

HARVARD LAW RECORD

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FEBRUARY 26, 1970

TWENTY CENTS

Refuse to Leave Meeting

Protestors Confront Faculty

By Michael Lurey

Refusal by about 40 law students to leave forced a halt to Tuesday's faculty meeting, which was to have discussed the disciplinary proceedings pending against five black law students.

After repeated requests that the students leave the Harkness

Meeting Room, Dean Derek C. Bok adjourned the meeting. He had warned that there would be "serious consequences" if the students did not leave.

But a statement released by the Dean that night did not mention any possible consequences. The statement was the product of a

second faculty meeting convened later Tuesday afternoon.

The statement announced that the faculty had decided to reconvene at 1:45 p.m. the next day, (yesterday), "to resume the consideration of the disciplinary cases, including any questions concerning its own or the Administrative Board's procedures."

This last remark was directed to the students' demand for participation in the faculty meeting, in order to discuss the legitimacy of the proceedings as well as the decisions handed down by the Law School Administrative Board.

The cancellation of the meeting is certain to have severe and as yet unpredictable impact upon the Law School. Associate Dean Albert M. Sachs was heard to say

(Continued on Page 7)



M. Stul Oppenheimer

You'll sing out too when you see these lovely ladies in the Law School Show. See story on Page 4.

Assisting in the research and preparation for this article were Lawrence Gartner, Bob Hernandez and Jerry Snow.

Four Law Students to Clerk for Supreme Court

Four law students will clerk for U. S. Supreme Court justices next year while 55 others have accepted various other clerkships around the country.

The four future Supreme Court clerks are: Thomas D. Rowe, Jr. and Lewis D. Sargentich, 3Ls who will clerk for Justices Potter Stewart and Thurgood Marshall, respectively; Martin D. Minsker, a graduate student who will clerk

for Justice John M. Harlan; and William E. Nelson, a Charles Warren Fellow who will clerk for Justice Byron White.

Most of the remaining 55 have accepted clerkships in the Federal court system. However, nine students will serve as clerks in state supreme courts. Six will serve with the Supreme Judicial Court of Massachusetts alone. Three other states — New Jersey, Wis-

consin and Minnesota — have named a Harvard graduate as a clerk of their highest court.

Twenty-eight students will be clerking for United States Courts of Appeals. The 2d Circuit, which includes New York, garnered the most with nine, followed by the 1st Circuit (New England) with six, and the 3d Circuit with four.

(Continued on Page 5)

Profs Discuss Carswell Nomination

By Greg Ward

Debate over the nomination to the Supreme Court of Judge G. Harrold Carswell was substantially reduced last week when the Senate Judiciary Committee approved the nomination and praised Carswell's "balance and even-handedness" on civil rights issues. Opponents of the nomination had relied heavily on Carswell's alleged hostility to civil rights defendants and the committee's statement has made the confirmation almost inevitable.

Recently, however, opposition to the nomination has been heard from legal educators and practicing lawyers, who question Carswell's apparent lack of legal distinction and judiciary sensitivity.

The infrequent opportunity to

appoint a Justice to the Supreme Court and the virtual impossibility of removal makes the selection an important one, and it is concern for the maintenance of the high standards of competence for the Justices of the Supreme Court that has led many educators to read the opinions of Judge Carswell and to inform the Senate of their estimation of Carswell as a potential Justice.

"I have read his opinions," said Professor Alan Dershowitz, "and they are at best mediocre. They follow a pattern in which he states in conclusory fashion defendant's claims and then disposes of them in one or two lines."

"There is no indication that he understands the dynamics of the criminal process," Dershowitz

continued, and "no responsible person can truthfully say he is a distinguished judge."

It is the complete absence of any evidence of distinction, said Dershowitz, which should serve as the basis for the opposition to Carswell's nomination. Dershowitz remarked that it is essential that a Justice on the Supreme Court be a man who can think problems through, and he feels that Carswell has shown no ability to read documents in any other than a technical way. While this failing is unimportant when reading wills, the Constitution, pointed out Dershowitz, should not be read like a will.

Professor Vern Countryman also cited the mediocrity of Judge Carswell's opinions as a substantial factor working against the nomination. "I don't regard him as qualified to be a Justice. You need the highest quality of men," said Countryman, "and he is nothing better than mediocre."

Judge Carswell's lack of legal credentials, however, is recognized as only one reason for re-

(Continued on Page 14)

Snyder Elected President of the Law Review

Allen R. Snyder has been elected president of the *Harvard Law Review* for Volume 84 (1970-71). Chosen as executive editor was Franklin D. Kramer while Jack M. Weiss was elected treasurer.

All the new officers of the *Review* are now second year students.

Elected articles and book review editors were: Philip J.

Bakes, Joel I. Klein, Louis W. Seidman, and Jerry L. Shulman.

The new case editors are Robert E. Denham, Ira C. Lupu, and Charles B. Rosenberg. David S. Davenport, William Kolasky, and Henry W. Shaeffer are the new note editors.

Chosen as Supreme Court and note editors were Gerald M. Rosenberg and Stuart C. Stock.

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But Only 4 Year Program

JD/MBA's to Pay 5 Years' Tuition

By Michelle Scott

The University Committee on the Joint JD/MBA Degree has decided that participants will pay the full cost of both their degrees — five years of tuition for four years of schooling.

Late in the 1968-69 academic year, plans were formulated for the joint JD/MBA program instituted last fall at the Law and Business Schools. This year the organizing committee devised the program's tuition budget. The plan which will affect students entering the program in September, 1970, clearly demonstrates the financial ingenuity and legal rationalization characteristic of both institutions.

During the initial two years of their enrollment, students will pay the tuition of the first-year course at the Law School and the Business School. During each of the last two years, in which they will have mixed business and law schedules, JD/MBA candidates will be billed for 100 per cent Law School tuition and 50 per cent Business School tuition. Final payment of tuition will be extended to one year after graduation.

According to Business School Professor Malcolm S. Salter, the

Financial Ingenuity . . .

Legal Rationalization

five-year tuition formula is justified by the joint degree candidate's commencement of a career would complete requirements for separate degrees. Moreover, each joint degree candidate in the first-year class at each school occupies a place which would normally generate income for the school for the full term of a normal single degree program.

Temporarily, financial aid arrangements will be made between

the student and each school during his initial two years in the program. Both schools will combine to grant aid packages to students during the last two mixed years. Eventually the professional schools hope to establish a special aid fund to assist joint degree candidates.

