

Stanford Law Review Becomes Voluntary

By John York

Under a new membership-selection plan, the *Stanford Law Review* now offers every second-year student there the chance to join its staff permanently.

"That's right — the *Stanford Law Review* has gone voluntary," declared its president, Norton Tooby. "Actually, half-voluntary is more like it."

Any second-year student can join the *Review* for a semester (after attending a brief training program). New members of the

publication will automatically become editors at the beginning of the second semester if their work during the first semester measures up to *Review* standards.

The revolutionary system is founded on a belief that the *Review* should serve two purposes: to publish a high quality law journal as well as to offer valuable educational experiences to all who both desire them and are willing to assume the responsibilities of publishing such a journal.

"Since we are convinced that

every Stanford law student is capable of adequately performing *Review* work if he commits sufficient time to it, the criterion for becoming an editor is a participant's willingness to devote time to *Review* work," Tooby stated.

Members of the journal do not feel that the choice of who will participate on the *Review* can be accurately or fairly chosen in advance. They do not see any easily-administered means for predicting the ability and willingness of

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HARVARD LAW RECORD

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TWENTY CENTS

Report on Washington March

By Howard Cohen

Once upon a time a large number of Americans went to Washington to visit their President. Their host was home but wouldn't let them in. But this was understandable. The day before they had sent him coffins as a house warming gift. "So it goes."

Last Saturday's huge anti-war demonstration was a march for everyone much the same as civil rights was a movement for everyone in the '50's. In the '50's, however, each demonstration was a solution unto itself. A unified nation lay around the corner; racism had not yet been discovered.

But times have changed and the demonstrators in Washington last week displayed more political awareness. Neither this march nor any other demonstration could end the Vietnam War.

As little as two weeks ago, Nixon had committed this Nation to a path totally irreconcilable with the policies of immediate withdrawal advocated by most of the marchers. The people who joined the New Mobilization march were expressing a "volk geist."

Mr. Cohen's account of the Washington Moratorium activities is an article of opinion and impression, rather than a straight news story.

Inside

At Tuesday's faculty meeting, the suggestion was made for graded first year examinations after the first semester. See story on page 13.

They, more than "I will not run away" Nixon, surrounded by his 40,000 troops, realized that the real power was inside the buildings, not in the street.

They, more than "could those with the red flags do the same in Hanoi" Herb Klein, wanted to re-establish the possibility of freedom and greatness that is the United States.

The crowd was smug and confident (though most were worried that the attack on the Justice Department might destroy their purpose).

Again, they, more than "Say it again" Agnew, realized the methods of mass media. They knew that the government had taken extraordinary precautions to ensure that any violence would have at least the appearance of being instigated by the

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Monday
November 24th

Ring Day at the Coop

From 10 A.M. to 3 P.M., Bob Ahearn, a trained college specialist from John Roberts, will be at the Pen Counter of the Main Store in Harvard Square to help you select and order your Harvard or Harvard Law Ring.

Order now for Christmas. Be sure to bring ring size, if a gift.

Four weeks delivery.

**the
Coop**

The Collegiate Department Store
HARVARD SQUARE
Open Thurs. 'til 9.

Washington Activities As Seen By Marcher

(Continued from Page 1)

marchers. (After all, this wasn't the Chicago Police Department.)

This attitude came from many sources.

For one of the first times there was a large number of union people (although the emphasis placed on this by "New Mobe" was probably out of proportion to their actual number) carrying placards with union slogans such as "War inflation + War Taxes = Lower Wages."

The union people were upset by the government's supposed opposition to the workers' demands at General Electric and by their signs and words so indicated.

The students loved it.

There were the groups of Veterans, their appearance becoming more common at peace rallies. One had written on his coat "This effete snob raised a flag in the Pacific."

The Panthers were there asking for the release of their jailed legions, asking for money for breakfast programs, asking for freedom for their brothers. As they walked through the packed crowds a path would open.

And, of course, all the more establishment oriented groups that Vietnam has brought into the streets were present: priests, ministers, and rabbis; "Mothers ("Des Moines mothers," "P.T.A. mothers," "Jewish mothers") for Peace;" Unitarians and Quakers.

One flag that was raised on the poles around the Washington monument read "Harvard 'B' for Peace." Must one say more?

But most of all the attitude was made possible by the fantastic work of the leaders of "New Mobe."

The scene had been set by the "March Against Death." Over thirty thousand had taken the three hour walk in the rain and cold from Arlington Cemetery to the White House.

The buses arrived on time; there were sleeping arrangements and food for thousands. The leaders were obviously professionals at demonstrations and had learned the lessons of Chicago and Woodstock.

More than anything else they were determined to make the march their own, not that of the Washington police or Federal troops.

Literally thousands of marshals had been trained for the affair. They had all been indoctrinated in the purposes, policies, and plans of the march. They surrounded the marchers when gathered in

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Financial Aid Policy Candor Urged

By Terry J. Liverman
and Larry L. Pressler

The purpose of this article is in part to respond to Marc Glass' letter in the RECORD two weeks ago (see Nov. 6 issue) and in part to conclude the presentation of materials relating to Financial Aid which we have gathered from 37 student interviews.

Our main conclusion is that although the Harvard Law School Financial Aid office operates under difficult conditions (it deals with very diverse student situations which demand individual treatment) it is seriously lacking in openness about policy guidelines and candor about real costs.

Before being too critical of the Law School Administration, however, we should say that we are equally disappointed by the lack of student interest in this subject, i.e., the miniscule attendance at the October 16, 1969 open meeting on Financial Aid and the lack of response to earlier articles on financial aid in the RECORD.

Part of this student apathy may be traced to the fact that policies and information about financial aid are so nebulously presented that general confusion results. We wish to cite five areas

Five Areas Cited For Clarification

where policies concerning Financial Aid should be clarified and possibly altered.

(1) What are the real costs of attending the Harvard Law School for a year?

In an earlier article (see RECORD, Oct. 30), we suggested that the real costs, even assuming a reasonably frugal standard of living, would be at least \$4,700 per year. The Law School *Financial Aid Guide* lists \$3,700. Mr. Glass' letter in reply reflected the Administration position, "Alumni should not be expected to pay for

Editor's Note: This is an article of opinion by two students who have studied the financial aid situation. We hope it increases awareness of financial aid problems and policies at the Law School.

gifts." (We had listed a \$25.00 expenditure for gifts as a part of a student's reasonable annual expenditures.)

