

HARVARD LAW RECORD

VOL. 50 NO. 7

MARCH 26, 1970

TWENTY CENTS

Losses May Force Harkness Changes

By John York

Ever-increasing losses at the Harkness Commons Graduate Dining Hall may soon force major changes in the way the cafeteria is run.

Thus far this year, under operation of Marriott-Hot Shoppes, Harkness has lost \$86,000, ac-

cording to Assistant Managers Charles V. Guthrie and Thomas B. Pool. Total losses may exceed \$125,000.

Last year in the same position Stouffer Foods lost a total of \$76,000. Over the past three years aggregate losses have approached \$250,000.

Yet, despite losses, it is still possible for Harkness contractors to make money. According to Vice-Dean William L. Bruce, the contractors are paid a fee of seven and one half per cent of their gross sales whether they show an accounting book profit, break-even, or loss.

The reason for this apparent anomaly is that the Law School is paying a management fee whether or not the management is able to break even.

"Only three men at Harkness actually work for Marriott — Manager David L. Laughlin and Assistant Managers Guthrie and Pool," said Dorm Council President Paul D. Rubenstein, 3L. "The

O'Connell's Car Painted

Women's Lib Strikes Back

By Greg Ward

"We are women and we are furious. When women are furious they take action."

So read the first line of an anonymous letter sent last week to Bob O'Connell, 2L, operator of the O'Connell store, laundry, etc., etc. in Harkness. The action taken in this case was the spray-painting of O'Connell's car with such slogans as "Women Unite" and "Women Are Not Sex Objects".

"The entire car will have to be repainted," sighed O'Connell.

To Linda Davis and Ann Thornton, however, the car is not the issue. Mrs. Thornton, President of the women's law group at the school, and Miss Davis graciously agreed, although not without some hesitation, to talk with The RECORD about the latest happenings in what has become an escalating battle of principles.

"We want to focus on the actions we've had with O'Connell and why we're angry," said Miss Davis. "Let's just say that different people respond to offensiveness in different ways."

The women's group, through Mrs. Thornton and Miss Davis, vigorously denies any connection with the painting of the car.

O'Connell, armed with a copy of Muscular Development magazine, a sheet of poster board, and a great idea for a new sign, said that it all started when he advertised for girls to come to parties at the beginning of the year.

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What do four young ladies hanging out of a tree mean?

Maybe Spring is finally here.

Maybe it was a promotion stunt for something.

Maybe the young ladies just like to hang out of trees.

(Photo by M. Stul Oppenheimer.)



Kennan Delivers Foreign Policy Address

By Bob Hernandez

Diplomat, historian, and public servant George F. Kennan recently addressed the International Law Club on American foreign policy in a speech entitled "Three Policies in Search of a Principle."

To the surprise of few and the dismay of many, there is little consistency and less "principle" in American foreign policy decision-making.

The speech had been slated to deal with American policy toward Africa's white regimes. But immediately following the speech moderator Milton Katz, Professor of Law and Director of International Legal Studies, appropriately warned the audience of about 150 people: "Don't leave here believing that you know Mr. Kennan's position on South Africa, because you don't."

Kennan was more concerned with challenging the "legalistic, moralistic" approach to the study of foreign policy than with a criticism of the white minority regimes. He described American relations with South Africa, Angola and Rhodesia only as case studies to illustrate the utility of searching for "universal principles" which guide American policy decisions.

"There is a certain poetic justice in attempting to discover the 'principles' guiding American policy in this area," said Kennan. "The United States is always so fond of 'principle.' And the government always seems to hold that these principles ought to be universal in their scope, impartially applied everywhere."

Despite the traditional classification of these three political entities in the category of "bad Africa," Kennan pointed out, American policy has been remarkably different toward each of the three.

South Africa enjoys full diplomatic relations with the United States, despite strong official pronouncements against its racist government structure. The United

States condemns Portugal's continued colonial presence in Angola, while, under NATO, it supplies Portugal with arms, which it knows will eventually be used in Angola. In the case of Rhodesia, the United States has broken off all diplomatic relations, and would seek to restore British colonial presence.

Kennan noted that in the case of South Africa the United States

it democracy? Is it the absence of this that the United States is objecting to?" Kennan doubted that this was the principle behind American policy toward South Africa, since the South African government is at least normally democratic, and the United States supports numerous personal dictatorships around the world.

Nor is the United States opposing minority rule, since it sup-

Alumni Summer Education Announced

The Law School faculty will present its sixth summer program of instruction for practicing lawyers this year from July 20 through August 1. It will be open to all members of the bar.

"In my travels around the country," said Prof. A. James Casner, director of the program, "alumni ask why the Law School doesn't offer more recurring training for them. I have been director of these programs for many years and find that in the past practitioners just have not been finding out about them."

The two week program consists of a series of courses covering problems that arise frequently in modern practice as well as colloquia in which current issues in law reform, professional responsibility, and social problems will be discussed.

has breached the rule normally accepted under international law and practice: "Don't comment on internal policies and conditions." In this particular instance, "we do have views and have expressed them. Recent administrations have never disguised their distaste for South African policies." President Richard Nixon himself has confirmed this "position of long standing in the United States government," calling for majority rule in South Africa.

But, Kennan asked, "what is the content of 'majority rule?' Is

The entire program will be presented by 24 Law School faculty members. The basic courses given in the morning offer the practicing lawyer a systematic means of reviewing and bringing up-to-date his knowledge in his field. The courses will highlight changing areas in particular branches of the law and modern methods of approaching these questions.

The course in Law and Morals and the afternoon colloquia, which wives are invited to attend, are designed to underscore problems of interest not only to lawyers but to all members of society.

Family social events are planned. Most of the visitors will stay in hotels in the area, while space for about 70 of the more Spartan type will be provided in Hastings Hall. The enrollment fee for the program is \$425.

ports many governments based on that principle. "The factor most centrally involved" in determining American policy is the "principle of minority rule along racial lines."

However, Kennan contended, if the shoe were on the other foot and minority rule were imposed by a black government in South Africa, the U. S. government would clearly not be upset. He abstracted three maxims which might serve as a basis for the "principle" upon which that

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HBLSA Finds Discipline Decision Racist and Hypocritical Process

In a sardonic letter of "thanks" addressed to members of the faculty in the wake of the decision to discipline five black students involved in University demonstrations, the Harvard Black Law Students Association (HBLSA) has accused the Law School faculty of hypocrisy and racism.

