex, the student newspaper.

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Theoretically, "moral entrepreneurs" try out different approaches to control new forms of deviance and, in doing so, tend to reinforce each other in developing and promoting social

policy changes. Since, in this case, Dr. Pfeffer credited his own letter as triggering the filing of a court brief,¹⁵³ we may also deduce that credit for the changes may be taken by each "moral entrepreneur," even if he contributed only part of the overall pressures.

Legal Grounds for the Suit

In the court complaint filed by the Attorney General, it was specified that three of the firms who were defendants failed to file business certificates and/or to register as corporations.¹⁵⁴ Another defendant, Termpapers, Inc., on the other hand, was a legally formed corporation chartered in December 3, 1971, with Kathleen Saksnift as President and Director. This corporation used the names of the three other unincorporated companies for business purposes.¹⁵⁵

It the complaint it was also noted that an accounting of the company records had found that between November 1, 1971, and January 31, 1972, Termpapers, Inc., filled at least 965 orders for term papers. Most customers were from schools in the New York City area and vicinity. Altogether, order came from purchasers attending 109 Eastern colleges. The term papers were written either at the undergraduate or at the graduate level.¹⁵⁶

It was further argued that the defendants encouraged students to violate a New York statute which prohibited the use of fraudulent means to obtain a diploma. In addition, the defendants themselves violated another New York law which specified, in part, that the "public policy of this State, was

to maintain and preserve the integrity of the educational process." Finally, it was contended that Termpapers, Inc., had exceeded its corporate purposes and did business continuously in a fraudulent manner. Therefore, the Attorney General requested that all the defendants be perpetually enjoined from their business, that a receiver be appointed to liquidate their assets, and that the money be returned to clients. 157

The Consequences of Filing

Judge George M. Carney issued a temporary restraining order against the defendants on February 10, 1972. 158 In the weeks that followed, this and the various legal developments became widely publicized across the country, 159 strengthening thereby potential changes of social policy elsewhere. For instance, the pending suit served, in spite of doubts about its ultimate success, to strengthen legislation pending in California 160 and in Massachusetts.

Sometime afterwards, Assistant Attorney General Mindel observed that it was not possible that the New York legal proceedings would succeed in stopping term paper sales entirely. He felt that if enough companies closed down or went underground "'all we'll succeed in doing is reducing the problem to an acceptable level.'" 161 Meanwhile, a spokesman for Termpapers, Inc., commented that the prosecutors "'don't know where their heads are at.'" The defendants' lawyer, who had come especially from Boston, offered no comments. 162

The hearing took place on February 24, 1972. Several companies were subpoenaed to appear. Some professors served as

witnesses as did some student purchasers; the latter were
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granted immunity.

Pending the formal trial, Justice Abraham Gellinoff issued his opinion on April 18, 1972. In his view the defendants had encouraged students' violation of State law by promoting obtaining a degree by "'fraudulent means.'" ¹⁶⁴ It was true, Justice Gellinoff continued, that the defendants had argued otherwise, indicating that they did not encourage plagiarism by means of signs in their office and disclaimers in their order forms. Moreover, the defendants said that their research work was similar to that done by the Encyclopedia Brittanica's research division. Nevertheless, the latter limited its reports only to its subscribers, and then on their company's own stationary. Reports were made always of original works, with the references clearly indicated. The Encyclopedia always rejected requests for term papers as such. Therefore, Judge Gellinoff agreed with the Attorney General's various charges against the defendants, and issued a preliminary injunction ¹⁶⁵ forbidding them to perform any business pending the trial. For all practical purposes, this was the end of the company's activities in New York. Incidentally, this decision made the editors of Seawanhaka change their minds, and they stopped ads ¹⁶⁶ for term paper companies in their publication.

The Associated Press and United Press International wire services summarized Judge Gellinoff's opinion, thus helping to ¹⁶⁷ give it national publicity. Prosecutor Stephen Mindell commented in another interview that the decision "established

a national precedent." This was indeed the case, as the California bill was approved later in April. Furthermore, he expected that other states would move against the companies. ¹⁶⁸ About twenty other Attorney Generals had expressed interest in the outcome of the New York suit, and Mindell expected that other states would ¹⁶⁹ begin similar court actions.

This successful sanction against the company thus helped maintain the momentum of the national "movement" to curtail the new deviance elsewhere. We assume that unsuccessful changes of social policy could aid the process in reverse.

¹⁷⁰ A Wall Street Journal editorial supported Judge Gellinoff. Similarly, an American Council on Education survey found that many other persons also agreed with his opinion, which stated, in part: "'assisting and promoting plagiarism - the most serious academic offense - strikes at the core of the educational process, and thus at the very heart of a free society.'" ¹⁷¹

In the aftermath, Manhattan Supreme Court Justice Peter A. Quinn issued a permanent injunction against Termpapers, Inc., in June 1972. He ruled that since term papers were used in violation of state law the company was to return the \$35,416 earned to its customers, in addition of \$10,000 in "costs to ¹⁷² the state."

This development of the case was also reported in an Associated Press release, furthering publicity surrounding the scandal. ¹⁷³ Later articles discussing the case referred to ¹⁷⁴ Justice Quinn's decision, giving the impression that its provisions had been carried out. As late as 1975, for instance, a story carried in a national publication indicated

that in New York "local courts enjoined the operation of term
paper publishers ... into receivership,"¹⁷⁵ giving the impression that this applied to all companies in that state. Other commentaries, however, were more careful to indicate that only
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one company was involved.

Thus, the final judgment on this case helped to reinforce the feeling that a major company had suffered a considerable financial loss. Nevertheless, this was not really true in point of fact. It is interesting that, at the time of the permanent injunction, the defense lawyer refused to disclose
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the company's bank account balance. This writer has found
¹⁷⁸
that the assets involved were less than zero, making the judicial provision calling for a refund of monies to clients and the fine in favor of the state financially meaningless.

Barry Gerstein, the defense attorney mentioned above, said that he would appeal Justice Quinn's decision. Gerstein asserted that the company was not committing fraud "'unless the student commits fraud.'" Moreover, term papers were sold for reference purposes only; and violation of 'public policy' was too vague a concept. Finally, Gerstein claimed he would
¹⁷⁹
contest new legislation against term paper companies. Regardless of his promises, however, this was the end of the judicial developments on the case.

LEGISLATIVE ACTION AGAINST THE COMPANIES

At the same time that the other sanctions were developing,
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Assemblyman Leonard P. Stavisky prepared legislation regulating term paper companies. His initial concern began in December

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1971. It seems that the Long Island University Faculty
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Senate resolution of that month was the direct "precursor
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of the State Assembly bill 8651." The resolution probably
had more impact on Assemblyman Stavisky than on other represen-
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tatives, because he was a former professor at the school.
In addition, Robert Gorlach, editor of Seawanhaka, stated to
this writer that "a number of influential faculty members
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brought pressure on the legislature."

Assembly Bill 8651

Assembly Bill 8651 [See Appendix 5] was filed in the
legislature on January 19, 1972. At that time Assemblyman
Stavisky was on the Education Committee, and seven other mem-
186
bers cosponsored the bill.

The key provisions of the proposal are in the first
paragraph, which states:

No person shall sell or offer for sale to any
person enrolled in a university, college, academy,
school or other educational institution which is
chartered, incorporated, licensed, registered or
supervised by the regents of the university of the
state of New York or by the state education
department any assistance in the preparation,
research or writing of a dissertation, thesis,
term paper, essay, report or other written
assignment intended for submission to such
educational institution in fulfillment of the
requirements for a degree, diploma, certificate
or course of study.

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Violation of the law was enjoined by a \$250 fine. Exempted
from the above, nevertheless, were help in research or writing
as part of some established program; tutorial assistance other
than helping to prepare an assignment; and services such as
typing and reproducing manuscripts.

Stavisky made a formal justification of the bill on the basis that term paper companies "brazenly advertised" their activities. Furthermore, he asserted that the problem "demeans the state's public and private educational systems and undermines the integrity of all academic degrees and diplomas." He mentioned that the bill was widely supported. In addition, the Attorney General opened an investigation of the companies. Assemblyman Stavisky himself spoke with counsels for the State Education Department to devise an effective statute. 188

After filing the bill, Stavisky circulated copies of it through the academic community. Afterwards, on February 11, 1972, Stavisky convened a conference at Hunter College. "Administrators, faculty, student government representatives and newspaper editors from 25 academic institutions within the New York region" were invited to cooperate. The invitation form itself described the bill, its support, and preparation. 190

The objectives of the gathering were two-fold "'to enlist the cooperation of a broad cross-section of the academic community for legislation and for appropriate action on campuses.'" On the day of the conference, before the meeting actually took place, a press release was issued. 191

A number of persons attended the forum, with very few students present. There was a candid discussion of the issues involved for two hours. One student used this opportunity to speak against the bill, saying that faculty themselves were part of the problem of plagiarism, because at times they assigned term papers which they failed to read. 192 193 194 195

He even proposed that when this occurred faculty should be
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fined. Thus, the discussion of the new forms of deviance
may serve as a forum to raise subsidiary problems, possibly
related to the deviance, as well as to maintain public aware-
ness and pressure for legal action and control.

Dr. Arthur Pfeffer of John Jay College spoke against term
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paper services. Assistant Attorney General Stephen Mindel
mentioned that court action was pending against Termpapers, Inc.;
and the complications of the case stemming from thefts of papers
at Harvard and Columbia. He said that the companies diminished
the "'integrity of the educational process.'" Hence, he
supported AB 8651 and urged the academic community present at
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the meeting to do likewise. Stavisky summarized two staff
reports describing the companies. Other persons also spoke or
199
asked questions.

Finally, Assemblyman Stavisky described the bill, saying
that he expected it to become law on September 1972. He added
that a new element in the problem was that order forms filled
out by customers could be used to blackmail the latter. He
described the companies as "'the piranha of the academic
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world.'" Moreover, he mentioned elsewhere that schools
were "turning out poor professionals" if students learned only
how to beat the system. If this was indeed the case then
obviously something important needed to be changed, for example,
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adopting non-graded instruction.

Stavisky noted that the Attorney General was going to
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cooperate with him on the bill. In concluding, he urged

participants to let their views be known to the Chairman of the
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Assembly Education Committee. Some participants at the conference wanted revisions of the bill. A majority wanted the bill to exclude term paper purchasers, because they thought that
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schools themselves should discipline these students. Assemblyman Stavisky mentioned having support at the meeting for his idea to upgrade the bill from a "violation" to a "Class B misdemeanor" which includes up to 90 days in jail. In addition, support was given for the power of the Attorney General and the
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State Department of Law to seek injunctions.

Around this time, Allan Kawadler, owner of Minuteman Research, commented that the bill ought not to pass unless published review notes and the Encyclopedia Brittanica's ser-
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vices were also outlawed.

In late February 1972, Attorney General Lefkowitz recommended to Stavisky to amend the bill, forbidding research firms from purchasing papers and transferring information concerning
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students. The Representative incorporated these changes in the bill, and in addition made some of his own. The new proposal became Assembly Bill 8651 Amended (See Appendix 6), and it was re-introduced in the legislature this time with
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almost double the number of cosponsors.

Assembly Bill 8651 Amended

The main provision of the previous bill was enlarged to forbid the sale of dissertations, term papers, etc., to students in any New York State schools, rather than only those supervised

by the state. A second main provision that no person could sell term papers to a writing service was added, aiming to curtail sales of stolen papers. To the previous exemptions of the bill was included the use of statistical, computer, and other similar services. In addition, no person was prevented from selling copyrighted materials when the owner gave his approval, as long as these were not intended for submission as a dissertation, term paper, or the like. We may add that in a "Statement of Legislative Purpose" made elsewhere, Assemblyman Stavisky noted also "certain publishers of encyclopedias and similar reference works ... are concerned" as to whether the new bill prohibited their services. This was not the intent of the bill when such reports were sold primarily to subscribers, and were not
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"intended for submission to schools ... as ... term papers."

Finally, the amended bill specified that information concerning
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purchasers could not be sold or transferred. Punishment for

violating the new statute was upgraded to a "Class B mis-
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demeanor."

The Attorney General was granted the power to request an injunction, as well as "take proof and make determination of the relevant facts," in case of violations of the law, implying that he could examine company records.

Support and Opposition to Assembly Bills 8651 and 8651 Amended

Assembly Bill 8651 and its amended version gathered wide support in New York State: from the Attorney General, the State Education Department, newspapers cancelling ads, editorials, participants in the Hunter College conference, and "the academic

community" in general. In addition, there were "'letters of support and academic resolutions from varied educational sources.'" ²¹³

With this kind of support, the bill passed easily through the Assembly in April 1972. In glaring contrast with the California legislation, there was only one dissenting vote in New York State. ²¹⁴ Stavisky's "battle was only half over," however, as the bill had yet to be studied by the Senate Education Committee. Nevertheless, Assemblyman Stavisky foresaw "'no opposition,'" in spite of the fact that the bill lacked a formal Senate sponsor. Indeed, the bill passed the ²¹⁵ Senate in May 1972.

Subsequently, Assemblyman Stavisky sent a letter to "academic administrators, faculty and student government representatives" announcing that the letters and resolutions sent in by the academic community at large had "aided immeasurably in securing broad multi-sponsorship of the bill and in gaining passage through the Assembly and the Senate." After reviewing other developments pertaining to the bill, Stavisky requested his correspondents to write to the Counsel of Governor Nelson Rockefeller (forwarding a copy to Stavisky), asking that the bill be signed into law, perhaps by stressing the impact term paper companies had upon the respondent's ²¹⁶ institution.

Dr. Pfeffer, for one, followed up this request with a strongly worded letter, addressed to Michael Whiteman, Counsel to the Governor. Pfeffer also enclosed the John Jay College

resolution. Furthermore, he sent a copy of this letter to a
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fellow teacher, one who had previously testified in the
court action against Termpapers, Inc., apparently to maintain
the latter's interest in the matter until the signing of the
bill.

Finally, Governor Rockefeller signed the proposal into
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law in June 1972, to become effective in July. The New
York Legislature usually moved at a "snail's pace of action"
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on other bills. This suggests that influence in the bill's
favor was strong and opposition was very weak.

The new statute set a precedent for other states. Maryland
passed legislation effective in July, 1972, "based almost
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entirely on the wording of the New York law." The following
year Assemblyman Stavisky wrote a major article in the Political
Science Quarterly about term paper services, stressing that the
New York law was a "reaffirmation of the importance of education
to the student" who also needed to learn term paper writing
skills. He concluded:

If sophistry is inculcated among the young, what
hope is there for ethical conduct in later years?
and if educational opportunity is abdicated, when,
if ever, will it be redeemed? 221

Sanctions Against Student Offenders

The possibility of academic punishment against term paper
purchasers was always present, but very few cases were actually
prosecuted. A "few instances" of plagiarism were found at John
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Jay College. At Syracuse University, on the other hand, no
cases of academic dishonesty were brought to the attention of
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the committee in charge. Similarly, a New York City Police

Department's warning letter directed to policemen who were students did not result in any case of policemen punished for plagiarism offenses. ²²⁴ At Brooklyn College, students were reported to have continued buying term papers in spite of ²²⁵ "threats of punishment or expulsion by teachers." Finally, no professor interviewed in any college of the New York metropolitan area ²²⁶ had caught students submitting purchased papers.

Furthermore, Attorney General Lefkowitz chose not to prosecute Tempapers, Inc. customers, although he had records of their names. The Attorney General felt that it should be up to the schools involved to punish these students. Although an Assistant to the Attorney General commented in an interview ²²⁷ "'don't put us in the position of protecting violators of the law,'" this was a latent outcome of this decision, nonetheless. Elsewhere it is mentioned that the Attorney General's ²²⁸ aim was to close the company rather than to prosecute students.

Effectiveness of Sanctions Against Term Paper Companies

Sanctions against New York writing services met with partial success. Tempapers Unlimited, for one, went out of business, and other companies modified their sales approach ²²⁹ from selling term papers to selling "research aids."

The new legislation was only partially effective. Many ²³⁰ students probably were unaware of the statute, and purchasers ²³¹ were not penalized by it in any case. Other students, meanwhile, continued using traditional forms of plagiarism rather ²³² easily.

We must underscore that the new form of deviance continued

been available to New York State students, although not so easily accessible. For instance, Collegiate Research and Advisory Service, a branch of Ward Warren's company, continued advertising in New York long after the court action and legis-
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lation took place. The advertisement copy for Collegiate Research took care to emphasize the fact that its location in Rutherford, New Jersey, was only a few miles away from
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Manhattan.

Subsequently, other sanctions against research corporations were implemented from time to time. For example, Write-On, Inc., advertised extensively in The Spectator of Columbia University. The Attorney General obtained a court order against
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this business in January 1973. Similarly, an individual who advertised term paper sales in Queens College newspapers was
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ordered to desist, and fined \$250, in October 1973.

Nevertheless, other writing companies continued doing business. In November 1973 Assemblyman Stavisky requested the Attorney General's assistance to stop advertisement for the services, which were running in newspapers of five City
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University of New York schools and at Columbia. Around this time it became clear that ads had reappeared.

Advertisements continued. In March 1974, Attorney General Louis Lefkowitz and his Assistant Stephen Mindell met with representatives from twenty colleges to discuss the new situation. A recent survey showed, said the lawyers, that although the 1972 statute banned ads the schools of the area encouraged advertisements for the research companies by

having a laissez-faire attitude, or being actually receptive to them. All told, the result was "... that despite the ban in state law, it was ... easy to advertise."²³⁸

Therefore, Attorney General Lefkowitz requested the administrators' help in order to control these advertisements. Lefkowitz also pointed out that students themselves had not been included in the statute regulating the companies, precisely because it was assumed that schools would punish cheaters. Hence, Lefkowitz warned the university representatives that those schools which allowed term paper ads could actually be charged with "complicity" in such sales.²³⁹

All these warnings apparently were to no avail, as even tougher admonitions were issued in summer 1974, even to the extent of threatening students who purchased term papers that the new state law could be potentially applicable to them.²⁴⁰ We speculate that this situation continued even later on, because as late as December 1975 one ad appeared for an out-of-state company in a New York City school newspaper.²⁴¹

In conclusion, formal sanctions against the companies initially helped to control these businesses.²⁴² Moreover, the new statute served as a later time as well, when they continued or re-initiated their activities after undergoing some modifications in their sales approach.

SUMMARY

In summary, writing services in New York State created a new form of deviance supplementing traditional cheating. The modus operandi of the companies was similar to those in

California. We may add that, in one case, papers bought to build up term paper files were stolen and, in other cases, they were purchased from among the old papers of the company writers. Advertisement was regular in some schools and intermittent in others. It was hard if not impossible to prove plagiarism based on internal evidence of a term paper alone, regardless of teachers' suspicions. Empirical findings show that Termpapers, Inc. was a profitable company.

Reactions by several groups to research corporations, insofar as they became public, occurred only after newspaper stories or advertisements brought the deviance out in the open. It was reported that term paper ads were appearing without complaints from school members in several colleges. This comment does not wholly apply to events occurring at Long Island University, where faculty reaction seemed to have taken place soon after the ads appeared. Even in this case, however, when advertisements originally appeared during the spring 1971 only two persons bothered to complain about them; and no inquiries concerning the operation of the companies in New York followed.

Attitudinal reactions which were publicized, among students, faculty, and other groups, were generally negative about the writing corporations. The opportunity to discuss plagiarism also served to air out feelings concerning shortcomings of the educational system in general.

In some schools, apathy concerning the whole subject was the rule. Nevertheless, even a small number of complaints,

especially if continuous, appears to be enough to convert a new form of deviance into a "public scandal" by virtue of publicity. The individuals complaining in New York were few, but they had substantial impact upon policy makers, depending on the receptiveness and the objectives of the latter.

There need be no unanimity of opinion concerning the possible threat represented by the new form of deviance in order to convert its existence into a "scandal" which may result in social policy changes to control it. Students were divided on the issue, and teachers appeared to be firmly against research corporations.

Publicity concerning these firms contributed to advertise them to potential customers, and made teachers aware of it, helping to validate the latter's views that formal sanctions were necessary. Teachers felt freer to report instances of the deviance coming to their knowledge, increasing attention to the already existing machinery of control, and thereby strengthening it.

Nevertheless, few if any actual punishments actually taken against cheaters were publicized. It appears that precautions taken by the companies in their sales were sufficient to make purchasers anonymous. Even when this anonymity was broken, under court subpoenas impounding records of student purchasers from several companies, Attorney General Louis Lefkowitz chose not to punish cheaters. Similarly, participants at the Hunter College conference agreed that each school should police their own students. In practice,

no punitive measures were actively undertaken, as against editors advertising the companies, for instance. This lack of negative sanctions encouraged the continuation of the deviance to some degree, in the years following legislation and court action.

Editors of school newspapers cancelled advertisements for term paper companies in some institutions, but other editors decided otherwise. Sanctions against a new form of deviance may thus succeed in curtailing the controversial activities although not eliminating it.

Term paper ads were one main focus of the efforts to exert social control over term paper corporations. This approach was indirect, insofar as it did not aim to close the businesses themselves. Assemblyman Stavisky and later Attorney General Lefkowitz acted as strong leaders when trying to exert pressure on school administrators in this area. They succeeded to some extent, but a number of newspapers continued to accept ads because the editors desired to do so. Attempts to control new forms of deviance in this case appeared not to succeed completely, and needed to be renewed periodically as the deviants adapted their businesses to the letter, if not the spirit, of the law by appearing as "research" companies.

Regardless of the fact that institutional forms of social control in New York State failed to obliterate the research businesses completely, these efforts had a cumulative effect as they influenced similar policies been undertaken in other institutions and/or states elsewhere. A precedent was set for

the future in this issue.

Court action against Termpapers, Inc., and its subsidiaries was initiated following complaints from a number of persons, several of them being mentioned in the court brief to strengthen the case. The triggering event in New York was a Long Island University Faculty Senate resolution in November, 1971. Insofar as representatives from this organization actually contacted persons with institutional power, the former acted in the position of "moral entrepreneurs" who actively seek to obtain help in order to control a new form of deviance. Thereafter, the actions of "moral entrepreneurs," as well as pressures from other persons who do not contact government and/or university officials directly, may result in actual changes of social policy by public and institutional officials. The reactions of the latter two groups, in turn, may help to provide a cumulative reinforcement of the viewpoints of "moral entrepreneurs," as well as other persons. For instance, penalties stipulated against Termpapers, Inc., became social facts with some deterrent effect, regardless of the objective reality that the company did not pay the fines.

The Attorney General and Assemblyman Leonard Stavisky coordinated their actions insofar as the timing of the court complaint, preparation of new legislation, and the Hunter College gathering. Assemblyman Stavisky, furthermore, was personally concerned with the issue, and actively promoted his proposal by requesting from other persons support and influence in order to bring the legislation into law.

Moreover, he did not take for granted that the legislation would be passed, or even that it would receive approval from the Governor after the Assembly accepted it. As a result, success and unanimity concerning the wisdom of such a statute were clear, in obvious contrast to difficulties, as we have seen, that occurred in California.

The policy-making process seems often to originate in complaints that are made by individuals who participate in the activities of an institution where the new form of deviance is felt. If these complaints are redressed the issue is ended forthwith, as it occurred with term paper company advertisements at a Long Island University newspaper in the spring of 1971.

Thereafter, the deviance recurred, and new complaints followed. Seavanhaka editors at the school above refused to pay heed of warnings to curtail advertising, leading to an angry faculty resolution as well as a formal complaint to public officials. Meanwhile, there were few if any reactions in other institutions.

When Assemblyman Stavisky became interested about the problem, he contacted other state officials, particularly the Attorney General who had also received complaints, and a strategy was worked out.

Stavisky then sought support for his bill from "the academic community," partly in the form of a conference organized by himself. He requested new opinions about the legislation, while Attorney General Lefkowitz reinforced Stavisky's as well as his own position on the issue.

Following upon Assemblyman Stavisky's advice, some people wrote letters to the chairperson of the Assembly Committee. Afterwards, Stavisky again requested that letters be sent, this time to the Counsel to Governor Rockefeller. As a result of these various pressures from a variety of sources, the term paper bill had a resounding success being passed in spite of the fact of a sluggish assembly.

From another point of view, nevertheless, no attempts to change the educational system were emphasized. In other words, the new form of deviance did not lead to new plans, such as a full-scale study of traditional forms of cheating, although some professors became more aware of the pervasiveness of such cheating. New forms of deviance thus may raise alertness about older areas of deviance to some degree.

Specific individuals served as articulators of dormant opinions concerning a new deviance. In a number of schools, students and/or professors passed resolutions against term paper companies. These resolutions strengthened the views of public policy makers, who were prodded into sanctions against the services. Control over a new deviance may occur within local institutions, but sanctions may be limited because of conflicts among competing groups.

Following complaints from individuals or groups, some but not all public officials feel the new deviance falls under other jurisdictions, either for political, bureaucratic, and/or personal reasons. Government officials at the state level in this case responded more directly than did other officials,

although city officials also made some attempts to control students under their jurisdiction, such as done by the New York City Police Department.

Reactions against term paper purchasers were piecemeal. Threats against purchasers provided some unknown deterrent effect, although it was reported not to deter students at one school.

Very few students were punished following the successful law suit against **Tempapers, Inc.** and its subsidiaries or the enactment of New York Assembly Bill 8651 Amended (effective July, 1972). In any case, neither was intended to affect students directly, the emphasis being placed on controlling the companies, i.e., the openness with which the new form of **deviance** was carried out.

In June, 1972, **Tempapers, Inc.**, was permanently forbidden to do business. Other companies modified their operations in 1972, indicating in their advertisements that they sold only "research aids." Subsequently, the new statute was used to prosecute some of the commercial writing services, but others, mainly out-of-state companies, continued doing business. After one to three years had passed schools stopped efforts to control advertisements. This made companies easily available, although perhaps not as easily as formerly (when located in mid-Manhattan, for instance). Hence, sanctions against new forms of deviance help to establish some social controls over the deviance by partially suppressing it or by promoting changes in the outward modus operandi which allow it to continue in

operation, but no longer as an open threat to the directly affected institutions.

The final result of changes of social policy in New York was that there was less possibility of purchasing term papers from commercial companies, and if done it would require more effort. In other words, new forms of deviance become a public scandal through complaints of some specific "moral entrepreneurs" who request assistance from leaders with institutional power to effect changes of policy. As the latter changes are taking shape, and after their later implementation, the form of deviance then was modified, so that it is not such an open or widely publicized threat. A new cycle may begin at a future date against the modified form of the new deviance. In the meantime the situation would return, other things being equal, to an equilibrium somewhat like that which had existed before the rise of commercial writing services.

CHAPTER V: TERM PAPER COMPANIES IN OHIO

Description of the Companies

Parallel to the series of events in California and New York, sanctions developed in early 1972 against local term paper companies in Ohio. One writing service, Easy Writer (Columbus) had opened in the Fall of 1971.¹ Three other companies began operating either in late 1971 or early 1972. These were Termpapers Unlimited of Columbus,² Educational Term Paper Research (Youngstown),³ and Termpaper Research (Silver Springs, Maryland).⁴ The description that follows refers only to the three local companies.

Sources of Term Papers

Termpapers Unlimited of Columbus was a branch of Termpapers Unlimited (Boston)⁵ and thus had access to the files of the latter.⁶ The supply consisted of "four volumes of term paper titles."⁷

The Writers

Easy Writer had a manager⁸ and 15 to 20 part-time writers.⁹

Means of Advertising

The three Ohio-based writing services advertised widely,¹⁰ "particularly through handbills and campus newspapers."

Product Characteristics and Pricing

The average price of papers from Termpapers Unlimited was \$10-\$20, although some orders went as high as \$100.¹¹ Easy Writer filled custom-made orders only, at \$4.00 per page.¹² It was claimed that none of the assignments made by Easy Writer got less than a C grade, with the average grade

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being a B.

Termpapers Unlimited protected purchasers by keeping a
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file with their names and the name of the professor to whom
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the paper was submitted. Easy Writer elaborated these pre-
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cautions by keeping student names by number only, and sub-
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mitting papers only once, anywhere.

Introductory courses, particularly Philosophy, were the
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prime source of Easy Writer's business. For Termpapers
Unlimited, a great range of fields was covered, but the greater
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part was in the Humanities. Most orders were placed by
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undergraduate males.

Size of Market

Termpapers Unlimited operated between February and April,
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1972. During this period, they sold 130 papers --86 to
students of Ohio State University (Columbus), and 44 to students
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from elsewhere. On these orders, the company grossed about
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\$2,000. After expenses, it does not seem a great income for
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a nine-week period. Easy Writer sold about 270 papers to
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customers during the Fall 1971 quarter. This writing company
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seemed to do the largest volume of business in the area.

The Rationales of Term Paper Company Operators

An agent for Termpapers Unlimited (Boston) mentioned, in
reference to the local Ohio branch of Ward Warren's corporation,
that the main research company did not condone plagiarism,
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because only "research packets" were sold. This argument
was used by other branches across the country, under directives
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from Boston headquarters. Easy Writer's manager, William

Lowry, acknowledged that students were committing a "form of plagiarism," but he rationalized that "others did the same thing."²⁹

ATTITUDINAL REACTIONS AGAINST TERM PAPER COMPANIES

The rise of writing firms was followed by reactions from individuals and groups. The chief reactions occurred within Ohio State University, mainly in the form of requests for a court injunction.

Student Reactions

No local Ohio State University students bothered to write to the student newspaper, The Ohio State University Lantern (hereafter referred to as Lantern), concerning the companies, but two out-of-state students did. One decried not the writing services as such, but the shortcomings of the educational system, that emphasized sheer repetition of knowledge. The schools, he said, needed to change the system.³⁰ The second student wrote³¹ along the same lines.

Faculty Reactions

Following a Lantern's lead story, one professor of English objected, in February 1972, to the activities of term paper companies.³² Another professor became aware of them only in³³ March, when he was interviewed by WBNS-TV of Columbus. The³⁴ History Department³⁵ and, later, the Philosophy Department passed resolutions against writing firms. Since Philosophy³⁶ students had been singled out as Easy Writer's best customers, the resolution seems to be a direct reaction to this adverse publicity.

Newspaper Reactions

The Lantern was the main source of information, in terms of number of stories and in-depth coverage, concerning Ohio research outfits.³⁷ The newspaper is part of the Ohio State University School of Journalism,³⁸ and aimed at promoting better reporting.³⁹ Students rely on this newspaper for college news.

In February 1972, the Lantern opened the "scandal" with a story describing commercial writing services doing business in the area, including with students at Ohio State. An editorial, next day, decried this and other unethical practices.⁴⁰ From the beginning, stories in the newspaper criticized the fact that the school was too big for students to know their teachers.⁴¹ An April story, for example, reminded the administration that closing down the firms would not stop plagiarism.⁴²

In late February, On Campus, another Ohio State University publication, commented negatively concerning the research services.⁴³ In March, the Citizen-Journal (Columbus) noted that plagiarism had been infrequent until term paper companies came around.⁴⁴ The Columbus Dispatch had an April story stating that cheating weakened "the moral fiber of the student and university." They argued, for example, that nobody wanted to be a victim of a surgeon who went through medical school by purchasing his assignments.⁴⁵ Finally, a Dayton Daily News editorial said that writing companies in the area should lead Ohio State University to review policies that increased pressures on students.⁴⁶

Reactions of School Administrators

In the first Lantern story, Dean of Students Kenneth L. Bader was quoted mentioning that it was difficult to prove when a student plagiarized a term paper. The Dean, therefore,⁴⁷ suggested no actions against the companies.

In February 1972, members of Ohio State University's History Department wrote a letter to Dr. Albert J. Kuhn, the Provost and Vice-President of Academic Affairs, informing the latter of the problem of writing services. Dr. Kuhn then became aware of the issue for the first time. Consequently, he ordered the legal firm representing the school to move⁴⁸ legally against the research businesses in the area.

In March 1972, Kuhn sent a letter to the members of the faculty, making them alert of the problem. He requested that the faculty re-evaluate their assignments, and to send him any suggestions they might have. Moreover, Kuhn continued, the subject was been discussed in some departments and in the Council of Academic Affairs. The English Department, for⁴⁹ instance, had expressed their concern to Dr. Kuhn this month. This message to the faculty came rather late, but it served to condemn the firms in no uncertain terms.

SPECIFIC REACTIONS AGAINST TERM PAPER COMPANIES

Concrete sanctions against writing services involved lawyers for Ohio State University and state officials, including the Ohio Attorney General; other colleges did not intervene. Reactions were similar to those of California and New York, including threats against cheaters, suspending advertisements,

and (mainly) injunctive relief.

Threats Aimed at Cheaters

In March 1972, one week before the Kuhn memorandum to the teachers, Dr. William B. Shook, Chairman of the Committee on Academic Misconduct, wrote a letter to the editor of the Lantern. Shook reminded students that cheating was a bad practice, penalized by school regulations. Moreover, he asked faculty members to be alert to instances of cheating, specifying that school rules required them to report cases of academic misconduct.⁵⁰ In spite of the fact that Dr. Shook appeared to be vigorously opposed to cheating, he did not put forth any new ideas or approaches to meet the emergent challenge of writing companies.

The Prohibition of Advertising

Soon after the Lantern's story initiating the "scandal," the newspaper's business manager, Al Ferdi, became concerned enough to place a "hold" temporarily on term paper ads. Nevertheless, he continued publishing them through the month of February 1972, because he could not find any explicit university policy against research companies. Later on, only one complaint⁵¹ was received, from a Department of Chemistry professor. It is interesting that even after this policy failure was pointed out by Ferdi, there was no immediate coordinated action against the ads on the part of the school's administration. The ads were eventually suspended, after a period of delay, either in⁵² late March or early April, 1972. Soon after, court action was instituted.

The owner of Termpaper Research (Maryland) reacted to the new Lantern's policy by writing an angry letter to the editor, decrying censorship of these ads. He argued that closing the writing firms was futile, because either the companies would continue doing business in other ways or students could obtain papers from elsewhere. He also pointed out, in closing, that fraternities had term paper files and term paper assignments
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were busywork, anyhow.

LEGISLATIVE ACTION AGAINST THE COMPANIES

According to Dr. George P. Crepeau, Assistant Vice President for Curricula, Office of Academic Affairs of Ohio State University, legislation in California was investigated, apparently by the lawyers handling the case, as one possible measure of social control which could be applied in Ohio. Nevertheless, it was eventually decided not to seek passage of a new statute. The feeling was that Ohio State University itself, rather than government agencies as such, should take
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care to clean its own house of cheaters.

COURT ACTION

A court complaint asking for an injunction against the three Ohio term paper companies was the main action taken against these businesses. After Dr. Kuhn contacted the university lawyers, in late February 1972, the latter began to study court injunction plans in New York, as well as efforts
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to pass legislation in California. Changes of social policy in the Ohio situation, therefore, thus considered and were influenced by strategies being contemplated elsewhere. This

resulted in a cumulative process of control. I do not mean "cumulative" in the sense of "growing," but with the implication that when a new form of deviance appears in one place, people simply learn how it has been handled elsewhere and may adapt the new techniques.

Around the middle of March 1972, the school was still⁵⁶ deciding how to take legal steps to solve the problem. In a March 28 interview, Dr. Kuhn indicated that the option of legislation still remained open. In addition, the lawyers⁵⁷ were actively seeking an injunction. There was no mention in the story that a court complaint was all ready to be filed the following day.

As indicated, the complaint was filed on March 29, 1972. The formal complainants were the Trustees of Ohio State University, versus Termpapers Unlimited of Columbus, Easy⁵⁸ Writer, and Educational Term Paper Research (Youngstown). The brief argued that these companies interfered in the relationship between the school and its students by helping the latter to commit fraud. A temporary injunction was requested in the meanwhile, along with a demand that all company records⁵⁹ be submitted to the court for inspection.

Dr. Kuhn signed a supporting affidavit, outlining university rules against plagiarism. He claimed that the research firms promoted violation of these rules, thus damaging the school and its public image. An ad in the Lantern was offered⁶⁰ as evidence.

The temporary restraining order was requested by the

Office of the Ohio Attorney General, acting on behalf of the
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Trustees of Ohio State University. The order was granted the
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same day it was requested, on March 29, 1972, "without
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notice" to the defendants. The reason for the latter procedure was that instructions were given to the sheriffs of the three respective counties where the companies were located to
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impound records and serve the injunction.

Within one day, part of the records located in the office
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of Termpapers Unlimited were seized. These documents were
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locked up and made unavailable to the public thereafter. Prior to the actual impounding procedure, WBNS-TV and U.P.I. reporters called up the company, informing someone there of
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the injunction. A friend of the manager forthwith found enough time to remove from the premises lists of customer
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names and some other records. This belated action shows that operators of the company were not particularly keen in protecting the confidentiality of the documents. The fact that members of the business were informed beforehand concerning the upcoming impounding also proves, on the other hand, lack of coordination on the part of university and state officials to achieve their stated aims of social control.

Subsequently, the restraining order was extended from the initial deadline of April 10 until April 26, because some
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defendants had not been located to serve them the injunction. In the meanwhile a hearing was held on April 20, 1972, following the issue of summonses to the managers of all the writing services, their employees, and other concerned individuals.

The managers were requested to bring with them all records
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pertaining their businesses.

George Wm. Lias acted as the principal attorney, representing Gerald S. Lobosco, manager of Tempapers Unlimited. Dean G. Reinhard defended William Lowry, operator of Easy Writer. Reinhard for the most part simply concurred with the arguments presented in Lias' formal defense brief. An injunctive petition against Educational Term Paper Research (Youngstown) became a separate court action filed in that town.

George Lias' legal argument on behalf of Lobosco was, in brief, that the temporary restraining orders suffered from certain procedural defects, besides the fact that they violated his client's freedom of speech and press. One of the main precedents used by Lias to support his contentions was the Supreme Court decision to allow the publication of "The Pentagon Papers" in The New York Times without prior res-
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traint.

On April 18, 1972, Reinhard filed a motion to protect
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Lowry from turning in Easy Writer's business records,
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arguing that they contained confidential research.

The hearing took place on April 20⁷⁴ and 21.⁷⁵ Dr. Kuhn was one of the witnesses, and argued that the purpose of research services was different from fraternity files, which served only as "study aids." Kuhn mentioned that some students at the school had already admitted to have purchased term papers.
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These persons were already under investigation.

A February 10, 1972, television interview, featuring

William Lowry, was shown at the hearing. In the interview, at one point, Lowry admitted that indeed he did not actually know whether some of his customers were students from Ohio State University.

Toward the end of the hearing, Gerald Lobosco voluntarily turned in to the court a total of 130 order forms filled out by his customers. He stated then that he did not condone plagiarism. On the contrary, materials sold by Termpapers Unlimited were "for research only," Although Lobosco admitted that the term papers sold by his company could be used to plagiarize, it was up to Dr. Kuhn to actually prove whether or not individual students had "abused the product."

During the hearing, furthermore, Jacob E. Davis II and Duke W. Thomas, attorneys representing Ohio State University, presented a memorandum, arguing at length that the sale of term papers was not an area protected by the First Amendment. On the contrary, they said, such sales were against public policy and the "interests of the public welfare." In addition, these sales interfered in the relationship between the school and students, as the latter were encouraged to commit fraud. Finally, commercial writing services also fell under "the general rule that an illegal act does not become legal merely because it is committed in spoken or written form."

Another memorandum by Davis and Thomas supported the temporary injunction order. After reviewing the modus operandi of the companies, the lawyers argued three main reasons for closing the businesses:

1. To protect the public interest, because the firms promoted plagiarism. The New York State injunction against Termpapers, Inc., was mentioned as a precedent protecting the public interest.

2. To protect the mutual relationship of trust between the school and students.

3. To stop the research services from benefiting from the students' fraud against the university.

Soon afterwards, on April 25, 1972, Judge George B. Marshall granted the preliminary injunction sought by Ohio State University.⁸⁴ Two days later, Lias answered with four defenses.⁸⁵ Lias, finally, also wrote a letter to Davis and Thomas, protesting the "broadness of the injunction," and firmly disagreeing with its conclusions.⁸⁶ The last entry listed in the court's journal for this case was a petition⁸⁷ from Reinhard to withdraw from the case, in June 1972.

Sanctions Against Student Offenders

What remains to be seen is how the university policies were formed concerning those students who had purchase orders appearing in the files of Termpapers Unlimited, and whose names became available to Ohio State University as a result incidental to the court case.

On March 30, 1972, the day after the injunctive action was filed, a Counsel for the Ohio Attorney General said clearly that student purchasers would be punished if the companies' sale records ever became public. Dr. Kuhn confirmed this⁸⁸ opinion. Nevertheless, a few days later, Dr. George P.

Crepeau, Assistant Vice President for Curricula at the Office of Academic Affairs, sought to clarify the school's policy in this issue, stating that the major aim of the court injunction was to close down the writing companies, rather than the "purging" of students. It was true, however, that at least one purchased term paper was required as evidence in the case. The writer of the article ventured his opinion that "it would be a bad policy" "to dig up company records to use against students." ⁸⁹ The administration, however, did not present any new policies to correct traditional cheating at the school.

As we indicated, sometime in late April 1972, 130 completed ⁹⁰ order forms were made available to Ohio State University. When this happened Dr. Kuhn explained the consequences of this development by saying that students might indeed face disciplinary ⁹¹ sanctions. He also indicated, however, that students would have a hearing in each individual instance of plagiarism, ⁹² as no wholesale "vendetta" was being planned against cheaters.

On April 22, 1972, the day after the hearing, Kuhn wrote another memorandum to the university faculty, outlining for them the legal grounds used in the court proceedings. He also indicated that the objective of the suit was the preservation of ⁹³ Ohio State University's integrity.

In late April, instructors at the school were informed that they were to carry out investigations of each alleged case of cheating uncovered from the records of Termpapers Unlimited, done by students in their classes. For those faculty involved in carrying out this task, they were to follow

current university procedures. This is, the teachers' recommendations would be sent to the department chairmen and the latter's opinion, in turn, to the Committee on Academic Misconduct, for a final disposition.

As these events unfolded, the American Association of University Professors, Ohio State chapter, urged students to request faculty to serve as counsel, and some students took this advice. By the time the investigation was about to begin, a dozen students had already confessed to the school authorities that they cheated. Eventually, their names and the names of all other undergraduates involved were sent to each appropriate instructor. According to long-standing university policy, all proceedings were confidential.

Kuhn and Crepeau felt that when Gerald Lobosco turned over to them the completed order forms showing the names of student purchasers, he forced them to act. The publicity thus considerably narrowed the options open to decision-makers as to how they could treat individuals participating in the new form of deviance who had been caught.

After the formal administrative procedure to deal with cheaters was announced, the Lantern editors decried Lobosco's "broken trust" when he released completed order forms of Termpapers Unlimited. Other persons felt likewise. For instance, one faculty member remarked that "the consensus of informal opinion in his department is to drop the matter before it ever comes up."

In due course, 82 students at the school, who had

collectively purchased 86 term papers, were investigated.

The final outcome was that several of these individuals were found to be "guilty of academic misconduct." Dr. Shook,

Chairman of the Committee on Academic Misconduct, declined to
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give details. In several instances, we may add, students rewrote term papers they had purchased due to the poor quality
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of the originals. Eventually, after considering 90% of the students, "the great majority of the cases had been dismissed
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because of a lack of evidence."

As an aftermath, in July 1972, a Lantern writer said that some people blamed teachers who, in a way, promoted plagiarism by giving bad assignments; while other people blamed lazy students. Moreover, Durfy felt that existed "a hostile under-current among some students, faculty, and administrators" concerning writing firms. He suggested that the Committee on Academic Misconduct investigate the causes of plagiarism, and inform departments about them. Finally, he suggested that Dr. Kuhn could ask department chairmen to review term paper
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assignments. As of August 1972, however, nothing of this
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sort had been done officially.

SUMMARY

In summary, research firms in Ohio developed in late 1971, around the same time as their California and New York State counterparts. The outfits in these three states shared similar format and modus operandi. Easy Writer differed in keeping purchase records only by number rather than by name of purchasers, as well as selling term papers only once.

Sanctions against the new form of deviance began only after the Ohio State University Lantern, the school's student newspaper, carried a feature story about the local firms. Some individuals and groups condemned research services and used the opportunity to point out educational problems which encouraged plagiarism. Dr. Albert J. Kuhn, Ohio State University's Provost and Vice-President of Academic Affairs, wrote to the faculty to make them aware of the problem, and asked them for suggestions to deal with it. No long-range efforts were proposed to change the status quo.

Stories by various Lantern writers served as the main source of information about the new deviance. These articles and stories in newspapers elsewhere helped to create a "scandal."

Although apathy prevailed, a few complaints led to several concrete reactions. Threats helped to provide some deterrent effect against the deviance. The companies' ads were cancelled, and a court injunction forbidding their activities was obtained .

Stories in the Lantern were the original source of influence over members of the History Department, who subsequently passed a departmental resolution condemning the companies and wrote a letter complaining about them to Dr. Kuhn. Until that point, Kuhn was ignorant of the problem. Therefore, the History Department faculty may be conceptualized as the "moral entrepreneur" actively contacting a person with institutional power. Kuhn then became a leader in this issue ordering that changes of social policy be initiated. His bureaucratic power in a centralized institution allowed a swift decision. Subsequently,

members of the legal firm acting as attorneys for Ohio State University followed through the matter, just as it was being done in the parallel situations of California and New York.

Thus, following the "scandalization of deviance"¹⁰⁹ in the mass media, "moral entrepreneurs" play the role of helping to alert persons with institutional power about the deviance. The latter individuals may then become 'leaders' in the controversy insofar as they actually make a decision to initiate specific changes of social policy to control the emergent form of deviance. The efforts of various 'leaders' in different states tend to become cumulative, in the sense that one learns from others innovations in methods of social control.

In this case study, following an initial period of inactivity, Dr. Kuhn developed strong negative reactions to the writing firms. The strength of reaction by the decision-maker in bureaucratic settings, plus the practical policies undertaken to control overt aspects of new forms of deviance, are thus fundamental in promoting social control of the new deviance.

Jacob E. Davis II and Duke W. Thomas, counsel for Ohio State University, entered the situation after Kuhn directed them to do so. The lawyers were helped by William J. Brown, Attorney General of Ohio, who acted without hesitation. Thus the swift resolution of the case was that the research firms closed down. Government officials dealing against a new form of deviance may find it easier to do so when requested by a single but very powerful institution, regardless of the latter's status as a private rather than a public university.

Sanctions against student purchasers of term papers did not develop readily or unequivocally. The principal objective of Ohio State University administrators and government authorities was, from the beginning, to stop the term paper enterprises rather than to deal radically with students. This middle-of-the road attitude may have provided some deterrent effect, but perhaps stronger sanctions would have increased it.

It is important to underscore the fact that only a tiny minority of all Ohio State University undergraduates purchased their written assignments. This may have been partly out of lack of opportunity, as the research firms were open for only a relatively short period of time.

School administrators, in a way, were forced to act against student offenders, simply because the names of the latter were turned in publicly during the court hearings that took place. Subsequently, however, only a minority of these individuals were found guilty of plagiarism.

Administrators from other colleges in the area did not request the institutional affiliation and names of those students who had purchased the 44 term papers not belonging to Ohio State University, nor were these other colleges publicized.

In conclusion, administrators were alerted to the problem and the issue was solved through reluctant but fairly swift policy changes stemming from one large university. Regardless of this relative success in social control, and in spite of the fact that students, faculty, and administrators developed a

greater awareness concerning the overall problem of academic dishonesty, traditional forms of cheating continued all along. One survey, conducted at the very time of the controversy, showed that 20% of Ohio State University student respondents admitted cheating, in ways other than through term paper purchases.
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CHAPTER VI: TERM PAPER COMPANIES IN MASSACHUSETTS

Description of the Companies

International Termpapers was the first modern commercial writing service selling term papers openly and in a large scale in the United States. The firm was founded in December 1969, in Boston. For about a year it remained the only business of its kind in the country.¹ In the first year, its main concern was not selling term papers to students, but doing research for "advertisers, professional people, and teachers who need help with curriculum outlines."² Nonetheless, sometime after opening (certainly at least by August 1970) International Termpapers³ was selling papers; by Fall 1970, this was its primary focus,⁴ although the other activities still accounted for almost half⁵ of the sales.

International Termpapers was a legally incorporated⁶ business owned by William Camuti. For some time, it remained the largest such corporation in the United States. In early 1971 it claimed to have 330 writers on its staff, and 100,000 papers on file.⁷ The later figure was reduced only a month later to 80,000.⁸ The value of such claims was discounted by⁹ one writer in the business of selling term papers.

In the first quarter of 1971, Camuti claimed to have sold¹⁰ 3,500-4,500 papers, mostly to students. Prices ranged from \$2-\$3 per page for papers on file, and \$3-\$6 for custom-made assignments. Agents for the company stressed that the products¹¹ they sold were "research materials." Camuti and the owners of other writing companies felt that what students did with

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purchased papers was a private affair of the latter. Ethical
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considerations were thus left up to purchasers.

In the months preceeding February 1971, other research
companies opened up for business in the Boston area. Their
competition forced International Termpapers to engage in "large
advertising campaigns and price reductions" in term papers for
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sale. In addition, Termpapers International extended its
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scope of operations beyond Massachusetts. As of March 1971,
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it had opened branches in four other states.

International Termpapers continued to grow; by August 1971,
it was selling perhaps 60% of all term papers purchased in the
Boston area and 20% in the nation. But this prosperity did not
last long, since by mid-1972 it was estimated that its sales
were perhaps less than 10% of the Boston market and only a
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fraction of 1% elsewhere, apparently due to legal prosecutions.

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In late fall, 1970, Termpapers Unlimited began operating
in Boston, as an unincorporated business owned by Ward Warren.
He was helped by his brother, Kenneth Warren, and by other
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persons. Termpapers Unlimited competed with International
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Termpapers from the beginning; by March 1971, the former
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claimed to sell as many papers as the latter. Both firms
advertised heavily in the months preceding February 1971,
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leading to increases in sales and growing markets.

Termpapers Unlimited enlarged its operations in Boston and in
many other states, eventually becoming the largest business
of its kind in the country and surpassing by far all its com-
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petitors. In early 1972, it had 30 or more branches (most

being in the United States but some were in Canada). Later on, however, a drastic reduction occurred in 1972, resulting from problems in the operation of the business and from legal prosecution in several states. By mid-1972, Tempapers²⁴ Unlimited had shrunk to about 10 branches, including its²⁵ Boston headquarters, which remained open until November 1972.

A third writing service in Boston was Champion Research Corporation, also known as Universal Tempapers and Universal Research. The owner of this legally incorporated business was "David Martin,"²⁶ an individual who was known by several other names.

Martin began his job in January 1971, initially as a²⁷ writer for other writing services. He opened Champion²⁸ Tempapers in March 1971, writing himself papers he sold as well as acting as an agent for other writers. By early²⁹ 1971 he was earning about \$300 per week, but the income³⁰ was unsteady. Martin sold assignments mostly to students in Massachusetts, although there were sales elsewhere. He wrote a lengthy article about his business, one of several such stories, in The Harvard Crimson, reporting to have sold at least 1,177 term papers for the period April 1, 1971 -³¹ early August, 1972. For a school-by-school breakdown of these sales, see Appendix 7.

Martin did not care whether or not he was unethical. He rationalized his business by saying that persons calling them-³² selves ethical sometimes did pretty terrible things. Moreover, he was highly critical concerning shortcomings of the

educational system in general. He believed that his clients were a fairly representative cross-section of students in their schools. Martin's observations of them were very important in shaping his ideology concerning his trade. He summarized his experiences with student customers as follows:

The single most amazing thing to me, after more than a year running a term paper company, is college students' almost unbelievable lack of involvement in their own education. 34

A fourth research company in Boston was Quality Bullshit, 35 owned by Robert Roth and Kathy McCarthy. They began operations at least since March 1971, without a certificate of incorporation. Quality Bullshit was smaller than International Term- 36 papers and Term papers Unlimited. It was described as a 37 "bizarre" organization, meaning that the firm was unreliable and rather peculiar. Sometimes they went so far as to conduct 38 sales from a commune, notorious for its filthy surroundings.

In contrast with the other commercial writing services, Quality Bullshit was generous enough to sell papers at half the price of its competitors, and occasionally gave them for free to needy students. The firm claimed that its activities were justified ideologically. A member of the firm said, for instance, that Quality Bullshit was commendable since it helped 39 undergraduates to overcome the terrible stresses of academia.

An individual, Mr. B., owned and operated a fifth business, Term Papers Research, located in Boston, at least since February 1971. He referred his clients directly to specialists in the term paper subject which was desired. Mr. B. avoided contact 40 with the press; and was not mentioned in the initial articles.

This discretion was due in part to the fact, then unknown to the public, that he was doing graduate work at Northeastern⁴¹ University.

The five writing firms described were the only ones known as of early 1971. It is possible that other people were also⁴² doing business surreptitiously. In late 1971 and afterwards,⁴³ other research services appeared, adding to Boston's reputation as the center of the trade.

INITIAL REACTIONS AGAINST TERM PAPER COMPANIES: 1971

Reactions to the emergent deviance began slowly. A late February 1971 story by Rick Leo, in The Harvard Independent, seems to be the earliest published article. Leo described in some detail how International Termpapers and Termpapers Unlimited operated. Two Harvard University deans were interviewed, and neither suggested immediate or concrete reactions⁴⁴ at the school. Dean of Students Archie Epps, for example, was told that Warren planned to hire twenty more writers for Termpapers Unlimited, preferably from Harvard. Dean Epps' reply consisted in quoting current school regulations forbidding the employment in, or use of, tutoring schools by university members. Nevertheless, he himself doubted if research services could be included under the rule. Dean Epps did not appear to be eager for action, for all he planned to do was to check procedures concerning the matter. He mentioned, however, that he was sure that any student caught submitting purchased⁴⁵ term papers would be expelled.

Ernest May, Dean of Harvard College, was the other person

quoted in Leo's article. Dean May similarly appeared to suggest resignation rather than swift action with his attitude. He simply said, concerning the term paper companies, "'I can't think of what we'd do to get rid of them.'" He concluded expressing his hope that students "'would not cheat themselves out of an education by using their services.'" ⁴⁶

As of early 1971, knowledge about the writing companies was not confined to the two university officials cited above. Mr. Daniel Steiner, Harvard's General Counsel, for example, knew that these companies were operating in the area well before a late March 1971 article by Ellen Goodman of The Boston Globe made these firms obvious to the public at large. Steiner specifically recalled seeing advertisements and stories about the subject. When the aforementioned article appeared, then, Steiner did not learn much that was new. He did not think at that time that research companies were a problem. ⁴⁷ It is also true, however, that the first official concern about them began at Harvard. Even before the Goodman article was printed, Dean Epps sent a letter to Steiner asking for his advice. ⁴⁸ At first this letter was not publicized. ⁴⁹

Similarly, Mr. Phillip Burling, Counselor for Boston College, referred to concern about the new cheating prior to publication of the Globe article. He could not tell me precisely what it was, but he was sure that there was some previous pressure to do something about the companies. Burling recalled that lawyers representing schools in the area began to learn about the writing firms from stories in two local

newspapers, Phoenix and Boston After Dark. In addition, Burling thought that there had been reports concerning the companies in The Harvard Crimson, probably meaning Leo's article. In any case, he felt that the initial concern began when the Harvard newspaper first discussed the problem. Although he could not recall exactly how the counselors representing other schools in the area began worrying about the issue, he mentioned that for himself and Steiner perhaps they started to think about it on a trivial occasion as when talking to each other while going home together.
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Among large-circulation newspapers, The Wall Street Journal printed an article about the firms, on March 18, 1971, but it had only two paragraphs. The article mentioned the existence of two term paper outfits, how much they charged per page, and the fact that one of the companies claimed that none of its papers had received less than a B grade.
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As we mentioned, Ellen Goodman wrote a long article in The Boston Globe. It was entitled "Term Papers: Big Business in Boston," and it appeared on March 20, 1971. Goodman thus opened the topic for large scale public discussion, helping to initiate the "scandal," particularly in Massachusetts and in the nation at large.
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Goodman described the first four companies we discussed, emphasized the wide scope of their sales and presented the opinions of several deans on this problem. The views of the latter are important in order to understand the genesis of potential changes of social policy to control the new form of
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deviance.

In general, Goodman reported, all university administrators were unaware of the problem, except for "recently enlightened Harvard." Dean William Beals of Boston University, for instance, did not even know that commercial writing services existed in the area until he was questioned about them. He commented that in his experience professors generally did not dare to accuse cheaters, unless there was sure proof that plagiarism had taken place. Gilbert MacDonald, Dean of Students (later Vice-President) at Northeastern University, expressed a similar lack of awareness. He was surprised that such companies existed, because he did not know that students could afford term paper purchases.⁵⁴

Two years later, when I interviewed Vice-President MacDonald, he mentioned specifically that it was the Goodman article which had made him recognize the new businesses, although he had been aware of similar cheating attempts over the years. He wondered, incidentally, why someone else did not sell term papers before.⁵⁵

Goodman mentioned that at the time Dean Epps was interviewed by The Boston Globe he already had had "two weeks to think" about the subject. By the time of the interview, Dean Epps was reported to be "in a state of sputtering moral outrage." This anger was compounded after he learned that International Termpapers included some Harvard instructors among its writing staff. Epps remarked: "'It's outrageous. It strikes at the whole idea of education. I intend to press for a review of it.'"

At this time, however, apparently he did not mention that he had already forwarded a letter of inquiry to Steiner.⁵⁶ In contrast with the initial reactions by Dean Epps, when he was interviewed by Leo, it seems that his indignation was building up in relation to the press coverage of the problem.

Right after the Goodman story appeared, the very next day, Robert W. Hallgring, a faculty member of Northeastern University School of Law, wrote to his university President, Dr. Asa S. Knowles. The article, Hallgring said, confirmed his suspicions, and those of many others, as to the extent of academic dishonesty. Since cheating affected primarily college undergraduates, it was a threat to the fundamental purposes of educational institutions. Hallgring cautioned President Knowles that the neglect of cheating did not help the image of the academic profession, and noted that some unflattering references to Northeastern University had appeared in the⁵⁷ article.

Therefore, Hallgring suggested that since Northeastern University contained the largest undergraduate population in New England, it should exert leadership on this issue, which would be favorable to the university's reputation.

Professor Hallgring offered President Knowles several concrete suggestions to solve the issue. It appeared to him that internal measures taken alone by each school would not be effective. He felt that efforts should rather be directed primarily to put the main companies out of commission.

One approach was to research whether the sale of term

papers involved "criminal culpability," a grounds for court action. Legislation, Hallgring further suggested, could also be useful. This approach presented some problems, but they were surmountable. Hallgring noted specifically that "combined action is hard to achieve." Indeed joint action with other universities, would only "impede an effective solution." In concluding his letter to President Knowles, Professor Hallgring offered his help.

There were no immediate reactions on the part of Northeastern University's administration. One week after her first article, Ellen Goodman published a second one, quoting Dean MacDonald to the effect that administrators at Northeastern University were doing "'nothing to speak of at the moment,'" with regard to the companies. As a matter of fact, MacDonald was quoted as saying that besides a few jokes made to him in the corridors, only the university chaplains had expressed any concern. In the months that followed the chaplains held a number of meetings in which the ethical implications of plagiarism were discussed in
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detail.

In her second story, Goodman said that the research services had continued their rapid growth. Nevertheless, reactions by school administrators thus far were still weak, but building up. For instance, the faculty members of Babson College, the school where Ward Warren was an undergraduate, had discussed in a faculty council meeting his tie with Termpapers

Unlimited. They found this involvement "'very distasteful,'" ⁵⁹
however, no actions were planned against him.

Reactions were not lacking elsewhere. Following the first Goodman story, Dr. John R. Silber, Boston University's President, raised questions concerning term paper companies in front of deans at the school, who formed part of an administrative council. President Silber requested that the University Council deans try to find out how widespread was the problem. Some deans had felt at this time that The Boston Globe over-⁶⁰
emphasized the problem.

Nevertheless, these initial responses at Boston University were not sufficient to result in changes of policy toward the new form of deviance. In the March 27, 1972 story by Goodman, Dean Beal's secretary noted that "'the college had no plans to do anything yet.'" Nonetheless, the first story in the Globe did make people at Boston University aware that there was a ⁶¹
problem with the commercial writing services, just as had occurred at Northeastern University.

On March 29, 1972, Robert Minton, the Director of the Office of Public Relations for Boston University, reported to Dr. Silber ⁶²
the results of a survey of the deans at the school. This ⁶³
report was never publicized. According to Minton, the deans showed a primary concern "to verify the Globe's flimsy accusations." Moreover, Minton himself questioned the accuracy of the two stories by Ellen Goodman throughout his report, because he felt that yellow journalism was involved. His final conclusion was that the school "is not being inundated with

term papers purchased from agents." It is not surprising

that the deans adopted the position that the problem was not widespread, because it appears that deans in general are less aware than students concerning academic dishonesty. 65

In the office of President Silber, nevertheless, the decision was made not to follow through on Minton's conclusions. The original of Minton's report which was in the files of President Silber's office had many written comments on the side, and underlinings, asking for concrete proof of the specific observations made by Minton. A final remark concluded that Boston University could not afford Minton's line of defense. 66

Meanwhile, the second Boston Globe story had publicized the fact that Dean Epps of Harvard had contacted Steiner. In addition, at Harvard the issues had been discussed in a faculty meeting and in an undergraduate student meeting. Dean Epps also reported that the research companies had not been contacted as yet, in order not to "'put them on notice.'" Finally, he condemned the sale of term papers once again, assuring the reporter that the school "was not going to let the problem rest." 67

Few other persons shared Dean Epps' concern at first. Goodman commented in her March 27 story that she had received only one complain from readers. Yet complaints were usually received after other exposés. In this case, on the contrary, some students had called the offices of the Globe to ask for the telephone number of term paper companies! College newspaper editors, incidentally, continued running term paper ads. 68

Policy changes began slowly. Theoretically, then, we see that much law violation exists and is tolerated, until publicity⁶⁹ forces leaders to act. Here, the Globe claimed credit for it.

Indeed, the initial feeling among some persons was that nothing was being done. For instance, an anonymous letter writer to the Boston Globe editor commented in April 1971, that nobody seemed to be bothered by the writing services. It would have been nice to report investigations and crackdowns,⁷⁰ he concluded, but they were nowhere in sight. This idea was only partially true, as we have discussed that there was some concern taking place at several universities, but most of this was kept secret and unknown to the public.

UNIVERSITY ATTEMPTS TO COMBAT TERM PAPER COMPANIES

MacDonald of Northeastern University

Publicity about term paper companies in The Boston Globe influenced Gilbert G. MacDonald, Vice-President for Student Affairs at Northeastern University, to attempt changes of policy against the new deviance. His approach consisted in contacting and asking help from other Deans of Students of various colleges in the New England area. These efforts were never publicized. It is interesting that MacDonald chose to work with other people to solve the problem, in contrast with Professor Hallgring's preference and advice to Dr. Asa S. Knowles, Northeastern's President. Dean MacDonald first brought up the matter of research services in a late March (or early April) 1971 meeting of the National Association of Student Personnel, which was held in St. Louis, Missouri. This was

probably the first time that this subject was ever discussed in such meetings. At that time, in addition, MacDonald took responsibility for keeping some members of the Association⁷¹ informed about the subject.

Early April MacDonald informed administrators of other schools that several deans were interested in solving the problem. Dean MacDonald, for instance, told Dr. Stephen Joel Tractenberg, Dean for University Affairs at Boston University, that the administration of Babson College and Brandeis University were alert to the subject. Furthermore, by April 8, 1971, Mr. Robert I. Hunneman, member of the law firm of Palmer and Dodge and attorney for Northeastern, Wellesley, and Radcliffe, had met with Mr. L. Harrison Thayer II, a colleague who was a member of Hale and Dorr, Boston University's counselors. Hunneman informed Thayer that Northeastern University wanted to get involved. These initial feelers, promoted in part by Dean MacDonald, led Thayer to advise Dean Tractenberg that his feeling on the matter was "that maybe a coordinated effort⁷² of the various colleges would achieve better results," rather than new policies made independently by Boston University

Consequently, Dean Tractenberg suggested Dr. John R. Silber, Boston University's President, that the Dean's preference was for "joint action against the term paper writing people⁷³ rather than a solo venture." This approach was followed, along with parallel independent efforts in several schools. New social policies, thus, appear to depend on the work and pressure of particular leaders in institutional positions of power.

Dean Gilbert MacDonald continued his efforts. As of late April 1971, Paul Staakey, Vice President for Student Affairs at Babson College felt that "apparently it is Dean MacDonald of Northeastern who is trying to get the other colleges to join in
74
action."

On May 13, 1971, Dean MacDonald made good his promise to keep certain members of the National Association of Student Personnel informed concerning the latest development. MacDonald wrote a letter, collectively, to Paul Staake, Babson College; Mat Sgan, Brandeis University; George Larking, Hampshire College; and Richard Stevens, University of New Hampshire, telling them that he had spoken, in Boston, with Deans Staake, Sgan, and Tractenberg. Boston University was "exploring criminal action" at the time, but nothing was as yet happening. Moreover, lawyers for Northeastern were also pursuing solutions to the problem, yet Dean MacDonald said:
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"I am not at liberty at the moment to describe their activities."

The last comment suggests that the Dean would not fully share information with other potential leaders, although the latter occupied organizational positions similar to his, and were contemplating joint social policies. Moreover, Dean MacDonald also indicated that he had not spoken directly with anyone at Harvard University to discuss the issue. It appears, thus, that there were real obstacles in the decision-making flow between leaders as well as between them and potential leaders that could be drawn to work toward common strategies.

As of May, MacDonald observed as he ended his letter to the Deans, it had been quite difficult to "find the right

[legal] handle to apply." With the approach of summer vaca-
76
tions, however, the problem seemed to be losing salience.

Although writing firms reappeared in the fall of 1971, on November 3, 1971, Dean MacDonald informed a correspondent from Cornell University, among other things, that the Dean's attempts to develop a new policy to deal with the companies had been curtailed because a legal movement was very difficult to undertake. MacDonald summarized the situation:

"Northeastern, Boston University, Brandeis, and Babson attempted a cooperative effort to stop these companies. It failed because of lack of agreement as to what procedure to follow and the inability to find the proper legal 'handle'."⁷⁷

Although the initial group cooperated to some extent, no general plan of action was agreed upon. Initial talks among university officers concerning the need for changes of policies do not guarantee that the leaders, together with other persons acting in more peripheral leadership roles, will ultimately be in accord on means of social control over the new form of deviance.

The process above was not a complete one, however, as the chain of communication among leaders and would-be leaders missed missed many links in terms of mutual information and coordination. Nor did the communication process end at that time, since their contacts concerning the matter helped them to keep in touch with one another, and to be sympathetic to each other's parallel and emerging attempts to implement changes of social policies insofar as the latter took place.

Hunneman and Northeastern University

Efforts to implement changes of social policies in response to the new form of deviance may be traced clearly in the activities of Mr. Robert I. Hunneman, a member of Palmer and Dodge, a highly respected legal firm acting as counselors-at-law for Northeastern University.

By April 8, 1971, as mentioned previously, Hunneman had met with Mr. L. Harrison Thayer II, a member of Hale and Dorr, the law firm who represented Boston University. Hunneman expressed Northeastern University's interest in finding a legal solution to the problem of term paper companies, in a joint effort with Boston University and other colleges. 78

On April 9, 1971, Hunneman spoke personally with Dr. Stephen J. Tractenberg, Dean for University Affairs at Boston University. The latter had been in touch with a representative from Hale and Dorr. A meeting was scheduled between all three groups. 79

In the meanwhile, events were developing independently at Harvard University, when Dean of Students Archie C. Epps requested the legal firm of Ropes and Gray, attorneys for the school, to find ways to proceed against writing corporations. This request was made in April. 80

At about the same time in April 1971, Hunneman privately assured Dean MacDonald that he would investigate all angles of the research companies. Hunneman's attention came first through reading newspaper stories on the subject. After beginning the legal groundwork, he and others in his firm tried to 81

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learn how the businesses worked. Several memoranda were
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prepared by Hunneman's staff in April.