But we did not advocate that alumni pay for a student's gifts; nor do we advocate that scholarships be at a \$4,700 level. We merely said that the results of 37 student interviews revealed that costs are at least \$4,700 per year.

We advocate that the Law School candidly and openly admit what the real costs are. Thus a student applying for a state loan or to his parents for more aid would not have to explain that Harvard's official figures are too low.

(2) Why doesn't the Law School openly disclose that nearly \$80 out of each student's tuition goes directly and immediately to other students in the form of scholarship funds?

The *Tentative Report of the Committee on Financial Aid of the Joint Student Faculty Committee* (October, 1969) lists as a source of grant funds from tuition and unrestricted Law School funds the amount of \$84,295.

At the October 15 meeting we raised the question of how much of this came from tuition and the response was that the Administration is uncertain. It thinks 80% to 90% of it does. We asked if the amount could be expected to increase with the proposed increase in tuition and the answer was "probably yes."

Thus, when a Harvard Law student pays his tuition, about \$80 is used for Financial Aid to other students. Under the new

tuition rates, this amount will probably increase to about \$100.

We do not object in any way to this kind of transfer from one student to another, but we believe the Law School should be absolutely candid about it. Therefore we recommend a line item on each student's bill called "Scholarship Fund." If tuition is raised to \$2,150, a student's bill would read, "Tuition" \$2,050 and "Scholarship Fund" \$100.

(3) Can the Law School be more open about the number and amount of scholarships granted and can this information be included in the bulletins for incoming students?

At present the only information available on the number and size of scholarships, grants, and loans is general figures on the

Only Information Is General Figures

total number granted and the total amounts of money distributed. There is no way to find out how many \$4,000 financial aid packages are awarded, if any, or how many \$100 scholarships are awarded, if any.

An incoming student could better assess his situation if such information were made available. This public disclosure would help in convincing the students that the Law School is using the highest standards of fairness in making awards of aid to students.

We do not suggest that the present system of allocating funds is unfair; we have no way of knowing. Nor do we advocate that individual names be released. We merely suggest that the entire system would benefit if the number and amount of various financial aid packages be fully disclosed and made public for all to see — particularly incoming students and alumni.

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Visiting Prof Wedderburn Aims

By Ronald Nussbaum

London to Cambridge to London to Cambridge — and at the end of the year — to London. This is the odyssey of Kenneth Wedderburn, a visiting professor of law at Harvard this year.

It began in London, where Prof. Wedderburn was born "in a district south of the river, the wrong side of the river." After grammar school, he attended Queens' College in Cambridge, England.

"I went to Cambridge not to read law, but to read classics. The course in classics was very much a matter of doing unseen trans-

The Law Game Seemed Attractive

lations from Greek. Since my interest was in classical and modern philosophy, I didn't find this to my liking and looked around for another subject. The law game seemed rather attractive. I therefore switched subjects in the middle of my degree, which it is possible to do in Cambridge much more easily than in almost any other English university," Wedderburn said.

"We have mainly undergraduate law courses. If I may say so, I think that a student coming from an English school at 18 knows rather more than the average high school graduate here . . . but usually rather more about a smaller number of useless topics. I think the fair comparison may be made between our third year undergraduate student and your first year graduate law student."

At Cambridge, Wedderburn got his first law degree in 1948 and his graduate degree in 1949. The odyssey was then interrupted as he spent some time in the Air Force, "not by my own choice," and "doing nothing of any interest at all."

From 1952 on Prof. Wedder-

burn was in Cambridge as a Fellow of Clare College and as a lecturer in the university law faculty. Just after that he qualified at the bar with a certificate of merit.

"In order to qualify for the English bar," Prof. Wedderburn explains, "you take examinations and then you become a pupil in chambers for six months or a year. It's in effect being a junior member of the set of chambers. There are no partnerships at the English bar. So I'm a barrister at law, having served my apprenticeship. But I didn't do any practice to speak of or at least not very much all the time I was at Cambridge. It's very difficult to combine teaching at Cambridge with any practice."

He remained at Clare until 1964.

In 1964, he was offered the Castle Chair of Commercial Law at the London School of Economics. The chair had previously been held by Prof. Gower, who was also a visiting professor at Harvard during the middle '50's.

"At first I said no. Even five years ago it was thought very odd and bizarre to move away from Oxford or Cambridge. These days there is a little more mobility set in.

"Having said no, I went to Scandinavia for a holiday and maybe it was the thin northern air, but I reconsidered the matter and thought it would be quite ridiculous to stay in Cambridge for the whole of one's life. Since I had always said that the University of London and more especially the London School of Economics, which is the law faculty, to which the chair is attached, was the only place to which I'd ever go, I was, as it were, really hoist with my own petard. So in 1964 I went and took that chair.

"Since then I've been teaching mainly company law and labor law to the third year of our first degree students and the graduate

student course for the LL.M., as it is in London. And also, of course, some contract common law because if one loses contact with ordinary common law then one doesn't remain a very good lawyer.

"I don't think that it is as true in America as it is in Britain that one has to keep in touch with the basic common law and, of course, statutory law, in the areas one is interested in to stay a good lawyer. The danger of the new approach in Britain — which is old-fashioned here — of being policy oriented or having a functional approach is that you'll end up having only a functional approach and not knowing any law.

"My younger colleagues now regard me as very old-fashioned in wanting to go *to* the policy *through* the law, *not around* the law to talk policy. If you do the latter, then I think you end up with a bad lawyer."

Prof. Wedderburn has done some practice since taking on the Castle Chair.

"I've been in some of the leading labor law cases. I'm in what is called 'below the line practice.' . . . I am consultant to the largest unions in Britain, such as the Transport and General Workers' Union. I very rarely appear in court, partly because it's impossible in the English courts to

Leading British Labor Litigation

know when a case is coming on, and therefore it's bound to clash with one's commitments at the university.

"But I've done much more opinion work, as we call it. It has led to a few very interesting, important cases.

"The most important, perhaps, was this year in the Ford Motor case, which was the first case ever litigated about the contractual binding character of an Eng-

To Keep Common Law Touch



Norm Besman

Visiting Professor Kenneth Wedderburn

lish collective agreement. It was established that normally such agreements don't have a binding effect. . . . In other words, we won. The other cases have been many labor law cases, many involving issues like secondary boycotts."

Now, in 1969, Prof. Wedderburn has gone once again from London to Cambridge, only this time the Cambridge is Massachusetts, not England. And this time the move is only on a temporary basis, as a visiting professor, teaching courses in corporate and labor law.