HBLSA asserted that some of its members had hoped for a fair hearing on the merits of each case. These members, HBLSA said, were disappointed.

"They didn't realize that the talkathons that you held merely served to give the illusion of an appreciation of the merits of the

case, before you went on to do what you were bound to do as white people," the letter writers told the faculty.

HBLSA charged that the lengthy faculty and student discussions were held only to create the illusion of debate. They argued that the Administrative Board which recommended the discipline was an illegitimate tribunal and described the proceedings as a "kangaroo court."

Describing the disciplinary proceedings as a "perfectly understandable" attempt to preserve white tranquility, HBLSA said, "It matters little if the cost of

that tranquility is the consistent oppression of a substantial non-white sub-culture, the preservation of your caucasian condition is paramount."

Moreover HBLSA claimed that the discipline action was in direct conflict with University concessions to demonstrators' demands for a 20 percent minority quota on two construction jobs. The association said it would continue its efforts in minority construction hiring.

According to HBLSA, its active membership has increased since the disciplinary decision. While indicating it will expand its action into other areas, HBLSA warned, "This letter does not complete our response to your decision, the Law School will hear from us in a more substantial way, soon."

Board of Student Advisors Diversifies

By Larry Pressler

The Board of Student Advisors has, in the past, been thought of almost exclusively in terms of the Ames Competition. But this year, the Board has many different functions besides administering Ames.

For example, the Board this year launched a program of aiding faculty members in creating and correcting written assignments to supplement regular course work. The impetus for this work grew out of a desire on the part of the faculty to provide more "feedback" to first and second year students, in part as a response to the discussions of grade and curriculum reform that began last year.

However, according to the new Board Chairman, Stephen Presser, it was soon discovered that in addition to providing the feedback to students, the written assignments provided this year's Board members with one of their most rewarding experiences. The evaluation of the assignments provided Board members with an opportunity for close working contact with a faculty member and a view from the perspective of a grader.

Another new activity for the Board was a "law day" earlier this month at East Bridgewater High School in East Bridgewater, Massachusetts. Eight Board members took part in the project which grew out of a letter to Dean Derek C. Bok from the Principal and Head of the History Department of the high school. They had asked for aid in

supplementing junior civics classes with instruction about the legal system.

The matter was passed on to the Board for action, and Don Howarth, the Board's new First-Year Chairman, was appointed to visit the high school and plan a program. Howarth was aided by the seven other Board members who put together an assembly and a series of seminars to be led by them and to take the place of a regular day of instruction for the school's 150 juniors.

The program included a series of skits performed by the high-school drama students on such

High School Juniors Attend Law Day

"legal" situations as a police line-up, a purchase of an automobile, and a divorce proceeding. The small seminars discussed the skits and also attempted to formulate the answers to questions on the law asked by students.

The program was supplemented by a speech by a member of the Massachusetts General Assembly on the legislature, and a talk by Howarth on the courts and law enforcement.

In later evaluating the project, Howarth felt that activities such as "law day" will enable the Board to expand its contribution to legal education

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Meetings Consider Harvard Women's Complaints Re

HLS Administration Plans General Discussion

By Michelle Scott

In an attempt to find out what the women students at Harvard Law School are really thinking about, the Law School administration is arranging a general meeting with all women students — tentatively scheduled for April 8 — to discuss their status at the school and their future goals.

According to Assistant Dean Walter Leonard, the meeting will provide a general basis for discussions with members of the Visiting Committee's subcommittee on the problems of women at the Law School. Chaired by Francis T. P. Plimpton, New York City Bar Association president, the subcommittee will investigate this topic in an April 17 meeting with students.

Dean Leonard explained that the administration is taking the initiative in calling the meeting in order to "give all the women an opportunity to speak and express themselves." He indicated

that no decision had yet been made about the presence of faculty or male students.

The general meeting is the latest of the activities and projects undertaken since the formation of the women's law group last fall. Women students themselves have conducted numerous conferences and discussions with individual administrators and faculty members. The women have also instituted several surveys on women in the law school and in the profession as well as beginning a college recruitment program.

Faculty and women students recently met at the home of Dean Derek C. Bok to discuss an 18 page memorandum circulated by the women among the entire faculty. Shortly thereafter came an administration invitation to meet with all of the approximately 120 women in the Law School.

In addition to Dean Bok, faculty and administrators at the student-requested discussion were John P. Dawson, David L. Sha-

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University Discrimination Charged by N. O. W.

By Gail Miller

Jane Pollock, president of the National Organization of Women (N.O.W.), and a four-member panel of women from the Harvard community, recently addressed a predominantly female audience in Harkness Commons on the plight of women in the University.

Miss Pollock, with forum moderator Roberta Benjamin, Radcliffe '62; Ellen Ojha, teaching fellow in government; Cynthia Mollenkopf, 1L; Janet Edwards, Radcliffe '72 and Dr. Muriel Sugarman, a graduate of Harvard Medical School and practicing psychiatrist, alleged that discrimination exists throughout Harvard. They charged that Harvard supports discriminatory traditions of female deference to the male.

Calling on Harvard to provide
(Continued on Page 15)

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Crusader Victor in HLS Show

By Lawrence Gartner

The 1970 Harvard Law School Show had the requisite number of pretty girls and funny lines. But the real show stopper was a hang-loose song and dance number by five of the men in the cast.

Carousing around, a little out of step, they seemed for the first time that night to shake the opening night jitters and just have a damn good time. And that's what a law school show really's all about.

Naturally enough, the plot for the show had about as much relevance to anything as half the footnotes in a law review article.

Ralph Nader is a recent Law School grad whose interest, of course, is in reforming just about everything in sight. Like a *deus ex machina* (but no strings attached) he appears in the corrupt western town of Stampede to clean things up. He meets up with the judge and sheriff who are running the town and profiting from the corruption, is almost co-opted by them, but eventually bests them and cleans up the town. (Law School shows are always moral.)

Along the way Ralph falls in love, for what would a Harvard Law School show be without love? Love triumphs in the end, but not before Ralph takes a fall or two in the town's House of Ill Repute.