The tuition format for students now enrolled in the JD/MBA program has also been settled after prolonged and confused controversy. The approximately twenty-five joint degree candidates at various stages of completion of the first three years of the plan will be billed \$2400 tuition for each of their remaining years.

The decision to set the present tuition ceiling at the current Business School level was only revealed in November. Many participants, especially those exclusively enrolled in courses at the Law School, where the 1969-70 tuition is \$1750, were shocked by their large tuition bills. They agreed with James Bailey, 1L, who felt the tuition level and the late notification were "absolutely indefensible on the administration's part, especially when they apparently made the decision in July."

Detlev Vagts, professor of Law and chairman of the University Committee on the Joint Degree program, defended the tuition plan as necessary. "My own sense of the budget," he noted, "is that there has been a fairly tight squeeze for a few years." According to committee calculations, the current \$2400 tuition level does not cover the costs of the joint degrees.

Hopefully, the new financial guidelines will prevent recurrence of the sort of confusion which confronted many joint degree candidates this autumn. One particularly annoyed student explained how he expected to pay his tuition for first year law

studies with a \$2400 national fellowship he won for outstanding performance in his first year at the Business School. When he tried to apply the money to his fall term bill, he was informed that the award could not be given to a "law" student.

After he arranged to meet the \$1750 law school tuition, he — like his fellow JD/MBA's —

\$2400 Current Yearly Tuition

learned they would be charged \$2400 "business" tuition. While many still feel they are getting a "raw deal" financially, the current participants will ultimately pay much less than their successors.

In spite of the program's expense, most students indicated they are satisfied with their decision to seek both degrees. And, although only one student (the same fellow who lost his Business School fellowship as a "law" student) felt he would have spent five years to obtain the separate degrees, the majority believed the experience enriched their education and increased their career potential.

While many agreed with Professor Vagts' observation that "It's not yet quite the ideal time for review," most have formed some definite criticisms (positive

(Continued on Page 15)

Lincoln's Inn Fete

this Saturday Night

Cocktails and Dinner
5:30

at the Inn

Conspirators' Rock Dance
9:00

at Cambridge Boathouse
Charles River Punch

Law School Drama Society Acts Up Again

By Linda Standridge

Courtrooms and theaters have often found themselves playing host to remarkably similar spectacles. Consider the legal profession's Thespian tendencies, ranging from the tense drama of arguments before the U. S. Supreme Court to the theater-of-the-absurd which recently played Chicago.

This is part of the chutzpa of the Law School show. Written, produced, directed, and acted almost exclusively by Harvard Law School students, it contains puns and jokes based on our lives as law students. The HLS Dramatic Society show debuts March 13, and runs on March 14, 19, 20 and 21. It then will travel to New York, where it will play mainly to alumni in that area.

Electricity

The male lead, a curly-haired, lean combination of electricity (perhaps it is his earnestness) and boyish good looks, David Sonenberg, 2L, stars for the second time in a Law School show. He plays a young HLS graduate (Ralph Nader) come out to the

19th century wild, wild West town of Stampede, where he crusades to clean up the town.

His foes are shifty-eyed, evil villains of Richard III tradition — Sheriff Hogg and Judge Fortiori, played by character actors Harry Agress, second-year medical student at Tufts, and Barry Chase, 3L, (remember the rollicking HLS dean in last year's play?). They could be vaudeville team — as shown in their wild flight from justice.

Lusty

Ellen Shaw, 2L, in her second Law School show and the only female law student in the cast, plays a lusty cigar-smoking, tough-talking bar matron, essential to the life of that town. Her humor is often quite risqué (Is that a gun in your pocket, or are you just pleased to see me?) And she has bits of wisdom to offer ("Bring the kids around — My Pappy always said, the family that drinks together, *sinks* together!").

Jim Seale, 3L, is a real scene-stealer as Reverend Dixon, doing an oh-so-perfect caricature of President Nixon.



M. Stul Oppenheimer

It is rumored that those tried and tested actors and writers Mark Brown, 3L, (last year's "UCC Man") and Don Passman, 3L, will appear in surprise parts. Also, professors and administrators will add their acting talents in bit parts fitted to their talents.

Another Notable

Another notable in the cast is Anne Jenness, an HLS secretary, also in last year's play, who is the Judge's wife Fanny, a pro-

(Continued on Page 7)



M. Stul Oppenheimer

Clerkships Offer Prestige and Experience

By Jerry Snow

Are you unsure about what you ultimately want to do after law school? Would you like a year's time in which to think it over while engaged in challenging and diversified work? Do you think, whatever you finally decide to do, that a year's experience from the vantage point of the bench would be helpful to you?

A judicial clerkship may be the perfect answer.

Of course, there are as many reasons for taking a clerkship as there are clerks, some based on

pure interest and others based on pure self-interest. In any case, almost one-sixth of this year's graduating class found sufficient motivation to take one.

And why not? After all, a judicial clerkship is quite a feather in one's cap, especially a clerkship with one of the more prestigious courts. Moreover, this year four men from Harvard won the biggest plum of all, clerkships with the U. S. Supreme Court. They can almost write their own tickets after that.

Not so, corrects Bill Nelson, a Charles Warren Fellow and a

clerk-to-be for Justice Byron White. In an interview with *The RECORD*, he stated, "I find it more significant that 59 students received clerkships than that four were selected to clerk for the Supreme Court. There is a need to deemphasize the elitist aspects of this thing."

Stephen Bernardi, secretary and Assistant Dean of the Law School, whose office coordinates the placement of clerks, agrees. "Experience on a lower court can be every bit as valuable as experience on the Supreme Court level. I am particularly disappointed that so few students were interested in clerking at the level of a state trial court. The heavy emphasis on the Federal court system is unjustified."

What then dictated the choice of those who applied for a clerkship with the Supreme Court? "My interest in the work of the Supreme Court, primarily," answered Tom Rowe, who will be clerking for Justice Potter Stewart, "and my interest in the field

High Court Gets Clerks

(Continued from Page 1)

The rest are fairly evenly distributed. Only two will be clerking in the Far West.

In 1950 only 15 students accepted clerkships. By the late 50's, the number had risen into the high twenties and low thirties. And by the mid 60's, the number reached its present level, with a high of 66 in 1965. During this same time period, the size of the third year class remained roughly the same. Hence, the percentage of the graduating class opting for a first year out with the judiciary also increased, from a low of 4% in 1950 to this year's high of 15%.