"It is difficult to make a comparison between the English legal education system and the American; the structure is entirely different — not merely the structure of education, but of the profession, and, of course, just as here, the bar requirements are one of the things that affect courses and educational structure.

"Even more in England, the fact that there is a divided profession between solicitors and barristers and the requirements of each of these halves have an

enormous influence and sometimes a very bad influence on legal education.

"For example, if you set up a series of options for your second or third year and say as we do that you must read jurisprudence and any three of these optional subjects and if four of the options are subjects which the student will be taking later or must take later for their final examinations to become solicitors or barristers, then very many of them, often without thinking, will select those options. It takes a great deal of persuasion to convince the students to take other courses.

"One of the difficulties here at Harvard is that the law school, as I understand it, is beginning to have to face the situation in which a rather larger number of its students than before are not, as it's put here, 'committed to the law completely,' as they might have been in the older days.

"Now our equivalent to that is that a number of people read law for their first degree — few of these go on to the graduate

courses — as an educational subject, as their university subject. They might have read history; they might have read sociology; they choose to read to law.

"And therefore if one is completely bound as so many law faculties have been in the past in Britain to professional requirements, then the ability to teach what I regard as an academic course is almost strangled at birth.

"Now there is a committee sitting on this at the moment — of course throughout the world there are committees sitting on everything just at the moment; sometimes it's a way of stopping progress, but I hope this will assist ours — on legal education.

"One of the issues for it will be whether or not the profession should have a very heavy influence upon university law faculties, what the relationship between the two should be.

"This has never been faced before. The profession, especially the bar — and the bar is dominant; there are 2000 barristers in England and these are the dominant influence in the whole structure — and many people in the Temple will say to a young man, 'My dear fellow, don't go reading law at the university, you'll be doing that for the rest of your life; go and read some civilized subject, like classics or history.'

"In fact we had a senior judge address the assembled multitude of university teachers of law three or four years ago who had read chemistry at Oxford, whose message was he didn't think people should read law at the university. 'Law,' he said, 'is plumbing. And you don't read plumbing at a university.'

"That is the attitude still, not of all, but of a large number of senior practitioners at the bar. Faced with that attitude one can make very little progress. Fortunately there are a number of

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Conservation Group Hits Law Firm

By Michael Lurey

The Harvard Law Conservation Society last week sent a letter to the San Francisco law firm of Thelen, Marrin, Johnson & Bridges, charging that its client, the Georgia-Pacific Corporation, in 1967 and 1968, "destroyed redwood trees within the boundaries of a proposed national park then under Congressional consideration."

The law firm is interviewing at the Law School today and tomorrow.

Letter States

The letter states that "as law students dedicated to the preservation of the natural gifts of our environment we are concerned about possible contributions of the legal profession to the destruction of unreplacable [sic] natural resources. . . .

"We ask that you respond to the following questions in order that your firm's position on the activities of the Georgia-Pacific Corporation may be known to members of the Harvard legal community who may be seeking employment with you."

Tony Rossmann, 2L and one of the founders of the Conservation Society (see RECORD, Sept. 25), said he hoped students interviewing with Thelen, Marrin would seriously question the firm's ties to Georgia-Pacific and discuss the matter with the interviewers, or boycott the firm.

The Conservation Society will respond officially to the firm's answer in the near future.

Among the questions included in the letter are:

Does your firm disavow support for the policies of the Georgia-Pacific Corporation in the redwood tree issue?

Has Firm Attempted

Has your firm attempted to ameliorate Georgia-Pacific's behavior in the redwood issue?

If not, is it the consensus of your members that it is not their responsibility to consider the adverse impact of their clients' activities on the environment?

Do any members of your firm individually actively oppose the policies of Georgia-Pacific in the redwood issue?

Finally, the letter requests that the law firm either prepare an answer in advance and forward it to the Law School, or deliver its response to the Placement Office prior to interviewing today.

Rossmann said he first learned of the firm's relationship with Georgia-Pacific last summer. He noted that members of the law firm were "critical and condescending" toward environmental law and the Sierra Club, the national conservation organization with which the Conservation Society is associated.

For Rossmann the issue is not whether a law firm should represent a corporation involved in the destruction of natural resources. Rather, the question is whether the law firm concedes its dual obligations to society and client, and counsels a course which recognizes both interests.

As Example

As an example of a law firm which has lived up to the burdens imposed by environmental concern, Rossmann cited the firm which represents Union Oil in the oil-spill in the Santa Barbara Channel. Rossmann thinks it safe to assume the reaction of Company officials was one of defiance.

Yet, the Company quickly offered to pay reparations for the damages. This of course served the Company's interests by avoiding adverse legal precedents. It also had the effect of ameliorating the damage to public interests.

Since its founding earlier this semester, the Conservation Society has grown to where its membership now numbers 40. About half the group are actively involved in various legal research projects on environmental law.

According to Rossmann, the Society's greatest victory to date has been in attaining office space in the basement of Langdell Hall.

Law School Dramatists Plan Show; Runs Scheduled for Cambridge, NYC

Much to the dismay of David Merrick, Neil Simon, and other czars of Broadway, the Harvard Law School Drama Society — perpetrator of the annual Law School Show — is ready to start again this year.

Perhaps the Law School's only frivolous activity, the Show will be building on a three-year tradition of increasing theatrical sophistication and success.

Last year's show enjoyed a record-breaking run of five per-

formances in Cambridge and one performance in New York.

Forsaking its Law School setting of the past two years, the Show will this year take place in the old west. It will be performed in mid-March, and plans are under way for a performance in New York.

Auditions for the show will be held in early December. Thespians, singsters, and dancers are invited to try out, and questions can be directed to Joe Alviani (491-7792).

J.D. Degree Proves Marketable

5500 Reply

By Jerry Snow

Positive response on the part of Harvard Law School alumni to the offering of a J.D. degree in place of the old LL.B. degree has surged ahead of all initial expectations, according to Mrs. Irma Bierman, J.D. Program Secretary.

In the two months since the degree has been available to alumni, almost a third of the Law School's 18,000 living graduates has opted in favor of the change. As a result, laments Mrs. Bierman, her office is way behind in processing applications. Most alumni will have to wait several months to receive their degree, rather than six to eight weeks as originally planned.

Of the three alternatives offered alumni, some 3,000 so far have preferred the more expensive Latin degree, approximately 1,500 have settled for the degree in English, and another 1,000 have chosen only to have their records altered so as to reflect their admission to the J.D. degree. Applications continue to be received, but at a now much reduced rate.