Talented David Sonenberg, 2L, did a credible job as Ralph, while the very cute Marlene Kawalek played the very dumb Leisy Hardin, Ralph's one and only true love.

The heart and soul of the show were the three supporting roles: Barry Chase, 3L, as Judge Abe Fortiori; Harry Agress, a med student from Tufts, as Sheriff Richard Hogg; and Ellen Shaw, 2L, as Inre Debs, owner of the traditional saloon.

What can one say about Barry Chase except that with his talent

as a mugger he could make a fortune in Central Park. Chase isn't subtle, but he's very, very funny.

Harry Agress is lucky, because since he played Sheriff Hogg, I won't call him a ham. Ellen Shaw had some of the best lines in the show as the tough-talking, cynical bar owner with a yen for the sheriff.

produced it. George Selden '69 came back one more time to write the music and lyrics.

In the program it is said that Kadden's literary efforts were rejected by the RECORD and Captain Kangaroo. I can't speak for the Captain, but I don't think Kadden should worry. On the basis of his writing, I've decided to recom-



M. Stul Oppenheimer

Cast of Law School Show sings out in grand finale.

And if they were the heart and soul, I don't know quite what to call Mark Brown and Don Passman, 3Ls, who wandered in and out at random intervals with their own act. (Brown will always be U.C.C. Man to me.)

The Show was written by Michael Hertz and Ronald Kadden, 3Ls, with Sonenberg and Miss Kawalek. Joseph Alviani, 3L, directed while Vance Koven, 2L,

mend him as a speech-writer for Agnew.

One of the highlights of any Law School show is the appearance of two profs in cameo roles. On opening night Prof. Robert Braucher looked like he had as hard a time remembering his lines as I do the U.C.C. I hope he emphathizes with me. Prof. Stephen Breyer was a natural, making him a strong candidate for the faculty's John Barrymore award.

Vacation Library Hours

During Spring vacation, the Law School library will remain open normal hours: 8:30 a.m. to 11 p.m., Mon.-

Fri.; 8:30 a.m. to 5 p.m., Sat; and 2 p.m. to 11 p.m., Sun.

Countryman Testifies on Bankruptcy

By Will R. Knedlik

The Bankruptcy Act is in need of overhaul if it is to protect the rights of the debtor effectively, according to Professor Vern Countryman.

Countryman testified recently before a subcommittee of the House Judiciary Committee, and suggested that changes be made in the provisions of the Act which discharge the bankrupt from his existing debts. He remarked with noticeable ire that creditors presently succeed in circumventing the discharge protections theoretically afforded the bankrupt.

There are built into the bankruptcy law, Countryman explained, certain statutory exceptions to the discharge mechanisms. Responsibility for alimony and tax liability, for instance, cannot be discharged.

But the Act also disallows discharge in cases of fraud or willful conversion by the debtor. And ordinary creditors have managed to come within these latter exceptions in a number of unsavory ways. For example, many financial institutions specializing in small loans intentionally lead the borrower into giving false financial statements—for instance, by providing inadequate space on their financial forms for the borrower with a large number of small debts to list them all. Thus the lender builds-in fraud.

Another tactic is commonly used by stores which sell work clothes to working men on credit. If bankruptcy occurs, such stores claim conversion by the debtor because the clothes have been worn out to some degree.

Countryman's field of expertise at Harvard is commercial law. He teaches Commercial Transactions, Debtor and Creditor—the renamed course in Creditors' Rights, and Secured Credit. He has made continuing studies of the Bankruptcy Act, and the proceedings under it.



Prof. Vern Countryman

Countryman's studies indicate that finance companies specializing in small loans, and installment sellers are involved as creditors in the vast majority of bankruptcy cases, but that with the advent of bank-distributed credit cards, banks are becoming involved more and more.

Countryman pointed out that garnishment of wages—or the threat of garnishment—is what most commonly drives a person to file a voluntary petition in bankruptcy. This is substantiated by the fact that 92 percent of bank-

rupts are consumers, as opposed to businessmen or corporations.

Countryman's studies also indicate that the kind of person who most often goes bankrupt is an industrial worker in his late thirties, with three years of high school education, earning over one hundred dollars a week, and who has been married over twelve years with four dependents.

Countryman emphasized that repeaters constitute only about ten percent of the total number of bankruptcies filed—a total number which rose from 10,000 in 1946 to 208,000 in 1967. He feels that the rise in the volume of bankruptcies is closely tied to the rising volume and ready availability of consumer credit.

Looking to the prospects for reform, Countryman spoke with some irritation in his voice, insisting that Congress has overlooked this important aspect of the bankruptcy problem. In its investigations of consumer credit and credit bureaus, he said, "Congress has spent too much of its time looking at the kinds of practices of credit bureaus which give a person a bad credit rating on scanty or incorrect information, while giving little or no attention to the fact that credit bureaus also often give a person too good a credit rating, again without adequate information."

Crim Center Internships Offered

The Law School's Center for Criminal Justice may be able to offer a limited number of internships in police departments, correction departments, and juvenile agencies for this summer.

An attempt will be made to place students in positions that would enable them to participate in the day-to-day operations of these agencies, rather than in positions that would primarily re-

quire research. The internships are for students with a demonstrated interest in the possibility of working in those areas on a continuing basis. For this reason preference will be given to 2Ls although 1Ls may be considered.

For further information, students should see Mrs. Halprin or Miss Kumins on the second floor of Langdell Hall.

Growing Losses May Force Harkness Changes

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rest are carry-over Harvard employees."

"This, plus the fact that Marriott must serve 21 hot meals a week to a clientele who comes only voluntarily, leaves the cafeteria management with very limited discretion," Rubenstein added. "It is totally misleading to think that we will ever get a profit-loss type motivation operating here."

Indeed, from its inception as a dining hall Harkness — under various managements — has lost money, with one or two years of achieving a balanced budget.

"We just want to break-even," Guthrie and Pool admitted. "Students would be unhappy if we made a profit. We don't even have to break even to be happy; we could even lose a small sum. Or we could run a big give-away to inflate volume — serve steak every night."

