

HARVARD LAW RECORD

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TWENTY CENTS



Charles Soberman

Exit this "Mom-and-Pop store" — enter Coop, next fall.

Coop Takes Hark Store

By John York

Next year the Harvard Cooperative Society will open a branch in what is now the Harvard Law School Store located on the ground floor of Harkness Commons.

Robert O'Connell, 2L, who operates the existing store, is less than enamored with the idea. He is a student director of the Coop.

"Over the course of a year and a half-million deals with the Coop, I've learned that they don't do what they say, and if they do, they screw it up," O'Connell said. "What was their rebate this year? One per cent.

"The Coop will lose its shirt here," he continued. "They only want the location to keep others out of it. If another supplier got in here it would really hurt them — they now sell just about everything to Law School students. They may not even carry law books here because they want to get people down to the main store where they'll also buy suits and appliances."

Even though he will be here next year, O'Connell does not want to operate the store any longer. The first year he had it as a newstand in the Harkness lobby, he came up with a \$5,000 inventory shortage at the end of the year. "I had to take out a loan

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Center Charges Indian School Fund Abuse

By Lavell L. Jackson

The Center for Law and Education, which is jointly supported by Harvard Law School and the Harvard Graduate School of Education, has recently released a 162-page report documenting the misuse of Indian Funds on state school systems.

School districts with Indian children qualify for federal money under Impact Aid legislation because Indian parents live and work on federal property. Congress intended to compensate school systems for their partial loss of tax base incurred when

federal installations were established in the community. The amount of money a district may receive is based on a formula which takes into consideration the "local contribution rate," that is, the school expenditure per child coming from local taxes.

The Center for Law and Education has found that Indians frequently believe that they are being used to qualify a district for federal funds, yet their children receive an inferior education. In its report the Center stated:

"The fact that a school district

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Eight Clerk for Supreme Court

Eight Harvard Law School students and graduates will clerk for the United States Supreme Court next year while 63 others have accepted various other clerkships around the country.

Only two of the future Supreme Court clerks are members of the class of '71. William H. Alsup and Allen R. Snyder, 3Ls, will clerk for Justices William O. Douglas and John Harlan, respectively. Snyder will join Martin D. Minsker '69, who clerked for Harlan this year and will continue working for him next year.

The other prospective Supreme Court clerks are: George T. Frampton '69 (Blackmun); Gerald Goldman '68 (Brennan); John H. Korns '70 (Burger); Richard D. Parker '70 (Stewart); and Covert E. Parnell '70 (Black). Korns, Parker and Parnell all

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Court Clerkships Announced Committee

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clerked this year in the United States Court of Appeals.

Most of the remaining 63 have accepted clerkships in the Federal Court system; however, 14 students will serve as clerks in state Supreme Courts. Five will serve with the Supreme Judicial Court of Massachusetts, three with the Supreme Court of California and two with the Alaska Supreme Court. Four other states — Colorado, New Jersey, Pennsylvania and Wisconsin — have named a Harvard Law graduate as a clerk to their highest court.

Twenty-two students will be clerking for United States Courts of Appeals. Unlike last year's graduating class, in which 15 of 28 student Court of Appeals clerks were named to the 1st or 2d Circuits, only five students will clerk in the Northeast next year.

Seven students will clerk in the Southern Courts of Appeals, two in the 4th Circuit and five in the 5th Circuit. Four students will clerk in the D.C. Court of Appeals while three will clerk in the Far West.

Twelve of the 24 students clerking in the United States District Courts will be in the 2d Circuit, which includes New York. Three students have been named as clerks to the United States Tax Court.

Below are those receiving clerkships, by court and by name.

Mass. Supreme Judicial Court:

Patrick Brady, Daniel Coquillette, Barry Furrow, Frederick Levine, and William Loomis.

Alaska Supreme Court:

Robert Hicks and R. Clark Wadlow.

California Supreme Court:

Marsha Cohen, David Lipson and Antonio Rossman.

Colorado Supreme Court:

Raymond Jones.

New Jersey Supreme Court:

Allen Levithan.

Pennsylvania Supreme Court:

Stephen Foxman.

Wisconsin Supreme Court:

Paul Jonjak.

United States Court of Appeals,

1st Circuit:

Daniel L. Goldberg and William Kolasky.

2d Circuit:

Richard Abt, Frank Kramer and Stuart Stock.

3d Circuit:

Donald Harrison.

4th Circuit:

Robert Bunn and James Medford.

5th Circuit:

John Barmeyer, Philip Cook, Walter Smith, Jack Weiss and S. Linn Williams.

6th Circuit:

Charles Hollen.

7th Circuit:

Dolores Coulter.

9th Circuit:

David Davenport, John Faith and Edwin Woodsome.

Dist. of Columbia Circuit:

Lowell Margolin, Stephen Presser, Gerald Rosberg and Louis Seidman.

United States Dist. Courts,

1st Circuit:

Lewis Ferguson.

2d Circuit:

Marshall Beil, Kenneth Geller, Harvey Golubock, Henry Kaufman, John Koeltl, Stephen Kroll, Fern Leicher, Robert Lem, John Lynagh, Stanley Marcus, James Moore and David Reif.

3d Circuit:

L. Marc Durant, Marvin Lange, Leonard Sosnov and Gordon Young.

4th Circuit:

Benjamin Davis.

5th Circuit:

Anthony Dileo and Lee Kantrow.

7th Circuit:

Kenneth Lopatka.

9th Circuit:

Joel Boxer, John Rose and Howard Soloway.

United States Tax Court:

Samuel Berger, Frederick Gerhart and Wayne Kaplan.

At the request of Harvard President Nathan M. Pusey, members of the Law School Committee on Governance began afternoon open meetings this week as the first part of their attempt to solicit student views on the selection of the new dean.

On Monday morning before the first discussion session, an unsigned statement distributed

President's

The following letter urging the canvassing of student views to aid in the selection of the new Law School dean was sent by Harvard President Nathan M. Pusey to Professor Abram Chayes, Chairman of the Law School Governance Committee:

Dear Mr. Chayes:

With the selection of Dean Bok as the new President of Harvard a matter of great significance facing the University and the Law School is the appointment of his successor as Dean. Although the power of appointment vests in the President and Fellows, I think that it is of the utmost importance that this power be exercised only after wide-ranging consultation and discussion. An effort will be made to seek opinions of many people interested and informed about legal education at Harvard and elsewhere. Not least among those whose views will be valued are those of students now at the School. It will be helpful to have their advice both on the personal and educational qualities they think important in a dean and their suggestions for persons to be considered — so that their views can be brought to bear in a systematic way in the selection process.

I understand that the Law School Committee on Governance, of which you are chairman, has student members from all classes at the School, elected by their classmates to consider matters relating to the governance of the Law School. As such, the Committee seemed to Dean Bok and me to be the appropriate vehicle to assist us in canvassing the views of the students and making them available to us during the selection process. Accordingly, with Dean

Holds Dean Selection Hearings

around the Law School questioned the short advance notice for the meetings. However, Professor Stanley S. Surrey and Robert J. Dwyer, 2L, committee members, responded that the meetings were only the initial means of contacting students.

Several students attending the meeting challenged the legitimacy of the Governance Committee in

representing law students. Surrey noted that the committee was elected by students, and was the most legitimate, coordinated group available.

"We don't pretend to be the exclusive informational source," Dwyer emphasized. "Furthermore, we are also thinking of mailing a questionnaire and maybe inviting Law School organiza-

tions and special interest groups to meet with us."

The committee reports it hopes to hear student opinion on matters they think relevant to the deanship choice—from personalities to educational policies. President Pusey will make the final selection based on reports he has requested from students, staff, faculty and alumni.