Hunneman pursued the matter with interest because he represented Northeastern, as well as Wellesley and Radcliffe. Further, he was personally concerned about the issue, believing
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that the firms' operations were outrageous.

The Globe reported in May that Northeastern University had
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requested Palmer and Dodge's legal assistance. At this time a representative from the firm was about to visit the newspaper's
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offices, in order to obtain information about the companies.
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This research was repeated once again in June, suggesting the potential importance of the mass media as a source of information about new forms of deviance.

By June 1971 people at Northeastern had already spent a lot of time on the problem, but they did not know as yet how they
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would proceed. They had spoken, independently, either with
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the managers or legal counsel representing Champion Termpapers,
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International Termpapers, Quality Bullshit, and Term Paper
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Research, in this order. All these contacts initially
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produced negative results, as none of the operators would desist from their business.

Another avenue of action was taken by Bronslow M. Speer, a Palmer and Dodge member, when he contacted representatives for the Massachusetts Board of Higher Education. Speer scheduled a conference with Mr. Jack Sweeney, counsel for the Board, "to discuss draft legislation on term-paper agencies." A Palmer and Dodge staff member, Speer pointed out, was to take

a "draft bill" to the upcoming conference. Sweeney had been initially encouraging, indicating that the Board expected "to become active in this matter shortly, and is very interested in the possibility of legislation on the subject."⁹³

Nevertheless, nothing appeared to happen after the first meeting. In July 1971, Hunneman himself contacted and later spoke with Dr. Graham Taylor, Director of Academic Planning of the Massachusetts Board of Higher Education. Hunneman told Dr. Taylor that a number of private colleges were interested in passing legislation forbidding writing services to sell term papers to students. Hunneman presented several arguments to this effect, and expressed his hope that the Board would actually sponsor such a bill, or at least support it if it was introduced by someone else.⁹⁴ But no further actions appeared to follow from this consultation.

Thereafter, Hunneman tried to obtain help from other persons. In July 1971, he wrote Francis W. Sargent, Governor of Massachusetts, and urged the latter to contact Attorney General Robert H. Quinn so to do something about the problem.⁹⁵ Hunneman informed Thayer about these efforts, and the latter, in turn, let Dean Tractenberg know about these maneuvers.⁹⁶

In other actions, Hunneman and Thayer, independently, contacted around this time the Office of the District Attorney for Suffolk County,⁹⁷ the jurisdiction in which the schools were located. Thayer also contacted the Attorney General.⁹⁸ These developments will be discussed later on in more detail.

Trying a different approach, in an interview printed in

the Sunday Herald Traveller (Boston) of June 6, 1971, Hunneman pleaded and warned the operators of the companies to stop selling term papers. Hunneman indicated that it is true that a thin line existed between illegal and merely unethical behavior. He offered an analogy between selling term papers and not paying rent. The latter, he said, was not forbidden specifically by a statute, but it was illegal anyway. Similarly, writing companies were not illegal, but Hunneman still wanted them to
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dissolve.

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Regardless of warnings, the firms continued expanding, taking initially the unfavorable publicity in stride. They felt that their activities were legal, and the universities and their lawyers could do nothing but bluster. For instance, Richard Mari, one of the managers of Quality Bullshit, said in an interview that he felt that the universities made only some kind of gestures to let people know that something has been done. The writer of the article thus concluded: "the next move
101
will be up to the universities."

As we indicated, Hunneman was not alone in trying to provide solutions to the problem. In May 1971, for instance, Dean Trachtenberg announced that Hale and Dorr, Counselors for Boston University, would examine the legal implications, civil and criminal, of the writing agencies, and set out the available alternatives. Trachtenberg expected at least some results by
102
Fall.

We have seen thus far that several alternative attempts to implement policy changes were being considered. These

efforts, although coordinated to some degree, were taking place mostly parallel to each other. Hunneman specifically pointed out that there was a great deal of independence between the lawyers representing the various colleges mentioned. In spite of the fact that Hunneman was in touch with all these attorneys, his feeling was that he did not have any cooperation until very late in the period of the controversy.¹⁰³

Epps and Harvard

Archie C. Epps 3d, Dean of Students of Harvard College, was another person involved in trying to solve the issue. His leadership was limited, insofar as he did not speak with the lawyers from other schools besides Harvard's. Dean Epps pointed out that most of the contacts concerning the matter were done between the lawyers themselves. Similarly to Hunneman's observations, Dean Epps noted that the lawyers organized themselves gradually, in a rather slow process. Indeed, Mr. Daniel Steiner, Harvard University's General Counsel, also observed at this time that term paper companies were legally difficult to attack.¹⁰⁴

Epps' public leadership role consisted in making the activities of research services and possible sanctions against them prominent in the mass media. He gave interviews on the subject from the beginning and all through the course of the scandal.¹⁰⁵ He was a prominent commentator, much cited in the news (for example, by Time in an April 19, 1971 story¹⁰⁶ and by other publications¹⁰⁷). Dean Epps thus kept the new form of deviance salient. He did it on his own, without specifically

being told to do so by higher administrators. Epps also carried on correspondence with friends at other schools, thus helping to interest the latter in the control of writing firms. Finally, in Dean Epps' own estimation, the most important part of his role in this case was that he kept up the pressure for action by asking often people in the legal profession what measures could be taken to curtail term paper sales. 108

As we mentioned, Dean Epps corresponded with many people from different parts of the United States. We may conceptualize him as an active 'leader' insofar as he received and shared information and suggestions with these persons. The latter served, to a greater or lesser degree, as "moral entrepreneurs," whom we have defined as those persons who get in contact with individuals having institutional positions of power. I will describe the relationships between Dean Epps and three "moral entrepreneurs" in order to clarify how changes of social policy are attempted against a new form of deviance.

In May 1971, to give one brief example, an anonymous student wrote to Dean Epps suggesting that since copyright laws provided that no benefits could be derived from using or quoting books without prior permission from publishers. The latter, therefore, could sue the companies using their materials for profits in term paper sales. 109 Epps did not follow this suggestion.

A "moral entrepreneur" who carried on much more extensive efforts, and who exchanged information with Dean Epps, was Professor Roger L. Winters, Assistant Senior Tutor at Harvard

College.

Winters was spurred to action specifically by Globe reports¹¹⁰ about commercial writing services. Either in April or May, Winters wrote two Federal congressmen, namely, his Representative, Andrew Jacobs, Jr., and United States Senator Vance Hartke. Winters suggested to them that the writing agencies could be investigated and then legislated against. One possible result of such a Federal investigation, he argued, would be at least "wide publicity" which could help individual states to carry¹¹¹ out legal actions against the services. Professor Winters offered a similar suggestion to United States Representative John Brademas later on in July, but the latter was not inter-¹¹²ested in such an investigation.

The efforts of Winters seemed to be fruitless. Representative Jacobs did not reply, and Senator Hartke said that since the businesses stayed within the law, they were not a legislative problem. It seems that this was a perfunctory reply,¹¹³ possibly made by an aide to the Senator.

In May 10, 1971, Professor Winters wrote Dean Epps, saying that he was convinced that public officials should be moved to face the problem of writing services. He suggested that legislation could be sought, in addition to asking for court action on the legal grounds of "damages," to the University, as was then being discussed at Harvard. In short, social control should be oriented to seeking "the full extent of legislative prohibition." Winters offered his assistance to Dean Epps to¹¹⁴ pursue these endeavors, but was not contacted by the latter.¹¹⁵

Professor Winters did not let the matter drop easily. He asked Senator Hartke for assistance once again, in a letter dated May 10, and sent copies of the correspondence to Dean Epps.¹¹⁶ Senator Hartke contacted the Office of Education of the Department of Health, Education and Welfare,¹¹⁷ as well as the United States Justice Department.¹¹⁸ In June, Senator Hartke forwarded to Winters copies of the replies from these departments.¹¹⁹

Mr. Martin Mayes replied on behalf of the Bureau of Higher Education, Office of Education of H.E.W. In Mayes' opinion the solution to the problem of term paper sales lay in alerting school faculty against plagiarism. He felt that current laws forbidding plagiarism were already adequate. Moreover, if a new law was enacted "the possible control of editorial services and publishing houses would present First Amendment problems."¹²⁰

Mr. Thomas E. Kauper, Acting Assistant Attorney General, Office of Legal Counsel of the Department of Justice, similarly felt that legislation was not advisable. Writing firms seemed to be a local issue, he said, and it was difficult to discern from the letter of Professor Winter written to Senator Hartke the extent to which the companies involved interstate commerce. Kauper's final advice, therefore, was that it would be better that local people handle the problem, rather than enacting federal legislation.¹²¹ Kauper's opinion was based on his perception of the lack of participation in interstate commerce by the firms. He was wrong on this point, however,

since a number of stories in the mass media had already indicated that they were doing mail business with out-of-
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state students.

Professor Winters sent copies of the last two letters to
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Dean Epps, in July 1971, and pointed out that Kauper's suggestion of "an attack ... on the basis of interstate commerce powers" could be considered by the Dean as one type of
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strategy to solve the problem. The latter forwarded this
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correspondence to Daniel Steiner.

A third and final example of persons contacting Dean Epps is Mr. Richard D. Gilliam, Jr., a senior partner of Gilliam and Moore, a Kentucky law office. Gilliam wrote Dean Epps in July 1971, after seeing the former's name mentioned in a New York Times article of July 10, 1971, entitled "Market in Term Papers is Booming."

Gilliam informed Epps that he had written a letter, dated July 21, 1971, to United States Senator Marlow W. Cook of Kentucky. Gilliam had enclosed the newspaper article, with the hope that it would influence the Senator's ideas on the topic. Gilliam informed Senator Cook that he had encountered plagiarism before, some ten years back, when he tried to stop an organization selling term papers to students of the University of Kentucky's Law College. He had written on that occasion to his
128
Senator in Washington, with negative results. Apparently, he expected to do better this time, by suggesting very concretely to Senator Cook the following idea:

... that the legal staff of the Post Office Department could draft an amendment to the Postal Laws making it a felony to use the mails for such a business and likewise a felony for anyone to use a paper received in the mails from such a business, representing it as his own for the purpose of obtaining academic credit. 129

In addition, Gilliam suggested to Dean Epps himself that "perhaps, since Termpapers Unlimited, Inc., is in the open, it could be enjoined in the Massachusetts courts as a public
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nuisance."

A week later, Epps thanked Gilliam for his letter, and further added that he was putting pressure on Harvard's
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lawyers to do something and was hoping for success.

In point of fact, the suggestion to enjoin writing services as a public nuisance, or through the United States Postal Service, was not followed up. And the second suggestion was indeed a good idea. In October 1972, in a completely unrelated court action to Dean Epps, Mr. Frederick R. Kellog, Assistant to the United States Attorney of Massachusetts, in conjunction with the Consumer Fraud Division of the United States Postal Service in Massachusetts, initiated court action against term paper agencies on the legal grounds that they were using the
132
mails for fraudulent purposes. This court recourse eventually succeeded, as I will explain toward the end of this chapter. At this point, I want to note that, on this matter, Kellog was emphatic saying that he was contacted neither by Harvard nor by anyone else, it was a challenge which he worked
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out completely on his own.

INITIAL QUEST FOR LEGAL ACTION

Harvard University considered filing court briefs against term paper companies several times but rejected this approach on every occasion. On April 1, 1971, after the Globe's first two stories on the subject had appeared, Dr. Calvin Lee, Executive Vice President of Boston University, informed President John R. Silber that Daniel Steiner (who was a former colleague of Dr. Lee) had

... recommended to his administration that Harvard not try to bring suit against the several companies which are in the business of writing term papers. Instead, he had recommended tht they try to get the New England Association of Secondary Schools and Colleges to take the lead in this matter. 134 Silber did not adapt this line of action.

In the summer of 1971, the legal firm of Ropes and Gray, Harvard's counselors-at-law, prepared a memorandum on how writing companies could be enjoined or stopped from selling their products. Part of this research included an interview with Dean of Students Archie C. Epps of Harvard College. 135 Dean Epps mentioned in July 1971 that Harvard was actively considering the possibilities of "taking legal action or seeking legislative relief." 136

At the same time, there was some communication among the lawyers representing the different universities involved. In July 1971, Ropes and Gray sent Robert I. Hunneman, a member of the law offices of Palmer and Dodge, who represented Northeastern University, a copy of one legal precedent which could be used in the case of term paper agencies. At that time Hunneman believed that this particular case, of a man who sold ready-

made puzzles to participants in a newspaper competition involving money prizes, could be used to obtain an injunction against the companies.¹³⁷ Communication between the lawyers, therefore, helped to widen their options and knowledge of possible means of social control.

Initial Legislative Drafts

Around April 8, 1971, Hunneman held a conference with L. Harrison Thayer II, member of the law offices of Hale and Dorr, who represented Boston University. They discussed the possibility of contacting Garrett H. Byrne, District Attorney of Suffolk District (the jurisdiction where Boston University and Northeastern are located).¹³⁸ Eventually, Hunneman¹³⁹ and Boston University officials,¹⁴⁰ each independently, followed through on this approach. The key person speaking with them and representing the District Attorney was Mr. Alvin Brody of¹⁴¹ the Research and Appellate Division.

Brody mentioned that he researched the statutes which could be applicable to writing services at the request of an attorney [probably Hunneman] for one of the universities in the area. In addition, some individuals from Boston University and Suffolk¹⁴² Law School contacted him.

We noted that Hunneman proposed in April 1971 to see the¹⁴³ District Attorney, although it is not clear when he carried¹⁴⁴ out this idea, he definitely had written Brody in June.

Brody recalled that a lawyer who heard that Brody was interested in writing services had called and spoken with a¹⁴⁵ staff member of the District Attorney's Office.

Hunneman, on the other hand, remembered that he had called the District Attorney, where he was told that this Office handled only criminal cases: their jurisdiction could not extend to civil matters such as research agencies. Hunneman retorted that it was possible that term paper sales were covered by criminal statutes.¹⁴⁶

The attorney who called, Brody said, had done preliminary legal research showing that cheating apparently was not covered by Common Law. The lawyer offered to send a memorandum on this subject to the District Attorney, saying that he wanted to get the latter involved because it would cost money to pursue the matter,¹⁴⁷ even with the District Attorney's involvement.

Hunneman recalled specifically having sent Brody a legal memorandum, prepared by Mr. Brownlow M. Speer, a Palmer and Dodge associate. Speer described the background, location, and other details of the research businesses in the Boston area.¹⁴⁸

Brody remembered that he or the lawyer had seen a term paper ad in Boston After Dark. Either he or the lawyer added that, in spite of the fact that cheating was not a serious crime, it was, nevertheless, an atrocious practice.¹⁴⁹

Following their conversations and/or correspondence, Brody researched the problem and sent Hunneman a report.¹⁵⁰ Essentially, there was only one applicable statute, but this had serious obstacles to prosecuting commercial writing services.¹⁵¹ The District Attorney, probably Brody, indicated to Hunneman that obvious constitutional problems were involved. Furthermore, the state had historically allowed colleges and universities to

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police themselves. Brody spoke personally later on with a
lawyer [probably Hunneman] and told him that the best approach
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would be a new statute.

Brody initially did not recall drafting new legislation,
but later on I obtained copies of two handwritten drafts from
his office, with a memorandum (describing the legal relation-
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ship between the University and the State) and a technical
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review of legal precedents attached to these materials. This
documents provide proof that Brody had drafted them.

Brody's Legislative Drafts

Brody's first draft of a bill regulating term paper com-
panies (See Appendix 8) consists of six sections.

Section one aims to control and regulate term paper sales
and similar acts when the papers are submitted for credit in
schools of the Commonwealth. Section two specifies that all
term papers submitted for academic credit should bear the
author's signature. Section three specifies that this should
be done even with purchased term papers; specifically, naming
the term paper company's main agent. Violations would be liable
to a fine, up to \$25 for the first and each other offense.
Sections five and six clarify technical aspects of the bill.

The second draft of this bill was a photocopy of the first
with words added between the lines. The signature provision
was enlarged to include the name of the corporation selling
assignments. An important change was that the fine, for
offenses other than the first violation, was increased to two
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hundred and fifty dollars.

The District Attorney suggested this new legislation to
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Hunneman, and the latter apparently received the second
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draft. The District Attorney added that since this legis-
lation required disclosure to schools as to who prepared a term
paper, the universities would be free to police the matter
themselves afterwards. Hunneman thought that the proposal was
a "poor suggestion," since no research agency would call up the
universities to inform them that they prepared assignments for
159
the students of a particular school.

Brody apparently had not read many newspaper articles on
term paper companies. Such stories would have informed him
that some firms already complied in form with the main provisions
of his intended legislation. Specifically, some firms stressed
in their advertisements that they sold materials "for research
only," while others stamped the company's name on the term
160
papers which they sold. Therefore, the bill forbade actions
which some agencies were not doing and which others could
easily follow and remain in business.

Sometime after the events just described, Hunneman called
the District Attorney's Office to ask whether they would be
interested in introducing the new bill in the Massachusetts
legislature. On June 14, 1971, that office replied by tele-
phone that they would not be interested because other proposals
pending in the legislature, dealing directly with criminal law
and procedure, had higher priority. Hunneman felt that the
District Attorney's Office simply did not want to get involved
161
in the matter any further than they had.

In April 8, 1971, after meeting Hunneman, Thayer called up Boston University to check on President Silber's possible appointment to speak with the District Attorney concerning the
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problem.

A few days afterwards, Dr. Stephen J. Trachtenberg, Dean for University Affairs of Boston University, wrote a note to President Silber to suggest that "joint action ... rather than a solo venture" was preferable, because a similar interest had been expressed by other schools, giving as an example Hunneman's conversation with Thayer. Hence, Dean Trachtenberg urged "that we hold off on a Silber meeting with the District Attorney," in order to give Thayer and others an opportunity to work on the problem. Dr. Edwin Penn, Assistant to President Silber, was the person who would inform Thayer concerning President Silber's reaction that attempt was being made to mobilize
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pressure upon the District Attorney.

In the original copy of the letter sent by Dean Trachtenberg there was a handwritten note, probably made by Dr. Penn, suggesting that President Silber either take the option of meeting the District Attorney alone or go for a joint action. Someone,
164
probably Silber, circled the second choice. Here the outlines of the policy-making process seem clear. Policy advice from middle levels of institutional power is not automatically endorsed by top administrators, who make their own independent judgments although still within a range near their own immediate subordinates.

Sometime in the summer of 1971, Dr. Penn and Dr. Lee of Boston University met with Brody. The university officials urged the latter to investigate the matter and see if the District Attorney could undertake any legal action against term
165
paper companies.

In addition, in the summer of 1971,
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Dr. Penn made the only formal complaint lodged against research services in the
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Office of the District Attorney. The allegation was that some Boston University students bought their written assignments from Termpapers Unlimited. These purchasers had been punished, and on this basis Dr. Penn requested to know whether
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these sales constituted a criminal offense.

Mr. Stanley S. Gawlinski, a detective in the office of District Attorney Byrne, was assigned to work on this problem.
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He put in "quite a bit of time" in the investigation. For example, he took the time to obtain a copy of an article from the offices of the Globe. Here, he was following the steps of Hunneman, suggesting independence between their efforts.

Detective Gawlinski also spoke over the telephone with Boston University leaders, seemingly including among the latter Dr. Penn and President Silber. He went to the school for a meeting on the matter, but apparently there were no positive results. Furthermore, Gawlinski wrote up a preliminary report
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to District Attorney Byrne and interviewed Brody around June
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15, 1971.

Subsequently, Brody drafted a third draft of legislation
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to be introduced in the Massachusetts Assembly. The draft

had some minor improvements in wording over the basic version, as well as a major change increasing the amount of the fine even for the first offense to two hundred and fifty dollars (See Appendix 9). Brody felt that this was a substantial sum¹⁷⁴ for students.

Detective Gawlinski, afterwards, reported the final results of this research to the District Attorney himself, but forgot¹⁷⁶ to send a report directly to Dr. Penn.

A number of months passed without word from the District Attorney's Office to Boston University. It was only after some-¹⁷⁷ one from the school called to inquire what happened that did Gawlinski realize what happened. In August 18, 1971, he sent¹⁷⁸ a "really apologetic" letter to Dr. Penn, informing the¹⁷⁹ latter concerning the investigation and its outcome.

At first Brody told me [in an interview] that he did not speak with the Attorney General of Massachusetts, Robert H. Quinn, about helping to pass the legislation. Later Brody said that perhaps he did, although at the moment he could not recall¹⁸⁰ doing so. Detective Gawlinski, on the other hand, suggested¹⁸¹ that Boston University should contact the Attorney General,¹⁸² but did not do so himself. Dr. Penn felt that the District Attorney's Office in effect said that nothing could be done by¹⁸³ them. Consequently, Penn ended this approach.

President Silber was not satisfied with the results described above. He felt that a good attorney should be able to find some legal angle to put term paper companies out of business. Therefore, Silber directed Dean Trachtenberg asking

whether the Hale and Dorr lawyers could do something further.
Subsequently, Boston University got in touch with Attorney
184
General Quinn.

As a result of these new endeavors, Thayer obtained a
new draft bill, sometime in July 1971, prepared by the staff
185 186
of the Attorney General's Office. This fourth draft
(See Appendix 10) seems to have been modelled on Alvin Brody's
second proposal. In the Attorney General's version there are
some changes in the capitalization of words, in the legal format
of the draft, several word changes, and additional words
inserted for greater clarification of the text.

Much like Hunneman's own comments about the draft that he had
received from Brody, Thayer himself believed that the Attorney
187
General's proposed legislation simply was not helpful. In
this later draft the main provision was that the author of a
term paper would be required to sign his name on it. Thayer
felt that this would not represent a great problem for a
student purchasing a term paper, who would simply retype it,
regardless of a potential twenty-five dollar fine. Moreover,
just as District Attorney Byrne's Office had previously in-
dicated, the Attorney General made it clearly understood that
"other proposed legislation has precedence in being pushed"
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by his staff.

On July 20, 1971, President Silber prodded Dean Trachtenberg
to further action, asking the latter, in no uncertain terms,
"... what steps should be taken and will be taken to put that
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firm on the rocks sometime next fall."

Dean Trachtenberg's answer consisted in a recommendation that Boston University should not proceed against the writing businesses by itself. He explained that, since Harvard University and Northeastern were taking action, he wanted to maintain "good relations with sister institutions." Hence, he notified President Silber that he had instructed Hale and Dorr "to get in conversation with other university attorneys thinking about legal alternatives."¹⁹⁰ President Silber did not agree with this course of action at first, writing in pen at the bottom of this memorandum: "To hell with this, I thought we agreed on our position. Now, do you intend to implement it or not?." ¹⁹¹ On second thought, however, the note was scribbled over. A joint effort continued thereafter, apparently further delaying the implementation of policy changes.

Toward late July 1971, Thayer spoke with Trachtenberg and, later on, also conferred with Hunneman. The latter felt, even after receiving Brody's research memorandum, that "the possibility of a criminal conviction under existing law still exists, although this is far from clear." On this subject, Thayer advised that new criminal legislation was also feasible, although it presented problems insofar as covering sales of legitimate research materials "if the statute were to be in terms of making¹⁹² the sale a crime."

From the discussions between Hunneman and Thayer, we can infer that their thinking concerning the topic was in a state of flux; they were weighing several strategies before seeking to implement any. Sometime after the conference between the

lawyers, but still in July, Thayer informed Boston University that he would cooperate with Hunneman and possibly other
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university lawyers.

On August 4, 1971, President Silber sent a strongly-worded memorandum to Dean Trachtenberg, expressing his dissatisfaction with the progress made thus far, in reference to Thayer's report as outlined above. From the beginning, wrote Silber, his central question was whether Boston University could take the companies to court under civil, rather than criminal, law. He also rebutted the Dean's suggestions to obtain some sort of resolutions either from the University Council or from the
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Student Union as measures against term paper agencies. Not unrelated to Dr. Silber's displeasure, we may assume, was his decision to accept Penn's suggestion that the latter handle
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the issue for the next six months.

One week later Dean Trachtenberg wrote a memorandum back to President Silber, arguing that Thayer was indeed contemplating a civil alternative in the court actions which he could take against the companies. The Dean said, furthermore, that he wanted passage of a University Council resolution against term paper plagiarism in case that the school had to take such disciplinary action against a cheater. Finally, a Student Union resolution would not stop cheating, but it would provide moral support, showing that the Boston University community was
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against the companies.

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As of August 1971 no actions had yet been taken by any
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of the universities. The same situation prevailed in September.

Indeed, there was a long delay in concrete or practical steps of social control. Perhaps for three or four months nothing
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seemed to happen.

In October 1971, nevertheless, Dean Epps of Harvard was still expressing his hopes "that there will be new developments
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in Harvard's battle to combat the term paper companies."

By December, however, his expectations had still being unfulfilled. In spite of the fact that the university lawyers were still "working on the problem," things simply were not going well. Dean Epps himself admitted that he saw "'no movement on it at all.'" He informed a correspondent that a representative from Northeastern University, presumably Hunneman, had tried to persuade term paper agencies' operators to stop their activities, by personally visiting the companies. Besides this, however, nothing much was happening against the com-
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panies. Meanwhile, the latter continued growing, with accompanying publicity which maintained that salience of their activities in the open. The "scandal," consequently, remained.

SECOND ATTEMPTS AT SOCIAL CONTROL

The 1972 Meetings with the Attorney General

In yet another Boston Globe story, in mid-December 1971, it was mentioned that President Silber was trying to solve the impasse by asking Mr. Henry P. Monaghan, Professor of Law
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at Boston University, to look into the problem.

Professor Monaghan promptly set to work. In late December he wrote a letter to President Silber saying that the time had come for Boston University to take positive action. It was

clear, Monaghan wrote, that the Attorney General of Massachusetts, Robert H. Quinn, had been "painfully slow" in answering requests
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for litigation.

We may recall that Attorney General Quinn sent a draft bill to Hale and Dorr, Boston University's counselors-at-law, in July 1971, adding that he was not interested in lobbying
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for this legislation. Yet, although Monaghan advised clearly that this time Boston University should move forward in any way they could without the Attorney General's assistance, he
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still planned to call on Quinn for assistance once again.

Monaghan suggested a new approach to President Silber: to arrange a conference for the attorneys of the eight major universities of the Boston area, to discuss the problem. He asked Silber's approval to go ahead with this new plan, adding: "I would be happy to help arrange and participate in such a
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conference and to offer some general assistance." This
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request was granted. Beginning sometime in January 1972,
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the upcoming group meeting was already in the planning stage.

Meanwhile, publicity concerning the new form of deviance had not been abated by any means, maintaining a degree of urgency to the "need" to effect changes of social policy. At this stage, we need to keep in mind that "scandals" were occurring parallel to the one in Massachusetts in several other states. For instance, we discussed the fact that Assemblyman Leonard P. Stavisky had introduced new legislation regulating term paper agencies in New York (See Appendix 6). Furthermore, on February 11, 1972, he held hearings on this bill, a step

widely reported by the national mass media; and Trachtenberg sent an article to Thayer describing this and other developments.
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Moreover, changes in legislation in New York served specifically to apply pressure upon government officials in Massachusetts to do likewise. For instance, Dr. Robert H. Ketchum, Director of Northeastern University's Graduate School of Arts and Sciences, wrote a letter to Attorney General Quinn mentioning a story in The New York Times which described the New York legislation recently introduced. Dr. Ketchum argued that the government of Massachusetts was morally obligated to restrict research services, due to the fact of being a leading educational state. He urged, consequently, that the Attorney General should initiate sanctions similar to those
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being enacted in New York.

Another related scandal which became prominent in the news, in February 1972, was the theft of a number of term papers at Harvard College, from mail slots in departmental offices. Subsequently, the papers were traced by a clever Harvard Crimson reporter to the files of the Academic Research Group, a local concern selling term papers. Archie C. Epps, 3d, Dean of Students of Harvard College, expressed his expectation that this incident would finally "convince Harvard that it is necessary to take action against the term paper [agencies] ... that indeed
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Harvard is threatened by their existence.

Later on in February, a story in The Christian Science Monitor reported that Harvard's General Counsel Daniel Steiner

had laid out the options very clearly. The companies, he said, are "going to go one way or another, whether by legislative or court action.'" The writer added, nonetheless, that Boston universities so far had only suspended or expelled students caught, and voiced so far simply "moral outrage and fighting words of the 'we'll-have-to-do-something-about those companies' variety."²¹⁴

Later in February, Dean Epps stated that Harvard wanted to "devise a legal strategy to deal with this problem." This time, the discovery of the stolen term papers really would give²¹⁵ Steiner a way to proceed. Dean Epps was so concerned about the issue, he added elsewhere, that he was eager to learn of any²¹⁶ other ways to deal with the matter. With this, he showed a willingness to try other approaches, as well as a desire to keep in touch with other persons. Both conditions undoubtedly facilitated the flow of information between him and other institutional leaders and interested persons.

Eventually, the meeting proposed by Monaghan took place²¹⁷ on February 15, 1972. This was the first formal meeting, one of a series held "every two weeks"²¹⁸ between the months of January and April 1972.²¹⁹ As the conferences progressed, they eventually involved attorneys representing all "The Big Eight," this is, the major universities of the Greater Boston area, as well as members of the Attorney General's Office.

Background of the Meetings

Lawyers for "The Big Eight" hold ad hoc meetings during crisis situations involving common problems. In this issue,

the attorneys began working on the problem around January or
220
February 1972.

The Presidents of "The Big Eight," on the other hand, had
the pattern of holding regular meetings, over the years, to
discuss common issues. Hence, they were talking directly to
each other more than with their university lawyers. This
situation created some communication barriers between the
presidents and the barristers who were carrying on the technical
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work needed to stop the writing agencies.

The counselors met three or four times at the Attorney
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General's offices. On some occasions they gathered at
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Boston University, in President Silber's office. The meet-
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ings were informal, with no written agendas. In addition,
participants spoke often with each other through the tele-
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phone. Other meetings, also informal, took place else-
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where.

The participants to the conferences felt pressure upon
themselves to control the companies quickly, because sales of
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term papers increased toward the end of the Spring semester.
Moreover, we mentioned that publicity about the deviance
increased its salience, as well as the failure to control it
thus far. By this time the commercial writing services of
the area had been in business more than one whole year, with
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continuous public exposure. For example, at the time that
the university representatives had begun their meetings, a
Termpapers Unlimited manager commented that he simply was
not concerned with the universities' attempt to close down the

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firm.

Participants in the Meetings

The degree of participation in the talks by the various university lawyers and representatives from the Attorney General's Office varied. The counselors participated unevenly in the meetings, some taking on a more active leadership role than others. Below is a profile of the activities of each individual:

1. Boston College

Mr. Phillip Burling, member of the law office of Foley, Hoag and Eliot, represented Boston College. Burling's concern about term paper sales began in late 1971, about the same time as that of Boston University. He and Mr. Henry Monaghan, faculty member of the School of Law, Boston University, lived near each other, in Cambridge. This propinquity gave them an opportunity to think and work together on the problem on an ²³⁰
ad hoc basis.

Burling himself suggested to the administration of Boston College that since the sister institutions were going to speak with Attorney General Quinn, the school should also join those talks. He was given special permission by the President of Boston College, Father W. Seavey Joyce, to represent the school, and even to decide whether or not to cooperate with the others.

2. Boston University

Henry P. Monaghan was a personal friend of Attorney General Quinn, and asked the latter to intervene in closing down the companies even before October 7, 1971. At that time Monaghan

advised President Silber that the best approach seemed to be that the Attorney General himself bring suit, rather than Boston University, because it had a better chance to succeed. 231

Monaghan participated in the early 1972 meetings as an expert in First Amendment freedoms, an important area that had to be considered in discussing legislation against the writing services. In addition to belong to Boston University's School of Law faculty, Monaghan worked part-time in the same law firm 232 as Burling.

Mr. L. Harrison Thayer II, was the principal attorney representing Boston University. At this stage of the case, among the Hale and Dorr people who acted as counsel for the school, he put in the most time working in this issue. 233 In addition, among the university attorneys, he was one of the 234 most active participants at the meetings.

3. Harvard University

General Counsel Mr. Daniel Steiner represented Harvard at the meetings. He attended only those meetings held at the Attorney General's Office, about three or four conferences 235 altogether over a period between three to five months.

Steiner emphasized that writing companies were not considered a serious problem at Harvard, apparently because sales there possibly were few. He said that the subject did not receive much formal attention at the school. Steiner conferred informally about the subject with Deans Dunlap, Epps, and Whitlock, each independently; and perhaps three to five times 236 with Dr. Derek C. Bok, President of Harvard University.

Harvard University, however, was concerned enough against term paper agencies to seriously consider to prepare court briefs against them, or getting court complaints actually drawn up, in Spring 1971, Summer 1971;²³⁷ and again in Spring 1972.²³⁸ At the latter time, moreover, Boston University, Harvard, Northeastern, and the University of Massachusetts prepared a joint petition for court relief.²³⁹

4. Northeastern University

Mr. Robert I. Hunneman, a member of the law firm of Palmer and Dodge, participated in many of the meetings, initially acting as the host.²⁴⁰ He was assisted in these endeavors by Ms. Raya S. Dreben, an attorney of Hunneman's firm.

Hunneman represented specifically the point of view of Dr. Asa S. Knowles, President of Northeastern. The latter wanted to resolve the issue of term paper sales, but not by himself alone. Apparently, he did not like the school to appear to be especially infested by the companies. In other words, Knowles, through Hunneman, wanted the schools to work together on a "joint approach."

Hunneman's role and concern was thus two-fold: on the one hand, he did not wish President Knowles to be isolated in his ideas concerning the problem, and on the other he tried to persuade counsel to other universities to work jointly as well to convince their respective presidents to follow this approach.

5. Massachusetts Institute of Technology

Mr. Thomas J. Kelly, member of the law offices of Herrick, Smith, Donald, Farley and Ketchum, represented M.I.T. He was

one of the most active participants,²⁴¹ although the school
joined the talks rather late, in March, 1972.²⁴²

6. The University of Massachusetts

Mr. William Searson III represented the University of
Massachusetts, a school not involved at the beginning in the
meetings. The reason given for this was that the university
is a state institution, the only such at the conferences.²⁴³

7. Office of the Attorney General

First Assistant Attorney General Paul A. Good, together
with another Assistant,²⁴⁴ probably John B. Gordon, represented
the Attorney General.²⁴⁵ Good participated in practically all
the conferences, on behalf of the University of Massachusetts
and other state colleges.²⁴⁶

Attorney General Robert H. Quinn attended only the first
meeting,²⁴⁷ Good and Gordon were in charge during the rest of
the conferences.²⁴⁸

Expectations of the Participants

The above listing of participants is instructive of the
roles and positions of those involved in formulating a definite
policy. It is important to note that the lawyers were not only
interested in the common problem of term paper agencies, they
also "knew each other"²⁴⁹ to some degree. This element probably
facilitated the decision-making process, although it produced no
concrete results, as we will see later on.

The Universities clearly expected Attorney General Quinn's
Office to act themselves against the term paper services in the

Commonwealth. For example, some of the university barristers began working on the legal theories which could be used against the businesses even before the first conference with Attorney General Quinn, with the clear expectation that the latter would carry through the court suit in subsequent legal action. 250

The anticipation above was shared by the various universities. For instance, Boston University was hoping that whatever action was taken would be carried out by Attorney General Quinn. Dr. Stephen J. Trachtenberg, Dean for University Affairs Boston University, stressed his belief that piecemeal lawsuits would not be too effective. 251 The best solution appeared to obtain passage of legislation, as Boston University representatives asked the Attorney General specifically to do. 252 It would have been easier for the latter than for the universities to pursue passage of a statute, due to the fact that similar action had already taken place in California and New York. 253 At Northeastern University the feelings were the same, namely, that Attorney General Quinn should promote the new legislation 254 and take initiative on the problem at large. 255

Hunneman thought that Good appeared to be doing his best on the case, but that the latter was young and did not have much trial experience. It appeared to Hunneman that Good was trying to shift the job of drawing up a statute back to the university counselors, rather than doing so through his own department. Moreover, if the counselors had produced a draft, Good would have been asked to introduce it in the Legislature under

Attorney General Quinn's name. Hunneman further indicated that the end result was that the university representatives never got together to actually draft a bill, but Good did.²⁵⁶ The last point was somewhat inaccurate, as the particular draft of legislation was prepared jointly by Gordon, Hunneman, and Thayer, as I will mention later on.

THE MEETINGS

In January 1972,²⁵⁷ prior to conferring with the Attorney General, counselors representing several schools met to plan strategies.²⁵⁸

The February 15, 1972 Meeting and Its Outcome

Before the formal conference held on this day, there was a breakfast gathering attended by Thayer, Quinn, and President Silber. This was the extent of the active involvement in the conferences of the last two.²⁵⁹

After the breakfast meeting the conference proper began,²⁶⁰ taking place in the offices of the Attorney General.²⁶¹ Thayer remained and was joined by other participants: Good,²⁶² who was in charge of the case,²⁶³ along with his aide John Gordon,²⁶⁴ Burling, Monaghan, Steiner, and Hunneman.

The topics talked about in this meeting, and in those taking place in other occasions, were practical plans for action, not "learned discussions."²⁶⁵ Instituting court action, the possibility of treating term paper companies as a "public nuisance" was raised. Good disagreed with this approach,²⁶⁶ But Burling favored it.²⁶⁷ Other questions were also raised in this respect.²⁶⁸ From the point of view of the representatives

of Attorney General Quinn, the latter's interest was centered on means to obtain a court injunction against the research agencies under existing statutes, a possibility which was being
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checked already.

Moreover, the consensus of this meeting was that the
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participants should draft new legislation. Points raised included its difficulty, the speed needed to pass a bill, whether or not universities should be given the right to inspect term paper company records of purchasers under the provisions of the statute, and whether the proposal should contain civil
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or criminal penalties.

Furthermore, the committee gathering this day agreed to draft a letter, to be signed by "The Big Eight" Presidents, where the latter would announce the court action against the
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companies together with their support for the new legislation. Not only this, Attorney General Quinn would in addition call a media conference in his own Office, including television coverage, where also the college Presidents would be present,
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in order "to publicize this proposed law and the whole issue."

A meeting to implement the last two suggestions was eventu-
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ally held on March 15, 1972, at Northeastern University.
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President Asa K. Knowles of that school informed the seven
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other presidents about the meeting, but only the Presidents of Boston University, M.I.T., and Tufts University could
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attend. A statement drafted by Vice-President Gilbert G. MacDonald of Northeastern was to be considered at the meeting. This proposal reviewed the subject, concluding that "the present

problem can best be approached through legal action against
the commercial companies."²⁷⁸

After making some minor revisions in the draft, the Presidents who attended this meeting signed it. Subsequently, their colleagues who were absent also agreed to sign the press release. Furthermore, concerning the proposal to participate in a press conference to be held at the Attorney General's Office, all the presidents committed themselves to send their respective representatives, although they themselves were²⁷⁹ unwilling to attend personally.

Eventually, both proposals were called off, partly because of delays within the Attorney General's Office on this case, and partly because nobody knew exactly how to handle the²⁸⁰ problem. Thus, it appears that attempts to enact sanctions against term paper companies lacked the full-hearted support of school administrators and state officials alike.

Reports concerning the February 15 meeting appeared in the press a few days after it took place. These stories only indicated that the participants were trying to find solutions²⁸¹ to the problems raised by the writing services. It was mentioned, furthermore, that the conference was planned prior to the theft of papers from Harvard College. Interestingly, Steiner pointed out specifically that "this meeting was set up²⁸² ... at the request of another college in the Boston area," implying thereby that it was not Harvard's idea. He reiterated this approach later on as well, saying that he was "unwilling to act unless there was evidence that cheating is widespread

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at Harvard." It seems clear that the aim in this respect was to protect the school's reputation rather than to face the new deviance as a general educational problem.

Another aspect of the February 15 meeting, and those held on other days, was some degree of secrecy surrounding specific developments to fight research agencies. For instance, Good said initially that "possible court action and other unspecified 284 moves" were talked about. As details were not mentioned, there was no need to save face when some tentative approaches were not carried through, as for instance when the joint press conference between the presidents and Attorney General Quinn was called off.

As of February 1972 the parties involved were anxious to 285
move forward quickly in order to curtail paper sales in the 286
Spring term.

At first Good expected to involve all local colleges and 287
universities in this drive. Eventually, however, the number 288
of participants was limited to "The Big Eight" universities, because there was "a danger that the group might become 289
unwieldy." The need to coordinate plans among policy makers thus sets limits on the number of potential participants.

During one interview, Good commented that courses of action open to university representatives were not obvious, or otherwise they would have already moved. They wanted the strongest possible approach, he said, because failing would only encourage 290
the term paper companies. Since there were no precedents controlling the agencies, caution was important. Nevertheless,

Good assured that the schools "were determined to put the companies out of business,"²⁹¹ and had set a new meeting to discuss²⁹² definite steps to accomplish this aim.

Interestingly enough, Attorney General was only beginning²⁹³ to take a strong interest in the problem, and had "begun to research" the firms in addition to holding the first meeting.²⁹⁴ We know that this manifestation of concern was, by this time, almost a full year after the writing agencies became a "scandal" in the mass media. Individual attempts to influence Attorney General Quinn, therefore, had not worked: only when an organized group of institutions requested action did the Attorney General begin to move strongly. According to Hunneman, Good was prepared to proceed as soon as the university lawyers provided him a solid basis to do so (i.e., a draft of proposed legislation).²⁹⁵

Legislative Events Following Soon After the February 15 Meeting

Shortly after the February 15, 1972 meeting, Hunneman wrote to the National Association of College and University Attorneys, located in Washington, D. C., requesting them to send him copies of any term paper company legislation drafted in other states.²⁹⁶ Eventually, the Association replied that Hunneman could request the president of this organization, to authorize a survey of this type of legislation in the United States.²⁹⁷ Hunneman followed through and made this request, but apparently nothing much came of this approach. The use of specialized agencies able to put together information concerning a new form of deviance, thus, may not be of help to policy-makers. This may be perhaps because the means of social

control have not been developed as yet, as was the case in this instance when legislation had been filed thus far only in New York State, or because the policy-maker is faced with the need to convince leaders of the specialized agency that indeed there is a need to gather new information.

Hunneman was not the only person trying to learn which were the best legal arguments to defeat term paper agencies. At one point Hunneman forwarded information concerning developments in Massachusetts ²⁹⁸ to a friend, ²⁹⁹ Mr. Norman L. Epstein, Vice Chancellor and General Counsel of the California State University and Colleges. The exchange of correspondence did not end at that time. In February 1972, Hunneman asked Epstein to send a copy of the legislation which had just been proposed in California and requested any suggestions the latter would have to deal with term paper companies. Epstein complied, ³⁰⁰ sending a copy of the legislation. Also in the same month, Hunneman tried to obtain further information from an article ³⁰¹ in a law review.

Meanwhile, Mr. George A. Kessler, University Counsel for Brandeis University, was also attempting to obtain the California legislation, on his own. Kessler offered to share this bill with Thayer, as soon as a copy would arrive. Moreover, he put Thayer up to date concerning Attorney General Louis J. Lefkowitz's court action in New York. ³⁰² Similarly, Steiner forwarded a copy of the New York State legislation to the main lawyers ³⁰³ involved in the conferences.

The attempts to control new forms of deviance, as described

above, hence were part of a dynamic process, which included networks of friendship which facilitated a sharing of information between policy-makers and/or their technical assistants within and among states.

Several public statements were made in February 1972 endorsing the attempts by the presidents and their legal counsel to enact legislation. On February 16, 1972, the Committee on House and Undergraduate Life of Harvard University endorsed a statement condemning writing services, and recommended farther to the Dean of Faculty "that the University take legal action or support legislation or take such other action as may be necessary to rectify that situation."³⁰⁴

Similarly, a Harvard Crimson editorial noted "the necessity of taking legal means" against the agencies, and concurred with the Administration in the steps it was taking in the legislative drive.³⁰⁵

Finally, The Globe printed an article mentioning that new legislation had being proposed in New York. Good was quoted, saying that companies in the Commonwealth were under investigation but that they did not appear to violate current statutes. Until a new law was passed, he added, state officials could not stop the companies' activities.³⁰⁶

Public statements commenting on writing services appear to have had some influence in prodding the lawyers further to draft legislation and take other legal actions. This and other stories and resolutions kept the issue "in the air," and prepared the way for the next step: the discussion of

legislative sanctions.

The Draft of a New Bill

On February 18, 1972, L. Harrison Thayer, member of the law firm of Hale and Dorr who represented Boston University, wrote to the five main lawyers involved in the conferences. Thayer's idea was that the argument put forth by writing services, that they only did research, was wrong because this step was part of student's work. Thayer indicated that some persons at Boston University agreed with him "that paid research violated the standards of the University." He suggested that this argument should be used in a possible injunction against the agencies, and further proposed that the legislation planned by the universities should include a provision "against doing
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research to be used for term papers."

On February 17, 1972, John B. Gordon, Assistant to the Attorney General, sent a draft of proposed legislation to Thayer and to Robert I. Hunneman, counsel for Northeastern
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University, as follows:

Whoever, alone or in concert with others, provides or arranges to provide research or a completed work of fiction or nonfiction to another in exchange for money or other things of value, knowing that there is substantial likelihood that such work may be submitted by a student for academic credit under that student's name without proper attribution as to source, shall be punished by imprisonment for no more than 60 days or by a fine of not more than one thousand dollars. 309

In an accompanying letter, Gordon wrote that his rough draft "includes nothing about jurisdiction, power to abate through an injunction, evidentiary presumptions or other enforcement measures which might be included, but it may be

useful as a basis for discussion."

Hunneman replied to Thayer on February 23, 1972. He agreed with Thayer that term paper companies, even if only doing "research" were still wrong. Hunneman also enclosed revisions his office staff had made on Gordon's draft. Hunneman indicated that these revisions were only a first attempt to put something in writing. Hunneman's proposal is presented in
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Appendix 11.

Hunneman's draft is broader than the original made by Gordon, in specifying types of assignments where it is forbidden to receive help. Furthermore, any person selling term papers could be punished, either in Massachusetts or elsewhere (aiming perhaps to out-of-state companies). A new prohibition against taking exams for another student was also added.

Hunneman left out a prohibition against "arranging to provide
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research."

Apparently this was an oversight on his part, since one company, Term Papers Research, which used to be near Northeastern, worked precisely this way, arranging meetings
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between prospective customers and term paper writers.

Hunneman had personally dealt with the operator of this firm,
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in 1971, and had dissuaded him from the business. Finally, in spite of the fact that Hunneman agreed in the text of his letter with Thayer's suggestion concerning the prohibition of doing research for term papers as such, the former left out from his version of the bill the crucial words "to provide research."

Hunneman forwarded a copy of his proposal to Vice-President

Gilbert G. MacDonald of Northeastern. In the latter's copy of Hunneman's draft bill, the word "likelihood" was underlined and someone, presumably MacDonald, wrote on the margin "can we prove it?" Next to the sentence "whoever takes an examination,"³¹⁵ moreover, a note indicated "I like this best." These reactions, which were perhaps forwarded back to Hunneman, along with a constant flow of information from Hunneman to his employers at Northeastern, indicate that policy-makers had an opportunity to provide specific inputs of feedback, even as the technical implementation of the means of control moved along.

The provision against taking an examination for another, which appears in Hunneman's proposal, appears to have originated with Dr. Stephen J. Trachtenberg, Dean for University Affairs of Boston University and one of the two administrators³¹⁶ setting policies. On February 22, 1972, the day before Hunneman forwarded his draft to Thayer, Dean Trachtenberg suggested to Henry P. Monaghan, a faculty member of the Boston University's School of Law, that the proposed bill should contain a³¹⁷ provision against "professional cheaters." It is unclear to me whether Trachtenberg or Hunneman first thought up the particular provision; perhaps it was a "multiple discovery."³¹⁸

On the last day of February, Thayer forwarded his own version of the proposed bill, to all those who attended the³¹⁹ first meeting. Thayer indicated that the first section of his draft was based on Gordon's and Hunneman's versions, as revised by him. Thayer's second section, however, was wholly

his own, and needed further "discussion and refining."

To anticipate the next chapter, no further improvements on the bill were made by any of the lawyers. The proposal eventually was the basis for a new law passed by the Massachusetts legislature in 1973, after drastic changes were made in the provisions of the draft.

Thayer's version is presented below; underlining his additions to the previous two proposals:

Section 1.

Whoever, alone or in concert with others, sells or delivers to another or composes for another, or arranges for or assists in such sale, delivery or composition for another, a theme, term paper, thesis or other paper or the results of research, knowing or having reason to know that there is a substantial likelihood that such theme, term paper, thesis or other paper or research results or substantial material therefrom will be submitted or used by some other person for credit as his own work at an educational institution in this Commonwealth or elsewhere without proper attribution as to source, or whoever takes an examination for another at any educational institution in this Commonwealth, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than six months, or both.

Section 2.

Any corporation or business engaged in the sale or transfer in this Commonwealth for a valuable consideration of themes, term papers, thesis or research results shall maintain a record of each such sale with the name and address of each person preparing such material and of each purchaser thereof, together with a copy of the material sold, all of which shall be made available for inspection and copying by the authorized representative of any educational institution in this Commonwealth granting diplomas or degrees pursuant to authorization of the laws of this Commonwealth. The foregoing shall not apply to research for corporations or other business entities with respect to matters relating to the business conducted by them. Failure to comply with the provisions hereof shall be punishable by a fine of not more than \$5,000 or imprisonment for not more than six months, or both.

The main provision of Thayer's bill forbids selling various assignments (hereafter collectively called "term papers"). Thayer kept three provisions written by Gordon which Hunneman had deleted. These were to arrange term paper transactions, to provide research, and to forbid the submission of term papers without "proper attribution as to source." The inclusion of these provisions made the bill broader and clearer. Apparently, it was possible under the provisions of the bill for a student to submit a term paper purchased from a research agency, as long as he gave proper credit to the company. Thus, the firms could maintain their First Amendment rights of free publication, while making it practically impossible for students to use the services.

Another change by Thayer specified that the companies could not sell term papers when there was likelihood that these would be used, not only submitted, for academic credit without proper attribution of source. In other words, this prohibition forbade the firms to sell "research materials" to be partly incorporated in a student's own term paper. Finally, Thayer provided for the strongest penalties, as compared with previously proposed drafts.

Thayer's second section of the bill specified that agencies selling term papers would be required to keep and make available to universities records of their customers. Of course, no student would be willing to purchase assignments under these conditions. Daniel Steiner, Harvard's General Counsel, felt that this provision could be self-incriminating, but his partner in the General Counsel's Office, Sharaf, said that

his own feeling on the matter was that the provision could be
323 included legally. The other university lawyers receiving
Thayer's draft, as well as Attorney General Robert H. Quinn,
324 apparently did not object to this section. 325 Much later
- in 1973 - Attorney General Quinn raised strong Constitutional
326 objections to the second section. In the meantime, although
Thayer and other lawyers obtained copies of the New York bill
327 in March 1972, which could have served them as a precedent,
neither he nor the others modified the latest legislative draft.
The Meeting of February 20, 1972

Previous to this meeting, The Harvard Crimson reported
that it would be held shortly, without announcing specific
328 details. Around this time, Steiner stated his belief that
the firms "are going to go one way or another, whether by
329 legislation or court action."

330 The meeting took place as scheduled, at the offices
331 of First Assistant Attorney General Paul A. Good. Other
persons attending were representatives from Boston College,
332 Boston University, Harvard, Northeastern, and M.I.T.

333 There were three main issues listed on a formal agenda:

1. Whether and how the school presidents would adopt a
policy statement condemning term paper services.

2. The possibility of undertaking a suit jointly by
the various participants was to be explored. A draft of a
legal complaint was eventually drawn up. The various schools
involved were to be plaintiffs, including the University of
334 Massachusetts, which would be represented by the Attorney

General.

3. A final item centered was the question of whether or not each school would file independent briefs. Following the meeting, in February-April 1972, Boston College, Boston University, Harvard, and Northeastern were prepared to file papers in court, independently,³³⁶ but later dropped this approach.³³⁷

Sometime after the meeting, The Harvard Crimson disclosed that the schools of the area had met "to draft legislation." Steiner would not give details about the proceedings to the reporter, except to say that "'We want to have it really polished so there won't be any question about its legality when submitted.'" ³³⁸ In another interview, elsewhere, Good stated that "probable court action will soon be initiated." He added that the universities were finally moving toward a "formal crackdown" against the writing services, hopefully ³³⁹ before the end of the Spring term. As it was the case following the first meeting, no details were given publicly about the outcome of the second meeting. For instance, it was never known which schools were prepared to initiate court actions, either jointly or independently, as we described above. Consequently, partial secrecy of proceedings helped to protect the public image of the principal policy-makers involved.

The Meeting of March 14, 1972

Another conference took place on March 14, 1972, at the Attorney General's Office. Participants included Paul A. Good and representatives from Boston College, Boston University,

Harvard, M.I.T., Northeastern, and the University of
340
Massachusetts. Thus, the meetings were slowly increasing
in number of representatives of the main universities of the
area. The gathering was somewhat inconclusive, perhaps
341 342
because either Hunneman or Thayer did not show up.

343
Two topics discussed were a lawsuit and legislation.
Phillip Burling, counselor-at-law for Boston College, thought
that at some point, perhaps in this or another meeting, mem-
bers of Hale and Dorr prepared and presented a memorandum deal-
ing with term paper companies, in addition to Thayer's draft.

William Searson III, attorney for the University of
Massachusetts, felt that the legislative solution was better
than going through the courts. It was difficult to prosecute
students within universities, he argued, but easier to stop
term paper sales at their source. Furthermore, it was also
345
necessary to prevent a public scandal.

Sometime after the meeting, The Tech, M.I.T.'s student
newspaper, reported that a meeting of the "term paper legis-
lation group" had taken place. J. Daniel Nyhart, Dean for
Student Affairs, did not comment extensively, except to say
that the people assembled had just began their work so "not
346
much could be expected from it for several weeks."

Hunneman reported on March 22, 1972, to President Asa
S. Knowles of Northeastern that the prospects for legislation
were quite advanced:

The Attorney General is ... about to file in the legislature a bill making it a crime to sell term papers. The usual deadline for filing bills passed last December, but the Attorney General expects to obtain leave to file the bill late. Quite frankly, I think that the Attorney General sees some political gain in pursuing this matter and I believe he will pursue it with vigor. 347

Following the meeting, further publicity about the issue continued to focus national attention on developments in the Commonwealth, thus maintaining the pressure to sanction the companies.

Newsweek, for instance, reported on March 20, 1972, that Harvard University was trying to stop term paper sales. Archie C. Epps, 3d, Dean of Students of Harvard College, described the firms for that magazine. 348 Similarly, Time mentioned in a story that Attorney General Quinn had begun "an investigation of the term-paper mills." 349

The Harvard Bulletin, the school's alumni magazine, noted that the universities of the area and representatives of the Attorney General were discussing court action and other "unspecified moves." Daniel Steiner, Harvard's General Counsel, described these activities as "'various strategies for putting term paper companies out of business.'" 350 Subsequently, The New York Times quoted one of The Harvard Bulletin stories in part. 351

The Meeting of March 31, 1972

There was another meeting on March 31, 1972, at the offices of the Attorney General. 352 The participants included perhaps L. Harrison Thayer and representatives from M.I.T. and the University of Massachusetts. 353 The lawyers "just were together,"

seemingly without much progress.

In early April 1972, Dr. Edwin Penn, Assistant to President John R. Silber of Boston University, summarized current progress made, for the latter. ³⁵⁵ A suit [or several briefs] was ready to be filed in court. One consideration before filing for a court injunction on behalf of Boston University, according to Mr. Jerome P. Facher [one of the Hale and Dorr lawyers most active in the case at this period], was the problem of cost and of the accompanying publicity surrounding court action. If the Board of Trustees authorized President Silber to move in this area he had to let the Attorney General know about it.

Meanwhile, Penn continued, Attorney General Quinn was ready to introduce legislation in the 1972 session of the Massachusetts Assembly. All the lawyers involved agreed that the bill would pass quickly once introduced, regardless of what any university would do in starting court action. The problem, then, could be solved at little or no cost or negative publicity to Boston University.

Furthermore, there was also little danger that the Attorney General would refuse to introduce legislation in case Boston University declined to go ahead with a court brief. Quinn knew already, Penn went on, that the school supported his legislative efforts, but he should be informed about it once again.

Penn suggested that, since Attorney General Quinn acted on behalf of the public institutions of the Commonwealth, the most effective way to pressure him to move quickly would be for

President Silber to ask President Robert Wood, his colleague at the University of Massachusetts, to speak to the Attorney General concerning the issue. Although up to this time Quinn had moved slowly on this area, because of other urgent problems and a limited staff, Penn concluded, First Assistant General Paul A. Good was personally interested in the subject of term paper companies.

It is interesting that Dr. Penn suggested that both Presidents, Dr. Silber and Dr. Wood, would need to exert influence upon the Attorney General Quinn for the latter to move quickly. Apparently, it was not sufficient for only one of them to do this alone, even if each president had high prestige as head of large educational institutions. Commitment
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to introduce legislation both on the part of Good and
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Robert H. Quinn did not lead to an automatic guarantee of quick action.

Later on, there was agreement among the lawyers that university regulations should be revised, expressly forbidding term paper purchases, in order to strengthen the upcoming legislative and judicial actions. Dr. Penn revised the school
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catalogues of Boston University to this effect. In this occasion, internal rules and regulations were tightened to
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influence the views of institutions outside the University. The lawyers would argue in court that the school had done all it could by itself, and thus needed external support. Therefore, the need for recourse to outside agents of social control seems to influence internal policies against the new form of

deviance.

The Meeting of April 19, 1972

A meeting was held on April 19, 1972. Those attending included representatives from the Attorney General and five
360
universities.

On the day of the conference, John B. Gordon of the Attorney General's Office sent to Searson of the University of Massachusetts a list of the most active university representatives up till then: Burling and Monaghan, Thayer, Steiner, Hunneman and his assistant Raya S. Dreben, Kelly, Searson, and Good.

Concerning one or more petitions for court injunctions, Gordon added that "the final list of plaintiffs will be shorter. Boston University, Northeastern and this office [of the Attorney General] are apparently in for sure; M.I.T. and Harvard
361
are apparently out for sure."

On April 24, 1972, Hunneman informed President Knowles that two tentative decisions had been reached thus far: to file for a court injunction, and to introduce legislation. Hunneman also observed that "there has been much backing and filling" by all persons concerned. Yes, "'with the help of drafts submitted by counsel [of the universities], the Attorney General would file a bill in the legislature.'" Attorney General Quinn had not followed through on this matter as yet because of manpower shortages. Moreover, Hunneman concluded, Boston University had also drafted a bill (apparently Thayer's version) to be filed in the week of April 24-29, 1972.

In order to do likewise for Northeastern University, Hunneman asked Dr. Knowles to obtain authorization from the Board of Trustees in order to proceed with their own suit. 362

But, regardless of hopes and the prospective calls for action, all the participants eventually let the Spring term 1972 go by, without taking any definitive action. 363

Boston University failed to file any kind of legislation or court brief at this time. They would do so toward the end of 1972, as will be described later on. Also, the Trustees of Northeastern University denied Hunneman's request to file for a court injunction, shortly after Hunneman had asked President Knowles. 364

Attorney General Robert H. Quinn, finally, although had promised the universities a great deal in terms of concrete actions, failed likewise to deliver to the satisfaction of the schools. Quinn figuratively patted the university attorneys on the back and told them that they were doing fine, 365 but he himself did not follow through on any legal actions.

It is clear that decisive action would have been politically advantageous to the Attorney General, 366 but apparently this was not the only factor in his inaction. Several reasons were advanced concerning his delay, 367 including that Quinn was a busy person 368 and that there existed a manpower shortage in his Office. 369 Specifically, John B. Gordon, who was the main Assistant actually handling the case, left his office in April 1972. 370

The university lawyers, on their part, did not get

extensive financial support, and what they obtained was given reluctantly by the schools for the task at hand. Obviously, although the attorneys were interested in the problem, Hunneman said that they did not want to follow through on the problem on their own time, pro bono publico.³⁷¹

After the failure of the January-April 1972 conferences, attention was directed by the universities to the legislative developments and other legal sanctions against term paper services in other states.³⁷²

Ambash's Legislative Draft

For instance, in May 1972, Daniel Steiner received a new draft statute (See Appendix 12), prepared by Joseph W. Ambash of Harvard Law School.³⁷³ Ambash drafted this legislation quite carefully, seeking specifically to overcome Constitutional "objections to the New York and California statutes."³⁷⁴ He also offered his help to Steiner.

Ambash's main concern was to draft a bill not infringing on Constitutional freedoms.³⁷⁵ The legislation he proposed consisted of seven paragraphs, with the first four constituting the substantive prohibitions that forbade sales or help with term papers when the latter were to be submitted for academic credit under a student's name.

Exceptions to the provisions above included sale of information not to be submitted for credit and services such as typing and reproduction of materials. Any citizen could file a complaint against persons violating the statute.³⁷⁶ Those persons violating the act would be guilty of a misdemeanor.

Finally, a particular strength of Ambash's proposal was his clear definition of the key words of the legislation. For instance, he defined an "assignment" as a broad term encompassing "any academic task." Moreover, if the seller asked a purchaser for the names of instructors and similar information, the former was assumed to have violated the statute. In theory, this provision would effectively stop companies from guaranteeing not to duplicate sales of the same term paper to any one instructor, although ingenious students could prevent this from becoming too great a problem.³⁷⁷ Ambash concluded, furthermore, that if the term paper agencies would be simply driven underground, or "if this form of cheating is merely a symptom of some deeper illness within our universities, it is chimerical to place much confidence in a mere law against it."³⁷⁸

Steiner sent copies of Ambash's draft statute to Paul A. Good, Henry P. Monaghan, and L. Harrison Thayer II,³⁷⁹ but nothing further was done with it.³⁸⁰ Apparently no other lawyers and certainly no representatives³⁸¹ who introduced legislation later on, knew about this proposed statute, suggesting additional problems of communication among policy-makers.

Practically nothing happened during the summer 1972 concerning sanctions against the companies. Vice-President Gilbert G. MacDonald of Northeastern University told Hunneman in July that a Dean at his school was friendly with a student working at the Attorney General's Office, and that perhaps Hunneman would find this useful information.³⁸²

By the middle of August, David Martin, president of

Champion Termpapers, of Boston, wrote a lengthy article in The Harvard Crimson, full of wonder that "It is astonishing that so far no legal action has been taken here in Massachusetts, even though Boston is the term paper capital of the world." ³⁸³ We may add that legal sanctions in New York, California, and Ohio ³⁸⁴ had already been undertaken. Martin added that, faced with the prospect of legal problems, term paper agencies, including those at Boston, were diversifying their operations and going ³⁸⁵ into other fields ... photocopying for example.

In late August 1972, Archie C. Epps 3d, Dean of Students of Harvard College, was not certain how far things had advanced. Furthermore, he told a correspondent, he could not be "brought ³⁸⁶ up to date owing to vacations." This suggests that the flow of information between policy-makers may be interrupted by traditional rhythms, despite the potential urgency or harm of new forms of deviance.

THIRD ATTEMPTS AT SOCIAL CONTROL: COURT ACTION

On August 28, 1972, President John R. Silber reviewed the problem of term paper companies for the Board of Trustees of Boston University. Silber mentioned that "successful actions" had been undertaken in other states, but "there appears to be little hope for similar actions in the Commonwealth." The imputation for this inaction was clearly presented:

The Attorney General's Office did not introduce corrective legislation as promised, nor is there any indication that his office will file suit in the near future. ³⁸⁸

Therefore, President Silber requested authorization to ³⁸⁹ initiate court action against the Massachusetts firms.

The first actually concrete decision to institute legal sanctions was then taken by the Trustees when they approved this step, on condition that Silber still try one more time to obtain cooperation from other universities. 390

Consequently, President Silber wrote to his seven colleagues in September, saying:

Over a year ago I sought the assistance of the District Attorney's Office and the Attorney General's Office. In several states, including New York, California, Ohio, and Wisconsin, the attorneys general have taken action to restrain the term paper companies from further business. These actions have been successful and well publicized. In the Commonwealth, however, no similar action has been taken; apparently none is contemplated in the near future. 391

Silber concluded his letter stating that Boston University therefrom was ready to file for an injunction. He hoped that this would be a joint brief by all the universities, or that they would lend financial support. 392

Eventually, "The Big Eight" university presidents decided, at one of their informal meetings in September, that counsel for the various universities would cooperate with Boston University in the suit, or at least share expenses. Each school, excepting M.I.T., was considering at this point either becoming plaintiff or simply being co-plaintiff with Boston University. 393

Throughout September 1972, discussions continued, this time among the university attorneys. Finally, they decided that Hale and Dorr would file a brief on behalf of Boston University alone, with all other schools sharing costs (except

the University of Massachusetts). After further agreement between the presidents, this court complaint was finally ready to be filed, either late in September or early in October 1972. 395

At this time a new, unanticipated, factor entered the situation. Mr. Frederick R. Kellogg, Assistant to the United States Attorney of Massachusetts, phoned Boston University representatives asking them to postpone their impending court action. 396

For personal reasons, Kellogg became interested in the problem of writing services and -on his own initiative- had been working on the details of legal action against the firms, since April 1972. Kellogg had worked closely with several Postal Inspectors and with the United States Postal Service in order to gather evidence against the companies. He wanted to argue in court that these agencies violated Postal Codes U.S. 3005 and 3007, which indirectly forbidded the promotion of fraudulent college degrees. 397 We may add that there were no precedents for the use of these laws in the matter of writing companies. Kellogg further mentioned that he was still working on his own brief, which he would be ready to file in the near future. 398

Albeit the Hale and Dorr lawyers did not think that Kellogg would succeed with his approach, 399 they decided to give the latter a chance, agreeing to hold-off their court action. 400

Although Kellogg was a close friend of Philip Burling, attorney for Boston College, Kellogg's independent efforts came as a surprise for the latter as for everyone else. Nobody

among the university representatives or the Attorney General's
Office knew about or expected this development. ⁴⁰¹ Kellog did
not tell the presidents and lawyers groups about his plans
because he realized, apparently from newspaper stories, that
they were ineffective. ⁴⁰² The emergence of new forms of
deviance, therefore, may lead to the creation of independent
efforts of social control, without coordination or communica-
tion necessarily existing between policy-makers even in a sin-
gle state.

Before either court brief was filed, however, an unexpected
"leak" of information by someone at the Postal Service concern-
ing the impending federal action prompted the Boston University
attorneys to file their request for an injunction, on October
19, 1972. ⁴⁰³ Kellog himself did likewise the following day. ⁴⁰⁴

In the Boston University complaint the activities of writ-
ing services were described in much the same detail as we dis-
cussed for the New York and Ohio court actions. In the Boston
brief it was mentioned, moreover, that the operators of the
writing agencies flaunted their "legal invulnerability," saying
that they stayed in business because, supposedly, there were no
laws regulating their activities. ⁴⁰⁵ The defendants argued,
furthermore, that "it is up to Boston University to police the
situation itself, or go to the legislature and get a statute
prohibiting the activity." ⁴⁰⁶

Judge Harry Kalus of Suffolk Superior Court presided over
the case, and granted a preliminary injunction pending a trial. ⁴⁰⁷
Immediately after this, all the companies except Tempapers

Unlimited, went out of business. The latter firm filed an
409 appeal, but eventually lost the case, in the Supreme Judicial
410 Court. The result was that Termpapers Unlimited also closed
411 down, in November 1972. No one anticipated how easy it
would be to end the companies.