Not Conferral

Admission to the J.D. degree is not a conferral of a separate degree, Mrs. Bierman hastened to point out, but a substitution for the LL.B. Thus, all those who have taken the minimum step of having their records changed are now entitled to write J.D. after their name in place of LL.B.

According to Mr. Wilson H. Pile, Secretary of Alumni Affairs, the response in terms of personal comments from alumni, letters, and so forth has also been generally quite favorable. Some applications were received back within three days after they were mailed out, so eager were the applicants for certification of their new status.

Of course, in some instances

there are valid financial reasons for preferring a J.D. degree over an LL.B., even though the content of the degree is the same. In the Armed Forces and in the teaching profession, salary grade is assigned, at least in part, according to the highest level of education attained. Bachelor of Laws doesn't quite ring as solid to some ears as does Juris Doctor.

Correlate Applications

Eventually, Mr. Pile noted, he hopes to correlate all the applications and develop a breakdown of any trends that may exist. It would be interesting, for example, to discover if the Law School's more recent graduates manifest a greater concern with the title of their degree than older alumni. It will be some time, however, before this information will be available. In the meantime, if

any alumni have failed for any reason to receive an application form and desire to receive one, they should write the Law School Alumni Records Office, Hastings Hall, attention Mrs. Irma Bierman.

Quick Check

A quick check of other law schools in the Boston area revealed a wide diversity of alumni response to the J.D. degree, which is now offered by most of them. Only 10-15% of the graduates of Suffolk Law School have responded affirmatively so far, whereas approximately 75% of the alumni of Boston College Law School have made application for a J.D. degree in only a slightly longer time. Boston University Law School, much like Harvard Law School, has recorded a 1/3 response so far.

Marshall to Judge Ames Final

The final rounds of the Ames Competition are becoming increasingly relevant to major problems of the law as evidenced by this year's final round topic dealing with the constitutionality of marijuana laws.

Mr. Justice Thurgood Marshall of the U. S. Supreme Court will be one of the judges at the argument, to take place at 8 p.m. next Tuesday in the Ames Courtroom.

The other two judges will be the Hon. Carl McGowan of the U. S. Court of Appeals Judge for the D.C. Circuit, and the Hon. Alfred H. Joslin of the Supreme Court of Rhode Island.

Arguing for the Bevins Club will be Pipp Marshall Boyls and Thomas H. Stanton. James J. Foster and John M. Payne will argue for the Learned Hand Club.

On the brief for Bevins are J. Edward Beals, James H. Breay, Charlie B. Donaldson, J. Michael Hines, Robert N. Hornick, and Michael A. Monjoy. On the Learned Hand brief are Marc J. Glass, Charles R. Meyer, Sylvia C. Shaumburg, Brian J. Stowell, William E. Taylor, III, and Morris A. Thurston.

The case poses challenges to the statute prohibiting possession of marijuana on grounds of cruel and unusual punishment and religious freedom and also challenges a search and seizure concerning an informant's privilege and the use of testimony of which no contemporaneous record was made.

Last year's final round case was virtually a copy of *S.E.C. v. Texas Gulf Sulphur*, which dealt with insider stock trading.

The Moratorium

No one really expected it to come off so well. Despite attempts by the domestic hawks of the administration to initiate a self-fulfilling prophecy of violence, there was little trouble. Despite fears of apathy once the novelty of a moratorium wore off, the march in Washington was the largest demonstration ever there.

Of course, what happens after virtually every demonstration happened after Washington, too. Almost as much, if not more, attention is paid to the form of the demonstration and what happened than what is being protested. So now the commentators are enraptured with what might be termed the "Woodstock" of political demonstrations — over a quarter of a million people protesting in peace, love, and harmony.

But let's remember the real message: an end to the War in Vietnam. Our leaders still don't get that message, and they don't want to. President Nixon thinks that the proper response to the protest of hundreds of thousands of citizens is a few Agnew insults.

In response to our editorial of October 9 supporting the October 15 Moratorium, a student wrote that he was "... dismayed at the smug certainty which pervades your words. You express an attitude which I believe inimical to critical, rational analysis. One can detect a good deal of this kind of thinking abroad today: that the issues about the war are settled and that only the immorality and stupidity of our leaders avoids an immediate end to the conflict." (RECORD, Oct. 30).

The irony is that this is something we might very well say about Presidents Johnson and Nixon. Everytime we heard them on television, we felt smug certainty pervade their words — that is, the way I am conducting the Vietnam War is the right way. Everytime we heard them talk about the war, we got the feeling that for our nation's leaders, the issues were settled. And didn't Nixon tell us himself that he wouldn't listen to the voices of the demonstrators?

Maybe we and Nixon are both smug — he believing that the myth of saving America from the Communist menace is worth millions of dead and maimed human beings; we believing that peace is to be sought above all else.

There's only one thing — his smugness keeps the war going and the people dying.

HARVARD LAW RECORD

LAWRENCE GARTNER Editor
MICHAEL LUREY Managing Editor
JOHN YORK News Editor
DAN CHILL Photography Editor
RICHARD HOFFMAN Senior Editor

Staff: Ronald Nussbaum, Joseph Rafalowicz, Larry Pressler,
Michelle Scott, Robert Hernandez, Jerry Snow,
James Schuyler, Oliver Henry, Dave Ehrenwerth,
and Gail Miller.

Photographers: McGee Grigsby, Norm Bessman, and Jan Gray.

Secretary: Sylvia Sirignano.

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Fenno

As I was sitting in my living room watching the pro football game on television, marveling at the legalized violence and ranking on the game announcers every time they made some insipid remark (which was about once every thirty seconds), in walked Bunky grumbling and mumbling about something.

"Hey Bunky, what's the matter," I said, as the TV announcer coolly informed the nation-wide audience that he was confused.

"I'm going to boycott every Greek restaurant in this city," Bunky exclaimed.

I didn't want to mention that this would probably leave him only the Mustard Kup and the Hark, which is going from the sublime to the ridiculous.

"Have trouble with that little lamb last Friday night," I chuckled, greatly impressed by my little joke. It went over Bunky's head.

"Something has to be done about that Agnew," Bunky said excitedly. "The First Amendment can't cover guys like him."

I had to admit to myself that in the debate over the First and obscenity, the issue of whether the First protects blatant stupidity had been passed over.

"But he's gone too far," Bunky continued. "Now he's attacking the networks. Walter Cronkite looks as much like an effete snob as John Wayne."

"I guess I'll have to agree with you, Bunky," I said. "Criticizing the kids is one thing; but knocking the Cronk is unforgivable."