Below is a partial list of those receiving clerkships, by name and by court.

United States Supreme Court:

Martin D. Minsker (Harlan), William E. Nelson (White), Thomas D. Rowe, Jr. (Stewart), and Lewis D. Sargentich (Marshall).

Mass. Supreme Judicial Court:

George J. Annas, Virginia F. Coleman, Mark L. Fishman, John M. Payne, David F. Webb, and William F. Weld.

Minn. Supreme Court:

Nancy A. Fluhr.

New Jersey Supreme Court:

Peter Buchsbaum.

Wisc. Supreme Court:

David Walsh.

United States Courts of Appeal, 1st Circuit:

Roger I. Abrams, Kenneth A. Cohen, Michael T. Hertz, James F. Hinchman, Joseph Jacobson, and Peter J. Rubin.

2nd Circuit:

Bartley C. Deamer, Stephen E. Haberfeld, Christopher L. Kaufman, Neil J. King, Paul E. Knag, Carl H. Lisman, J. Lawrence Schultz, Lawrence H. Sharf, and Martin Redish.

3rd Circuit:

Covert E. Parnell, Paul Singer, M. Glenn Vinson, Jr., and Donald L. Weinberg.

4th Circuit:

Scott T. Fitzgibbon.

5th Circuit:

John H. Korn and Raymond L. Wheeler.

7th Circuit:

Frank Butler and James Kramon.

9th Circuit:

James Colbert and Arthur D. Melamed.

Dist. of Columbia Circuit:

Michael S. Helfer and Richard D. Parker.

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Women's Law Group Plans March Recruitment Schedule

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The Women's Law Group has received a grant of \$700 from the Law School to conduct a limited recruitment program at women's colleges during the second week of March.

The grant was made in response to requests from women law students who felt that recruiting at the previously unvisited women's colleges would increase the number and quality of women applicants. The March trips will concentrate on interesting women in exploring law careers.

Women students will visit campuses in Boston, New York City, Philadelphia and Virginia.

For the first time ever, male recruiters visited Smith and Mount Holyoke Colleges this fall. Colleges which the Women's Group plan to contact include

Queens, Hunter, Barnard, Sarah Lawrence, Vassar, Manhattanville, Connecticut College, Bryn Mawr, Pennsylvania, Swarthmore, Hollins, Sweet Briar, Brandeis, Jackson, Boston University, Simmons and Newton College of the Sacred Heart.

Samuelson to Speak

The Bull & Bear Club will present Paul Samuelson, MIT Professor of Economics, on Tuesday, March 3, at 7:30 in the Ames Courtroom.

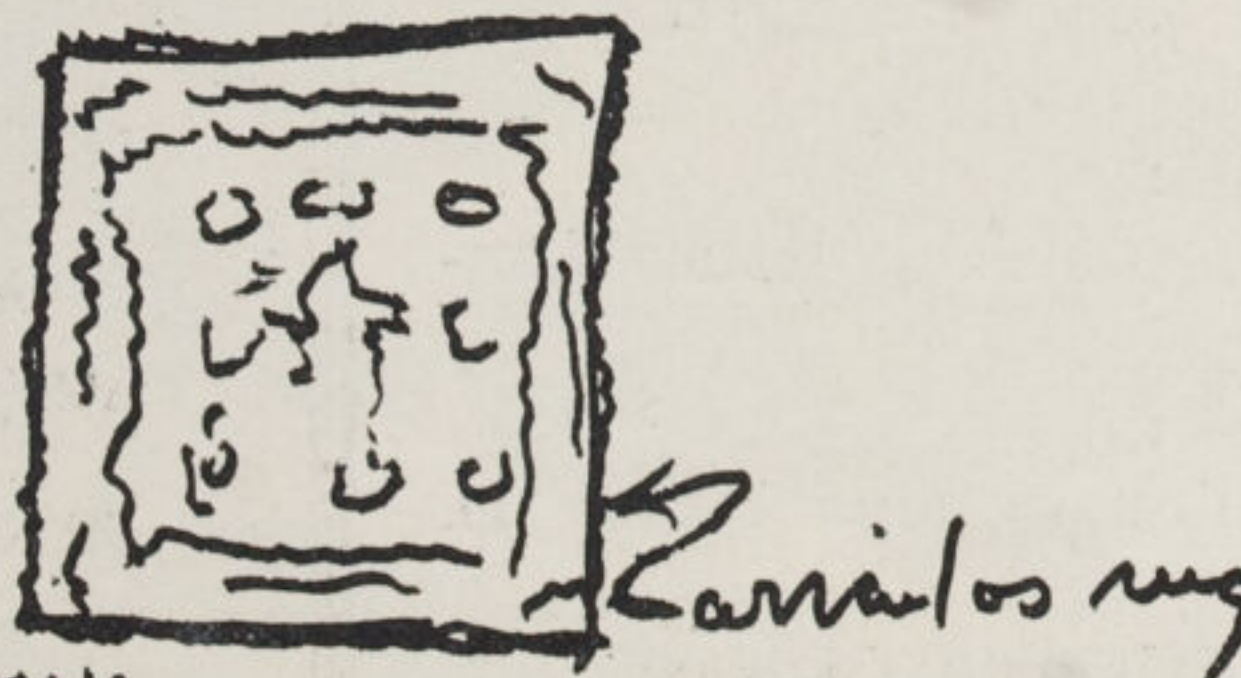
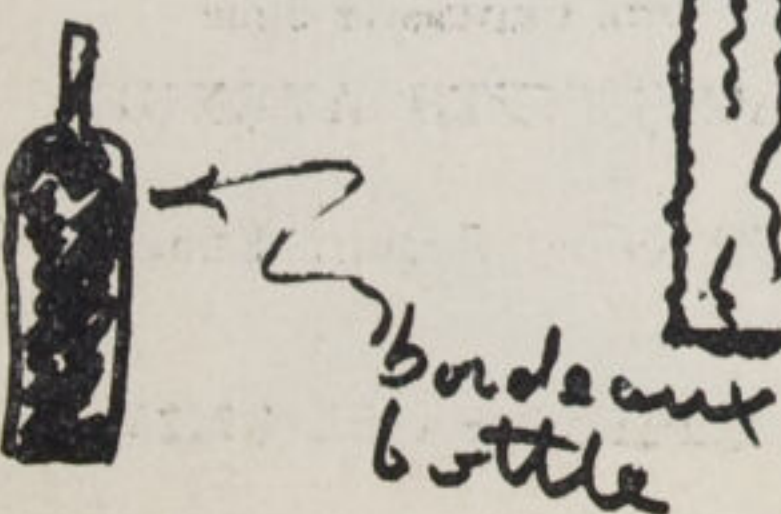
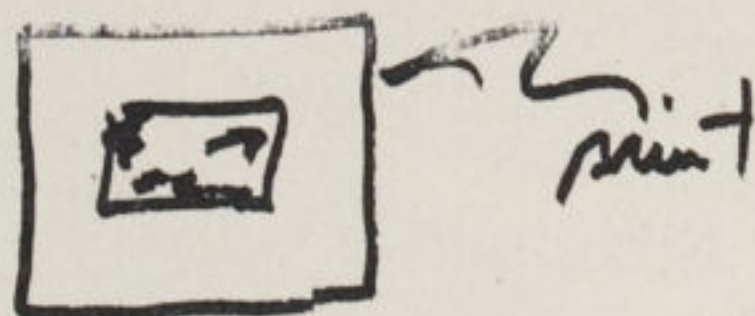
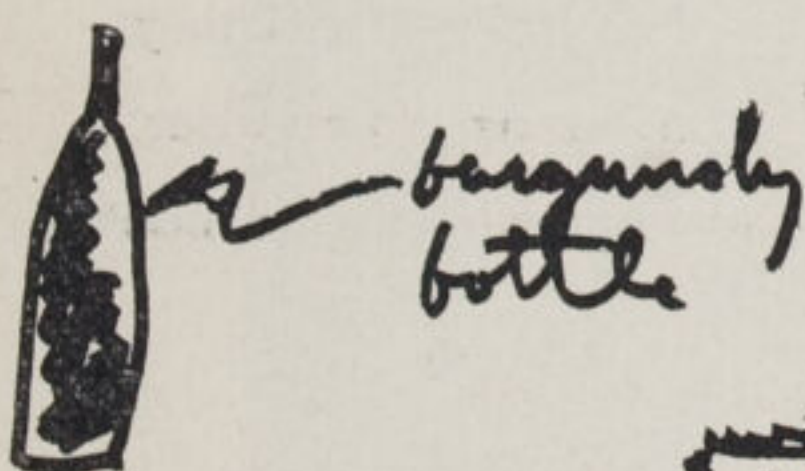
Samuelson will speak on "The Economics of the 70's," and address himself to the two chapters added to the new edition of his widely-used economics text "Economic Inequality" and "Economic Problems of Race and the City."