Furthermore, Judge Kalus ordered that a copy of the Boston
University complaint and of his own order for a preliminary in-
412 junction be sent to Attorney General Quinn, for further action
by the latter, because the matter was "'so fraught with public
413 interest and concern.'" In a New York Times interview,
President Silber expressed his satisfaction that this official
414 notification was made.

Subsequently, in November 1972, Attorney General Robert
H. Quinn filed suit on behalf of the University of Massachusetts,
basically against the same businesses covered in the Boston
415 University complaint. A new preliminary injunction was
416 granted, but coming late as it did its practicality essen-
417 tially was of "beating on a dead horse."

Sanctions Against Student Offenders

During and after the period these events took place, the
courts ordered the various term paper companies to make avail-
able to Boston University copies of their business records, in-
cluding names of term paper purchasers. Ward Warren refused to
turn in the files of Termpapers Unlimited, and fled the state.
Records of some other companies, however, would become available
418 for inspection.

On January 30, 1973, President John R. Silber of Boston

University, wrote to his fellow presidents of "The Big Eight" concerning this matter. Files from Champion Research, he let them know, had become available for inspection by university officials. These documents included the names of the student purchasers, copies of the term paper bought, course, and names of the instructors. Although the term papers themselves were not actually in the possession of Boston University, Silber concluded, they were freely available from Champion, because of
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the court order.

In another letter, written in mid-February 1973, President Silber reiterated to his seven colleagues that the term paper files of Champion Research were available for inspection. Moreover, records of International Termpapers, including "an extensive index file," had also become accessible. Silber also indicated that "the assets of other firms are being seized as well." However, there was the possibility that one of the companies would appeal the court order then in effect, so that it was advisable to make copies of the documents while the latter
420
were still obtainable.

Upon inspection by Boston University delegates, it was found, eventually, that customer files and documents of Quality Bullshit, Termpapers Anonymous, and Write-On were either incomplete or simply non-existent, but those of Champion Termpapers
421
and International Termpapers proved to be quite accurate.

Some comments made by David Martin, president of Champion Termpapers, are in order concerning the files of this firm. Martin indicated, in a long letter addressed to Dr. Stephen J.

Trachtenberg, Dean for University Affairs at Boston University, and which was reprinted in part in The Free Press of this school, that each term paper in his files was in a manila folder with the name of one or more students written in the outside of the latter. It was possible, Martin made it clear, that the first student listed there was not a purchaser, but someone in another category. For example, the first name could be of a writer or student who sold the term paper to the company, or perhaps it was the name of an individual who sold the paper to Champion after obtaining it from friends or elsewhere. Martin concluded his observations indicating that indeed most names listed in the folders were of purchasers who had used the term papers for plagiarism, but

... there are enough exceptions, comprising a fairly sizable minority of all the listings that Boston University has, so that an individual student's claim that he is innocent of plagiarism despite his or her name appearing in our files should not be dismissed out of hand. 422

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In Table I, below, I will present a statistical summary of the use of term papers from Champion Research and International Termpapers, and still Martin's comments should be kept in mind. The figures I will show, furthermore, can not be directly compared by schools, due to the different population bases in each university and to the unavailability of records from other term paper agencies doing business in the area.

TABLE I

TOTAL NUMBER OF TERM PAPERS REPORTED SOLD BY TWO WRITING SERVICES TO STUDENTS OF "THE BIG EIGHT" GREATER BOSTON UNIVERSITIES

	<u>INTERNATIONAL TERMPAPERS</u>	<u>CHAMPION RESEARCH</u>	<u>TOTAL NUMBER</u>
Boston College	74	131	205
Boston University	267	494	761
Harvard	201	73	274
Brandeis	47	70	117
M.I.T.	5	10	15
Northeastern	70	217	287
Tufts	22	66	88
The University of Massachusetts (Boston)	68	137	205
GRAND TOTAL	754	+ 1198	= 1952

The responses of administrators at "The Big Eight" universities to the availability of these data varied. Dr. Edwin Penn, Assistant to the President of Boston University, noted that, among the schools, only Tufts University was consistent in their desire to follow through the matter and punish cheaters who had purchased term papers.⁴²⁴ Toward the end of January 1972, for instance, Penn wrote Walker Gordon, another Hale and Dorr who was active in the court action on behalf of Boston University, that Tufts "was the only University which initiated contact with us subsequent to all the publicity. I gather that the other institutions are not particularly eager to get involved in what must now be done."⁴²⁵

Eventually, in response to President Silber's letters that the files were available, Boston College, Harvard, and the University of Massachusetts wanted nothing to do with the data, yet the other schools requested copies of all or some of the records.⁴²⁶ The final outcome of the latter's responses after obtaining the files was as follows:

1. Boston University: Dr. Penn reported that those students who plagiarized were punished, with "a majority of those found guilty ... given lower grades in the course to which they submitted the papers."⁴²⁷

2. Brandeis University: Although full information was not available at the time this was reported, it appeared that "some students got failing grades ... while others had to redo the work. No students were suspended" from the school.⁴²⁸

3. Massachusetts Institute of Technology: The school

received only the list of students who purchased term papers from Champion Termpapers. These students were not punished,⁴²⁹ for one reason or another.

4. Northeastern University: President Asa S. Knowles indicated to a writer that a committee of administrators and lawyers of the school made a "'very through analysis' of the possibility of punishing students, and finally decided to drop the whole issue after their lawyers advised that it would be hard to prove which students were guilty of plagiarism."⁴³⁰

5. Tufts University: The Committee on Student Life was the group most active considering this issue. It was felt that the 22 students listed as purchasers of term papers from International Termpapers should not be prosecuted, because almost all of the purchases were very old, prior to 1971, and⁴³¹ hence the students had already graduated.

Among the Tufts students purchasing term papers from Champion Research, a total of 39 individuals were investigated. Eight of the names listed as purchasers turned out to be false. Six or seven students had graduated already, and the trustees decided not to revoke these degrees. All in all, 14 names of students were turned over to the respective professors for whose classes the purchasers presumably had bought the term papers. In the case of seven or eight students teachers remembered the particulars of the term papers presented to them. Four of these students appeared to have purchased more than one term paper, and they were punished with a minimum of one-year suspension. Those students who had purchased only

one term paper were placed on disciplinary probation.

In addition to the statistics and the reactions of various schools as we indicated above, the investigation of the data from Champion Research and International Termpapers also revealed that 138 term papers were sold to students of Boston State College and 10 to purchasers from the University of

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Texas. Obviously, students from many other universities, in Massachusetts and other states, purchased term papers from these two firms, but no statistics were ever compiled concerning these schools. Partly, this was due to the fact that time and effort were required in order to search the materials, but the overriding reason, regardless of widespread publicity concerning the situation in Boston, was that no universities expressed an interest in getting them.

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The following year, President John R. Silber found an opportunity to vent out his feelings concerning the reactions of "The Big Eight" universities to the availability of records from Champion Research and International Termpapers and their subsequent handling of cheaters.

In a speech before the American Association for the Advancement of Science, in March 1974, Dr. Silber complained bitterly that the majority of the local schools either did not care to get the records of purchasers of term papers or, if the documents were obtained, the universities "refused to take decisive action to expose the fraud and root it out where discovered ...!"

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SUMMARY

Modern commercial writing services actually originated in Massachusetts, in late 1970. International Termpapers was the first company that began the business, setting the trend for others across the country.

Although the businesses shared some general characteristics, in terms of format and mode of operation, some firms differed from others concerning their penchant for secrecy and specific characteristics.

As of early 1971, five term paper agencies were operating openly in the Greater Boston area. Several administrators and other persons with institutional roles knew of these activities, but, at first, did not do anything special to control them.

In March 1971, a feature story in The Boston Globe gave prominence to the services, and marked the beginning of widespread publicity. This initial publicity and knowledge, nonetheless, failed to influence university officials to act immediately in a dramatic way, or to initiate policy changes. Apparently they did not care, or perhaps had other pressing issues.

Further publicity eventually converted the new form of deviance into a public "scandal." The writing agencies then became more of an open threat; i.e., in embarrassment to schools, and administrators reluctantly began to undertake an initial exploration of new means of social control.

Stories in the mass media, in other words, constituted a necessary but not a sufficient condition for new social policies. It appears that much law violation, or innovative behavior in

the form of a "new" deviance that violates the spirit or letter of the law, exists and is known. This is tolerated, however, until insistent publicity forces those that know and tolerate the new deviance to act--and thus attempt to enforce the law, change it, or enact new means of social control altogether.

In contrast with the procedures for handling traditional forms of academic dishonesty, specific reactions to research agencies occurred slowly and on a piecemeal basis, although with some coordination among presidents of "The Big Eight" Boston universities, who were acquainted with each other on an ongoing basis.

Data on the decision-making chain is incomplete, yet we have a clear outline of the main events. Stories in the mass media, for example, were a direct source of influence upon Gilbert G. MacDonald, Vice President for Student Affairs of Northeastern University, in his decision to ask help from deans elsewhere to combat the problem. The latter's encouraging responses, in turn, led Dean MacDonald to contact administrators from Boston University and other schools. All of them favored, in principle, a "joint approach" rather than actions each on his own. Following this advise, top institutional leaders authorized this approach.

One problem encountere was that secrecy, or some elements of it, persisted even between cooperating leaders and interested persons. Partly because of this, and partly due to other reasons, the initial cooperative approach eventually failed. But, the communication network established between these

individuals at least helped to increase their concern about the problem and facilitated their keeping in touch with one another.

Robert I. Hunneman, Northeastern University's counselor-at-law, became a 'leader' because he was personally outraged against the companies. He attempted to obtain information about them, while also cooperating with other university lawyers. Most of the time, the attorneys worked independently of one another. Hunneman's attempts sought to involve other institutionally-powerful individuals: representatives from Attorney General Robert H. Quinn's Office, Governor Francis W. Sargent, members of the Massachusetts Board of Higher Education, and others. Although reactions from some of these individuals or groups were initially positive, no concrete results evolved.

Another 'leader' on this issue was Archie C. Epps 3d, Dean of Students of Harvard College. His leadership included many efforts to help maintain the salience of the new deviance through his strong statements given in interviews for the mass media. In addition, Dean Epps prodded various lawyers to proceed against the firms. Finally, he maintained correspondence on this issue with persons all over the country.

Individuals with institutional positions of power, whether taking initiative on this matter and hence becoming 'leaders' or not doing so, were influenced to act either directly upon reading stories concerning the companies or following requests for action made to them by concerned individuals. We conceptualized the role of the latter as "moral entrepreneurs," in Howard Becker's original idea of persons who promote enforcement of social rules.

We refined his concept further saying that "moral entrepreneurs" are those individuals; such as Robert W. Hallgring, faculty member of Northeastern's School of Law, Roger L. Winters, Assistant Senior Tutor at Harvard College, and Richard D. Gilliam, Jr., a senior partner of a Kentucky law firm; who offer suggestions, encouragement, share information, and contact 'leaders' and/or other institutional officials. The efforts of these persons may, but not always, remain unknown to the public.

Contacts by "moral entrepreneurs" with, among others, Congressmen, the U. S. Department of Justice, the Office of Education of H. E. W., etc., had negative results. Hence, it appears that it is not enough that one or a few persons of high status contact personnel in the middle levels of power (or even higher) for the latter to exert initiative on an issue which may fall within their own jurisdictions. Yet, the suggestions for action coming from "moral entrepreneurs" or from one leader to another may not be forwarded to other local leaders.

Mass media stories influenced several "moral entrepreneurs," underscoring its role as a necessary but not a sufficient condition bringing about social policy changes. Furthermore, publicity also gives some 'leaders' on the issue more prominence than others. This was the case, for example, with Dean Epps, Dean Stephen J. Trachtenberg of Boston University, and L. Harrison Thayer, who represented the latter school. Because of their prominence, these and other leaders were contacted by many "moral entrepreneurs," and other potential or actual leaders. Hence, leaders, particularly those in the limelight, are in a

position to share and forward information with and to others, and to coordinate action against the new form of deviance.

The leaders, then, function or appear as spearhead of a "movement" promoting changes in social policy, a movement which is composed of a few powerful 'leaders.' Meanwhile, they rely on technicians, lawyers, assistants, and others (who remain more or less prominent or anonymous, depending on their own prestige and personal leadership) to carry on the basic work leading to implementation of policy changes.

Whatever action is finally taken, finally, results either from compromise and unification, or from domination by one group of activists with a majority of other concerned groups going along, although finally determining the alternatives chosen.

Reactions by university representatives included attempts to shift the jurisdiction of personnel who could handle the issue. Specifically, university administrators and their counsel requested government officials to lend substantial assistance to follow through attempts to solve the problem. Independent efforts in this area were initiated by Northeastern and Boston University, to influence Garrett H. Byrne, District Attorney for Suffolk District, and Attorney General Robert H. Quinn. Under these pressures, government officials were willing to lend technical advice, and even to draft legislation, but they felt that the universities themselves should complete the task. It was not the political responsibility of the paid officials to sponsor legislation. Hence, they forced the universities into action.

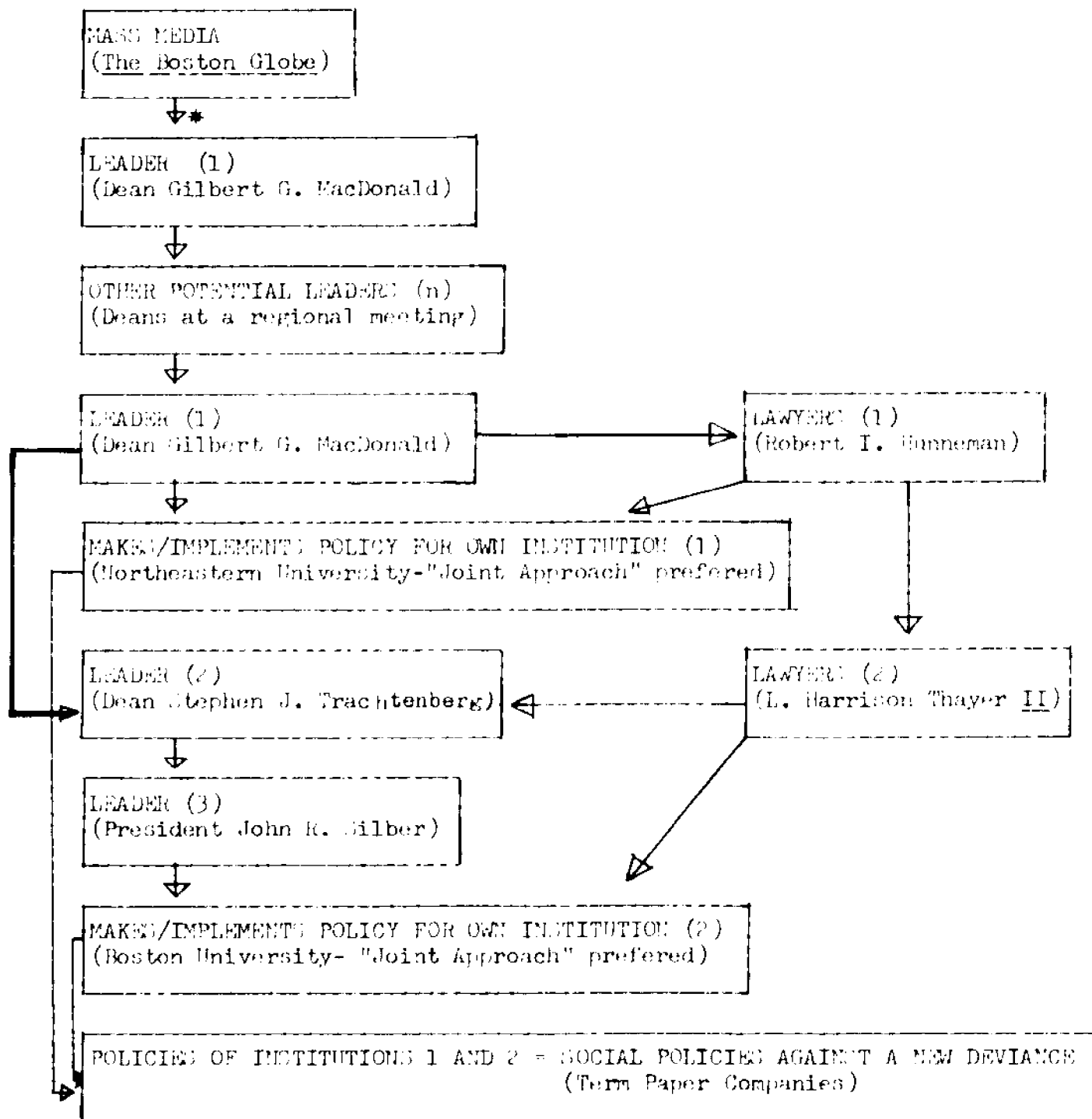
We conclude, concerning the events in 1971, that it is possible to trace decisions potentially leading to policy changes. The implementation of the actual changes, furthermore, can be traced to specific individuals who take on the responsibility for doing so, partly due to their institutional role and in part as a matter of personal choice. Meanwhile, potential leaders concerning the issue, with institutional roles of power in other universities or elsewhere, may or may not choose to follow through as the active leaders, and in the latter case ignore the challenges presented by the new form of deviance.

The continuous exposure of writing firms in the mass media stories made them appear to be an open threat to educational institutions, particularly as this publicity exposed the school administrators' failure to react. In those instances when new policies are actually initiated, publicity leads some persons in authority to act. I found that while many institutional leaders potentially had authority to do something about the problem, only a few actually took the lead in doing so.

Among the latter, some 'leaders' appeared to be more sensitive to the particular issue than others were. Also some individuals initiated and pressured more than others for the beginning of new solutions, even though their organizational positions did not actually required them to do so. Finally, a wide variety of approaches, many conflicting, are possible among the activists.

In Figure 1 we show partially how the processes described above may work, for Northeastern and Boston University here:

CHAIN OF COMMUNICATION AND/OR INFLUENCE LEADING TO
CHANGES OF SOCIAL POLICIES AGAINST A NEW DEVIANCE



* | —> = Inform and/or Influence

Publicity about term paper companies continued to sustain their salience throughout 1971 and thereafter. Consequently, university officials continued to be goaded to undertake some action. For a long time, however, few tangible results materialized.

Overall, the process of taking action, assuming leadership, achieving a consensus, and coordinating action was exceedingly slow. Leadership was poliocentric, parallel, and often contradictory lines of action were undertaken with little communication between the initiators of various strategies. A few academic 'leaders' served to coordinate, inform and initiate policies; and a few state officials and "moral entrepreneurs" did the same at an informal level.

The situation, at an impasse toward the end of 1971, led President John R. Silber of Boston University to change his strategy, asking Henry P. Monaghan, Professor of the Boston University School of Law, to look into the matter.

Monaghan had, in October 1971, offered his assistance to President Silber in influencing the Attorney General to proceed alone in a court action. By late December 1971, however, Monaghan fully realized that this approach had been a failure. He proposed instead a new set of conferences among university representatives, with or without participation from Attorney General Quinn.

Subsequently, while some independent activity also continued among the attorneys as it had been the case all along, the lawyers renewed and formalized their contacts, thought about and discussed alternatives.

Nevertheless, during these preliminary meetings the suggestion to contact Attorney General Robert H. Quinn somehow became prominent once again. The latter expressed an interest in participating at the forthcoming meetings. The university leaders hesitated, fearing adverse publicity against their individual schools, and they chose not to carry through independently on their desire to control term paper companies. They preferred to give support to the Attorney General while attempting to operate eventually behind the scenes.

As the meetings progressed, there was a definite structure of communication among the participants. For instance, presidents of "The Big Eight" universities held regular meetings to discuss problems common to all even before the controversy. Similarly, the attorneys participating in the conferences knew each other.

Some of the lawyers participating in these gatherings became 'leaders,' insofar as they were personally and professionally more involved in the case than others.

Quite early, in February 1972, a draft of a bill was made, due to the joint efforts of three participants. Moreover, additional drafts for several court briefs were drawn up, later on by April 1972. Possibilities included several universities filing independent briefs, as well as a joint court complaint. As these materials were been prepared, networks of friendship were activated in order to gather information concerning similar moves elsewhere. Furthermore, the lawyers kept in touch with their employers, such that the latter had and used these opportunities to some extent in shaping social policies.

By early 1972, one or more court challenges and legislation seemed to be impending, and quite likely to succeed. Moreover, school rules were modified in an effort to strengthen the legal standing of these actions.

Nevertheless, the universities and the Attorney General failed once again to take forceful leadership to end the matter. Each person participating in setting or implementing the new social policies had brought with him a different set of concerns and bureaucratic considerations from their respective institutions, with the practical result that everyone tried to shift the actual implementation of solutions to some other group involved. For example, "The Big Eight" presidents agreed to cooperate to some degree in sponsoring a press conference at the Attorney General's Office, but not to the extent of doing so personally.

It is clear that the universities wanted Attorney General Robert H. Quinn to do the job. Hence they would be "off the hook" insofar as costs and possible adverse publicity. Quinn, on the other hand, wanted the opposite, hoping that the schools would solve the problem themselves.

But, it was also true that counsel for the Attorney General's Office were interested in putting the companies out of business. As a matter of fact, they wanted the universities to draft a statute, which Quinn could have introduced in the legislature as his own. This and a court suit against the firms could have led to political benefits for the latter.

As things turned out, all the participants eventually backed down for one reason or another. In the meantime, some degree of

secrecy about details of the proceedings going on helped somewhat to hide these failures. There was "much backing and filling" among the participants. In the end, attempts to influence the Attorney General, even those of President Silber of Boston University and President Robert Wood of the University of Massachusetts, proved insufficient to move him.

The final result of the early 1972 conferences was, in short, that no concrete sanctions crystallized against the new form of deviance for yet another six months. In other words, the unity of purpose and background among institutionally-powerful university and government personnel was no guarantee of achieving results in terms of implementing new social policies.

Stories in the mass media served another purpose as well. They helped leaders and other persons to gather background materials to communicate each other the latest developments concerning the problem. These communications may have affected to some small degree the psychological readiness of leaders elsewhere to proceed.

In the case of Massachusetts, the earlier successes obtained in New York, California, and Ohio, did not necessarily determine the outcome of the "movement" in the former state. On the contrary, legal developments in other states served to expose, by way of contrast, the failure of the educational institutions in the Commonwealth to close down the firms.

Furthermore, newspaper stories were used by "moral entrepreneurs" specifically as means to point out the failure of some leaders to act. For instance, this was the case when Dr. Robert

H. Ketchum of Northeastern University wrote to Attorney General Quinn, citing a New York Times article to buttress his argument, asking the latter to do likewise as done by legal officials in New York.

In the second half of 1972, events began slowly and then gathered momentum. Joseph Ambash of Harvard University's School of Law, sent a draft bill to Daniel Steiner, the General Counsel of the school. This proposal, nevertheless, achieved only a limited distribution to other leaders, and even those who received it failed to integrate its provisions with their own legislative drafts. Furthermore, legislators in the Massachusetts Assembly failed to receive notice concerning the Ambash's draft, at that time or even later on, suggesting thereby that there was little communication between 'leaders' and other policy-makers or else concerned persons concerning potential means of social control.

Nothing much happened during the summer of 1972. We noted that lack of communication between 'leaders' and other persons may also occur to some degree due to internal rhythms such as vacation periods of institutions, regardless of the "urgent" pressures to control the research agencies. As events developed further, there was still lack of complete or clear communication among potential agents of social control

In late August 1972, President John R. Silber of Boston University finally decided to request authorization from the Board of Trustees of the school to go ahead with the delayed court complaint. The Trustees were reluctant, but finally consented to do so. This policy action, as well as earlier ones

taken by the Trustees of Northeastern University on this matter, show that the power of the Board of Trustees was real, although limited insofar as the trustees must choose from among the policy alternatives presented to them by their chief executive officers.

Approval of Boston University's court action was conditional, however, on President Silber making a last attempt to gain joint action between the universities. At first, the presidents of these other institutions agreed to file jointly the Boston University court brief, but on further discussions among the lawyers it was decided to let Hale and Dorr, counsel for Boston University, to handle the matter alone. Albeit the other schools avoided a more forceful leadership role, they agreed to lend moral and financial support for a fairly expensive court suit.

The unexpected entry of Assistant United States Attorney Frederick R. Kellog into this scenario, requesting that the impending action by Boston University be postponed in order to file a brief of his own, indicates that lack of action among the main, publicly visible, policy-makers may lead other 'leaders' to attempt independent alternative means of acting. In other words, concern about a new form of deviance does not result in unified communication and coordination among leaders with institutional power. Government officials, such as Kellog, moreover, may attempt to control the newly perceived threat to educational institutions out of a sense of moral outrage, and not necessarily due to external pressures from "moral entrepreneurs."

As it turned out, the preliminary court injunction granted to Boston University effectively succeeded in putting the term-paper agencies out of business, in spite of misgivings as to whether this would succeed and how long it would take. The success of this suit, after the total indecision, statements, pressures, research, and delays, was unanticipated. This is despite similar results in other states. Neither university administrators, their counselors, the Attorney General, or academicians were able to predict the immediate effect of their actions.

In granting the preliminary injunction, Judge Harry Kalus also placed judicial pressure upon Attorney General Quinn to act, by the act of forwarding the case to the latter for further action.

After been placed on the spot, Attorney General Robert H. Quinn finally filed for a court injunction, in November 1972 (one month after the filing of the Boston University suit). These belated efforts came too late to be really considered an effective spearhead against research companies, but they helped to abate some of the negative publicity surrounding Quinn's inaction. Moreover, his court movement even helped to build a positive image of the Attorney General's Office, later on, together with new legislation which he introduced in the Massachusetts Assembly. We will review this and other legislative efforts in the following chapter.

Likewise, Kellog's court action on behalf of the United States Attorney and the United States Postal Service also

succeeded, although only on government appeal and several months later. We mentioned, toward the end of Chapter II, that this case set a precedent for similar court injunctions in other states.

In the aftermath of the "scandalization" and new social policies controlling the companies, a minority of "The Big Eight" university administrations decided to punish for plagiarism those students whose names were available as purchasers of term papers. But even when sanctions were brought to bear upon students, it was done lightly.

Since many colleges did not even care to find out whether any of their students were involved in academic dishonesty, the overall picture in the Commonwealth of Massachusetts was much like that of the other three states investigated: once the open threat of term paper companies was contained, universities continued their previous activities as if nothing had happened.

CHAPTER VII: TERM PAPER COMPANIES IN MASSACHUSETTS:
THE ENACTMENT OF LEGISLATION.

Introduction and Overview

A week after Boston University's injunction petition was granted, a Boston Globe story mentioned that since the July 1972 New York law was enacted, Massachusetts had become "more attractive to the traffickers. Similar legislation ought to become law in this Commonwealth, with the support of students, faculty, administration, alumni, and everybody else."¹ This interest continued and by November 1972 another writer pointed out that "there had been a 'manifestation of interest' in legislation to nail shut the lid on the coffin of Massachusetts term paper companies."²

In the Commonwealth any citizen may file a "petition" form³ for a bill with his representative. Although this leads to greater democratic participation, this process also results in thousands of annual petitions which slow down the passage of new statutes.⁴ However, only representatives can actually file new bills,⁵ usually doing so with a colleague as a cosponsor⁶ in order to gain greater support for the proposals.⁷

When a representative gets a new idea, he usually writes the intent of his draft for one of the attorneys working in the office⁸ of the Counsel of the House, who then develops the bill. Theoretically, a representative could find out if a colleague filed a similar proposal, through the Counsel of the House, but usually they learn about each other's drafts only on the day of the required public hearing.⁹ This duplication of activity between legislators also occurred¹⁰ and set the stage for the passage of

the law regulating writing services. Nevertheless, in spite of the duplication of efforts, representatives are eager to represent their own points of view.

In the two months following the Boston University publicity, representatives filed four different legislative proposals on term paper companies with the end result that, after many changes, a new statute became enacted, effective January 1974.¹¹ I will discuss these four drafts, and those that followed and were based on them, in chronological order and in terms of content; reasons for filing; mechanics and social relations; and contacts by others with or by the legislator in relation to the issue.

House Bill 429

House Bill 429 (See Appendix 13) was filed by Representative Francis W. Hatch, Jr. on November 21, 1972. It is virtually identical¹² with the New York statute (See Appendix 6). Nevertheless, the amount of the fine in the Massachusetts version is much higher: up to one year in jail or a fine up to five thousand dollars. Since one penalty excludes the other, it is more likely¹³ that a judge would impose the latter rather than the former.

Moreover, the Massachusetts law deleted the New York provision allowing the Attorney General to investigate term paper sales and issue subpoenas.

House Bill 429 and the other three bills did not benefit from previous legal research known to Attorney General Robert H. Quinn and the university lawyers. For example, Hatch's proposal specified that companies were forbidden to sell term papers to "Massachusetts" students, a provision easily circumvented by

by engaging exclusively in out-of-state sales. In a draft version previously circulated among the lawyers, however, this problem was taken care of by adding the words "or else-¹⁴ where" following the word "Massachusetts." Similarly, in Hatch's copy of the New York bill it is specified that a person could not sell assistance for a "written" assignment, while Joseph W. Ambash's version broadened the prohibition to include sales of "oral or pictorial" assignments as well.¹⁵ The House Bill 429 prohibition to sell "research" would undercut the writing firms' argument that this was a legitimate¹⁶ practice.

Finally, the transfer of information pertaining to clients to third parties was forbidden. There were a few instances in¹⁷ the Commonwealth when students were thus subject to blackmail. Reasons for Drafting and Filing

It appears that Representative Francis Hatch filed the bill because of the public scandal surrounding commercial writing services. When the "first stories" concerning sales of assignments appeared in the newspapers, he felt that since Massachusetts (and Boston in particular) is noted for its educational reputation, something had to be done. Consequently, Hatch and his staff acted¹⁸ on the matter. It seems that Hatch's reference to publicity is to that which surrounded the three court actions in late 1972. Apparently he was not made aware or not convinced by the previous scandal in 1971.

Finally, there were political motives involved: "we wanted to file something to show that we were not 'bumps on a log,' and at

the same time do something responsible." ¹⁹ Indeed, on November 21, 1972, the day when Hatch filed this legislation, The Boston Globe reported that Hatch introduced it in the House because research companies conducted unethical activities whereby "'the public confidence in a college degree could be seriously weakened'." Incidentally, Hatch gave credit where credit was due by noting in the press release that his bill was similar to the ²⁰ one in New York.

The Process of Filing

²¹ Representative Hatch filed the bill on his own petition. He preferred his draft to others. He said that credit for the quality of his bill was due to his staff. Nevertheless, when Representative Hatch called the person who supposedly did the necessary "leg work," it turned out that all she did was to copy the New York law. The modifications necessary to adopt it to Massachusetts were worked out by Mr. Peter Berg, an assistant, and by a lawyer attached to the office of the House Minority ²² Leader, Hatch's position.

Hatch felt strongly enough on the subject of term paper companies to legislate a \$5,000 fine, the highest specified in any of the bills. His feeling was that each representative set a fine depending on whether they thought that the problem was widespread and/or detrimental to the whole educational process. For himself the definition of "widespread" was more than, say, five ²³ universities. It appears that changes of social policy vary depending on what policy-makers think or feel about the incidence, morality, and earnings presumably being made by new forms of

deviance. Hatch concluded that in spite of the fact that each representative set a different fine, the exact amount at the end was "certainly subject to negotiation."²⁴

Pressures Pro and Con

Neither Representative Hatch nor his assistant who had obtained the New York statute received any correspondence from anyone on this issue.²⁵

It appears that Peter Berg and the lawyer previously mentioned were in touch with representatives from some universities. It seems quite certain that a member of Hatch's staff (probably Berg) spoke with someone at Boston University around September 1972, and a different assistant, on his own initiative, called up Harvard University. Regardless of these contacts, nobody in particular asked Representative Hatch to file his proposal, but, on the contrary, he emphasized that "we decided it on our own."

Hatch himself spoke about his draft a few times with the Chairman of the Committee on Education, Representative Michael J. Daly.

The lack of knowledge about details of the legislation makes it appear that Hatch's draft was not a high priority to him. Indeed, he spent much more time in other issues; and asserted that the problem was not a critical area for other legislators.

Nevertheless, Hatch felt his legislation could potentially have an important effect on education. On the other hand, he did not work too hard at it because he felt that the need for such a statute was so obvious that one of the different versions would be enacted.²⁶ Nevertheless, not all representatives felt this

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way, and some lobbied for their proposals more than others. By the time Representative Hatch decided to introduce his bill, the original newspaper articles, and the statements, conferences and stories generated by various activities of college presidents (who were also responding to previous publicity) had created a climate of public opinion which made the need for a bill draft and its passage self-evident to a "non-concerned" legislator like Representative Hatch.

House Bill 611

House Bill 611 (See Appendix 14) was introduced on November 26, 1972, by Representative W. Paul White, on petition of himself, Representative Raymond L. Flynn, and another person. The draft is identical with the New York statute up to the middle of the third section. Afterwards, the provision against blackmail was deleted, and the provision giving power to the New York Attorney General to seek injunctions was completely changed in wording. Finally, the Massachusetts version added that university trustees could also file for injunctive relief. Its violation was to be made punishable only by a fine of up to \$1,000.

Mr. Joseph McEttrick, member of the Suffolk Law School faculty, authored the modifications made in House Bill 611 with some help from two colleagues and mutual friends, 28 Joseph Cronin and Richard Pizzano. 29

Professor McEttrick believed that legislation was needed in order to protect the integrity of the college degree. To this end he modified the New York statute to insure that his proposal 30 would be effective while still constitutional. A great deal

of time was spent to make sure that First Amendment rights were
observed in the Massachusetts legislation.³¹ McEttrick and his
colleagues found something concerning this problem while reviewing
the 1972 California statute³² (Appendix 4). In spite of the fact
that Representative Raymond Flynn co-filed the bill, he was un-
aware that one of its provisions was that either the Attorney
General or university trustees were designated to seek injunctive
relief.³³

Representative White believed that a one thousand dollar
fine was a fairly heavy but not excessive fine. In his version
each violation could be punished by this amount,³⁴ since it did
not represent a maximum as Hatch's fine of \$5,000. Finally,
White did not think it necessary to set up a jail penalty because
--up until that time--sales of written assignments had been a
legal activity.³⁵

Reasons for Drafting and Filing

Professor Joseph McEttrick drafted House Bill 611 for two
reasons: he was concerned that writing firms threatened the value
of the educational system, and that drafting legislation could
help to promote his political career.³⁶ McEttrick thought that
drafting legislation provided a good practical experience in and
of itself, at the same time that it provided credentials for a
person like him who wanted to become a member of the House of
Representatives. Incidentally, he ran for state congressman in
1970 and again in 1974.

In the summer 1972 McEttrick suggested the idea of present-
ing a petition to Pizzano. Pizzano had been following newspaper

stories concerning the companies and agreed that it was a good suggestion. Pizzano did not know why McEttrick wanted to present the petition,³⁷ or that the latter desired bill-drafting credentials in order to run for office.

McEttrick spoke informally³⁸ with Representative W. Paul White, a long-time friend, making him aware of widespread term paper sales in Boston. McEttrick was outraged against this attack on the decency and high academic standards of the schools in the area. Either in their first conversation or a later one, McEttrick mentioned that New York State had enacted a³⁹ new statute.

This talk sparked Representative White's interest in the matter and influenced his decision to do something about it. Nevertheless, he was aware of the subject partly on his own. White's interest was raised considerably by Boston Globe articles. Thereafter, it was clear to him that the situation was out of hand⁴⁰ because it appeared so easy to purchase term papers.

In spite of the fact that White was aware of the publicity surrounding the issue, he did not issue a press release the day he introduced his proposal. He felt that the regulation of commercial writing services represented only an academic affair, which appeared to require some legislative changes of a rather technical nature which he was not sure people would understand. Since the issue could not make headlines, White thought that there would be minimal publicity benefit for him or for anyone⁴¹ else.

The Process of Filing

The mass media were instrumental in making McEttrick aware of the cheating controversy in Massachusetts, and led to his decision to petition for his bill.⁴²

McEttrick and his colleagues were willing to write their proposal from scratch if necessary, but upon learning about the New York statute they made it their model.⁴³ Pizzano obtained a copy and passed it along to McEttrick, probably in summer 1972.⁴⁴ They did not speak too much about the matter.

Subsequently, Professor McEttrick went ahead and drafted the Massachusetts version mainly by himself but with some help from Professor Cronin on the constitutional aspects of the law.⁴⁵

Both McEttrick⁴⁶ and Pizzano⁴⁷ were experienced in drafting and submitting legislation. McEttrick showed the finished product to Pizzano, and the latter agreed that it was all right. Hence, Pizzano characterized his participation at this stage as "minimal."⁴⁸

McEttrick next gave the draft to his friend, Representative W. Paul White. This occurred sometime in late summer or early fall 1972, the period during which they first discussed the matter.⁴⁹

Sometime afterwards the initial conversation between McEttrick and White, the latter spoke (probably in June 1972)⁵⁰ with Representative Raymond L. Flynn, who was not interested in the problem until that time.⁵¹ although he was aware of it from television and newspaper reports.⁵² Flynn agreed to sign the petition, and hence participate as a cosponsor, a legislator whom he characterized simply as somebody who goes along with a

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proposal. Nevertheless, White wanted Flynn's signature because
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the legislation would gain support thereby. A cosponsor is
helpful to gain votes for the legislation and helps in handling
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House debates more efficiently. The two representatives often
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co-filed bills.

Prior to filing the petition they checked it with the
Counsel of the House, who determined that it was constitutionally
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sound. Subsequently, Representative White filed the bill, with-
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out any changes in McEttrick's draft.

Pressure Pro and Con

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Excepting Representative Paul White, the other persons
mentioned thus far neither lobbied for his bill (before the hear-
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ing), nor received any correspondence. Suffolk Law School is
practically next to the State House, but for personal reasons
neither Pizzano nor Cronin liked the idea of lobbying. Further-
more, the former wanted to see the legislation enacted but was not
sufficiently interested to follow it through the whole legislative
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process.

Although McEttrick felt no qualms about lobbying per se, his
feeling in this occasion was that there was no need to do so, and
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so left the matter in the hands of Representative White.

White's outside contacts on the bill were limited to a single
letter of inquiry concerning House Bill 611, from either an inter-
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ested student or an academician. The failure on the part of
university officials to contact Representative White, or any other
proponents of bills, for that matter, is truly remarkable.

While White customarily does not lobby for his drafts before

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the hearing, he did contact several persons afterwards.

When Representative White filed the petition, in early December, 1972, he was not quite sure whether it had any chance of being enacted, although he was convinced that the term paper businesses should be regulated. Subsequently, when newspaper publicity brought the issue to the fore once again, his impression was reinforced that people were indeed upset at term paper sales. With this publicity White thought that this legislation would become the kind of bill which gathers considerable

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support. Although White's recollection seems a little off-date, the main publicity having been in October, 1972, the importance of the mass media in his ideas seems clear.

House Bill 1343

House Bill 1343 (See Appendix 15) was filed on December 1, 1972, by Representative Michael J. Daly and Vincent J. Piro, on their own petition. This proposal was the one drafted by Gordon, Hunneman's staff, and Thayer; we previously discussed it at length.

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Reasons for Drafting and Filing

Dr. John R. Silber, Boston University's President, emerged in 1971 as one of the central figures in the drive against the research companies. In 1972, he prodded Dr. Stephen J.

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Trachtenberg Dean of University Affairs, to act on his behalf.

House Bill 1343 was filed because Dean Trachtenberg requested it of two personal friends, Representative Daly and later, Representative Piro.

Michael J. Daly's Reasons for Filing

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Sometime in August 1972, Dean Trachtenberg⁷⁰ discussed the problem with his friend Representative Daly. The Dean expressed his concern about the writing companies, mentioning that he had recently written an article describing their scope; and emphasizing that New York had passed a statute while Massachusetts lagged⁷¹ behind. Daly "was interested, but wanted to be educated more."⁷²

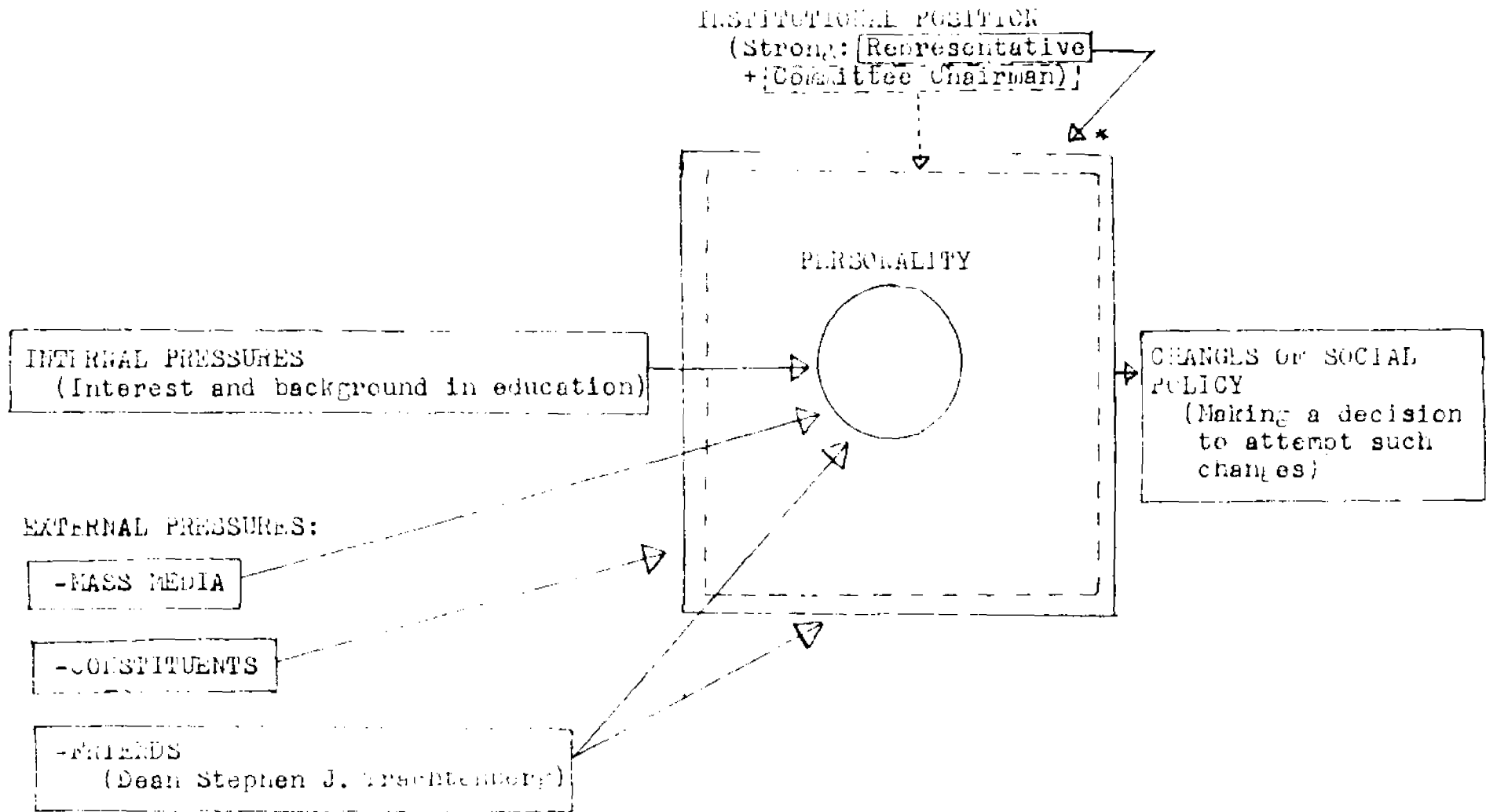
At about this time, Trachtenberg sent a copy of the aforementioned article to Dr. Joseph Cronin /who is unrelated to his namesake from the Suffolk Law School⁷³/, the Massachusetts Secretary of Education. On August 23, 1972, Secretary Cronin telephoned to inquire "what legislative endeavors were underway." The Dean said that he did not know of any movements in this matter. Dr. Cronin then suggested to forward the article to Daly "along with some draft language which might serve to stir the pot a bit."⁷⁴ Dean Trachtenberg followed this advice, sending the story he had written and the old draft prepared by some of the lawyers who had met with the Attorney General in 1972. Daly⁷⁵ mistakenly thought that the draft he received was the New York statute. In a cover letter, Trachtenberg described his conversation with Secretary Cronin. In addition, he indicated that university representatives were in touch with Attorney General⁷⁶ Quinn for over a year. Although the Dean and Daly were⁷⁷ friends, the letter was formal in tone.⁷⁸

Since the draft forwarded to Daly was originally completed in February 1972, the delay in sending it to a representative for filing is remarkable, and I can only speculate that nobody

knew or wanted to do anything with it. University officials apparently failed, or did not want, to take action in politics. Further, Dean Trachtenberg needed Secretary Cronin's intervention and the dropping of Attorney General Quinn's name (and the delay) to buttress his case for legislation to write to Representative Daly.

In addition, it appears that there were several secondary influences upon Representative Daly's decision to act. Some constituents from Kenmore Square, an area that is part of Daly's district, complained that leaflets advertising term paper companies were being thrust upon them and were creating too much litter.⁷⁹ Daly also was very interested in educational matters because he graduated from Boston State College, which used to be a teachers' college.⁸⁰ Finally, Daly and others had been hearing with alarm the fact that there was an influx of corporations selling written assignments.⁸¹ We can describe graphically these overall influences, leading to the representative's decision to seek changes in social policy as follows:

FIGURE 2: FACTORS INFLUENCING REPRESENTATIVE MICHAEL J. DALY'S DECISION TO ATTEMPT CHANGES OF SOCIAL POLICY



* ———> = Informs and/or influences

The central element in the diagram above is the fact that Daly could initiate policies only because of his institutional position as Representative. In this case the decision to initiate a new policy against the deviance was due mainly to external factors. Included in these was, above all, Boston University's pressure and presentation of a ready-made draft. In addition, some constituents had complained. Daly was also aware of the mass media scandal over the issue.

External pressures are necessary but certainly not sufficient conditions leading to the initiation of new social policy. These pressures are rejected or accepted as they are filtered and interpreted partly in terms of the institutional role (Daly being in this case Chairman of the Committee on Education) of the actor, and partly in terms of a combination of psychological and social personality factors, namely, Daly's character, educational background, and his friendship with Dean Trachtenberg

Intervening Developments

Representative Michael Daly did not file this draft for several months. Although the deadline for filing legislation is the first week of December, it does not really matter when bills are filed. It is also a fact that Daly was not particularly keen in giving feedback to Boston University, as may be deduced from the developments that ensued.

In October 30, 1972, while the outcome of the court case was still in doubt, Stephen Trachtenberg had dinner with Secretary of Education Dr. Joseph Cronin. Among other subjects,

they spoke about the problem of research companies. Subsequent to the conversation, the former informed Gordon Walker, then the main attorney handling the Boston University complaint, that "we must press on to get anti-term paper writing firms legislation, no matter what happens in court." Moreover, acting on the suggestion of a New York colleague, he also suggested that they could also worry about "bogus degrees" as a parallel problem.⁸² We note that Secretary Cronin encouraged Stephen Trachtenberg to action on two occasions, but in neither one did Cronin suggest that he would work or lobby for legislation.

On November 2, 1972, Walker replied he would be glad to meet with the Dean,⁸³ "to discuss drafting a statute." Thereafter, Trachtenberg sent Walker the same draft which the lawyers had prepared in early 1972 which he also forwarded to Representative Daly.⁸⁴ Apparently the proposal could have been improved or enlarged, but no changes were ever made.

Next, on November 13, 1972, Dean Trachtenberg mailed the same draft to Mr. Edward White, a friend who was assistant to Representative Vincent J. Piro; also a good friend of the Dean.⁸⁵

Piro's and Edward White's Reasons for Filing

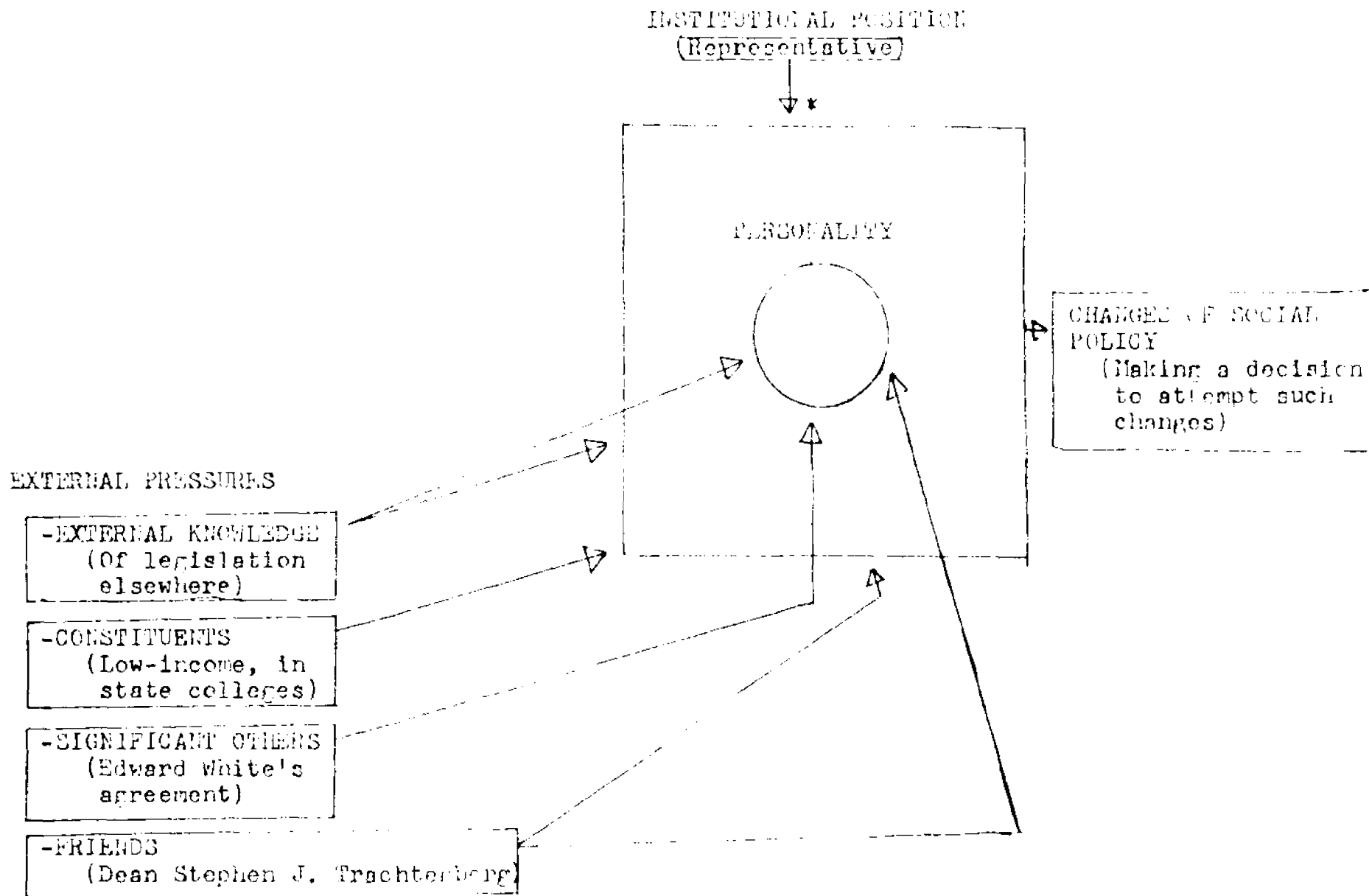
Representative Vincent Piro was interested from the beginning in filing the petition, and White also thought it was an excellent idea. They felt that Massachusetts should be added to the list of states which already had enacted statutes in this area. Within Piro's staff, Edward White held the main role concerning this issue, and he was aware that statutes elsewhere presented some constitutional difficulties.⁸⁶

Representatives Daly and Piro were concerned about the term paper businesses partly because that issue could affect their constituents in Boston and Somerville, respectively. These two districts included many low-income families whose children attended state colleges and state universities. White added that these students could ill-afford to buy their assignments, and were thus at a comparative disadvantage in contrast with potentially dishonest but richer students.

Finally, Edward White was opposed to writing companies because they also sold term papers to professionals dealing with human lives, nurses for instance, who were taking social science courses required by state regulations.

A graphic summary of the influences affecting Piro's (and White's) decision to introduce the petition is as follows:

FIGURE 3: FACTORS INFLUENCING REPRESENTATIVE VINCENT J. PIRO'S
DECISION TO ATTEMPT CHANGES OF SOCIAL POLICIES



* —> = Informs and/or Influences

Similar to Daly's, Representative Piro's institutional position provided him the power base to introduce legislation. The main external factor influencing this decision was Dean Trachtenberg's pressure on Edward White and Piro. Besides this, White's agreement that it was a good idea to file the petition resulted in further pressures upon Representative Piro. In addition, this course of action was perceived to be to the interest of Piro's constituents. Finally, another external factor was the knowledge that other states had already enacted new statutes.

Internal factors appear to be less important than outside pressures in this case, because Representative Piro seems to have had, in comparison with Daly, less personal interests in education and a stronger attachment to friends. His institutional position reflects this difference. Overall, pressures vary in their strength, with friendship, and with the ease of filing a prepared draft counting the most.

The Process of Filing

After Boston University's suit was won, with its great deal of attendant publicity, Representative Daly requested Mr. Ned Dubilo, his assistant, to draft a petition based on the legislative draft sent from Boston University.⁸⁷

This occurred in November 1972, and subsequently Edward White became aware of Daly's intention to file draft legislation. Knowing that Daly was Chairman of the Committee on Education, White expected that the former's proposal would be accepted by the Committee.⁸⁸ Since Representative Piro was also about to

file the same version of the New York Law. White was in a dilemma because he did not want Daly to have all the credit for the new law.

At this point White called Dean Trachtenberg to request that the latter speak with Representative Daly, suggesting that Piro would withdraw his draft if he cosponsored Daly's. It was easy for White to ask this favor from Dean Trachtenberg, because the two were friendly and Daly and Piro were also friends of the Dean.

At about the same time, Representative Piro called Daly to suggest that since both were to file the same bill they could agree on a common draft for whatever credit might result. In late November 1972, finally, Daly consented to this convenient arrangement. For Representative Daly, someone else's support meant that he would not have to press too hard for his own bill before the Committee on Education. The idea appealed to both legislators.⁸⁹ Finally, the petition was filed on December 1, 1972. It was referred by the House pro forma to the Committee on Education on January 3, 1973, with the Senate concurring.⁹⁰

Pressures Pro and Con

Dean Trachtenberg did not then inform other university lawyers concerning his efforts. For example, Robert I. Hunneman, Northeastern University's counselor, stopped working on the problem of research firms even before Boston University filed court action.⁹¹ He was unaware that a petition was filed. The partnership between university representatives ended in the midst of these developments and was not renewed even later in the subsequent legislative stage.

After his initial contacts in August 1972 with Representative Daly, Dean Trachtenberg abandoned this effort and pursued other, more pressing affairs.⁹² The successful resolution of the Boston University court case further dampened overall his initial passion to eliminate by legislation the research firms and hence he turned the matter over to his university's lawyers.⁹³ After contacting Representative Piro, furthermore, the Dean was in continuous touch with Piro's office,⁹⁴ and applied pressure to enact the statute.

Representative Daly probably spoke to other legislators, besides Piro and Dean Trachtenberg, as previously mentioned.⁹⁵

Finally, Edward White kept in touch with Daly to make sure everything would come out all right while legislation was reviewed by the Committee on Education.⁹⁶

House Bill 3440

House Bill 3440 (See Appendix 16) was filed December 6, 1972, by Representative Raymond L. Flynn, on his petition and that of Attorney General Robert H. Quinn.

This petition was the least innovative of the four versions, merely leaving out several major provisions of the New York bill and changing the wording somewhat.⁹⁷ A significant change in Flynn's bill, however, is the addition that no person could offer term papers "having reasonable cause to believe" that they would be used for academic credit. The bill was toughened, spelling out the presumption that sellers knew the intention of term paper customers.

In this law the penalty was fixed as a smaller fine than in

the other drafts, five hundred dollars and/or one year in jail.

Attorney General Quinn's staff drew up this bill without
benefit of the previous drafts which he had in his files. ⁹⁸

Reasons for Drafting and Filing

Attorney General Quinn asked Representative Flynn to file the petition. Flynn was willing, partly because his district had many college students, especially those attending the University of Massachusetts' Boston campus. ⁹⁹

The Process of Filing

Representative Flynn characterized Attorney General Quinn as "the leader of this effort in Massachusetts." Flynn had submitted in the past, as a matter of formality, many other petitions prepared by the Attorney General's Office. According to Flynn, it is a common practice that a citizen or a government agency prepare a bill which a legislator submit under his name. He concluded ¹⁰⁰ "there is really no pride of authorship."

Nevertheless, the Attorney General is at the top of the hierarchy of influence among outsiders making petitions, partly because of his position and partly because his offices are located in the State House itself, making it easy for him to invite legislators to talk over proposed legislation. ¹⁰¹

In this case, the Attorney General gave Flynn the legislation and requested him to see his staff. Flynn would inform the Attorney General's Office when the Committee on Education would review the petitions, and Quinn's staff would assist Flynn if ¹⁰² necessary.

Surprisingly, there were no press releases about this

103
bill, and it appears that the role of the Attorney General at this stage was not widely known. For example, as late as March 1973 a story in The Daily Free Press (Boston University) mentioned that, after the Boston University court case, the Attorney General's Office did not undertake further actions 104
because the term paper companies had closed shop.

Nevertheless, at least some people were or became aware of the Attorney General's efforts. In 1973, for example, Dr. Walter L. Milne, MIT's Assistant to the President, knew that the Attorney General had proposed a couple of bills, although he was 105
unfamiliar with them. Since Milne was one of the persons who apparently were following up the issue, his ignorance of more concrete details of the legislation is another example of the lack of communication between the Attorney General's Office and the university personnel who had undertaken responsibility for controlling the new deviance.

Pressures Pro and Con

Representative Raymond Flynn apparently first spoke to Attorney General Robert Quinn about term paper legislation in June 1972. They also discussed the problem "when it first broke out" in the newspapers and the television. Altogether, their 106
contacts took place "several times."

Flynn was not in touch with university representatives or with members of Representative Daly's Committee. Since the legislation was prepared by the Attorney General's staff, Flynn assumed that "they did all that"; that is, supplying all the information and dealing directly with the Committee on Education.

Nonetheless, many representatives asked Flynn about the purpose of the Committee on Education hearing coming up, or specifically about the contents of his bill. Representative Flynn claimed to have acquainted "about 20 or 30 representatives" with the bill. These conversations were very short and took place on the floor of the House.¹⁰⁷ The Representatives knew about the problem of writing firms from the same sources that Flynn did; and they felt that a legislative solution was needed since it was not in the best interest of education that students hand term papers in without doing research.

As with Representative Daly,¹⁰⁸ Flynn indicated that other laws were more important to him. He assured me that if it had been one of his own rather than the Attorney General's proposals, he would have done the work of contacting people, necessary to gain passage of the legislation.¹⁰⁹

House Bill 3440 was referred by the House to the Committee on Education on January 4, 1973.¹¹⁰ The Committee held a public hearing on the four petitions on March 5, 1973.¹¹¹

HEARINGS BY THE COMMITTEE ON EDUCATION: MARCH 5, 1973

Joseph McEttrick was notified of the hearing by mail, as is usually done with all bill petitioners in Massachusetts.¹¹²

Since only important bills attract crowds, these hearings were simply held in a small room.¹¹³ Furthermore, the day was not especially centered on the term paper proposals since there were 20 or 30 other bills to be considered.¹¹⁴

Representative Michael J. Daly presided over the meeting.¹¹⁵
In significant contrast with what happened in California, almost

nobody opposed the idea of having a statute regulating commercial writing services.¹¹⁶

Representative Francis W. Hatch, Jr., spoke in favor of House Bill 429.¹¹⁷ Representative W. Paul White adduced reasons¹¹⁸ for the passage of House Bill 611. He was supported by Mr. John Gary, member of an organization called Concerned Young Democrats of South Boston.¹¹⁹

Joseph McEttrick of Suffolk Law School testified after urging by Representative White.¹²⁰ In a later interview, he recalled the main thrust of events at the hearing, although he mistakenly thought that he had been the only one to speak in favor of House Bill 611. McEttrick argued that the Commonwealth had a legitimate interest in protecting the integrity of Massachusetts college degrees. He described some points about the law the bill sought to amend, and also mentioned that their version followed New York State's. He concluded by claiming that the petition was constitutionally sound.¹²¹

Some members of the Committee asked McEttrick whether he experienced plagiarism personally on the part of his students. While McEttrick did not discount such a possibility, he replied that it never occurred to him, pointing out that sales of term papers to undergraduates were more common.

At some point in the hearings, members of the Committee raised the question as to whether sales of written assignments should be policed at all. They wondered whether this activity was sufficiently important in contrast with other types of crime under their concern. The answer apparently was that such

sales threatened the educational functions of colleges and universities.

Finally, other remarks were made concerning the need to protect the legitimacy of college degrees granted by state-chartered institutions.¹²²

Richard Pizzano set forth his views in a written statement which he distributed to the Committee members and other individuals.¹²³

In this statement Pizzano argued that term papers promoted the dual goal of producing new research while helping students learn the process of doing research. Hence, purchased term papers deprived students of an experience which they might need later on in their professional lives. For example, a lawyer needs to be "an effective writer" whose training in this respect begins by writing his own college assignments.¹²⁴ Pizzano told me that he thought his views were given some weight because of his position as a professional educator.¹²⁵

McEttrick thought that Pizzano did not come to the meeting,¹²⁶ but this was because Pizzano was late due to his class schedule.¹²⁷ Hence, they did not coordinate their attempts to influence legislators. Conversely, on the basis of Pizzano's statement, Representative Daly mistakenly thought that Pizzano was a witness actually present during the hearings,¹²⁸ although this was not the case.¹²⁹ Overall, then, coordination and specific details concerning given changes of social policy become blurred in the participants' memories even only a few months after the event.¹³⁰

Whenever Pizzano thinks a political issue is important to him,

he issues a press release. This was the case this time and therefore he made released his written statement to the press.

Pizzano apparently had no ulterior political motives for so doing. At that time he did not expect to run for public office
131
the following year.

Pizzano's March 5, 1973, press release went to The Boston Globe and to The Herald Traveller among other newspapers, but neither major newspaper published this story. On the other hand, The Parkway Transcript (Dedham, Mass.) published an article based on it; and the United Press International made it part of
132
a story.

Besides the statement described above, Pizzano's input in the legislative process also included telling Representative Daly directly that he supported the legislation. Sometime after distributing the statement to the press, other things attracted Pizzano's attention and he did not take further steps on the
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matter.

Although Representative Daly thought that Trachtenberg of
134
Boston University attended the hearing, the latter did not. 135
Instead, a Hale and Dorr lawyer came, representing the school. 136
This shows that their actions were uncoordinated.

Shortly before the hearing, Edward White, Assistant to Representative Piro, telephoned Dean Trachtenberg to let him know about it.

Subsequently, on the day of the hearing Dean Trachtenberg called up Mr. Gordon Walker of Hale and Dorr, informing him that
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the meeting would take place that day. It seems likely that

Walker attended the meeting to speak on behalf of House Bill 1343.
138 139

Moreover, Representatives Piro and Daly argued in favor of their petition. Daly stated that it was obvious that colleges and universities disliked term paper companies. Therefore, anything that could be done to stop them would be all right; legislation was certainly needed.
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Representative Raymond L. Flynn made a few remarks on behalf of House Bill 3440, more in the nature of a formality than anything else. He said that because of the problems resulting from term papers' distribution and sale, as noted in the public media, he had introduced his petition. Flynn concluded by expressing his hope that House Bill 3440 would take the attention of the Committee on Education. If they wanted further to develop or work on the bill they could contact the Attorney General's Office
141
directly.

Besides Flynn, it seems that another representative of the Attorney General spoke in favor of the bill. This witness argued along the same lines as McEttrick, namely that the state should protect the integrity of its degrees and that the proposal was
142
constitutionally sound.

Attorney General Robert H. Quinn submitted a written statement to the Committee. Briefly, he argued there that the need for legislation became clear in 1972, after an investigation of a University of Massachusetts complaint against writing firms. To contain that threat, the Attorney General's staff had obtained a court injunction against six companies. Quinn gave all credit for the solution of the problem to his own people:

"My department's court action last year halted term paper companies' operation in Massachusetts at that time." Next, Quinn noted that as a result of various meetings between university representatives and his staff, he had arrived at the belief that it was within the state's "police power" to limit and regulate the activities of commercial writing services. He concluded by describing the main provisions of the bill.¹⁴³ Attorney General Quinn's overall remarks presented his office favorable terms, although, as we have described it previously, his help was reluctant and produced meager results during 1971 and most of 1972.

The Committee on Education took a month in its consideration of the four bills. Meanwhile, Representative W. Paul White took it upon himself to remind several people about the legislation.

White spoke with Representative Daly to find out how things were going with the proposals. In addition, White spoke with active members of the Committee: Representative O'Donald, Representative Matrango, Senator Boveriny (who was the Chairman of the Senate Committee on Education), and possibly Senator Foncina. These conversations were held on the floor of the House, informally saying something like "By the way, do you know what's happening with the bill I am interested in? Yes..., I think that we are going to take it up next week in executive session."¹⁴⁴

It cannot be taken for granted that an unopposed piece of legislation will be enacted. At first Representative White was

unsure that his bill had any chance to pass. In light of the newspaper publicity surrounding the issue, however, he felt that his petition could pick up a lot of support. Indeed, it appeared that people were upset that students would submit someone else's written work as their own. When White learned that other legislators had also introduced proposals, including Daly, he became ever more hopeful that a statute would be enacted.

Since Representative Daly was Chairman of the Committee on Education, White expected Daly to exercise influence as to which bill, if any, would be reported out. Moreover, this bill would reflect Daly's standards. This means that White knew that Daly's own bill would be favored, simply as a courtesy to the Chairman.¹⁴⁵ Other persons felt the same way.¹⁴⁶ The other proposal with some support was House Bill 3440, because of the Attorney General sponsorship.

After learning about Daly's proposal, White's lobbying reflected his general desire to see the enactment of term paper legislation rather than the specific enactment of his own proposal.¹⁴⁷

Besides the obvious factor that Representative Daly was Chairman of the Committee on Education,¹⁴⁸ he claimed that there was little lobbying for him to do because members of the Committee became convinced that legislation was necessary, on the basis of Dean Trachtenberg's article plus the latter's probably meaning Gordon's 7 personal testimony.¹⁴⁹

On April 10, 1973, the Committee on Education reported out

favorably, choosing House Bill 1343¹⁵⁰ as expected. That day Representative Daly issues a press release; giving credit for the new legislation only to himself, i.e., omitting the fact of Representative Piro's cosponsorship. Daly described the provisions of the proposal, mentioning that term paper sales would violate public policy. He added that doing research was important for students in and of itself.¹⁵¹

Passage of House Bill 1343

The Committee on Education's report completed the "First Reading" step in the overall legislative process. Next, the proposed law was noted in the House of Representatives' "Order of the Day," to have a "Second Reading."¹⁵²

Petitions get a "Second Reading" more or less pro forma, usually on a business morning when there are few representatives around.¹⁵³ House Bill 1343 was approved at this stage on April 11, 1973. It was forwarded then for a "Third Reading."¹⁵⁴

At this point things change. A Committee on the Third Reading goes over proposals in fine detail to find out errors within the drafts themselves or contradictions with other statutes.¹⁵⁵ This time House Bill 1343 was discharged on May 3, 1973,¹⁵⁶ apparently with an unfavorable report due to constitutional problems with the bill (as will be explained shortly). As a result, Representative Vincent J. Piro made a motion on the House of Representatives, that very day, to substitute for House Bill 1343 a new draft labelled House Bill 6538.