I could just imagine Nixon whistling Agnew's campaign song from his Maryland gubernatorial race: "He's my kind of man, Ted Agnew Is." The cannonfire from the 1812 Overture would have been more appropriate, as it turns out.

"Don't worry, Bunky," I said. "Agnew just talks but he has no power."

Then I shuddered as I remembered Agnew was being called Nixon's Nixon. Could there one day be an Agnew's Agnew?

Letters to the Editor of the RECORD

Student Scores Program Rejection

To the Editor:

Arthur Kinoy of Rutgers Law School gave a brilliant performance (see RECORD, Oct. 30) as he urged law school clinics to make legal education more relevant and tolerable—an idea as old as Jerome Frank and as recent as Ralph Nader. An unpublicized incident at Harvard, however, reveals just how distant we are from this ideal.

Last school year two Washington attorneys, Bruce Terris and Charles Halpern, visited the law school to propose their own clinical program. They were creating a foundation-funded "public interest law firm,"—The Center for Law and Social Policy—to be composed of five practitioners, two visiting Professors of Law, and approximately 30-40 law students from six law schools.

The students would spend six months in Washington under the close supervision of the staff attorneys, gaining court and agency experience in advocacy, brief writing and general legal

analysis; they would get one term's credit for their work.

Terris and Halpern presented their proposal to Dean Bok and Professors Sacks, Chayes, Bator and Ferran. No students were involved and none, in fact, knew of the proposal. The faculty contingent rejected the plan, mostly because it was not located in Boston. Since their refusal, five other law schools have accepted the Terris-Halpern proposal, and only one other school has refused—Chicago Law School.

It is distressing that this segment of our school could so autocratically dismiss this valuable innovation and then omit to mention the fact that it had been discussed at all.

Yet the true tragedy is the rejection itself. Law school will not become more relevant and challenging until the school itself challenges its existing assumptions and methods. It is clear—at least to me—that such a field experience, rooted in actual legal practice and experience, would be far more valuable and memorable than the auditorium education we now receive.

The present curriculum lacks courses in consumerism, professional ethics, equitable remedies and the *actual operation* of administrative law. All these deficiencies could have been partially corrected in a moment by adoption of this clinical proposal. That moment passed.

Mark J. Green, 3L

Illiberal Advice In Editorial

To the Editor:

Your editorial of November 14 suggests that lawyers should "refuse to advance the interests of those things which worsen rather than alleviate the problems of society." That maxim requires a lawyer's approval of his client's activities. Thus only advocates of black lung may represent coal companies and only supporters of the Weathermen may represent those exploiters of the peace movement.

I understand that you intend to deny counsel to the exploiters, and not the exploited. Somehow that will make the advocacy system more just. Following your editorial, law graduates should refuse counsel to causes unpopular at Harvard since by definition those causes worsen rather than alleviate society's problems.

Denial of representation to the unpopular is rather illiberal advice coming from such a self-consciously liberal publication as the LAW RECORD.

Steve Cowen, 1L

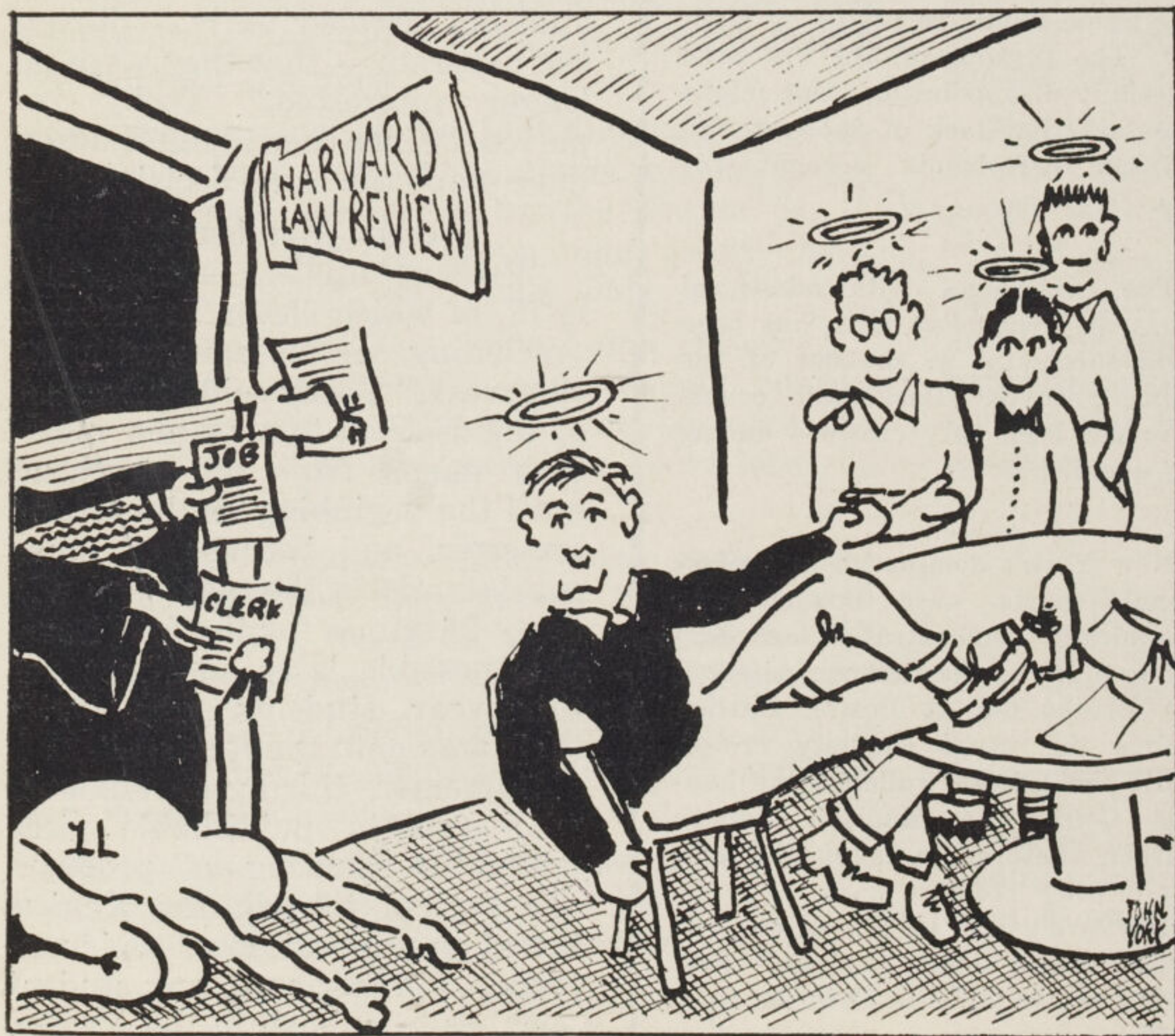
Atlanta Salaries: South Rises Again

To the Editor:

With reference to the salary scale which appeared as Table II on page 3 of the RECORD for October 9, 1969, I think you and your readers should know that many of the firms in Atlanta, including, I am sure, most of those interviewing at Harvard, began paying \$14,000 a year to beginning associates during this past summer.