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Student Protestors End Faculty Meeting

(Continued from Page 1)

several times as he left, "This has done a lot of harm."

The faculty meeting was scheduled to review the decision of the Board in suspending one law student, Gregory Pilkington, 2L, and in taking lesser disciplinary action against four others for their participation in last semester's demonstrations against Harvard University by the Organization for Black Unity.

The Board had postponed the effective date of their disciplinary actions until Tuesday's faculty meeting. Several members of the Board said today that the actions will remain postponed until the faculty considers them.

Before the faculty meeting commenced, about 150 law students assembled in the Harkness lounge, adjoining the Meeting Room, in response to a flyer circulated Tuesday morning by an ad hoc committee of first-year students. The flyer called on students to "protest exclusion from the faculty meeting."

John Sansone, 1L, spokesman for the committee, said that they made several unsuccessful attempts through "the normal channels of negotiation," to secure an open faculty meeting. The only response was to permit him to deliver a statement at the beginning of the faculty meeting.

The ad hoc committee then called for the student meeting: first, to decide upon a "peaceful student response" and secondly, to consider the merits of punishment for the blacks' political activity.

Professor James Vorenberg, chairman of the Administrative Board, and other members of the faculty and administration were present at the student meeting and answered student questions.

As Sansone left to deliver his statement, Pilkington briefly addressed the students. "The faculty's trying to complicate a very simple issue," he said. "The issue whether students should be able

to present their views is as simple as whether Harvard will continue to carry on its racist hiring practices."

Pilkington, accompanied by several other students, then followed Sansone into the Meeting Room. In a moment of confusion, one of the students announced: "Bok says it's OK to come in," and about 80 students filed in. Reportedly, the Dean did agree to Pilkington bringing in "two or three advisers."

After initially requesting that the students leave, the Dean agreed that they might remain long enough to hear the statements by Pilkington, Sansone and Lafayette Ketton, a student at Harvard College. However, about 40 students refused to leave following the statements, despite Bok's repeated warnings. Led by

Mike Haroz, 3L, they proceeded to debate with Bok the appropriateness of the existing procedures for disciplining political activity.

Sansone appealed to the faculty to take responsibility for deciding whether to continue the meeting with students present. Many faculty members felt that this should be decided by the faculty alone, and nearly all rose to support a request by Prof. A. James Casner that the students leave.

With no progress being made, Dean Bok finally adjourned the meeting.

A very short time later, the faculty reconvened in a new, then undisclosed location. According to Dean Bok's statement, they concluded only that a further announced meeting be held Wednesday.

Drama Society Acts Up

(Continued from Page 4)

hibitionist who leads the ladies of Stampede against Inre Debs' bar. She is a character and a half — and a woman of many antics, reminding one of Laugh-In's Joanne Worley — complete with high pitched singing style and clutching antics.

The female lead is played by Marlene Kawalek who plays a heroine who is "cute, but dumb" according to hero Sonnenberg — until Cupid (Noah Griffin, 3L) comes to the assist. Miss Kawalik is petite, spunky, animated, and comes off with a well-timed line.

The show began taking shape as early as last summer. It was written by Mike Hertz, Ron Kadden (both 3Ls), Sonnenberg, Brown, and Passman. Auditions were held in early December, and cast by January 1, rehearsals beginning in late January. Over 68

students are involved in the production.

Director Joe Alviani, 3L, comes on with the authority and even sometimes the sharpness of a professional. Beads around his neck, poised on a table directing scenes, he looks every inch the Italian director working on a Sophia Loren film.

You'll be hearing a great piano by George Selden, '69, who has in fact written 12 original songs (entire score and lyrics) for the show. Byrna Rifkind, senior at Lesley College, and veteran of HLS shows, is choreographer and dancer.

This is the first time the play is not in its usual Law School setting. A Western scene, a corrupt hanging judge, an ignorant KKK sheriff, fights in the street, local color — all fit into a new kind of play entitled "Have Law, Will Gavel" or "Trifelman".