Substitute Bill 6538

House Bill 6538 was based on the previous bill. In addition

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to changes in wording of a rather minor nature, the new draft (See Appendix 17) was modified as follows:

1. House Bill 6538 allowed an easier prosecution of violators of the law by specifying that term papers should not be sold by persons "knowing or having reason to know" that these reports would be submitted for academic credit. The sentence here was less qualified in wording than in House Bill 1343.

2. The new bill is also broader in specifying that "any person" doing term paper sales must keep business records of these transactions, rather than only "any corporation or business" as previously specified.

3. House Bill 1343's provision that the business records above should be made available for inspection was deleted.

4. In House Bill 6538 "persons engaged principally in research or in the compilation of data" were excepted from the main prohibitions of the bill.

5. Finally, House Bill 1343's stiff penalties for violating the bill were reduced to \$100 fine and/or six months in jail.

Reasons for Drafting and Filing

House Bill 1343 was felt to present some constitutional problems, 158 possibly self-incrimination. Apparently this led to the change specified in paragraph three above.

Representative White thought House Bill 6538 was perhaps drafted by Mr. John Posner, member of the Research Division of the Speaker of the House, 159 but I found that the latter was not 160 involved at all with this bill. Thus, knowledge about specific

bills may be inadequate even among representatives interested in the subject.

Edward White, Assistant to Representative Vincent J. Piro, pointed out that the amount of the fine in House Bill 6538 was what really counted in the bill in terms of deterrence effects. Term paper sales were technically considered an offense against the Commonwealth. All statutes in this category require that a jail sentence be specified as a punishment. Nevertheless, White was sure that nobody would be put in prison in this particular case.

Although Richard Pizzano, of Suffolk Law School, was concerned on this matter, he was unaware that a new draft had been introduced by Representative Piro. He was not surprised, however, and said that compromises are always made during the legislative process.

Representative W. Paul White's opinion was that the fine in House Bill 6538 was small because it was a new law, where it was undesirable to be repressive in its initial enforcement. What really mattered was to enact the statute, rather than to catch and penalize somebody with an enormous fine.

Representative Michael J. Daly, Chairman of the Committee on Education, was uncertain as to who changed the fine. His rather unsure "assumption" was that some "Office of the House Counsel" attorney suggested the changes to Representative Piro, because these attorneys usually make their recommendations at the "Third Reading" stage.

The data presented above show that the agent and/or details

of the new legislation were merely presumed or actually unknown by the main actors involved in effecting the changes in social policy. Thus, it is quite difficult to trace who is responsible for modifying legislation along its way to enactment.

Although legislators may pay attention to many different issues, we may also infer that this lack of knowledge and care meant that the bill at the time of its passage was not regarded as especially important to the representatives. Moreover, it may well be that unawareness of details concerning these bills really reflects the diffuseness, confusion, and lack of tidiness in the decision-making process.

The Process of Filing

The wording of House Bill 6538 was based only on House Bill 1343, i.e., no use was made of any of the three drafts¹⁶⁵ introduced by other legislators. According to Representative Richard Landry, a member of the Committee on Third Reading who was active in this issue, the amount of the fine was reduced because the Committee felt that House Bill 1343 was aimed against students as well as term paper company operators. The interpretation of the draft's provisions was that term paper purchases and sales somehow made potential criminals out of students. This new outlook certainly changed the original intent of the legislation.¹⁶⁶ Edward White, who was in close communication with Representative Landry, agreed that House Bill 6538 was drawn up because the onus or burden of the previous bill was shifted to¹⁶⁷ include students.

The above is interesting because nobody initially thought of House Bill 1343 as a bill aimed at term paper purchasers. In other words, the same legislation was seen under a new perception.¹⁶⁸ The fine was then accordingly reduced.

The new interpretation of the bill has some basis in fact. Section One of House Bill 1343 and of the new draft specify that "any person" is prohibited from engaging in the sale or transfer of assignments. One could certainly interpret "any person" to mean student purchasers in addition to regular sellers.

A one hundred dollar fine could be considered a hardship for an individual student. Apparently the fine in House Bill 6538 was set with this idea in mind. However, from the point of view of potential deterrence the greatly decreased fine obviously does not express the original intent to control and limit the activities of term paper companies. We conclude thus that along the process of making changes of social policies, decision-makers could continuously find new meanings in the legislation intended to effect changes. Therefore, they may promote alternative legislation which effectively blunts or waters down the intent and potential effect of the original proposal. And since the companies were out of business already the legislative changes did not make much difference as actual means of social control.

Pressures Pro and Con

Representatives Daly¹⁶⁹ and Piro¹⁷⁰ spoke with Representative Landry concerning the bill, with Piro doing so at various points¹⁷¹ during the bill's passage. Moreover, Representative Piro and his staff exerted influence mostly by talking with

Representative La Fontaine, Chairman of the House Committee on
172
Third Reading.

Passage of House Bill 6538

House Bill 6538 was accepted by the House on May 3, 1973.
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This very day the draft was engrossed on a finer grade of
174
paper and forwarded to the Senate.

The proposal was "Read First" in the Senate on May 7, 1973.
Subsequently, it was placed on the "Order of the Day" for
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further action.

At this stage in the political game, Representatives and
Senators reciprocate favors with their friends from the other
chamber and help to advance each other's petitions. Accordingly,
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Representative Piro's Office contacted several Senators.

House Bill 6538 was "read Second and Ordered Third" on May
8, 1973. The Senate's Committee on Third Reading reviewed it
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on May 23 and changed the title of the draft. 178 That same
day the bill was "engrossed" and sent back to the House. The
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latter and the Senate gave their final approval May 29, 1973.

Governor Francis W. Sargent was required to act under the
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Commonwealth's constitution on the proposal within ten days.

The Harvard University Gazette carried a short news item mention-
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ing that the Governor was expected to sign the bill shortly.

On June 11, 1973, quite by surprise, Governor Sargent returned
the draft unsigned with an amendment; plus a message explaining
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his rationale for doing so. This response was quite rare for
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the Governor.

House Bill 6538 as Amended

House Bill 6538 Amended (See Appendix 18) is the same as House Bill 6538, with the second section deleted.

Reasons for Drafting and Filing

Governor Sargent indicated in his message that he shared the legislature's aversion to term paper businesses. He agreed that these companies, and persons taking "an examination for another," should be punished. Nevertheless, he felt that the first section of the law would suffice to control the
184
threat.

Governor Sargent deleted the second section of House Bill 6538, according to the message, because Attorney General Robert H. Quinn advised him that the draft "'raises grave constitutional doubts'" in the area of First Amendment freedoms. According to the Attorney General, the provision that the companies keep detailed business records was overly broad, without distinction between "'published and unpublished material'." Moreover, even if the provision were to be interpreted as meaning
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only published materials, it remained still problematic.

The Process of Filing

Edward White, Assistant to Representative Piro, thought that Mr. Scotti Morrow, an aide to the Governor, had reviewed the
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bill. I found out, however, that Mr. Henry Clay, another aide, had been in charge of reviewing the draft. Hence, coordination between members of the legislative and executive branches was not complete. Clay's staff requested Attorney General Quinn's staff to check the bill. The Attorney General sent back his opinion in early June 1973. While awaiting this answer, Clay's

assistants also reviewed the bill independently and arrived at
187
the same conclusion that it was unconstitutional.

What stands out in the above is the overlap in reviews and the disagreement between the final gubernatorial decision in contrast with that of the legislative branch. We must remember that several sets of lawyers, including those of the Attorney General reviewed the bill at the time it was originally drafted and then the House Committee on Third Reading and its Senate counterpart at a later date, reviewed the bill carefully and decided that it was constitutionally sound. Moreover, disagreement continued even after Governor Sargent returned the draft. For example, Sharaf, Harvard University's General Counsel (together with Daniel Steiner), was aware of Attorney General Quinn's critical view of the bill, but disagreed with the opinion that the proposal was unconstitutional. Sharaf also
188
felt that writing companies should keep sale records.

Edward White, on the other hand, was not unduly concerned about the change. With any bill, legislators expect changes along the way, and they simply have to be flexible in this
189
respect. Similarly, Representative Francis W. Hatch, Jr. mentioned that he would certainly have been happier if his own version had been approved, but changes in proposed legislation were one of those compromises that all legislators have to en-
190
dure.

We conclude that a give-and-take situation is always present in each stage of the process leading to changes of social policies. Moreover, underlying flexibility and spirit

of compromise can well result in new legislation that changes or actually distorts the original means and intention to control a new form of deviance.

Pressures Pro and Con

There were no attempts to speak with the Governor's staff on the part of Representative Piro's Office. Edward White said that the reason for this is that the Governor's aides usually are "kind of tight-lipped" concerning what recommendation they will give to new legislative proposals.¹⁹¹ It appears, then, that the administrative work of the legislative and executive branches is not necessarily well coordinated.

Passage of House Bill 6538 As Amended

Governor Francis W. Sargent returned the bill to the House on June 11, 1973. The latter referred it in turn to the Committee on Education the same day, with the Senate concurring a few days later.¹⁹²

Afterwards, Representative Michael J. Daly, Chairman of the Committee, or a member of his staff spoke with Representative Vincent J. Piro, sending him the bill. The two agreed with the Governor's suggested amendment and decided to move the proposal further along.¹⁹³ Next, the Committee on Education approved the bill July 12, 1973. The bill was left awaiting discussion in the "Order of the Day," day after day, for two and a half months.¹⁹⁴ This was relatively a long period of time.

The person who was instrumental in delaying action on the bill was Representative Richard Landry, a member of the House Committee on Third Reading. Landry had basic reservations about

this type of legislation as early as May 1972 when House Bill 6538 ¹⁹⁵ [then 1343] was originally released from his Committee.

Landry [mistakenly] thought that House Bill 1343 aimed only at term paper sellers while House Bill 6538 included under the main bill prohibitions the buyers as well. The rationale for this change, according to Landry, was because the wording of House Bill 6538 and its amended version said "Whoever...sells or delivers to another...term papers...shall be punished..." Landry felt very strongly that the law applied directly to students, as for example, if a student were to deliver a term paper to another in an exchange of old fraternity files. The way the law was worded implied, in the latter case, that one of the students would become a criminal conveyor by virtue of his actions. I may add that House Bill 1343 presented the same wording, so that Landry's objections to House Bill 6538 Amended were really extended to all the bills that came to his Committee.

Landry was very much against term paper company operators, but refused to legislate against buyers of term papers. He indicated that sales of assignments would constitute crimes against the state. Therefore, the main reason he held up the proposal was because potentially it put students involved in these transactions in the legal status of criminals. Landry thought that this was wrong: cheaters should be handled directly by university authorities rather than by new state regulations.

Furthermore, Representative Landry's decision to hold up the draft was based in part on his general aversion to defining new crimes by legislation. Finally, Landry's negative feelings

concerning the bill were strengthened after speaking with "several other people" who agreed that it should not be enacted.

Although he was not quite sure of it, Landry suspected that the Committee on Education's hearing on the bills occurred at the time when term paper firms were making front-page stories. He felt that, since representatives are public officials, they uncritically accepted the proposal as something popular at that time.

Representative Landry met socially with Representative Daly one day, and asked the latter directly about the basis on which the Committee on Education had reported out favorably the proposal. Daly replied that he could not recall the discussion, because too many bills were discussed altogether. ¹⁹⁶

As a matter of fact, when I interviewed Representative Daly in early September 1973, he was not even aware that the bill was being held up since July.

Daly explained that, after the Committee on Education's approval of House Bill 6538 Amended, he went on to fight for his other proposals. He filed more than 90 petitions in 1973, and only a Superman would have succeeded in passing all of them. At ¹⁹⁷ the time he was deeply interested in only two of these bills. Moreover, the problem of term paper companies became less salient ¹⁹⁸ in summer 1973. It is clear, then, that his having a formal institutional position, such as committee chairman, apparently was a necessary but not a sufficient condition for the enactment of legislative changes that he proposed.

Representative Michael Daly knew that Representative Richard

Landry was against the bill because it seemed to be aimed against
students as well as sellers of term papers.¹⁹⁹ Thus, the two
had communicated well on the main point of contention. Never-
theless, it appears that Daly did not speak much with members of
the Committee on Third Reading, although he claimed to have
been planning to do so.²⁰⁰ I helped indirectly to speed up the
issue by reminding Daly about it. Following our interview, he
told me that he planned to ask his assistant to remind him to
speak either with Representative La Fontaine, Chairman of the
Committee on Third Reading, or with Representative Landry.²⁰¹

Representative Daly said quite definitely that he wanted to
speak with Representative Landry, to seek an agreement between the
two. Daly agreed that the legislative onus should be placed on
the companies rather than on students, but still wanted to convince
Landry that the Governor's amended proposal should be enacted.²⁰²

Daly believed that he could not draft a new proposal at this
stage, as a matter of procedure. It seemed to him that after
Governor Sargent's amendment to House Bill 6538, the House either
accept or reject it, or it could send the old bill back to the
Governor.²⁰³

At this point I told Representative Daly that this decision
had been taken already: his Committee reported out favorably on
House Bill 6538 Amended and the House accepted this recommendation.
Daly acted surprised, because he thought that neither of these
steps had yet been completed.²⁰⁴ The bill apparently was not too
important to him.

Representative Landry, on the other hand, did not share Daly's

premises. Landry argued that once the Committee on Third Reading send the bill back to the House, he could offer a new amendment right then and there. Landry's solution to the impasse consisted in keeping the main provision against term paper sellers intact, while striking out the wording against persons who deliver or compose assignments. Landry was not sure, but thought that the Attorney General perhaps was working out this wording together with Representative Daly. ²⁰⁵ Daly failed to mention anything ²⁰⁶ along these lines, showing that communication between the two representatives certainly was not complete.

Representative Landry would be obliged to send the proposal back to the House at some point in the future, but meanwhile he bade his time as he did not want to return it until the chances of winning were improved. ²⁰⁷

Landry believed that the shape of future developments was in the hands of Representative Piro, who was actively involved in this legislation. The two had never discussed the specific parts of the bill. Piro knew of Landry's general aversion to making criminals out of students. If Piro agreed with Landry's plans for an amendment, the latter would release the bill from the Committee on Third Reading; otherwise he would hold it up a little longer. ²⁰⁸

As of early September 1973, Representative Piro had not told Representative Landry whether he would accept a new modification. Nevertheless, according to Landry, Piro kept on needling him concerning the legislation throughout the summer of that year. Piro brought up the matter just about every day; he was the one

who wanted to see the new law enacted more than anybody else.

Piro persisted because a friend [probably Trachtenberg] "kept on
209
bugging him" about the issue.

On the other hand, another factor which somewhat contradic-
torily kept House Bill 6538 Amended pending was that Piro and
his assistants themselves thought the bill was problematic.
Their misgivings concerned whether Governor Sargent's amendment
of the draft bill "took out most of its teeth." They doubted
whether it was a strong enough law to accomplish the objectives
210
they wanted. Consequently, Piro's staff in early September
1973 was in the process of reviewing the bill and deciding what
to do with it.

Around this time, contradicting Landry's previous state-
ment concerning Piro's pressure on him, Edward White said that
only one phone call had taken place between Piro's Office and
Landry's. This lull, nevertheless, was only temporary. If he
wanted, Piro could meet "certain people" who would help to pass
House Bill 6538 Amended over Landry's objections. In conclusion,
there was no attempt at this time to enact the legislation,
partly due to Landry's stalling and partly because Representative
Piro and his assistant Edward White had in the meantime decided
to wait. Figuratively, it was a two-way street, with the forces
on either side avoiding a clash because everyone sat back and
211
waited.

Here again, I perhaps helped indirectly to resolve the
situation by talking to Edward White. He had not spoken recently
with Representative Daly, but said during the interview that he

expected to do so shortly, if not with Daly then with his
212
assistant Richard Crafy. Moreover, Landry similarly had
mentioned that he planned to speak with Representative Piro in
213
the afternoon of the day I interviewed him.

Thus, sometimes bills tend to get lost in the gaps of the
mechanics of inter-committee coordination. The intervention of
an outsider, myself in this case, at this point can help to speed
up legislation which is in a temporary deadlock, or when no one
is overly concerned with it.

Finally, Representative Francis W. Hatch, Jr. observed that
just because Landry objected to the bill it was not quite right
that it be held up. Hatch himself tried to do something by
inquiring of someone in the Committee on Third Reading, only to
find out that they were still trying to make up their minds con-
cerning the issue. Hatch asserted that on something like this
214
bill, the Committee would have to yield eventually.

THE UNIVERSITIES' ROLE IN TERM PAPER REGULATION

According to Mr. Philip Burling, Counselor for Boston
College, nothing was done by his school to influence passage of
the new statute. The reason being that they thought the college
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really did not have a real problem with purchased term papers.

As we described, Dean Trachtenberg of Boston University
followed orders from President John R. Silber and exerted pres-
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sure on Representatives Piro and Daly to enact a new law.

Dean Archie C. Epps of Harvard University neither contacted
the Attorney General nor was he aware that there was legislation
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pending in the House of Representatives.

Mr. Daniel Steiner, General Counsel for Harvard University, on the other hand, knew that Governor Sargent sent the bill back to the House, but Steiner did not look into the problem for most of 1973. This is more remarkable because he receives copies of all proposed educational bills from various sources.
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Steiner believed that records of term paper sales should be maintained, but failed to make any efforts to lobby for term paper company legislation.
219

In the fall of 1973, Steiner was of the opinion that the Boston University court injunction in late 1972 practically solved term paper sales as a long-range problem. It is true, he continued, that students get involved in all types of fads. The companies appeared at a time when students were arguing that education was part of the Establishment and a fraud. In this frame of mind it was easy to buy term papers for assignments which were thought to be meaningless anyway. Steiner believed that even without new state legislation the companies could not succeed in the long run. He put faith in students' morality and felt that they would not get their education this way.
220

Dr. Walter L. Milne, Special Assistant to the President for Urban Relations, M.I.T., told me that the school contracted a legal service to inform that school on legislation affecting educational matters. If somebody at the school was interested in a particular bill, the legal service would forward him a copy of the proposal. Nevertheless, Dr. Milne could not say if anybody at the university had read the legislation concerning term paper

companies and was not aware himself of such bills. The Attorney General was not contacted and Dr. Milne did not know
221
of any M.I.T. people pressuring legislators.

Although on rare occasions, M.I.T. representatives take the time to testify at some legislative hearings or even talk directly with members of the legislature or the executive branch, term paper legislation did not attract their attention.

One reason for this inaction was that the university's representatives thought that the need for term paper statutes was so clear, according to Milne, that nobody would reject such laws. Dr. Milne's final point was that he guessed members of the two or three universities most involved in the issue would
222
probably be in touch with legislators.

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Finally, Mr. Robert I. Hunneman, Northeastern University's
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lawyer, and Dean James M. Steindler, Tufts University, claimed to be unaware of any legal developments.

In conclusion, except for Dean Trachtenberg, most university officials and their counsel did not know that there were proposals to regulate term paper companies; perhaps they did not care to find out, and failed to lobby for legislation even in those certain cases when they knew that the matter was pending. But of course, since the Boston University legal action had driven the term paper companies out of business, the existence of these services was a moot issue to university people. Passage of legislation, therefore, was at most an aesthetic matter of tidying up the whole matter.

After awaiting action since July 12, 1973, House Bill 6538

Amended was finally enacted by the House and the Senate on
September 26. Governor Francis W. Sargent signed the act into
law October 4.²²⁵ Since "there was no emergency preamble" pre-
ceding the act, it became actually effective three months after-
wards, on January 2, 1974.²²⁶

THE EFFECTS OF THE STATUTE

The new law was used in three contexts other than its in-
trinsic intent to regulate writing services.

When House Bill 6538 Amended was signed by Governor Sargent,
credit accrued not only to Representative Piro but also to the
other representatives who filed legislation along similar lines.
All term paper legislation, whether enacted or not, was technical-
ly associated with Piro's bill, insofar as all of them were
similar in intent. All received some credit at the signing
ceremony and all of these representatives had their picture taken
together with Governor Sargent.²²⁷

Representative W. Paul White was present on this occasion,
and subsequently used the picture mentioned above for publicity
purposes. White's local newspaper in his district printed the
picture and carried a story describing how Representative White
had helped to pass legislation against term paper companies.²²⁸

Surprisingly, both Joseph McEttrick,²²⁹ Suffolk Law School,
and Dr. Edwin Penn,²³⁰ Assistant to Boston University's President,
incorrectly thought that House Bill 6538 Amended, which was
passed, was the version sponsored by Attorney General Robert H.
Quinn.

They were not the only ones sharing this idea. For example,

three weeks after the new law was enacted, The Brookline Chronicle gave full and exclusive credit for it to the

Attorney General: "Quinn's bill was filed as a follow up to a successful prosecution by his office of a suit to halt the sale of term papers to students at the University of Massachusetts by two firms."²³¹ This is clearly an inaccurate picture of what happened but of course, Attorney General Quinn as a politician needed the publicity. Incidentally, he ran for Governor of Massachusetts in 1974 and lost.

House Bill 6538 Amended was used later in two other contexts. In March 1974 Dean Steindler of Tufts University set a copy of the new regulation to all the faculty members and to The Observer²³² (the school's newspaper) for their information.

Finally, barely a week after the new regulation was enacted Mr. Gordon Walker, a member of Hale and Dorr acting as Counselor²³³ for Boston University, used the statute to buttress a brief defending the school and other government officials against an²³⁴ unexpected court complaint filed by International Term Papers. The basis of the suit was that the defendants had retained the term papers files of the company.²³⁵ This unforeseen action continued for some time but finally was decided in favor of the defendants.²³⁶ It is ironic that legislation originally intended to stop term paper companies was actually used to defend university administrators and others in a suit brought against them by International Termpapers.

SUMMARY

Massachusetts legislation was introduced only after several

court actions against term paper companies raised a great deal of publicity. As a result of the Boston University injunction, the companies went out of business almost immediately. Hence, passage of legislation was merely "tidying up" the solution to the problem, with the preventive anticipation of deviance in the distant future. Therefore, the enactment of a new statute came much too late to make a difference as an actual means of social control over the new form of deviance.

Legislative Proposals

Proposals to regulate commercial writing services did not cross-benefit from previous legislative drafts, in the knowledge of Attorney General Robert H. Quinn and other persons. Nevertheless, the proposal written during the course of the early 1972 meetings formed the basis for the statute finally enacted.

In terms of deterrence, what really counted to the Massachusetts legislator was the proposed amount of the fine, ranging in various proposals from \$100 to \$5,000. This wide range shows that proposed changes in social policy proposals may vary significantly, depending on the perception and feelings of policy-makers concerning the morality, incidence, and apparent profitability of new forms of deviance. It primarily shows that legislators were not clear as to who they regarded as the primary targets of the legislation. The term paper companies were thought to be the primary targets, but the actual wording made this unclear. Some representatives felt that students were possible targets and thus lightened the penalties, making it easier on students who violated the statute. The emphasis was on avoiding their "criminalization."

Reasons for Drafting and Filing

Sponsors drafted and/or filed legislation for several reasons. Obviously, they were concerned that term paper sales could affect the quality of higher education.

Another element in the decisions of Representatives Daly and Piro was their friendship with Dean Trachtenberg of Boston University. Nevertheless, Representative Daly did not file immediately the draft sent to him by the Dean, and did so only after extensive additional publicity concerning the companies. Moreover, Dean Trachtenberg felt it necessary to continue prodding Representative Vincent J. Piro in order that the latter would work for the enactment of the bill.

All representatives were aware of the problem through the mass media. Nevertheless, earlier publicity in 1971 did not convince them to file proposals. That scandal perhaps perpared the ground for their decision, arrived at after the 1972 coverage, which made the need for legislation seem obvious even to those persons not centrally concerned such as Representative Francis W. Hatch, Jr.

Most sponsors of petitions felt that filing their proposals was a good way to get favorable publicity for themselves. For example, the written remarks by the Attorney General at the hearings of the Committee on Education gave a very favorable impression of his office. More generally, publicity for oneself was generated by almost all sponsors via press releases.

The opportunity to initiate legislation changing social policies lies in the institutional position of representative

and/or member of specialized committees. Impinging on these positions were external and internal pressures. The main external factor influencing the decision to file legislation by Representative Daly, Representative Piro, and Edward White (his assistant) was Dean Trachtenberg's petition to his friends that they file the draft he had forwarded to each independently. Other external factors, which sometimes applied to other representatives as well, were constituents' complaints, perception of beneficial effects of the legislation on constituents, suggestions from friends or the staff of sponsors, and knowledge that Massachusetts was behind other states in the enactment of the law.

External pressures are necessary but certainly not sufficient conditions that lead to changes of social policy. These pressures are accepted or rejected as they are filtered and interpreted both in terms of the institutional positions of power and by factors internal to the actor: personality, social background characteristics (such as education and type of school) and sense of obligation to others because of friendship or public popularity.

The various pressures vary in their strength and importance for particular people, the external factors of potential publicity and friendship applying most to this particular legislation.

The Process of Filing

The New York State statute served as a model for three different drafts of the proposed legislation. Hence, once a new form of deviance is challenged, new methods of social control developed

in one area may be copied in others. These and other proposals were prepared either by the sponsor himself or by his staff. In other cases outsiders provided copies of the bills, which according to common practice were filed under the legislator's name and to his credit.

In some cases a cosponsor helped to strengthen a petition. This person could simply go along, as Representative Flynn did, or be an active or even a decisive participant, as did Representative Piro.

Proposals were reviewed at different stages by several legislative committees and offices. The results of this duplication of reviews were disagreements arising between legislators, other persons, and different government branches. These divergencies of opinion arose as a result of changing perceptions concerning the legality, desirability, and potential effectiveness of the various bills.

Two main points of disagreement were the constitutionality of the bill and the amount of the fine. The latter was lowered considerably because Representative Richard Landry and other members of the Committee on Third Reading felt that the law would affect purchasers as well as sellers of term papers. Under this new perception some people felt that the original proposal was changed into a different type of statute altogether.

Modifications of proposed legislation are expected and taken as a normal part of the political process. Nonetheless, changes as they occur do not happen easily, and they carry with them expectations of a quid pro quo. For example, there were the

maneuvers to get Representative Piro as a cosponsor of Representative Daly's same proposal, Representative Richard Landry's holding up House Bill 6538 Amended on the expectation that it would be changed as he desired, and reciprocal favors between Representatives and Senators helping to move each other's bills toward passage.

During each stage of the process that results in changes of social policies there is a give-and-take situation which can result in modification of the enacted social policy. Thus, underlying this flexibility and spirit of compromise there is some tension insofar as the compromises could result in legislative changes which might seriously distort the potential deterrent effect and intention of the original methods of social control.

Pressures Pro and Con

In spite of the fact that Attorney General Quinn could contact legislators rather easily, he failed to reach any representatives introducing drafts other than his own. This lack of communication raised problems--for example, the surprising advice to Governor Francis W. Sargent that House Bill 6538 "'raised grave constitutional doubts'." Moreover, there were no further contacts between the Attorney General and university representatives.

Representative Piro and Edward White were not in touch with Governor Sargent's staff concerning the bill. Since they were two persons most interested in the matter, this reticence suggests that the legislative and executive branches are not always well coordinated in reference to particular pieces of legislation.

The partnership of "The Big Eight" major universities ended on this issue in the midst of developments in the courts, and was not renewed at the legislative stage.

Generally, no university representatives attempted to lobby for the passage of a bill regulating term paper services. Although Representative Hatch's staff contacted some universities, they did not seem to press him unduly, since the decision to file legislation came totally from his own office. In spite of the fact that the university people had long sought a new statute, except for a single letter to Representative W. Paul White there were no letters or phone calls from academia (or from anyone else, for that matter).

The exception to the above was Dean Trachtenberg, as we previously indicated. Even in his case, however, the fact that the draft he forwarded to the two representatives was originally drawn up in February 1972 and it was known to him since March 1972, makes the delay in acting on it significant. Since any citizen in Massachusetts is free to file legislative petitions through his representative, the delay clearly shows that nobody knew of or wanted to do anything with the original university counselors' draft.

The same picture of university apathy continued later while the legislation was pending and apparently uncertain of passage. Except for the Dean above, the university people I interviewed did not know about the legislation, did not care to find out, or failed to exert any kind of influence when they were aware that a bill was pending.

The failure of the academic community in general, of the Presidents, Deans, and legal representatives to communicate with the sponsors of bills for which they generated the publicity and pressure, is truly remarkable. We may ask if they were afraid of getting their hands dirty with politics: Were they so inexperienced? Were they over-confident? Were they too dignified? Certainly their whole approach was to get someone else to do it. My impression is that their perception of the problem was limited. The universities' concern was to keep a low profile or not to involve themselves at all in order to avoid negative publicity linking their students to term paper sales. But since the Boston University legal action drove the term paper companies out of business in Massachusetts, the existence of these companies was a moot issue to university people. The final passage of legislation, therefore, was at most an aesthetic matter of tidying up the whole matter.

Among representatives and other sponsors of legislation, some felt that the need for such a type of statute was so obvious that they let things take care of themselves. Others lobbied more (Richard Pizzano, for example) up to a point but then let the matter drop. Finally, a few persons such as Representative Piro and his staff persisted all along. Some persons were in a secondary role outside of the direct circle of influence. For example, Secretary of Education Joseph Cronin encouraged Dean Trachtenberg to action but did not become personally involved.

Before the hearings of the Committee on Education, there

was no overall coordination among the different representatives submitting drafts. At the hearing itself most persons apparently did not coordinate their testimony.

Some representatives were more active in lobbying than others. Representatives at large were not a main focus of lobbying. More detailed attempts were made to speak with the Chairmen or members of the Committees on Education and Third Reading. These conversations were informal in setting and generally very short.

In spite of the fact that some representatives (Hatch, for example) felt that potentially the legislation could have an important effect on education. With the exception of Representative Piro and his staff, the term paper bills were not a high priority issue to most representatives. This is shown repeatedly when the agent and/or details of the proposals were merely assumed or actually unknown by several of the principal actors involved.

Coordination among representatives about the bill, and knowledge of specific details concerning changes in the various proposals become blurred even a few months after the events took place. One consequence of this is that it becomes difficult to trace responsibility for changes in the legislation as the legislative process takes place. Moreover, this lack of knowledge appears to reflect a certain diffuseness, confusion, and lack of neatness in the decision-making process.

Hearings and the Process of Enacting the Bills

All sponsors and other supporters of the bill testified at

the hearings of the Committee on Education, some as a matter of form and others with great moral indignation.

Although some members of the Committee questioned whether there was really a need to regulate term paper companies, there was no real opposition at the hearing to the idea of passing the legislation. It is understandable that the probability of passage seemed to be almost taken for granted in light of the extensive publicity (as mentioned by Representatives Hatch and White), and this created a favorable climate of public opinion.

If a bill were going to be approved, it appeared a foregone conclusion that bill would be Representative Daly's because he was Chairman of the Committee on Education. Nevertheless, subsequent events proved that even this unopposed legislation could not be taken for granted. In this case, Daly and Piro's House Bill 1343 was replaced by House Bill 6538; this latter draft in turn was amended by Governor Sargent; and the final version was held up for a relatively long period of time before its final approval. In this instance a strong institutional position as Chairman of the Committee on Education proved to be a necessary but not sufficient condition to enact legislation.

There was good communication between the representatives involved concerning the main problems that they perceived in the drafts. Communication on other details and on matters of procedure as to how and if to change the proposals, however, were not complete.

When legislation is in temporary deadlock, or in this case when few persons seemed overly concerned about it, bills may tend

to get "lost" as the various committees review them. At this stage, the intervention of outsiders such as myself reminded legislators of the existence of a bill and perhaps thereby helped to speed up its final enactment. Of course, when there are no intervening outsiders the process may take a longer time until its eventual solution.

The Effects of the Statute

Subsequently, the new statute was used in several contexts other than its intrinsic function to regulate writing services. It provided: publicity for bill sponsors; a means to alert Tufts University students and faculty to the problem; and a tool to defend Boston University trustees and several government officials against a court challenge brought against them by, of all things, a term paper company!

CHAPTER VIII: CONCLUSIONS

THE THEORETICAL PROBLEM

A prerequisite for the continued existence of any society is the exercise of social controls, formal or informal, by its members with respect to each other so that a minimal level of order in their relationships is maintained. Rules or laws ordinarily provide the basis for implementing social controls. Violations of such rules, however, in the form of deviance and crime, are a continuing feature of any society. Violations are frequent enough, in fact, that the enforcement of rules must necessarily be selective.

The problem is compounded when new forms of deviance appear, and it is of sociological interest to learn how changes or innovations in a given area of deviance lead to changes in rules (social policy) to facilitate its control. How is it, in other words, that changes in the nature of deviance lead to changes in social policy to control it? A subsidiary problem is how these changes in the nature of deviance also lead to changes in the strategies of enforcement employed by agents whose responsibility it is to implement social controls.

In order to answer the two problems above, I have analyzed old and new forms of academic dishonesty. Traditional academic cheating is such that any student who wants to cheat has a wide range of known methods available. Many students avail themselves of those methods, so that cheating is an intrinsic part of education, although it fluctuates depending on time and place.

Social controls aimed at academic dishonesty involve firm rules in theory, but mild enforcement in practice. Only a tiny minority of all cheaters are ever punished, and then rather mildly. Rules are more strictly enforced, however, when instances of cheating become a public "scandal." This situation exists when generalized cheating becomes known. The "scandal" is usually the result of widespread media exposure of often routine deviance, and of continuous pressure by the media that embarrasses those responsible for upholding the law. In this case, the deviance becomes a challenge to teachers and particularly administrators.

When such an academic scandal occurs within an institution directly sponsored by the government, as in the case of military academies, or when the form of the deviance is such that it is promoted by persons outside the jurisdiction of schools, as in the case of term paper companies, then jurisdiction shifts beyond the schools affected by the deviance to include government personnel as well. In other words, when deviance is contained within a given institution, with no other institutions involved, then sanctions are brought to bear against deviants only by members of that institution. Otherwise, outsiders will become involved as well. An example of self-contained social control may be seen clearly in the case of relatively closed religious communities such as the Amish and Hasidim. In their case, negative and positive forms of social control are sufficient to deal with deviants subject to the norms or "jurisdiction" of the community.

Whether or not a new form of deviance is ever controlled is

a matter of political and social power. Deviants usually have only a few supporters who will be vocal, while most people do not care either way. Would-be supporters must face the possibility of bearing the stamp of being considered deviants solely by virtue of their support of the new deviance. The powers-that-be are the main definers of the illegitimacy (if any) and the definitions of the situation that pertain to the new deviance.

Persons outside of the institutions most directly affected by the new deviance, government officials and others, will intervene in the control of the deviance to the extent that the latter seems so general as to threaten more than just the immediate institutions complaining. This was particularly so in the case of commercial term paper companies, which, in principle, appeared to threaten the educational and certification function of many academic institutions in the states discussed.

How much social control is exerted depends on the level of control previously taken for similar types of deviance, academic cheating in this instance. This is true because other types of deviance, student disorders, for example, also present challenges to the time and efforts of institutional leaders and involve a corresponding set of pressure groups. In this case, term paper companies were to be controlled as a form of non-violent crime, namely, by imposing sufficient sanctions until the crimes are no longer viewed as dangerous. Therefore, a new form of deviance or crime may develop without major reactions to it, until it becomes a scandal and complaints ensue. In the case of

commercially-organized cheating, the main objective was to diminish the open threat to the system of credentials and their validity, that is a basic function of the current educational system.

THE EMERGENCE OF SOCIAL POLICY TO CONTROL A NEW FORM OF DEVIANCE

Term paper companies constituted a new form of deviance by commercializing plagiarism on a large scale. Student purchasers, implicitly accepting the social and academic goals of educational and economic success, hoped to obtain their degrees in an easier (although newly deviant) way. In Robert Merton's scheme, the students used "innovation," i.e., sought to achieve approved goals through unconventional means.

Modern commercial writing services originated in Massachusetts, when a company opened there in 1970. This and later Boston companies set a trend across the country for other companies in terms of format and mode of operation. Some companies differed from others in their degree of secrecy and other idiosyncracies. Emergent forms of deviance are not entirely uniform, having local and individual aspects which cannot be generalized. But certain features were broadly similar, as presently to be described.

Commercial writing services in the early 1970's maintained extensive files of term papers or sold custom-written papers; advertisement was open for most companies; sales were more or less uniform, in price, features, and even in guarantees of grades and customer anonymity. Operators presented a common public ideology, rationalizing or taking pride in their work,

much as some traditional deviants do, such as prostitutes or professional thieves.

Term paper files were built from the papers supplied by special writers, through the purchase of old papers, and/or through exchanges between companies. It is important to note that the emergent deviance was assured protection against customer complaints. Companies did not advertise a money-back¹ guarantee, and nobody would complain publicly concerning failures of quality in purchased term papers. This is similar to other forms of deviance, such as homosexuality and confidence games.² It should also be further noted that clients were protected by the companies' records of purchases in order to avoid duplication of sales to any one professor, department, and sometimes even school. On internal evidence alone, it is often difficult to prove conclusively that a term paper has been purchased. In short, the new form of deviance was protected even from client complaints, and clients were free to continue their deviant pattern unless and until personnel from threatened institutions began to exert new forms of social control.

The openness of term paper company operations and the surrounding scandal was presented as a threat to educational institutions which resulted in new forms of social control. The process of making changes of social policy may be summarized in³ a series of steps:

The Companies as a Threat to Academic Institutions

Term paper companies advertised extensively in newspapers

and by other means. They conducted their business openly and sometimes even as legally incorporated companies (in Massachusetts and New York). For several months, the businesses operated undisturbed by any sanctions. The catalyst that changed this situation was widespread publicity or stories about them. In the four states investigated, it was the mass media—college newspapers, local newspapers, national magazines, and some radio or television programs—which made the new deviance salient to such a degree that eventually was perceived as an open threat to the basic functions of educational institutions.

Newspaper stories about term paper companies in The Harvard Independent, an important but small circulation newspaper, did not prove enough of a catalyst to lead to new social policies. Publicity in the media must be continuous and on a scale large enough to create a public "scandal," i.e., a problem discussed often in the national mass media. When local stories are publicized widely in both local and national publications, movements to create new means of social control are reinforced. Inaction on the part of public officials and administrators, as in Massachusetts, created a situation of dissonance between the open or public emergent threat and the attempt to exert control.

The creation of a public scandal by the mass media is often self-supporting. As stories concerning the companies were printed, writing services assumed the appearance of an epidemic of deviance. But this made potential customers aware of the opportunities and ease of commercial cheating and increased the

purchase of term papers. This is similar to "epidemic"
deviances such as glue-sniffing⁴ and mass hysteria.⁵ Traditional forms of cheating, including plagiarized term papers, were, and continue to be, extensive enough to pose a continual threat to the value and meaningfulness of an academic degree. The reason for changes of social policy came about mostly because the companies were perceived as a new, and open (i.e., publicly known) threat, first by the mass media and then by institutional leaders.

Stories in the national media about term paper companies stimulated local reporters (California), to look for similar companies there. These local stories provided further material for national publicity, and this soon created a continuous nation-wide scandal. Public knowledge of emergent forms of deviance may exist at the national level, stories in Time for instance, and then be reinforced by local situations rising to the attention of the people in one locality.

Until the mass media converted writing companies into a scandal, university administrators and state officials were either unaware, hesitant to act, or undisturbed by the new deviance (even while knowing it existed). The process was the same in the four states: much law violation or innovative behavior in the form of a "new" form of deviance that violates the spirit or letter of the law exists and is known, but it is tolerated until insistent publicity forces some of those that know and tolerate the deviance to act--and thus attempt to enforce the law, change the law, or enact new means of

social control altogether.

The creation of a scandal in the mass media concerning an emergent form of deviance provides a necessary but not a sufficient condition to initiate new policies against it.

Reactions to Term Paper Companies and the Role of "Moral Entrepreneurs"

As publicity develops, a number of reactions occur among some of the persons and groups that learn about the deviance. As these reactions are publicized in the form of letters to the editor, interviews, and stories, they help to shape the "scandal."

Most people or groups who reacted to the writing companies did so negatively, citing threats to education or personal outrage. Students in California and Ohio⁶ appeared to react publicly less than other groups. Perhaps potential deviants, students in this case, tend to justify a new form of deviance more than other groups, even if they actually do not participate in it. Overall, the publicized reactions that I found were generally negative, whether from students, teachers, newspaper editorials, administrators, or state officials. Professors, administrators, and public officials, being the groups most affected by the openness of the new deviance, expressed the strongest public reactions. In New York, for instance, the companies were called by professors "a cancer" to academia, and the like.

Some students and faculty, as in California and New York, went beyond merely condemning term paper companies but used their existence to point out shortcomings within educational institutions themselves. Concrete changes of internal institutional policies

occurred to an unknown degree. Administrators at Boston University⁷ and Ohio State University attempted institution-wide changes to minimize plagiarism. An estimate of how many such changes occurred would require further investigation. Nevertheless, although some things were done, no major changes were undertaken to answer fundamental questions of class size, faculty supervision, student quality,⁸ motivation, etc., which are assumed to promote plagiarism as well, according to research of traditional forms of academic dishonesty.

Relatively few people react publicly to a new form of deviance. Apathy prevailed in some New York schools and at Ohio State University. Even a few public complaints, consisting of letters to the editor and some stories, suffice to create a mass media "scandal." Further, exchanges of opinion are not necessarily unanimous, either pro or con, regarding a new form of deviance. The mass media are fairly receptive and print such complaints, because there is a continuous need to create fresh "issues."⁹ Obviously, newspaper editorials are given prominence in and of themselves. Isolated public comments, made in interviews or noted in stories, concerning the deviance make it an object of "controversy," creating the expectation that someone in authority will do something about it.

Contributing to the controversy are defenses made of the new deviance. One group contributing to the controversy was the operators of the term paper companies. Another included students, teachers, editors, and legislators who defended the companies indirectly because they had complaints against universities. For

example, the new California statute passed only by a hair's-breadth because many representatives felt the bill interfered with universities' activities and/or with academic freedom. Hence, new forms of deviance may have defenders, even if only because some specific institutions are threatened and outside persons, or those in institutions elsewhere (the press, for instance), do not agree that the problem is so substantial as to warrant action.

Among the people reacting to commercialized cheating, during and after the scandal, were a few who complained directly to persons with institutional power to initiate sanctions against the new deviance. A second element which has an impact on policy-makers is a non-institutional "leader" who seizes the issue, keeps it alive, and proposes or demands action. We have called these persons "moral entrepreneurs."¹⁰

One can define "moral entrepreneurs" further as those who contact, complain, or prod policy-makers concerning the new form of deviance. The specific role can be filled by anyone, either an individual or a group. In Ohio, faculty members contacted Dr. Albert Kuhn, Provost of Ohio State University; in New York, court action followed a Long Island University faculty resolution directed to state officials (Assemblyman Leonard P. Stavisky apparently was one of them). Moreover, there were individual and group complaints directed to Assemblyman Stavisky, Attorney General Louis Lefkowitz, and other persons. In Massachusetts the situation was more diffuse-- apparently it was newspaper stories and reporters' queries which created awareness of the

problem.

In my case studies I found that prior to the initiation of new forms of social control it is necessary to have either a mass media "scandal" or some person in the role of "moral entrepreneur" or both serving as the intervening agent between the publicity and would-be policy-makers. In other words, someone has to complain to persons with institutional power, whether school administrators, government officials, or both. Meanwhile, traditional and new forms of plagiarism continue unabated; although surrounding publicity concerning attempts of social control may and do create the illusion that actual sanctions are being exerted against the new deviance. Ironically, an unintended consequence of publicity is to make potential purchasers¹¹ even more aware of term paper sources.

Complaints by "moral entrepreneurs" may directly influence the decisions of policy-makers, as in the clear-cut case of faculty complaints to Dr. Kuhn in Ohio. Complaints may be weighed alone with additional media publicity, if inaction continues. Finally, complaints, mass media stories, and general resolutions may form a multi-factored pressure upon policy-makers to initiate action. Which complaints are emphasized, and how they are used, is up to the individual policy-makers and the local situation. In Massachusetts and Ohio there was little emphasis among policy-makers on "public opinion." On the other hand (late in the legislative stage in Massachusetts), in California and New York, policy-makers themselves helped to create public opinion pressure and sponsored innumerable resolutions

and sought widespread public support for changes in social policy. They, however, hoped that someone else, the District Attorney or the Legislature, would act.

Specific individuals, such as Dr. Arthur Pfeffer of John Jay College, can serve to stimulate dormant or apathetic opinions within individual schools. The initiation of sanctions within local institutions may not have much initial impact, but impact is increased when policy-makers refer to these resolutions to buttress their attempts to create changes. For example, Assemblyman Stavisky requested that his correspondents write to the Chairman of the Education Committee and, later on, to Governor Rockefeller.

Decisions to Change Social Policies to Control the Companies

At some point in the course of a scandal, continuous exposure in the mass media of the failure of institutional leaders to act leads some of them to do so. While many institutional and government leaders have authority, only a few actually lead. Among the individuals taking such leadership, some appear to be more sensitive--either personally or morally outraged--to the issue than others. For example, Assemblyman Stavisky and Robert I. Hunneman in Massachusetts were personally outraged. Some leaders pressure more than others for action, even though their organizational positions do not require them to initiate changes.

In order to undertake new actions, institutional power is usually necessary, but exactly which leader will act depends on personal reasons. Some of the technical personnel (lawyers and

assistants) can, with institutional leaders, also become forceful, although the former are likely to act behind the scenes unless they plan to run for office.

Sources of Information as a Basis for Social Policy

Next, attempts are made to ascertain information concerning the new deviance. Assemblyman Stavisky used two assistants to determine the modus operandi of writing services. Private investigators and legal staff accomplished the same thing in Massachusetts.

It is relatively easy to find out how a new form of deviance operates. But on the other hand, in California and elsewhere, information concerning the numbers of term papers on file, the backgrounds of writers, the numbers of papers sold, and the economic success of companies was inaccurate or unavailable. In the latter respect, the mass media serves as a major but inaccurate source of information.

Therefore, out of necessity leaders must rely on uncertain and exaggerated information as intrinsic elements in forming social policies. This may hamper their efforts to influence others because emotionalism is not always successful as a substitute for knowledge. Finally, the knowledge gap may make the deviance appear more threatening, since its incidence is exaggerated. Regardless of these inaccuracies, their failure in controlling the deviancy, the "scandal," results in some status loss for those institutions threatened by the negative publicity.

Formulation of Policy Alternatives

Discussion of the means of social control by responsible

university officials and their staffs included mainly judicial and legislative solutions. Several universities in Massachusetts were all set to file court action and legislation but nothing concrete came of their plans until late 1972.

Some plans are discarded, others held in reserve, and a few carried through. Technical personnel, i.e., lawyers and staff assistants, who may or may not be known to the public, can have a definite impact in shaping new policies by the choices they present to the leaders. For example, Dr. Edwin Penn, Assistant to the President of Boston University, seldom was in the news although he played an active role in Massachusetts.

The Choice of Means of Social Control

Decisions about new social controls are often preceded by the development of rules or procedures as to how such decisions will be reached and carried out.¹² In Massachusetts and to some degree in California, secrecy was maintained concerning details of meetings, discussions, and the degree of various participants' involvement. Secrecy serves several functions: it makes the development of new social controls less visible so that outsiders cannot blame failures on responsible and would-be leaders. For example, the Massachusetts public never knew that major university presidents refused to attend personally a public conference planned to support legislation.

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Secrecy protects individual and institutional anonymity. Would-be leaders and leaders thus have opportunity to diminish their actual or potential involvement without loss of prestige.

For example, several Massachusetts universities were ready to file court actions, but eventually failed to do so. Finally, secrecy of proceedings may help to mask the supposed impact of the deviance on a particular institution. Harvard, at times, did not want to associate itself with a high incidence of cheating.

Leadership in the Implementation of Policy Changes

Publicity creates pressures to initiate sanctions against the new forms of deviance. It is expected that institutional officers will implement new policies soon after the scandal emerges. Long periods of inaction, as in Massachusetts, only add to the "scandal."

As potential leaders begin to exert actual, although sometimes reluctant leadership, some remain more in the limelight and others (particularly technical people, assistants, and amateurs) remain fairly unknown. Dean Archie C. Epps, Harvard University, was prominent in the media. Publicity helped him to coordinate several aspects of policies, to forward information to other persons, and to serve as an apparent spearhead of a "movement" of university and state officials to exert social control. All along, Dean Epps relied on lawyers to investigate some of the suggestions offered to him.

A fairly small number of persons are actually involved in developing new means of changing social control policies. The leaders working on the new approaches may handle the work themselves or delegate it to lawyers and other assistants. Leaders may or may not cooperate in sharing information with one another.

Finally, they may work independently or in coordination with each other; one approach does not exclude the others.

Leaders may begin by coordinating their efforts and then work independently, or vice versa (Assistant U.S. Attorney Frederic R. Kellog is an example of the latter). Which approach is used depends partly on the uncertainty of information about the new form of deviance for which there are no precedents in terms of social control. This process is gradually clarified as a few leaders exchange information with their out-of-state counterparts. Successful sanctions in one or several states add to the intensity of the scandal elsewhere. For example, events in New York and Ohio increased pressures in Massachusetts as the former precedents were pointed out to the Attorney General. President John R. Silber of Boston University also used this argument to convince the Trustees of the school to authorize a potentially expensive and publicity-attracting legal complaint.¹⁴

Leaders often explore different approaches to social control. Estimates of which means will be most effective vary from one state to another, without any certainty that any particular approach will succeed. In California, the idea of court action was dropped, but it was followed through successfully in New York, Ohio, and Massachusetts.

Leaders come and go as they attempt to initiate and implement social policy. Some leaders such as Dean Gilbert G. MacDonald, Northeastern University, may try one approach personally. If this fails, they may still encourage their lawyers to

continue another approach. Other leaders, Hunneman for example, may try a variety of approaches. He was finally frustrated when the Northeastern University Trustees refused to authorize filing for a court injunction. At every stage lawyers, deans, and others present alternatives to persons with ultimate institutional authority, who then make their own decisions.

In Massachusetts, persons in positions of power and other leaders tried systematically to involve outside institutions in the attempt to control term paper companies. There were continuous attempts to diminish the responsibilities and involvement of individual universities. Everyone wanted to avoid being the one to take the last step in implementing judicial and legislative solutions. Throughout the period of planning, considerations of time, effort, cost, and possible adverse publicity for each institution were put ahead of common goals. In other words, policy-makers tend to consider changes of social policy much more in terms of their own organizations than the effect of
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deviancy upon the broader society. We must note that the internal means and goals of particular institutions may indeed be quite different from those of institutionally similar jurisdiction, i.e., "academic," or those based on general welfare. In short, there may be little unity on means to be adopted between common institutions at the local level, although leaders may cooperate with one another and share more general goals.

Some leaders eventually give up current leadership discussions as they give up in their attempts to formulate new policies. Others may continue for longer periods of time. At a

later stage, legislators may begin their work and become new leaders, depending on their level of influence and interest in the matter. Subsequently, potential efforts enter a new stage as they are shaped through normal political channels of compromise, as happened in Massachusetts.

New leaders, on the other hand, such as President John R. Silber of Boston University, who became head of the school not long before the term paper companies became a problem,¹⁶ may have less prestige at stake. We may expect that a new job provides an incentive to the incoming person to "make a mark" in his new environment, i.e., to obtain accolades for innovation in means of social control. Thus, a recently appointed or elected leader can show his resourcefulness more than established leaders who may have a vested interest in protecting the status quo; for instance, they may have developed mutual obligations with one another to protect the prestige of their various institutions.

Leadership may continue or not regardless of the actual impact of the deviance upon the leaders' own institutions, since the extent of the public scandal is the primary spur to action rather than the deviance itself. As some academic and governmental leaders in Massachusetts decided to continue their efforts individually rather than jointly with others, the latter ended their active involvement in the "reform" movement.

Overall, the reluctance of leaders to follow through on sanctioning action led to slow, piecemeal decisions in Massachusetts, regardless of the facts that some leaders and their

lawyers knew their counterparts in other schools and were actively coordinating their actions.

Initial cooperation among institutional actual and would-be leaders does not result necessarily in implementing the means of social control which they have discussed and decided to act upon. After several months of trying to organize a "cooperative approach," Dean MacDonald failed to find common grounds for action. Nevertheless, the chains of communication among the parties involved serve to raise interest in controlling the new deviance so that they continued their independent efforts to act, or cooperated later on while undertaking parallel efforts to organize action.

Action, when finally taken, results either from compromise and unification, or from domination by one group of activists, with a majority of the potential or peripheral 'leaders' going along and finally accepting the alternatives chosen by actual leaders.

The Jurisdiction Over Deviance in Social Policy

Control of emergent forms of deviance may be attempted by the personnel of local institutions. For example, Dean Epps of Harvard and other persons made threats against term paper purchasers. Still, the extent and effect of these sanctions is limited because the nature of emergent types of deviance is such that there is no practical way to identify deviants; and the latter do not complain against term paper companies. Furthermore, the company's jurisdiction, i.e., market, was larger than Cambridge.

Other types of sanctions, such as refusing to print

advertisements by the companies in campus publications, were also limited in effect. In this example, the sanction's effect was limited due to alternative means of publicity available through off-campus publications. Besides, there are competing and even antagonistic groups opposed to these sanctions even in the face of the authority structure¹⁷ within schools. To illustrate, some student newspaper editors in New York opposed the suspension of ads on the grounds that freedom of press and the right of students in making their own decisions were more important.

Nevertheless, potential sanctions against potential deviants and actual deviants are strengthened through the use and publicity of new internal rules and regulations. A number of Massachusetts schools added to their catalogues specific prohibitions against the use of purchased term papers.¹⁸ In addition, rule changes have the function of serving to justify the intervention of outside agents of social control. In other words, a school modifying its regulations "legitimized" thereby its claim that "it had done all it could" to control students, and was unable to go any further. Finally, in Massachusetts, changes of school rules were used specifically to buttress and promote judicial and legislative action.

It is evident that term paper companies affected educational institutions beyond any single university, because they operate outside the schools and on a relatively wide commercial scale. Although students were subject to school discipline, the firms were not. Consequently, university

administrators and other interested persons aimed to change the responsibility for social control by requesting officials of various government agencies and departments to initiate, coordinate, or actually carry through social policy changes. The political strength, status, and coordination of the leaders making the request influenced the responses to their pleas. In Massachusetts, however, other problems were more important to Attorney General Robert H. Quinn than term paper companies.

Changes of jurisdiction as a concept could be extended to include more than Attorney Generals and State Representatives. In New York, Professor Arthur Pfeffer of John Jay College requested help from the City Council, Department of Consumer Affairs, and the Police Department; yet only with the latter office was there any success, an investigation and a letter of warning being sent to policemen. Likewise, members of the Board of Higher Education in Massachusetts and the Secretary of Education himself expressed interest in the problem and offered some support, but decided to remain on the sidelines. Finally, Hunneman's efforts to influence Governor Francis W. Sargent of Massachusetts, on behalf of Northeastern University, met with failure. Overall, local officials were less effective than state officials.

Attempts were made to involve several Federal congressmen, the Department of Justice, and the Office of Higher Education of the Department of H.E.W.; these met with failure in 1971. Similarly, personal influence on U.S. Senator Adlai E. Stevenson 3rd, Chairman of the Education Committee, by one of his own assistants

did not persuade him. Nevertheless, in 1972 the U.S. Department of Justice followed through the appeal on the U.S. Postal Service case, which had been initiated by Kellog on his own insistence. This was done because all such appeals must be initiated in Washington, in this case by Kellog, rather than in response to pressure from outside complaints. In short, isolated complaints (even by persons with status) made to public officials met with failure until a scandal continued and many "moral entrepreneurs," cumulatively, made requests for help. Neither factor, however, is a guarantee that action will ensue.

Appeals by Ohio State University's Provost Albert J. Kuhn and by Chancellor Glenn S. Dumke of the California State Colleges and Universities were responded to with prompt cooperation by the Attorney Generals in Ohio and California. Moreover, the preceding leaders were at the heads of very large and powerful state-supported educational institutions. Their lawyers did the actual research for the cases.

In New York, on the other hand, complaints to Attorney General Louis Lefkowitz were made more by "moral entrepreneurs," such as faculty members, rather than by institutional leaders. Lefkowitz acted on the complaints perhaps because they were accompanied by widespread publicity.

Assemblyman Stavisky coordinated his actions with the Attorney General. The former's decision to act followed a complaint by Long Island University faculty members. Personal factors could have played a part in his decision because he was a former member of the school; moreover, at that time he was a

faculty member at a different school. Assemblyman Stavisky thus was in the unique position of being in academia as well as holding a legislative position. Thus, he introduced legislation, promoted a concerted effort to pass it, and finally saw to its enactment. Because he was a Professor of Government, his efforts succeeded sooner and more effectively than did legislative efforts in California and Massachusetts. He did not take success for granted, however, and requested help from many persons to influence political discussion of the bill.

It may be fairly easy for institutional leaders to ask their lawyers to draft legislation, and subsequently to request a representative to introduce it, but this is no guarantee that the draft will be strong in potential deterrence or even that it will be made into law. The New York proposal was strengthened by Stavisky after he asked for and received encouragement from academicians, and it was enacted without major problems. In California and Massachusetts the original proposals were watered down in legislative committees. Moreover, the California petition almost failed to pass after having been originally rejected, and the Massachusetts statute was enacted only after a relatively long period of delay and after the current problem had disappeared.

"Public support" in the form of publicity about the deviance, academic resolutions, letters to the editor, editorials, etc., from individuals and groups does not insure the passage of laws. Legislators do consider these elements, but make up their own minds on the subject, considering possible political gains as well as their personal views. This occurred even in the states where

term paper bills apparently had no major opposition.

In Massachusetts the 1971 publicity concerning writing firms did not move any representative to file petitions, but the 1972 coverage made the need for legislation seem more various. When they finally acted--too late--they weighed a number of factors, including their own concern about the problem, friendship, various external influences, knowledge of publicity, and potential political prominence. Further, since the research businesses had closed down already, subsequent enactment of a statute would serve a number of functions other than that of social control.

Similarly, public support for the California legislation did not result in easy passage. Regardless of the specific attempts by Assemblyman James Keysor and Chancellor Dumke, for example, many legislators maintained until the very end their personal and philosophical opposition to this statute. It is true that political pressure may be increased by influentials contacting legislators directly, public appeals to legislators from institutional leaders, and lobbying among and by legislators. Nevertheless, even if the issues are actually laid out and explained, it cannot be taken for granted that literate and/or relatively powerful shapers of the mass media such as writers or legislators will automatically agree that there is need to control the emergent form of deviance.

Therefore, changes of jurisdiction, cooperation between members of institutions apparently threatened by open deviance, and some sympathetic government officials willing to originate

changes of social policy, certainly do not insure that social control will be forthcoming promptly or will be genuinely effective. Nevertheless, more or less successful sanctions were initiated in all the states we have discussed.

Finally, efforts to obtain the cooperation of Attorney General Quinn in Massachusetts failed all through the period when the companies remained open. A court writ was much talked about but not introduced. It was introduced only after many complaints, different attempts to influence the Attorney General directly, many meetings, and a continuous "scandal" concerning--among other things--the long period of inaction, and even judicial pressure by Judge Harry Kalus. Several plausible reasons for this delay were presented, but the reason that stands out was that university officials wanted Attorney General Quinn to do the job for them, and he believed it was their job to introduce legislation. Apparently he wanted to limit himself to providing mostly technical advice.

In Massachusetts, then, the situation was much more diffuse than in the other states, in particular because leadership was much less well-focused than elsewhere. Several sets of lawyers worked independently on the problem, although they cooperated with each other to some extent. The failure of the joint approach, together with the continuing publicity pointing out university inaction, finally led President Silber of Boston University to seek a court injunction. At this point the other universities more or less abandoned their rather weak efforts, went along with simple moral support, and eventually shared costs.

Comparing the responses of public agents of social control (i.e., non-academics) in the four states, it seems that public officials are most likely to act when single but very powerful educational official (from private or public institutions) request assistance and propose an approach the details of which the officials themselves are willing to prepare and follow through.

Objectives of Social Policy Changes

The aim of the new social policies in this case was not to punish individual deviants but to control the openness of the new deviance, because its visibility was the threat to the institutions affected. A commitment to action may or may not have as its goal the total extirpation of the new deviance, but it is more likely that new policies aim primarily to make the threat less of a scandal.

In the California and New York statutes, student purchasers were apparently excluded from the provisions. This was not so in Massachusetts, where the proposed new law was later discovered to cover buyers as well as sellers of assignments. This unexpected new perception of the bill led to a drastic reduction in the amount of the fine, resulting in a serious weakening of its potential deterrent effects and distorting the intention of the original legislation. Court injunctions, on the other hand, were aimed at the research companies themselves and not at students. In New York, for example, student purchasers were not prosecuted by Attorney General Lefkowitz.

RELATIVE SUCCESS OF SOCIAL POLICY CHANGES

Deterrence Through Punishment of Term Paper Purchasers

In California and New York the new statutes did not lead to the punishment of individual students. New York's injunction against Termpapers Unlimited obtained 965 order forms from students at 109 schools, but no students were prosecuted. A similar court order led to the prosecution of 82 students at Ohio State University, but only a minority were found guilty and subsequently penalized, although none were expelled. No New York or Ohio schools, other than Ohio State University, attempted to obtain purchase records available in order to prosecute students on their campuses.

Fairly complete records of two term paper companies became available as a result of the Boston University court action. The school offered this evidence openly to the other seven universities cooperating in the case, but three refused to ask for the incriminating materials. Among the other schools, it appears that they examined purchase forms either from one or two firms. Altogether, three schools punished students, with none expelled and about half were punished academically. As in the other states, no Massachusetts schools other than those indicated bothered to ask whether their students were involved in term paper purchases. In short, the predominant emphasis was to close down the companies rather than to punish students.

Moreover, in those few schools which punished students, penalties were mostly academic, a grade reduction and the like, rather than administrative action such as expulsion or suspension.

Certainly we may expect that insofar as some sort of punishment is meted out it should exert some deterrent effect as it becomes known to students. Nevertheless, as new student cohorts begin their work, the deterrent effect is eventually diluted. Hence, emergent forms of deviance evidently need cycles of social control. This is similar, for example, to the need for periodic changes of American military currency among personnel stationed abroad.¹⁹ It is important to note, in any case, that in the term paper company scandals punishments were indeed carried out, more frequently and with greater severity than any penalties carried out by school administrators in recent years. The emergent form of deviance was seen as a threat important enough so that at least in some schools formal sanctions, and their accompanying procedures, appeals, and the like, were used. However, the more important deterrent effect may not lie in the use of sanctions but in the lesser opportunity to commit the crime, namely, removing the companies from the campus.

General Climate of Deterrence

The knowledge that "something is being done" against term paper companies and purchasers of assignments tended to promote a general climate of abhorrence (although to an unknown degree) among potential term paper purchasers.

As leaders emerge who promote judicial, legislative, and other means of social control, a general impression developed among students that there was some control over the emergent deviance, whether real or potential being beside the point. As this "control" appeared, the new form of deviance lost some of

its appeal.

A climate of abhorrence acquires legitimacy as students realize that the open sale of commercial term papers is frowned upon and actually punished in some few cases. Potential purchasers of term papers are thus forced to take an ethical position which provides increased support for ideas that honesty is better than the purchase of written assignments. In short, the deviance is deprived of a peculiar legitimacy, the legitimacy of smartness, and the chic of deviancy.

To some degree social control is enhanced as teachers increase their alertness to the problem, which the "scandal" and related stories bring to prominence. This deterrence is quite limited, however, because teachers cannot prove this type of plagiarism on the basis of internal evidence alone. Nevertheless, this fact may not be widely known among students. Furthermore, opportunities for such deviance decrease as professors modify their assignments.

Finally, moral and practical steps toward deterrence are accomplished through giving publicity to attitudes against term paper companies, threats against would-be purchasers, changes and/or highlighting of college rules, stopping newspaper advertisements, and the actual closing of companies through court actions and/or legislation.

Direct Control Over the New Form of Deviance

All four states we investigated succeeded in making commercial writing services less of an open threat against their educational institutions. In Ohio the three firms apparently stopped

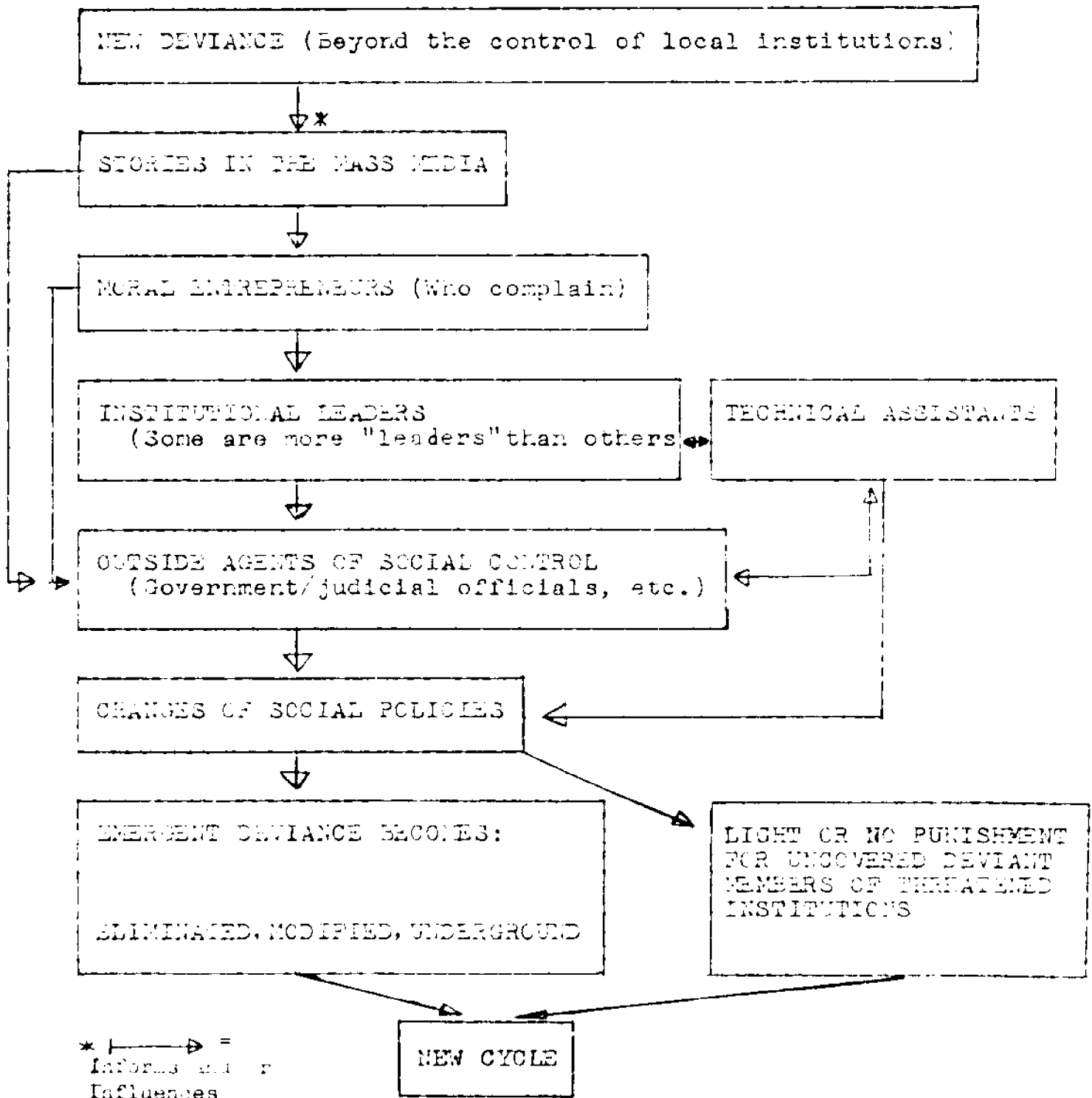
doing business, and other companies did not appear for some months. In Massachusetts the local companies definitely stopped doing business openly, although some underground operations by individuals or businesses continued. More important, however, is the fact that several out-of-state corporations continued to advertise in some college newspapers. Similarly, out-of-state research companies continued advertising in New York. There was some local activity which was controlled by Attorney General Lefkowitz. By 1974, nevertheless, writing services had become once again easily accessible. Schools apparently did not care whether or not these ads appeared in their newspapers. Finally, in California some businesses closed down, while others remained in operation under the banner of being only "research companies."