"Of course," Bruce said, "if losses are excessive, a contract will not be renewed." This was what happened to Stouffer. The Law School and the Graduate School of Arts and Science had to recover Stouffer's entire loss from tuition funds. "We paid every blankety-blank dime of it," Bruce grimly added.

To prevent a recurrence of this fiasco, included in the present contract with Marriott is a clause

was the only one who would even consent to the present loss-underwriting plan."

Bidding for next year's contract will occur soon. Marriott and Stouffer both want the contract back, while A/R/A-Slater and Saga Foods are also bidding. The present basic contract is likely to get the boot.

"Last year we thought that a mere change in management would cure the problem," Rubenstein said. "Now we know different."

Thus, according to Dean Bruce, bidders are to formulate and submit "blue-sky contract proposals — any workable plan for meals without loss and without subsidy from other sources. Bidders are not to feel bound to the 21-meal format; maybe the only service that we can afford to give without loss is weekend snack-bar operation."

As Rubenstein said, "My feeling is that the school isn't willing to lose \$70,000 a year at minimum just to provide 21 meals a week. Maybe Harkness will simply have to be closed down. Students who need its cheap food to exist here could get increased financial aid."

Another dorm council member, John H. Hilbert, 3L, is even writing his third-year paper on past Harkness failures and schemes for future Harkness successes.

Existing quandaries are several. First among them is the students' view of Harkness' function. "It is essentially a restaurant and not a dormitory cafeteria," Bruce said. "And therein lies the problem. A traditional room-and-board dorm plan, with its required meal contract, is self-subsidizing since not all students eat all of the meals for which they have paid. This provides a planning base as well."

Guthrie and Pool concurred: "The undergraduates are on contract, and the first-year medical and business school students are as well. Harkness Commons is the bastard child of Harvard."

Having required-meal contracts for dormitory residents affiliated with Harkness has been rejected every time it has come before the dormitory councils. "Not everyone who eats at Harkness lives in the dorms," Brue said. "Dormi-

Hark Is Bastard Child Of Harvard

tory residents would be subsidizing those coming from off-campus to dine at Harkness."

"Furthermore," Bruce added, "1000 students live in the dorms involved. Harkness cannot handle that volume along with its non-dorm clientele. Thus it has long seemed more sensible to pay the losses from tuition."

Poor planning accounts for many of the losses. "Our losses are now down to about \$8,000 a month," Guthrie said. "I admit that we made some initial mistakes here — it was a new situa-

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Entire Loss Paid From Tuition

stating that of losses up to \$30,000, the foods corporation pays \$15,000 and the Law School-GSAS covers the other half. After that, the two graduate schools are on their own, as they have become unhappily aware since the contract's inception.

"No firm will come into this type operation guaranteeing that they, for example, will pay all their losses over \$40,000," Rubenstein stated. "In fact, Marriott

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No on Carswell

Maybe we should give President Richard Nixon more Machiavelli points than we thought. After trying to put Judge Clement Haynsworth on the Supreme Court, Nixon has put many of us into a state of shock nominating someone not only less distinguished but a past racist to boot. Why are many of us just sitting back and accepting the confirmation of Judge G. Harold Carswell? Perhaps we're afraid that if Nixon doesn't get Carswell, he'll find someone even worse to nominate.

But it's not too late to oppose Carswell. Boston lawyer Garrett S. Hoag of the Lawyers Against Carswell Committee is sending a letter to Boston lawyers asking that they urge lawyers in states where U.S. Senators are undecided to oppose Carswell.

According to Hoag, the Senators still uncommitted are Dodd (Conn.), Boggs (Del.), Church (Idaho), Percy and Smith (Ill.), Hartke (Ind.), Miller (Iowa), Cook and Cooper (Ky.), Smith (Maine), Mathias (Maryland), Griffin (Mich.), Eagleton and Symington (Mo.), Mansfield and Metcalf (Montana), and Bible and Cannon (Nev.).

Others are: McIntyre (N.H.), Anderson and Montoya (N.M.), Burdick (N.D.), Saxbe (Ohio), Packwood and Hatfield (Oregon), Schweiker and Scott (Pa.), Pastore and Pell (R.I.), Gore (Tenn.), Yarborough (Tex.), Moss (Utah), Aiken and Prouty (Ver.), Spong (Va.), Jackson (Wash.), and McGee (Wyoming).

We urge that lawyers, law students, and professors write in opposition to Carswell as well as actively oppose him in other ways. If President Nixon wants to appoint the new Supreme Court justice from the South there are many distinguished judges from that area who would be worthy of a Court position. The Court needs men such as Judges Brown or Wisdom rather than a man who has hardly any appellate court experience, whose opinions are, according to many law professors, law school deans and distinguished practitioners, distinctive by their lack of legal distinction, and who, most importantly, has been and may still continue to be a racist.

Is Carswell what Richard Nixon really wants for the most important and distinguished judicial body of the United States? One Senator expressed the opinion that every justice on the Supreme Court can't be a Brandeis or Frankfurter. We think every justice ought to have that potential when appointed. Even Carswell's supporters apologize for his lack of distinction.

HARVARD LAW RECORD

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Published Thursdays ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 868-7600, extension 4418. Subscription price: \$2.50 semester, \$5 year mailed; students, \$2.50 year distributed at the law school. Individual copies: 20 cents at the law school, 35 cents mailed. Second class postage paid at Boston, Mass.

Fenno

Dear Fenno: I am 26 and I've been going to Law School mixers ever since I came to Lesley seven years ago. I think I'm attractive but every time I succeed in getting an HLS man to walk me home, he leaves me when he sees those ugly wood-frame Lesley dorms. What can I do to improve my technique?

Unbartered Bride.

Dear Unbartered: Ask Dean Bruce if he'll rent you one of those apartments in the new classroom building. Unless Bob O'Connell already has the franchise.

Dear Fenno: Just because I am a research assistant for two profs who are on leave and have edited five Law School publications which have never been printed, guys are calling me "The Grub." I'm not a parasite; I just happen to be around when there's work to be done. But I'm upset: I hear they want to deport me as an undesirable.

The Mexican.

Dear Mex: If you began playing basketball at Hemenway, you might soon be regarded as one of the guys. Either that or you'd be dead.

Dear Fenno: If you're so smart, why ain't you rich?

The Law Review.