The Confrontation

Tuesday's confrontation between the students and faculty over the disciplining of five black students wasn't much of a surprise. As we have stated before, political demonstrations can't be handled as normal disciplinary matters. To expect political activists to accept meekly the procedures and value judgments used for the cheater or the thief is naive; to expect students, when they become interested in a disciplinary matter, to accept faithfully a system they have never endorsed is unrealistic.

Yet the confrontation was extremely unfortunate. As Dean Albert Sacks said after the meeting was adjourned, "This has done a lot of harm."

No doubt many, if not most, faculty members were quite upset at the sight of tens of students, many radical, interrupting the orderly administrative processes of the Law School. No doubt much of the faculty felt an element of coercion in the air.

Yet one wonders if the confrontation could have been avoided had the faculty not found the precedent of closed meetings so important to uphold, even if the reasons were not so clear in this case. One wonders if resistance to coercion was used as a justification for really attempting to save face. One wonders why—with talk of increased student-faculty consideration of important issues—the faculty took no notice that a large segment of the Law School student community is very concerned with discipline in political demonstration cases and made no effort to incorporate students into the decision-making process. The token presence of students picked from a hat to serve on the Ad Board falls far short of adequate representation.

The Law School has made progress in creating a sense of community between students and faculty by the joint consideration of issues important to both. Hopefully, as the dean and some professors said Tuesday, students and faculty can in the future work jointly on procedures for discipline in cases of political demonstrations which are considered fair and just by the entire Law School community. Hopefully, we can work out standards of conduct acceptable to the entire community, rather than rely upon the judgment of only one group, the faculty.

It would be highly unfortunate to allow Tuesday's incident to polarize the faculty and a portion of the student body into competing political entities. And it would be highly unfortunate if we need further confrontations before we begin to work out the joint ideals and goals on which we can build a true community.

HARVARD LAW RECORD

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Fenno

As I wiggled my ouija board frantically in a vain effort to complete the next assignment in Charles Nesson's course on "The Significance of Astrology in Legal Decision-Making," visions began to prance through my dome, visions of Law School memories I wished I'd forgotten. So I began to think hard about the future, in particular, about People I'm Not Speaking To This Term:

Paul M. Bator. He's through in my book until and unless he wears the same suit twice, saves the Pats, and gets Ralph Nader to investigate **Bob O'Connell.**

Bob Risser. He's getting too easy to find around Hastings Hall.

Dean Bruce. Everyone who's had to wipe their wet hands on their cutaway coat because he thinks paper towels in the johns would be messy will agree.

Receptionist, Langdell Hall. She's never there when I need to find out where they moved the men's room to.

Archie. On general principles.

Buildings & Grounds gremlins who lock doors around the Law School whenever they feel like it.

Joe Alviani. He didn't give Frank "Gainesburger!" Kelly or "Giuseppi" Joe of the Hark grill a part in the Law School Show.

Sullivan & Cromwell. They ran out of hors d'oeuvres at their reception.

Paul, Weiss, Goldberg et al. They didn't have any hors d'oeuvres at their reception.

And for various reasons, some too long to explain: **Dean Watson** of Harvard College, who'd better stay away from Toronto; **Krishna Sharma**, for reading my date's palm; **Frank of Hemenway Gym**, for giving me a moldy towel; **Mark Brown**, who thinks he can act; **Mike Hertz**, who thinks he can write; **Tony**, of Tony's Sub Shop, who hiked the price of tuna subs; **Dean Leonard**, who stole the RECORD phone; **Phillip Areeda**, for making noise in West Wing hallways; the **Law Review**, which tried to co-opt the RECORD staff; **Mark Green**, for signing that sissy letter claiming I took women's lib seriously; **Joe Rafalowicz**, for peddling lousy outlines; **Jimmy Breslin**, for stealing my column ideas; **Bob Goodman**, who prepares for class; **Bill**, at Elsie's, who forgot my order; **Johnny Most**, who says Henry Finkel isn't clumsy; **Dan Hennessy**, a sell-out; and **Janet Johnson.**

Editorial Upsets Alum

To the Editor:

Due to the slowness of the United States mail, I have just finished reading your editorial in your issue of November 14, 1969, entitled "Lawyers as 'Hired Guns'" and I find it difficult to believe that this editorial appeared in the newspaper of the Harvard Law School. It is even more upsetting to believe that it had been written by a student at the Law School.

I, and I'm sure, many other practitioners wish that the problems that you raise were so easily solved by the simplistic solution you have advanced. Your use of phrases such as "representing interests against the public welfare" and "advance the interests of those things which worsen rather than alleviate the problems of our society" begs the question rather than answers it.

When did it become the duty of the attorney to determine exactly which interests are against the public welfare and which actions alleviate the problems of our society? You must still recognize that there are gray areas, and that all is not black and white in the world.

Is it the lawyer's function to impose upon his clients his own moral deci-

sion? Is there no place where a lawyer can admit that there may be error and that what he considers to be in the public interest may not be so in the final analysis?

It was always my understanding that the courts and the judges in our society would worry about what is good for society and that the lawyers should worry about their clients.

A very practical example of what I am speaking about will, I think, make my position clear. In the last year I have represented a group of homeowners who are decidedly upset by the erection near their homes of a large high-rise hospital. Would you care to determine who is right and whether my representation of these clients tends to be against the public welfare because I am fighting a hospital or are these citizens entitled to have their views expressed and to be considered by the public at large?

Your last sentence which you probably thought was clever is really not so clever. Not only is there room for morality in the legal profession as it exists but that morality does not mean that the unpopular is not entitled to representation or to have its views expressed.

David Schechner '53

Letters to the Editor of the RECORD

Naive and Arrogant?

To the Editor:

It strikes me as both naive and arrogant to assume, as Professor Field implicitly does, that all lawyers interviewing second year Harvard students are acquainted with the faculty resolution with respect to grade inquiries. Although it may come as a shock to some faculty and students, many attorneys in urban firms know nothing of Harvard's policy on this or other issues and have no ready means of finding out. Quite naturally these lawyers, exercising a still widely held belief that past performance may be indicative of future success, ask prospective employees how they have done at school.

To avoid any misunderstanding, I suggest that second year students inform interviewing lawyers that Harvard Law School has decided that inquiry concerning grades is inappropriate. Now, this may not wash with the interviewer and may embarrass the interviewee, but surely if Harvard's stand is correct, the student can bear the responsibility of articulating it. Or can he?