If the other figures in your Table are up-to-date, this means only New York is paying a higher salary than Atlanta.

John A. Helms
For Powell, Goldstein,
Frazer & Murphy



Blessed are the meek, for they shall inherit the earth.

Stanford Opts for Voluntary Review

(Continued from Page 1)

a student to help produce a high-quality publication. Therefore, all students are given the chance to contribute to the *Review* and benefit from it if they can competently perform those requisite duties traditionally demanded of members. *Review* members feel that the new plan can deal successfully with any number of students who would wish to participate on the publication.

"The utility and fairness of offering the benefits of *Review* membership to all students who can demonstrate the ability and willingness to perform work of the specified caliber justify the changes," said Tooby.

"Each student has access to *Review* resources and educational experiences to the extent he desires to participate, and in several senses his rewards parallel

his inputs," Tooby continued. "The *Review* provides an education in its special sense to all students desiring it and willing to perform the work. Education, after all, is the primary purpose of a law school. It is a significant advance to abolish the law school's track system of education and to enable students to make their own choices."

A member's association with the *Review* after a semester will cease if he does not meet *Review* work expectations, which consist of: (1) conscientious performance of a proportionate share of citechecking and other publication duties; (2) publication of a piece in the *Review* during the first year of membership; and (3) during the second year of membership either service as a *Review* officer or publication of a second piece in the journal. Exceptions

"for a damned good reason" may be made.

"Our arrangement does not constitute a competition; there is no predetermined limit on the size of the editorial board," Tooby explained. According to him, if every new member performs up to the *Review's* standards, he will automatically be admitted to its board.

Stanford Plan

The Stanford plan came into being in March of 1969. A committee comprised equally of *Review* members and non-members from each of the three classes studied various non-grade selection plans now in operation at certain other law schools (including Yale and Wisconsin). The committee's recommendations—that *Review* membership should be opened to any second-year student who met the journal's traditional work requirements—were adopted by near-unanimous vote of *Review* membership.

Seventy second-year students attended one or the other of two prerequisite training programs held this August. "Around five students decided early—during the program—that they were no longer interested," Tooby reported. "Since then another dozen have made the same decision."

Present Membership

"Present *Review* membership is 72, of which eleven are officers (including one on leave with the reserves)," Tooby said. "Because of the decision to omit new members' names from the masthead until the beginning of the second semester, and because of other considerations, the masthead will carry 26 names for the first issue, plus possible later additions for third-year students who write their way onto the *Review*."

Currently, third-year students who write a publishable piece under the "writing-on" program are invited to join the *Review* board on publication of their material. Furthermore, any student wishing to publish in the *Review*

(Continued on Page 15)

Sports Briefs

By Jim Schuyler

As the fall intramural season comes to an end with the football championships, the winter basketball league is in the process of formation.

In football, Boston weather has postponed the final action.

On Sunday in a bruising contest, the championship of the "A" division was taken by "Noah's Lark." This week, they face the "C" league champs. In the other semifinal contest, "Just Us Black" tied the "D" league representative. The "B" and "D" teams will try again this week to choose the squad to face the "A" v. "C" winner in the finals next week.

There are five individual leagues in the intramural basketball league.

According to the commissioner, Guy Blynn, this year's turnout has been smaller than in recent years. Signs have been posted around the Law School and in the dorms for two weeks, but the commissioner said that anyone who is still interested in forming a team should contact him (Guy Blynn, 422 Hastings, 876-5396).

Since there are currently only three teams in the "most skilled" A league, this division will be open to

teams from the graduate and business schools.

Tournament play begins the week after Thanksgiving, and the schedule of specific dates and times for each game should be posted by Monday. The turnout of 1Ls has been especially disappointing. One might speculate that lack of interest and physical deferments account for this.

* * *

The experiment with additional hours at Hemenway Gym has been quite successful in the use of the squash courts. Basketball courts have not been very crowded during the evening hours.

* * *

New York's dominance in professional sports over Boston was graphically demonstrated last Saturday night as the Rangers defeated the Bruins 6-5 at Boston Garden before the usual capacity crowd, while the Knicks walloped the hapless Celtics at Madison Square Garden (before the usual wild sell-out crowd) 113-98

Harvard's loss to Brown on Saturday meant John Yovicsin's first losing season with the Crimson since 1958.

Marcher Reports on Peace Demonstration

(Continued from Page 2)

the park area along Congressional Avenue and lined along Pennsylvania for the march.

For the two blocks before 15th and Pennsylvania, where the march turned off, the marshals stood often two deep, with locked arms, hoping to avoid the violence that some had predicted.

Along the route they led chants, kept the marchers jumping up and down to ward off the cold, and in general kept themselves between the police and the marchers.

The only problem I saw occurred at the mall along Congressional Avenue as the marchers waited to go onto Pennsylvania Avenue.

People had been waiting an hour and a half, and some who were cold, frustrated, and claustrophobic broke out of the crowd and attempted to circle into the march.

The few marshals present couldn't handle the crowd and immediately called for help. So 50 to

Marshals Called for Help And 100 More Appeared

100 more marshals appeared, locked arms, and told the crowd that the only way to join the march was through the mall.

The person handling the funneling said over the microphone that he hoped that this raucous group would not spoil the march for the rest of us. A cheer went up and the group went quietly back to the mall, feeling very guilty indeed.

There were also "New Mobe Legal Observers," "New Mobe Legal Staff," and various neutral groups of lawyers watching for trouble with the police so that guilt and innocence could later be accurately assessed.

(They also would have intervened immediately with the police and the courts if there had been arrests as at the March on the Pentagon in 1967 and last year's Democratic Convention in Chicago.)

They had been briefed on the relevant laws of Washington and the plans for the march and had been assigned stations.

One heard the legal staff discussing and sometimes explaining the laws to the police as they stood on corners watching the marchers go by.