Letter Text

Bok's warm concurrence, I am asking your committee to undertake that task.

The Committee will have to decide on the procedures that will be followed to insure a fair and balanced representation of the views of the student body. Dean Bok and I would be available to meet with members of the Committee to provide an opportunity for a meaningful exchange among us. Perhaps it would be desirable to have a first meeting at an early date to get acquainted and to review the steps in the selection process in its entirety.

You will understand, of course, that the Committee cannot be made the exclusive channel for communication of student opinion on the selection of a new Dean. Every student must feel free to write directly to Dean Bok or me, and I hope many will. Thoughtful and considered communication in writing has been very helpful to me in selecting deans of faculties in the past. Moreover, there are groups within the student body who may have a special outlook or perspective. If any of these should think it desirable to communicate their views other than through the Committee on Governance, I am sure we shall be able to work out suitable arrangements.

Meanwhile, I hope the Committee can begin promptly on a process that will insure that the views and concerns of the student body at the Law School, in all their range and diversity, will be brought appropriately to bear on this decision of such great importance to us all.

Sincerely yours,
Nathan M. Pusey

Reservists Organize to Publicize Discontent With 'Criminal Wars'

By Richard McManus

Antiwar Army Reservists and National Guardsmen in the Cambridge area have come together "to organize and publicize reservists' widespread discontent with criminal wars, senseless harassment, and riot control training."

Reservists Against the War (RAW) operates out of a small office provided by the Legal In-Service Project (LISP) at 65A Winthrop Street. LISP offers legal counseling to active duty and reserve GI's on such matters as conscientious objector discharges and orders for involuntary active duty.

RAW channels reservists' problems to the legal counseling group but also seeks to advertise reservists' unhappiness with the war in Indochina and the military reserve establishment. The group publishes a newsletter, *The RAW Truth*, which members have distributed at their reserve meetings.

In December, RAW was responsible for a counter-editorial aired on WBZ television and radio objecting to the station's position on the POW situation. The best way to bring the boys home, RAW argued, is to end the war rather than to write letters to Hanoi.

The group got its start last summer when 40 men in the 351st General Hospital, a reserve group at the Boston Army Base, gave \$424 of their summer camp pay to peace organizations and candidates. One of them, Christopher Burns, was later contacted by a recent Harvard graduate, Ernest Thurston, and the pair organized RAW.

RAW's organization was preceded by the organization of anti-war reservists on the West Coast in the spring. Among other things the West Coast group has brought a suit to cancel the reserve commissions of 122 members of Congress on the theory that Article I of the Constitution forbids members of Congress from holding any office in the executive branch of government.

Contributions from reservists provide the greater part of RAW's financial backing. Of the \$750 collected so far, most has been distributed to the Legal In-Service Project, anti-war bookstores at Ft. Devens and Newport, R.I., and for newsletter publishing costs.

Thurston says more than 250 reservists are on RAW's mailing list. He doesn't know if any are Harvard Law students, but thinks it is a safe bet that the
(Continued on Page 11)

Professors Ponder Public Policy Program Proposals

By Greg Ward

Created by former Dean Derek C. Bok this fall, the faculty Public Policy Committee has been meeting informally to consider the desirability of adding to the Law School curriculum course offerings similar to those currently offered in the Public Policy Program of the Kennedy School of Government. While still not past the informal discussion stage, the three-man committee expects to produce a report in the late spring as to what, if anything, should be done in the public policy field beginning in September, 1972.

Under existing programs, law students interested in government positions or other public policy oriented careers are able to participate in the joint J.D.-M.P.P. program, which requires a combination of law and public policy courses over a four-year period. However, Professor Philip B. Heymann, a member of the Public Policy Committee, commented on law students' sensible reluctance to a fourth year and he enumerated the "live options" being considered by the Committee at this early stage.

Heymann indicated that the Kennedy School likes to have a strong complement of law students—five to fifteen—in their open courses and suggested that one alternative is to let the Kennedy School offer the courses and admit law students on a cross registration basis. The weakness in this plan, continued Heymann, is that in some cases it might be desirable to tailor courses to law students. While the techniques of decision-making apply directly to law, they might be more rewardingly taught in a Law School, rather than Business or Government School, context.

Professor Laurence H. Tribe, the second committee member, also pointed out that the number of law students who would be exposed to these courses would be too limited. "There are lots of

things that lawyers ought to know," said Tribe, including recent techniques of policy analysis for dealing with problems of both private and public policy. Tribe said that it is not exactly clear what the lawyer must know, although he feels that there is some overlap with the teachings in the Public Policy Program.

In their spring report—the third member and chairman is Derek Bok—the committee will make recommendations to the faculty. "Some of the conclusions could perhaps be implemented by individual faculty," said Tribe. Tribe is taking time off from his teaching in the spring next year to see what types of courses he could give.

Heymann has also thought seriously of offering public policy oriented courses. Subject to the upcoming analysis by the Committee, Heymann could now

35% Anticipate Government Careers

see himself "either alone or with someone from the Kennedy School, doing something with group processes—describing what happens when a number of decisionmakers are interacting together." Heymann intimated that Tribe's personal interests lay more with the individual decision-maker.

"It might ultimately take shape," said Tribe, "that professors set up individual courses and this develops to fill the area. A number of these courses might be jointly taught."

Aiding the Committee in their search for the role of public policy in the Law School are William H. Alsup and Nels J. Ackerson, 3Ls, who have conducted a study on the subject as part of their Public Policy School obligations. The study, which surveyed alumni who are now or were in public policy positions as well as stu-

dents, attempted to show what important skills that can be taught are helpful in policy positions and what the demand for such skills is.

Although the study has not been formally completed, some data has been collected from the student questionnaire indicating that the current law student is more concerned with public policy than were even recent graduates. A comparison of the 124 student responses with a survey of the class of '68 conducted by the Alumni Association revealed that while only 11 percent of the alumni came to the Law School to go into the political field later, 35 percent of students claim that this career interest brought them to Law School. Forty-seven percent of surveyed law students plan non-elective government service. Sixty-three percent feel there is some chance that they will hold an attorney position in state, local or federal government and 48 percent see a chance of holding a government position in a non-legal capacity.

Despite these percentages, over one-half of those polled preferred private practice immediately after graduation. While 32 percent of surveyed 3Ls would prefer to go directly into government service, only 18 percent expect that they will.

"Alsup and Ackerson have taken placement seriously," said Heymann. "There are two major areas—(1) what might law students benefit from in terms of knowledge and (2) how can we put the talent in public policy jobs."

The questionnaire indicated that surveyed students preferred several different government jobs to a position as clerk to the Court of Appeals, yet Alsup pointed out that "no attempt is made to provide these opportunities." Desired jobs included being on a senator's personal staff, an assistant to a governor, White House

(Continued on Page 13)

Haar Assists Jerusalem Plan

By Carol Plumb

Professor Charles M. Haar, chairman of the Joint Center for Urban Studies, returned recently from a brief but busy trip to Israel where he served on the Jerusalem Committee, a group of international urban experts invited by Jerusalem's Mayor Teddy Kollek to review that city's master development plan.

After three days of heated debate, Haar and fellow committee members including American architect Philip Johnson, U. S. sculptor Isamu Noguchi, British art historian Nikolaus Pevsner, Italian townplanner Luigi Piccinato, and British architects and critics, Monica Pidgeon and Diana Rowntree, urged their host city to completely revise its master plan.