Richard H. Schnadig '64

Public Service By Picketed Firm

To the Editor:

In the light of a recent report in the RECORD concerning picketing of representatives of Ropes & Gray at the Placement Office, the following item on Page 4 of the latest issue of the Boston Bar Journal (October 1969) may be of interest: "The Association was able to announce, this past week, that a grant had been made available by the Office of Economic Opportunity and the Ford Foundation to enable the Boston Bar Association to conduct a program to produce low income housing in the Boston Metropolitan area. F. Douglas Cochrane is Chairman of the Urban Affairs Section and the grant was entirely due to his untiring efforts."

I wonder if careful study of Ropes & Gray would not reveal substantial public service activity by lawyers connected with that firm, Mr. Cochrane aside.

Cornelius J. Moynihan, Jr. '64



"So what if the firms gave me the bums rush? I can always clerk for Judge Hoffman!"

Florida's Kirk Tackles Crime

By Rick Vogel

Claude R. Kirk, the flamboyant Republican Governor of Florida spoke on "Florida's War on Crime" to a near capacity Ames Courtroom audience February 19 at the Harvard Law School Forum.

Kirk chronicled his war on organized crime, responding to questions which had been previously distributed to the audience, at Kirk's behest.

After his election in November, 1966, he found that there was no single state agency responsible for fighting crime nor even a current report on the status of organized crime. A multitude of quasi-autonomous county and city law enforcement agencies were responsible for the fight against organized crime with little or no coordination.

Kirk launched his own statewide war on crime, financed by private contributions to a public fund. After fifty persons were indicted, including several public officials, a state agency was created — the Florida Bureau of Law Enforcement, the first of its kind in the nation.

When the U. S. Justice Department assigned a crime and rackets squad to investigate the activity of the Mafia and other organized crime in the Dade County-Miami area, Kirk organized a special state task force to coordinate efforts at the local level. The task force, said Kirk, was successful in overcoming the federal officials' reluctance to work with local authorities.

Kirk suggested that state governors assuming personal responsibility for crime-fighting would be an effective means to escape the inefficient labyrinth of local authorities.

In order to overcome judicial delay by uncooperative local officials, Kirk often had to by-pass them. In Dade County, he asked no help from the County state attorney for the prosecution of those indicted by other state attorneys.



Jan Gray

Claude Kirk

Apart from his much-publicized war on organized crime and official corruption, Kirk pointed out, he has also fought "unorganized crime." He attributed the pervasiveness of this problem to the "irrelevancies" and inadequacies of society and the criminal justice system. Among the major inadequacies to which he directed himself were the ghetto, an irrelevant system of education, geared to the college curriculum rather than toward the working world, and the failure of the criminal justice system to rehabilitate and eliminate recidivism.

Success in the wars on crime, Kirk concluded, depends primarily on continued concern for the tradition of effective prosecution.

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period which followed the formal speech, Kirk discussed such issues as civil liberties and the use of modern electronic devices in law enforcement, school busing, and drugs.

Kirk spoke to the Harvard Law and Graduate School Republican Club the next morning before continuing on his present fund-raising and speaking tour.

Letter

To the Editor:

I am writing to protest the RECORD's publication of a vulgar and insulting cartoon in the February 5 edition, showing Lincoln's Inn being plundered by Amazons, presumably representing female students at the Law School. If the cartoon had reference to the decision (in my view regrettable) by that organization to deny admission to women, it was a gross distortion of what in fact happened. In any case, it was a gratuitous affront to the women at the Law School.

Lewis H. Ferguson, III, 2L

(The RECORD regrets the publication of the cartoon. — Ed.)

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Doing Something About Chicago

By Richard Hoffman

TDA. The Day After. Countryman and Nesson are speaking in the Ames Courtroom. Be at the Boston Common at 4. Flyers on the walls as I stumble out of my room and head for the john. I read about the big demo this afternoon. H-R Young Americans for Freedom has sheets posted too telling me to stay away from the big demo. Already I want to go to big demo. I think, "Are there really YAFs in the Law School?"

2:45 p.m. Usual, tired-faced crowd streams into Ames Courtroom. About half full. Vern Countryman on the podium. He's there now because he has a 3 o'clock class in Secured Credit which nobody in Ames Courtroom would have the guts to take. Countryman calls the Chicago Trial a "travesty of justice." He says he'll do something no sensible lawyer would do: predict that none of the convictions will stand up on appeal.

But there's a problem, he says. There's a Supreme Court decision the other way. Yet it's reasonably distinguished. Countryman stresses one positive result of the trial: "the government lost the security blanket of conspiracy." He also notes the impropriety of the pre-

U.S. Loses Security Blanket

siding judge sentencing defendants to long contempt terms and doubts that anything longer than six months will stick.

Under the law invoked, of course, it wasn't necessary that there be either incitement or riot, the professor says. "All you had to do is think bad thoughts while moving interstate."

"I am assuming that it is possible to set right the system from within," Countryman declared. But as he recalled related cases from days when the Supreme Court had reached

"its lowest ebb in modern times — the Vinson Court," he remarked that "the President is working industriously to restore the court to that level with the time-servers like G. Harrold Carswell."

Apparently reacting to reports that Boston policemen might be preparing "to meet force with force," as one cop who was bringing his submachinegun to the Common put it, Countryman pointed out the dangers of the demonstration. "There are an awful lot of people so busy showing that they're not being intimidated that they don't get around to doing anything else," he said. "All the mindless people aren't on one side," he concluded.

Remaining speakers devoted themselves to countering Countryman's warning about the demo while similarly denouncing Chicago trial. David Rockwell of the Student Bar Association emphasized bar associations giving both students applying for admission and practitioners in the political cases a hard time.

Professor Nesson says Bill Kunstler was a model for students to emulate in a profession "which runs from H. Thomas Austern to Melvin Belli." Nesson fears that if Kunstler goes to jail students will lose him as a model. The Chicago trial, he says, was "not different in kind from the justice ground out in courtrooms daily around the country."

Speeches continue as crowd grows restless, waiting to pack up and head for Boston Common. Levell Jackson finds "so-called trials are nothing but a tantamount form of racism." He says "students must move out to educate masses of people to end fascism." Tony Sager calls the political strategy of the early 60's no good. "You can't get anywhere by having people register to vote. You have to act with the mass of people and have to act forcefully."