Dear Law Review: If I were as smart as you guys, I wouldn't have accepted A. James Casner as a last-minute sub for John Mitchell as your banquet speaker.

Dear Fenno: I am a sophomore at Mt. Ida Jr. College and I've always wondered just what law students wear under their three-piece suits?

Mrs. Sibbach.

Dear Sibby: I never did find out what you were wearing under your kilts, did I? (See 7 Bator & Chadbourn, *Truly Trivial Facts About Civil Procedure* 785 at 987).

Dear Fenno: Are you in favor of a new stadium for the Patriots? Where can I buy a season ticket? How should I vote on this issue?

Tom Atkins.

Dear Councillor: I guess you never did show up much in Business Planning, last year, did you? Well, neither did I, so hard cheese.

Dear Fenno: Why did they get rid of ROTC here? I think this place is unpatriotic.

Real American.

Dear Realie: It's too long a story to go into here. See *Braucher on Blitz Attacks and Goosestepping* 907.

Countryman Opinion On Violence Queried

To the Editor:

On Thursday, February 19 at 2:45 Professor Vern Countryman of the Harvard Law School read an iron clad indictment of the Government's case and Judge Hoffman's conduct at the recent Chicago 7 trial to a packed Ames Courtroom. For setting the example of a law professor who thinks civil liberties are not just topics for classroom debate, Prof. Countryman deserves the highest praise and commands the respect of many in the Law School community.

However, at the conclusion of his talk Prof. Countryman raised an important issue and resolved it in a manner which, at least this student found, was quite unsatisfactory. He noted the strong possibility of violence occurring at the 4:00 rally at the Boston Common and urged us to bear with "the system" a while longer and avoid the rally. He told us that just as President Pusey, knowing the likely violent consequences, was responsible for the eruption at University Hall following his resort to local police, so we would be responsible for any violence occurring at the Boston rally.

Assuming for the moment that vio-

lence was likely to occur at the Boston rally Prof. Countryman's advice was wrong because we, as lawyers, have a special responsibility to attend.

First, as people trained in peaceful means of conflict resolution we may aid in preventing violence at the rally, or resolving it or containing it if violence does occur.

Secondly, if violence does occur, our trained eyes are needed to be witness to its cause and its consequences.

Just as doctors belong where there are sick people, so lawyers belong where trouble may occur. This we are taught by no less an authority on law and order than Ramsey Clark whose volunteer corps of legal observers stood witness at the Great Moratorium March in Washington last November.

Furthermore, Prof. Countryman was wrong in reacting like John Mitchell and stating that the Boston rally would be attended by violence. As those who have marched well know, the spirit of Woodstock prevails at such events. And, as Prof. Countryman's reference to University Hall demonstrates, violence, when it does occur, is State produced.

Jerome M. Garchik, 3L



"O.K., for tomorrow's class, I'd like you to read pages 1-4, 654-660, and 1986 in the unabridged *Faker & Fairy*. Then skim page 713 in the 1956-1965 Supplement and glance at page 2245 in the 1966-1969 Supplement. Read the relevant statutory sections in that volume, which you all should have purchased by now. And take a look at page 1765 in the \$20 mimeographed materials, too. Next week I'll give you the word on the remaining books to buy."

Letters to the Editor of the RECORD

Grades Are Stern Realities of Life

To the Editor:

I feel rather sorry for those 2Ls who are afraid to reveal their grades to prospective employers.

Sooner or later they will find that the stern realities of life will demand that they stand and be counted.

Joseph H. Courtney '26

Carswell Solution: Reverse and Remand

To the Editor:

I urge each of your readers to wire or write to his or her Senators opposing the nomination of Judge Carswell. The matter is apparently still in doubt, and hopefully, a large number of communications in opposition from students, faculty and alumni will help the bipartisan efforts in the Senate to reject his nomination.

Laurence S. Fordham

Preventive Detention Facts Needed

To the Editor:

I enjoyed the article (February 12) on the mock committee hearing on preventive detention, held in conjunction with the criminal law course of Professor Dershowitz.

It was illuminating to observe the present level of discussion at the Law School. Joseph Oteri, criminal trial attorney from Boston, asserted that pretrial detention "destroys the whole damn system . . . the guy's innocent 'till he's proved guilty and he shouldn't be in jail for even one day."

Apparently no one, including the professor, thought to discuss how the problem is handled in other countries which place a high value on individual liberty and the rights of criminal de-

(Continued on Page 14)

Women's Lib Accuses O'Connell of Sexploitation

(Continued from Page 1)

"My intention," said O'Connell, "was not to procure women. It was just to get men and women together in a friendly atmosphere."

O'Connell pointed out that he hadn't advertised for girls at the law school. "That may have been why they took exception," he offered jokingly.

That some people did take exception, however, soon became apparent, as O'Connell received both a letter and a phone call protesting his approach.

Miss Davis explained: "It's just another example of treating women as objects. You know — women are a necessity for a good party, like beer."

The parties eventually folded due to damage caused by the partygoers, and the adversaries withdrew to await further developments.

The second offensive began when O'Connell was asked to stop selling Playboy and Penthouse magazines because of their allegedly chauvinistic view. O'Connell refused although he admits that the philosophy of these magazines is one that he does not particularly espouse.

"It's an attitude held by many people," explained O'Connell. "There are other students that don't have the Women's Lib attitude, and I have some responsibility to them." O'Connell said that he sells about 150 copies of Playboy and 100 of Penthouse each month.

To concerned women, however, this is an area in which O'Connell

as a businessman should make a unilateral decision.

"He's operating within a community, and the magazines are offensive to some," said Mrs. Thornton. "He should have some decency. He has to consider the values behind the demand for Playboy, and not just the demand."

O'Connell told the protesters that he would listen to the will of the people, and urged them to take up a petition, but his antagonists, obviously recognizing the futility of obtaining the 400-500 customer's signatures deemed necessary by O'Connell, declined the offer, and were forced to resort to putting

stickers proclaiming Women's Lib goals on the offending magazines and nearby counters.

Then came the advertisements in The RECORD. A sylph-like blond, clad only in bra and panties, was pictured handing over her laundry to an extremely business-like O'Connell. Underneath the picture ran the slogan of the O'Connell Cleaners — "The more you give us, the more you save" — referring, of course, to the amount of laundry.