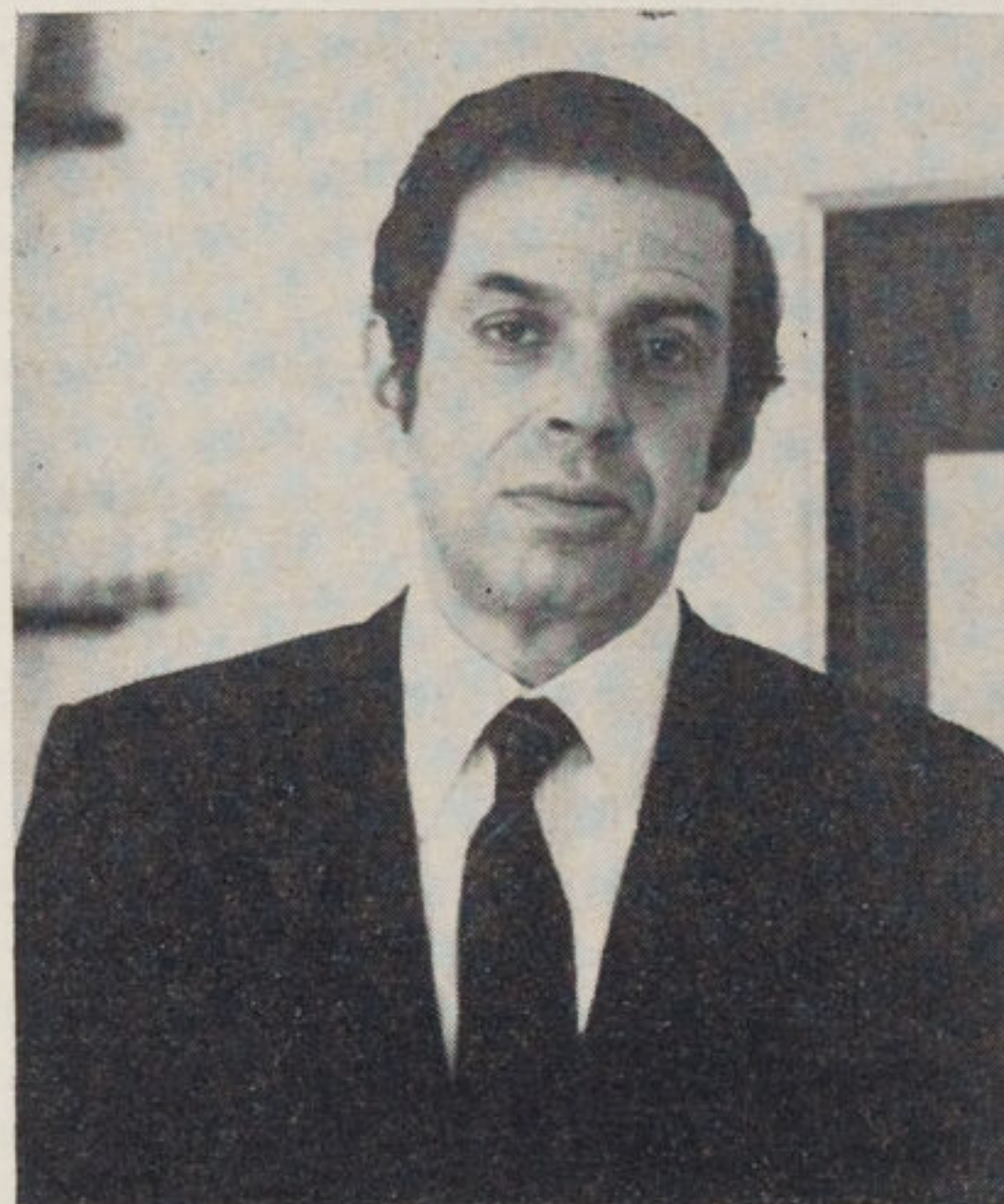
The committee found several major faults in the plan. Traffic engineers had apparently tried to widen ancient, winding roads at the expense of all other objectives, including the comfort and wishes of residents.

Esthetic considerations were overlooked in a city where many sections remain unchanged since Biblical days and ancient architecture stands intact. The committee feared that high-rise apartments might ruin the perspective of the hills surrounding Jerusalem and that lack of controls over building contractors would result in the use of cheap concrete rather than the unique, architectural stone indigenous to Israel and harmonious with existing structures.

The master plan was also criticized for its failure to incorporate a unifying theme which would express the rich ethnic and religious significance of Jerusalem and preserve religious and historic sites.

Haar, who served as chairman of the Resolutions Committee, reported that the really astounding result of the committee's work is that the City Council of

Jerusalem actually intends to accept its recommendations. All other local governments which Haar recalls seeking outside expert advice merely sought it for prestige and public relations purposes, and then proceeded to stick to their own original plans. On January 28, Mayor Kollek announced that projected housing



Charles Soberman

Urban Planner Charles M. Haar

developments on the hills outside Jerusalem would be "delayed, pending further esthetic and urban developmental study."

Haar credits Mayor Kollek for the responsiveness and flexibility shown by Jerusalem authorities. Kollek, something of a culture maven's culture maven, collects archeological and religious artifacts, Greek and Roman coins and has written several books on Jerusalem's history.

Although some have charged that the whole *tzismis* over the adoption of the master plan is just another inning in the age-old contest of *Jews v. Arabs* (any year), Professor Haar disagrees. There are no Arabs on the expansion planning groups, but Haar feels the arguments against adoption are esthetic and practical only. Haar noted that Mayor Kollek's recent choice for director of the planning effort, Council mem-

ber Meron Benvenistic, is not only one of the strongest critics of the esthetic points of the present plan, but one of the most outspoken Israeli defenders of Arab citizens' rights.

While Jerusalem's current population is only 280,000, the 1985 populace is expected to number 400,000. Expansion of housing and transportation facilities is imperative. A great increase in Jerusalem's now low but already largely intra-urban automobile traffic is foreseen.

The reorganization of the central business district focuses on an innovative aspect of real property law. To provide for better use of streets and buildings, hundreds of small lots will be taken from landowners and repartitioned. The owners will then become stockholders in a joint venture real estate corporation.

Another interesting legal problem caused by the uncommon topography of Jerusalem will be drafting an adequate code of air rights. Professor Haar hopes that design students and future lawyers will want to work with this world capital.

Other current city planning projects in which Haar is involved include New York City's Welfare Island and the Boston Harbor Islands plan. As assistant secretary of HUD from 1964 until 1968, Haar was one of the principal authors of metropolitan development plans throughout the United States.

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Book Review

Military Law and Individual Rights:

By Bob Hernandez

GI RIGHTS AND ARMY JUSTICE: THE DRAFTEE'S GUIDE TO MILITARY LIFE AND LAW. by Robert S. Rivkin. Grove Press, New York City, 383 pp., \$1.75.

It is not difficult for a lawyer to find major inequities in the American legal system which prevent the achievement of justice for large groups in society. Even if it were possible to explain away those inequities as a product of the dynamics of a politico-economic system which remains essentially democratic, the rationality of such an argument comes to an end when presented with the record of "justice" in the United States military.

GI Rights and Army Justice is an important study of military justice by a Yale Law graduate and draftee who served in the Legal Assistance Office of the Staff Judge Advocate at Fort Polk, Louisiana. Although ostensibly directed to the average draftee as an account of his constitutionally-guaranteed rights — "YOU HAVE A CONSTITUTIONAL RIGHT TO POSSESS THIS BOOK," admonishes a prefatory page — much of the book's language makes it most useful for the average college-educated draftee, or, more importantly, for the American citizen who might be interested in the use of his tax dollars for the achievement of military justice.