Overall, then, changes in social policies succeeded in halting the new form of deviance or else in modifying its operations so that it appeared to be a less blatant or open challenge to institutional rules and functions. Term papers remained available to an extent, but were harder to get and thus some deterrence apparently took place. Therefore, the consequence of the new social control was that universities could continue their functions much as they did before, regardless of the actual extent of traditional forms of cheating, which continued probably as usual during the period. The purchase of term papers from out-of-state, underground, or local "research" companies undoubtedly continued as well. Thus, upholders of emergent forms of deviance react to changes of social policy by adapting themselves

to the letter if not the spirit of the new means of social control. The flow of events is described in Figure 4. Since the new form of deviance has been modified so as to appear less of an open threat, it may probably continue in this form until a new cycle of social control begins, with new actors on the scene and with new, ingenious forms of deviancy.

FIGURE 4

THE CREATION OF SOCIAL POLICIES
TO CONTROL A NEW FORM OF DEVIANCE:
EMPIRICALLY-BASED SIMPLIFIED REPRESENTATION



Footnotes: Chapter I

1. Dr. Joseph Bensman, Graduate Center, City University of New York, helped me to formulate the general problem to be presently described. In addition, his comments and editing throughout were invaluable. All are greatly appreciated.
2. Sherri Cavan, Liquor License: An Ethnography of Bar Behavior (Chicago: Aldine, 1966), 3-15, has a discussion of types of expected behavior in different social settings that helped me to develop this definition.
3. Martin R. Morris, "Cheating Among 'Honest' College Students," (unpublished Master of Arts thesis: Brooklyn College, 1967), 24-35, makes two important points which buttress my decision to place "social rules" and "laws" under a common definition. First, Morris argues, after an exhaustive examination of the subject of law and crime definitions from almost any possible approach, that laws of private organizations are similar to public laws. This approach enables him to treat college cheating (the subject of this research) as a type of deviance "equivalent with that of a 'law-abiding' individual committing an illegal offense." (p. 29.) Second, Morris reviews a number of studies proving that cheating is widely condemned in theory, even if carried out in practice.
- 4.a. Albert K. Cohen, Deviance and Control (Englewood Cliffs, N. J.: Prentice-Hall, 1966), 3, 4.
 - b. Concerning the need for social rules we may compare the dilemmas faced by Anarchists, who thought otherwise. For instance, in spite of the fact that the ideology includes the extreme rejection of all social rules as a matter of principle, many Spanish Anarchists involved in the Civil War of 1936 felt that they had to participate and cooperate with the governments of Catalonia and other cities if they were ever to achieve their ultimate goals. James Joll, The Anarchists (New York: Grosset and Dunlap, 1966), 262-267.
- 5.a. For a discussion of sanctions against rule-violators, see Cohen, Footnote 4a, p. 1.

Some works which helped to develop my ideas on deviance are as follows:

 - b. Howard S. Becker, Outsiders: Studies in the Sociology of Deviance (New York: Free Press, 1966).
 - c. -----, ed., The Other Side: Perspectives on Deviance (New York: Free Press, 1967).
 - d. Cohen, Footnote 4a.

5. (cont.)

- e. Kai T. Erickson, Wayward Puritans: A Study in the Sociology of Deviance (New York: Wiley, 1966).
 - f. Erving Goffman, Asylums: Essays on the Social Situation of Mental Patients and Other Inmates (Garden City, N. Y.: Doubleday, 1961).
 - g. -----, The Presentation of Self in Everyday Life (Garden City, N. Y.: Doubleday, 1959).
6. Robert K. Merton, Social Theory and Social Structure (New York: Free Press, 1957), 121-194.
7. Ibid., passim.
8. Marshall B. Clinard, "The Theoretical Implications of Anomie and Deviant Behavior," in Anomie and Deviant Behavior: A Discussion and Critique, Marshall B. Clinard, ed. (New York: Free Press, 1964), 1-56. For other studies and empirical findings in the subject of anomie, see articles passim in this volume.
9. My description of Durkheim's theories of law and crime is based on the following works, with special emphasis on the pages indicated:
- a. Emile Durkheim, The Division of Labor in Society, Tr. by George Simpson, (New York: Free Press, 1964), 70-110, 424-435.
 - b. -----, The Rules of Sociological Method, Tr. by Sarah A. Solovay and John H. Mueller; George E. G. Catlin, ed. (New York: Free Press, 1964), 47-75.
 - , Suicide: A Study in Sociology, Tr. by John A. Spaulding and George Simpson; George Simpson, ed., (New York: Free Press, 1966), 361-392.
10. Ibid., Footnote 9a, pp. 70-110 passim. See especially pp. 64, 84-85, 105-110.
11. a. Ibid., pp. 81, 105-106, 432-433.
- See also:
- b. Ibid., Footnote 9b, pp. 56, 65, 70.

11. (cont.)

For an empirical example of this idea, as applicable to sexual crimes, see:

- c. Tulia S. Brown, "A Comparative Study of Deviations from Sexual Mores," American Sociological Review, 17 (April, 1952), 138. Cited by Cohen, Footnote 5a, pp. 12-13. See also p. 14.
- 12. See Durkheim, Footnote 9b, pp. 65-66 and Footnote 9c, p. 362.
- 13. Ibid., Footnote 9a, pp. 85, 89, 96, 100, 105, 106, 108, 109 and Footnote 9b, pp. 58, 70-71.
- 14. Concerning crimes against public laws, Morris, Footnote 3, pp. 7-22, documents comprehensively studies proving that there is much "hidden criminality, i.e., offenses not brought to the attention of law enforcers.
- 15. Edwin H. Sutherland, White Collar Crime (New York: Holt, Rinehart and Winston, 1961), 9, 25, 40, 207, 210, 218-219 et passim.
- 16. Ibid., pp. 29, 42-44, 210.
- 17. a. Bronislaw Malinowski, Crime and Custom in Savage Society (Totowa, N. J.: Littlefield, Adams, 1969), passim. See especially pp. 76, 77-78, 81 and 84.

For a study examining in detail levels of "norm-conflict," see:
 - b. V. W. Turner, "Symbols in Ndembu Ritual," in Closed Systems and Open Minds: The Limits of Naivety in Social Anthropology, Max Gluckman, ed., (Chicago: Aldine, 1964), 20-51. See especially pp. 42-47.
- 18. See Malinowski, ibid., pp. 41, 80, 83, 110, 111 et passim.
- 19. Joseph Bensman and Israel Gerver, "Crime and Punishment in the Factory: The Function of Deviancy in Maintaining the Social System," American Sociological Review, 28: 4 (August, 1963), 588-598.
- 20. See Becker, Footnote 5b, pp. 147-163. In this chapter on "moral entrepreneurs" Becker distinguishes individuals who play the role of "rule creators" from those who are "rule enforcers." My idea is somewhat different, since it addresses itself to the dynamic tensions between the two, and to the possible consequences that this tension may entail insofar as enforcement of particular laws is concerned.
- 21. See Bensman and Gerver, Footnote 19.

22. For example, ex-President Richard M. Nixon was in conflict with bureaucrats from the federal Civil Service; "The Civil Servants," editorial, The New York Times, February 4, 1973.
23. a. Richard A. Cloward and Frances Fox Piven, "Migration, Politics and Welfare," Saturday Review, November 16, 1968, make this point very clear:

Welfare officials possess enormous latitude in interpreting policies; shifts in the political climate, therefore, engender dramatic shifts in acceptance and termination rates without any changes in formal laws and regulations (Italics added).

Other examples are as follows:

- b. While on "strike," caseworkers in welfare agencies can severely upset current social policies, without any changes in formal regulations, simply by giving welfare recipients the monies they are entitled to have by law.
- c. Policemen may create havoc through slowdowns or over-enforcement of laws, as part of pressure techniques in their favor, while remaining within the letter if not the spirit of their authority. Jerome H. Skolnick, The Politics of Protest (New York: Ballantine, 1969), 273-274.
- d. Prison guards in one institution gave a great deal of leeway to the inmates there from the prevalent rules and regulations, because the former had a stake in an orderly organization, a goal which could not be accomplished without the cooperation of the inmates. Gresham M. Sykes, The Society of Captives: A Study of a Maximum Security Prison (Princeton: Princeton University Press, 1965), 40-62.
24. a. S. N. Eisenstadt, "Social Change, Differentiation and Evolution," American Sociological Review, 29 (June, 1964), 375-386.

For two examples, see:

- b. "Nine Held for Taking Bets -- at OTB Offices," The New York Times, February 18, 1973, 1. These individuals were caught taking illegal bets in the very offices of a corporation specifically set up to curtail this type of bookmaking!

24. (cont.)

- c. "Europeans Act to Curb the Sex Market," The New York Times, February 19, 1973, 1. This article describes the efforts in several countries to stop or turn back the expansion of pornography businesses after a period of relative freedom. Restrictions were began because new problems condomitant with the industry appeared, including public complaints, infiltration of the trade by criminal elements, "tax evasion, crime, and drugs."

25. For similar comments, see:

Talcott Parsons, Societies: Evolutionary and Comparative Perspectives (Englewood Cliffs, N. J.: Prentice-Hall, 1966), 22-24.

26. For a discussion and examples of changes in pre-literate societies, brought about by contact with Western influences, see:

H. Ian Hogbin, "Anthropology as Public Service and Malinowski's Contribution to It," in Man and Culture: An Evaluation of the Work of Bronislaw Malinowski, Raymond Firth, ed., (New York: Harper and Row, 1964), 245-264.

27. For comments on the movement away from loco parentis rules, see:

- a. James A. Perkins, "The University and Due Process," an address presented at the Eighty-second Annual Meeting of the New England Association of Colleges and Secondary Schools, Boston, December 8, 1967. Reprinted by the American Council on Education (Washington, D. C., 1967), 1 et passim.

- b. Research Seminar on Student Conduct and Discipline, New York University School of Law, "Student Conduct and Discipline Proceedings in a University Setting: Proposed Code with Commentary," (mimeograph, May 31, 1968), 4-6, et passim.

- c. Advisory Committee on Student Conduct, "Community and Partnership: Student Conduct at Brown University," report, (mimeograph, n. d. [1967?]), 10-11, et passim.

28. Paul D. Ackerman, "The Effects of Honor Grading on Students' Test Scores," American Educational Research Journal, 8: 2 (March, 1971), 321.

29. a. David Sherrill, et al., "Classroom Cheating: Consistent Attitude, Perceptions, and Behavior," American Educational Research Journal, 8: 3 (May, 1971), 503.

29. (cont.)

Similar variables are mentioned in other studies. See, for instance:

- b. David L. DeVries and Icek Ajzen, "The Relationship of Attitudes and Normative Beliefs to Cheating in College," The Journal of Social Psychology, 83 (1971), 199.

30. See Morris, Footnote 3, pp. 145-146.

Footnotes: Chapter II

1. Hans Gerth and C. Wright Mills, Character and Social Structure: The Psychology of Social Institutions (New York: Hartcourt, Brace and World, 1964), 306-310, passim.
2. "Correlates of social stratification" have been a consistent finding for a number of years. See:
 - a. Leonard Broom and Philip Selznick, Sociology (New York: Harper and Row, 1963), 201-204, summarizes older studies.
 - b. Donald Light, Jr. and Suzanne Keller, Sociology (New York: Knopf, 1975), 203-207, present examples of recent studies.
 - c. For a case study showing quite direct influences between income and life styles, see Elliot Liebow, Tally's Corner: A Study of Negro Streetcorner Men (Boston: Little, Brown, 1967).

Nevertheless, caution may be in order when correlating social class with particular phenomena. For examples of this approach, cf. the following works:

- d. Ely Chinoi, Society: An Introduction to Sociology (New York: Random, 1967), 196-199, 201-205.
 - e. Charles Kadushin, "Social Class and the Experience of Ill Health," in Reinhard Bendix and Seymour M. Lipset, Class, Status, and Power: Social Stratification in Comparative Perspective (New York: Free Press, 1966), 406-412. Kadushin's conclusion is "that in recent years in North America there is little association between becoming ill and social class, although the lower classes still feel more sick" (p.406).
3. Carnegie Commission on Higher Education, A Digest of Reports and Recommendations: December 1968-October 1971 (Berkeley: Carnegie Commission on Higher Education, 1971), 45.
 4. a. Frank Newman et al., Report on Higher Education (Washington, D. C.: U. S. Government Printing Office, 1971), 38-40.
 - b. Cf. also John Holt's observation: "... there is plenty of evidence that educational institutions do not and cannot teach competence, "The Radicalizing of a Guest Teacher at Berkeley," The New York Times Magazine, February 22, 1970, 77.

4. (cont.)
 - c. For a challenging and persuasive study of this area, see Ivan Berg, Education and Jobs: The Great Training Robbery (New York: Praeger, 1970).
 - d. More graduates find that their educational training does not lead to jobs in their field. Paul Blumberg and James M. Murtha, "College Graduates and the American Dream," Dissent (Winter, 1977), 45-53.
5. a. Raymond E. Callahan, An Introduction to Education in American Society (New York: Knopf, 1964), 250-258.
 - b. Three separate "G. I. Bills" helped 12 million veterans during the period 1945-1971, at a combined cost of \$21.7 billion. New York Division of Veterans' Affairs, Newsletter No. 1232, March 9, 1971, 1, 4.
 - c. In the period 1945-1974 education and training allowances for veterans, servicemen, and their dependents were \$30.8 billions. U.S. Bureau of the Census, Statistical Abstract of the United States: 1975. (96th Edition.) (Washington, D. C.: U. S. Government Printing Office, 1975), Table No. 548, p.333.
6. Joseph Bensman and Arthur J. Vidich, The New American Society: The Revolution of the Middle Class (Chicago: Quadrangle, 1971), 5-21 passim. For a description of the "new Middle class," see also 21-25, 68-79, and 139-157.
7. See Newman, Footnote 4a, pp. 2-3.
8. Ibid., p. 1.
9. Numbers vary, as we will see throughout the rest of the chapter.
10. a. Early yearbooks at Ohio State University consistently show academic pressures and instances of cheating, almost from the founding of the college. For example, a student praises his "steeds" or "ponies" (i. e., crib sheets), as follows:

10. (cont.)

The Senior to His Steeds

Farewell! a long farewell to all my ponies!

...

Once more, farewell, my steeds! Y've served me long
and oft have pulled me from beyond my depth.
Greek, Physics, Mathematics, and the rest,
Adieu! 'Tis sad to part, yet it must be.
Go, now, to those more worthy than myself.

Anonymous poem in The Makio, Vol. XII, Published
by the Fraternities of the Ohio State University,
(Columbus, Ohio, 1892), 123.

- b. Elsewhere, a story is told of a professor flunking
a student for using a "horse" (i. e., crib sheet),
forgetting to remember the "'Jinny'" of his own
student days. A footnote indicates that the latter
"is the familiar name that was used for the horse
in the sixties" (i. e., the 1860's), "A 'Final'
Thought," anonymous poem in The Makio or Magic
Mirrow, Vol. 13 (Columbus, Ohio: A. C. Berlin,
1894), 239.

11. For instance, widespread cheating was reported in
India and Spain, see:

- a. "India's Students Seek Right to Cheat," The New
York Times May 20, 1970, C47.
- b. "Spanish Cutlets à la Mode," Time, May 28, 1956,
52, 54.

12. a. "Cheating, if it exists, must take place in the
examination room and involves two or more persons."
Moreover, "the most common cases of discipline
have to do with cheating in examinations." Herbert
E. Hawkes, College--What's the Use? (Garden City,
N. Y.: Doubleday, 1927), 114-115, 113.
- b. Collaboration between cheaters may be oral, allow-
ing a student to see one's exam, through notes,
exchanging exams, etc.
- c. Cooperation between students may also be more
sophisticated. It is claimed that some cheat
through previously-agreed codes by doing such
things as drumming the fingers, biting the lips,
scratching the head, and positioning the pencil
in different ways. August F. Coppola, "B. A. in
Cheating," Life, June 23, 1961, 13.

12. (cont.)

A student may attempt to "cheat" by himself as well, see the following works:

- d. The student may write at length irrelevant material; re-state the question into a different one which he knows the answer; make only relevant words legible and bluff the rest. Norman Matlin, The Educational Enclave: Coercive Bargaining in Colleges and Universities (New York: Funk and Wagnall, 1969), 99-101.
 - e. After getting back the exam paper a cheater may write the rest of the answers in the blank spaces of the blue book, and then ask the professor to re-evaluate the exam. Anonymous, Psychology of Getting Grades (Columbia, Mo.: Lucas Brothers, 1936), 78.
13. The types of crib sheets are numerous. Notes may be written almost anywhere: inside rollers of a hollow watch, chewing gum wrappers, cigarette boxes, etc. See Coppola, Footnote 12c, pp. 13-14.
14. Hidden "in a trouser cuff or between the shoe and sock or even under a sheer nylon." Russell J. Jandoli, "The Cheater's Bag of Tricks," The Catholic World 174 (January, 1952), 276.
15. a. Cribs may be written in slide rule cases, in pocketbooks (which can be read only with special glasses as the writing is invisible to the naked eye). See Coppola, Footnote 12c.
- b. It is also claimed that one student used "a small tape recorder inserted into a fake hearing aid." "The Cribbers at Work," Newsweek, May 20, 1957, 75.
16. a. "West Point Head Says Cribbing Ring Began in Late 1949," The New York Times, September 6, 1951, 1.
- b. "Answers passed among cadets" was reported in "Cheating Scandal Growing at Point," The New York Times, April 29, 1973, 13.
- c. Recently, the West Point cadets "have argued that more than half of last year's junior class of 875 cadets were involved in the cheating." Eventually, "a total of 177 cadets have been officially charged with collaboration on a take-home engineering examination ..." "House 'Forum' Set on Academy Code," The New York Times, August 1, 1976, 24.

17. "The Big Game in College is for High Marks," The New York Times, November 24, 1974, 10E.
18.
 - a. At the University of Rhode Island "a student retrieved an acetate overlay of a mimeograph sheet from an outside garbage receptacle." In this case authorities found this out before the exam was given. Loretta Leone, "College Cheating: Who, How, Why," The Herald Traveller (Boston), January 30, 1966.
 - b. Copies of other tests were also available at Rhode Island University, and some students cheated with them. "Cheating is Found at 2 Universities," The New York Times, January 23, 1966, 66.
 - c. Tests were obtained from the typing room in a high school. Subsequently, the diplomas of all 46 graduating seniors were scheduled first to be given out and then immediately recalled, subject to re-taking the stolen exams in question. The students agreed with the plan, but it was cancelled by the school board following parental protests. "What Should the School Board Have Done," American School Board Journal, 123 (August, 1951), 197.
 - d. A variation in the above is mentioned, on hearsay, of some students taking spoiled copies of a test from a furnace. Dorothy Marks, "Cribs of Knowledge," Junior-Senior High School Clearing House 6: 6 (February, 1932), 354.
19.
 - a. A student assistant broke the trust placed on him and sold copies of an exam. Fred M. Hechinger, "Miami U. Expects Scandal to Fade," The New York Times, January 30, 1966, 54.
 - b. A master copy of an exam was taken from a teacher's desk. "Classroom Incident," NEA Journal, 55: 1 (January, 1966), 52.
 - c. On Many Occasions, students break into offices where tests are mimeographed or stored. For two examples, see Jandoli, Footnote 14, p. 275, and Marks, Footnote 18d.
 - d. Two students managed to steal an exam from a professor's own home while he was out, under false pretense to the teacher's wife that they came to read the gas meter. See Jandoli, Footnote 14, p. 274.

20. For example:

- a. Robert H. Terte, "L. I. U. Expels 3 in Theft of Tests; Disciplines 34 Who Benefited," The New York Times, June 9, 1962, 1, 23.
- b. As a consequence of a theft of several Regents' Exams in New York, 180,000 copies of two tests had to be changed, and several tests cancelled. Judith Cummings, "State is Rushing New Regents' Tests," The New York Times, June 16, 1974, 32.

- 21. a. Initially one cadet broke into the faculty offices, after disconnecting an alarm. In later raids, apparently, he was helped by another cadet. The scandal ended with the acceptance of 105 resignations of students plus four others given other options. "Air Academy Drops 109 in Cheating Case," The New York Times, March 26, 1965, 11.

See also:

- b. Martin Arnold, "Air Cadet Stole Tests in Spring," The New York Times, February 1, 1965, 16.
- 22. a. At Ohio State University, a janitor let in a student to the building where the exams were kept. This led to a major scandal. "The Hard Way," Newsweek, July 25, 1966, p. 86.
 - b. A guard was bribed, in a Long Island University scandal, to allow students to steal copies of several exams. See Terte, Footnote 20a, p. 23.
- 23. a. At Monmouth College there was a scandal, which included "widespread buying and selling of examination papers." "Jersey College Suspends 13, Disciplines 12 in Cheating," The New York Times, February 3, 1966, 32.
 - b. Copies of stolen examinations were sold for \$10. "Cheating is Found at U. of Miami," The New York Times, January 26, 1966, 18.
 - c. A letter writer observed in general that "fraud seems to have ever been and still seems to be a way of life in our country." One of the examples he gives is that "test papers are sold to students preparing for examinations." Louis A. Wilhelm, letter to the editor, The New York Times, May 6, 1973, 16E
 - d. In another instance the stolen exams "were either sold or given away to students." "University of Vermont Expels Five in Exam Scandal," The Herald Traveller (Boston), c. June 8, 1966.

24. a. For instance: See Footnote 18b; Terte, Footnote 20a, p. 23; and Footnote 22a.

Faculty could also detect cheating by themselves, obviously, although not knowing that this is because exams were stolen. See:

- b. "Suspicions arose when students began leaving the room 30 minutes after the start of a two-hour test." "Probe Cheating at Maine University," The Herald Traveller (Boston), January 22, 1966. An A. P. story.
25. It was reported that sometimes fraternity members may "take exams for each other." Iris Johnson, "Is Cheating Encouraged in Our Colleges?," The Herald Traveller (Boston), November 2, n. yr., (Youth Section).
26. Benjamin Fine, "Some Collegians Say Cheating not Dishonest," The Herald Traveller (Boston), March 27, 1960.
27. a. See Jandolfi, Footnote 17.
- b. Probably one of the most famous cases occurred when a friend of Robert Kennedy attempted to take an examination for him.
28. See Matlin, Footnote 12d, p. 99.
29. One instance was described by Thomas A. Clark, Discipline and the Derelict: Being a Series of Essays on Some of Those who Tread the Green Carpet (New York: MacMillan, 1922), pp. 21-22.
30. A member of the Department of Biology, Brooklyn College of the City University of New York, told Mr. David Null that existed a "terrible" degree of cheating in biology experiments; this was related to the author on February 18, 1975.
31. This could be done by the parents, for instance, under the euphemism of giving "'parental assistance.'" Myles W. Rodehaver et al., The Sociology of the School (New York: Crowell, 1957), 112.
32. a. A typical example is mentioned by Dom Proface (pseudonym), College Men: Their Making and Unmaking (Freeport, N. Y.: Books for Libraries Press, 1967), 8-9.
- b. Of course, the student who is requested to "lend" the homework can simply refuse. Personal example of Ms. F. A., at Brooklyn College, as told to the author, 1973.

33. a. Elizabeth Pope, "Are We Teaching Our Children to Cheat," McCall's, 83: 7 (April, 1956), 173.
b. An instance is described where a whole class cheated by copying the homework of the brightest student. David Goodman, "Cheating's The Thing to Do," The Herald Traveller (Boston), September 30, 1963.
34. A novel about "growing up in the fifties" describes various activities of the heroine and includes as one of them "lending your homework." Ruth D. MacDougall, The Cheerleader (New York: Putnam, 1973).
35. "Plagiarism," The Century Dictionary and Cyclopedia (New York: Century, 1911), 4523.
36. a. Several types of college plagiarism are mentioned by LeBaron Russell Briggs, Routine and Ideals (Boston: Houghton, Mifflin, 1904), 166-167

The subject of other types of plagiarism, in literature, motion pictures, music, etc., is related but not germane to my own discussion. For examples of the literature, see:
b. Margaret C. Meagher, "These Plagiarists!," The Catholic World 146 (February, 1938), 585-591.
c. Alexander Lindey, "Copyrights and Copycats," Reader's Digest 61: 367 (November, 1952), 95-98.
d. Teresa C. Campbell, "Criticism in the Courtroom," (Unpublished Master of Arts thesis, Columbia University, 1953), describes very well the legal issues involved in plagiarism. She concludes: "A survey of representative plagiarism cases clearly shows that the plaintiff, more often than not, fails to sustain his burden of proof." (p. 58).
37. See Footnote 33.
38. Margaret B. Fisher and Jeanne L. Noble, College Education as Personal Development (Englewood Cliffs, N. J.: Prentice-Hall, 1960), 158, 159.
39. While studying at the University of Toronto in 1969, Ms. N. K. lent her term paper notes to a friend. The latter, subsequently, used many of these ideas with no credit whatsoever to the author, Ms. K. related this to me on June 4, 1973. Plagiarism, therefore, may occur even before a work is completed.

40. R. G. Martin, "Plagiarism and Originality: Some Remedies," English Journal 60: 5 (May, 1971), 621
41. Ibid., pp. 621-622.
42. June Biermann and Barbara Toohey, "How to Succeed in Book Reports -- Without Really Reading," Junior College Journal 35 (December, 1964), 26-27.
43. See Fisher, Footnote 38.
44. See Martin, Footnote 40, p. 622.
45. a. Ronald E. Wolseley (based on a textbook outline by Frederick Welch), Plan for Plagiarists," The Saturday Review 41: 19 (May 10, 1958), 25.
b. Jandoli playfully describes all ways available to minimize work during "the student's fulfillment of contract" with the school. See Footnote 14, pp. 92-104.
46. a. See Martin, Footnote 40, p. 621. See also passim pp. 621-625 and 628.
b. Nancy V. Lee, "Plagiarism Starts in Second Grade," Grade Teacher 88 (April, 1971), 19-20.
c. One college student turned in a 25-page "book report" copied straight from a book, without quotations, etc. He later claimed that he had always done this for his high school assignments, and that nobody ever told him to do otherwise. Related to the author by a History instructor, John Jay College, November 13, 1972.
47. a. See Martin, Footnote 40, pp. 622-625, 628.

Missing the main gist of a story while criticizing structure may be seen in the following examples:

b. Unknowingly, a teacher graded a great writer's work and gave it a B. George Morlan, "He Gave De Maupassant a a Grade of B," School and Society 34: 871 (September 5, 1931), 321-322.
c. A Political Science professor similarly found that he gave a B to Edmund Wilson's review of Kennan's Russia and the West. See Biermann and Toohey, Footnote 42.
48. See Martin, Footnote 40, p. 623.
49. John B. Johnston, The Liberal College in Changing Society (New York: Century, 1930), 137.

50. See Matlin, Footnote 12d, p. 102.
51. For example:
- a. "In examinations students profit by the files as much as possible and where that is insufficient, cheating is resorted to, not almost universally as some students say, but very widely," See Johnston, Footnote 49.
 - b. "As for cheating, it is also apparently universal." "Ethical Mistiness," Time 58: 8 (August 20, 1951), 54.
 - c. "'And so we discover' ... 'that cheating is no longer a phenomenon on most campuses; it is rather a prevalent necessity.'" Edward D. Eddy, Jr., quoted in "New Hampshire Educator Says Collegians Accept Academic Dishonesty," The Herald Traveller (Boston), c. February 8, 1968.
52. a. While delivering "the keynote address at the opening of the Tri-Regional Conference of the U. S. National Student Association ... on the MIT campus," Edward D. Eddy, Jr., noted that increased enrollments would lead to a greater emphasis in marks "'and a by-product of this emphasis will be far more widespread dishonesty than we know now'." "New England Educator Sees More Student Dishonesty," The Herald Traveller (Boston), n. d., (March 30, 1967?).
- b. "Contemporary society prizes efficiency ... it is feelings as these that have caused the massive increase in cheating in all phases of education and what is worse, the shift in attitude toward cheating." Ann Trabue, "Classroom Cheating — An Isolated Phenomenon?," The Educational Record 43 (October, 1962), 309.
 - c. "According to reports from a score of campuses, there is an increase in cheating," See Footnote 17.
53. a. Samuel Middlebrook, "No Panacea for College Cheating," The New York Times Magazine, April 9, 1961, 17.
- b. "Anyone who ever had even a remote connection with a school or college is familiar with the practice of cheating ... But every 12 months or so we re-express our horror at new reports about how young people try to apply techniques to obtain high grades ... " William W. Brickman, "Ethics, Examinations, and Education," School and Society 89: 2200 (December 2, 1961), 412.

54. CHEATING IN "SELF-SCORING" EXPERIMENTS

-(School grade; sample size; and percent cheaters indicated in parenthesis, below each respective reference).

ELEMENTARY - JUNIOR HIGH SCHOOL (GRADES 1-8):

- a. M. A. Steiner, "Does the School Strengthen or Weaken the Tendency to Cheat?," Journal of Educational Research 22: 5 (December, 1930), 393, 395.
-(Two 5th and two 7th grades; 24-39 pupils; 16-40% cheaters).
- b. -----, "Cheating in School," The School Review 40: 7 (September, 1932), 540.
-(7th and 8th grades; 16-17 students; 32-37% cheaters).
- c. Ibid., 541.
-(8th grades; 277 subjects in seven schools; 67% cheaters).
- d. J. B. Maller, "The Measurement of Conflict Between Honesty and Group Loyalty," The Journal of Educational Psychology, 23 (March, 1932), 188.
-(7th and 8th grades; 215 pupils; mean of 48-56% cheaters).
- e. Lyle H. Johnson, "Pupil Cheating," Clearing House 18: 2 (October, 1943), 73.
-(Junior high school; 241 students; 46% cheaters).
- f. J. D. Keehn, "Unrealistic Reporting as a Function of Extraverted Neurosis," Journal of Clinical Psychology 12 (January, 1956), 61-62.
-(Children 11-13 years of age; 241 subjects; 46% cheaters).
- g. Robert C. Koettel, "An Investigation of the Influence of Coercion on the Development of Values Against Cheating," (Unpublished Master of Arts thesis, Ohio State University, 1966), 19.
-(3d grade; 46 pupils; 20% cheaters).
- h. Ibid.
-(8th grade; 98 students; 40% cheaters).

HIGH SCHOOL (GRADES 9-12):

- i. F. J. Brown and Marguerite Shelmadine, "A Critical Study in the Objective Measurement of Character," Journal of Educational Research 18: 4 (November, 1928), 291-292.
-(Freshmen through Seniors; 124 subjects; 33-54% cheaters).
- j. See Steiner, Footnote 54b.
-(9th and 10th grades; 35 and 37 pupils; 21-29% cheaters).

54. (cont.)

- k. Ibid., p. 541.
-(9th grade; 233 students in 7 schools; 59% cheaters).
- l. Wency N. Tavrow, "Cheating as a Result of Expectation of Performance," Unpublished report (Office of Institutional Research, Hunter College, New York, 1965), 2, 12.
-(9th and 10th grades; 82 females; 30% cheaters).
- m. Thomas C. Agin, "An Investigation of the Relationship Between Some Situation Variables and the Occurrence of Classroom Deception," (Unpublished Master of Arts thesis, Ohio State University, 1966), 13-14.
-(9th grade; 107 subjects; 29% cheaters).

55. ACADEMIC DISHONESTY BY COLLEGE STUDENTS IN "SELF-GRADING" EXPERIMENTS

- (College-year standing; sample size; and percent cheaters indicated in parenthesis, below each respective reference).
- a. Lloyd N. Yepsen, "The Reliability of Self-Scored Measures," School and Society 26: 673 (November 19, 1927), 658.
-(Adult teachers; 27 subjects, mostly females; 30% cheaters).
- b. Ibid., p. 659.
-(Adult teachers; 53 (51 females); 25% cheaters).
- c. -----, "The Reliability of Self-Scored Measures," School and Society 29: 752 (May 25, 1929), 681, 682.
-(Adults; 59 (56 females); 34% cheaters).
- d. William G. Campbell and Helen L. Koch, "Student Honesty in a University with an Honor System," School and Society 31: 790 (February 15, 1930), 235, 237.
-(Freshmen through graduate school level; 98 students; 33-34% cheaters).
- e. William G. Campbell, "Measurement in Determining the Personality and Behavior of the College Cribber," Education 53: 7 (March, 1933), 403, 406-407.
-(Freshmen, Sophomores, and graduate students; 161 individuals in six classes; 45% cheaters).
- f. F. W. Parr, "The Problem of Student Honesty," Journal of Higher Education 7 (June, 1936), 319, 320, 321.
-(Freshmen and Sophomores; 409 subjects; 42% cheaters).
- g. E. Mavis Hetherington and Solomon E. Feldman, "College Cheating as a Function of Subject and Situational Variables," Journal of Educational Psychology 55: 4 (1964), 213, 214.
-(College; 78 students; 50% cheaters).

55. (cont.)

- h. F. Neil Williams, "Cheating in the Classroom," Improving College and University Teaching 17 (Summer, 1969), 183-184.
-(Sophomores and Juniors; 37 individuals; 8% cheaters).
 - i. David Sherrill et al., "Classroom Cheating: Consistent Attitude, Perceptions, and Behavior," American Educational Research Journal 8: 3 (May, 1971), 504, 505.
-(Freshmen and Sophomores; 138 subjects taking all three exams in the experiments; 66% cheaters).
 - j. Frank T. Vitro, "The Relationship of Classroom Dishonesty to Perceived Parental Discipline," Journal of College Student Personnel 12: 6 (November, 1971), 427, 428.
-(Freshmen; 70 females; 46% cheaters).
 - k. Charles D. Johnson and John Gormly, "Achievement, Sociability, and Task Importance in Relation to Academic Cheating," Psychological Reports 28, (1971), 302.
-(College; 27 students; 33% cheaters).
56. Martin R. Morris, "Cheating Among 'Honest' College Students (Unpublished Master of Arts thesis, Brooklyn College, 1967), 1, 84.
-(Students from six institutions, in widely separated regions; Experimental groups: 1,204 subjects; 54% cheaters
Control groups: 170 subjects; 64% cheaters).
57. This fact does not deter from the experiments' value as a tool to compare cheaters versus non-cheaters by personality variables.
58. STUDIES OF CHEATING AMONG ELEMENTARY SCHOOL PUPILS (UP TO 7TH GRADE):
-(School grade; sample size; and percent cheaters indicated in parenthesis, below each respective reference).
- a. Francis Graham, "The Problem of Cheating," Catholic School Journal 65 (November, 1965), 37.
-(6th through 8th grades; 278 pupils; 78% admitted cheating sometimes and 1% often
 - b. Barbara A. Burch, "Dishonesty as Expressed in the Attitudes and Behavioral Responses of Elementary and Secondary School Children in the Classroom Testing Situation," (Unpublished Doctor of Education dissertation, Indiana University, 1968), 65, 349.
-(4th grade; 349 students in a random sample; 33% cheaters).

58. (cont.)

c. Hugh Hartshorne and Mark A. May, Studies in Deceit (New York: Macmillan, 1928).
-(Grade school; different samples; 25-50% cheaters).

d. Harold S. Tuttle, "Honesty Trends of Elementary School Children," Religious Education 26: 8 (November, 1931), 743, 744.
-(4th through 7th grades; 1383 subjects in 13 schools; 57% cheaters. Contrasting cheaters in this test with a later one, 12% were dishonest in both).

59. See Tuttle, Footnote 58d.

60. Harold S. Carlson, "Teachers' Attitudes in Relation to Classroom Morale and Cheating," Journal of Experimental Education 4: 2 (December, 1935), 184, 169.

-(5th and 6th grades; 1500 pupils from eight Iowa cities; About 54% of a sample of 100 pupils from the total experimental population cheated. This was a mean, however, in a "distinctively bimodal" curve (p. 166). For the mean cheating scores of the whole universe, see Figure 2, in p. 168.

61. George Weinstein, "Does Your Child Cheat in School?," Look 17: 6 (March 24, 1953), 42. The author mentions "the Purdue public-opinion poll... and various surveys," it appears that the statistics are from the former.

STUDIES OF CHEATING AMONG JUNIOR HIGH SCHOOL AND HIGH SCHOOL STUDENTS:

-(School grade; sample size; and percent cheaters indicated in parenthesis, below each respective reference).

62. a. Oscar E. Fylling, "Cheating and Marks," Sierra Educational News 36 (June, 1940), 23.

-(High school; questions were presented to the whole student body of 700 pupils, but no participation rate is indicated; 63% cheated "at times").

b. Lawrence Lader, "What are the Facts on Classroom Cheating?," Parents' Magazine 27: 10 (October, 1972), 42-43, 109.

-(Pelham Memorial High School; survey; 5% cheated "'often'" and 46% "'sometimes'").

c. Ibid.

-(Midwood High School; newspaper survey; 66-82% cheaters).

d. Herb R. Adams, "Cheating -- Situation or Problem?," The Clearing House 35: 4 (December, 1960), 234.

-(Sophomore through Senior; 346 respondents; 8% cheated "frequently" and 50% "sometimes").

62. (cont.)

- e. Eric W. Johnson, "All Children Cheat ... Sometimes," Parents' Magazine 37: 3 (March, 1962), 55.
-(Junior high school; 400 subjects in several schools; 58% "cheated in class").
 - f. Lois J. Becker, "The Changing Moral Values of Students," Journal of Home Economics 55: 8 (October, 1963), 646.
-("Sampling of high schools throughout the country"; 10% cheated "frequently" and 42% "sometimes").
 - g. Danny Bergman, "The Absence of Guilt in Cheating," mimeograph (November 20, 1974), delivered at the Annual American Anthropological Association Convention, Mexico City, Mexico.
-(Senior English majors; 113 students; 95% cheaters).
63. H. W. James, "Honesty as Character Trait Among Young People," Journal of Educational Research 26: 8 (April, 1933), 573.
-(8th and 9th grades; --; 92-93% cheaters).
64. See Fylling, Footnote 62a.
65. a. See Pope, Footnote 33, p. 39.
-(High school; "spot surveys" in three states; 67-84% cheaters).
- b. See Lader, Footnote 62b.
66. a. See Weinstein, Footnote 61
-(Junior high school; nation-wide survey; 40% "habitual cheaters").
- b. Ibid.
-(Senior high school; nation-wide survey; 50-55% "habitual cheaters").
67. a. See Adams, Footnote 62d; Johnson, Footnote 62e; and Becker, Footnote 62f.
- b. Robert B. Hill, "Merton's Role Types and Paradigm of Deviance," (Unpublished Ph. D. Dissertation, Columbia University, 1969), ii, 121.
-(10th grades; 524 pupils in 22 classrooms of eight New Jersey communities; 38-60% cheaters).
68. William J. Bowers, "Student Dishonesty and Its Control in College," (Bureau of Applied Social Research, Columbia University, 1964), 8, 158.
-(College students reporting high school behavior; 5369 respondents from 99 schools; approximately 54% cheaters).
(Estimated from Table No. 8.11).

69. -----, "Question Sequencing Effects on Response to Sensitive Questions in the Self-Administered Questionnaire," (Russell B. Stearns Research Center, Northeastern University, Boston, 1971), 22, 114, 121. The 50% estimate is my own interpretation of the data. Bowers simply mentions that responses to high school cheating "fell largely" into "'never'," "'once'," and "'a few times'." (p. 114). The mean cheating scores, in a scale from 1 = never up to 5 = often (p. 247), for the 1080 respondents, ranged between 1.8 and 2.2 (p. 121).
70. See Hill, Footnote 67b.
71. See Bergman, Footnote 62g.

STUDIES OF ACADEMIC DISHONESTY AMONG COLLEGE STUDENTS:

-(College-year standing and/or type of course subject; sample size; and percent cheaters indicated (either in the text or) in parenthesis, below each respective reference).

72. For the low figure, see:
- a. Rose K. Goldsen et al., What College Students Think (Princeton: Van Nostrand, 1960), xxvi, and Table 3-4 in p. 76.
-(Undergraduates at Harvard University; 453 males, chosen at random; 11% cheaters).
 - b. For the high figure, see Weinstein, Footnote 61. The statistics cited apply to "some colleges."

Other studies, showing a cheating incidence in-between the high and low figures above, are as follows:

- c. Arthur D. Marvin, "Dishonesty in the American School and its Cause," Education 44 (January, 1924), 291, 292, 297.
-(Education class; 37 teachers; 74% "ever cheated").
- d. Norman Fenton, "An Objective Study of Student Honesty During Examinations," School and Society 26: 663 (September 10, 1927), 341, 342, 343, 344.
-(Psychology class; 32 student teachers; 66% were reported by observers to cheat. In addition, 68% of the class admitted to have "ever cheated."

72. (cont.)

- e. William G. Campbell, A Comparative Investigation of the Behavior of Students Under an Honor System and a Proctor System in the Same University (Los Angeles: The University of Southern California Press, 1935), 25, 72.
 - (HONOR GROUP: Freshmen through Seniors; 190 subjects in Education classes; 14% cheaters, as determined by observers and through other means. In addition, 32% "admitted cheating in some university class").
 - (PROCTOR GROUP: Freshmen through graduate students; 205 individuals in six Education classes; 38% cheated, as determined through observers and by other means. Furthermore, 43% "admitted cheating in some university class").
- f. "The Complete Cheat," Time 49 (February 3, 1947), 75, 76.
 - (University of Texas; newspaper poll; 69% respondents admitted "cheating at one time or another during their schooling").
- g. Marvin L. Henricks, "Changing Mores Concerning Cheating on Examinations," School and Society 86 (November 22, 1958), 413.
 - (Freshmen through Seniors; "questionnaire given to students in a single college"; 57% "cheated at some time during their college careers"; the figure for seniors was 75%).
- h. See Becker, Footnote 62f.
 - (College students; "nation-wide ... study"; 37% "admitted cheating").
- i. Stanley R. Becker, "The Opinions and Values of Bronx Hunter College Students," (Unpublished Master of Arts thesis, Hunter College, New York, 1967), 3, 94.
 - (Freshmen through Seniors; 156 respondents, randomly selected; 2% cheated "very often/often," 25% "sometimes," 51% "almost never").
- j. Paul D. Ackerman, "The Effects of Honor-Grading on Students' Test Scores," American Educational Research Journal 8: 2 (March, 1971), 330.
 - (Psychology courses; 173 subjects in an experimental group plus 54 comparison subjects; 48% cheated "'one-to-five times' per semester" in both groups).

73. a. For the low figure, see Campbell, Footnote 72e, honor group.
- b. For the high figure, see Marvin, Footnote 72c.

74. Daniel Katz and Floyd H. Allport, Students' Attitudes: A Report of the Syracuse University Reaction Study (Syracuse, N. Y.: Craftsman, 1931), 209-210, 212, 214.
-(Seven colleges at Syracuse University, including the Graduate School; 3,515 questionnaires filled altogether.
Examinations: 2,855 respondents; 5% "cribbed freely" and 65% in one or more quizzes or examinations.
Assignments: 3,049 respondents; 47% acknowledged to receive help "on rare occasions"; 5% "frequently" and less than 1% "frequently" or "almost invariably").
75. a. For the low figure, see Goldsen, Footnote 72a.
b. For the high figure, see Footnote 61.
76. See Weinstein, Footnote 72b.
77. See Goldsen, Footnote 72a, pp. xxv-xxvi, 75, and Table 3-4 in p. 76.
78. a. Philip E. Jacob, quoted in "Greater Boston Colleges Deny Cheating Rife," The Herald Traveller (Boston), n. d. (March 30, 1957?).
b. In a more limited question by Jacob, 19% of students in "all colleges" of the sample agreed that "I used crib notes or copies in an examination while at college - somewhat or much more than once." Philip E. Jacob, Changing Values in College: An Exploratory Study of the Impact of General Education in Social Sciences on the Values of American Students (New Haven: Hazen Foundation, 1956), 108.
79. a. For the low figure, see:

John Harp and Philip Taletz, "Academic Integrity and Social Structure: A Study of Cheating Among College Students," Social Problems 13: 4 (1966), 365.
-(Seniors at Columbia University; --; 26% cheaters).

b. For the high figure, see Becker, Footnote 721.
-(78% "admitted cheating").
80. See Fine, Footnote 26.
81. See Harp and Taletz, Footnote 79a.
-(Seniors; --;
Percent cheaters at four universities, as follows:
Columbia 26%; Cornell 30%; Fordham 52%; Notre Dame 54%).

82. Ibid., pp. 366, 367.
-(Three colleges in an Ivy League University (different from those indicated in ibid.); stratified random sample. The sample size given in a related Table (No. 3, p. 370) is 2042 students; 50% "of all students reported cheating in term papers").
83. See Becker, Footnote 72i.
84. Charles M. Bonjean and Reece McGee, "Scholastic Dishonesty Among Undergraduates in Differing Systems of Social Control," Sociology of Education 38: 2 (Winter, 1965) 129, No. 2, p. 135.
-(Two universities, "Southeast" with an Honor system and "Southwest" with a proctor system; 200 and 192 questionnaires, respectively; 58% of students in "Southeast University" and 81% of those in "Southwest University" violated anyone of six norms, five of which were acts of academic dishonesty
85. See Bowers, Footnote 68, pp. 52, 60, 234.
-(College undergraduates; 5,000 students in 99 colleges. The sample of schools was not random, but the student sample within each college was random. For sampling procedures and biases, see Appendixes C and D. 50% of the respondents cheated, in four kinds of academic dishonesty. Bowers estimated that 55% of all students in the country cheated, if his sample was "weighted to represent all students").
86. G. C. Thelen, Jr., "Exam Cheating Bared by 20% of Freshmen," The Philadelphia Inquirer, January 8, 1967. An A. P. story.
-(Freshmen; 206,865 randomly selected students from 251 colleges and universities; 24% of the male respondents and 16% of the females cheated).
87. See Ackerman, Footnote 72j.
88. The New York Times, June 8, 1972.
89. Patrick Cotter, Ohio State University News Release No. 29, October, 1972, Table No. 6, p. 6. For sampling procedures, see p. 13.
-(Ohio State University undergraduates; 354 students in a random sample; 20% cheaters).
90. a. For the low figure, see Goldsen, Footnote 72a.
b. For the high figure, see Bergman, Footnote 62g
c. The percentage of habitual cheaters ranges from 1% pupils cheating "often" (See Graham, Footnote 58a) up to 10% cheating "frequently" (See Becker, Footnote 62f).

91. The discussion that follows is based on a general reading of the academic dishonesty literature, plus my own field research, rather than from any one author in particular.
92. Solutions to the problem of academic dishonesty are not lacking description, from the perspective of improvements within classroom teaching. See, for example:
 - a. 1) Ask for original assignments rather than regurgitation or a "cult of 'self-expression'," through careful drawing of term paper questions. 2) Argue that what the student does himself is superior to plagiarized materials which are inevitably put out of context. 3) Return plagiarized material rather than failing it, and 4) Discuss the problem in class. See Martin, Footnote 40, pp. 623-625, 628.
 - b. Teach students to think "critically," i. e., learn to agree or disagree with an author and knowing "why he agrees." Teachers may add controversial subjects, ideas, etc., to which the student may react on the basis of his own experience, from this "critical" approach. Robert P. Saalbach, "Critical Thinking and the Problem of Plagiarism," College Composition and Communication (February, 1970), 45, 46. See also p. 47.
 - c. 1) Asking questions of thought on tests, rather than sheer memorization. 2) Asking questions in such a manner that even books may be used during the examination. 3) Encouraging class discussion through conviction rather than passive acceptance of facts. 4) "To be reasonably thorough in a few things we cover" in class lectures or in exams. Willard K. Wynn, "Man Thinking and Student Cheating," AAUP Bulletin 37: 4 (Winter, 1951-1952), 658-662.
93.
 - a. This concept was coined by myself, but I may have been influenced by the title and substance of an article by James G. Rice, "The Campus Climate: A Reminder," in Higher Education: Some Newer Developments, Samuel Baskin, ed., (New York: McGraw-Hill, 1965), 304-316. Rice points out that the physical set-up of a school (and the way people relate to each other within it) promotes a psychological mood which he calls "the campus climate."
 - b. In relation to academic dishonesty, Bowers indicates, in relation to his own research (See Footnote 68):

that elements of the social situation, in particular the normative climate on the campus (a collective property), are indeed extremely important determinants of this kind of deviant behavior. Letter to the editor, Sociology of Education 39: 1 (Winter, 1966), 104.

94. See Bowers, Footnote 85, pp. 21, 22.
95. Bowers emphasizes, in reference to instances of cheating known to deans of students and student body presidents, that leniency concerning academic dishonesty violations "may account, at least in part for its seriousness as a student disciplinary problem." Ibid., pp. 21, 23. The quotation is from p. 23. I would qualify this statement by saying that leniency becomes an element in cheating insofar as the fact enters the folklore of students.
96.
 - a. For a review of studies showing that "crimes are committed at all levels of society," see Elmer H. Johnson, Crime, Correction, and Society (Homewood, Ill.: Dorsey, 1974), 40-41, particularly Footnote 39 in p. 40.
 - b. For another summary of studies describing the fact that crime extends to most persons in American society, see Michael McKee and Ian Robertson, Social Problems (New York: Random, 1975), 445-446, and Footnotes 16-18 in p. 446.
97.
 - a. Edgar May, The Wasted Americans: Cost of Our Welfare Dilemma (New York: The New American Library, 1965) 48.
 - b. The percentage of persons "ineligible" for public assistance may be a matter of cheating or a matter of clerical mistakes
 - c. The number of welfare "ineligibles," furthermore, may be used for political purposes. For example, there were serious discrepancies concerning these statistics between studies sponsored by New York City in contrast with New York State agencies. "A New Check on 'Ineligibles'," The New York Times, May 21, 1972
98.
 - a. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, D. C.: U. S. Government Printing Office, 1967), 115-116
 - b. For example, the New York State Commission of Investigation documented that "police corruption has corroded the enforcement of narcotic laws." "S. C. I. Reiterates Attack on Police," The New York Times, April 23, 1971.

99. Scandals in this industry are numerous. For instance, the Secretary of Housing and Urban Development "conceded that in practice there have been 'flagrant abuses' of housing programs in ghetto areas of large cities." "HUD's Rommey: What Are We Doing?," Time, April 10, 1972, 14.
100. David Caplovitz, The Poor Pay More: Consumer Practices of Low Income Families (New York: Free Press, 1963)
101. a. For one example of physicians giving misleading testimony in favor of a product, see Edwin H. Sutherland, White Collar Crime (New York: Holt, Rinehart and Winston, 1949), 126-127.
- b. "The Desperate Dilemma of Abortion," Time, October 13, 1967, 32-33.
- c. Abuses in the Medicaid program have been promoted with help from many physicians. "Medicaid's Sad Record," The New York Times, September 5, 1976, E 1.
- cf. also:
- d. Dan Thomasson, "Medicaid Abuse is About as Old as the Program," The New York Times, September 5, 1976, E 4.

For a related kind of scandal, involving falsification of scientific data which led to medical disasters, see:

- e. Ralph Adam Fine, The Great Drug Deception: The Shocking Story of MER / 29 and the Folks Who Gave You Thalidomide (New York: Stein and Day, 1972).
102. See Sutherland, Footnote 101a.
103. a. For one instance of corporate corruption, we may note that in the export of grains "Some of the most pervasive corruption that has ever infected an American industry" was recently uncovered. William Robbins, "The Grain Trade Has Been a Dirty Business," The New York Times, October 26, 1975, E 3.
- b. An extreme example of the results of corporate miscontrol is the Great Depression itself. This catastrophe is attributed, in part, to irresponsible manipulation of corporate finances. See Gerth and Mills, Footnote 1, 220-223.
104. a. Wholesale corruption among governmental officials is nothing new in American history. Richard B. Morris is cited making this observation and presenting examples, see Israel Shenker, "Retiring Prof. Morris Will Stay Busy," The New York Times, May 6, 1973, 48.

104. (cont.)

- b. In modern times, The Pentagon Papers and Watergate scandals led to the uncovering of widespread illegal governmental activities.

See, for example:

- c. Carl Bernstein and Bob Woodward, All the President's Men (New York: Warner, 1975).

Two case studies further document conclusively institutionalized governmental corruption:

- d. Jethro K. Lieberman, How the Government Breaks the Law (Baltimore, Md.: Penguin, 1973).
- e. David Wise, The Politics of Lying: Government, Deception, Secrecy, and Power (New York: Random, 1973).

105. The following examples stress institutionalized or very widespread illegality within the respective activity or industry:

- a. Art forgeries are very extensive. John Rewald, quoted in "Forgeries in Modern Art Examined at Graduate Center," The Graduate School and University Center/ C.U.N.Y., City University Graduate Newsletter, 11: 2 (February, 1975), 4.
- b. Some types of "stock-car races" have as an intrinsic component attempts to cheat against the rules. John S. Radosta, "Stock Car Streaking," The New York Times Magazine, October 17, 1971, 23-29.
- c. Most athletes are said to take drugs to improve their performance. Jack Scott, "It's Not How You Play the Game, But What Pill You Take," The New York Times Magazine, October 17, 1971, 40-41 and ff.
- d. Losses from inventories of stores, due to shoplifting, were estimated almost at \$2-billion dollars. Robert A. Wright, "Nation's Retail Merchants Mobilize Security Systems to Combat Fast-Growing Shoplifting Trend," The New York Times, May 21, 1972, 59
- e. Computer criminals may be stealing \$3-billion dollars a year through fraud. Robert M. Beals, quoted in "Loss in Computer Frauds is Put at \$3-Billion a Year," The New York Times, March 21, 1972.

106. In a study of businessmen it was found that many of their transactions were based on trust and mutual agreement in case of default of obligations, regardless of the formal specifications set forth in their legal contracts. Stewart Macaulay, "Non-Contractual Relations in Business: A Preliminary Study," *American Sociological Review* 28 (1963), 55-66.
107. For a discussion of this fact, and examples of studies, see McKee and Robertson, Footnote 96b, pp. 444-447.
108. See Sutherland, Footnote 101.
109. See President's Commission on Law Enforcement and Administration of Justice, Footnote 98a, pp. 46-49.
110. See Bowers, Footnote 94.
111. The conventional position that sanctions deter crime has been challenged by a number of persons. see William J. Bowers and Richard G. Salem, "Severity of Formal Sanctions as a Repressive Response to Deviant Behavior," Law and Society Review (February, 1972), 427-441. These authors argue that "the empirical evidence points to formal sanctions as a consequence of the normative climate and the level of deviant behavior at a college rather than a determinant of both, as we had previously assumed." (p. 440).

In my own analysis, I go a step further underlining a dynamic situation where sanctions are enforced to a greater or lesser degree depending on perceptions of an outside threat, i. e., a new form of deviance.

112. See Footnote 16.
113. Joseph M. Sheehan, "Blair Denies He Will Resign; Truman Scans Cadet Sports," *The New York Times*, August 10, 1951, 1.
114. a. One of the Congressional probes is reported in Footnote 16c.

b. Two other inquiries, one by investigators outside the Department of the Army, are described by Tom Wicker, "The Mess at West Point," The New York Times, September 5, 1976, E 13.
115. See Footnote 21a.
116. a. Martin Arnold, "U. S. Investigates the Air Academy," The New York Times, January 29, 1965, 9.

116. (cont.)

- b. Most recommendations from this Committee were eventually accepted, including revisions in the Academy's Honor Code. "Air Force Revises Cadet Honor Code," The New York Times, November 16, 1965, 49.

117. a. "Catching the Ghosts," Time, April 25, 1960, 67.

- b. The activities of at least five of the different term paper writing agencies involved in New York, were very extensive. One man had been operating his bureau for ten years. Jack Roth, "Fraud Laid to 6 in Ghost Writing," The New York Times, April 12, 1960, 1, 26.
- c. Investigation of these cases was begun by the Fourth Grand Jury of the County of New York, impaneled in the Court of General Sessions for the March, 1960 Term. They determined that there was cause to believe that various defendants had violated Section 224 of the Education Law. *The People of the State of New York v. Samuel J. Michelson*, Court of General Sessions, County of New York, April 7, 1960. Docket No. 6728, Clerk, Criminal Court, City of New York, Borough of Manhattan.
- d. The case against Morris Needleman was dismissed, untitled document (p. 2), n. d., in the files of Docket No. 6724, Footnote 117c.

Joseph Lasky plead guilty to the charges and paid a \$500 fine. Records of Docket No. 6725, ibid.

Margaret Ryan did not show up for trial, a bench warrant was outstanding. Records of Docket No. 6726, ibid.

Florence Van Swaerengen plead guilty to the charges and paid a \$500 fine. Records of Docket No. 6727, ibid.

The defendant indicated in Footnote 117c was acquitted.

James Butterly plead guilty to the charges and paid a \$100 fine. Records of Docket No. 6729, ibid.

118. a. See Callahan, Footnote 5a, pp. 238-249.

- b. Marvin L. Peebles describes legal developments related to the arguments that there should be greater "state action" (i. e., intervention) in school matters. See "Private Higher Education and the Law: A Perspective," in Private Higher Education - Leadership or Liquidation, Vol. 2, American Association of Presidents of Independent Colleges and Universities (Rockford, Ill.: Rockford College Press, 1972), 47-48.

119. Paraphrased from Peebles, ibid., pp. 45-48. See also pp. 43-44 and 49-55 passim.
120. See the following works:
- a. Footnote 117a.
 - b. In the New York 1960 investigation mentioned in Footnote 117b, Assistant District Attorneys Andreoli and Levy uncovered evidence "that the practice of fraudulently preparing term papers, taking examinations, and working up theses for college students had been going on for at least twenty years." District Attorney Frank S. Hogan, quoted by Roth, Footnote 117b. See also Footnotes 117c-d.
 - c. It was also reported that "one Columbia graduate recalled the termpaper mills along Amsterdam Avenue in New York City in the twenties.... Another spoke of the similar establishments near Harvard in the early forties ..." Elizabeth Einsiedler, "Buying Term Papers," Today's Education : NEA Journal (September, 1972), 44.
 - d. Richard D. Gilliam, senior partner of the law firm of Gilliam and Moore, Owensboro, Kentucky, mentioned that he tried to stop the activities of a term paper company operating from Washington, D. C., which tried to sell their product to students of Kentucky University Law School, approximately in 1961. Letter to U. S. Senator Marlow W. Cook (Kentucky), July 21, 1971.
 - e. A ghost-writer related his experiences writing for over sixty persons, over a period of two years. He indicated, furthermore, "I am one of a widespread and rapidly growing body of campus ghost writers, students ... pounding out papers for other students." Robert Greenlen, "Ghost Behind the Grade," Reader's Digest 33: 196 (August, 1938), 79-80 (the quotation is in p. 79).
 - f. In the early 1950's, students were said to pay \$25 for purchased term papers. See Jandoli, Footnote 14, p. 274.
121. a. A thorough review of a number of court actions and legislation is made by an anonymous writer, "Term Paper Companies and the Constitution," Duke Law Journal 6 (1973), 1275-1317. For references to the various cases see passim
- See also:
- b. "Courts, Legislatures Force Changes in Term-Paper Companies," The Chronicle of Higher Education, July 30, 1973, 5.

121. (cont.)

Not all states undertook this type of legal action. For example:

- c. No court briefs were filed against writing agencies existing in New Jersey, as late as mid-1975. Letter to the author from Sherrie L. Gibble, Deputy Attorney General, Department of Law and Public Safety, Trenton, New Jersey, July 8, 1975.
- 122. See Footnote 121a, pp. 1294-1298. I have copied verbatim the headings of this author's article. For details, see p. 1294 to p. 1303.
- 123. Ibid., p. 1289, Footnote 44. States vary in the broadness of the respective statute. In addition, some states forbade the operation of commercial writing services through laws enacted previous to the 1970's scandal. See ibid., Footnote 43.
- 124. Act No. 58, "Unlawful Sale of Dissertations, Theses and Term Papers," Amending Title 18, Consolidated Pennsylvania Statutes, Section 7324. The new act was approved July 27, 1973. Purdon's Pennsylvania Legislative Service, Laws: General Special and Local, Acts 28 to 70, Session of 1973, 157th Regular Session, Convened January 2, 1973 (Philadelphia: George T. Bisel Co.), 116-118.
- 125. The New Jersey proposal was introduced in the Assembly in March 1972 and eventually "died in committee." Jane McGuire, "Firms Doing Brisk Trade in College Theme Market," Bergen Record (Hackensack, New Jersey), May 2, 1973, C-1.
- 126. The legislation mentioned in ibid. was re-introduced by its authors on January 31, 1974, as Assembly Bill 1017. As such, it was approved by the House of Representatives on May 2, 1974, and forwarded to the Senate. New Jersey Legislative Index 42: 13 (June 16, 1975), A 29.

Nevertheless, the bill was still awaiting action as late as June, 1975. It is not unusual that legislation is kept pending for so long. Conversation with Ms. Anne Horan, Legislative Information Service, State House, Trenton, New Jersey, June 27, 1975.
- 127. See Footnote 121a, p. 1309. This argument is developed in detail in pp. 1303-1310.

Footnotes: Chapter III

1. Several companies appeared in Southern California in the Fall 1971. Richard Connell, "The Great Term Paper Caper," The Forty-Miner (California State College, Long Beach), November 11, 1971.
2. As of January, 1972 a writer estimated that "at least a dozen companies work independently-and that number is rapidly growing." Chaim Even-Cohar, "Term Papers: Buy 'em Like Bras," Insight (Fresno State College), January 5, 1972, 7.

Actual scope of the "companies" is hard to ascertain. The list that follows is not exhaustive, but it includes most of the largest businesses operating in California in the early 1970's:

1. Documentation Associates, advertisement in the Daily Sundial (California State University at Northridge), November 24, 1971.
2. "Avoid Termpaper Panic," P.O.Box 1199, Cupertino, California, ibid. Listed also as "L.R.Chance," Pawprint (California State College, San Bernardino), October 7, 1971.
- 3a. The Paper Mill, 1355 Westwood Bld., Los Angeles. Founded by David Zimmerman, Larry Borok partner. Steve Kline, "'Pirate Papers' Industry Grows to Fleet Size," Los Angeles Times (The West Side section, part 9), November 18, 1971, 8.
- b. The company opened in October, 1971. "Hosted' Papers Now Big Business," Independent (serving Palms, Rancho Park, Brentwood Areas), January 27, 1972, 1.
- c. The partners subsequently opened another company, presumably the same one with a different name and address: Nat'l Research Bank, 420 North Palm Drive, Beverly Hills, California. "Nat'l Research Bank," catalogue, n.d., received by the author October, 1973.
- 4a. Pirate Papers, 1093 Broxton Avenue, Westwood, Los Angeles. Founded by Joe Gallivan and two partners; Footnote 2 (3a), in August, 1971, Footnote 2(3b).
5. Pirate Papers, Santa Barbara. Joe Gallivan noted that he was opening a branch there, Footnote 2(3a).
6. Planned Paperhood, located two blocks from the University of California campus at Berkeley.

2. (cont.)

6. This business opened October 1971, under the ownership of three persons, "Term Paper Ghost-Writing Booming in the SF Bay Area," Californian (Salinas, California), February 17, 1972. This was a U.P.I. story.
7. Quality Bull, Berkeley. This company was managed by a single individual, who held a franchise from the parent company in Boston, ibid.
8. Research Overload, West Los Angeles. Founded by Barry Baker in January, 1972, Footnote 2(3b) and Leslie Berkman, "Top Grade Work Brings Big Returns," Herald-Examiner (Los Angeles), March 12, 1972, A.
9. Student Research Service, Box 214531, Sacramento. Flyer, n.d. (c. February 3, 1972)(apparently from a Sacramento State College newspaper).
10. Term Papers Unlimited of Southern California, Inc., 1100 Glendon Avenue, Westwood, Los Angeles. Flyer, n.d. (c.1971-1973). This was a branch of Ward Warren's Termpapers Unlimited in Boston. The Los Angeles branch was operating at least by November 1971, Footnote 2(3a).
11. Termpaper Liberation, 2379 Ocean Avenue, San Francisco. Managed by James Crawford and Eric Henson. They opened the business on November 1971. Carl Irving, "Crackdown on Term Papers," Chronicle (San Francisco), December 5, 1971, 24.
 - b. This company was a branch of Termpapers Unlimited (Boston), Jack Webb, "Assembly Line Term Papers," Copley News Service, February 6, 1972.
 - c. In late 1971 the company became known as Term Papers Unlimited of San Francisco, Carol Carter, memorandum to newspaper editors, January 3, 1972, in the files of the Office of General Counsel, Trustees of California State Colleges.
 - d. Subsequently, the firm became known as Research Unlimited, advertisement, The California Aggie (University of California at Davis), October 11, 1973, 8.

2. (cont.)

- 12a. Term Paper Arsenal, Inc., 519 Wierock Avenue, Los Angeles. It was run by Arthur Steckel and Barton Lowe. According to the latter it was originally called California Research Reference Service, but the name was changed because people did not know what business they offered. Pirate Papers opened August 1971 and Term Paper Arsenal did the same soon afterwards, Footnote 2(3b). See also 2(3a).
- b. On June 20, 1973 the firm formally decided to change its name to Research Assistance, Inc. "Certificate of Amendment of Articles of Incorporation," filed in the office of the Secretary of State, State of California, July 5, 1973.
- c. Research Assistance, Inc., was "first formed in or about February 6, 1972," according to Barton Lowe, The People of the State of California et al. v. Research Assistance, Inc., etc. et al., "Answers to Interrogatories," Superior Court of the State of California for the County of Los Angeles, No. 090799 filed February 18, 1975, 1.
- 13a. Berkeley Research Library, 2500 Durant Avenue, Berkeley, was an agent or subsidiary of Research Assistant, Inc., managed by James J. Twine. The company began "some time prior to February 22, 1974" and continued "until approximately May 27, 1974." Footnote 2(12c), "Complaint for Injunction, Civil Penalties, and Other Relief," paragraphs V and VII.
- b. This firm "was granted the right to sell from Research Assistance's catalogue, remitting one half of the monies collected, plus any and all monies collected for handling and/or postage." Berkeley Research, in addition, was selling from "other catalogues, including its own." Footnote 2(12c), 4-5.
14. Weber's Term Paper and Research, Indio, California, owned by James J. Weber, Footnote 1.

3. Footnote 2(1) and (5).

4. Footnote 2(10) and (11).

5. Footnote 2(11b).

6. Footnote 2(7)
- 7a. Williams Publishing Co., P.O. Box 1222, Rockford, Illinois, Insight (Fresno State College), November, 1971.
 - b. The advertisement requested writers of term papers, disguising the fact that they also sold assignments, Even-Zohar, Footnote 2, 7.
 - c. Quality College Termpapers, P.O. Box 193, Rockford, Illinois, advertisement in The Criterion (Loma Linda University, Riverside), October 8, 1971, 3.
8. This student was reported to write 33 "asserted papers and reports" for other people in one semester, Gary Shapiro, "Why Write When You Can Pay Somebody?", Modesto Junior College Pirates' Log (Modesto, California), June 6, 1973, 3.
9. Footnote 2(3).
10. Arthur Steckel, president of "Term Papers Inc." (probably Termpaper Arsenal), cited in Footnote 1.
11. James J. Weber, Weber's Term Papers and Research, cited in ibid.
12. Footnote 2(8)
13. This is the number I counted (and partly estimated) in their catalogue, Footnote 2(3c).
14. Footnote 10.
15. Term Paper Arsenal, advertisement, Pioneer Wayward, February 17, 1972.
16. Barton Lowe, co-owner of Termpaper Arsenal, cited in Footnote 2(3).
17. Termpaper Arsenal, Inc., catalogue, n.d., received by the author June, 1973, front cover. A random count of four pages gave an average of 21 titles per page; since the booklet has 110 pages, 2300 names seems accurate.
18. (Termpaper Arsenal, Inc.) "Supplement," n.d., received with ibid. A random count of four pages gave an average of 21 titles per page. The booklet has 39 pages, yielding an estimate of 829 titles. The catalogue in ibid., front cover, advertises a March 1973 supplement.