And not much later the courtroom empties and the Harvard Square MTA terminal is packed with demonstrators on their way. Boston Common fills up rapidly by 4 p.m. Mud becomes like quicksand, is per-

fect for murderball. Girls on top of sound truck try to get crowd lined up. Usual presence of protest causes. Women are told to march with their sisters behind the "Women Unite" banner. Attempt is made to have women's brigade march first. No one asks why. Becomes impossible to get women up front.

People on sound truck behind Park St. MTA entrance read

Revolution On the Common

speeches overflowing with revolutionary rhetoric. It's still warm outside. Good day to play revolution. The rhetoric becomes painful. Begin to forget legal aspects of trial. March finally starts, up Tremont St. to Government Center.

"Two four Chicago eight! Liberate women, smash the state!" But old Ho Ho Ho Chi Minh cheer still proves most effective. War painted people lead way by liberating statue in government center plaza. When queried, war paintees explain that paint is to show today is day of life. Day of verdict was day of death.

Speeches roll on in Government Center. Rhetoric as heavy as ever. Someone set self on fire. Cold wind begins to blow hard as sun sets fast. Crowd begins to disperse. Tactical Police are gathered near Common. Man from Harvard Voluntary Defenders says cops charged demonstrators before any rocks were thrown. Lawyers are hit first, including HVD people. Maybe because they were nearest to cops.

TV shows play down violence for most part. Crowd is estimated by most at 10,000 at Government Center and the Common. Some say 15,000. Biggest in country. Am glad I was there. Back at the Law School students are still helping Professor Dershowitz finish off a brief for defendants on appealing the contempt convictions. Brief has to be in by TDA — the day after The Day After.

Sports Briefs

By Jim Schuyler

In a little-noticed news release, Harvard sought to win back a segment of the population that it alienated by its refusal to house the Boston Patriots next year. The university is now on the right side of the tennis fans and some of the youngsters of the Boston community. Jim Smith, director of the ABCD South Boston Orientation Center, got a favorable reply when he asked for the use of Harvard's Dixon Tennis Courts to stage what has been billed as the "tennis match of the year" as a benefit to support the building of a public tennis center in Franklin Field. Smith admitted that Harvard was the last place he went to with his request, "but they couldn't have been nicer." Athletic Director Dolph Samborski and tennis coach Jack Barnaby took special interest in the project. The result is a U.S.-Aussie tennis tournament featuring John Newcombe and Tony Roche for Australia and Arthur Ashe, Stan Smith, and Bob Lutz for the United States. Smith (that is, Jim) is involved in job training, but he has been teaching free tennis to youngsters for many years, and now is helping to finance eight outdoor and four indoor courts for the city. The matches will be held on March 9, 10, and 11 at Dixon Indoor Courts. Ticket information and details are available at 445-8985. (Keep calling if "no answer" because it is his home phone.)

* * *

Intramurals . . . Update on basketball results: "A" and "B" leaders, The Nameless Ones and The Sh-ts, remain undefeated at 7-0. Nearest rival in the "A" league are The Sharks and The Arch of Triumph, both at 4-3. The Net Losses hold second place in the "B" division at 6-1. Tied for honors in the "C" league are the Condors and Oscar Greeners (6-1). "D" leader is the Hermetic Seals with six wins and one defeat, with the Crimson Swine and Harold sharing second with identical 5-2 records. The most exciting race is building up in the "E" division with the Running Covenants, Crushproof Pack, and The Meachamites all at 5-2.

* * *

Ivy League . . . It would be good precedent for the Ivies to vote to let their runner-up participate in the National Invitation Tournament at N.Y.'s Madison Square Garden this year. Columbia, the most likely recipient if the league passes this proposal, hopes to have the five votes necessary to change the rules. The NIT, the nation's oldest post-season tournament, opens on Friday, March 13 in New York. Meanwhile, the Lions play Penn at the Palestra with the Ivy title at stake. A Columbia win would necessitate a playoff. Columbia's 20-3 record certainly merits NIT consideration.

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Clerkships Serve Varied Goals

(Continued from Page 5)

of legal education." Nelson concurred: "The insight into the whole system that is available from the top is invaluable to a legal educator."

What about the would-be trial lawyer? In fact, wouldn't experience at a trial court level be more valuable than at the Supreme Court level?

Bernardi was quick to agree. There would be a much greater involvement in actual litigation, in procedure and trial work and in legal maneuverings at that stage of the process. Nelson, who was himself a clerk of a Federal District Court before coming here, spoke highly of his own experience in that regard.

"The problem is finding out about trial court judges," Bernardi admitted. "Most people feel safer going with a Federal judge, which may be indicative of an unfair generalization. As it is, the judge and applicant hardly get to know each other beforehand, so whichever way you go, there is still a fair amount of guesswork involved."

Sometimes the choice is partly dictated by necessity. Those who would clerk for the Supreme Court, pointed out Rowe, find themselves in the position of not being able to hedge their bet by applying to other courts, since the lower courts make their selection sooner. "It becomes an all or nothing decision," he said.

But for most applicants, the field is wide open. Too wide open—that's just the problem. There are a few well-known judges, but one is faced with a considerable degree of uncertainty in trying to discriminate among the rest. Obviously one can't apply to all of them.

Bernardi has a bulletin board outside his office that functions as the key to his whole operation.

In fact, he says, "we are not so much of a placement service as an information center." Via the bulletin board, students can find out which judges are looking for clerks, what qualifications are needed, and how to apply.

Some judges take only Yale graduates. Others traditionally award their clerkships to Harvard men. Some take only from New England and others restrict themselves to the West Coast.

Many judges have "contact men" at various law schools, professors who make privileged recommendations. This is especially true of the Supreme Court Justices. There is an entire informal as well as a formal apparatus for the process of selection, and much of it never comes under Bernardi's supervision.

At the beginning of the year there is an informational meeting for those interested in clerking. *Law Review* staffers have the benefit of a special meeting where vital information is disseminated to them. Resumes are filed with Dean Bernardi's office, which makes them available to judges who write in and request recommendations. But, for the most

part, a student who wants a clerkship has to do his own hustling.

Most judges do not write Bernardi's office for recommendations. Neither do they make it a practice to come to the Law School to interview. They simply make it known that they are seeking clerks.

For the applicant, this often involves making one or two long trips in order to interview with the judge personally. It means taking the initiative to find out about different judges and their preferences and personality. And it generally means making the first move.