A portion of the book is devoted to what a draftee may expect to encounter upon arrival for in-processing, basic training and advanced individual training (AIT). He is informed of the many illegal acts he may encounter from his training cadre, including "looting and pillaging" of his property under the title of "shake-down inspections," personal indignities under the guise of "training" and physical brutality which is likely to be ignored by superiors.

The author gives the draftee numerous "tips" on how to get along in the

Trainees May Face Looting and Brutality

army which are more pragmatic than legalistic. While his exploration of the system's operation in the United States is thorough, it is remarkably shallow when it comes to overseas duty, particularly Vietnam, probably because the author himself served only in the U.S. during his tour of duty. Although the draftee is warned of the Nuremberg definition of responsibility for war crimes, he is left hanging as to how to refuse to obey an illegal order in the combat situation.

But this is consistent with the theme of the entire book; the GI is guaranteed many rights by the Constitution and the Uniform Code of Military Justice (UCMJ), but he must be ready to face a great deal of hardship should he choose to exercise them. Although the courts have begun to afford some protection of those rights, particularly in the areas of procedural due process and non-military crimes, and the UCMJ provides certain remedies to the soldier whose rights have been violated, the operative effect of the military structure has been to deny the soldier the most basic rights and privileges of citizenship.

When a person is first exposed to military life, he cannot help but be struck by the new world he is entering. Gone are all the freedoms which he may have taken for granted in civilian life. Gone are the opportunities to make relatively minor decisions about life-style, eating and dress. Gone are the feelings of individualism and self-confidence. Suddenly he finds every aspect of his life controlled by rules he does not know, through people he cannot like, for reasons he cannot understand. The myth that America is a democracy, although constantly repeated to him throughout his stay in the army, is shattered by the reality of a completely totalitarian environment in the middle of America.

Friday, Feb. 19 Harvard Law School Forum

☆ **Sen. Thomas F. Eagleton** - Dem. - Missouri - Cum Laude HLS '53

☆ **Nicholas Katzenbach** — Former Attorney General of U.S.A.

☆ **PLUS: A High Level Spokesman** From the Nixon Administration!

8:30 p.m. Ames Courtroom

Don't Miss It!

America's Tryst with Totalitarianism

Rivkin emphasizes that the soldier does have rights and that he should exercise whatever remedies are available to enforce them against the illegal actions of a superior. However, it is clear that those remedies are often vague and that the soldier may expect obstruction or evasion at every level.

He will be told to use his "chain of command" if he has a complaint, although the offender is often within that chain of command and can deny or prevent ready access to higher levels. He will be left ignorant as to his access to the Inspector General, and even the Inspector General may not be moved to action until there has been sufficient time for a cover-up. Rivkin urges the soldier to make use of the Article 138 (UCMJ) complaint, by which he might make a grievance known to any superior commissioned officer if he believes himself wronged by his commanding officer. Unfortunately, it is unlikely that any draftee who has not seen this book will be aware of the possible use of this procedure, which in fact remains largely untested.

Structure Hinders Search for Justice

About a third of the book is devoted to a study of the military legal structure itself, and this is probably the most disturbing portion of the book. If there are violations of individual rights within the armed services, we tell ourselves, surely there must be means of eliminating or minimizing them from within the structure.

But the military structure will not and cannot provide a solution to these problems. The legal system within the military is a mere appendage which serves to foster the same attitudes and objectives from which so many inequities stem.

The court-martial apparatus is designed and controlled by those who enjoy benefits of the military caste

system and feel compelled to suppress any who would appear to challenge it. The lower-grade enlisted man is completely unrepresented in the military judicial system, and when he is accused of an offense which in any way seems to threaten the exercise of authority by his superiors, he is certain to have all the cards stacked against him. On the other hand, the training sergeant or officer who may have abused his authority over those of inferior rank, is certain to have a sympathetic hearing from others of his own rank, if the case should even reach the court-martial stage.

Rivkin explains that the court-martial system is in such complete control of the commanding officer, that it often does little more than formalize his decision as to the proper disposition of a case. "If a state or federal district attorney had equivalent power, he could decide when an accused should be brought to trial; he could select the lawyers in his office who would prosecute and defend him; he could pick the jury to hear the case; he could review the jury's verdict and the judge's sentence as though he were an appellate court, reducing or throwing out any sentence or charge on which he had second thoughts. And he would have the security of knowing that the members of the jury were *aware* of his broad clemency powers, since they too were in a position of, and thought like, district attorneys most of the time."

The defense lawyer constantly faces the dilemma of avoiding the displeasure of his superior officers or providing adequate defense. His personal interests

often seem best served by sacrificing the defendant. "While the Army respects law as a tool for social control, it shows undisguised contempt for the lawyer in his traditional role as the defender for the individual against arbitrary authority."

The defendant's plight is supplemented by a totally inadequate appellate system, in which there is virtually

Commander Controls Judicial Process

no civilian review. Only approximately seven per cent of all military cases are examined by the lowest level appellate courts in the military system.

Rivkin provides many compelling reasons for a drastic overhaul of the military legal system, and he successfully attacks the rationale that the present system is necessary for the proper functioning of an army. Every American should read this book, whether or not he has any training in the law, if only to be exposed to the mockery of justice he has allowed to flourish in the name of democracy, either through his apathy or through his ignorance.

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(members 75¢)

Center Probes Use of Indian Funds

(Continued from Page 1)
receives Impact Aid funds based on a count of Indian children does not mean that Indians necessarily get their fair share of that money or of the district's total revenues. Federal payments go directly into the general operating fund of the district together with all other revenues. The money is used as general aid and no reporting or accounting of funds is required."

Of all the districts surveyed by the Center, the Gallup-McKinley County School District in New Mexico revealed the most glaring inequities. For example, a white, middle-class school was designed in split-level style with carpeted music room, carpeted library and uncrowded and well-equipped classrooms.

A school 97% Indian contrasts sharply. The main barrack-like structure of the Indian school is surrounded by 12 metal, mobile classrooms. There is no split-level library, but an "all purpose" room which serves as a cafeteria, gymnasium and assembly hall. The classrooms are dark and crowded, the furniture worn and old.

David Kirp and Mark Yudof view the Center's role as merely that of a consultant. "We do not wish to lead or guide the Indians, but only make them aware of their legal alternatives," Kirp said.

Kirp feels the Center's primary contribution has been in the area of statute interpretation. "In many cases not only did the Indians not know their rights, but the heads of the school districts didn't take the time to interpret the exact applicability of the statutes. In most districts, superintendents said they did not know whether the money ever reached Indian children."

The Center's charges against the school district, which allegedly misused Indian funds, are based on violations of Title I of the Elementary and Secondary Education Act, which provides additional funds for poor and edu-

cationally disadvantaged children, and the Johnson-O'Malley Act of 1934, which provides aid exclusively for Indians.

Kirp and Yudof studied these statutes, and found what in fact was occurring was not the originally conceived objective of the acts. According to Kirp and Yudof, these acts are supposed to be "designed to meet the special educational needs of educationally deprived children" and grants must be "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs."

"The program was not intended to benefit entire school popula-

tions; rather, it was meant to provide supplemental services to the poor and the educationally deprived. Our study indicates that, in sharp contrast to the legislative design, these funds are being spent as an integral and undifferentiated part of school budgets, and that poor Indian children are not receiving their rightful benefits."

Virtually all Indian children qualify for Federal assistance. National statistics indicate that Indian children often fall well below minimum definitions of economic and educational deprivation. The average income of an
(Continued on Page 13)

Griswold to Judge Ames Semifinal

Erwin Griswold, Solicitor General and former dean of the Law School, will judge the oral arguments of a semifinal round of the 1971 Ames Competition, the Board of Student Advisers has announced.