19. Footnote 2(12b).
20. Research Assistance, Inc., catalogue, Volume II, September, 1973 (received by the author April 1974), front cover. A random count of titles in four pages gave an average of 33 names per page; since the catalogue has 143 pages, the number 4500 seems substantially accurate.
21. Ward Warren claimed to sell "90 percent of all the term papers now being disseminated in the country," Jack Shepherd, "Who's the Writer and Who's the Ghost?," Cosmopolitan, March, 1973, 172. For further discussion, see Chapter 6, Footnote 23.
 - b. Termpapers Unlimited (Boston) was one company. I say that the estimated number of term papers on stock is unreliable because of the fact that different branches of this business listed divergent numbers. For example, Term Papers Unlimited (New York) advertised 10,000 papers on file in early 1972, and soon afterwards 20,000. Chapter 4, Footnotes 5 and 6. In contrast, Termpapers Unlimited of San Francisco claimed to have a constant supply of 15,000 titles in early 1972 and in late 1973. See Footnotes 2(11c) and (11d).
22. This figure was quoted to Even-Zohar by a clerk from Termpapers of Southern California. Footnote 2.
23. Fred M. Hechinger, "Passing Grades for a Price," The New York Times, March 19, 1972.
24.
 1. The Paper Mill had two full-time writers plus an unspecified number of part-timers. Footnote 2(3a). Full-time writers were hired because the business was expecting a "phenomenal growth rate," ibid. In this and the cases that follow, therefore, the figures for "writers" working for a given business probably refer mostly to part-time employees. It is unknown for how long or how often they worked in this capacity.
 2. Planned Paperhood, fifty writers, Footnote 2(6).
 3. Quality Bull, two dozen writers according to the manager of the company, ibid.
 4. Research Overload, was small and was in the process of recruiting writers, Barry Baker, owner, cited in Footnote 2(3b).
 5. Termpaper Liberation, a staff of forty, James Crawford, manager; Even-Zohar, Footnote 2.

24. (cont.)

6. Weber's Term Paper and Research, 35 persons, Footnote 1.

25a. "Term Papers Inc." (probably Termpaper Arsenal), ibid. Arthur Steckal, the president of the company, claimed to have fifth writers, however, he also mentioned "and will expand soon to 150." ibid.

b. Four months later, Barton Lowe, partner of Steckal, claimed to employ more than 300 writers," Footnote 2(8).

26. Pirate Papers, 100 people in their staff, Footnote 2(3b).

Term Papers Unlimited of Southern California, which received materials from Headquarters in Boston. Warren claimed at one point to have 2000 writers nation-wide, ibid.

See also ibid., 25b.

27. Joe Sullivan, Pirate Papers, was a "UC Berkeley dropout;" Footnote 2(3a)

David Zimmerman, "master's graduate from Stanford," and his partner Larry Forck, "UCLA graduate," The Paper Mill, ibid.; the manager of Quality Bull was an unemployed architect, Footnote 2(6); Barry Baker, graduated from UCLA, Research Overload, Footnote 2(3b); James Crawford, graduated from Georgia Tech, his partner Eric Nisenson completed studies at New York University, Footnote 2(6).

28. We may assume this, since most writers worked only part-time. See Footnote 24(1). This may not apply as much as to the actual managers of the operation and to their clerical staff. Ward Warren noted that among his writers "most have other jobs, but do term paper writing to augment their income, Footnote 2(3b).

29. For example, in reference to Term Papers Unlimited of Southern California, Even-Zohar, Footnote 2; and to The Paper Mill, Footnote 2(3a).

30. James J. Weber, owner of Weber's Term Papers and Research, cited in Footnote 1.

31. James Crawford, head of Termpaper Liberation, Even-Zohar, Footnote 2, 7.

32. Warren, quoted in Footnote 21, 172.
33. Footnote 2(3b).
34. Warren, cited in "Termpaper Sales to Revolutionize Research Methods," The Criterion (Loma Linda University, Riverside), February 18, 1972, 4. This was a C.P.S. wire story.
35. Footnote 2(3b).
36. Footnote 34.
37. "For Sale: Term Papers," Times-Herald (Vallejo, California), January 31, 1972. The quotation is from the writer of the article, not Warren's.
38. Footnote 21.
39. "Dave Martin," "Term Paper Companies Work, Write in a Variety of Styles," The Harvard Crimson, August 4, 1972.
40. "Term Paper Factories Facing Curbs," The Washington Post, May 8, 1972, G4.
41. At Termpapers Unlimited nation-wide "papers are researched by the company's staff and by free-lance writers," Footnote 2(11b). See also Footnote 24(1)
42. Footnote 24(1).
43. Pirate Papers and Termpaper Arsenal, Footnote 2(3a).
44. Warren, cited in Footnote 2(3b).
45. Ibid.
46. Arthur Lowe, Termpaper Arsenal, cited in ibid.
47. Joe Callivan, Pirate Papers, cited in ibid. "Many of the writers" earned "at least \$150 a week," Footnote 2(3a).
48. Footnote 8.
49. Jim Noah, information officer, San Jose State College, cited in "Term Paper Sale Ban Due?," Mercury (San Jose), February 3, 1972.
50. Footnote 2(8).

- 51a. Barton Lowe, Termpaper Arsenal, referring to advertisement in California and elsewhere, cited in ibid.
- b. Standard ads for this company indicated at the bottom "We need a local salesman," The Hunter Envoy (Hunter College, New York), November 10, 1972, 5.
52. Footnote 40.
53. For example, "Campus Services," Abigail Bright, "Buy Your Way Through College," Times (College of Marin, Kentfield), January 12, 1972.
54. Footnote 2(11a). This was the same situation in reference to independent (as opposed to administration-controlled) publications, Footnote 2(6).
55. Footnote 2(11a).
56. Footnote 2(6). See also Footnote 51.
57. Footnote 2(11a) and 2(6).
58. Footnote 2(8).
59. Assemblyman Jim Keysor criticized the "availability of term papers...including advertisements in school newspapers," cited in Footnote 40.
60. Footnote 53.
61. Footnote 2(8).
62. The Paper Mill, \$2.50, the same as Pirate Papers, Termpaper Arsenal (all Footnote 2 (3b)) and Termpapers of Southern California (Even-Zohar, Footnote 2). Termpapers Unlimited's price was also quoted as \$1.90, Footnote 2 (3b), but elsewhere as \$2.50, Footnote 2(11b). Termpaper Liberation followed close with \$2 (Even Zohar, Footnote 2). The lowest price was \$1.50 by Nat'l Research Bank. In addition, they charged a maximum of \$20 per manuscript and offered a number of "five dollar manuscripts." Footnote 2(3c), introductory page and p.67. The latter term papers run from 67 until 74.
63. The Paper Mill, \$4, the same as Pirate Papers and Termpaper Arsenal (all Footnote 2(3b)). Termpapers of Southern California charged \$3.50 (Even-Zohar, Footnote 2), while Termpaper Liberation's prices were up to \$5 (Footnote 2(11a)), 24. Termpapers Unlimited was

63. (cont.)

quoted at a low of \$3.50 (Even-Zohar, Footnote 2) and at a high of \$5 (Footnote 2(3b)). Research Assistance charged \$4.50 per page for most undergraduate papers, and \$5.50 for some specialized fields and graduate papers. This was in their first catalogue (Footnote 17), and the prices were raised 50% in their second volume (Footnote 20). The lowest price was quoted for the San Francisco area: "the going rate is about \$2.50 per page for an originally written ghost paper and less for papers already used," Footnote 2(6).

64. This refers to Pirate Papers. Money for "used" papers was "pure profit," in contrast with original research which gave most money to the writers, and only \$1 per page to the agency. Footnote 2 (3a), 1.
65. David Zimmerman, The Paper Mill, cited in Footnote 2(8).
66. In reference to Termpaper Arsenal, "Teachers Talk About Term Papers for Sale," Desert Whirlwind (Palo Verde College, Blythe), February 8, 1973, 3.
67. Footnote 53.
68. Termpaper Arsenal charged "\$1.00 extra per page" if the order was to be fill between 10-15 days, Footnote 17.
69. Ibid.
70. The minimum order for original research at Termpaper Arsenal was \$29, ibid. This was raised later to \$35, Footnote 20.
71. Pirate Papers and Termpaper Arsenal refused to do major papers at this level, Footnote 2(3a), but The Paper Mill claimed to be working on two master's theses, ibid.
72. Even-Zohar, Footnote 2.
73. Footnote 8.
74. Warren, quoted in Footnote 2(3a)
75. This was a claim in a catalogue previous to the ones I have. It was indicated that "the law prohibits Termpaper Arsenal from giving a guarantee regarding

75. (cont.)

the grade-rating of a term paper. But it is documented that all of the papers in this catalogue have contributed to a grade of B or better!" quoted in Footnote 2(8).

76. Footnotes 17 and 20.

77. Paraphrased from a statement by a clerk, Term Papers Unlimited of Southern California, Evan-Mohar, Footnote 2.

78. Weber's Term Papers and Research, Footnote 1.

79a. Arthur Steckel, Term Papers Inc. (probably Term Paper Arsenal), quoted in ibid.

b. James Crawford, Term Paper Liberation, cited in Footnote 2(11b).

c. Quality Bullshit, advertisement, cited in Footnote 53.

80. Barton Lowe, Term Paper Arsenal, cited in Footnote 2(6).

81. This observation is apparently based on limited data, Footnote 2(8).

82. Cary Haskin, editor-in-chief of the Sun Dial (San Fernando Valley State College), cited in ibid.

83. David Zimmerman, The Paper Mill, quoted in ibid.

84. Footnote 37.

85. James Keyser, quoted by Jerry Gillam, "Bill to Ban Sales of Term Papers Rejected," Los Angeles Times, March 24, 1972, 30.

86. Footnote 53.

87. Footnote 40.

88. "Cheating on Essays Now a Big Business," cited by G. T. Anderson, Research Professor of American History, "Term Papers Ad-Campus Dishonesty?" letter to the editor, The Criterion (Loma Linda University, Riverside), February 18, 1972, 8

89. Footnote 21a.

90. David Zimmerman, quoted in Footnote 2(3a).
91. Ibid., quoted in Footnote 2(3b).
92. Footnote 2(3a), 1.
93. Footnote 1. The reported noted that this was an optimistic estimate.
94. Barton Lowe, quoted in Footnote 2(3).
95. Footnote 2(3).
96. Warren, quoted in Footnote 21a.
97. Footnote 34.
98. Footnote 21a.
99. Warren, quoted in Footnote 2(3b).
100. Footnote 21a.
101. Kenneth and Ward Warren, cited in Footnote 40.
102. "Assembly Bill 230," ("statement used on floor of the State Senate,") n.d., provided to me by Mr. Richard H. Grey, Attorney, Office of the General Counsel, The California State University and Colleges, June 11, 1972.
103. James Crawford, Termpaper Liberation, Cited in Footnote 2(11b). The manager indicated that "Term Papers Unlimited pulled in about .2 million last year."
104. Warren, cited in Footnote 37. The overall picture of income could not appear better: Warren "admitted he netted about .2 million last year, but foresees a gross of .20 million annually."
105. Warren, cited by Keith Power, "He Made It in Paper Money," Chronicle (San Francisco), January 20, 1972.
106. "The Non-Secret Papers," editorial, Los Angeles Times, January 28, 1972.
107. In this article Warren expected to gross "at least 2 million" in 1972 "and when his organization goes public within three years expects to make 15 to 20 million," cited in Footnote 105.

107. (cont.)

- b. Elsewhere, Warren is cited as expecting to make \$20 million dollars by 1976, Footnote 34. See also Footnote 37.
108. For example, one individual in the business had no guilt feelings about what she was doing, Footnote 6. The Manager of Quality Bull did not feel that what he did was dishonest, Footnote 2(6). David Zimmerman, owner of The Paper Mill, did not believe his business was immoral, Footnote 2(8). Arthur Steckel, Term Paper Arsenal, did not look at his work as plagiarism, nor did James Weber, Weber's Term Papers and Research. Footnote 1.
109. Warren, cited in Footnote 2(3a).
110. The number of students is quoted in ibid. The reason for turning them down is expanded in Footnote 34.
111. This sign was indicated during an interview with Warren, Footnote 105. Similarly, in an interview with Eric Nisenson, Term Paper Liberation, Footnote 2(6).
112. Warren, quoted in Footnote 105. As a matter of fact, he claimed to "take a pretty strong stand against plagiarism," Footnote 2(3a).
113. This comment was attributed to "term paper company officials" in a general fashion. Similarly this was mentioned by Zimmerman, The Paper Mill, who foresaw that students would "mature" through the use of term papers as secondary sources of material. At Research Overload, the manager felt that his writers produced only "rough-drafts," Footnote 2(6). Steckel, Term Papers, Inc., believed that students at least had to type the papers they purchased, and would perhaps add some materials in the process, Ft. 1. The same point was explained also by Warren, claiming to provide only research materials, Footnote 2(3a). He asserted that student purchasers "invariable re-structure" the papers, Footnote 34, and would be silly not to do so, because most purchasers were average students purchasing A and B grade assignments, Footnote 40.
114. Term Papers Unlimited, Inc., advertising letter enclosed with order form, n.d., with the addresses of the main office in Boston and the Rutherford, New Jersey branch. Received by the Chancellor's Office,

114. (cont.)

Trustees California State College, October 26, 1971.
See Footnote 102.

115. Ibid., "Order form: for reference purposes only,"
n.d. (c. 1971).

One catalogue from Termpaper Arsenal does not indicate anything to this effect in an order form, Footnote 17, inside back cover; but a later one includes a written pledge "I, the undersigned, declare that the research material purchased from Research Assistance, Inc., will be used for research purposes only," "Order Form for Catalogue Material," Footnote 20, inside back cover.

116. Nat'l Research Bank, Footnote 2(3c), front introductory page. Termpaper Arsenal, Footnote 17. Research Assistance, Footnote 20.

117. See Steckel and Warren, Footnote 113.

118. This point was made speaking of term paper companies generally, "Paper Wanted," editorial, College Times, (California State, Los Angeles), December 3, 1971. Most companies made this claim, see Footnotes 1, 2(3a)(6)(8), 40 and 66.

119. Weber, Weber's Term Papers and Research, quoted in Footnote 1.

120. James Crawford, Termpaper Liberation, quoted in Footnote 2(11b).

121. Manager of Research Overload, quoted in Footnote 2(6).

122. A general observation was that "some term-paper company executives say that it would be an advantage if professors stopped assigning term papers," "Sales of Term Papers Are Flourishing," The New York Times, January 30, 1972. A similar observation was made in Footnotes 118. and 2(3a), 1 (in reference to the ideas of Joe Gallivan, Pirate Papers, and other competitors). Crawford, Termpaper Liberation, stated "all we are trying to do is get the universities to find new ways of approaching education," Footnote 2(11b). Zimmerman, The Paper Mill, also mentioned that what they wanted to do was to "'dramatize the need for educational reform,'" Footnote 2 (3a).

123. Gallivan, Pirate Papers; and Jim Weber, Weber's Term Paper and Research, quoted in Footnote 122. See also Footnote 113.
124. Lowe, Termpaper Arsenal, quoted in Footnote 2(8).
125. Warren, cited in Footnote 105.
- 126a. Ibid., quoted in Footnote 34.
- b. Warren continued escalating his claims on this point: Term-papers Unlimited would eventually be computerized so that students could do research "'in a matter of moments,'" hence only the best teachers would stay and tuition would be reduced by half following the obsolescence of libraries. His avowed aim was, furthermore, "to make the American university defunct by 1976," Footnote 34.
- c. We must note that these highly inflated claims, above, apparently came from a press release by Warren, and were carried without any comments by press services, such as C. P. S. The idea of computerizing term papers was expanded in Footnotes 2 (11b) and 105.
127. The manager of Quality Bull was the exception to the claims of reforming education. He did not say he was changing a "corrupt system. 'People might be saying those kinds of things," he indicated, 'but whether they believe them is something else,'" Footnote 2(6).
128. Footnote 39.
129. Even-Zohar, Footnote 2.
130. Anonymous student, quoted in Footnote 106.
131. "Editor's Note," replying to a letter to the editor, Footnote 88.
132. Footnote 53.
133. Footnote 2(8).
134. Ibid.
135. For instance, commercial writing services were criticized by Darry Dank, Assistant Professor of Sociology at California State, Long Beach, Footnote 1.

135. (cont.)

Another writer referred to "sporadic rages of righteous indignation...from isolated members of the teaching community," Footnote 2(3a), 1; Similarly, Benjamin Aaron, Law Professor and Chairman of the University of California Los Angeles, spoke of purchased term papers as an "outrageous arrangement," etc. See: Glenn Barr, "Law Aimed at Term Paper Sales Urged," Evening Outlook (Santa Monica), January 27, 1972, 10.

136. William Gerberding, Chairman of the Political Science Department, University of California, Los Angeles, quoted in Footnote 2(3b).
137. Footnote 66 indicates that "Mr. David Inglis" would not accept plagiarized papers, and further that "most instructors will not accept a plagiarized paper."
138. Dank, Footnote 135. See Footnote 1.
139. Barry Dank and Nicholas Hardeman, Chairman of the Academic Senate, both from the same school, ibid.; a writer indicated more generally that "many educators claim that term paper writing services rob students of the opportunity to learn how to research," Footnote 2(3).
140. Hardeman, ibid., quoted in Footnote 1.
141. Duane Doty, Professor of Physics, San Fernando Valley State College, quoted in "Sales of Term Papers Are Flourishing," Footnote 122. Similarly, John B. Cantelon, Dean of the USC College of Letters and Sciences, mentioned that professors should develop term papers with their students from start to finish. Moreover, fighting the problem of commercial paper sales could have a positive effect to "compel students and faculty to reform the educational system by opening new lines of communication," cited in Footnote 2(3).
142. Footnote 139. Although the two professors were in favor of retaining papers, "both admitted that the boom of the industry could force the abandonment of the term paper as an educational device."
143. Doty, Footnote 141; John Stafford, Professor of History at Valley State College, cited by Ken Panuechi, "College Moves to bar Term Papers Written by Another," Los Angeles Times (San Fernando Valley Eastern Edition, Section 2), February 6, 1972, 10. Elsewhere it is

143. (cont.)

mentioned in general that "many college faculty members...admit that the presence of such companies points up the failures of modern higher education such as overcrowded lecture halls...", Footnote 2(3).

144. Cantelon, Footnote 141.

145. Footnote 2(3a), 1. A Chairman of the Academic Senate was interviewed in November 1971. He condemned the businesses strongly, but did not mention that he himself knew, or would initiate some type of resolution against the companies, Hardeman, Footnote 139.

146. Aaron, Footnote 135.

147. Jim Howard, Professor of Journalism, University of California, Los Angeles, quoted in Footnote 2(3b).

148. "Sales of Term Papers Are Flourishing," Footnote 122.

149. Anderson, quoting "'Cheating on Essays Now a Big Business,'" Footnote 38.

150. Paraphrased from "UCLA Faculty Body Prepares to Take Action Against Term Paper Sales," press release, Office of Public Information, University of California, Los Angeles, March 9, 1972.

151. Footnote 2(8).

152a. For example: Footnote 37 and 106; See also:

b. "Let Profs Punish the Plagiarists," Daily Review (Hayward), January 30, 1972.

c. "Price Tag for Cheating," Herald-Examiner (Los Angeles), January 30, 1972.

d. One of the strongest reactions was in a short article by Guy Wright, he wrote:

I have nothing but contempt for the creeps who make their living selling papers to college students too dumb or too lazy to do their own work. Men who misuse their own education in that fashion deserve to be called intellectual whores.

The quotation is in "Curbing the Cheats," Examiner (San Francisco), February 1, 1972.

153a. "Education-At a Stiff Price," editorial, n.n.,
January 31, 1972

b. Other writers felt that professors should devise
plagiarism-proof assignments in order to "thwart
the practice," Footnote 152d.

154. Footnote 152c.

155. Footnote 106.

156. Footnote 2(3a), 1.

157. David Zimmerman, The Paper Mill, Footnote 2(8).

158. Footnote 2(8).

159. "Several administrators and professors agreed" on
this point, "Sales of Term Papers Are Flourishing,"
Footnote 122.

160. For example, Footnote 152b.

161. "Section 41301 of Title 5 of the California Adminis-
trative Code" specifies that cheating may be punished
with various sanctions up to expulsion. Similarly for
students helping another to commit acts proscribed
by the Code, Footnote 118. This is applicable to
State Colleges.

References to sanctions against cheaters were also
made elsewhere, for example:

"Unpleasant sanctions can be exercised against the
student using someone's else's paper," Even-Zohar,
Footnote 2. A similar point was made in Footnote 153;
Norman Miller, UCLA Vice Chancellor of Campus and
Student Affairs, indicated that cheaters risked ex-
pulsion, Footnote 2(3b); Gerberding, from the same
school, would request such a course of action against
any cheater he would catch, Footnote 136; much the
same as Aaron, Footnote 135.

162. Norman Epstein, cited in Footnote 2(11a), 1.

163. Glenn S. Dumke, cited by Barr, Footnote 135.

The press release was printed fully or partially in
many newspapers, for example:

a. "Dumke Lashes College Term Paper Sales," Sun

163. (cont.)

(San Bernardino), January 27, 1972. (This was an A.P. wire story).

b. Judi Schultz, "Dumke Hits Sale of Term Papers to Students," Mercury (San Jose), January 27, 1972.

c. "Term Papers for Sale: Dumke Levels Blast at Flourishing Campus Business," See (Sacramento), January 27, 1972.

164. Footnote 118. See reference to the Code in Footnote 161.

165. David Zimmerman, The Paper Mill, Footnote 2(3).

166. Footnote 2(3a), 1.

167. Norman Epstein, quoted in Footnote 2, 11a), 1, 2L.

168. "Sales of Term Papers Are Flourishing," Footnote 122.

169. Ibid.

170. Footnote 2(6).

171. 1. Collier Times (California State College), Footnote 118.

2. The Redwoodsman (College of the Redwoods, Eureka), according to Michael Jessie, editor (note sent to the author on November 6, 1973).

3. The Fresno State College Senate Board on Publications adopted Epstein's suggestion (see Footnote 167) to withdraw ads, reported in Insight from the same school, Even-Zohar, Footnote 2.

4. San Fernando Valley State College, Footnote 2(3).

5. The Spartan Daily (San Jose State College), according to Noah, Footnote 49.

6. The Daily Bruin (University of California, Los Angeles), forbidden to print ads by Miller (Footnote 161), Footnote 2(3b).

7. University of Southern California, Footnote 2(8).

8. Daily Sundial (Valley State College), the Board of Publications acceded to a "request of the executive committee of the General Faculty, Sanucchi, Footnote 143, 1.

172. Abigail Bright, Editor of Times (College of Marin, Kentfield) indicated: "they are one of our most steady advertisers, though they never buy large quantities of space," letter to the author, November 27, 1973. This observation appears to hold true for college newspapers, but perhaps not for large-circulation newspapers. This is what I found in Massachusetts.
173. Footnote 2(6). For an example of a newspaper which continued advertising, see ibid.
174. Footnote 172.
175. Dean of Students, The College of Marin, cited in ibid. See also Footnote 2(6).
176. Brian Alexander, Editor, The Lumberjack (Humboldt State University, Arcata), letter to the author, November 5, 1973.
177. This idea differentiating between moral coercion as being different than potential physical coercion stemming from legal rules was developed by me while reading Studying Politics by William A. Welsh (New York: Praeger), 1973.
178. Specific forms of deviance, therefore, tend to gain momentum even without any formal means of advertisement.
179. Norman Epstein, quoted in Footnote 2(11a).
180. Footnote 163. Norman Epstein is quoted in "Sales of Term Papers Are Flourishing," Footnote 122.
181. Glenn S. Dumke, quoted in Footnote 163c. See also other articles indicated in Footnote 163.
182. Barr, Footnote 135.
183. Richard H. Grey, "Commercial Sale of Term Papers to Students- Questions and Answers," memorandum to Norman L. Epstein, Vice Chancellor and General Counsel, Office of the General Counsel, The California State University and Colleges, n.d. (c. April 11, 1972), Question-and-Answers Nos. 7, 13, 14.
184. This recommendation was made at a meeting on November 22, 1971, Glenn S. Dumke, cited by Barr, Footnote 135.

185. Norman Epstein, cited in Footnote 2(11a), 1, 24. The quotation is in p.24.
186. Footnote 183, Question-and-Answer No.6.
187. Ibid., No.22.
188. For example, Footnote 152c indicates that the bill was introduced by Assemblyman Jim Keysor, while still noting that it was "initiated by the trustees of the California State Colleges and Chancellor Glenn S. Dumke." Contrariwise, elsewhere it is mentioned that the measure was "authored by Assemblyman Jim Keysor" and else, Footnote 85.
189. "Crackdown on Fakes," Time, March 27, 1972.
190. Jim Keysor specified that he introduced the bill at the request of the State College Board of Trustees," Footnote 49.
191. The bill as finally amended was sent to the Governor for signing on June 14, 1972, Assembly Weekly History, No. 90, California Legislature at Sacramento, 1972 Regular Session, 100. This page indicates the whole legislative history of the bill up to that point.
192. Paraphrased from letter, Richard H. Grey, Attorney, Office of the General Counsel, The California State University and Colleges, to the author, June 14, 1972.
193. Footnote 163. The paragraph is a composite of the quotations found in several articles.
- 194a. Barr, Footnote 135. This press release was also widely publicized, for example, Footnotes 49 and 152c. See also

b. "Bill to Ban Term Paper Sale Offered by Keysor," Valley News and Green Sheet (Van Nuys), c. January 26, 1972.
195. Jim Keysor, quoted in Footnote 194b.
196. Ibid., quoted in Footnote 49
197. Footnotes 163 and 194.
198. Barr, Footnote 135. For one specific example of these pressures, see Footnote 184.

199. For example, Footnotes 37, 152c and 153.
200. A writer spoke in general that "Dumke's announcement will not be unwelcome with many UC and state college professors..." As an example he noted the views of Aaron, who "did not oppose the idea of legislation," barr Footnote 135.
- The legislation was supported elsewhere at this point, for example, by President James Cleary, Valley State College, Fanucchi, Footnote 143, 1.
201. Footnote 183, Question-and-Answer No. 33.
202. Ibid., No.4.
203. Footnote 192.
204. Passage of the bill was refused on March 23. Reconsideration was granted on April 5, Footnote 191.
205. Zimmerman, The Paper Mill, cited in Footnote 2(c).
- 206a. James Crawford, Termpaper Liberation, quoted by David Rowe, "'Ghosting' Term Papers Booms in Bay Area," Mercury-News (San Jose), February 20, 1972. This was a U.P.I. story carried in newspapers elsewhere, for example of the numerous publications, see:
- b. Chronicle (Thousand Oaks), February 18, 1972.
- c. Enterprise (Davis), February 23, 1972.
- d. "Turning Profits On Term Papers by Ghost-Writers," Houston Chronicle (Texas), February 20, 1972, Section 1, p. 34.
207. Barton Lowe, Termpaper Arsenal, cited in Footnote 2(8). This promise was eventually carried through, see the case number in Footnote 2(12c).
208. Footnote 183, Question-and-Answer No.5. This opinion held as of April, 1972; and it continued until the bill was passed by the legislature in June, Footnote 192.
209. This writer also asked rhetorically: "But do we really need a state law, as Chancellor Glenn Dumke requests?," Footnote 152d.
210. Footnote 152b.

211. Assemblyman Paul Priolo, quoted in Footnote 85.
 212. Footnote 153a.
 213. Footnote 183, Question-and-Answer No. 9.
 214. Footnote 152b.
 215. Footnote 2(8).
 216. A resident of Glendale, Ohio, complained to the Better Business Bureau of Washington, in a most unexpected kind of development it seems, that a research firm in that city had failed to send him a #65 paper he ordered, which was to be delivered by May 15, 1974. The Bureau wrote to the United States Postal Service concerning this case, letter, July 15, 1974. This memo is in the files of Thomas A. Liebarth, Attorney, United States Postal Service, Consumer Protection Office, Law Department, Washington, D.C. (April, 1975).
 217. Footnote 183, Question-and Answers Nos. 17-18.
 218. Assemblyman Paul Priolo (Republican-Los Angeles) was opposed to the bill in March 1972, Footnote 85, and continued his opposition after the Assembly approved the bill in April, cited by Jerry Gillam, "Assembly OKs Ban on Sale of Term Papers," Los Angeles Times, April 19, 1972, Part I, p.21.
 219. Footnote 183, Question-and Answer No.27.
 220. Unnamed opponents of the bill, quoted in Footnote 85. The same argument was presented later on, Gillam, Footnote 218.
 221. For example, Assemblyman Jim Keyser made this point, quoted in Footnote 194b.
 222. Three separate statements were "used on floor of the State Assembly;" all are dated April 12, 1972 and are entitled "Assembly Bill 230." They are half-a-page, one page and a page-and-a-half long, respectively.
 223. Gillam, Footnote 218. For the date of the bill's passage, the motion to reconsider the bill made by Assemblyman Ketchum on April 16, and the reconsideration refusal on April 26, see Footnote 181.
- Opposition to the bill continued, Assemblyman Keyser noted in May, 1972, after the House but before the

223. (cont.)

Senate vote (See Footnote 191): "I think getting it passed could be a little tough because people will argue you can't legislate morality," quoted in Footnote 40. Concerning this idea, Grey commented "this seems more of a slogan than an argument...Failure to act could easily be interpreted as approval of the morality and legality of selling term papers to students," Footnote 183, Question-and-Answer No. 31.

224. The bill was sent to the Senate on April 26, was referred to the Committee on Education on May 3. The third "reading" and passage of the bill in the Senate took place June 6, Footnote 191.

225. Footnote 102.

226. June 6, 1972, Footnote 191.

227. The bill was sent to Governor Ronald Reagan June 11, 1972, ibid. He had ten days to act upon it. (Letter, Phyllis L. Dalton, Assistant Librarian, the California State Library at Sacramento, to the author, June 22, 1972).

228. "Statement of Governor Reagan upon signing AB 230," entitled "draft," n.d. (c. June 21-24, 1972). Provided by Martin R. Petersen, Assistant Director for Governmental Affairs, The California State Colleges, Sacramento, July 7, 1972.

229. Footnote 183, Question-and-Answers Nos. 7, 8, 22, 23 and 25.

230. Board of Trustees of the Ohio State University v. Term Papers Unlimited of Columbus, et als, "Motion" and "Memorandum" of defendant Gerald S. Lobosco, Common Pleas Court of Franklin County, Ohio, No. 72CV-03-1010, filed April 17, 1972, passim.

231. Boston had according to this writer "five major companies,...more than in any single state in the country except California," Footnote 39, 1, 3.

232. Tinney S. Humphreys, "Courts, Legislatures Force Changes in Term-Paper Companies," The Chronicle of Higher Education, July 30, 1973, 5.

233. Termpaper Arsenal requested the instructor's name in their order form (plus the department and school),

233. (cont.)

"Order Form for a Catalogue Paper," Footnote 17, inside back cover.

A later catalogue requested only the name of the school attended by the purchaser, "Order Form for Catalogue Material," Footnote 20, inside back cover.

Nat'l Research Bank's order form requested, among other information, the name of the school and the major of the purchaser, "Order Form for Research Aids Listed in this Catalog," Footnote 2(3c), inside back cover.

Although the last two catalogues made their purpose less obvious by not requesting the name of the student's professor, nevertheless, the companies could still maintain files of purchasers at least by the school and hence avoid selling materials twice to members of that particular institution.

234. Although some companies continued operating in California, namely, at least Nat'l Research Bank (Footnote 2(3c)), Research Assistance (Footnote 20); and later companies such as Berkeley Research, California Research and Research Central, James D. Ward, Public Information Officer of the University of California was quoted saying in mid-1973: "The whole thing has pretty well died down here since two students at U.C.L.A. were disciplined for turning in purchased papers and the legislature passed its law," Footnote 232.

Footnotes: Chapter IV

1. Actual scope of operations is hard or impossible to ascertain for the "companies." The list that follows is not exhaustive, but it includes most of the largest businesses operating in New York State in the early 1970's.

1. Creative Work Service ("Editing, Writing, Researching") The Hunter Envoy (Hunter College) October 20, 1972, 4

It is not clear to what extent they wrote (as opposed to assisted) the term papers. Elsewhere the ad with the same phone number was:

"Help you to write. Editing, Research," The Village Voice, July 13, 1972.

2. D & D Research Service, located near the State University at Albany. Leonard P. Stavisky, "Term Paper 'Mills,' Academic Plagiarism, and State Regulation," Political Science Quarterly, 88:3 (September, 1973) 449. For a description of the operation of writing services, see 448-450 et passim.
3. Enjay Termpapers, 1123 Broadway, New York, New York. Flyer, n.d. collected by Mr. Robert Grey, a student working for Assemblyman Stavisky, January 19, 1972. Grey also wrote a memorandum concerning his visit to the company. See Stavisky, op. cit., 449-450

I visited the company in July 21, 1972. They seemed to be still in business, although the secretary was out. Nevertheless, they had changed their name to Academic Marketplace, apparently because of legal pressures.

4. Lend-A-Hand, 200 W. 72d Street, New York, New York The Hunter Envoy, September 15, 1972, 6
5. Minuteman Research, 70-09 73d Place, Glendale, Queens, New York. "23 Term Papers Sold After Theft," The New York Times, February 13, 1972.
6. New York Term Papers, 15-E 40th Street, New York, New York. Metropolitan Review, 2:19 (February, 1972) 16

This company did business under several names. For example, Term Papers Unlimited of N.Y., Inc. Ken (Brooklyn College) February 14, 1972

1. (cont.)

7. Possibilities Unlimited, 260 Riverside Drive, New York, New York. Seawanhaka (Long Island University, The Brooklyn Center), November 19, 1971.
8. Termpaper Research, 159 West 33d Street, New York, New York. Flyer found in a college bulletin board, New York, New York, April 16, 1972
9. Write-On, Inc., 60 East 42d Street, New York, New York, "Lefkowitz Obtains Court Order Against Term-Paper Company," The New York Times, January 26, 1973
2. 1. Collegiate Research and Advisory Service, 2 Sylvan Street, Rutherford, New Jersey. The Hunter Envoy (Hunter College) November 17, 1972, 7
2. Educational Research, Inc., Silver Springs, Maryland. Stavisky, op. cit., 449
3. Papers, Inc., Hartford, Connecticut, ibid.
4. Termpaper Research, Inc., Silver Springs Md., ibid. 448
5. Termpaper Arsenal, Inc., Los Angeles, California. The Hunter Envoy (Hunter College) November 10, 1972, 5.
3. 1. An unnamed individual advertised as follows:
"Swamped? with research projects and papers? We can help-Reasonable rate" 260 RSD #5F, New York 10025. Ibid., November 19, 1971, 10
2. "Research and/or Typing in any subject-reasonable rates...ask for Judy" ibid., February 9, 1973, 4
3. "A smaller business, apparently based in a private home in Westchester County, N.Y." Stavisky, op. cit., 449
4. "Professional Writing Service. We write speeches, papers, dissertations, anything" New York, New York. The Village Voice, July 13, 1972.
4. Ward Warren could draw checks on the checking account of the company. State of New York v. Kathleen Saksniit et als, "Affidavit," S. Mindell, Part II of the Supreme Court of the State of New York, February 10, 1972.

5. Advertisement in Lex (John Jay College of Criminal Justice), January, 1972.
6. Advertisement in Metropolitan Review, see Footnote 1 (6)
7. Letter, Academic Marketplace to the author, July 10, 1972. Their catalogue consisted of "four volumes-approximately 20,000 research papers."
8. Alan Kawadler, owner of the company, claimed that a man offered to sell him "'about 200 papers from colleges in the Boston area' 'about 40 came from Harvard. I only bought 23 of the total.'" Mark C. Frazier, "Kawadler Alters Story, Hits Termpaper Article," The Harvard Crimson, February 12, 1972, 1.
9. A subpoena was served against Minuteman Research in February, 1972. Mark C. Frazier, "Local Colleges Discuss Joint Termpaper Action," ibid., February 16, 1972, 1
10. Footnote 5.
11. Tinney S. Humphreys, "To Bar Sale of Theses," The Chronicle of Higher Education, February 22, 1972, 5
12. Letter, John J. Murray; Associate Director, Office of Public Information (Columbia University) to the author, June 23, 1972.
13. Mark C. Frazier and Arthur H. Lubow, "Firm Offers to Sell Stolen Harvard Termpaper," The Harvard Crimson, February 10, 1972, 1. The New York company was traced when one of the Harvard papers turned up in Termpapers Anonymous, a Boston company which admitted to have traded this and other papers with Minuteman Research.
14. "Alan Kay" [probably Kawadler], quoted in ibid.
15. Philip B. Moshcovitz, "Hey, Students! Get Your Term Papers Here....," College Management, (January, 1972).
16. Footnote 13.
17. Bert Shanas, "Term-Paper Ghosts Haunt Universities," Sunday News (three stars edition) January 23, 1972, 22
18. According to one operator of Possibilities Unlimited, cited by Dianne Kurkowski, "Termpaper Firms Defend Themselves," Seawanhaka (Long Island University, The Brooklyn Center), November 19, 1971.

19. New York City Termpapers, Inc., "Writers Responsibilities and Work Agreement," n.d., collected by Mr. Jacques Koppel, a student working for Assemblyman Stavisky, January 19, 1972.
20. "Writer's Agreement," Clause 9, cited by Mindell, Footnote 4.
21. Jacques Koppel, untitled memorandum of visit to New York City Termpapers, Inc., January 19, 1972.
22. State of New York v. Kathleen Saksniit et als, "Complaint," Part II of the Supreme Court of the State of New York, February 10, 1972, paragraph 15.
23. Kurkowski, Footnote 18.
24. Ibid.
25. 1. Creative Work Service, The Hunter Envoy (Hunter College) October 20, 1972, 4
2. Lend-A-Hand, ibid., September 15, 1972, 6; October 20, 4; October 27, 4; November 17, 7; February 9, 1973, 4.
3. New York City Termpapers, Inc., ibid., October 22, 1971, 10; November 19, 4.
4. "Swamped? with research projects and papers?", ibid., November 19, 1971, 10.
5. Collegiate Research and Advisory Service, ibid., October 13, 1972, 4; October 20, 4; November 17, 7; February 9, 1973, 5.
6. Termpaper Arsenal, Inc., ibid., November 10, 1972, 5.

The period checked in The Hunter Envoy was September 13, 1971 through February 9, 1973. The six companies advertised a total of 15 times altogether. The paucity of ads was not due to editorial policy, because there were ads all through the period indicated.

26. Stavisky, op. cit., 449.

Term Papers Unlimited, Inc., for example, put a flyer "on the windshields of all the cars" in a university parking lot. John P. Roche, "The Problem of Recycled Term Papers," The Long Island Press, December 21, 1971.

27. Robert Grey, untitled memorandum of visit to New York City Termpapers, Inc. (submitted to Stavisky), January 19, 1972, 2 mentions that the price range here was \$1.85-\$4.50.

Enjay Termpapers ranged from \$2.50-\$5.50. Stavisky, Footnote 1, 450

Possibilities Unlimited charged \$3.50 a page "if the research is relatively easy." Footnote 18.

28. Stavisky, ibid., 451.
29. Footnote 17.
30. Footnote 22, paragraph 18.
31. Footnote 18.
32. In addition the figures may be exaggerated. See Chapter 3, 43-47.
33. Stavisky, cited by Rita Delfiner, "Profs Hold Seminar on Bill to Bar Term Paper Sales," The New York Post, February 12, 1972, 13.
34. Dianne Kurkowski, "Poll Shows Most Students Would not Buy Termpapers," Seawanhaka (Long Island University, The Brooklyn Center), March 16, 1972.
35. Footnote 33.
36. Enjay Termpapers assured that "no two students in the same college ever get the same paper," see Footnote 17.
37. I attended a Behavioral Sciences departmental meeting at John Jay College of Criminal Justice, Spring 1972, where a teacher asked her colleagues whether they had received term papers dealing with specific topics.
38. Footnote 33.
39. "Faculty Senate Resolution," Seawanhaka (Long Island University, The Brooklyn Center), February 17, 1972, 6. The resolution originally passed December 8, 1971. See "Our Stand," editorial ibid.
40. See Chapter 3, 47-48 for a general discussion concerning Ward Warren's views. The New York company hung up a sign in the office saying "'We don't condone plagiarism'" Footnote 4.

41. An operator of Possibilities Unlimited mentioned "pirating has gone on for years and years and it's really stupid to complain about it." Footnote 18.

Alan Kawadler, owner of Minuteman Research, presented the arguments mentioned in the text. Footnote 15.

42. For example:

Marya Mannes argues strongly against cheating in "Cheating Replaces Work," Seawanhaka (Long Island University, The Brooklyn Center), February 17, 1972, 6

Jesse N. Aronowitz, a pre-med student, wrote to Assistant Attorney General Stephen Mindell to complain that competition was "fierce" to enter medical school and he would be competing against term papers done not by his peers but by professionals. Cited by Rita Delfiner, "Term Paper Firms Keep Their Writers Honest," The New York Post, February 11, 1972, 22

The John Jay College of Criminal Justice College Council, composed of students and faculty, passed a strongly-worded resolution reading in part "that plagiarism...violates academic ethics as well as accepted moral codes and law." Minutes of the College Council, Vol. II, 57, 58, February 25, 1972

An informal survey at Long Island University brought in 450 responses. 195 students agreed and 209 disagreed "with the faculty's condemnation of term paper purchasing." Footnote 34.

43. "Debasing Higher Education," The Wall Street Journal editorial, April 26, 1972, 16.

44. "Our Stand," Footnote 39.

45. Letter, The Academic Council "to The Bulletin Staff and Members of the Barnard Community," reprinted in the Bulletin (Barnard College), February 17, 1972. In this letter the Academic Council urges the editors to withdraw an ad. for New York City Termpapers.

In the same letter Ms. Ruth Smith, editor of the Bulletin, is reported to have pointed out to the College Council that "if she had heard objections from even a relatively small number of Bulletin readers, she would have reconsidered her decision to run the advertisement." Ibid.

46. John Jay College of Criminal Justice College Council, Footnote 42.

47. Footnote 34.

48. Footnote 45.

- . Faculty at Hunter College did not complain publicly about the companies, based on the following data:

There were no references to writing services in The Hunter Envoy, September 13, 1971-February 9, 1973, except with the single exception of a strongly-worded letter by an anonymous writer following a Termpaper Arsenal (Los Angeles, Cal.) ad. See "Mind-Degrading Weapons," The Hunter Envoy, December 8, 1972, 2.

There were no references either in Nightwatch (Students of the School of General Studies, Hunter College) for the period September 27, 1971-December 20, 1972 (Vol. IV, Nos. 6 and 14 missing). This newspaper carries no ads of any kind.

Similarly, no mention to commercial writing services is made in NewsHunter (College Relations Office), October, 1971-January, 1973. (Vol. 1, Nos. 2 and 3 missing).

Finally, Ms. Patricia Molino, Director News and Publications Bureau, was not aware of any comments on the matter, September 1971-December 1972. Personal conversation with the author, June 13, 1973.

49. These were the feelings reported among several instructors, including chairmen of departments, at Brooklyn College. Norman Reiss, "Term Paper Scandal, BC Facultyirate," The Ol' Spigot (Brooklyn College), April 24, 1972, 7.

For an example of a faculty member's angry complaint against term paper advertisements, see:

Steven Jervis, "Termpapers," letter to the editor, Kingsman (Brooklyn College), April 14, 1972, 15.

50. Arthur Gagliotti, Chairman of the Sociology-Anthropology Department, quoted by Robert Gorlach, "Rap Term-paper Outfits," Seawanhaka (Long Island University, The Brooklyn Center), November 11, 1971.

50. (cont.)

Three chairmen of departments and a professor made reference to such value, in Brooklyn College interviews. See Reiss, ibid.

51. Blanche W. Cook, letter to the editor, Lex (John Jay College of Criminal Justice), February 15, 1972.

52. Jervis, Footnote 49.

53. Companies in the term paper business were characterized as "the growing cancer of the academic community," by a Long Island University professor (at a public conference to discuss the problem, called by Assemblyman Stavisky). Footnote 33.

54. The meaning of a term paper company flyer was taken to be "an incitement to cheat, a commercialization of academic prostitution." Roche, Footnote 26.

55. Robert Hirschfield, head of Hunter College's Political Science Department called the companies' activities "beyond plagiarism, it is fraud!" Footnote 17.

Dr. Hoogenboom, Chairman of the History Department at Brooklyn College "expressed 'utter contempt' for these companies." Reiss, Footnote 49.

56. According to Dr. Lawrence, head of the Department of Sociology, Brooklyn College, Reiss, ibid.

A strongly-worded resolution by the Department of Sociology of the same school condemns plagiarism in no uncertain terms, and goes on to affirm that "we acknowledge our responsibility to read with care and respect work submitted to us, in turn we expect the same care in preparation of that work." Department of Sociology, "Statement on Plagiarism," n.d., enclosed with letter from Ms. Sadie Altstein, Administrative Assistant of the Department, to the author, July 11, 1972. She noted that the statement was about to be distributed "to the entire faculty of Brooklyn College." The quotation above is mentioned also by Reiss, ibid.

57. Two professors are quoted to this effect by Stavisky, Footnote 1 (2), 453.

58. Louis Sattler, professor Emeritus of chemistry at Brooklyn College, rough draft of a letter sent to The New York Times, enclosed with letter to the author, June 22, 1972. Only one paragraph of the letter was

58. (cont.)

published in Fred M. Hechinger's "Passing Grades For a Price," The New York Times, March 19, 1972. The information I present in the text comes from the unpublished portions of the draft. Professor Sattler enlarged his views on the topic in his June 22 letter and another letter on June 30, 1972.

59. For example, the Long Island University Faculty Senate's resolution deleted a recommendation "'requiring students to submit first drafts'" and "'requiring papers to be written in class.'" The student editors reporting this fact felt that teachers sought to avoid work by approving of this deletion. "Our Stand," Footnote 39.

60. Department of Sociology, Brooklyn College, Footnote 56.

English Division, John Jay College of Criminal Justice, Footnote 42. The resolution was approved first by them and then by the whole College Council.

61. Altstein, Footnote 56.

62. Brooklyn College, Faculty Council Meeting Minutes, January 11, 1972, 1009. The resolution deplored "the intellectual crime of plagiarism" and moved that a committee investigate the matter; that the District Attorney be contacted; and that teachers inform students "that severe penalties will be assigned" for submitting fraudulent term papers. This last point was deleted and substituted for a proposal that the Dean of Students endeavors to eliminate term paper advertisement from the school publications. See ibid., February 29, 1972.

John Jay College, Footnote 42.

Long Island University, Footnote 39

63. It is important to understand the function of individuals as such in this process. Cf. the following statement: "According to some students of politics, notably Gabriel Almond, interest articulation is one of the most fundamental functions, or activities, that takes place in society." William A. Welsh, Studying Politics (New York, Praeger, 1973), 128.

64. Professor Vincent Quinn introduced the Brooklyn College resolution, Footnote 62

English Professor Arthur Pfeffer introduced the John Jay College statement. Footnote 42, p.50. He combined his proposal with another item introduced in the agenda by someone else.

English Professor Murray Hartman sponsored the Long Island University resolution. Dianne Kurkowski, "State Court Strikes Down Term Paper Firm," Seawanhaka (Long Island University, The Brooklyn Center), April 20, 1972. See also Footnote 39.

65. "Term Papers for Sale," editorial, The New York Times, February 16, 1972, 38

66. The Wall Street Journal, Footnote 43.

67. Leonard P. Stavisky, memorandum, "An act to amend the education law in relation to the sale of dissertations, theses and term papers," Assembly 8651-A, The Assembly, State of New York, n.d. (c. early 1972), 2 cited widespread support for the legislation from specific sources in academia and the mass media. See also Stavisky, Footnote 1 (2), 460 for examples.

68. Footnote 65.

69. Footnote 66.

70. Arnold Gorman, assistant chancellor at New York University, quoted in "Ghost-Paper Ads Banned in 3 Colleges," Sunday News, March 26, 1972 (Night Owl, One Star edition), M12.

71. Dean Sprague for the Committee on Graduate Studies, "College Policy on Plagiarism," John Jay College of Criminal Justice, The College Council, Meeting of May 26, 1972 Agenda, Attachment D.

72. Faculty and administrators were included in the statement. Their feelings, it is asserted, "have been well-publicized." "The Students' Turn," Seawanhaka (Long Island University, The Brooklyn Center), March 9, 1972.

73. William Sinnegan, head of the History Department, Hunter College, quoted by Shanas, Footnote 17.

74. Gustave Gilbert, Psychology Department Chairman, Long Island University, quoted by Gorlach, Footnote 50.

- 75. Footnote 70.
- 76. "Statement on Plagiarism," Footnote 56.
- 77. Brooklyn College, Footnote 62.
- 78. Ibid.
- 79. Footnote 71.
- 80. John Jay College, Footnote 42.
- 81. Personal interview with Dr. Arthur S. Pfeffer, Assistant Professor of English, John Jay College of Criminal Justice, November 13, 1972.

Letter, Arthur S. Pfeffer et al (eight other professors) to Attorney General Louis Lefkowitz, January 10, 1972. This letter stated that plagiarism was a grave academic offense which could be penalized even by revoking a diploma. Advertisement in Lex for New York City Termpapers compounded the crime since most John Jay students pursued law-enforcement careers. Moreover, the students were "'first-generation' collegians," who perhaps were not aware of the penalties entailed in plagiarism.

The letter was reprinted in Lex (John Jay College of Criminal Justice), February 15, 1972, 4,7.

- 82. Letter, Mr. Joseph P. Molloy (Deputy Inspector Personnel Bureau) Police Department, the City of New York, to the author, June 29, 1972.
- 83. Mr. Walter J. Kendall, Chief of Personnel, Police Department of the City of New York, "Sale of Term Papers," memorandum to "all Commands." (Chief of Personnel memo No.30), April 7, 1972. Attached to ibid.

There were references to this memorandum in a number of places, increasing its public visibility as a potential means of social control. See

The Chronicle of Higher Education, 6:30, May 1, 1972,3.

Rochester Institute of Technology, Official Bulletin, quoted in Stavisky, Footnote 1 (2), 456

Footnote 43.

84. Molloy, Footnote 82.
85. Cited by Kurkowski, Footnote 18.
86. Footnote 25.
87. "Mind Degrading Weapons," Footnote 49.
88. Phoenix (Queens College), Leslie Devirtz, "We'll Print Anything!" Seawanhaka (Long Island University, The Brooklyn Center), February 17, 1972, 6.
- Perhaps Newsbeat (Queens College) also printed ads. Stavisky, Footnote 1 (2), 449.
89. Devirtz, ibid.
90. Stavisky, ibid., 453, mentions that the two newspapers stopped ads for commercial writing services. The March date applies to Phoenix. It seems that Newsbeat stopped ads as of June, 1972.
- Phoenix announced this decision, together with two other college newspapers, through Assemblyman Stavisky. Footnote 70.
91. The decision to stop the ads "came after considerable debate among the newspaper staff." Mark Schwartz, ibid., Footnote 70.
92. Footnote 70.
93. Paul W. Taylor, Professor of Philosophy, letter to the editor, Kingsman (Brooklyn College), March 10, 1973, 13.
94. "Editorial Board replies," ibid.
95. Jervis, Footnote 49.
96. "The Term Paper Scandal," editorial, The Cl' Spicet (Brooklyn College), April 24, 1972, 6.
- For the article mentioned, see Reiss, Footnote 49.
97. Pfeffer's letter in Lex, Footnote 81, implies that several persons complained to Lex, ("our complaints") sometime before January 18, 1972.
98. "Editor's reply" to Professor Cook, Pt. 51. The quote originally appeared in a January 11, 1972, editorial and was reiterated once again. I assume that the original editorial answered complaints of Dr. Pfeffer and others.

- 99. Letter, Footnote 81.
- 100. Footnote 51.
- 101. "Editor's reply," Footnote 98.
- 102. Letter, Footnote 81.
- 103. John Jay College, Footnote 42, 56-57.
- 104. Ibid., 57-58. The Lex editor referred to was Mr. Dodenhoff.
- 105. Ibid., 57.
- 106. Ibid.
- 107. Mr. Ryan, ibid., 58
- 108. ibid.

Highlights of the minutes in this issue, emphasizing Lex's victory from censorship to cut off the ads, were reported in "Teeth Pulled from Term paper Bill," Lex (John Jay College of Criminal Justice), March 7, 1972.

- 109. Footnote 70. This decision was announced through Stavisky. Cf. Phoenix, Footnote 90.
- 110. Sonny Klienfield, editor-in-chief of New York University's Washington Square Journal, cited by Kurkowski, Footnote 18.
- 111. Letter, Ms. Shirley Darling, Office of Public Relations, New York University, to the author, June 28, 1972.
- 112. I imply this from ibid., but it is not clear whether it actually occurred.
- 113. Footnote 70. This decision was announced through Stavisky. Cf. Footnote 109.
- 114. Letter, Mr. John G. Holl, editor-in-chief, The Ram (Fordham University), to the author, November 14, 1973.
- 115. Write-On, Inc., for example, "advertised its services extensively in The Spectator" (Columbia University), including an ad in December, 1972. Footnote 1 (9).
- 116. "A Question of Honor," editorial, The Barnard Bulletin, December 16, 1971.

117. Advertisement for research services "brought protests from members of the Brooklyn and Barnard College faculty and administration." Footnote 1 (5).

118. The Academic Council, Footnote 45.

119. "Reply to Academic Council," editorial, The Barnard Bulletin, February 17, 1972.

The complaint was initiated by a Barnard history professor. As of June 1972 "the matter was completely resolved and the new editor of The Barnard Bulletin will use her own discretion in developing an advertising policy for the next academic year." Letter, Ms. Catherine Conover (Editorial Assistant, Office of Public Relations) Barnard College, to the author, June 26, 1972.

120. Ed Weintrob, former editor-in chief, Seawanhaka, cited by Kurkowski, Footnote 18. See also Footnote 50.

121. Footnote 50. See also Footnote 18.

122. Footnote 18.

123. Footnote 50

124. Ibid.

125. Lew Sterler, ibid.

126. "Termpapers," editorial, The Hatchet (George Washington University), October 4, 1971. Reprinted in Seawanhaka (November 11, 1971).

127. Footnote 18.

128. "Faculty Senate Resolution," Footnote 39.

129. "Termpapers," editorial, Seawanhaka, December 17, 1971.

130. "Our Stand," Footnote 39.

131. Stan Gelman, "Termpapers," letter to the editor, Seawanhaka, March 9, 1972.

132. Footnote 1 (5).

133. Footnote 17.

134. Footnote 33.

135. Leonard P. Stavisky, The Assembly, State of New York, untitled press release, February 11, 1972, 3.
136. Footnote 65.
137. Footnote 70.
138. Alan Kawadler, quoted, ibid.
139. Jervis, Footnote 49. See Footnote 70 for examples.
140. Rita Delfiner, "Ask Study of Term Paper Sales," The New York Post, January 15, 1972. See also Footnotes 4 and 22.
141. Stavisky, Footnote 1 (2), 457, is the source for the last sentence in the paragraph.
142. Footnote 140.

Dianne Kurkowski, "Secret Investigation of Termpaper Firms Disclosed," Seawanhaka, February 12, 1972. She emphasized this point elsewhere. Footnote 64.
143. "Faculty Senate Resolution," Footnote 39.
144. "Seeks to Bar Ghost-Written Term Papers," Sunday News, February 13, 1972, (Night Owl edition), 26.
145. Footnote 22, p.1.

For a summary of the case see College Law Bulletin, March-April, 1972, 85.
146. Footnote 22, p.1, paragraph 1.
147. Footnote 4.
148. Ibid., 6
149. Aronowitz, Footnote 42. Mentioned in ibid.
150. Footnote 97. See also letter from Pfeffer, Footnote 81.
151. Footnote 140.
152. Pfeffer, letter to Lefkowitz, Footnote 81.

Letter, Stephen Mindell to Arthur Pfeffer, January 24, 1972.

152. (cont.)

Pfeffer's letter, together with others, served as an exhibit. Footnote 4, p.6 (Exhibits "A6" and "A7").

153. John Jay College, Footnote 42, p.56, states in part that Professor Pfeffer and members of the English Division faculty wrote to Attorney General Lefkowitz. "In response, the Attorney General had proceeded against the operators of the aforementioned firm, and is moving for an injunction prohibiting its operation."

154. The failures in this respect applied to Saksnit herself, New York City Termpapers, Inc., Termpapers Unlimited of New York, Inc. and Termpapers Unlimited of New York. Footnote 22, p.1-2, paragraphs 1-6.

155. Ibid., pp. 2-3, paragraphs 7, 10, 11.

156. Footnote 4, pp.5-6.

157. Footnote 22, pp.7-9.

158. State of New York v. Kathleen Saksnit et als, "Order to Show Cause," Part II of the Supreme Court of the State of New York, February 10, 1972.

159. "Term Paper Factories Facing Curbs," The Washington Post, May 8, 1972, G4, G5; Hechinger, Footnote 58; Footnote 11.

160. Richard N. Grey, an attorney working at the Office of the General Counsel, The California State University and Colleges, indicated that "lawsuits have been initiated in New York and Ohio, although there may be some doubt as to their ultimate success." Memorandum to Norman L. Epstein, Vice Chancellor and General Counsel, entitled "Commercial Sale of Term Papers to Students-Questions and Answers," n.d. (c. April 11, 1972), 5, Question 14.

Concerning the effects of the New York suit against Termpapers, Inc., cf. the following statement: "The New York moves have spurred legal action in other states...California's State Colleges Chief Counsel Richard Grey has prepared legislation aimed at putting them [i.e., term paper mills] out of business."
"Crackdown on Fakes," Time, March 27, 1972.

161. Stephen Mindell, quoted by Philip Rosenberg, "Why Johnny Can't Flunk," Esquire, April, 1972

162. Kurkowski, Footnote 64.
163. Pfeffer, interview, Footnote 81. One of the professors testifying was Dr. Ira Bloomgarden, Assistant Professor and Chairman-English Division, Long Island University.
164. State of New York v. Kathleen Saksniit et als, Opinion of Justice Abraham J. Gellinoff, Part I of the Supreme Court of the State of New York, April 18, 1972, 4.
165. Ibid., 7-11
166. Seawanhaka stopped ads for Enjay Termpapers, worth \$48, and for New York City Termpapers. "We Concede," reprint of a letter sent to Enjay Termpapers, Inc., Seawanhaka, April 20, 1972.
- Mr. Robert Gorlach, editor of the newspaper noted specifically that "while there was pressure brought upon us by faculty, it was solely the 1972 court decision that prompted us to suspend publication of advertisements for the firms." Subsequent requests for ads were rejected in the order of \$150. Letter to the author, November 5, 1972.
167. For example:
- The Associated Press story appeared as "Term Paper 'Factory' Put Under Court Ban," in The Cincinnati Enquirer (Ohio), April 20, 1972
- The United Press International story was published as "Stop Writing Term Papers, Firm Ordered," in The Philadelphia Inquirer, April 19, 1972.
168. Stephen Mindell cited by Walter H. Waggoner, "Company Writing Papers for Students Enjoined," The New York Times, April 19, 1972, 42.
169. Paraphrased from ibid.
170. Footnote 43.
171. Joan Trexler and Laura Kent, "Commercial Theme-Writing Services," Higher Education Panel Survey #7, American Council on Education, June 15, 1972, 2. For the original source of Judge Gellinoff's quote, see Footnote 164, p.8.

172. "Term-Paper Mill Ordered Closed," n.d., 72H

"Judge Flunks Thesis Ghosts," The Daily News (New York), June 24, 1972 (Night Owl, One Star edition).

173. For example:

"Term-paper Firm is Closed, Fined \$10,000 by Judge," Courier Journal and Times (Ohio), June 25, 1972.

174. For example:

Stavisky, Footnote 1 (2), 458-459.

175. Linda Mathews, "Term Papers---Pondglers Are Under Attack," Los Angeles Times, January 11, 1975, 1.

176. Stephen J. Tractenberg, "What Happened to the Buffalo?" Chance, October, 1972

177. Jane Solodof, "Term Paper Ruling May Let Students Keep 'A's, Money," Long Island Press, June 24, 1972.

178. State of New York v. Kathleen Saksnit et al., Supreme Court of the State of New York, "Affidavit," by Harry Grossman, May 4, 1973. Grossman was the receiver appointed by the court "to take possession of the property and effects...of Termpapers, Inc. and the other companies." He found no property in the office besides a few odd pieces of old furniture and only one bank account with the Chemical Bank which "was overdrawn to the extent of \$54.49," paragraph 4.

Since there was no money to disburse, Judge Bellineff discharged Grossman from the receivership. Ibid. Court Order of May 16, 1973.

179. Footnote 177.

180. Assembly Bill 8651 was introduced on January 19, 1972, while the complaint against Termpapers, Inc. was filed February 10, 1972

181. Stavisky 1 (2), 459.

182. Footnote 39.

183. "Our Stand," ibid. Stavisky himself does not mention the actual source of his interest in the problem. Stavisky 1 (2), 459.

184. Footnote 143.

185. This pressure extended further to the courts and to the Seawanhaka staff. Gorlack, Footnote 166.

186. Assembly Bill 8651, January 19, 1972.

Leonard P. Stavisky, "An Invitation to Participate in a Conference on Ghost Written Dissertations, Theses and Term Papers...to be Convened at ...Hunter College...New York City, February 11, 1972..." n.d., mentions that "the bill is co-sponsored by 7 other legislators who serve on the Education Committee."

187. Assembly Bill 8651, ibid.

188. Leonard P. Stavisky, "An Act to Amend the Education Law in Relation to the Sale of Dissertations, Theses and Term Papers," memorandum, n.d. (c. February, 1972).

189. Stavisky, Footnote 1 (2), 460.

190. Stavisky, Footnote 166.

191. Delfiner, Footnote 42.

192. There is no agreement on the number of people who attended, as follows:

Stavisky himself invited representatives from 25 institutions. See Footnote 1 (2), 460

Elsewhere it is mentioned that 50 professors attended the meeting, in Footnote 33 and in Lorette Stogaard, "Termpaper Ghosting may be Outlawed," The Hunter Envoy, February 16, 1972, 3.

Finally, another writer states that "the conference... was attended by about 200 metropolitan area college faculty and students." Footnote 143.

193. Ibid., Footnote 33

194. Cf., "the conference elicited remarkable candor," Stavisky, Footnote 1 (2), 460 and "those present grappled with self-criticism and groped for solutions" ibid.

195. Ibid., Footnote 30.

196. Mr. Dave Mittelman, "a senior and vice president of the student government at Queens College," ibid.

197. Pfeffer, interview, Footnote 81.
198. Derval C. Walsh, "Assemblyman Moves to Outlaw Term Paper Firms in State," The Barnard Bulletin, February 17, 1972, 1, 6.
199. Reports by Robert Grey and Jacques Koppel were summarized. Footnote 135.

During the discussion, for example, a Queens College professor said that the \$250 fine was set so low as to be "meaningless." The majority agreed that punishment against term paper companies should be stricter. Ibid., 1.

200. Ibid., Footnote 135.
201. Stavisky, quoted, Footnote 143.
202. Ibid.

The Attorney General's investigation was announced January 15, 1972, Footnote 140. Assembly Bill 8651 was filed on January 19, 1972, Footnote 186. We infer, therefore, that Attorney General Lefkowitz' Office and Assemblyman Stavisky coordinated their activities. This is even more clear in the timing of later events: The court case was filed February 10, Footnote 22 and the Hunter College conference took place the following day, Stavisky, Footnote 186. There was a similar coordination in California between Chancellor Glenn S. Dumke and Assemblyman James Keysor. (Chapter 3, p.65).

203. Footnote 198.

Stavisky apparently requested copies of correspondence written by people supporting the bill. He made this request specifically in a later communication: Stavisky, memorandum to "Academic administrators, faculty and student government representatives," entitled "Legislation to prohibit the sale of dissertations, theses and term papers," n.d. (c. May, 1972), 2.

204. See Footnotes 143 and 198
205. Stavisky had in mind the upgrading of the bill before the conference, Footnote 135. At the meeting itself he received support for this proposal, to make the bill's violation a Class B misdemeanor. Stavisky, Footnote 203. This penalty included 90 days in jail as a potential sanction, Stavisky, Footnote 1 (2), 460.

205. (cont.)

The penalty did have some impact, for example, the New York University administration pointed out to their student newspaper editors that "besides being against University rules, cheating is a misdemeanor under the New York State Education Law." Footnote 111.

206. Footnote 143.

207. Kawadler also claimed that the bill would not pass unless "Monarch Notes, Cliff Notes" would be similarly outlawed. Quoted, Footnote 1 (5).

208. Attorney General Louis J. Lefkowitz, letter to Assemblyman Leonard P. Stavisky, quoted by Rita Delfiner, "Act to Bar the Theft of Tests," The New York Post, February 24, 1972.

209. Assembly Bill 8651 Amended lists 13 co-sponsors.

210. Leonard P. Stavisky, "Assembly 8651-A, An act to amend the education law, in relation to the sale of dissertations, theses and term papers" "A statement of legislative purpose," n.d. (c. April-May, 1972).

211. Section 5, Assembly Bill 8651 Amended.

212. Section 6, ibid. Originally the proposed penalty was simply a "violation," Footnote 135.

213. Stavisky, memorandum, Footnote 67. Elsewhere he describes that "with considerable backing from the academic community, the press and the Attorney-General, the legislation gained momentum." Moreover, "the author [i.e., Stavisky] has voluminous resolutions, letters and editorials to support the legislation." Stavisky, Footnote 1 (2), 460

214. Kurkowski, Footnote 64.

215. "According to a Stavisky spokesman," cited in ibid.

216. Stavisky, Footnote 203.

217. **Letter**, Arthur S. Pfeffer to Mr. Michael Whiteman, Counsel to the Governor, State Capitol, June 2, 1972. Pfeffer's colleague receiving the letter was Ira Bloomgarden.

218. Stavisky, Footnote 1 (2), 461.

219. Alfonso A. Narvaez, "Urban Development Curbs are Voted," The New York Times, April 13, 1972. The exact quotation is "The snail's pace of action in the Assembly, which considered only 31 bills on a calendar crowded with hundreds of measures..."
220. Stavisky, Footnote 1 (2), 461.
221. Ibid.
222. Footnote 71, "Nationals for Proposed Plagiarism Policy," 1.
223. Benjamin Furtt, chairman of the Committee on Student Standards of the College of Arts and Sciences, quoted by Ms. Janet L. Munkellanger, editor, News Bureau, Syracuse University, memorandum to the author, July 5, 1972.
224. Footnote 62.
225. Reiss, Footnote 13.
226. Footnote 17.
227. Mark Walsh, quoted, Footnote 177.
228. Mindell explained that the suit aimed against the company, because students testifying were granted immunity. Moreover, "the Attorney General's office felt that disciplinary action against the students was up to the colleges that accepted the fraudulent materials." "Term-Paper Mill Ordered Closed," Footnote 172.
229. Gorlach, Footnote 166 noted for Seawanhaka "we are still asked by various 'research firms' to run ads which appear to be ads for those 'fronts'."