In one incident, a Law School student intervened when he saw an officer confiscate firecrackers from a demonstration, possession of which, he knew,

was not illegal. Thinking that the officer might later charge the demonstrator with disturbing the peace, he took down all the relevant facts.

But it was a very boring day in this respect.

The march itself was staged for the mass media, as are most events these days. The area around the march was devoid of anybody but marchers and storekeepers (hamburger "joints" had an incredible day).

There were few spectators; you either participated or didn't come. Government was closed for the day.

A good deal of the emphasis on a large turnout and peacefulness was directed at getting the attention and sympathy of the news media. Throughout the day people kept asking how the media was reporting the size of the demonstration. (One guy said he was listening to the radio to find out what he was doing.)

But other events of the New Mobilization, some of which didn't receive the massive press coverage of the march, proved effective. The "March Against Death" contrasted Nixon's thank you speech to the House of Representatives for its support of his Vietnam policies.

People in the city, both in and out of government, had to face the enormity of 30,000 deaths as the marchers passed by for 40 hours straight, single file, 15 feet apart, each wearing a placard (most of them bearing the name of a dead American soldier and carrying a candle).

And the rally at the end of the march, compared to most rallies which are anti-climactic, left most people with a good feeling.

The speeches were short (although as usual there wasn't one orator who could rally the crowd) and some important feelings were expressed. The entertainment was varied and the crowd responsive to the feelings of unity that the performers aroused.

Beethoven String Quartet Entertains the Demonstrators

A Beethoven string quartet by a Cleveland Symphony Ensemble (80 members of the Cleveland Symphony signed an immediate withdrawal petition) received more than the socially necessary respect for classical music. Indeed they were greeted with a standing ovation and shouts for more.

Professor Wedderburn Expounds on

(Continued from Page 5)

barristers who think it valuable that someone should go to the university and read law as a university subject with a completely different approach.

"In the past so many university law faculties have been tied to the demands of the profession that they have thought of the teaching of law as a teaching which would lead people straight into the English profession, especially as solicitors, sometimes as barristers.

"Now in the last ten years a revolution has taken place among

Revolution Among Younger Teachers

younger teachers of law which begins with the premise that law is a university subject with as much validity as history or sociology or any other social study.

"In fact it's a very insular notion that it's not; I mean in France, Germany, throughout the continent, not to mention the United States, obviously it is taken for granted that it is. Therefore we must treat it as a social study which has its own peculiar difficulties and problems as being linked with a particular set of sources for rules.

"Just as other social studies have their own rule-making, sources and norms, so does law. If you do it that way, you don't get the same sort of course.

"Now the American law school, in a sense, begins from a very much more vocational premise —

but I think it doesn't suffer very much from that premise, that is to say it is directly vocational.

"It's not saying, 'we are the same as a graduate school of history,' but I don't think it suffers the sort of damage our law faculties suffered from that kind of premise because of the structure of the American law profession and the whole relation between the law school and the profession.

"Academic lawyers are taken seriously and always have been by the profession — there is no great gulf between the two of them, the two share rather than are divided by outlooks.

"Your judiciary is different — you regard a discussion of policy as perfectly valid; indeed I find people in my section who discuss nothing but policy, whereas it is a rather new thing in England to be discussing the policy of the law, although it has been emphasized at the London School of Economics for many years — it was always a very peculiar faculty in emphasizing this — and that's why I said when I was in Cambridge that that's the only place I'd ever go to."

As another example of some of the differences between English and American legal structures, Prof. Wedderburn points to his fields of specialty.

"Both subjects I'm interested in lend themselves not merely to black letter law discussion — the 'game' itself, the sheer fascination of the game of law which I do find fascinating — but also the policy issues in society which lie behind them.

"After all, company law and labor law are the legal rules which surround firstly the areas of economic power aggregations of capital and secondly the relations of these aggregations of capital to the people who are actually employed and do the work. No two areas could possibly be as important, except perhaps the area of constitutional law and government.

"In the United States, though, it is very hard to regard them as complementary.

"First there are the technical reasons: they are kept completely distinct in the whole black letter statute and common law areas — that which has to do with the NLRB is not to do with the SEC — which I think is unfortunate.

"For example, the SEC has just got its new amended statutes in 1968 on tender offers for takeovers and among the things that must be disclosed are the plans of the person intending to take over the corporation. Now if we had that problem in Britain, as I hope one day soon we shall, one of the things to be discussed would be whether or not he should

Admiration For Keeping Up to Date

be forced to disclose his plan in regards to future employment prospects.

"Here it is just not on the agenda — the disclosure is for the purposes of the corporation, the stockholders, maybe the creditors, maybe the public through the SEC, but certainly not the employees — that's *labor law*!

"The other reason is sheer bulk.

"I do see where it would be difficult to keep up to date in what was happening in both subjects. I am lost in admiration for my American colleagues who keep up to date in even one subject in the United States.

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British and American Legal Institutions

"Then again, we're moving into a situation in Britain now where not to know what's going on in Europe is a disadvantage in some subjects and company law and labor law are two of those."

Coming from a school with a student body of 200 and a full time faculty of twenty-nine, another thing Prof. Wedderburn finds "miraculous", "is what Harvard manages to do with its incredible staff-student ratio. I knew this before I came but it didn't make its full impact till I got here and saw how many students there were."

Besides noticing that many students here are not "committed forever" to the law "or may end up as lawyers but want to do things with law rather different than their forebears," Prof. Wedderburn finds it "striking how whenever one starts discussing general topics of legal education with students, I find that certain types of interpretations of the pursuit of excellence are not readily acceptable among students, that's to say, that, as an elitist doctrine, it is not perhaps as acceptable as it used to be, even amongst the elite of Harvard."

"Students are obviously being caused certain difficulties: psychological, social, intellectual in the area of competition and the pursuit of excellence. I think they're questioning what this means."

"I've found a number of them, even some on *Review*, who are worried about its meaning. The interesting thing about England

is that university education has always been regarded as an elite thing. We've always had an absurdly low university population, even now, compared with your college population."

"In a sense we're trying to move in the same direction by expanding numbers and the battle is still on as to whether we

can get enough people into the university, and I hope that if we go on expanding university education, we shall go on expanding the numbers and the scope of the law degrees."

At the end of the year, Professor Wedderburn will return to the site of the battle: from Cambridge to London one more time.

Midyear Exams For 1Ls?

At a Tuesday meeting of the Law School faculty, the Committee on Education presented a Report which suggested holding graded midyear examinations for first year students, in place of the traditional practice exam.