Scheduled for March 25, the case pits the Dawson Club against Marshall A on the constitutionality of the 1968 *Safe Streets Act*, which changed the *Miranda* decision and eyewitness rules.

In the second half of semifinals,

Kaplan Club meets Learned Hand Club in a challenge to the Viet Nam War on the part of reservists, based on *Mottola v. Nixon*, 318 F. Supp. 538 (1970). Oral arguments will be heard on March 30. No judges have yet been named to hear the argument.

During the qualifying round top honors went to John M. Mazur and Richard H. Williams of the Kaplan Club for best brief and to H. Leonard Court of the Learned Hand Club as best oralist. All are 2Ls.

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Court Backlog Troubles Jurist

By Kermit Kubitz

Constance Baker Motley, the first black woman to sit on the federal bench, was the third speaker in the George Lewis Ruffin series last Tuesday afternoon. Judge Motley was appointed to the federal bench in 1966, after serving with the NAACP Legal Defense Fund from 1945 to 1965 and as Manhattan borough president in 1965-66.

During her talk, Judge Motley recalled some humorous events in her own career. As she approached New York City Hall to become president of the borough of Manhattan, Judge Motley recalled, she was told by a policeman, "No pickets today, lady." The controversial jurist also supports women's liberation, and recounted her bemusement with a prospective woman juror in her court who declined to answer questions during *voire dire*, saying, "This is a man's job, I can't think like this."

The federal court for the Southern District of New York, Judge Motley's court, considers cases arising in Manhattan, the Bronx, and nearby counties. When asked, "Aren't half the junkies in the United States in New York?" Judge Motley questioned the statistic, but attributed much of a recent increase in crime to addicts.

Increased crime means congestion in the courts, she noted. The Southern District of New York has 1500 pending criminal cases and 12,000 civil cases awaiting trial. Of the civil cases, twenty-five per cent are injuries to sea-

men represented by the Maritime Union.

"It used to be only Dillinger and Sutton. Now it seems everybody and his brother is a bank robber. . . . Stolen securities were once limited to people working on Wall Street. Now they have become a major activity of organized crime. . . . *The Bail Reform Act* and recent Supreme Court cases have resulted in representation for the indigent," the jurist



Charles Soberman

Judge Constance Baker Motley

remarked. "A lot of judges feel this is a cause for complaint."

Judge Motley claimed that her court was not as congested as the state courts, and mentioned that fewer than 100 prisoners were awaiting trial in the Federal House of Detention, which serves three district courts. The other 200 prisoners in the facility built to hold 200 were convicts awaiting sentencing, state prisoners on *habeas corpus*, or witnesses in other criminal cases.

Some criminal cases are ten years old, according to Judge Motley, because the U. S. Attorney's Office is understaffed, and gets involved in major cases to the neglect of the rest of its volume. More such lingering cases have been dismissed since the beginning of the October Term than ever before, partially as a result of Second Circuit administrative rules requiring release of anyone spending 90 days in jail awaiting trial.

"Many criminal lawyers don't want to try cases," said Mrs. Motley, "but want to enter a plea-bargaining situation. Narcotics sellers are arrested, face a mandatory minimum sentence, and agree to act as informers. They spend the next five years allegedly informing, and are permitted to plead to a tax count with a two-year minimum sentence that can be suspended."

The Judge's recent decision in the case of *Sostre v. Rockefeller* may increase an already heavy caseload. Limiting imposition of solitary confinement, *Sostre* may result in prison administrative hearings on internal offenses. "If the damages are sustained the states would take steps to prevent these cases in prisons," she said.

A belief that a defendant sentenced to more than five years in prison is lost to rehabilitation has caused Judge Motley to limit sentences greater than five years to professional criminals or persons who have imported large quantities of drugs. She has a special feeling for those corrupt businessmen who cash stolen welfare checks for fifteen cents on the dollar. An estimated five million dollars in welfare checks are stolen annually, causing Mrs. Motley to wonder, "if there is anybody honest left in the post office?"

"Sometimes a case is tried before you, and you say, 'if that defendant is convicted he's going to jail' . . . but the period between trial and receiving the pre-sentence investigation allows you to cool off."

"I guess if some judges went to prison, they wouldn't sentence anybody," she concluded.

All The Print That Fits

is back

New York Times 13¢

Harvard Law School Store

Selecting a Dean

At the behest of Harvard President Nathan M. Pusey, the Law School Committee on Governance is soliciting student advice on the selection of a new dean. With assurances from President Pusey and from committee members that this request is a sincere attempt to include students in the selection process, we encourage all to contribute to an accurate and reasoned assessment of student sentiment on the qualities the new dean should possess and on individuals students believe should be considered for the post.

The Committee on Governance needs full cooperation in order to present an accurate picture of student views in the report it will make to President Pusey in early March. Open meetings began this week. The committee is also drafting a questionnaire for School-wide distribution. Within the next few days, all School organizations will be invited to share their ideas with the committee. Additional sessions with minority students and special interest groups will focus on the deanship.

However, these formal efforts to discover student preferences do not preclude other methods of presenting views on the appointment. Both President Pusey and President-elect Derek C. Bok have asked that students feel free to write directly to them about recommendations.

During the next couple of weeks, students should participate in the deanship discussion and offer relevant experiences and advice for President Pusey's consideration. While President Pusey has sought specific suggestions, we urge students also to state clearly why they recommend a particular person. Even though President Pusey may not choose the person recommended, he may consider the qualities that person possesses as criteria in selecting another candidate.

One *caveat*: we hope that students at open meetings remember the seriousness of evaluating individuals and refrain from irresponsible or unnecessary public criticism which could injure a man's career, prestige and pride.

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Fenno

The 1L was wolfing his tuna sandwich with one hand and smearing the pages of his FDA advance sheets with the other as I sat down with my 15-cent Bud and five-cent Mighty Mo.

"Slow down," I offered good-naturedly. "Relax . . . and beware of mercury."

"Who has time to worry about mercury," he sighed, "when there are so many more important things, Fenno? Like trying to get *summa* grades to get on *Review* and into their forthcoming flick?"

"*Review* in films? Aren't the Lincoln's Inn dudes the pretty boys?"

"But isn't it desirable to be on *Review*?" he asked innocently. "Gloria Steinem doesn't say 'Yes' to everyone."

"Aw, that's only *pour diner* with them," I corrected. "Want your wife suing for lack of consortium because you're busy with mauve cite sheets till 2 a.m.?"

"I'm a 1s," he countered. "Besides, everyone knows The Harvard Law School owes its prestige to its association with the *Review*."

"It'd go to your head," I continued, wishing that I'd kept my nickel. "You'd have to spend all your time autographing 8 x 10 glossies and moaning loudly about how you've been given the world's most obscure note topic."

"What's more, you'll never get any exercise — you'll never get a chance to play squash with Areeda or out-dribble Dersh."

"But what about being surrounded by all those great minds?" he persisted weakly.

"Bunk. There's only one great head on *Review*. Ask him. He'll tell you."

"Gee, Fenno, it certainly sounds bleak. You're right — I guess you'd have to be crazy to move into Gannett House."

"What reasonable man would give up frisbees on Sunday for an 8-hour tour of Langdell stacks?"

"But then why does anyone want to be on *Review*?"

"Because they're crazy. But actually they're not crazy because then they get to Locke-Ober's and join the Choate Club and eventually work for Jonas and Marsh and become merry widowers."

"I don't get it. If they're crazy, how can they not be crazy? Unless . . . you don't mean . . .?"

"Yes. Cite-22."