While O'Connell failed to agree with those who felt that the ad was blatant evidence of his exploitation and manipulation of women, he had planned to take

(Continued on Page 15)

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Legal Aid Bolsters Programs

By Richard Hoffman

The recent comment in this column about upcoming changes in the Legal Aid Bureau seem to be coming true sooner than anyone might have anticipated. Next year, the bureau will expand its services into Roxbury in order to staff fully the offices of Fair Housing Inc. Test cases are also slated for a steady place in the bureau's activity roster. Five are currently planned, including one involving property tax assessments in Roxbury and gas company services to welfare recipients.

"The Bureau has always been a little wary of tests," admist S. Linn Williams, 2L, new bureau chief. "They smack of cases which might involve money and would be ineligible for Bureau services. But we've concluded there's an obligation under the bureau's charter to take those 'test' cases which private attorneys, for whatever reasons, might not take . . ."

The bureau will also gain the services of a "clinical legal fellow," a graduate student with clinical experience, in addition to its attorney-of-record. A member will regularly visit Boston State Hospital next year to receive referrals of mental health cases. A welfare appeals program will be launched.

Plans have been made to expand Prison Legal Assistance, run in conjunction with the Voluntary Defenders. The bureau plans to accept 40 new members from the current first year class.

* * *

Big week for the law: Educational TV broadcast a trial in four parts, a first insofar as depth coverage is concerned . . . all the deans' and professors' letters may not hurt Judge Carswell as much as one favorable letter from Judge Tuttle of the Fifth Circuit which Carwell's supporters neglected to withdraw when Judge Tuttle withdrew his endorsement . . . New book,

"The Tales of Hoffman," supplies enough evidence to convince anyone who still doubts that Judge Hoffman played right into the hands of those skeptical of the U.S. judicial process . . . Time seems to be running out for the Texas Rangers, who haven't given law and order much of a good name among Mexican-Americans for many years.

And those of you who will not receive this issue of The RECORD for some time because of the postal strike should consider how the mail crisis points up the problems of obeying the law. Look where "going along" has gotten the postmen. It's amazing to note the general sympathy with the strikers, considering the thundering condemnations by the outraged Establishment, to wit, *The New York Times*. Something's been rotten since the Pony Express and perhaps we shall soon watch the President and Congress try to account for their own 41% wage

(Continued on Page 15)

Harkness . . .

(Continued from Page 7)

tion. But once we stopped the 'give-away programs' things have been on an even keel."

"They made some bad financial decisions at first," Bruce substantiated, "such as the 20-meal plan, the 15 per cent discount books, and unlimited second-helpings."

The dorm council admits guilt for spawning some of these losing programs. According to Rubenstein, they were experiments suggested by the dorm council and undertaken by Marriott in an effort to entice eaters to the cafeteria.

Hostile rumors have aggravated the situation. Charges were made that the Marriott Commissary was reaping large profits on disadvantageous sales to the cafeteria division — such sales being in essence subsidized by the Law School. This is false, according to the assistant managers.

"We don't buy a thing from the

Commissary unless the price is as low and the quality as high," Guthrie and Pool stated. "And we buy only 30 per cent of our weekly non-food supplies from the Commissary at that."

Misunderstandings also exist. According to Rubenstein, had S.L.O.P. boycott leaders told him that had they known the dismal facts of the Harkness situation prior to their boycott of the cafeteria, it would never have transpired.

Market conditions are unfavorable, as well. Volume is down, and has been decreasing for the past three or four years, Guthrie and Pool complained. Their all-you-can-eat, Thursday night dinners have attracted only 15 to 20

more diners for the particular evening.

"Marriott estimated it would be getting its seven and one half per cent fee on a gross sales volume of \$700,000, but now plans to see only \$500,000," Bruce claimed. "They aren't making any money this year."

Falling volume makes labor costs higher per meal. "Labor is our biggest problem," said Guthrie and Pool. "The help is very skilled and their cost is high, yet we have the same number of workers now serving a deflated volume."

Skyrocketing food costs have also played a part in the Harkness fireworks. Marriott buys all of its food locally.

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Board Diversifies...

(Continued from Page 3)

and permit it to respond to the needs of the community outside the Law School. According to Presser, two new offices, the "Directors", have been created by the Board to expand the faculty-aide program and to explore the opportunity for projects such as "law day."

The Board's traditional bailiwick, the Ames Competition, is also undergoing a period of change, and the Board is striving to respond to it. In the past the quality of judging in first year Ames arguments has been sharply criticized, and this year the Board instituted a system whereby each fall first year argument was presided over by a faculty member and a Board member. In previous years the selection of judges had been in the hands of the law clubs and because of administrative difficulties had often resulted in judges who had little interest or expertise in the subject matter of their cases.