As Dean Albert M. Sacks presented the proposal, each 1L would take a short (one hour) exam in three of the five first year courses. The courses in which exams are given would vary from section to section.

The length of the final exam in these courses would be reduced accordingly.

The Committee has not yet made a final decision as to its recommendations. During the next two weeks, however, the plans will be finalized, presented to the student body and then to the faculty for adoption.

Dean Sacks said no recommendation will be made on how individual professors should grade the exams. However, the Committee will recommend that either (a) the grade on the midyear exam not count toward the final grade, or (b) the exam count *up* but not *down*. Under the latter scheme, the midyear exam would be given weight if it improves the final grade, but not otherwise.

Many questions concerning the midyear exams remain to be solved. Specifically, it has not been decided when they would be given and whether they would replace class work.

— by Michael Lurey

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Candor in Financial Aid Guidelines Urged

(Continued from Page 3)

(4) What should the Law School do about unregistered cars that belong to students on financial aid?

There are a number of students (our estimate is 45 to 50; it is difficult to get more accurate information) who receive Financial Aid and do not register their vehicles with the Financial Aid Bureau.

They are violating a requirement of the Law School because they fear that considering the "value of a car as an asset which may be available to defray the costs of a legal education" (Law School catalogue at p. 148) means that they will have to give up the car to keep the financial assistance which they need to stay in school.

Many students are not complying because they do not know

45 on Aid Own Unregistered Cars

what the Financial Aid criteria to keep a car are. Rather than run the risk of not satisfying a policy which is unknown to them, they are not disclosing the fact that they have an automobile. We feel that the Law School should

be more candid and open in stating what the criterion is for keeping a car.

(5) Should the Law School reduce aid to students who save more than \$500 over the summer?

Under its current policy, the Law School requires that a student save \$500 over the summer which he can allocate to his Law School expenses for the following year. Any savings above that amount are accompanied by a proportionate decrease in the aid which is granted to the student.

We feel that this acts as a disincentive to the student on Financial Aid to save more than \$500 over the summer. We recognize that the aid, which is displaced by the increase in summer savings, would have been in part in the form of a loan and therefore that the student has some incentive to save rather than to rely on Financial Aid.

However, the students whom we interviewed were not concerned with the fact that their debt load in years to come would be lightened, slightly, by saving more than \$500 over the summer. They felt that, after they had saved \$500, there was no incentive to put aside more.

We advocate that the Law School adopt a sliding scale as regards these summer savings in

excess of \$500 and that it make its policy quite clear in the Financial Aid brochure.

We would like to stress again our principal point: the Law School should be more open and

Savings Over \$500 Reduces Aid

candid about all aspects of financial aid. We feel that, if the Law School is more candid in setting a budget and stating its policies, students will be more candid in stating their position and more willing to comply with the requirements of the Financial Aid Bureau.

Although we recognize that we have been concerned exclusively with the problems of the single student on Financial Aid, we feel that a policy of greater candor and improved disclosure will operate to the benefit of all students, including those married students who are on Financial Aid.

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Stanford Sets New Law Review Admission Policy

(Continued from Page 10)

without assuming the responsibilities of membership may submit his written work to the journal and receive as much editorial assistance as possible.

"At the beginning of the second semester, all new members who have to that point satisfied the work requirements for continued membership will be listed on the masthead," Tooby continued. "It is important to emphasize that no fixed number has been set and that therefore the one-semester membership system is not a competition. The system is being administered in a fashion enabling any member to learn — as soon as it develops — of any inadequacy of his work under *Review* standards so that he will have a maximum opportunity to correct inadequate performance. The *Review* hopes thereby to

No Fixed Review Membership Quota

transfer the membership decision to the particular student: his choice on how much of a time commitment he is willing to make will determine whether his membership continues. We recognize that some students may be unable to produce the quality and quantity of work requisite for membership regardless of the amount of time spent, but we believe that the number of such students will be small and that they will recognize their difficulties themselves."

As a last resort, the following four-step mechanism may be employed to terminate a student's *Review* membership:

(1) Any editor who identifies work as not meeting *Review* standards will immediately report the case to the president.

(2) The president will informally confer with the executive editor, the member's student work editor, and the member to determine what is required of the member to bring his performance

up to standard. Specific duty assignments will be made that must be performed adequately in order to forestall a formal objection to the member's work.

(3) If the problem persists, any editor involved will again report the problem to the president.

(4) The president will convene a three-man board, composed of the president, the managing editor, and a student work editor (not the editor raising the objection) chosen at random. The board will consider the objection and the member will be afforded the opportunity to explain any failure to fulfill his citechecking, prelimming, or writing requirements. A unanimous vote (3-0) by this board will be required to bar admittance to the board of editors.

The publication's training manual emphasizes that a *Review* member's duties are continuing over his two-year span of participation. Any officer, editor, or member whose work falls beneath *Review* standards may be dismissed from membership under the formal termination procedures.

"So far, the new system is working admirably," Tooby reported. "In contrast to the production of the student work department last year, this year under the new system we expect to produce several times the number of student pieces for early issues. Without noticeable change in the intensity of work performed on *Review*, the number of students to whom these educational experiences are available has expanded," he continued. "Even those members who have resigned have undoubtedly benefited from the training program and from the work performed before their resignations. As far as the scholarly quality of the *Review* is concerned, we expect no diminution. In fact, we expect the quality to improve since more resources are devoted to the production of the *Review*."

Tooby noted that many fears had come from the faculty of his school that the publication's quality would decline under the non-grade selection system. "They have a vested interest," he added.

Faculty Fears of Decline Unwarranted

"The faculty-law review interplay is often a perverted symbiotic relationship: the faculty use law review students to do their dirty work, editing and researching their articles for them, while the students exercise undue arrogance over faculty in the editing and comments on faculty articles."

Administrative problems in handling the large number of student writers involved have not been serious, nor have they impeded other aspects of *Review* work. "The difficulties will come, of course, when decisions concerning continued membership must be made," Tooby said. "The *Review* has substituted its own judgment for the judgment of the faculty via grades, and the decisions will undoubtedly present serious equal protection and fairness problems. However, from the work performed by the 61 student writers so far, we expect that such decisions will be very few in number."

"It is early to tell how the system will work out," the *Review* president concluded. "To date, experience is favorable. The *Review*, however, no longer confers artificial status and enhanced employability to the extent it did until this year, and in time more students may decide that the regimen is inadequately compensated. The extreme stress of conflicting course requirements and demands of *Review* work during late December and during January examinations may result in a higher degree of attrition than is desirable. Nonetheless, the experiment is a success so far."

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