Law Notes

Applicants for the joint J.D.-Public Policy degree must submit their applications before March 1. Interested 1Ls and 2Ls are urged to see Dean Harry Weiner in Littauer Center, Kennedy School of Government, for information and application forms.

* * *

The Center for Criminal Justice, Harvard Law School, is offering a series of non-credit seminars to all students, faculty and staff of Harvard University. The seminars will be moderated by Professor James Vorenberg, director of the center and by Lieutenant Joseph McNamara, currently on leave from the New York City Police Department and presently a Littauer Fellow at the John F. Kennedy School of Government, Harvard University. High ranking police officials from several different police departments, representatives of community groups, and others with experience relating to police operations will speak during the course of each seminar.

Contemporary police problems to be examined include: management and control of the police, recruitment standards, corruption, physical abuse, relations with minorities, community control, drugs, police and students, police relations with other criminal justice agencies, police union militancy and other topics of current interest. Each session will last approximately ninety minutes with at least half the period devoted to discussion. Four seminar meetings are being scheduled at the outset. The total number of meetings will depend on the degree of interest in the seminars.

The seminars will meet at 7:30 p.m. on Tuesdays, February 23, March 2, March 9 and March 23. Students who wish to attend are requested to register by telephoning the Center for Criminal Justice, Harvard Law School (495-4457, 495-4458, or 495-4459) before February 19, 1971. The location of the first seminar will be Room 101 of the Pound Building.

* * *

Groups may meet for chamber music reading sessions during the evenings or on Saturday afternoons in second floor rooms of the Pound Building. Interested members of the Law School community should leave their name and their instrument at the receptionist's desk, Langdell Hall, or call Sam Bruskin, 2L, at 491-5076.

A search for the "Ultimate Answer" carries a law student *From Here to Perpetuity* in the 1971 Law School Show. Performances will be Friday and Saturday, March 12 and 13, and March 17, 18, 19, and 20, in the Multi-Purpose Room of the Pound Building. Everyman Everett Mann is Greg Friedman, 2L, and his girl Jane is Barbara Neuman, wife of Ken Neuman, 3L. The script was written by Jim Brook, 2L. The music, much of it rock, was composed by David Sonenberg, 3L, director; Jim Herzig, '69, and George Selden, '69.

The producer is David Ellis, 3L, and Ellen Shaw, 3L, is president of the Drama Society. Philip Johnson, 1L, is technical director and designer.

* * *

Peter Bronson, 2L, president of the Harvard Law & Graduate School Republican Club, is completing plans for the club's trip to Washington, D.C. next Monday through Wednesday.

Appointments have been scheduled with Director of the Budget George Schultz, Attorney General John Mitchell, Supreme Court Justice Harry Blackmun '32, Secretary of Health Education and Welfare Elliot Richardson '54, and Arthur Burns, Chairman of the Federal Reserve Board. The club also expects to visit with Senator Robert Dole and former Dean Erwin Griswold. Additional conferences may be scheduled with Senator James Buckley of New York and Presidential advisers Murray Chotiner and Robert Finch.

Members will travel in car pools and will pay their own way. Out-of-pocket costs should not amount to more than \$30 per person. Non-members are invited, but only a limited number of places are now available.

* * *

New officers of the Harvard Voluntary Defenders are Robert Katz, president; Donald S. Linky, vice-president for research and appeals; Norman L. Wilky, vice-president for operations; Gary L. Stone, assistant vice-president for operations; Dennis Kolenda, vice-president for administration; Madeline F. Nesse, assistant vice-president for research and appeals; Frederick J. McGavran, assistant vice-president for research and appeals. All are second-year students.

RAW

(Continued from Page 3)

group's aims would find considerable sympathy among the Law School's sizeable reserve contingent.

The Registrar's office keeps no record of reserve membership but nearly 200 male students have left and returned to the Law School since January, 1968, when graduate student draft deferments ended.

In addition, many members of the current first-year class spent a year out of school before starting in September. Many Army field jackets with the armed pilgrim insignia of New England Army reserve forces are seen at the Law School this year. More than 100 law students must have chosen the reserve route — most, undoubtedly, as an alternative to the draft.

Burns and Thurston say that they would welcome law student reservists to RAW. The group meets every Tuesday from 6 to 8 p.m. at its Winthrop Street office. The latest project is arranging for reservist visits to Congressmen in order to impress the legislators with strong opposition to continued war even among men in uniform.

Of further interest to Law School reservists is the RAW office's complete set of Army regulations on reserve discharges, transfers and other information that is "not available" at many reserve units.

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8-Credit Clinical Program Discussed

By Michelle Scott

At the next faculty meeting on February 16, the committee on Clinical Legal Education will propose an eight-credit program combining classroom work, clinical experience and a written report to be given next year under Visiting Professor Gary Bellow.

Based on the *Clinical Semester* program developed by Bellow at the University of Southern California Law School, the plan would be offered both semesters. Approximately 50 second- and third-year students each semester could enroll in *The Lawyering Process* civil course and another twenty-five 3Ls could enroll in a fall semester *Criminal Trial Advocacy* course.

In addition to one three-hour weekly class, students will work two full days a week with the Community Legal Assistance Office, the Public Defender's Office or some other cooperating HLS legal services group. CLAO staff attorneys and fellows sponsored by the Council for Legal Education in Professional Responsibility (CLEPR) will supervise clinical work. Students will receive 7 hours of credit for the class and clinical work, and one additional credit for a paper drawing from field experience.

"I would hope the faculty would act on that proposal at their meeting," Professor Frank E. A. Sander, committee chairman, noted. "This program involves planning for next year and quite a bit of lead-time is needed." If the proposal is approved, next year's CLEPR fellows will be recruited specifically for it.

Among the difficulties posed by the program are enrollment criteria and scheduling. While the criminal course is open only to

were those who had already done legal services work."

Feyer also suggested that the scheduling problems might be alleviated if some of the basic second-year courses were again offered on an intensive one-semester basis. A second-year participant could then elect one of these courses on a year-long basis, another in the one-semester format and possibly take the third in his final year.

Professor Bellow visited the Law School on February 10 to discuss the proposal with officers and members of the School's legal services organizations. His program, which the committee considers the most successful clinical education project yet designed, would be undertaken initially only for 1971-72. Meanwhile the School will continue to investigate other proposals.

Feyer remarked that Harvard is behind other law schools in offering clinical credit, but emphasized that this was "not a kind of holding effort on the part of the faculty to keep it out. It takes time to put things through, but I hope they don't wait too long. We are going rather too slowly here. Committees are an awful way to get anything accomplished."

Scheduling Problems As Yet Unsettled

third-year students, and 3Ls will probably receive preference in registering for the fall semester civil course, no definite policy has been formulated with regard to the relevance of prior clinical experience.

"It's my feeling, and I think it's a rather general one," reported Robert P. Feyer, 3L, committee member, "that there should be a mixture of types in the civil course, people who've had clinical experience and some who haven't. It would be unfortunate if an overwhelming preponderance

SUMMER AWARDS FOR LAW STUDENTS

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League Leaders Undefeated, Law Review Lags

By Willard Fraumann

The third week of the Law School Basketball League has just been completed with the races in all three leagues remaining close. There are undefeated teams in each league, and with four unbeaten teams in the theoretically toughest "A" League, the rest of the season shapes up to be highly

contested. The leading scorers at this point, according to Rich Spoor, basketball commissioner, are Jeremiah Healy of Easy Rider Orphan School and Richard Stoner and Thomas Pfister of the Mashuppee County Maulers. The MCM have also run up a new record in Hemenway Gym of 103 points in the forty-minute (running time) games.

The leading scorers of the B league are Roger Clark of the Crimson Swine and Henry Drummonds of the Aberations.