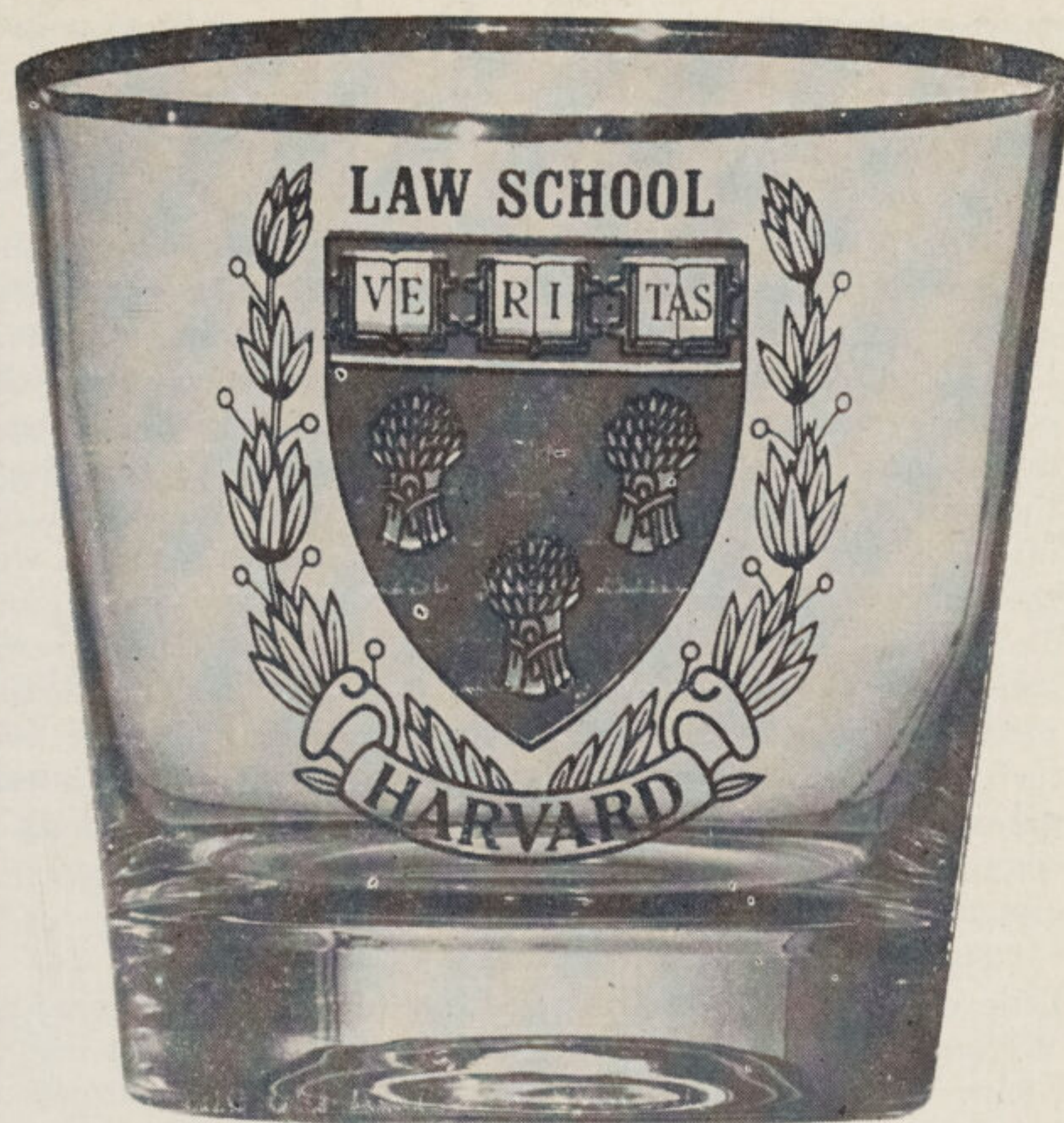
While comparisons of the old and new systems of judging Ames are difficult, in a questionnaire sent out by the Board this fall, 88 percent of the 216 first year students polled found that the faculty members' participation in Ames judging was of important significance.

The Board is now considering proposals for continuing to upgrade the Ames Competition, among them a plan to integrate Ames with the first year legal method sections. First Year Ames would, in this proposal, become a part of the first year curriculum and might be combined with other research exercises introduced and evaluated by Board members.

In addition to changes in the function of the Board, this year saw an alteration in the process of selection of new members. Traditionally, Board members were selected from students who ranked academically directly below those selected to the *Law Review*. This year, however, other factors were added to the selection process, among them prior legal and teaching experience, interviews by faculty members, and interest in the Board as demonstrated through the application procedure.

While data is somewhat incomplete because the Board does not maintain extensive records of the academic performance of its members, a preliminary check has suggested that even though grades are but one of several factors now considered in the selection of Board members, the overall grade average of this year's Board members is nearly identical to that of previous years'.

Besides Presser and Howarth, other new officers are: John McGuckin, case editor, Richard Brautigam, second year chairman, and James Roberts and Robert Waldman, directors.



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Law Women Act on Discrimination

(Continued from Page 4)

piro, Alan M. Dershowitz, Russell A. Simpson and Dean Leonard. Eight women representing the three classes and different activities and viewpoints within the women's group joined in the consideration of placement, recruitment of women faculty and students, housing, medical services and the women's psychological situation in the school and in a law career.

Noting that the Law School was supporting women's recruitment for the first time this year, Dean Bok nevertheless conceded that the search for women faculty members was more difficult. However, he emphasized that any suggestions from members of the Law School community would be welcomed.

For that part women students are contacting women accepted for admission to the class of '73 and encouraging them to enroll at the Law School. They are also actively searching for women qualified to join faculty ranks.

Housing problems are being alleviated by plans for coed dorms next year. Medical services will hopefully be improved for women by having a woman physician in regular attendance at the Austin clinic. However, it was conceded to be more difficult to effect changes in attitudes among those members of the Law School community who tend to view the school as a "men's club."

As a first step to eliminate any "men's club" atmosphere, Dean Bok has issued to all the faculty a reminder that women students desire and are expected to participate fully in all class activities. He also asked them to discourage remarks which might be demeaning or offensive to women.

The women attending his meeting particularly urged the administration and faculty to take effective measures to fight sexual discrimination in hiring. They emphasized that the Law School's prestige brought to bear on be-

half of women attorneys would have considerable weight. When surveys of second and third year job interviews are completed, the women expressed hopes that the Placement Committee would act on all substantiated cases of discrimination.

Dean Bok also promised that he

Learned Hand Club Defeats Bruce

The Learned Hand Club beat the Bruce Club in the first Ames semifinal argument on March 12. The best oralist of that argument was Susan Cahoon of Learned Hand.

Members of the Learned Hand team were: Kenneth F. Semina-

will write a cover letter to a survey on women graduates of the Law School in order to publicize the school's support and interest in their careers. The survey, conducted by Dorothy Glancy, 3L, will be published in the June Commencement issue of the Law School **Bulletin**, an issue devoting its features to the topic of women and the law.

tore, Richard C. Brautigam, Gregory W. Byrne, Gregory B. Millard, Jared B. Stamell, and Miss Cahoon.

On the Bruce team were: G. Kenneth Norrie, Rodney F. Page, Robert B. Patterson, Ronald B. Patterson, Richard C. Smith, and Michael R. Sonberg.

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Kennan Reviews Foreign Policy

(Continued from Page 2)

American policy is based: "Minority rule is all right where there is no racial difference in the composition of the country's population. Minority rule is all right if the minority is made up of the country's majority race. Minority rule is *not* all right where the minority government also happens to be a racial minority."