Academic Research Library, 1341 Broadway, New York, New York, had a flyer with the title "Research Papers." This small flyer was obtained at Montclair State College (New Jersey) on March 20, 1974, by Ms. Fay Abramson.

I requested a catalogue from the company above, and received one in an envelope with the name and address of the firm in New York. The catalogue, however, said: "Research Assistance, Inc., National Headquarters, 11941 Wilshire Blvd., Los Angeles, California." Volume II, September 1973.

229. (cont.)

A catalogue for "our more than 2000 research aids" was advertised in a flyer of Nat'l Research Bank, 420 North Palm Dr., Beverly Hills, California. This flyer was inside a "student packet;" distributed by the College Store Service Bureau, National Association of College Stores, to Brooklyn College students, September, 1973. The flyer was obtained by Mr. Avi Kuperberg.

On September 15, 1973 I sent for this catalogue, and obtained a copy on October 19, 1973, entitled "Nat'l Research Bank," n.d.

Collegiate Research, 1720 Pontius Avenue, Los Angeles, California, advertised "Research Papers, thousands on file," in Scope (New York Institute of Technology, December 1, 1975, 2.

230. I infer this from a specific case: in March 1972, when there was considerable publicity concerning Assemblyman Stavisky's proposed legislation, more than half of students responding to a Long Island University poll "were not aware of the bill." Footnote 34.

231. Assembly Bill 8651 Amended aimed only at sellers of term papers, and at persons selling such assignments to businesses who marketed them. Sections 1 and 2.

These points are also specifically spelled out by Stavisky's memorandum, Footnote 67.

232. For example, a New York University student claimed that new legislation would not bother him, because "he could still get anything he wanted from fraternity files or off school bulletin boards." Footnote 70.

233. Footnote 25 (5).

234. Ibid., February 9, 1973, 5. This ad said in parenthesis "7 miles from N.Y."

Cf. a flyer for The Academic Research Group, Inc., 240 Park Avenue, Rutherford, New Jersey, which added at the bottom "We are just 10 minutes from the Lincoln Tunnel." Posted (together with other flyers for the company), at William Paterson College (New Jersey). I obtained this item personally, on February 25, 1974.

235. Footnote 1 (9).

236. "Term-Paper Sale is Banned," The New York Times, October 17, 1973, 39. The man was John Wagner, 127 Pacific Street.
237. The New York Times, November 12, 1973, 32.
238. Barbara Campbell, "State Cautions Colleges on Sale of Term Papers," The New York Times, March 18, 1974, 31.
- "Crack Down on Cheaters, New York Colleges Told," The Chronicle of Higher Education, March 25, 1974, 8.
239. Campbell, ibid.
240. Advertising continued, and Attorney General Lefkowitz warned that "anyone who has anything to do with selling the ad--whoever draws it up, peddles it to the papers, distributes leaflets, etc.- is guilty of conspiracy." There was "a definite possibility" that a student presenting a plagiarized paper could be "subject to prosecution." "The Term-paper Racket," Changing Education, 6:1 (Summer, 1974), 1.
241. Ads for New Jersey companies were printed in the Spectator (Columbia University) as of early 1975, according to Eric Reider, editor, quoted by Janet Fine, "Some Students Don't Use their Pens Anymore," The Press (New York), February 24, 1975, 5.

Ms. Irene Rayman, a student at the Graduate Center, City University of New York, informed me on April 19, 1975, that the previous week she saw an ad for a term paper company at the Queens College cafeteria.

Collegiate Research, Footnote 229

Fine, ibid., summarized her comments: "Despite a 1972 State law prohibiting the sale of term papers...in New York State, the practice is widespread, according to both students and professors."

242. For example, Seawanhaka stopped ads because of the 1972 court decision, Goriach, Footnote 166.

Columbia University and Colgate University adopted "very firm policies" on plagiarism and had announced them to students in special bulletins," according to Stephen Mindell, Assistant Attorney General, cited in "Crack Down on Cheaters, New York Colleges Told," Footnote 238. Nevertheless, these schools were the exception rather than the rule.

242. (cont.)

Finally, sanctions against term paper businesses provided legitimacy for the Attorney General's sporadic warnings and actions aimed to police the continuing and widespread sale of written assignments.

Footnotes: Chapter V

1. Board of Trustees of the Ohio State University v. Term Papers Unlimited of Columbus, et al, "Memorandum in Support of Motion for Temporary Injunction," Common Pleas Court of Franklin County, Ohio, No.72CV-03-1010, filed April 21, 1972, 2.
2. Gerald S. Lobosco, manager of Term Papers Unlimited of Columbus, said the company opened February 14, 1972. Cited by Charles Durfey, "Term Paper Firm Discloses Records," The Ohio State Lantern (hereafter referred to as Lantern), April 24, 1972.
3. The business' address was Box 1133, Youngstown, Ohio. This company was a division of Buyers Guide, managed by Stephen M. Stefanie, 69 Crumlin Avenue, Girard, Ohio. Footnote 1, "Summons," filed April 3, 1972.
4. William J. Halterman, Termpaper Research owner, letter to the editor entitled "Termpapers: Pros, Cons," Lantern, April 5, 1972, 4.
5. Gerald S. Lobosco, press release on February 14, 1972, cited in Footnote 1, 3.
6. Gerald S. Lobosco, cited by Carolyn Pocht, "Term Paper Firms Halted in OSU Sale," The Dispatch (Columbus, Ohio), April 21, 1972, 5A.
7. Charles Durfey, "Term Paper Company Closed; Two More Restraints Due," Lantern, March 30, 1972.
8. Footnote 1, "Complaint for Injunctive Relief," filed March 29, 1972, 2-3. The company was located at 1646 1/2 North High Street, Columbus, Ohio. It was managed by William Lowry, 1310 Hunter Avenue, Columbus, Ohio. Footnote 1, "Subpoena," April 14, 1972.
9. William Lowry, cited by Riley G. Rowe, "Colleges Offered Termpaper Services," Lantern, February 8, 1972.
10. Footnote 1, 1.
11. Personal interview with Dr. George P. Crepeau, Assistant Vice President for Curricula, Office of Academic Affairs, Ohio State University, August 11, 1972 (hereafter referred to as Crepeau).
12. Footnote 9.
13. William Lowry, interview on Channel 10 T.V. (Ohio), cited in Footnote 1.

14. Footnote 1.
15. Ibid.
16. Ibid.
17. "Are Term Papers Still Hard Work?," On Campus (Ohio State University), February 22, 1972, 2.
18. Footnote 9.
19. This refers to term papers purchased by OSU students only. Crepeau.
20. Ibid.
21. Footnote 2.
22. George Wm. Lias, Attorney for Termpapers Unlimited, introduced in the court record 130 order forms from students, which the company sold. This occurred April 21, 1972. Charles Durfey, "Departments to Get Term Paper Buyers' ID's," Lantern, May 1, 1972. A total of 86 from the assignments above were sold to 82 Ohio State University students. Crepeau. The other 44 were purchased by students from colleges in the area. For examples of the latter, see Durfey, ibid.
23. Crepeau.
24. Dr. Joseph Bensman, Graduate Center, City University of New York, helped me to develop this observation.
25. Footnote 1.
26. I.e., in contrast with Termpapers Unlimited, Footnote 22.
27. Jerry Lobosco, quoted by Philip DeManczuk, "Term Paper Sale Legality Studied," Lantern, March 10, 1972.
28. Ward Warren, Termpapers Unlimited owner with headquarters in Boston, wrote a memorandum with "standard answers for anyone connected with his company so that they may answer the reporters." According to information in a file jacket leftover (together with many other files) after the company vacated their premises at 295 Huntington Avenue, Boston. A private investigator gathered this information for Hale and Dorr, Boston University's attorneys, on November 21, 1972. Report, n.d., 6.

28. (cont.)

Interestingly, Warren wanted to get free publicity from the mass media: he directed his company's personnel to write letters to the editor whenever possible or to stir up controversy. Moreover, he suggested that they call up magazines to complain about term paper companies and suggest that they could make an expose. Warren also encouraged interviews, because "since our business is legal by law we can turn the interview into our favor and get publicity." Report, ibid., 5-6. The quotation is in 6.

29. Footnote 1.

30. Robert G. Hughes, "Termpapers," letter to the editor, Lantern, April 12, 1972, 4.

31. Jerome E. Friedman, "Solidarity," letter to the editor, Lantern, May 19, 1972, 4.

32. Donald Good, coordinator of freshman English, quoted in "University Backs Day to Counteract Term Paper Services," On Campus (Ohio State University), February 22, 1972, 2.

33. Albert Oldenquist, Professor of Philosophy, cited in Footnote 27. Perhaps he was interviewed at the same time as Lowry, on February 14. Footnote 13.

34. The Department of History motion was introduced by Professor Andreas Kerpelin and was specifically directed to the Administration, as follows:

That the chairman be authorized to express to the appropriate officers of the Administration the Department's great concern about the operations of the various term paper services and their advertisements in the Lantern and also convey to said officers the Department's hope that every possible step be taken to stop their activities. (The motion passed February 15) Footnote 42.

35. The Department of Philosophy resolution was drawn up on March 8. It stated in part

"We deplore the appearance in the campus community of persons who offer class papers for sale," and "We support the University in every legal and fair effort to stop the sale of class papers to students." Footnote 27.

36. Footnote 9.
37. Although Easy Writer opened in the Fall term of 1971, university administrators did not begin any moves against the company until sometime after the Lantern printed its first story about them (Footnote 9). Moreover, this newspaper featured about two dozen stories about the writing firms, while the main newspapers of Columbus or elsewhere carried only a few.
38. Faculty Handbook, Office of Public Relations, Ohio State University, 1969, 59.
39. Ohio State University Poll, Behavioral Sciences Laboratory of the College of Social and Behavioral Sciences, 1972.
40. For the story opening the "scandal," see Footnote 9. See also "Education and Milk," editorial, Lantern, February 9, 1972.
41. Footnote 9.
42. "Cheating," editorial, Lantern, April 3, 1972.
43. Footnote 17.
44. Charles Denton, "Term Paper Sales Blasted," Citizen-Journal (Columbus), March 17, 1972.
45. "Term Papers to a Degree," The Dispatch (Columbus), April 2, 1972, 16A.
46. "Fired Pens," editorial, Dayton Daily News, March 13, 1972.
47. Kenneth L. Lader, Dean of Students, quoted in Footnote 9.
48. Albert J. Kuhn, Provost and Vice President for Academic Affairs, first became aware of the problem upon receiving a February 17, 1972 letter of complaint from the Department of History. Cited in Footnote 27.

The Department of English contacted Dr. Kuhn probably in March. Footnote 39.
49. Albert J. Kuhn, "Term Paper Writing Businesses," memorandum to the University Faculty, Ohio State University, March 15, 1972.

49. (cont.)

A press release was made concerning this memorandum, by the Ohio State University News Services, March 16, 1976.

50. William B. Shook, Chairman, Committee on Academic Misconduct, "No Place for Cheating," letter to the editor, Lantern, March 8, 1972.
51. Footnote 42. The only complaint was received from William Taylor, Department of Chemistry. If Ferdi would have received "15 or 20" complaints he would have considered this a "definite opposition" to the research firms. Ferdi, cited by Jim Konkoly, "'Ghost Writing' Investigated," Lantern, February 29, 1972.
52. The editors of the Lantern decided to cancel advertisement for the companies before the injunction against the three local companies was served. "Editor's note" following letter, Footnote 4.
53. Footnote 4.
54. Crepeau.
55. Albert Kuhn, cited in Footnote 42.
56. Footnote 41.
57. Albert Kuhn, cited in "Kuhn Attacks Plagiarism," Lantern, March 28, 1972. See Kuhn's letter, Footnote 49.
58. Footnote 8.
59. Ibid., 4-5.
60. Footnote 1, "Affidavit in Support of Motion for Temporary Restraining Order," filed March 29, 1973, 1-3. The advertisement included as Exhibit A was for Termpapers Unlimited, Lantern, March 9, 1972, 8.
61. "Term Paper 'Factory' is Banned," The Cincinnati Enquirer, March 30, 1972. This was a UPI story.

The "Motion for Preliminary Injunction," was submitted in the name of William J. Brown, Attorney General of Ohio, by Jacob E. Davis II and Duke W. Thomas; members of Vorys, Sater, Seymour and Pease, Attorneys for Plaintiff. Footnote 1.
62. Ibid.

63. Footnote 1, "Motion for Temporary Restraining Order Without Notice," filed March 29, 1972, 1-2.

64. Footnote 1, "Instructions for Service" to the Sheriff of Franklin County, upon Term Papers Unlimited and Gerald S. Lobosco, filed March 29, 1972.

Ibid., upon William Lowry, Easy Writer.

Ibid., to the Sheriff of Mahoning County, upon Educational Term Paper Research, Youngstown, Ohio.

Ibid., to the Sheriff of Trumbull County, upon Educational Term Paper Research by serving Stephen M. Stefanie, Girard, Ohio, filed April 3, 1972.

65. Apparently something went wrong in the expected legal process, since the restraining order was requested "without notice" to the defendants. Nevertheless, George Greider, an employee of Term Papers Unlimited, said that "prior to the raid by Franklin County Sheriff's deputies, WBSZ-TV and United Press International (UPI) called the company and told them about the restraining order." As the deputies arrived "a flock of newsmen were waiting." Footnote 7.

66. Seized material was supposed to be locked up initially until the day of the hearing. Footnote 7. However, they were still locked up when I requested to see them, in August, 1972.

67. Footnote 65.

68. Footnote 7.

69. Bruce Campbell, attorney for Gerald Lobosco could not be available for the latter's deposition on April 8, 1972. Moreover, neither William Lowry nor Educational Term Papers Research, had been located as of April 7, 1972. Footnote 1, "Motion for Continuance of Temporary Restraining Order and for Reassignment of Hearing on Preliminary Injunction," and "Memorandum in Support of Motion," filed April 7, 1972.

Judge George B. Marshall granted the request, Footnote 1, "Entry," filed April 7, 1972.

70. Footnote 3 and Footnote 64.

A Subpoena was issued against William Lowry on April 11, 1972, Footnote 3.

71. Footnote 1, "Motion" and "Memorandum" of defendant Gerald S. Lobosco, filed April 17, 1972. The New York Times case is cited in the "Memorandum," 8-10 (passim).
72. Footnote 1, "Motion" and "Memorandum" of defendant William Lowry, filed April 18, 1972.
73. Ibid.
74. "Entry," Footnote 69.
75. The hearing began at 3:30 A.M. It was scheduled to take only one hour, but lasted a day and a half. Footnote 6 and "OSW Term Paper Buyers Imperiled," Citizen-Journal (Columbus), April 21, 1972.
76. Albert Kuhn, cited in ibid.
77. Footnote 6.
78. Lowry, cited in ibid.
79. This was done through Lobosco's attorney, Durfey, Footnote 22.
80. Footnote 6.
81. Footnote 2.
82. Footnote 1, "Memorandum Contra Motion to Vacate, Terminate or Dissolve Temporary Restraining Order," filed April 21, 1972, 1-6 (passim). The quotation is in 5.
83. Footnote 1, passim.
84. Ibid., "Preliminary Injunction," filed April 25, 1972.
85. Ibid., "Answer of Gerald S. Lobosco, Party-Defendant," filed April 27, 1972.
86. George Wm. Lias, letter to Duke W. Thomas, April 25, 1972. The letter was entered in the court record on the same day.
87. Footnote 1, "Motion," filed June 19, 1972.
88. Jacob E. Davis, II, special counsel to the Attorney General, and Albert Kuhn, quoted by Charles Durfey, "Term Paper Clients Could Be Punished," Lantern, March 31, 1972.

89. George P. Crepeau, cited in James H. Wigton, "Behind the Headlines," Lantern, April 5, 1972, 4.
90. Footnote 22.
91. At the hearing Kuhn refused to give the names of some students who had admitted to him to have purchased term papers. Objecting to the defense's motion that Dr. Kuhn identify the students, the Ohio State University counselor told him "'you're trying to force the university to crucify a student who cheated.'" Footnote 75. Nevertheless, Kuhn added that "he had made no promises and that students committing plagiarism might face disciplinary action." Footnote 6.
92. Albert J. Kuhn, memorandum to the University Faculty, April 22, 1972.
93. Ibid.
Kuhn's remarks were enlarged in a later interview, "Students May Face Disciplinary Action," Lantern, April 24, 1972. By this time about a dozen students had turned in and admitted plagiarizing, Kuhn, ibid.
94. Footnote 92.
95. Students still had right to appeal a conviction to Dr. Kuhn and finally to President Novice G. Fawcett. Footnote 93.
96. "Profs Tell Students of Rights," Lantern, May 5, 1972.
97. Personal interview with Dr. Ronald L. Harper, Administrative Assistant, Office of Academic Affairs, and Coordinator of the University Committee on Academic Misconduct, August 9, 1972 (referred to as Harper).
98. "Students May Face Disciplinary Action," Footnote 93.
99. This took place May 1, 1972. Footnote 22.
Jacob E. Davis II, of the Attorney General's Office sought to obtain Easy Writer's records, cited by James H. Wigton, "Behind the Headlines," Lantern, April 26, 1972. Apparently they were not found, as there is no further mention about them.
100. Albert Kuhn, quoted in ibid.

101. Albert Kuhn and George P. Crepeau, quoted in ibid.
102. "Broken Trust," editorial, Lantern, May 3, 1972, 4.
103. Footnote 100.
104. William Shook, Chairman of the Committee on Academic Misconduct, cited by Charles Durfey, "Behind the Headlines," Lantern, July 31, 1972.
105. Crepeau.
106. Footnote 104.
107. Durfey, ibid.
108. No specific changes were mentioned either by Durfey, ibid., or by Dr. Harper when I interviewed him.

At Ohio University (different from Ohio State University), there were some suggestions to modify the Freeman handbook to indicate clearly opposition to plagiarism. Nonetheless, Taylor Culbert, Vice President and Dean of Faculties, felt that "Solutions to the plagiarism problem are rather intangible. 'The only cure is a sense of honesty and pride on the part of students'" cited by Margaret Channel, "Plagiarism Policy Considered; Committee Foresees Potential Problems," Ohio University-Post, May 30, 1972, 3.

109. This phrase was suggested by Dr. Norman Storer, Graduate Center, City University of New York, 1973.
110. Footnote 34.

Footnotes: Chapter VI

1. "Dave Martin," "Termpaper Companies Work, Write in a Variety of Styles," The Harvard Crimson, August 4, 1972, 3.

The owner of the company, "Bill Carmody" noted "'before us... nobody dared make a business of it... i.e., term paper companies'" quoted in Ellen Goodman, "Term Papers: Big Business in Boston," The Boston Globe, March 20, 1971, 10.

The company was located at 980 Main Street, Waltham, Mass., Goodman, ibid., near Brandeis University.

2. Goodman, ibid.
3. Board of Trustees of the University of Massachusetts v. International Term Papers, Inc., et al., "Bill of Complaint for Declaratory and Injunctive Relief," Commonwealth of Massachusetts, Suffolk, Superior Court No.96268 (1972), p.4, paragraph 7. See also p.7-8, paragraphs 14-16 for a fuller description of the company.
4. Rick Leo, "Papers for Sale" The Harvard Independent, February 25-March 3, 1971, 12.
5. Goodman, footnote 1, p.10.
6. Footnote 3, p.4, paragraph 7.
7. Leo, 12.
8. Goodman, 10.
9. This is an important point. Cf. "Martin," 3 "we are incredible liars about the size of our own companies."
10. Goodman, 10.
11. Ibid., also Leo, 12.
12. Goodman, 10.
13. Leo, 1.
14. Ibid., 12. For example, International Termpapers advertised extensively in the Phoenix (Boston). See Phoenix, February 24, 1971, 38 and May 11, 1971, 30. This information is mentioned in a memorandum from Bronslow M. Speer to Robert I. Hunneman, May 14, 1971.
15. Leo, 12.

16. Goodman, 10.
17. A main reason for this, according to "Martin" was the inaccessible location of International Termpapers in Waltham, Mass. Moreover, the owner refused to leave the location because the building was owned by his father, "Martin," 3. This explanation could account for the decline of term paper sales in Massachusetts, but not for out-of-state business.
18. Leo, 1.
19. Footnote 3, p.5, paragraph 9. See also pp.7-8, paragraphs 14-16.
20. Leo, 1.
21. Goodman, 10.
22. Leo, 12.
23. Termpapers Unlimited was "once by far the biggest." "Martin," 3 estimated in August 1972 that the company was by then second in sales to "Write On Termpapers of the midwest." "Martin" offered several reasons for the decline of Termpapers Unlimited: state prosecutions, term paper files not given to branch offices (making sales a slower process); branches were badly managed; most profits went to Boston headquarters; and, finally, Ward Warren's pronouncements and publicity which invited prosecution.
24. Ibid.
25. In November 10, 1972 Ward Warren met with the attorneys for Boston University, but "he refused to produce any business records and refused to reveal the location of such records except to state that they were somewhere in New Hampshire." Trustees of Boston University v. Champion Research Corporation et als, Commonwealth of Massachusetts, Suffolk, Superior Court No.96114 (1972) "Petition for Contempt," 3.
26. Footnote 3, pp.5-6, paragraph 10. See also pp.7-8, paragraphs 14-16.
27. Goodman, 10.
28. Goodman, 10 described the company in a March 20, 1971 article. Martin, 3 said that he opened on April 1, 1971.

29. Goodman, 10.
30. Kamen's salary went up to \$675 the following week, due to the publicity of the first Goodman article, Ellen Goodman, "Term Papers Still Hot Item," The Boston Globe, March 27, 1971, 7.
31. "Martin," 3.
32. Goodman, footnote 1, p.10.
33. He gave several examples to this effect, "Martin," "A Seller of Term Papers Looks at Colleges, Himself," The Boston Globe, February 21, 1972, 20.
34. "Martin," footnote 1, p.3.
35. Ibid. This was indicated in a picture caption, but not in the text itself.
36. Footnote 3, p.6, paragraph 11. See also pp.7-8, paragraphs 14-16.
37. Goodman, footnote 1, p.10 indicated that International Termpapers and Termpapers Unlimited were the main companies. She also indicated that "there are a number of smaller...operations," including Quality Bullshit and Champion Termpapers (then called Universal Term Papers as examples.
38. "Martin," footnote 1, p.3.
39. Goodman, footnote 1, p.10.
40. Speer, footnote 14, pp.2-3.
41. Ibid. By May 1971, date when the memorandum was written, the suspicion was that perhaps college teachers were involved as writers. In reality Mr. B's anonymity was due to the fact that he was graduate student at Northeastern University. Robert H. Ketchum memorandum to the Committee of the Graduate School of Arts and Sciences, Northeastern University, Minutes of Special Meeting held June 7, 1971.
42. Speer, footnote 14, p.3.
43. 1. Institute of Academic Research, 900 Massachusetts Avenue, Cambridge, Mass. Began operating with an ad in Phoenix, May 11, 1971. Ibid. This company seems

43. (cont.) the same as the one run by Barry Levine and Sheryl Resnick, variously known as Termpapers Anonymous, Write-On Termpapers Co., and Academic Research Group. See footnote 3, p.6, paragraph 12. See also pp.7-8, paragraphs 14-16.
2. Another company which opened later, at least by October 1972, was Alan Kowadler's Minute Research. See footnote 3, p.7, paragraph 13. See also pp. 7-8, paragraphs 14-16.
44. Leo, op. cit.
45. Ibid., 12.
46. Ibid.
47. Personal interview with Mr. Daniel Steiner at Harvard University, September 6, 1973 (hereafter referred to as Steiner).
48. Letter, Charles Epps to Daniel Steiner, March 15, 1971.
49. Although Dean Epps was interviewed for the Goodman article of March 20, apparently he did not mention this fact to the reporter. See Goodman, footnote 1. A week later Goodman did report that a letter had been sent to the General Counsel. See Goodman, footnote 30, p.7.
50. Personal interview with Mr. Phillip Burling at the offices of Foley, Hoag and Eliot; Boston, August 22, 1973 (hereafter referred to as Burling). Burling may be referring to the Leo article (see footnote 4) appearing in The Harvard Independent rather than an article in The Harvard Crimson.
52. The Wall Street Journal, March 18, 1971, 1. No major Boston newspapers or college newspapers in the eight main universities had stories previous to the Goodman article. The exceptions are the article mentioned here and an article by Leo (see footnote 4).
51. Goodman, footnote 1. Dean Gilbert MacDonald explicitly mentioned: "the magnitude of the problem first became public knowledge in March of 1971 because of an expose written in The Boston Globe by...Ellen Goodman." Letter to Byron Yaffe, Cornell University, November 3, 1971, 1.
53. Goodman, footnote 1, p.10.
54. Ibid.

55. Personal Interview with Gilbert G. MacDonald, Vice President for Student Affairs at Northeastern University, July 27, 1973 and August 2, 1973 (hereafter both interviews referred to as MacDonald).
56. Goodman, footnote 1, p.10.
57. Letter, Robert W. Halling to Asa S. Knowles, March 21, 1971.
58. Goodman, footnote 30, p.7.
59. Ibid., pp.1, 7.
60. Personal Interview with Dr. Edwin Penn, Assistant to the President of Boston University (Dr. John R. Silber), August 13, 1973 (hereafter referred to as Penn).
61. Goodman, footnote 30. The secretary is quoted on p.7.
62. Robert Minton, "The Term Paper Caper," March 29, 1971.
63. According to Richard Underwood, Director, Publications Office of Boston University (1973 interview).

Also a note from Minton (footnote 62) was attached to President Silber's copy of the report asking that the report should not be circulated.
64. Minton.
65. William J. Bowers, "Student Dishonesty and Its Control in College," Bureau of Applied Social Research, Columbia University, December 1964, pp.193-194: More than three times as many students cheated as deans estimated.
66. Comments were handwritten either by Dr. Penn or President Silber, in a copy of Minton's report (see footnote 62).
67. Goodman, footnote 30, p.7.
68. Ibid.
69. Al Larkin, "BU Files Suit to Halt Sales of Term Papers," The Boston Globe, October 20, 1972, p.1.
70. Anonymous letter to the editor, "Term Paper Sales," The Boston Globe, April 3, 1971.

71. MacDonald. See also letter, MacDonald to Byron Yaffe, Cornell University, November 3, 1971.
72. Memorandum, Billie Nash to Steve Trachtenberg, Boston University, April 8, 1971.
73. Memorandum, Dean Stephen Trachtenberg to President John Silber et als, April 12, 1971.
74. Memorandum, R.S. Dreben to Robert Hunneman, April 30, 1971, 2.
75. Memorandum, Dean Gilbert MacDonald to Dean Paul Staske, Babson College; et als, May 13, 1971.
76. Ibid.
77. MacDonald to Yaffe, footnote 72.
78. Nash to Trachtenberg, footnote 73.
79. Handwritten notation in ibid.
80. "Term-Paper Hustlers," Time, April 19, 1971, 67.
81. Handwritten note in the files of Vice President MacDonald, April 20 1971.
82. Hunneman.
83. Ibid., See memorandum, footnote 14. Hunneman's associate, R.S. Dreben made another memorandum on April 30, 1971. Also William Frado Jr. investigated the "possibility of proceeding against professional term paper writing businesses, either civilly or criminally," on May 3, 1971.
84. Hunneman.
85. Ellen Goodman, "Area Colleges Join to Combat Rising Traffic in Term Papers," The Boston Globe, May 9, 1971, 1
86. Ibid., 24.
87. Hunneman.
88. Vice President MacDonald, quoted in Helen E. Sullivan, "The Story Behind the Big Term Paper Row," (Scope) Sunday Herald Traveller, June 6, 1971, 6.

69. Memorandum, Bronslew M. Speer to Robert I. Hunneman, May 11, 1971 describing location and phone conversation of David A. Kamen, president of Champion Termpapers
90. Ibid., May 21, 1971 describing conversation with "Bill Carmody" owner of International Termpapers
91. Ibid., May 27, 1971 describing conference with John P. Fadden, Jr. counsel for Quality Bullshit. Also present were Richard Mari and Robert Roth, proprietors.
92. Letter, Robert Hunneman to Vice President MacDonald, June 3, 1971, describing Hunneman's interview with R., operator of Termpapers Research.
93. Memorandum, Bronslew M. Speer to Robert I. Hunneman, June 18, 1971.
94. Hunneman. It seems that the conference occurred in July 1971 because of the context of the interview. Also the name of Dr. Taylor appears handwritten in the memorandum of footnote 93.
95. Hunneman.
96. Letter, L. Harrison Thayer II to Dean Stephen J. Trachtenberg, July 23, 1971. No action was undertaken by Governor Sargent until 1973, according to my own research, when he signed House bill 6538-amended into law.
97. Hunneman, Penn.
98. Thayer, footnote 96.
99. Hunneman, footnote 88.
100. Sullivan, footnote 88.
101. Mari, footnote 86.
102. Trachtenberg, footnote 85, p.24.
103. Hunneman.
104. Personal Interview with Nicole Epps, Dean of Students, at Harvard University, September 5, 1973 (hereafter referred to as Epps).

105. Leo, footnote 4; Goodman, footnotes 1 and 30.
106. Footnote 80.
107. For example, in Gene I. Maeroff, "Market in Term Papers is Booming," The New York Times, July 10, 1971, 25 and in Amanda Harris "School Term papers Available to Students from Companies-for a Price," American Advertiser (Boston) September 26, 1971.
108. Epps.
109. Anonymous letter to Dean Epps, May 27, 1971.
110. Letter, Roger L. Winters, Assistant Senior Tutor at Harvard College, to Dean Epps, May 10, 1971.
111. Ibid.
112. Ibid., July 8, 1971.
113. Footnote 110.
114. Ibid.
115. Dean Epps did not mention his name in our interview, nor there was any publicity whatsoever concerning Professor Winter's endeavors.
116. Footnote 112.
117. U.S. Senator Vance Hartke to Roger L. Winters, June 30, 1971.
- Letter, Martin Mayes Bureau of Higher Education, H.E.W., to Senator Vance Hartke, n.d. [either May or June, 1971].
118. Hartke, ibid.
- Letter, Thomas E. Kauper, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice, to Senator Vance Hartke, June 8, 1971.
119. Hartke, ibid.
120. Mayes, footnote 117.
121. Kauper, footnote 118.

122. For example, Leo, footnote 4, pp.1 and 12 indicated that International Termpapers and Termpapers Unlimited "cater to a quite literal nation-wide market."
123. Footnote 112.
124. Ibid.
125. Letter, Archie C. Epps to Roger L. Winters, July 12, 1971.
126. Letter, Richard D. Gilliam, Gilliam and Moore, Owensboro, Kentucky, to Archie C. Epps, July 21, 1971. For the article see footnote 107.
127. Ibid.
128. The U.S. Senator referred to was Senator Cooper. Letter, Richard D. Gilliam, to U.S. Senator Marlow W. Cook, July 21, 1971.
129. Ibid.
130. Gilliam, footnote 126.
131. Letter, Archie C. Epps to Richard D. Gilliam, July 30, 1971.
132. United States of America v. International Term Papers Inc., et al, United States District Court (Boston), Docket No. 3225-M, filed October 20, 1972.
133. Personal interview with Mr. Frederick Kellog, former Assistant to the United States Attorney (Massachusetts); in Washington, D.C., April 9, 1975 (hereafter referred to as Kellog).
134. Epps.
135. Ibid.
136. Maeroff, footnote 107, p.27.
137. The case referred to was Philadelphia Record Co. v. Leopold, 40 Fed. Suppl. 346.

Also Robert I. Hunneman sent Ropes and Gray a letter on July 15, 1971. They replied on July 16, 1971. The information in this footnote comes from Hunneman.
138. Footnote 73.

139. Footnote 97.
140. Ibid.
141. Personal interview with Mr. Alvin Brody, Research and Appellate Division, Office of the District Attorney for Suffolk County (Boston), August , 1974; and telephone conversation, August 8, 1974 (hereafter both will be referred to as Brody).
142. Brody.
143. Footnote 73.
144. Hunneman.
145. Brody.
146. Hunneman.
147. Brody.
148. Hunneman.
149. Brody.
150. Ibid., although Brody did not recall Hunneman's name it is quite clear that it was Hunneman who was in touch with him.
151. Hunneman.
152. Ibid.
153. Brody.
154. "Relation of University to State," memorandum, no name, n. d., attached to draft of legislation (handwritten) (the legislation is in Appendix). Both documents were sent to me by Annmarie Adduci, Secretary to Mr. Alvin Brody (See footnote 141), August 13, 1974.
155. Handwritten notes, no name, n.d., ibid.
156. Copy of Brody's first legislative draft with inserted modifications. Sent to me by Adduci (See footnote 154).
157. Hunneman.

158. It is not clear which draft he received, although my guess it is that he obtained the second draft (See footnote 156).

159. Hunneman.

160. This claim was made by "Bill Carmody" of International Termpapers (See Goodman, footnote 1, p.10).

The same claim was made by Ward Warren of Termpapers Unlimited. See "Harvard Challenges Termpaper Firms," The Harvard Crimson, May 11, 1971, 1.

Carmody of International Termpapers had the policy of stamping "each page of every paper...with a heavy blue stamp which reads 'International Termpapers.'" (See footnote 90B).

161. Hunneman.

162. Footnote 72.

163. Footnote 73.

164. Handwritten notation in ibid.

165. Penn.

166. Telephone interview with Stanley S. Gawlinski, Detective, District Attorney's Office, Suffolk District (Boston), August , 1974 (hereafter referred to as Gawlinski).

167. Dr. Penn's complaint is the only one in the files of the Detective Division of the District Attorney's Office. This information was provided by a Detective at that Office to me, August , 1974. The case number was 002187.

168. Gawlinski.

169. Ibid.

170. Ibid. The superior was Mr. Burns.

171. Memorandum, Stanley S. Gawlinski, describing an interview with Alvin Brody (See footnote 141) conducted "about June 15, 1971." The memorandum has n.d. It was attached to letter, Gawlinski to Dr. Edwin Penn, Boston University, August 13, 1971.

172. Memorandum, Gawlinski, ibid.
173. Draft of legislation, Alvin Brody, attached to ibid.
174. Brody.
175. Gawlinski.
176. Gawlinski to Penn, footnote 17'. Also ibid.
177. Penn.
178. Gawlinski. The letter referred to is mentioned in footnote 171.
179. Ibid.
180. Brody.
181. Gawlinski.
182. Ibid.
183. Penn.
184. Ibid.
185. Footnote 96.
186. Draft of legislation, n.d., found in the files of Hale and Corr. This draft is different from Brody's drafts, which leads me to believe that it is the Attorney General's revisions of Brody's draft. A discrepancy could be that Thayer mentions a fine of \$25 (See ibid.) while the draft itself has a fine of \$25 for the first offense, but \$250 for subsequent offenses. (See Appendix 4). I found the draft in the course of my research in 1974.
187. Footnote 91. Hunsman had similar thoughts about Brody's draft.
188. Footnote 96.
189. Memorandum, John A. Silver to St.phen Leuchtenberg, July 21, 1971.
190. Memorandum, Stephen S. Leuchtenberg to John Silber, July 22, 1971.

191. Handwritten note, scribbled over, in ibid.
192. Footnote 96.
193. Ibid.
194. Memorandum, John R. Silber to Stephen Trachtenberg, August 4, 1972.
195. Memorandum, John R. Silber to Edwin Penn, August 4, 1971.
196. Memorandum, Stephen J. Trachtenberg to John Silber, August 12, 1971.
197. Lloyd Shearer, "How Two Brothers Served It Right," New York Sunday Globe - Parade Section, August 29, 1971.
198. Hummel thought that a case could be made against the companies on the ground that they interfered in the relationship between student and college. Dean Epps said that Harvard was "definitely 'considering going to court.'" Hummel, nevertheless, felt that "some of the colleges are not eager to go to court." Indeed, nothing came concretely from any of these hopes. Hummel and Epps are quoted in Haris, footnote 107.
199. Penn.
200. Letter, R.E. Clark (Secretary to Dean Epps) to Gail McFall n, (Duquesne University, Pa.) October 1, 1971.
201. Ellen Goodman, "Term Paper Market Flourishing," New York Times, December 16, 1971, 47.
202. For example, footnote 201. Also the Los Angeles Times carried an untitled story from the Reuters news service on December 14, 1971. In this article "Bill Carnody," president of International Termpapers, and Ward Keenan, president of Termpapers Unlimited, are quoted expressing their optimistic business outlook, success, and expansion to branches of the companies in Canada.
203. Footnote 201.
204. Letter, Mary A. Monaghan to President John R. Silber, December 31, 1971.
205. Footnote 25.
206. Footnote 201.

207. Ibid.
208. The word "yes" was handwritten in front of the paragraph requesting this approval, in ibid.
209. Burling.
210. For example, Walter R. Waggoner, "State Acts to Outlaw Companies Selling Theses," The New York Times, February 11, 1972, 46.
211. The article ibid. was in the files of Hale and Dorr, with a note from Dean Tractenberg to Harrison Thayer.
212. Letter, Robert H. Ketchum to Attorney General Robert Quinn, February 14, 1972. The article enclosed was the same as mentioned in ibid.
213. Ellen Goodman, "For Sale: Stolen Harvard Term Paper," The Boston Globe, February 11, 1972.
214. Lansing R. Shepard, "War on Term-Paper Racket," Christian Science Monitor, February 12, 1972, p.2.
215. Letter, Dean Archie Epps to Dean Richard L. Judd, Central Connecticut State College, February 15, 1972.
216. Ibid. Also letter, Dean Archie Epps to Assistant Ombudsman Linda C. Keens, University of Pennsylvania, February 15, 1972.
217. There was agreement on the date of this conference, and the fact that it was held, among several participants. For example, telephone conversation with Henry P. Monaghan, School of Law, Boston University, October 31, 1973.
218. Memorandum, Robert L. Hunneman to President Asa S. Knowles, Northeastern University, n.d., attached to letter from the same, April 24, 1972.
219. Ibid. Two tentative conclusions had been reached by April 1972: 1. The Attorney General would file legislation and 2. "counsel for the various colleges would institute legal proceedings seeking injunctions." Ibid.

The first meeting on February 15, 1972 had been on the planning stages for several weeks. Steiner, quoted by Mark C. Frazier, "Local Colleges Discuss Joint Termpaper Action," The Harvard Crimson, February 16, 1972, 4.

220. Burling.

221. Ibid. For example, Burling mentioned that he did not know what the president of his school was doing (Reverend Donald Lonan). He also said that President Derek C. Bok "was around," although not talking directly to anyone. ibid.

222. Steiner.

223. Personal interview with Dr. Stephen J. Trachtenberg, Dean of University Affairs at Boston University (as of 1972), August 21, 1973 (hereafter referred to as Trachtenberg).

224. Personal interview with William Searson III, Counsel for University of Massachusetts, Boston, August 22, 1973 (hereafter referred to as Searson).

225. There was agreement on this manner of discussing (and thus setting policy changes) things among several persons interviewed: Trachtenberg, Searson, Burling, Steiner. Steiner added that many things were done orally. The point concerning telephone conversations was also included in a personal interview with Mr. Lawrence Lynch, Assistant to the Attorney General, September 6, 1973.

226. For example, Dean Trachtenberg discussed term paper legislation (among other topics) while having dinner with Education Secretary Joseph Crenin. Letter, Stephen J. Trachtenberg to Gordon Walker, member of Yale Law School, Boston, Mass., October 31, 1972. Also Trachtenberg

227. Burling. See also

Sherry Thomas "Universities Probe Newspaper Business," The Mass Media (University of Massachusetts, Boston) February 22, 1972, 3.

228. Burling mentions a period of exposure of term paper companies to the public of around one year. The round of formal meetings began on February 15, 1972 which was about one year after the Goodman article (footnote 1) opened the "scandal".
229. Thomas, footnote 227.
230. This and the next paragraph are from Burling.
231. Memorandum, Edwin Penn to John Silber, October 7, 1971.
232. Burling.
233. Harrison L. Thayer et al, Hale and Dorr, put the most hours in the case during the period February-April 1972. "Service Ledger" in the files of Hale and Dorr, p.1 (March 31, 1972) and p.2 (May 9, 1972).
234. Burling.
235. Steiner.
236. Ibid.
237. Letter, Daniel Steiner, General Counsel, Harvard University to the writer, September 7, 1973.
238. Letter, Robert I. Lunneman to President Asa S. Knowles, Northeastern University, March 22, 1972. Lunneman stated in this letter that Boston University's attorneys had agreed tentatively to file for an injunction on April 10, 1972. Thayer and attorneys for other universities would meet on this date at the Clerk's office of the Superior Court "while it was not stated specifically, it was expected that each of us meaning the universities involved in the meetings would have a petition more or less similar to Boston University's petition, and that we would all file them at the same time."

238. (cont.)

In the files of Hale and Dorr there is a petition draft with a handwritten notation that it was to be filed on April 10, 1972. In addition it is indicated: "Eob [Lunnenen] / will join. All file separate petitions." "...Other universities file at same time. (r[take a court] leave to intervene at same time." (Draft) "Bill for Declaratory Judgment," Trustees of Boston University vs. International Newspapers, Inc., et als, Suffolk Superior Court, Commonwealth of Massachusetts.

Lunnenen mentioned specifically that all the universities were going to file bills in court and "then all fell through." Lunnenen.

239. Untitled "bill in equity for an injunction," Trustees of Boston University, President and Fellows of Harvard College, Northeastern University, and the University of Massachusetts vs. David Martin [Champion Newspapers] et als, n.d. (probably February or March, 1972).

Mr. Jerry Facher, member of Hale and Dorr (who was taking an active part in the case together with Harrison Thayer), felt that filing a joint suit "would be inefficient, wasteful and cause serious delays." Memorandum, Jerry Facher to Harrison Thayer, March 14, 1972. Consequently this approach was not pursued.

240. Burling. The next two paragraphs also come from Burling.

241. Ibid.

242. Personal interview jointly with Walter L. Milne, Special Assistant to the President for Urban Relations; and with Dr. Louis Leland, III, Assistant to the Provost, Massachusetts Institute of Technology, September 6, 1973 (hereafter referred to as Milne/Leland).

243. Searson. At least he was not present in the first meeting, of February 15, 1972. "Conference, 2/15/72" notes taken probably by Harrison Thayer, Hale and Dorr.

244. Searson.

245. Thomas, footnote 227.

246. Burling.

247. Burling mentioned that the Attorney General had attended only one meeting. Burling. Thayer, footnote 247, noted that the Attorney General attended the February 15, 1972 meeting. I assume, therefore, that this is the only one which Attorney General Quinn attended.
248. Burling.
- Bearson mentioned that John B. Gordon had been in charge of the case until he left the Attorney General's Office. Gordon's departure helped to delay filing legislation on the part of the Attorney General. Bearson. (Gordon left at the end of April, 1972. Letter, John Gordon to L. Harrison Thayer, 11, April 27, 1972).
249. Monaghan.
250. Personal interview with L. Harrison Thayer, II, member of Hale and Dorr, August 22, 1973 (hereafter referred to as Thayer).
251. Trachtenberg. One of the problems could be waiting for a trial, as opposed to speedier legislation. Trachtenberg.
252. Penn.
253. Trachtenberg.
254. MacDonald.
255. Letter, Dean MacDonald to Robert A. Linneman, member of Palmer and Dodge, February 28, 1972.
256. Linneman. More exactly, members of the Attorney General's Office eventually prepared a bill (See Appendix 16).
257. Steiner noted that the February 15 meeting had been set up weeks in advance. Frazier, footnote 219.
258. Burling.
259. Thayer, footnote 243.
260. Ibid., also Frazier, footnote 219.
261. Burling, also Thayer, footnote 243.
262. Frazier, footnote 219, 1 notes that "in accordance" of the Attorney General case. Frazier, footnote 227 notes that this was Mr. Paul Leon (First Assistant to the Attorney General).

263. Robert Hunneman informed Vice President for Student Affairs Gilbert MacDonald that Paul Good was in charge. Memorandum, Gilbert MacDonald to President Asa S. Knowles and the Members of the Executive Council, February 17, 1972. Searson, on the other hand, noted that another member of the Attorney General's Office was in charge, John B. Gordon. Searson.

264. Thayer, footnote 243.

The same names listed in this footnote are partially listed in a letter from Donaghan to the would-be participants informing them about the upcoming meeting. Included are Hunneman, Steiner, Good, Burling and Harold Westnes, member of Hale and Orr, representing Boston University. Letter, Henry P. Donaghan to the persons indicated, February 2, 1972. Mr. Westnes was replaced by Thayer at the time of the conference. Thayer, footnote 243.

265. Steiner.

266. Thayer, footnote 243.

267. Burling.

268. Thayer, footnote 243: Fraud, contrary to public policy.

269. Ibid.

270. According to Hunneman. MacDonald, footnote 243.

271. Steiner. The possibility of a Grand Jury investigation, created to inquire into the companies, was also raised.

272. Thayer, footnote 243. MacDonald, footnote 263 was told by Hunneman that the participants "would draft a law" and that the Attorney General would call a conference (including "some college Presidents") "to publicize this proposed law and the whole issue." Thus there was no clear indication in this letter about a court petition. This suggests some problems of communication somewhere in the chain from Hunneman to MacDonald; and from MacDonald to President Knowles.

273. MacDonald, reporting what Hunneman had said. ibid.

Burling also mentions plans for this conference (it seems with all the Presidents of the schools participating.)

274. Letter, Gilbert G. MacDonald to Robert L. Munnen March 17 1972.
This meeting had originally been scheduled for March 1, but it was postponed to the 15. Letter, MacDonald to Munnen, March 10, 1972.
275. Ibid. March 17, 1972.
276. Letter, Asa S. Knowles, Northeastern University, to Derek C. Bok, Harvard University, et al., March 1, 1972.
277. MacDonald, footnote 274, March 17, 1972.
278. "Statement condemning Commercial Newspaper Practices," "prepared and agreed to by the local college presidents," attached to ibid. The statement had really been prepared by Dean MacDonald, though.
279. MacDonald, footnote 274, March 17, 1972.
280. MacDonald.
281. Frazier, footnote 219, 1.4.
282. According to Steiner, quoted in ibid.
283. Steiner, quoted in "Crackdown Planned on Newspaper Trade," Harvard Bulletin, 7.74, No. 3 (March 1972) 15. Also Steiner.
284. Paul Wood, quoted in Ken C. Lotwright, "Crackdown Planned on Term Paper Trade," The Boston Globe, February 18, 1972, 1. The same paucity of details is present in another article, Thomas, footnote 227.

It was reported that Steiner said the universities were "considering various strategies," (in the Lotwright article just mentioned).

Frazier, footnote 219, mentions that "Steiner refused to disclose what tactics had been discussed at the meeting." This same observation was made a week later, Mark J. Frazier and Rob Egert, "Company Returns Stolen Newspapers," The Harvard Crimson, February 22, 1972.

Elsewhere it was noted that the "deliberations have been kept secret," John B. Wood, "U.I. Prosecuting Term Paper Suppliers," The Boston Globe, February 22, 1972.

285. Steiner, quoted by Frazier, footnote 219.

285. (cont.)

Good, quoted in Botwright, footnote 284.

286. Good, ibid.

287. Good, quoted in Thomas, footnote 227.

288. I did not find references to other schools, besides those indicated so far.

289. Steiner, quoted by Marc C. Frazier, "Local Colleges Meet Again, Plan Term-paper Strategies," The Harvard Crimson, March 2, 1972, 1, 8.

290. Good, quoted by Wood, footnote 284.

291. Steiner, quoted by Frazier/Epstein, footnote 284.

292. MacDonald, footnote 263

293. Ibid.

294. Letter, Paul A. Good to Robert H. Ketchum, Director, Graduate School of Arts and Sciences, Northeastern University, February 25, 1972.

295. Hunneman.

296. Hunneman wrote to the organization on February 17, 1972. Hunneman.

297. Hunneman wrote the president, Joe Attiney (?) on February 28, 1972. Hunneman.

298. Hunneman wrote to the Vice Chancellor of the California State Colleges in December 1971, sending him a copy of the case. This person was a friend of Hunneman. Hunneman.

299. Perhaps Epstein was a "professional friend" only, as MacDonald described their acquaintance. MacDonald, footnote 263.

300. Hunneman.

301. MacDonald, footnote 263.

302. Letter, George A. Kessler, to Harrison L. Thayer, February 22, 1972.

303. Memorandum, Daniel Steiner to Phillip Burling et al March 1, 1972. Enclosed with the memorandum was the copy of the New York State legislation.
304. The statement of the Committee was quoted in "Schools Consider Legal Action Against Termpaper Companies," Harvard Gazette, February 25, 1972.
305. The Harvard Crimson. February 24, 1972, 2.
306. Wood, footnote 214.
307. Letter, L. Harrison Thayer II to Henry P. Monaghan, et als (Hunneman, Steiner, Good, Burling), February 16, 1972.
308. Letter, John E. Gordon to L. Harrison Thayer II, February 17, 1972.

Hunneman informed Thayer that he had received "a draft of a statute" from John Gordon. Letter, Robert I. Hunneman to L. Harrison Thayer II, February 23, 1972.

309. Gordon, Ibid.
310. Ibid.
311. Hunneman, footnote 308. The draft was enclosed with this letter.
312. Speer, footnote 14. The company was "located at 6 Colliston Street, Brighton, on Brookline line."
313. Ibid.
314. Hunneman had an interview with the owner of Termpapers Research on June 2, 1971. At that time he failed to persuade the operator to give up the business. Letter, Robert I. Hunneman to Gilbert G. MacDonald, Northeastern University, June 3, 1971.

Since the owner was then a graduate student at Northeastern University, further pressure by administrators eventually resulted in closing down Termpapers Research. MacDonald.

315. There was a copy of Hunneman's letter and statute draft in the files of Vice President MacDonald, Northeastern University, with the notations indicated. The letter was received by Vice President MacDonald on February 24, 1972.
316. Another was Dr. Calvin Lee, Executive Vice President. He was replaced by Dr. Edwin Penn, Assistant to the President. Penn

317. Memorandum, Stephen J. Trachtenberg to Henry Monaghan, Boston University, February 22, 1972.
318. Since Lunnehan does not mention anybody as originating the idea, in his letter to Thayer (see footnote 312), I assume that there is the probability of a "multiple discovery" of an idea.

Robert K. Merton mentions " 'simultaneous' independent discoveries" in the case of scientists working unaware of each other. See "On the History and Systematics of Sociological Theory," On Theoretical Sociology: Five Essays, Old and New (New York: Free Press, 1967) 9.
319. The same persons as indicated in footnote 307.
320. Letter, L. Harrison Thayer II to Henry P. Monaghan et al (Lunnehan, Steiner, Good, Gurling), February 26, 1972.
321. Untitled draft of a bill, attached to ibid.
322. Steiner.
323. Personal interview with Mr. Sharaf, Harvard University General Counsel, August 14 and August 27, 1973.
324. Paul A. Good, representing the Attorney General's Office was one of the addressees for Thayer's letter and enclosure (footnote 324). Neither he nor other university attorneys wrote to Thayer objecting to the provision to keep records.
325. The bill was eventually filed as House No. 1343 (See Appendix 15).
326. Francis W. Sargent, message "To the Honorable Senate and House of Representatives," June 3, 1973, House No. 6980.
327. Footnote 303.
328. Spazier/Egert, footnote 284.
329. Footnote 304.
330. "Service Ledger," footnote 233, p.1.

Gordon, footnote 307, also indicates this date.
331. The conference was held at the Kennedy Library, Boston, "Service Ledger," footnote 233, p.1, and only Paul Gurling.

332. Prazier, footnote 239.

The representative for Boston University was Meyer.
Footnote 233, p.1.

The representative for M.I.T. was Thomas J. Kelly, member,
Herrick, Smith, Donald, Farley & Hitcham, representatives
for M.I.T. Personal interview with Kelly.

333. Notes on the meeting, found in the files of Dale and Carr.

334. Untitled bill, footnote 239.

335. Thomas, footnote 237.

336. Footnote 238.

337. Zimmerman.

338. Prazier, footnote 239.

339. Laren, off, "Area Schools Attack Loan Paper Services,"
Observer (Tufts University), March 3, 1972, 5.

340. Letter, Robert L. Zimmerman to President Ann S. Howles,
Northeastern University, March 11, 1972.

341. Burling.

342. No "Service Ledger," footnote 233, p.1 does not list
members of Dale and Carr attending such a conference.

343. Footnote 340.

344. Burling.

345. Pearson.

346. Paul Schindler, "Classic Academic Deception Revisited in
Student Devulsion," Big Tech (N.Y.), March 17, 1972, 1.

347. Footnote 340.

348. "Enterprise: Cheating, Inc.," Newsweek, March 20, 1972, 89.

349. "Crackdown on Fakes," Time, March 27, 1972.

350. Footnote 283.

351. The Harvard bulletin, footnote 287, quoted by Fred M. Wechsinger, "Passing Grades For a Price," The New York Times, March 19, 1972,
352. Searson
353. In a letter to the regular participants at the conferences (Monsiehn, Steiner, Burling, Munroe, Good, John Gordon), L. Harrison Trayer II mentions that he does not have "the names or addresses of the representatives of M.I.T. and of the University of Massachusetts who attended the last meeting." The letter is dated April 5, 1972
354. Searson
355. What follows is paraphrased from a memorandum, Dr. Edwin Penn to President R. Silber, Boston University, n.d. (written sometime before April 5, 1972, according to Penn)
356. Ibid.
357. Footnote 340.
358. Footnote 355.
359. Social rules, therefore, appear to have purposes of social control beyond the populations specified by the rules. Harold Garfinkel (in collaboration with Eggon Bittner) similarly describes record-keeping procedures in a psychiatric clinic, where files were kept mainly with a view to influence outsiders. "'Good' Organizational Reasons for 'Bad' Clinic Records, in Studies in Ethnomethodology by Harold Garfinkel, (Englewood Cliffs, N. J.: Prentice-Hall, 1967), 186-207
360. Participants included Boston University, Harvard University, M.I.T., Northeastern University and the University of Massachusetts. Searson represented the latter and participated in the discussion. Searson. Elsewhere in the interview Searson mentions that representatives from Boston College and from State Colleges "the Attorney General's office" attended an April meeting

361. Letter, John E. Gordon to William Searson, III, Counsel, University of Massachusetts, April 19, 1972. The list of names was enclosed
362. Memorandum, Robert I. Hunneman to President Asa S. Knowles, Northeastern University, April 24, 1972
363. Burling.
364. In a letter from Robert I. Hunneman to President Asa S. Knowles, May 1, 1972, inquiring if a decision was made by President Knowles and the trustees, a handwritten note says "President Knowles: has indicated that we will not go ahead alone" (italics in the original)
365. Hunneman
366. Several individuals agree on this. For example, Steiner and Hunneman.
367. Each person gave some reasons, with some overlap between them, as indicated in what follows
368. Hunneman
369. Monahan, Bench, Hunneman (footnote 367)
370. Letter, John E. Gordon to L. Harrison Thayer II, April 27, 1972
- Searson attributes the delay in filing legislation specifically to Gordon's departure. Searson
371. Hunneman.
372. Burling.
373. Joe Ambash, Harvard Law School, "Term Papers and Cheating: A Statutory Response," enclosure to letter, Joe Ambash to Daniel Steiner, May 19, 1972. The article analyzed the problem of cheating at length and presented the proposed statute in Appendix C
374. Letter, ibid.
375. Ambash, footnote 373, p.2 and p.9
376. Ibid., p.20
377. Ibid., p.17

378. Ibid., p.21.
379. Letter, Daniel Steiner to Paul A. Good, May 19, 1972.
380. Ambash's proposed statute was not used in any bills to propose legislation against term paper companies.
381. No representative I interviewed mentioned Ambash's statute. Personal interviews with each of the following representatives (hereafter referred to by their last names); at the Massachusetts House of Representatives:
- Representative Michael Daly, September 5, 1973.
- Representative Raymond Flynn, July 30, 1974.
- Representative Richard Landry, September 4, 1973.
- Representative W. Paul White, July 30 1974.
- Mr. Edward White, Assistant to Representative Vincent J. Piro, September 4, 1973.
382. Paraphrased from letter, Gilbert G. MacDonald to Robert I. Hanneman, Palmer and Doane, July 12, 1972.
383. "Martin" footnote 1, pp. 1,3,5. The quotation is in p.3
384. As described in chapters 3-5, passim.
385. "Martin," footnote 1, p.3.
386. Letter, Archie C. Laps to Lawrence A. Johnston, Student Advisory Council of the College of Arts and Letters, University of Notre Dame, Indiana, August 23, 1972.
387. A similar observation was made by Vice President MacDonald in May 1971: "I don't think the problem is going away, but is probably subsiding as do most things in our business when June comes around." Footnote 75.
388. John R. Silber, Report of the President to the Board of Trustees, Boston University, Appendix E: "Proposed Suit in Middlesex Superior Court Against Termpaper Companies," discussed at a meeting of the Trustees, August 26, 1972.

Christopher F. Kennedy, Dean of Students at Northeastern University, pointed out that "a probable reason for the legal action was

388. (cont.)

the failure of state authorities to move against the businesses," Paul Cioto, "University Aids Newspaper Suit," Northwestern News, October 27, 1972, 3.

389. Silber, ibid.

390. "Proposed Suit in Middlesex Superior Court Against Newspaper Companies," Minutes of the Board of Trustees, Boston University, August 28, 1972.

391. Letter, John R. Silber to Derek C. Bok, Harvard University, et als (Hallowell, Menan, Knowles, Bernstein, Wiesner and Hood), September 1, 1972.

392. Ibid.

393. Penn.

394. Ibid.

395. Ibid.

396. Ibid.

397. Kellor.

398. United States of America and United States Postal Service v. International Term Papers, Inc., et als, "Complaint," United States District Court, District of Massachusetts, Civil Action No. 72-3225M, filed October 20, 1972.

399. Memorandum, Gordon T. Walker to Derek Bok, n.

400. Penn.

401. Burling.

402. Kellor.

403. Penn.

Trustees of Boston University v. Champion Research Corporation et als, "Bill for Declaratory Judgment," Commonwealth of Massachusetts, Suffolk Superior Court for Civil Business, No. 96114, filed October 19, 1972.

404. Footnote 398.

405. Footnote 403, p.6.

See also footnote 69, p.12.

406. Pat Clifford, "BU Awarded Injunction Termpaper Services Lose," The Daily Free Press (Boston University), 3.

407. Trustees of Boston University vs. Champion Research Corporation et als, "Subpoena, Notice and Restraining Order," Commonwealth of Massachusetts, Suffolk Superior Court for Civil Business No. 96114, dated October 19, 1972. There are two such orders, against various defendants.

Judge Harry Kalus presided over the case. Boston University issued a press release on October 19 explaining the facts and background of the case. Press release, Boston University News Bureau, Herb Korn, Director.

408. The Temporary Injunction Order "continued in force pending the final determination of this suit" on October 26, day of the hearing. Trustees of Boston University vs. Champion Research Corporation et als, "Interlocutory Decree Continuing Temporary Restraining Order in Force," and "Interlocutory Decree on Preliminary Injunction," Commonwealth of Massachusetts, Suffolk Superior Court for Civil Business No. 96114. Both documents are dated October 26, 1976, and issued by Judge Harry Kalus.

Similar action was followed against Allen Kwadler, owner of Minute Research. He moved from New York into Boston after his connection to purchasing term papers stolen from Harvard University led to a New York suit against him. Soon after he began operating in Boston his name was added to the Boston University: Trustees of Boston University vs. Champion Research Corporation et als, "Plaintiff's Motion for Temporary Restraining Order," Commonwealth of Massachusetts, Suffolk Superior Court for Civil Business No. 96114, filed November 2, 1972. This order was accepted by Judge Kalus on November 9 and later continued on November 17. See "Interlocutory Decree Continuing Temporary Restraining Order in Force," November 17, 1972.

Immediately following Judge Kalus' October 26 order, five of the six main companies went out of business, "Suit brought by Boston University Against Termpaper Companies," November 29, 1972 (two-page memorandum review among the files of Dr. Edwin Penn, Assistant to the President, Boston University).

409. Ward Warren Manuscripts, Inc., et als, appealed the preliminary injunction on November 3, 1972. Commonwealth of Massachusetts, Suffolk Superior Court for Civil Business, Equity Docket No. 96114, 2. Warren's case was heard on a separate but parallel civil action in the Supreme Judicial Court. See

Ward Warren Manuscripts, Inc., et als v. Trustees of Boston University, "Petition Under General Laws Chapter 214, Section 22 and 26," Commonwealth of Massachusetts, Suffolk Supreme Judicial Court No. 72-159, November 4, 1972. See also "Petitioners' Memorandum of Law" on the same action, n.d.

410. Warren's petition above was denied by Judge Robert Braucher on November 9, 1972. See Ward Warren Manuscripts, Inc., et als, v. Trustees of Boston University, "Decree Denying Petition," Commonwealth of Massachusetts, Suffolk Supreme Judicial Court No. 72-159.
411. An investigation of Warren's offices at 295 Huntington Avenue, Boston, on November 21, 1972, showed that the company had already vacated the premises. Report of a private investigator working for Hale and Orr, Boston University's attorneys, n.d., (c. late 1972).
412. Harry Kalus, quoted in "Term Paper Firms Enjoined," The Boston Globe, October 27, 1972, 10.
413. "Term Paper Firms Enjoined," ibid.
414. Notes from John R. Silber's telephone conversation with Larry Levy, correspondent for The New York Times; taken by JCP, October 25, 1972. (files of Dr. Edwin Penn, 1973).
415. Footnote 3, passim.
416. Shortly after the Complaint, ibid. a Decree was issued against some defendants. See

Board of Trustees of the University of Massachusetts v. International Term Papers, Inc., et als, "Interlocutory Decree Continuing Temporary Restraining Order in Force," Commonwealth of Massachusetts, Suffolk Superior Court, No. 96268, entered November 27, 1972.

416. (cont.)

A letter Decree ruled against the managers and/or corporate names of International Term Papers, Inc., Champion Research Corp., and Termpapers Anonymous. See

Ibid., "Interlocutory Decree Taking the Bill for Confessed Under the Provisions of Superior Court Rules No. 25," entered January 24, 1973.

All the defendant companies in the Complaint above were precluded from doing business under the Boston University court action. See footnote 409.

417. Penn.

418. Ibid.

419. Letter, John R. Silber to President Derek C. Bok, Harvard University, pp. 21, January 30, 1973.

420. Ibid., February 14, 1973.

421. Penn.

422. Letter, "David Martin," President of Champion Term Papers, to Dean Stephen J. Trachtenberg, Boston University, April 23, 1973.

"Martin's" letter was 11 pages in length, it was partially reproduced in The Daily Free Press (Boston University), April 27, 1973, 4, 6. The quotation in the text is found on p.4.

423. The list for International Termpapers was found in the files of Dr. Edwin Penn, Boston University. A notation indicates that it is a "final" count.

Statistics for Champion Term Papers are in a memorandum from C. Wexler and C. Russell to Dr. Edwin Penn, November 16, 1972. It seems that these numbers are the last ones gathered, because after the numbers there are notations indicating whether or not the respective school wished to obtain the records.

424. Penn.

425. Letter, Edwin Penn to Marion Walker, Yale Law School, January 21, 1973.

- 426. Philip M. Boffey, "5 of Boston's 'Big 8' Universities Took No Action Against Students Involved in Term-Paper Scandal," The Chronicle of Higher Education, March 25, 1974.
- 427. Ibid. Also Penn.
- 428. Ibid.
- 429. Ibid.
- 430. Ibid. (The quotation is slightly edited). Also MacDonald.
- 431. Personal interview with James M. Steindler, Dean of Students of Tufts University, August 21, 1973.
- 432. Ibid.
- 433. Wexler and Russell, Footnote 423.
- 434. Penn.
- 435. John R. Silber, quoted by Boffey, Footnote 428, p. 1. The observations cited in the text formed only part of Silber's speech, which concerned itself with "the debasement of academic standards" at large.

Footnotes: Chapter VII

1. "Term Paper Firms Enjoined," The Boston Globe, October 27, 1972, 10.
2. Stephen J. Trachtenberg, partly quoted by John Helyar, "Termpaper Firms May Quietly Fold," The Daily Free Press (Boston University), November 16, 1972, 3.
3. Personal interview with Mr. Richard Pizzano, Professor of Law, Suffolk University Law School (Boston); August 8, 1974 (hereafter referred to as Pizzano).
4. Personal interview with Mr. Philip C. Boyd, University Counsel of Northeastern University, July 26, 1973 (hereafter referred to as Boyd).
5. Personal interview with Representative W. Paul White, Massachusetts House of Representatives, July 30, 1974 (hereafter referred to as White).
6. Telephone interview with Mr. Joseph McEttrick, Professor of Law, Suffolk University Law School (Boston); August 7, 1974 (hereafter referred to as McEttrick).
7. White.
8. Usually although not necessarily always. Ibid.
9. Personal interview with Representative Raymond L. Flynn, Massachusetts House of Representatives, July 30, 1974 (hereafter referred to as Flynn).
10. Ibid.; White also made this point.
11. The statute was signed on October 4, 1973 by Governor Francis W. Sargent. It became effective on January 4, 1974, as Chapter 874 of The Commonwealth of Massachusetts Acts of 1973, Amending Chapter 271 G.L.
12. An examination of both bills reveals few differences.
13. Personal interview with Mr. Edward White, Assistant to Representative Vincent J. Piro, Massachusetts House of Representatives, September 4, 1973 (hereafter referred to as Edward White).
14. The relevant passage in the proposal drafted in Robert L. Hummerman's office read "Whoever sells or delivers to another...a ...paper...knowing that there is a substantial likelihood that such paper...will be submitted...at an educational institution in this

14. (cont.)
Commonwealth or elsewhere..." Draft attached to letter from Robert I. Hunneman to L. Harrison Thayer, Hale and Dorr, February 23, 1972.

Thayer revised Hunneman's draft but left in the particular wording "in this Commonwealth or elsewhere." The new proposal was sent to the five lawyers involved in the discussions until that date, including Paul A. Good, First Assistant to the Attorney General. Draft enclosed with letter, L. Harrison Thayer II to Henry P. Monaghan, Boston University Law School, et als, February 28, 1972.
15. Joseph Ambash, draft of a statute, appendix C to a then-unpublished manuscript entitled "Term Papers and Cheating: a Statutory Response." The report was sent by Daniel Steiner, Harvard University to Paul A. Good, First Assistant to the Attorney General, as an enclosure to a letter, May 19, 1972.
16. This argument was used, for example, by the lawyer defending several of the companies against the Boston University court action in 1972. See Footnote No.1.
17. Cf. the provision in the New York State statute that nobody was allowed to transfer information from clients to third parties. House Bill 8651 Amended, Section 1, paragraph 5.
18. Personal interview with Representative Francis W. Hatch, Jr., Massachusetts House of Representatives, September 5, 1973 (hereafter referred to as Hatch).
19. Ibid.
20. James Ayres, "Restraining Order Bars Term Paper Sales Throughout Massachusetts," The Boston Globe, November 21, 1972, 3.
21. Date provided by the Clerk of the House, 1973.
22. Hatch.
23. Ibid.
24. Ibid.
25. Ibid. The rest of section 4 is based on Hatch unless otherwise indicated.

26. Hatch.

27. Flynn.

28. McEttrick.

29. Ibid., also Pizzano. McEttrick indicated that he and Pizzano live nearby. As friends they knew each other for a long time.

30. McEttrick.

31. White.

32. McEttrick.

33. Flynn.

34. White.

35. Ibid.

36. McEttrick.

37. Pizzano thought that McEttrick "just happened" to come up with the idea to draft legislation.

38. McEttrick.

39. White described McEttrick as a "professional associate," but the latter said that they were friends from their high school days. Subsequently, White studied at Suffolk Law School, with McEttrick as one of his professors. Pizzano met White during the latter's stay at the school. Pizzano.