Commissioner Spoor noted that Thursday night games will be held as scheduled, despite the fact that only one-half of the gym may be used due to previous gym commitments.

Team standings follow:

A LEAGUE		B LEAGUE		C LEAGUE	
Easy Rider Orphan School	3-0	Condors	3-0	PLAP	3-0
Sunday Surprise	3-0	Voluntary Defenders	2-0	Ralph-Ralph	3-0
Mashuppee County Maulers	2-0	Jackson Five	2-1	The Jug Offs	2-1
Cadillacs	2-0	Workers	2-1	Class Of '70	2-1
Hot Shots	1-1	Sky Kings	2-1	Harvard Legal Aid Bureau	1-1
Turkies	1-1	Faunae Ferae Naturae	1-1	Charitable Deductions	1-2
Grovinators	1-2	Crimson Swine	1-2	The Law Review	1-2
Roughage	1-2	Harvard Law Review	1-2	Seven Lemons and a Frankfurter	1-2
XLOTI	0-2	Aberations	1-2	Red Pigs	1-2
The Team	0-3	Dunkers	0-2	Sneak Hawks	1-2
Juggernaut	0-3	Oscar Greenes	0-3	Globeplodders	0-2

Indian Funds...

(Continued from Page 8)

Indian family is \$1500, 75% below the national average. The unemployment rate among Indians is nearly 40%, nearly seven times the national average. The average achievement levels of Indian children are two to three years below those of white children.

It is with these differences in mind that the Center for Law and Education hopes to encourage Indians to participate in school affairs and decision-making, so that Indians have a strong voice in the determination of their own future.

Survey Shows Policy Interests

(Continued from Page 4)

aide under a Democratic administration, assistant to the mayor of a large city and a Senate committee staff member.

The second part of the student questionnaire dealt with the demand for public policy courses and the manner of instruction. Overwhelmingly students preferred jointly taught courses and a class make-up of 50 percent law students, rather than 100 percent. Alsup said that the preference for the 50-50 mix was more pronounced with those 3Ls surveyed than with 1Ls.

The questionnaire also determined student preferences for ten hypothetical courses. "We'd like to see some sound information come out of the study," said Ackerson. "There is very little data available on types of courses helpful for public policy types of jobs."

The completed report will also include an analysis of those tasks felt necessary by alumni and present recommendations for change in the Law School curriculum. "This is a very good way to get started," said Heymann, who remarked that Alsup's and Ackerson's recommendations will not be limited to the student and alumni responses since they have information that students and alumni won't know because of their experience in the joint program.

Derek Bok has retained his position on the committee although it is expected that Dean Albert M. Sacks will join the Committee when Bok takes office as University president in June.

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Harkness Booming With Bargains

By John York

Beer sales at the Harkness Commons cafeteria during the past two weeks are up 70 per cent. Beer was selling for only 15¢ a glass.

Coffee at 5¢ a cup was flowing into customers' cups in even larger quantities.

"We want to regain our volume," explained Harkness manager Chet Kenbok. "We need to get people back in, which we are trying to do by offering bargains and using more publicity."

The coffee and beer specials were among the first chosen to attract attention.

"During the first week of these bargains, overall volume increased substantially," Kenbok continued. "The loss leaders were bringing people in for other things. But the amount of the average check went up, and it didn't hurt our profits."

Kenbok will continue to pick out low-cost items and put them on sale.

"This fall contract and regular sales were down 30 per cent from last year," he said. "We had a price increase and students were eating elsewhere."

Over the four-year period ending last spring, the aggregate losses under several managements at the dining hall have exceeded \$350,000 [See RECORD issue of March 26, 1970].

Increased publicity is the other point of the two-pronged attack on the perennial operating deficit. Russell L. George, 3L, has been hired to blitz the Law School with good food news.

Kenbok, who is very sensitive to student opinion, urges people to come to him with complaints or suggestions. Presently a second student questionnaire is being distributed. Several of the

changes now underway at the Hark came in response to suggestions received on the first questionnaire.

Prices on all salads, vegetables, potatoes and desserts have been cut 5 cents and operating hours have been expanded. The old grill is being reopened to serve hot sandwiches. "We had many student requests for this," said Kenbok. "They don't like the atmosphere of that room without the grill—it's too much like a living room." Wine is also being offered.

Five new meal plans are now available instead of the single one offered last semester: a 19-meal plan for \$22.25 per week (last semester it cost \$28.00 per week); a 15-meal weekday plan for \$18.25 per week; a five weekday breakfast plan for \$4.50 per week; a five weekday lunch plan for \$6.75 per week; and a five weekday dinner plan for \$8.50 per week.

"Yes, *Roy Rogers* has hurt us," Kenbok concluded. "Hopefully students will get tired of their rather limited menu."

NON-CREDIT STUDENT STUDY GROUPS

Environmental Decision Making in New York City

John Berenyi, Special Assistant to First Deputy City Administrator (Students will have opportunity to make proposals and do research affecting imminent decisions on pollution and the automobile in NYC.)

Neighborhood and Ethnic Decision Making in Boston: Can It Work?

Alexander Rodriguez, urban activist, formerly Senior Regional Planner, United Community Services

The Politics of Ecology

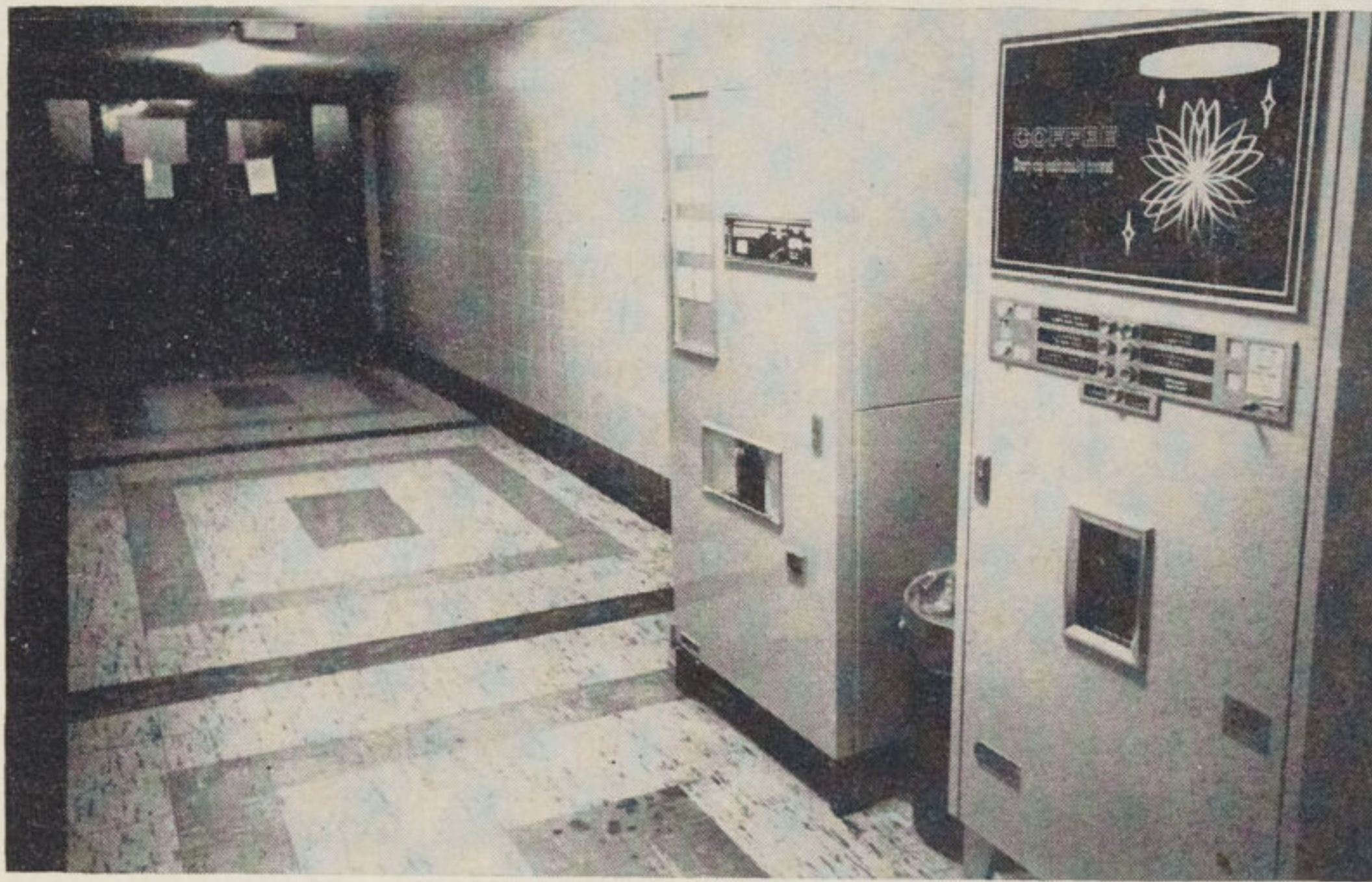
Michael Levett, former White House Fellow and Assistant to former Secretary of Interior Walter Hickel