This principle begins to breakdown, however, when applied to American policy toward Angola. There the United States opposes colonialism rather than minority rule, for "whatever the other failings of the Portuguese, we cannot accuse them of being racists." The Portuguese population is racially mixed, there is no apartheid in the Angolan social structure, there are cultural but not racial barriers in advancement, and there is a "more extensive intermingling of races here than elsewhere in Africa."

What is most objected to in Angola, then, is not the racial question but "the nature of the relationship between the territory and the mother country. This situation is termed 'colonial,' and 'colonialism' is a reprehensive term for most of the world."

Kennan failed to find a satisfactory definition for the term "colonialism," although he noted that there was some element of separation of the territory from the mother country by a sizeable body of water. He pointed out the difficulties of reconciling such a principle with the existence of Hawaii as America's fiftieth state.

He also failed to find a satisfactory way to distinguish the objectionable qualities of colonial government, since even with

Angolan autonomy, the United States, Black Africa, and the Angolan guerillas would remain unsatisfied, and even non-authoritarian colonial powers have been condemned by the United States.

Furthermore, Kennan pointed out, in the case of Rhodesia independence has been achieved, yet the United States would seek to re-establish the control of a European metropolitan center.

"Our objection to Rhodesia, on the face of it, is much more extreme than to either South Africa or Angola," Kennan said. He pointed out that America has an ambassador to South Africa, a consulate in Angola, yet no relations with Rhodesia. He attributed this difference in approach to the relative power of each entity and to the relative strategic importance of each rather than to any difference in racial composition or degree of repression.

"I have always felt that even if the Devil himself controlled enough territory to make it worth our while to talk to him, we would accord him diplomatic recognition. I know as well as you do by what motives our government is inspired when it determines policy toward these three areas."

Kennan concluded: "While a government, our government in particular, searches for principles to guide its decisions, the materials with which foreign policy has to deal does not make it amenable to guidance by 'principles.'"

Several members of the audience questioned particulars of Kennan's speech, but he denied that they affected his conclusion and refused to be drawn into controversy. When one student asked why the United States recognizes South Africa, he replied, "When you pose that question you assume that there is some principle which guides such decisions."

Letters . . .

(Continued from Page 9)

defendants. The fact is that in England, birthplace of the Magna Carta and our whole tradition of legal protection of individual rights, defendants charged with serious crimes are regularly and routinely held in custody without bail pending trial.

Lord Denning, England's Master of the Rolls, explained the reasons for this policy in an address to the California State Bar in September, 1969. After weighing the conflicting interests involved, England had concluded that it was "better for society" that such defendants remain in custody. He further explained that they are brought to trial within eight weeks after arrest. He concluded that the proposal for 60 day preventive detention in the United

States was very desirable and would correspond closely to the English practice.

Reasonable men may differ with the English policy, but no reasonable man can conclude that England's procedures "destroy the whole damn system." Nor could any rational person brand a proposal for such a system a policy of "black suppression," as did a Harvard Law School Lecturer on Law, also described as a "representative of the black community."

I hope future discussions on such topics conducted by faculty members will employ more factual material and thoughtful analysis and less emotional rhetoric.

Stanley R. Evans, '48
Judge of the Superior Court

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Backbencher...

(Continued from Page 11)

boost while they try to hold the line on the mail workers.

* * *

We were a bit too hard on the dorm proctors. They don't get free rooms or phones. They do get paid. And one of them, who shall remain nameless, was allowed a second year in Hastings as a proctor because Dean Bruce ruled, in his best Frankfurterian tones, that said proctor had acquired "expertise." In buying wood for his fireplace?

N. O. W. Meets

(Continued from Page 4)

"long overdue leadership" in the fight against sexual discrimination, Miss Benjamin cited evidence of discrimination built into the university system. According to statistics presented by the panel, only 12 of Harvard's 700

Cites Evidence Of Discrimination

full-time faculty members are tenured women. Only next year will there be any woman, an appointee in the graduate school, above lecturer rank.

Women account for only about 120 of 1550 law students, 66 of 1775 Business School students, 25 per cent of the college enrollment, 22 per cent of the graduate school and about seven students each year in the Medical School.

Dr. Sugarman noted that the lack of women in faculty positions contributed to women students' psychological problems, since they need identifiable role models. According to Dr. Sugarman, this deficiency was a major reason for a higher percentage of drop-outs among women than among men.

In addition to improving the academic status of women at Harvard, the speakers called on the University to guarantee equal opportunities and services to women personnel. Primary among their interests is the provision of day care facilities.

Applications for Legal Service Projects

Three legal services projects at the Law School — the Community Legal Assistance Office, the Legal Aid Bureau, and the Voluntary Defenders — have scheduled meetings after vacation for those interested in joining.

CLAO will hold its meeting at 8 p.m. April 7 in Austin North;

Legal Aid its at 7:30 p.m. April 8 in Austin East; and Voluntary Defenders will meet on April 9, time and location not yet determined.

Applications will be due at 5 p.m. one week from the date of the meetings.

Women's Lib Strikes Back

(Continued from Page 10)

the girl out of the next ad and replace her with an equally unclad male. O'Connell, however, didn't have time to make this major change, and ran the same ad again, although with a slight alteration.

"I changed the name to O'Chauvinist Cleaners," said O'Connell, who had hoped that the additional humor would add some levity to the situation. "Well, I guess that drove them up the wall."

"He made a joke out of our complaint," said Miss Davis. "It was a tremendous slap in the face. The basic assumption is that it's OK to be a chauvinist if you admit it and you're cool about it."

When the battle will cease is uncertain at the moment. To O'Connell the basic issue is the newsstand.

"I want to have the store run

by the people who come there," said O'Connell. "I want them to decide what I sell out there."

His painted car, however, has become a sore spot, and it was the proverbial "last straw."

"I've been involved in a lot of political, radical activity and it has never spread to the personal level," continued O'Connell. "This car had nothing to do with the store. Putting stickers on the magazines and counters — this is more to the point than painting my car."

To Women's Liberation the issue is much broader.

"I'm just amazed that it takes something like having his car painted to spur someone at this school to take this issue seriously," remarked Mrs. Thornton. "Contrasting the indignation over his car with the indignation that women feel, I think that this (the latter) is the most important harm — not his car but us."

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