Whatever the difficulties, the rewards are great. This seems to be the unanimous opinion of all who were asked. The experience is invaluable, at whatever level in the judiciary it is. The lesson appears to be that many more lower level clerkships are to be had by Harvard graduates, if they are willing to go after them. And, as one party (who wished to remain unidentified) suggested, even clerking for a bad judge could be a valuable experience: "A clerk for a bad judge might have more power and say than he otherwise would."

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Profs Judge Carswell

(Continued from Page 2)

jecting the Supreme Court nomination.

"All the reasons coalesce," said Dershowitz. "He has done and said things that are offensive to certain sections of the public. He has never done or said anything to indicate those views have changed, and there is no evidence of any distinction."

While Dershowitz would focus on Carswell's lack of distinction, Visiting Professor Guido Calabresi sees Judge Carswell's racist statements as the principal cause for concern. Calabresi referred to comments made by Carswell 22 years ago which "insulted a large group of people," and expressed concern that Carswell had done nothing in the past 22 years to remove this insult.

Calabresi said he could not support the nomination of someone who made such statements "unless you can show me that specific acts between that statement and the nomination have removed the insult, and the only people that can say he has are those that he insulted."

Calabresi posed a hypothetical situation in which a 28-year-old black militant running for the school board in a predominantly black area makes remarks attacking Jews and urging voters to keep them off the school board. Twenty-two years later he has given no indication he has in any way changed his views, and he is nominated to the Supreme Court, despite a lack of distinction. "There is no question," said Calabresi, "that such an appointment would not be accepted."

Professor Countryman feels that Carswell's disavowal of his former views subsequent to his nomination was not as forthright as their proclamation, and has in fact been "undermined by his relations with the segregated

golf club and his foot-dragging in regard to the integration of schools."

Countryman said that Carswell has always voted for delay of the integration of schools in the South and has been reversed at least three times by a U. S. Circuit Court of Appeals and twice by the U. S. Supreme Court on this issue.

"There is a severe risk that if he's confirmed we'll have installed a racist on the Court," said Countryman. "There is no necessity

Fears Racist On Court

to take such a risk, because men of his qualifications are a dime a dozen. It is easy to get men of his caliber — of course, you shouldn't be trying to get men of his caliber."

After reading Carswell's opinions in the field of contracts, however, Professor Robert Braucher said that it was difficult to see how anyone could make a case that there is any lack of qualification. "It is common among District Court judges to merely state the facts and say why without expanding on them," said Braucher.

As proof that there are more highly qualified conservative Southerners, Professor Dershowitz recommended the appointment

of Senator Sam Ervin of North Carolina, a "man of distinction" as well as a Southern constructionist.

Countryman suggested that Charles Allan Wright, a professor at the University of Texas Law School, would have been a much more acceptable nomination, and Judge Clement Haynsworth, the nominee rejected by the Senate for alleged conflict of interests, was cited by Professor Calabresi to show that there are people sitting on benches in the South who have not insulted large groups of people.

Calabresi attributes the lack of opposition in the Senate to Carswell's nomination to the fight within the Senate which resulted in the rejection of Haynsworth. "I would be very surprised if this guy would have stood a chance of being confirmed if it were not for Haynsworth," said Calabresi.

The Haynsworth controversy, however, has removed the fire from all but the most concerned Democrats, and Republicans, wary of opposition which might evidence a vote of "no-confidence" in the President, fall back on the report of the Judiciary Committee and point to the American Bar Association's support of the nomination.

Professor Dershowitz, however, could not resist commenting on the ABA's action in endorsing Carswell. "It is utterly irresponsible," said Dershowitz, "for the Bar Association to declare a man of such mediocrity to be qualified for the Supreme Court. One would hope at least the Bar Association would remain silent."

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(Continued from Page 3)

and adverse) of the program and the participating schools, faculties and student bodies. However, preference for one school over another, and recommendations about at which school to commence the program, seem to depend more on the personal interests, abilities and goals of the students, rather than on the inherent qualities of either school.

The one general plea, repeatedly asserted by students enrolled in the last two mixed years of the program, was clarification of course options and requirements. Robert Anestis reported the sentiment that "nobody knows what's going to count for where."

According to Vagts and Salter, this problem is already being resolved with development of combined courses in the areas of business policy and finance. Mr. Salter also noted that although initial plans centered on the corporate, finance, tax and international fields where there is the greatest interplay between law and business, some students seeking to concentrate in urban studies are being permitted to experiment in developing their own concentrations.

Generally, students found that the Business School placed greater emphasis on daily preparation, group work, class participation and practicality than did the Law School. Most agreed with Gregory Theokas' opinion that the Law School approached issues from a broader perspective, allowed more individual work and that "at the Law School you can coast more easily, you backbench if you're unprepared."

John Lovett found the daily Business School schedule "drudgery," but enjoyed the close contact with professors and smaller classes. His comparisons of the schools made explicit some the implicit criticism of the Law School revealed in the reactions of many joint degree candidates.

"Law School professors," Lovett remarked, "tend to appear more like some kind of minor deity bestowing knowledge and wisdom, lecturing down to students. They're more relaxed at the B School. But, then, you haven't heard rambling till you've been to the B School and heard the discussions."

All participants emphasized, however, that direct comparisons of the two institutions were not valid, since the schools had divergent goals and purposes. "They're entirely different places," one enthusiastic student emphasized. "They're each into their own thing."

Temporarily, a rough quota system will be imposed on enrollment. Approximately twenty-five

students will be accepted to begin in the Law School and to spend their second year at the "B" School, with five students traveling in the opposite direction. The numbers correspond to the percentage of applications filed by students whose basic interest is business or law. Interim interviews indicate that students retain their primary law or business orientation in their career plans.

So far, whether participants have started at Business School or at Law School, they appear, in spite of the financial confusion and ad hoc quality of the format, to endorse John Lovett's evaluation of the program: "This is definitely the best decision I ever made in my life, in terms of what I'm learning and in terms of my future."

Pre-Law Conference Scheduled For Minority Group Students

A Pre-Law Conference for an estimated 200 Black and other minority-group undergraduate students from area colleges will be held Saturday, February 28, at the Harvard Law School.

The day-long program will focus on four areas: Law and Social Change, Curriculum and Study, Careers, Admissions and Financial Aid. Minority-group lawyers in practice, academia, corporate and institutional work will discuss career opportunities for minority group members.

Conference sponsors include the

Black American Law Students' Association, the Council on Legal Education Opportunity, the Law School Admission Test Council, New England Bar Associations and law schools in New England and elsewhere. The schedule begins at 9 a.m. in the New Classroom Building. Luncheon will be provided.

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