Designing Cities and Buildings Responsive to Choice and Change

John de Monchaux, team leader, Master Plan for New Town of Milton Keynes, partner, Llewelyn-Davies, New York

These Student Study Groups are offered by the Loeb Fellowship Program of the Graduate School of Design, and are open to any student registered at Harvard, Radcliffe or MIT. *An organizational meeting for all four groups will be held on Tuesday, February 16 at 4:00 p.m. in Hunt Hall, Room A.* Interested students unable to attend should leave their name and address at 495-3587.

Consumption II: Coined Oases Sprout



Charles Soberman

What can you say about two 400-pound vending machines? That they make better coffee than Ali McGraw?

By John York

Two pairs of beverage vending machines appeared in Law School corridors recently.

One coffee/hot chocolate model and one soft-drink dispenser debuted in the tunnel connecting the International Legal Studies building to the Langdell tunnel. The other identical pair was installed in the basement at the western end of the Langdell office-wing.

A third set of the little oases

— possibly including a cookie-cracker dispenser as well — may soon sprout in Austin Hall.

“But not too soon,” said Vice Dean William L. Bruce, who is responsible for such things. “I ordered the present machines on July 2 last summer,” he continued, effectively squelching any rumor that the machines were installed as a response to a school newspaper editorial this fall. [See RECORD issue of

Nov. 5, 1970.] “But they didn’t put them in ’til now, godammitall.”

It may take equally long to get machines installed in Austin if they are approved.

It was pointed out to Bruce that since Austin Hall is so far from Harkness Commons, the classroom building is an ideal spot in which to sate those hungry or thirsty students lacking time to hike to the cafeteria.

Locations of the vendors now in residence were chosen to be near students and a water supply. The ones in Langdell are proximate to the women’s lounge and a number of student organizations, while the ILS location serves the staff and graduate-student lounge areas.

Dispensing “refreshing large size” cups filled with Tab, root beer, grape, orange or Coca-Cola, the soft-drink devices hold a much larger supply than do machines filled with bottled drinks. Likewise, “each cup [of coffee] is individually brewed,” just as the decorated facade of the hot machine claims. Both hot and cold liquids are 15¢ a cup.

The Law School owns the vendors, which cost several hundred dollars apiece to install.

Consumption III: Coop Comes

(Continued from Page 1)

to cover it,” he said. “Ninety-five per cent of it was shoplifting.”

Before his second year of operation started, the Coop fixed up a former storeroom in the building and installed a new door at no charge to O’Connell. “They spent a couple of thousand dollars on that door,” he said. “And they gave me a few store fixtures from their warehouse. They installed the door so they wouldn’t have to pay me for goodwill when they took over. The only question now is what they will pay me for my inventory — at first they promised to pay me my cost; now they’re not so sure.”

O’Connell pays no rent to the Law School on the location. “It would just be an empty room if I wasn’t here. I don’t make enough to pay any amount of rent,” he added.

The Coop will pay the Law School and the Graduate School of Arts and Science a percentage of their volume, according to Vice Dean William L. Bruce. “They don’t have to make a profit,” he continued. “I see the location as primarily a service facility for the benefit of students. And economic exigencies — not me — will dictate their policies, just as they do for the Harkness dining hall.

“The Coop is a service organization for Harvard students,” he said. “But if they don’t work out

(Continued on Page 16)

Educational Opportunities For American Students In Israel

Stephen F. Danz and C. Michael Copeland, reps. from International Graduate Center for Hebrew and Jewish Studies (Arad, Israel).

Sunday, Feb. 14, 8:00 P.M.

Quincy House, Common Room

Informal discussion for those interested, at dinner 6:00 P.M. Adams House, Small Dining Room.

Hark Store

(Continued from Page 15)

we may have to go to an outside contractor."

"We're kind of a convenience store," asserts Coop manager Howard W. Davis. "What we sell will depend on what students want — and how much room we have. At the Business School Coop the biggest seller is yogurt."

Davis seems eager to please. "Under my predecessor the Coop generated some bad will — I'm anxious that we don't inherit any more."

One outside contractor has offered a monthly rent of at least \$200 for the location and claims that it would give students preference for employment.

Davis says that it is hard to anticipate whether the store will hire law students or not. "I doubt that we would find any that are interested."

Dean Bruce expects the Coop to sell law books at the new location. "At the very minimum they should sell convenience items and newspapers and magazines. I would like for them to have law books, too, because I saw from the way O'Connell handled them that it can be a very efficient operation."

This fall O'Connell sold \$13,000 worth of law books supplied to him by the Coop, but they would not supply him with any more. "I tried to get books from publishers, but you need a long-term agreement before they will give them to you."

"Selling law books and outlines would make this location very profitable," he continued. "There are 1,600 students here who pay an average of \$100 a year on books. The 20 per cent profit on each book times a gross of \$150,000 a year is pretty good. I'd settle for even 10 per cent."

The Coop branch at the Medical School sells texts there for 10 per cent off, according to O'Connell.

An outside contractor, in a letter to Dean Bruce, has offered "a 10% point of sale discount on all textbooks and paperbacks."

"Yes, we plan to carry law books the year 'round," Davis said, "just like the Med School and Business School Coops."

While admitting that the Med School Coop did sell certain textbooks at 10 per cent below their retail price, Davis said that the response there was to a competitive store that had qualified as a wholesaler. "We always meet real competition if it is not just a fiction — we meet Lechmere Sales on records, we won't be undersold."

On learning that another contractor has offered to sell law texts at 10 per cent under retail (there is a 20 per cent mark-up on them), Davis responded cautiously: "I don't think he can afford to handle texts for only 10 percent — it just can't be done, we can't sell for less than 20 per cent — we don't want to create ill will. Book pricing is very complex. If only part of the story is presented to your readers, it may mislead," he continued. "We don't want little bits of information out that will hurt us with students."

Discount for Law Books Contemplated?

"The location can be profitable," O'Connell said, "but not as I'm running it, like a Mom-and-Pop store. If I were a better businessman, Dean Bruce would be more trusting of students who might want to run the store in the future. If students can't run it, maybe companies that run student stores at other schools should be asked to bid on the location."

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