40. White.

41. Ibid.

42. Although this point was rather hard to recall, McEttrick thought that he learned about the New York statute while reading an article in a professional journal. Incidentally, Pizzano also recalled reading something about the legislation.

43. McEttrick.
44. Pizzano. Incidentally, White thought that McEttrick obtained the copy of the law.
45. McEttrick.
46. McEttrick submitted a number of petitions to the legislature. For example, a few bills for the 1973 and the 1974 legislative sessions.
47. Pizzano began a legislative program with his students in 1973. In that year they submitted a "package of legislation" dealing with election law reform, particularly recounts. For 1974 Pizzano was interested in presenting a bill increasing drinking age to 21.
48. Ibid.
49. McEttrick.
50. Flynn.
51. White.
52. Flynn.
53. Ibid.
54. White.
55. Flynn.
56. White. McEttrick made a similar point.
57. Flynn.
58. Ibid.
59. White.
60. White received correspondence, but then only one letter.
61. This statement applies independently to Flynn, McEttrick and Pizzano.
62. Pizzano.
63. McEttrick.
64. White.

65. Ibid.

66. Ibid.

67. See chapter 6, pp.187-191, particularly pp. 190-191.

68. Personal interview with Dr. Edwin Penn, Assistant to the President, Boston University, August 13, 1973 (hereafter referred to as Penn).

69. Personal interview with Representative Michael J. Daly, Massachusetts House of Representatives, September 5, 1973 (hereafter referred to as Daly).

70. Edward White.

Throughout the interview Daly referred to Dean Stephen J. Trachtenberg, Boston University, as "Steve".

In a letter addressed to Daly, Trachtenberg opens with "Dear Mike" and closes with "all best personal wishes." August 23, 1972.

71. Daly.

72. Personal interview with Dr. Stephen J. Trachtenberg Dean for University Affairs and Professor of Political Science, Boston University, August 21, 1973 (hereafter referred to as Trachtenberg).

73. Trachtenberg, Footnote No.72 The conversation between Trachtenberg and Secretary of Education Joseph Cronin is described in the letter to Daly, Footnote 70.

74. For details of the draft see Footnote 72. It was attached to Ibid.

75. Daly.

76. Trachtenberg, Footnote 72.

77. Footnote 72.

78. For example, Trachtenberg says "I am therefore tentatively taking the liberty of calling the enclosed documents to your attention" Footnote 72.

79. Personal interview with Mr. Neil Dubilo, Assistant to Representative Daly, Massachusetts House of Representatives, September 5, 1973.

80. White.
81. Daly's phrasing was that "we all" had been hearing about the influx of corporations selling term papers.
82. Letter, Stephen J. Trachtenberg to Gordon Walker, Hale and Dorr, October 31, 1972.
83. Letter, Gordon Walker to Stephen J. Trachtenberg, Boston University, November 2, 1972.
84. Letter, Stephen J. Trachtenberg to Gordon Walker, Hale and Dorr, November 7, 1972.
85. Edward White.
86. This and the next two paragraphs are from ibid.
87. Dubilo.
88. This and the rest of the section until the next footnote are based on Edward White.
89. Ibid.
90. Computer printout given to me by the Clerk of the House, 1973.
91. Personal interview with Mr. Robert F. Hunsman, Palmer and Dodge; Boston, August 23, 1973 (hereafter referred to as Hunsman).
92. Trachtenberg emphasized the press of other problems by referring to the saying "it's the squeaky wheel that gets the grease".
93. Ibid.
94. This observation seems to apply to House Bill No. 1343 and its later substitutes. Edward White.
95. Daly. White mentioned that he spoke with Daly, for example.
96. Edward White.
97. Sections 2, 4, 5 and 7 of the New York statute were left out. The wording is followed closely, except as noted.

98. Footnotes 14 and 15.
99. Flynn.
100. Ibid.
101. Ibid.
102. Ibid.
103. I did not find such a story on the files of The Boston Globe, 1973.
104. Bruce Smith, "Termoaper 'Fraud' Still Hanging," The Daily Free Press (Boston University), March 23, 1973, 3.
105. Personal interview with Dr. Walter L. Milne, Special Assistant to the President for Urban Relations; jointly with Dr. Louis Menand, III, Assistant to the Provost, Massachusetts Institute of Technology, September 6, 1973 (hereafter referred to as Milne/Menand).
106. Flynn. The rest of this section is also based on Flynn, unless indicated by a footnote.
107. Flynn. White made a similar point concerning his own conversations with other representatives on this petition.
108. Daly. For a further description of this point, cf. the paragraph of footnote 197.
109. Flynn.
110. Footnote 90.
111. Legislative Record (Final Edition) Session of 1973 Massachusetts General Court, No.25, November 30, 1973, p.135A (House Numbers).
112. Pizzano.
113. Ibid.
114. Edward White. McEttrick said that "a number of bills" were considered on this day.
115. McEttrick.

116. This assertion is based on statements by the witnesses which were generally positive to the idea of having the legislation, except some questioning by some members of the Committee on Education which will be described shortly in the text.

Flynn thought that "a lot of people felt that it (i.e., the bill) shouldn't pass and others obviously felt that it should" However, under further questioning he said that the Attorney General knew the details.

Hatch, on the other hand, said categorically that "at the hearing we had no objections at all" against the proposal.

117. Hatch.

A list of witnesses appearing to testify for the bill, includes Hatch, Gary and Piro. This list was given to me by a secretary to Representative Daly, August 1973. The names are apparently incomplete, because other persons also went to the hearings (McEttrick, for example).

118. White.

Representative White, according to McEttrick, did not come to the hearing on his own bill (611) because he had another hearing at the same time. But White mentioned that he presented his own testimony for the occasion. They apparently stayed at the hearing only for their own testimony and thus missed each other.

119. From a list of names, Footnote 117.

120. White.

121. McEttrick.

122. Ibid.

123. Pizzano went there after the term paper discussions.

Pizzano believed that a written statement, even if read at the hearings, is more effective than a simple oral statement. In this instance he gave a copy to Representative Daly and the members of the Committee on Education. A more formal way to accomplish the same end is to forward the statement in advance, accompanied by a cover letter.

124. Richard G. Pizzano, entitled "text of a statement prepared for delivery ... at the Committee on Education hearing on ... March 5, 1973" A copy of this item was given to me by a secretary to Representative Daly, August 1973.
125. Pizzano.
126. McEttrick.
127. Pizzano.
128. Daly.
129. Pizzano.
130. The hearing took place on March 5, 1973, and I interviewed Representative Daly on September 5, 1973 when the bill was still pending.
131. Pizzano.
132. Pizzano knows this because Suffolk Law School has a clipping bureau collecting any stories where faculty members are mentioned. Moreover, I did not find stories in the newspapers he indicates negatively, namely, the files of The Boston Globe and The Herald Traveller.
133. Pizzano.
134. Daly.
135. Edward White. See also Footnote 119.
136. Edward White mentioned that a representative from Dean Trachtenberg's office came to the hearing. At first White asserted that this was a lawyer from the law offices of Roper and Gray [who represented Harvard University], but later agreed with me that it must be from Hale and Dorr [counselors for Boston University]
137. Telephone memo for Gordon Walker, March 5, 1973 in the files of Hale and Dorr.
138. From a list of names, Footnote 119.
139. McEttrick.
140. Ibid.

141. Flynn .
142. McEttrick .
143. Robert H. Quinn, "Statement of Attorney General Robert H. Quinn Before the Joint Committee on Education," March 5, 1973. A copy of this item was given to me by a secretary to Representative Daly, August 1973.
144. This and the rest of the section until the next footnote are based on White.
145. Ibid.
146. This statement applies independently to Flynn, Daly himself and Edward White .
147. Edward White .
148. White .
149. Daly .
150. Footnote 90.
151. Michael J. Daly, press release, "Termination of Businesses that Sell Term Papers in the Commonwealth." A copy of this item was given to me by a secretary to the representative, August 1973.
152. Edward White .
153. Ibid.
154. Footnote 90.
155. Edward White .
156. Footnote 90.
157. House Bill 1343, line 9, "this" was changed to "the"; Section 2, line 2, "in this Commonwealth" was deleted; and line 3, "thesis" changed to "theses".
158. Edward White; Representative White .
159. White .
160. Conversation with Ms. Peggy Maxwell, July 1974 and telephone conversation, August 1, 1974. She was an assistant in the office of the Speaker of the House .

161. Edward White .
162. Pizzano .
163. White .
164. Daly .
165. I cross-checked all the bills for this statement .
166. Personal interview with Representative Richard Landry, Massachusetts House of Representatives, September 4, 1973 (hereafter referred to as Landry).
167. Edward White .
168. Last sentence is from Landry .
169. Daly .
170. Landry .
171. Landry; Edward White .
172. Edward White .
173. Footnote 90 .
174. "Welcome to the Massachusetts House of Representatives," pamphlet, 1971, n.p.
175. Footnote 90 .
176. Edward White .
177. Footnote 90 .
178. Old Title: "An Act Preventing the Sale of Term Papers or Theses for Use by Persons for Credit Toward Educational Degrees Without Attribution as to Source" Copy of the bill obtained from the Clerk of the House, 1973.

New Title: "An Act Regulating the Sale, Delivery or Composition of Themes, Term Papers, Theses or Research Papers Intended to be Used for Academic Credit, and Prohibiting the Taking of Examinations for Another at Educational Institutions".

178. (cont.)
Copy of the bill obtained at the Massachusetts State House, 1973.
179. Footnote 90.
180. Footnote 174.
181. "Term Paper Business May Become Illegal," Harvard University Gazette, June 8, 1973, 1.
182. Francis W. Sargent, message "To the Honorable Senate and House of Representatives," June 8, 1973 House No. 6980. The bill is in the text of the message.
- The above was received on June 11, 1973. Footnote 90.
183. Conversation with Mr. Sharaf, Harvard University's General Counsel, August 14 and August 27, 1973 (hereafter known as Sharaf).
184. Sargent, Footnote 182.
185. Ibid.
186. Edward White.
187. Telephone conversation, August 21, 1973, and conversation, August 8, 1974 with Mr. Henry Clay, Aide to Governor Sargent, Massachusetts State House (hereafter referred to as Clay).
- Clay and his staff were extremely busy when I went there. One of the clerks explained to me that their job was to review bills before the Governor would look at them, and too many bills were passed before the adjournment of the legislature.
- Although Clay tried, he could not find the Attorney General's letter. Similarly, Robert I. Hunneman's 1971 letter which the latter told me he sent.
188. Sharaf.
189. Edward White.
190. Hatch.
191. Edward White.

192. Footnote 92 .
193. Daly.
194. Footnote 92, the date is mentioned when the bill was first put in the "Orders of the Day" or Calendar of the House of Representatives .
- The bill was listed in the "Orders of the Day" at least as late as September 4, 1973.
195. This and the rest of the section until the next footnote are based on Landry.
196. Ibid.
197. One of the bills aimed to extend Blue Cross coverage for alcoholism and the other dealt with education within prisons. Daly.
198. Daly.
199. Ibid.
200. Ibid.
201. Ibid.
202. Ibid.
203. Ibid.
204. Ibid.
205. Landry.
206. Daly.
207. Landry.
208. Ibid.
209. Ibid. The role of Trachtenberg was mentioned Footnote 96
210. Edward White.
211. Ibid.
212. Ibid.
213. Landry.

214. Hatch.
215. Personal interview with Mr. Phillip Burling; law offices of Foley, Hoag and Eliot; Boston, August 22, 1973 (hereafter referred to as Burling).
- Burling himself did some scattered questioning to try to find out the extent of the problem, in the Spring, 1972. These persons seemed relatively unworried about the problem, because there were only a couple of instances of known plagiarism with term papers. Moreover, administrative changes of personnel at Boston College, including the President, made people at the President's Office unaware of the problem.
216. Footnote 68.
217. Personal interview with Archie C. Epps, Dean of Students at Harvard University, September 5, 1973.
218. Personal interview with Mr. Daniel Steiner, General Counsel for Harvard University, September 6, 1973 (hereafter referred to as Steiner).
219. Ibid.
- The possibility of lobbying was open, nevertheless. For example, Sharaf, Steiner's partner, told me that Steiner perhaps had made an effort to influence the legislation then pending.
220. Steiner.
221. Milne/Menand.
222. Ibid.
223. Personal interview with Mr. Robert I. Hunneman; law offices of Palmer and Dodge; Boston, August 23, 1973.
224. Personal interview with James M. Steindler, Dean of Students at Tufts University, August 21, 1973.
225. House Bill 6538 Amended. Copy of the bill obtained at the Massachusetts State House, 1974. See Footnote 11.

226. Lawrence T. Bench, Assistant Attorney General, handwritten notation in a copy of House Bill 6538 Amended. Files of Hale and Dorr.
227. White said that either all or at least some of the representatives involved were present at the ceremony.
228. Ibid.
229. McEttrick.
230. Edwin Penn, "Further Litigation Concerning Term-papers," memorandum to the Wednesday Morning Executive Group (the "Big Eight" university Presidents), November 6, 1973, p.2. The exact quotation is "the Attorney General got the law passed that we sought (for two years.) and wants no more to do with the issue."
231. "Term Papers Business is Illegal," The Brookline Chronicle (Massachusetts), October 25, 1973.
232. James M. Steindler, "Massachusetts Act Regarding Plagiarism," memorandum to the Faculty of Arts and Sciences, Tufts University, March 4, 1974. A copy of the letter was sent to The Observer.
233. A week after the law was signed, Gordon T. Walker of Hale and Dorr, the lawyer handling the new case, requested in a memorandum that Mr. Lawrence T. Bench, Assistant Attorney General, send him a copy of the statute right away.

Walker expected that the new legislation would increase his legal weapons in the case, buttressing his argument that term papers could be legally in the status of "contraband" materials and hence did not need to be returned to International Term Papers. Gordon T. Walker, memorandum to Jerome P. Facher, Hale and Dorr, October 11, 1973.

Among the arguments used in the defense brief, the court actions brought by Boston University and by the Attorney General are mentioned, and specifically the fact that "within the last month Governor Sargent has signed into law an amendment to Chapter 271 of the General Laws making the sale of term papers a criminal act. Thus, the sequestration of the term papers was 'directly necessary to secure an important governmental or general public interest'."

233. (cont.)

International Term Papers, Inc. v. Trustees of Boston University, "Memorandum of Respondent in Support of Motion to Dismiss Petition," Commonwealth of Massachusetts, Suffolk, Supreme Judicial Court No. 73-199 Equity, (handwritten date) October 23, 1973, p.9.

Moreover, in the conclusion of the document just mentioned, p.13, it is clear that in and of itself the statute helped to make the defense: "The 'term papers' which are the subject of this petition are documents in a form making them suitable only for sale to students...in violation of the public policy as recently articulated in a criminal statute."

234. International Term Papers, Inc. v. Trustees of Boston University, "Petition for Judicial Review," Commonwealth of Massachusetts, Suffolk, Supreme Judicial Court, n.d. (probably October 1973).

The petition above continued with further court briefs elsewhere. See

International Term Papers, Inc. v. Trustees of Boston University et als, "Complaint," United States District Court, District of Massachusetts, Civil Action No. 74-659-F, February 20, 1974. See also

International Term Papers, Inc. v. Honorable Harry Kalus, Associate Justice of the Superior Court of the Commonwealth of Massachusetts et als, "Plaintiff's Amended Complaint," United States District Court, District of Massachusetts, Court Action No. 74-659-F, April 11, 1974.

235. "Complaint," ibid., p.5. International Term Papers requested \$250,000 for "compensatory and punitive damages in...the unlawful sequestration of plaintiff's property," p.6. The "Amended Complaint" omitted claims.

236. International Term Papers, Inc. v. Trustees of Boston University et als, "Memorandum on Motion to Quash," by the Honorable Willie J. Davis, United States Magistrate, April 10, 1974 denied the plaintiff's request to depose defense witnesses.

The case was finally resolved in favor of the defendants sometime in mid-1974, according to Penn. Nevertheless, at the beginning the outcome was very much

236. (cont.)

in doubt. For example, Gordon T. Walker indicated in a letter to Edwin Penn, Boston University, the following: "As you probably know, Governor Sargent last week signed into law a statute...This should aid us in the Supreme judicial Court although, as I have said to you all along, I think there are some serious constitutional questions regarding deprivation of property." October 11, 1973.

Footnotes: Chapter VIII

1. Only one person did so to my knowledge. See Chapter 3, Footnote 216.
2. Concerning homosexuality, Packer observes "It is surely no coincidence that the strongest of human drives is matched by the strongest of social inhibitions, Herbert L. Packer, "The Limits of Criminal Sanction: Sex Offenses," in Crime and Justice, Vol. I: The Criminal in Society, Leon Radzinowicz and Marvin E. Wolfgang, eds., (N.Y.: Basic Bks.) 1971, 86. See also passim 85-93. Maurer notes that "it is estimated by experienced con men that only from five to ten per cent of those swindled ever go to the police," David W. Maurer, "The Mark," in Delinquency, Crime, and Social Process, Donald R. Cressey and David A. Ward, eds. (New York: Harper and Row, 1969), 1028

For other examples, of a different nature, when the "victim does not or will not request prosecution," See "Noninvocation of the Criminal Law by Police," in Cressey and Ward, ibid., 197-207.
3. The headings that follow are adaptations of a basic model presented by William A. Welsh, Studying Politics (New York: Praeger, 1973), 106.
4. A campaign in the mass media to warn people against glue-sniffing backfired spectacularly as it led to a sharp increase in the practice, "How to Launch a Nationwide Drug Menace," in Licit and Illicit Drugs, Edward M. Brecher and the Editors of Consumer Reports (Boston: Little, Brown), 1972, 321-334.
5. In the famous episode of the Witches of Salem Village two girls began to show a "bewitched" behavior (including screams, convulsions and so on). Consequently, "no sooner had word gone around about this extraordinary affliction than it began to spread like a contagious disease," Kai T. Erikson, Wayward Puritans: A Study in the Sociology of Deviance (New York: Wiley), 1966, 142. See also 137-159.
6. In Ohio, for example, there were only two letters-to-the-editor sent in by students to The Ohio State University Lantern, during the period of the controversy. Files of the newspaper, 1972.
7. For example, standards for Freshman English were tightened at Boston University. Personal interview with Dr. Stephen J. Tractenberg, Dean of University Affairs (as of 1972), August 21, 1973.

8. Dr. Lindsey Churchill, Graduate Center, City University of New York, pointed out to me that ever-increasing numbers of college students appeared to be concomitant with a decline in academic quality. (1973).
9. The mass media, obviously, want to increase their public. Hence, letters on a new problem could be printed.
10. This concept is from Howard S. Becker, Outsiders: Studies in the Sociology of Deviance (New York: The Free Press), 1966, 147-163. My use of this idea is somewhat different. See Chapter 1, Footnote 20.
11. This was indicated specifically in two states. See
Leslie Gevirtz, "We'll Print Anything," Phoenix (Queens College), reprinted in Seawanhaka (Long Island University, The Brooklyn Center), February 17, 1972, 6.

Ellen Goodman, "Term Papers Still Hot Item," The Boston Globe, March 27, 1971, 7.
12. Footnote 3, paragraph 4.
13. See Chapter VI, Footnote 359.
14. Hale and Dorr estimated before the court action that the cost of the suit would be between \$10,000 and \$20,000. Thus, considerations of the expense were an important factor holding up the proceedings. The estimate is cited in letter, John R. Silber to President Derek C. Bok, Harvard University et als, September 1, 1972

The final bill came actually to \$16,194. Letter, L. Harrison Thayer II to the Controller's Office, Boston University, April 10, 1973. This is a duplicate bill, the original statement was enclosed with letter, Jerome P. Facher to Edwin Penn, Boston University, January 9, 1973.

The share for all the universities involved was \$2,024, since they agreed to help defray costs. Letter, John R. Silber to President Derek C. Bok, Harvard University, et als, January 30, 1973, 2.

14. (cont.)

Seven of the "Big Eight" universities paid their share. Personal Interview with Dr. Edwin Penn, Assistant to the President, Boston University, August 31, 1973.

The exception to the above was The University of Massachusetts. As a public institution they were forbidden by law to make any contributions to a private university. Letter, President Robert Wood to John R. Silber, November 20, 1973.

15. For related comments, concerning how actors may attempt to realize "primary" goals, while neglecting "secondary effects," See Social Problems by Amitai Etzioni (New Jersey: Prentice-Hall), 1976, 93.
16. Either in 1970 or 1971.
17. Dahrendorf theorizes that "because social organizations are also associations, they generate conflicts of interest and become the birthplace of conflict groups." This is due directly to the fact that there are only two types of positions "i.e., positions of domination and positions of subjection," Ralf Dahrendorf, Class and Class Conflict in Industrial Society (California: Stanford University Press), 1959, 138 and 238 (proposition 3.1). See also passim 158-240.
18. For example, the following were added to school rules:
 1. "In 1972, the [Student Academic Conduct] Committee adopted the following resolution in regard to term paper sources: Students should be aware that violations of the standards of academic dishonesty ...can lead, and have led, to expulsion from the College of Liberal Arts," Academic Guide for College of Liberal Arts Freshmen, Boston University, 1973, 17.
 2. "A student is liable to disciplinary action if he makes use of the services of a commercial tutoring school or term paper company," Harvard University Catalogue (Harvard College, Faculty of Arts and Sciences), (Cambridge: April, 1973), 100.
19. The author witnessed such a change in Korea, 1961.

Senate Bill No. 870.

- 463 -

(Introduced by Senator McGuirk.)

Read and Examined by Proof Reader:

.....
Proof Reader.

.....
Proof Reader.

Sealed with the Great Seal and presented to the Governor, for his

approval this day of

at o'clock, ... M.

.....
Secretary.

CHAPTER 474.

APPROVED
BY THE GOVERNOR

MAY 26 '72

AN ACT to add new Section 70 to Article 77A of the Annotated Code of Maryland (1969 Replacement Volume and 1971 Supplement), title "Higher Education," to follow immediately after Section 69 thereof and to be under the new subtitle "Sale of Dissertations, Theses and Term Papers," to prohibit the sale or offer of sale, or offer of preparation of any dissertations, theses, term papers, or other written assignment ~~that is intended~~ for submission to an educational institute ~~in this State~~ ; to exempt certain acts; to provide penalties; and to relate generally thereto.

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

Strike out indicates matter stricken out of bill.

2

SENATE BILL NO. 870

1 SECTION 1. *Be it enacted by the General Assembly of Maryland,*
2 *That new Section 70 be and it is hereby added to Article 77A of the*
3 *Annotated Code of Maryland (1969 Replacement Volume and 1971*
4 *Supplement), title "Higher Education," to follow immediately after*
5 *Section 69 thereof and to be under the new subtitle "Sale of Disser-*
6 *tations, Theses and Term Papers," and to read as follows:*

1 *Sale of Dissertations, Theses and Term Papers*

1a 70.

2 (a) *No person, FIRM, ASSOCIATION OR CORPORATION*
3 *shall sell or offer for sale to any person assistance in the preparation,*
4 *research, or writing of a dissertation, thesis, term paper, essay, re-*
5 *port or other written assignment intended for submission to an edu-*
6 *cational institution in the State of Maryland in fulfillment of the re-*
7 *quirements for a degree, diploma, certificate or course of study.*

8 (b) *Nothing contained in this section shall prevent (1) an educa-*
9 *tional institution, or any member of its faculty or staff, from offering*
10 *courses, instruction, counseling or tutoring in research or writing*
11 *as part of a curriculum or other program authorized by an educa-*
12 *tional institution; (2) tutorial assistance rendered by other persons*
13 *which does not include the preparation, research or writing of a*
14 *dissertation, thesis, term paper, essay report or other written assign-*
15 *ment intended for submission to an educational institution in fulfill-*
16 *ment of the requirements for a degree, diploma, certificate or course*
17 *of study; or (3) any person from rendering services for a fee*
18 *which is limited to the typing, transcription or reproduction of a*
19 *manuscript.*

20 (c) *Anyone convicted of violating the provision of this section is*
21 *guilty of a misdemeanor and, upon conviction thereof, shall be fined*
22 *not more than \$1,000.00 or imprisoned for not more than six months,*
23 *or both.*

1 SEC. 2. *And be it further enacted, That this Act shall take effect*
2 *July 1, 1972.*

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

APPENDIX 2

CALIFORNIA LEGISLATURE—1972 REGULAR SESSION

ASSEMBLY BILL

No. 230

Introduced by Assemblyman Keysor

January 26, 1972

REFERRED TO COMMITTEE ON EDUCATION

An act to add Chapter 1.7 (commencing with Section 22530) to Division 16.5 of the Education Code, relating to academic materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 230, as introduced, Keysor (Ed.). Academic materials—higher education.

Makes it a misdemeanor for any person, as defined, to prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with knowledge that the written preparation thereof has been assigned to any other person for academic credit at any public or private institution of higher learning in this state.

Makes it a misdemeanor for any person to make or disseminate, with intent to induce any other person to enter into any obligation relating thereto, any statement, written or oral, that he will prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material, for a fee or other compensation, for or on behalf of any person who has been assigned the written preparation of such term paper, thesis, dissertation, or other written material for academic credit at any public or private institution of higher learning in this state.

Makes provision re enforcement and related matters.

AB 230

— 2 —

Vote—Majority;
Committee—No.

Appropriation—No;

Fiscal

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.7 (commencing with Section
2 22530) is added to Division 16.5 of the Education Code,
3 to read:

4
5 CHAPTER 1.7. PREPARATION, SALE, AND
6 DISTRIBUTION OF TERM PAPERS AND
7 OTHER ACADEMIC MATERIALS
8

9 22530. No person shall prepare, offer to prepare,
10 cause to be prepared, sell, or otherwise distribute any
11 term paper, thesis, dissertation, or other written material
12 for another person, for a fee or other compensation, with
13 the knowledge that the written preparation of such term
14 paper, thesis, dissertation, or other written material has
15 been assigned to any other person for academic credit at
16 any public or private college, university, or other
17 institution of higher learning in this state.

18 22531. No person shall make or disseminate, with the
19 intent to induce any other person to enter into any
20 obligation relating thereto, any statement, written or
21 oral, that he will prepare, cause to be prepared, sell, or
22 otherwise distribute any term paper, thesis, dissertation,
23 or other written material, for a fee or other
24 compensation, for or on behalf of any person who has
25 been assigned the written preparation of such term
26 paper, thesis, dissertation, or other written material for
27 academic credit at any public or private college,
28 university, or other institution of higher learning in this
29 state.

30 22532. Violation of any provision of this chapter is a
31 misdemeanor. Any court of competent jurisdiction is
32 hereby authorized to grant such further relief as is
33 necessary, to enforce the provisions of this chapter,
34 including the issuance of an injunction.

35 22533. Actions for injunction under the provisions of

1 this chapter may be brought in the name of the people
2 of the State of California upon their own complaint or
3 upon the complaint of any person, or any public or
4 private college, university, or other institution of higher
5 learning, acting for the interest of itself, its students, or
6 the general public.

7 22534. The provisions of this chapter shall in no way
8 diminish additional rights of the parties in private
9 litigation which pertains to the preparation, sale, or
10 distribution of any term paper, thesis, dissertation, or
11 other written material at any public or private college,
12 university, or other institution of higher learning in this
13 state.

14 22535. As used in this chapter, "person" means any
15 individual, partnership, corporation, or association.

16 As used in this chapter, "prepare" means to put into
17 condition for intended use. "Prepare" does not include
18 the mere typing or assembling of papers, nor the mere
19 furnishing of information or research.

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APPENDIX 3

AMENDED IN ASSEMBLY FEBRUARY 28, 1972

CALIFORNIA LEGISLATURE—1972 REGULAR SESSION

ASSEMBLY BILL

No. 230

Introduced by Assemblyman Keysor

January 26, 1972

REFERRED TO COMMITTEE ON EDUCATION

An act to add Chapter 1.7 (commencing with Section 22530) to Division 16.5 of the Education Code, relating to academic materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 230, as amended, Keysor (Ed.). Academic materials: higher education.

Makes it a misdemeanor for any person, as defined, to prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with knowledge, *or under circumstances in which he should reasonably have known*, that the written preparation thereof ~~has been assigned~~ *is to be submitted* to any other person for academic credit at any public or private institution of higher learning in this state.

Makes it a misdemeanor for any person to make or disseminate, with intent to induce any other person to enter into any obligation relating thereto, any statement, written or oral, that he will prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material, for a fee or other compensation, for or on behalf of any person who has been assigned the written preparation of such term paper, thesis, dissertation, or other

AB 250

— 2 —

written material for academic credit at any public or private institution of higher learning in this state.

Makes provision re enforcement and related matters.

Vote—Majority; Appropriation—No; Fiscal
Committee—No.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.7 (commencing with Section
2 22530) is added to Division 16.5 of the Education Code,
3 to read:

4
5 CHAPTER 1.7. PREPARATION, SALE, AND
6 DISTRIBUTION OF TERM PAPERS AND
7 OTHER ACADEMIC MATERIALS
8

9 22530. No person shall prepare, offer to prepare,
10 cause to be prepared, sell, or otherwise distribute any
11 term paper, thesis, dissertation, or other written material
12 for another person, for a fee or other compensation, with
13 the knowledge *or under circumstances in which he*
14 *should reasonably have known,* that the written
15 preparation of such term paper, thesis, dissertation, or
16 other written material ~~has been assigned to~~ *is to be*
17 *submitted by* any other person for academic credit at any
18 public or private college, university, or other institution
19 of higher learning in this state.

20 22531. No person shall make or disseminate, with the
21 intent to induce any other person to enter into any
22 obligation relating thereto, any statement, written or
23 oral, that he will prepare, cause to be prepared, sell, or
24 otherwise distribute any term paper, thesis, dissertation,
25 or other written material, for a fee or other
26 compensation, for or on behalf of any person who has
27 been assigned the written preparation of such term
28 paper, thesis, dissertation, or other written material for
29 academic credit at any public or private college,
30 university, or other institution of higher learning in this
31 state.

32 22532. Violation of any provision of this chapter is a

1 misdemeanor. Any court of competent jurisdiction is
2 hereby authorized to grant such further relief as is
3 necessary, to enforce the provisions of this chapter,
4 including the issuance of an injunction.

5 22533. Actions for injunction under the provisions of
6 this chapter may be brought in the name of the people
7 of the State of California upon their own complaint or
8 upon the complaint of any person, or any public or
9 private college, university, or other institution of higher
10 learning, acting for the interest of itself, its students, or
11 the general public.

12 ~~22534. The provisions of this chapter shall in no way~~
13 ~~diminish additional rights of the parties in private~~
14 ~~litigation which pertains to the preparation, sale, or~~
15 ~~distribution of any term paper, thesis, dissertation, or~~
16 ~~other written material at any public or private college,~~
17 ~~university, or other institution of higher learning in this~~
18 ~~state.~~

19 *22534. The provisions of this chapter are not*
20 *exclusive. Nothing in this chapter shall be construed to*
21 *preempt or in any other way limit or diminish the rights*
22 *of any party, public or private, against any person in*
23 *connection with any of the acts described in Section 22530*
24 *or Section 22531.*

25 22535. As used in this chapter, "person" means any
26 individual, partnership, corporation, or association.

27 As used in this chapter, "prepare" means to put into
28 condition for intended use. "Prepare" does not include
29 the mere typing or assembling of papers, nor the mere
30 furnishing of information or research.

AMENDED IN ASSEMBLY MARCH 16, 1972
AMENDED IN ASSEMBLY FEBRUARY 28, 1972

CALIFORNIA LEGISLATURE—1972 REGULAR SESSION

ASSEMBLY BILL

No. 230

Introduced by Assemblyman Keysor

January 26, 1972

REFERRED TO COMMITTEE ON EDUCATION

An act to add Chapter 1.7 (commencing with Section 22530) to Division 16.5 of the Education Code, relating to academic materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 230, as amended, Keysor (Ed.). Academic materials: higher education.

~~Makes it a misdemeanor for~~ *Prohibits* any person, as defined, ~~to from prepare preparing, offer offering~~ to prepare, ~~cause causing~~ to be prepared, ~~sell selling~~, or otherwise ~~distribute distributing~~ any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with knowledge, or under circumstances in which he should reasonably have known, that ~~the written preparation thereof~~ it is to be submitted to any other person for academic credit at any public or private institution of higher learning in this state.

~~Makes it a misdemeanor for~~ *Prohibits* any person ~~to make from making or disseminate disseminating~~, with intent to induce any other person to enter into any obligation relating thereto, any statement, written or oral, that he will prepare, cause to be prepared, sell, or otherwise distribute any term

AB 230

— 2 —

paper, thesis, dissertation, or other written material, for a fee or other compensation, for or on behalf of any person who has been assigned the written preparation of such term paper, thesis, dissertation, or other written material for academic credit at any public or private institution of higher learning in this state.

Makes provision re enforcement and related matters.

Vote—Majority; Appropriation—No; Fiscal
Committee—No.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.7 (commencing with Section
2 22530) is added to Division 16.5 of the Education Code,
3 to read:

4

5

6

7

8

CHAPTER 1.7. PREPARATION, SALE, AND
DISTRIBUTION OF TERM PAPERS AND
OTHER ACADEMIC MATERIALS

9 22530. No person shall prepare, offer to prepare,
10 cause to be prepared, sell, or otherwise distribute any
11 term paper, thesis, dissertation, or other written material
12 for another person, for a fee or other compensation, with
13 the knowledge, or under circumstances in which he
14 should reasonably have known, that ~~the written~~
15 ~~preparation of~~ such term paper, thesis, dissertation, or
16 other written material is to be submitted by any other
17 person for academic credit at any public or private
18 college, university, or other institution of higher learning
19 in this state.

20 22531. No person shall make or disseminate, with the
21 intent to induce any other person to enter into any
22 obligation relating thereto, any statement, written or
23 oral, that he will prepare, cause to be prepared, sell, or
24 otherwise distribute any term paper, thesis, dissertation,
25 or other written material, for a fee or other
26 compensation, for or on behalf of any person who has
27 been assigned the written preparation of such term
28 paper, thesis, dissertation, or other written material for

1 academic credit at any public or private college,
2 university, or other institution of higher learning in this
3 state.

4 22532. ~~Violation of any provision of this chapter is a~~
5 ~~misdemeanor.~~ Any court of competent jurisdiction is
6 hereby authorized to grant such ~~further~~ relief as is
7 necessary; to enforce the provisions of this chapter,
8 including the issuance of an injunction.

9 22533. Actions for injunction under the provisions of
10 this chapter may be brought in the name of the people
11 of the State of California upon their own complaint or
12 upon the complaint of any person, or any public or
13 private college, university, or other institution of higher
14 learning, acting for the interest of itself, its students, or
15 the general public.

16 22534. The provisions of this chapter are not
17 exclusive. Nothing in this chapter shall be construed to
18 preempt or in any other way limit ~~or~~, diminish ~~the~~, or
19 *imply the absence of* rights of any party, public or
20 private, against any person in connection with any of the
21 acts described in Section 22530 or Section 22531.

22 22535. As used in this chapter, "person" means any
23 individual, partnership, corporation, or association.

24 As used in this chapter, "prepare" means to put into
25 condition for intended use. "Prepare" does not include
26 the mere typing or assembling of papers, nor the mere
27 furnishing of information or research.

O

STATE OF NEW YORK



Cal. No. 538

8651—A

IN ASSEMBLY

January 19, 1972

Introduced by Mr. STAVISKY—Multi-Sponsored by—Messrs. BURROWS, HARWOOD, RICCIO, Miss KRUPSAK, Miss GUNNING, BATTISTA, STRELZIN, MARGIOTTA, JONAS, BLUMENTHAL, WEPRIN, HEVESI, G. W. MILLER—read once and referred to the Committee on Education—reported from said committee with amendments, ordered reprinted as amended and placed on the order of second reading

AN ACT

to amend the education law in relation to the sale of dissertations,
theses and term papers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The education law is hereby amended by adding thereto
2 a new section, to be section two hundred thirteen-b, to read as follows:
3 § 213-b. *Unlawful sale of dissertations, theses and term papers. 1.*
4 *No person shall sell or offer for sale to any person enrolled in a uni-*
5 *versity, college, academy, school or other educational institution*
6 *within the state of New York any assistance in the preparation,*
7 *research or writing of a dissertation, thesis, term paper, essay, report*

EXPLANATION—Matter in italics is new, matter in brackets [] is old law to be omitted
C

1 or other written assignment intended for submission to such educa-
2 tional institution in fulfillment of the requirements for a degree,
3 diploma, certificate or course of study.

4 2. No person shall sell or offer for sale any dissertation, thesis, term
5 paper, essay, report or other written assignment to any person who,
6 sells or offers for sale any such dissertation, thesis, term paper, essay,
7 report or other written assignment to any person enrolled in a uni-
8 versity, college, academy, school or other educational institution
9 within the ³state of New York for submission to such educational insti-
10 tution in fulfillment of the requirements for a degree, diploma, certi-
11 ficate or course of study.

12 3. Nothing herein contained shall prevent such educational insti-
13 tution or any member of its faculty or staff, from offering courses,
14 instruction, counseling or tutoring for research or writing as part of a
15 curriculum or other program conducted by such educational institu-
16 tion. Nor shall this section prevent any educational institution or any
17 member of its faculty or staff from authorizing students to use statis-
18 tical, computer, or any other services which may be required or per-
19 mitted by such educational institution in the preparation, research or
20 writing of a dissertation, thesis, term paper, essay, report or other
21 written assignment. Nor shall this section prevent tutorial assistance
22 rendered by other persons which does not include the preparation,
23 research or writing of a dissertation, thesis, term paper, essay, report
24 or other written assignment intended for submission to such educa-
25 tional institution in fulfillment of the requirements for a degree,
26 diploma, certificate or course of study. Nor shall any person be pre-

1 vented by the provisions of this section from rendering services for a
2 fee which shall be limited to the typing, transcription or reproduction
3 of a manuscript.

4 4. Nothing contained within this section shall prevent any person
5 from selling or offering for sale a publication or other written mate-
6 rial which shall have been registered under the United States laws of
7 copyright, provided, however, that the owner of such copyright shall
8 have given his authorization or approval for such sale and provided
9 further that such publication or other written material shall not be
10 intended for submission as a dissertation, thesis, term paper, essay,
11 report or other written assignment to such educational institution
12 within the state of New York in fulfillment of the requirements for a
13 degree, diploma, certificate or course of study.

14 5. No person shall sell, assign or otherwise transfer for business or
15 for any other purpose to any person any information and material of
16 a personal or private nature acquired from a purchaser of a disserta-
17 tion, thesis, term paper, essay, report or other written assignment
18 without the prior consent of such purchaser. The term "information
19 and material of a personal or private nature" as used in this subdivi-
20 sion shall include, but not be limited to the name of such purchaser,
21 his address and telephone number, the name of such educational
22 institution, the name or number of the course, the name of the faculty
23 member or members for whom such written assignment has been pre-
24 pared and any description of the research involved or the nature of
25 such written assignment.

26 6. A violation of the provisions of this section shall constitute a
27 class B misdemeanor.

1 7. Whenever there shall be a violation of this section, an applica-
2 tion also may be made by the attorney general in the name of the
3 people of the state of New York to a court or justice having jurisdic-
4 tion to issue an injunction, and upon notice to the defendant of not
5 less than five days, to enjoin and restrain the continuance of such vio-
6 lation; and if it shall appear to the satisfaction of the court or justice
7 that the defendant has, in fact, violated this section, an injunction
8 may be issued by such court or justice, enjoining and restraining any
9 further violation, without requiring proof that any person has, in
10 fact, been injured or damaged thereby. In any such proceeding the
11 court may make allowances to the attorney general as provided in sec-
12 tion eighty-three hundred three, subdivision six of the civil practice
13 law and rules. In connection with any such proposed application, the
14 attorney general is authorized to take proof and make a determination
15 of the relevant facts and to issue subpoenas in accordance with the
16 civil practice law and rules.

17 § 2. This act shall take effect on the first day of July next suc-
18 ceeding the date on which it shall have become a law.

STATE OF NEW YORK



Cal. No. **IN ASSEMBLY** **IN ASSEMBLY**

January 19, 1972

Introduced by Mr. STAVISKY—Multi-Sponsored by—Messrs. BURROWS, HARWOOD, RICCIO, Miss KRUPSAK, Miss GUNNING, BATTISTA, STRELZIN, MARGIOTTA, JONAS, BLUMENTHAL, WEPRIN, HEVESI, G. W. MILLER—read once and referred to the Committee on Education—reported from said committee with amendments, ordered reprinted as amended and placed on the order of second reading

AN ACT

to amend the education law in relation to the sale of dissertations,
theses and term papers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The education law is hereby amended by adding thereto
- 2 a new section, to be section two hundred thirteen-b, to read as follows:
- 3 § 213-b. *Unlawful sale of dissertations, theses and term papers. 1.*
- 4 *No person shall sell or offer for sale to any person enrolled in a uni-*
- 5 *versity, college, academy, school or other educational institution*
- 6 *within the state of New York any assistance in the preparation,*
- 7 *research or writing of a dissertation, thesis, term paper, essay, report*

EXPLANATION—Matter in italics is new, matter in brackets [] is old law to be omitted

1 *or other written assignment intended for submission to such educa-*
2 *tional institution in fulfillment of the requirements for a degree,*
3 *diploma, certificate or course of study.*

4 2. *No person shall sell or offer for sale any dissertation, thesis, term*
5 *paper, essay, report or other written assignment to any person who,*
6 *sells or offers for sale any such dissertation, thesis, term paper, essay,*
7 *report or other written assignment to any person enrolled in a uni-*
8 *versity, college, academy, school or other educational institution*
9 *within the state of New York for submission to such educational insti-*
10 *tution in fulfillment of the requirements for a degree, diploma, certi-*
11 *ficatc or course of study.*

12 3. *Nothing herein contained shall prevent such educational insti-*
13 *tution or any member of its faculty or staff, from offering courses,*
14 *instruction, counseling or tutoring for research or writing as part of a*
15 *curriculum or other program conducted by such educational institu-*
16 *tion. Nor shall this section prevent any educational institution or any*
17 *member of its faculty or staff from authorizing students to use statis-*
18 *tical, computer, or any other services which may be required or per-*
19 *mitted by such educational institution in the preparation, research or*
20 *writing of a dissertation, thesis, term paper, essay, report or other*
21 *written assignment. Nor shall this section prevent tutorial assistance*
22 *rendered by other persons which does not include the preparation,*
23 *research or writing of a dissertation, thesis, term paper, essay, report*
24 *or other written assignment intended for submission to such educa-*
25 *tional institution in fulfillment of the requirements for a degree,*
26 *diploma, certificate or course of study. Nor shall any person be pre-*

1 *vented by the provisions of this section from rendering services for a*
2 *fee which shall be limited to the typing, transcription or reproduction*
3 *of a manuscript.*

4 4. *Nothing contained within this section shall prevent any person*
5 *from selling or offering for sale a publication or other written mate-*
6 *rial which shall have been registered under the United States laws of*
7 *copyright, provided, however, that the owner of such copyright shall*
8 *have given his authorization or approval for such sale and provided*
9 *further that such publication or other written material shall not be*
10 *intended for submission as a dissertation, thesis, term paper, essay,*
11 *report or other written assignment to such educational institution*
12 *within the state of New York in fulfillment of the requirements for a*
13 *degree, diploma, certificate or course of study.*

14 5. *No person shall sell, assign or otherwise transfer for business or*
15 *for any other purpose to any person any information and material of*
16 *a personal or private nature acquired from a purchaser of a disserta-*
17 *tion, thesis, term paper, essay, report or other written assignment*
18 *without the prior consent of such purchaser. The term "information*
19 *and material of a personal or private nature" as used in this subdivi-*
20 *sion shall include, but not be limited to the name of such purchaser,*
21 *his address and telephone number, the name of such educational*
22 *institution, the name or number of the course, the name of the faculty*
23 *member or members for whom such written assignment has been pre-*
24 *pared and any description of the research involved or the nature of*
25 *such written assignment.*

26 6. *A violation of the provisions of this section shall constitute a*
27 *class B misdemeanor.*

1 7. *Whenever there shall be a violation of this section, an applica-*
2 *tion also may be made by the attorney general in the name of the*
3 *people of the state of New York to a court or justice having jurisdic-*
4 *tion to issue an injunction, and upon notice to the defendant of not*
5 *less than five days, to enjoin and restrain the continuance of such vio-*
6 *lation; and if it shall appear to the satisfaction of the court or justice*
7 *that the defendant has, in fact, violated this section, an injunction*
8 *may be issued by such court or justice, enjoining and restraining any*
9 *further violation, without requiring proof that any person has, in*
10 *fact, been injured or damaged thereby. In any such proceeding the*
11 *court may make allowances to the attorney general as provided in sec-*
12 *tion eighty-three hundred three, subdivision six of the civil practice*
13 *law and rules. In connection with any such proposed application, the*
14 *attorney general is authorized to take proof and make a determination*
15 *of the relevant facts and to issue subpoenas in accordance with the*
16 *civil practice law and rules.*

17 § 2. This act shall take effect on the first day of July next suc-
18 ceeding the date on which it shall have become a law.

APPENDIX 7

CHAMPION TERM PAPERS' SALES
(APRIL 1971 - AUGUST 1972)*

SCHOOL	No. of papers sold
1. Boston U.	293
2. Northeastern	110
3. U. Mass (Boston)	93
4. Boston State	78
5. Emerson	74
6. Suffolk	71
7. Boston College	69
8. Tufts	60
9. U. Mass. (Amherst)	36
10. Salem State	31
11. Curry	30
12. Bryant	27
13. Harvard	23
15. Providence College, R.I.**	22
16. U. of R.I.	21
17. Bentley	18
18. Graham Jr. College	18
19. Brown	18
20. Brandeis	16
21. Merrimack	16
22. Wellesley	14
23. Columbia	14
24. North Shore C.C.	13
25. U. of Nebraska	12
TOTAL 1177	

* "Dave Martin," "Termpaper Companies Work, Write in a Variety of Styles," The Harvard Crimson, August 4, 1972, 3.

**14 is missing.

APPENDIX 8

Ac Act Relative to the Control of Reports, Research Papers, Theses or Any written documents submitted in Fulfillment or Partial Fulfillment of the Requirements for a Certificate, Degree or Diploma Granted by an Educational Institution Within the Commonwealth.

Section 1/ Chapter 266 of the General Laws is amended by inserting after Section 89 of Said Chapter 266, as amended by Section 7 of Chapter 549 of the Acts of 1943, the following new Section 89A

Section 2/ Any Report, Research Paper, Thesis or Written Documents submitted in fulfillment or partial fulfillment of the requirements for a certificate, degree diploma or license granted by any secondary school of education or incorporated college, professional school or university in this Commonwealth must have the signature or signatures, as the case may be, of the author, authors, or substantial contributors to such report, research paper, thesis or written document conspicuously affixed thereto.

Section 3/ In the case of a business or corporation organized under Chapter 156, 156B or 180 of the General Laws, and engaged in the preparation, publication and, or sale of Reports, Research Papers, Theses or Written Documents; the signature of that person, authorized by law to act for and in behalf of the aforementioned business or corporation, must be affixed to each Report, Research Paper, Thesis or Written Document prepared, published and, or sold by said business or corporation, where said publications are to be submitted by the receiver, or where there are reasonable grounds to assume that said receiver may submit said publications, in fulfillment or partial fulfillment of the requirements for a certificate, degree, diploma or license as specified in Section two of this act.

Section 4/ Whoever violates any provisions provided herein, or whoever alters, counterfeits or forges any signature or signatures required by Sections three and four of this act shall be punished by a fine, no less than twenty five dollars, for the first offense and each consecutive offense thereafter.

Section 5/ The provisions of this act are severable and, if any provision herein, shall be held unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect, alter, or impair the remaining provisions.

Section 6/ This act shall take effect upon its passage.

APPENDIX 9

An Act relative to the control of Reports, Research Papers, Theses, or any Written Documents submitted in fulfillment or partial fulfillment of the requirements for a Certificate, a Degree, a Diploma, or a License granted by an Educational Institution within the Commonwealth:

Section 1. Chapter 266 of the General Laws is amended by inserting after Section 89 of said Chapter 266, as amended by Section 7 of Chapter 549 of the Acts of 1943, the following new Section 89A.

Section 2. Any Report, Research Paper, Thesis or Written Document submitted in fulfillment or partial fulfillment of the requirements for a Certificate, Degree, Diploma or License granted by any Secondary School, School of Education, Professional School, College or University in this Commonwealth must have the signature or signatures, as the case may be, of the author, authors, or substantial contributors to such Report, Research Paper, Thesis or Written Document conspicuously affixed thereto.

Section 3. In the case of a Business or Corporation organized under Chapter 156, 156B or 180 of the General Laws, and engaged in the preparation, publication, and/or sale of Reports, Research Papers, Theses or Written Documents; the signature of that person authorized by law to act for and in behalf of the aforementioned Business or Corporation and the name of such Corporation must be affixed to each Report, Research Paper, Thesis or Written Document prepared, published, and/or sold by said Business or Corporation, where said publications are to be submitted by the

receiver, or where there are reasonable grounds to assume that said receiver may submit said publications in fulfillment or partial fulfillment of the requirements for a Certificate, Degree, Diploma, or License as specified in Section Two of this Act.

Section 4. Whoever violates any provisions provided herein, or whoever alters, counterfeits, deletes, excises, or forges any signature or signatures required by Sections Two and Three of this Act shall be punished by a fine no less than Two Hundred Fifty Dollars, for the first offense and each consecutive offense thereafter.

Section 5. The provisions of this Act are severable and, if any provision herein, shall be held unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect, alter, or impair the remaining provisions.

Section 6. This Act shall take effect upon its passage.

APPENDIX 10

An Act relative to the control of reports, research papers, theses, or any written documents submitted in fulfillment or partial fulfillment of the requirements for a certificate, degree, diploma or license granted by an educational institution within the Commonwealth.

Section 1.

Chapter 266 of the General Laws is amended by inserting after Section 89 of said Chapter 266, as amended by Section 7 of Chapter 549 of the Acts of 1943, the following new Section 89A

Section 2.

Any report, research paper, thesis or written document submitted in fulfillment or partial fulfillment of the requirements for a certificate, degree, diploma or license granted by any secondary school, school of education, technical or professional school, college, or university in this Commonwealth shall have the signature or signatures as the case may be, of the author, authors, or substantial contributors to such report, research paper, thesis or written document conspicuously affixed thereto.

Section 3.

In the case of a business or corporation organized under Chapter 156, 156B or 180 of the General Laws, and engaged in the preparation, publication or sale of reports, research papers, theses or written documents; the signature of any person, authorized by law to act for and in behalf of such business or corporation, and the name of such business or corporation shall be affixed to each report, research paper, thesis or written document prepared, published or sold by such business or corporation, where such publication is to be submitted by the receiver, or where there are reasonable grounds to believe that the receiver may submit such publication, in fulfillment or partial fulfillment of the requirements for a certificate, degree, diploma or license as specified in Section Two of this act.

Section 4.

Whoever violates Section 2 or Section 3 of the act, or whoever alters, counterfeits, deletes, excises or forges any signature or signatures required by Sections two and three of this act shall be punished by a fine of not

more than twenty five dollars for the first offense, and two hundred and fifty dollars for each offense thereafter.

Section 5.

The provisions of this act are severable and, if any provision herein, shall be held unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect, alter, or impair the remaining provisions.

Section 6.

This act shall take effect upon its passage.

APPENDIX 11

Whoever sells or delivers to another or composes for another a theme, term paper, thesis or other paper knowing that there is a substantial likelihood that such paper or substantial material therefrom will be submitted by some other person for credit as his own work at an educational institution in this commonwealth or elsewhere, or whoever takes an examination for another at any educational institution in this commonwealth, shall be punished by a fine of not more than dollars or by imprisonment for not more than , or both.

An Act Relating to the Preparation, Sale and Distribution of
Academic Assignments

1 A. No person shall prepare, offer to prepare, cause
2 to be prepared, sell or offer for sale any term paper,
3 thesis, dissertation, essay, report or other written,
4 recorded, pictorial, artistic or other assignment with
5 the knowledge, or under the circumstances having reason
6 to know, that said assignment is intended for submission
7 either in whole or substantial part under a student's
8 name in fulfillment of the requirements for a degree,
9 diploma, certificate or course of study at any university,
10 college, academy, school or other educational institution
11 which is chartered, incorporated, licensed, registered
12 or supervised by this state.

13 B. Nothing contained in this section shall prevent
14 any person from providing tutorial assistance, research
15 material, information or other assistance to persons enrolled
16 in a university, college, academy, school or other educational
17 institution which is chartered, incorporated, licensed,
18 registered or supervised by this state, which is not intended
19 for submission directly or in substantial part as an assignment
20 under the student's name to such educational institution
21 in fulfillment of the requirements for a degree, diploma,
22 certificate or course of study. Nor shall any person be
23 prevented by this section from rendering services for a
24 fee which include the typing, research, assembling,
25 transcription, reproduction or editing of a manuscript
26 or other assignment prepared not at the request of or
27 on behalf of the purchaser.

28 C. Anyone convicted of violating any provision of
29 this section shall be guilty of a misdemeanor. Any court
30 of competent jurisdiction is hereby authorized to grant such
31 further relief as is necessary to enforce the provisions
32 of this section, including the issuance of an injunction.

33 D. Actions for injunction under the provisions of
34 this section may be brought in the name of the people of
35 this state upon their own complaint or upon the complaint
36 of any person, or any public or private college, university,
37 academy, school or other educational institution which is
38 chartered, incorporated, licensed, registered or supervised
39 by this state, acting for the interest of itself, its
40 students, or the general public.

41 E. As used in this section, "person" means any
42 individual, partnership, corporation or association.

43 F. As used in this section, "assignment" means any
44 specific written, recorded, pictorial, artistic or other
45 academic task that is intended for submission to any
46 university, college, academy, school or other educational
47 institution which is chartered, incorporated, licensed,
48 registered or supervised by this state, in fulfillment of
49 the requirements of a degree, diploma, certificate or
50 course of study at any such educational institution.

51 G. As used in this section, "prepare" means to
52 create, write or in any way produce in whole or substantial
53 part a term paper, thesis, dissertation, essay, report
54 or other written, recorded, pictorial, artistic or
55 other assignment for a fee.

HOUSE No. 429

By Mr. Hatch of Beverly, petition of Francis W. Hatch, Jr., for legislation to prohibit the sale of term papers and other written assignments for aid to students in educational institutions. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROHIBITING THE SALE OF DISSERTATIONS, THESES AND TERM PAPERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 271 of the General Laws is hereby amended by
2 inserting after section 49, the following section: —

3 *Section 50.* Whoever shall sell or offer for sale to any per on
4 enrolled in a university, college, academy, school or other
5 educational institution within the Commonwealth any assistance
6 in the preparation, research or writing of a dissertation, thesis,
7 term paper, essay, report or other written assignment intended
8 for submission to such educational institution in fulfillment of
9 the requirements for a degree, diploma, certificate or course of
10 study, shall be guilty of a violation of this section.

11 Whoever shall sell or offer for sale any dissertation, thesis,
12 term paper, essay, report or other written assignment to any
13 person who, sells or offers for sale any such dissertation, thesis,
14 term paper, essay, report or other written assignment to any
15 person enrolled in a university, college, academy, school or other
16 educational institution within the Commonwealth of Massa-
17 chusetts for submission to such educational institution in
18 fulfillment of the requirements for a degree, diploma, certificate
19 or course of study, shall be guilty of a violation of this section.

20 Nothing herein contained shall prevent such educational
21 institution or any member of its faculty or staff, from offering
22 courses, instruction, counseling or tutoring for research or
23 writing as part of a curriculum or other program conducted by
24 such educational institution. Nor shall this section prevent any

- 25 educational institution or any member of its faculty or staff from
— 26 authorizing students to use statistical, computer, or any other
27 services which may be required or permitted by such educational
28 institution in the preparation, research or writing of a disserta-
29 tion, thesis, term paper, essay, report or other written
30 assignment. Nor shall section prevent tutorial assistance
— 31 rendered by other persons which does not include the pre-
32 paration, research or writing of a dissertation, thesis, term paper,
33 essay, report or other written assignment intended for submission
34 to such educational institution in fulfillment of the requirements
35 for a degree, diploma, certificate or course of study. Nor shall
36 any person be prevented by the provisions of this section from
37 rendering services for a fee which shall be limited to the typing,
38 transcription or reproduction of a manuscript.
39 Nothing contained within this section shall prevent any person
40 from selling or offering for sale a publication or other written
— 41 material which shall have been registered under the United States
42 laws of copyright, provided, however, that the owner of such
43 copyright shall have given his authorization or approval for such
44 sale and provided further that such publication or other written
— 45 material shall not be intended for submission as a dissertation,
46 thesis, term paper, essay, report or other written assignment to
47 such educational institution within the Commonwealth of
48 Massachusetts in fulfillment of the requirements for a degree,
49 diploma, certificate or course of study.
50 Whoever shall sell, assign or otherwise transfer for business or
51 for any other purpose to any person, information and material of
52 a personal or private nature acquired from a purchaser of a
53 dissertation, thesis, term paper, essay, report or other written
54 assignment without the prior consent of such purchaser shall be
55 guilty of a violation of this section. The term "information and
56 material of a personal or private nature" as used in this section
57 shall include, but not be limited to the name of such purchaser,
58 his address and telephone number, the name of such educational
59 institution, the name or number of the course, the name of the
60 faculty member or members for whom such written assignment
61 has been prepared and any description of the research involved or
62 the nature of such written assignment.

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63 A violation of the provisions of this section shall be punishable
64 by imprisonment for not more than one year or by a fine of not
65 more than five thousand dollars.

66 Whenever there shall be a violation of this section, an
67 application also may be made by the Attorney General to a court
68 or justice having jurisdiction to issue an injunction, and upon
69 notice to the defendant of not less than five days, to enjoin and
70 restrain the continuance of such violation; and if it shall appear
71 to the satisfaction of the court or justice that the defendant has,
72 in fact, violated this section, an injunction may be issued by such
73 court or justice, enjoining and restraining any further violation,
74 without requiring proof that any person has, in fact, been injured
75 or damaged thereby.

APPENDIX 14

HOUSE No. 611

By Mr. White of Boston, petition of W. Paul White, Raymond L. Flynn and another for legislation to prohibit the sale of term papers and other written assignments for aid to students in educational institutions. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT REGULATING THE SALE OF DISSERTATIONS, THESES, AND TERM PAPERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 266 of the General Laws is hereby amended by
2 inserting after section 89 the following section : -
3 *Section 89A.* Unlawful sale of dissertations, theses and term
4 papers.

5 No person shall sell or offer for sale to any person enrolled in a
6 university, college, academy, school or other educational
7 institution within this commonwealth any assistance in the
8 preparation, research or writing of a dissertation, thesis, term
9 paper, essay, report or other written assignment intended for
10 submission to such educational institution in fulfillment of the
11 requirements for a degree, diploma, certificate or course of
12 study.

13 No persons shall sell or offer for sale any dissertation, thesis,
14 term paper, essay, report or other written assignment to any
15 person who, sells or offers for sale any such dissertation, thesis,
16 term paper, essay, report or other written assignment to any
17 person enrolled in a university, college, academy, school or other
18 educational institution within this commonwealth for submission
19 to such educational institution in fulfillment of the requirements
20 for a degree, diploma, certificate or course of study.

21 Nothing herein contained shall prevent such educational
22 institution or any member of its faculty or staff, from offering

23 courses, instruction, counseling or tutoring for research or
24 writing as part of a curriculum or other program conducted by
25 such educational institution. Nor shall this section prevent any
26 educational institution or any member of its faculty or staff from
27 authorizing students to use statistical, computer, or any other
28 services which may be required or permitted by such educational
29 institution in the preparation, research or writing of a disserta-
30 tion, thesis, term paper, essay, report or other written assign-
31 ment. Nor shall this section prevent tutorial assistance rendered
32 by other persons which does not include the preparation,
33 research or writing of a dissertation, thesis, term paper, essay,
34 report or other written assignment intended for submission to
35 such educational institution in fulfillment of the requirements
36 for a degree, diploma, certificate, or course of study. Nor shall
37 any person be prevented by the provisions of this section from
38 rendering services for a fee which shall be limited to the typing,
39 transcription or reproduction of a manuscript.

40 Nothing contained within this section shall prevent any person
41 from selling or offering for sale a publication or other written
42 material which shall have been registered under the United States
43 laws of copyright, provided, however, that the owner of such
44 copyright shall have given his authorization or approval for such
45 sale and provided further that such publication or other written
46 material shall not be intended for submission ~~as a~~ dissertation,
47 thesis, term paper, essay report or other written assignment to
48 such educational institution within this commonwealth in fulfill-
49 ment of the requirements for a degree, diploma, certificate or
50 course of study.

51 Whoever violates the provisions of this section shall be
52 punished by a fine of not more than one thousand dollars.
53 Whoever violates the provisions of this section may be enjoined
54 therefrom by a petition in equity brought by the attorney
55 general or by the trustees of any university, college, academy,
56 school or other educational institution having lawful authority in
57 this commonwealth to confer degrees, diplomas, or certificates.

APPENDIX 15

HOUSE No. 1343

By Messrs. Daly of Boston and Piro of Somerville, petition of Michael J. Daly and Vincent J. Piro for legislation to prohibit the sale of term papers and other written theses for aid to students towards educational degrees without attribution as to the source of such information. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

**AN ACT TO PREVENT THE SALE OF TERM PAPERS OR THESES FOR USE
BY PERSONS FOR CREDIT TOWARD EDUCATIONAL DEGREES WITH-
OUT ATTRIBUTION AS TO SOURCE**

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same as
follows*

1 SECTION 1. Whoever, alone or in concert with others, sells
2 or delivers to another or composes for another, or arranges for or
3 assists in such sale, delivery or composition for another, a theme,
4 term paper, thesis or other paper or the results of research,
5 knowing or having reason to know that there is a substantial
6 likelihood that such theme, term paper, thesis or other paper or
7 research results or substantial material therefrom will be sub-
8 mitted or used by some other person for credit as his own work
9 at an educational institution in this Commonwealth or elsewhere
10 without proper attribution as to source, or whoever takes an
11 examination for another at any educational institution in this
12 Commonwealth, shall be punished by a fine of not more than
13 \$5,000 or by imprisonment for not more than six months, or
14 both.

1 SECTION 2. Any corporation or business engaged in the sale
2 or transfer in this Commonwealth for a valuable consideration of
3 themes, term papers, thesis or research results shall maintain a
4 record of each such sale with the name and address of each
5 person preparing such material and of each purchaser thereof.

2

HOUSE - No. 1343

[January 1973]

6 together with a copy of the material sold, all of which shall be
7 made available for inspection and copying by the authorized
8 representative of any educational institution in this Common-
9 wealth granting diplomas or degrees pursuant to authorization of
10 the laws of the Commonwealth. The foregoing shall not apply to
11 research for corporations or other business entities with respect
12 to matters relating to the business conducted by them. Failure to
13 comply with the provisions hereof shall be punishable by a fine
14 of not more than \$5,000 or imprisonment for not more than six
15 months, or both.

HOUSE No. 3440

By Mr. Flynn of Boston, petition of Robert H. Quinn (Attorney General) and Raymond L. Flynn for legislation to prohibit the sale of term papers and other documents used for educational purposes. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROHIBITING THE SALE OF TERM PAPERS AND OTHER DOCUMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 266 of the General Laws is hereby amended by
2 adding after section 142 the following new section:

3 *Section 143. Whoever sells or offers to sell to any person*
4 *assistance in the preparation, research or writing of a disserta-*
5 *tion, thesis, term paper, essay, report or other written assign-*
6 *ment having reasonable cause to believe that the same will be*
7 *used in fulfillment of the requirements for a degree, diploma,*
8 *certificate or course of study at any university, college, tech-*
9 *nical or professional school, academy, secondary school or any*
10 *other educational institution within the commonwealth shall be*
11 *punished by a fine of not more than five hundred dollars or by*
12 *imprisonment in a jail or house of correction for not more*
13 *than one year, or both.*

14 *However, nothing in this section shall: (1) prevent such*
15 *university, college, technical or professional school, academy,*
16 *secondary school, or other educational institution, or any*
17 *member of its faculty or staff, from offering courses, instruc-*
18 *tion, counseling or tutoring in research or writing as part of a*
19 *curriculum or other program authorized by such educational*
20 *institution; (2) prevent tutorial assistance rendered by other*
21 *persons which does not include the preparation, research or*
22 *writing of a dissertation, thesis, term paper, essay report or*
23 *other written assignment intended for submission to such*
24 *educational institution in fulfillment of the requirements for a*

25 degree, diploma, certificate or course of study; or (3) prevent
26 the rendering of services for a fee which shall be limited to the
27 typing, transcription or reproduction of a manuscript.

APPENDIX 17

HOUSE No. 6 5 3 8

Substituted by the House, on motion of Mr. Piro of Somerville, for a Bill to prevent the sale of term papers or theses for use by persons for credit toward educational degrees without attribution as to source (House, No. 1343), May 3.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three

AN ACT PREVENTING THE SALE OF TERM PAPERS OR THESES FOR
USE BY PERSONS FOR CREDIT TOWARD EDUCATIONAL DEGREES
WITHOUT ATTRIBUTION AS TO SOURCE

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows*

1 Chapter 271 of the General Laws is hereby amended by adding
2 the following two sections:

3 *Section 50* Whoever, along or in concert with others, sells or
4 delivers to another or composes for another, or arranges for or
5 assists in such sale, delivery or composition for another, a theme,
6 term paper, thesis or other paper or the results of research,
7 knowing or having reason to know that such theme, term paper,
8 thesis or other paper or research results or substantial material
9 therefrom will be submitted or used by some other person for
10 credit as his own work at an educational institution in the
11 commonwealth or elsewhere without proper attribution as to
12 source, or whoever takes an examination for another at any edu-
13 cational institution in the commonwealth, shall be punished by a
14 fine of not more than one hundred dollars or by imprisonment
15 for not more than six months, or both.

16 *Section 51* Any person engaged in the sale or transfer for a
17 valuable consideration of themes, term papers, theses or research

18 results shall maintain a record of each such sale with the name
19 and address of each person preparing such material and of each
20 purchaser thereof, together with a copy of the material sold. The
21 foregoing shall not apply to research for corporations or other
22 business entities with respect to matters relating to the business
23 conducted by them [nor to persons engaged principally in
24 research or in the compilation of data.] Failure to comply with
25 the provisions hereof shall be punishable by a fine of not more
26 than one hundred dollars or imprisonment for not more than six
27 months, or both.

H 6538,
amended

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-three

AN ACT REGULATING THE SALE OF THEMES, TERM PAPERS, THESES OR RESEARCH PAPERS INTENDED TO BE USED FOR ACADEMIC CREDIT, AND PROHIBITING THE TAKING OF EXAMINATIONS FOR ANOTHER AT EDUCATIONAL INSTITUTIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 271 of the General Laws is hereby amended by adding the following section:-

Section 50. Whoever, alone or in concert with others, sells to another, or arranges for or assists in such sale for another, a theme, term paper, thesis or other paper or the written results of research, knowing or having reason to know that such theme, term paper, thesis or other paper or research results or substantial material therefrom will be submitted or used by some other person for academic credit and represented as the original work of such person at an educational institution in the commonwealth or elsewhere without proper attribution as to source, or whoever takes an examination for another at any educational institution in the commonwealth, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

House of Representatives, September 26, 1973.

Passed to be re-enacted *David M. Bantley*, Speaker.

In Senate, September 26, 1973.

Passed to be re-enacted *Joseph J. C. D'Amico*, Acting President.

October 4, 1973.

Approved,

Frank J. Sargent
Governor.