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## Bootlegged Guidebook 'Third-rate, Dishonest, Deceptive' Says Dean

By Greg Ward

When the editors of "Do it — for Le\$\$" put the dollar signs in the title they knew what they were doing. But the cash is jingling in their own pockets, not those of the students for whom the guidebook was ostensibly written, and the Law School has called for a police investigation of possible misrepresentation.

(Continued on Page 2)

## Law School Applications To Reach Record 7,500

By Daniel M. Taubman

The approximately 560 students in the Law School's entering class of 1971 were accepted from a record 6,400 applications last year, and a new record 7,500 applicants are expected to apply this year for admission to the 1972 entering class.

Applications for the present 1L class were up 25 per cent from 5,100 for the previous year, according to Russell A. Simpson

'65, assistant dean and director of admissions. Only one out of eight applicants was accepted to the present 1L class, as compared with one out of every six applicants in 1970.

Record numbers of women and minority group applicants, as well as of those who had taken at least a year off since college graduation, continued trends begun several years ago.

Sixty-seven women registered this year as compared with only 45 in 1970. Some 106 women were accepted from about 800 female applicants. The number of women applicants increased substantially from about 500 a year ago.

"Women are admitted on exactly the same basis as men," Simpson said. However, the Law School is currently engaged in an active recruiting campaign to increase the number of female applicants. The Admissions Office has financed a brochure this year — "Information for Women Applicants" — written by the Women's Law Association to encourage more women to apply to the Law School.

Simpson said he expected next year's class to be about one-sixth women, due to an expected increase in the number of female applicants.

Simpson noted that attitudes towards women are changing in the legal profession. Women who were traditionally relegated to

(Continued on Page 12)

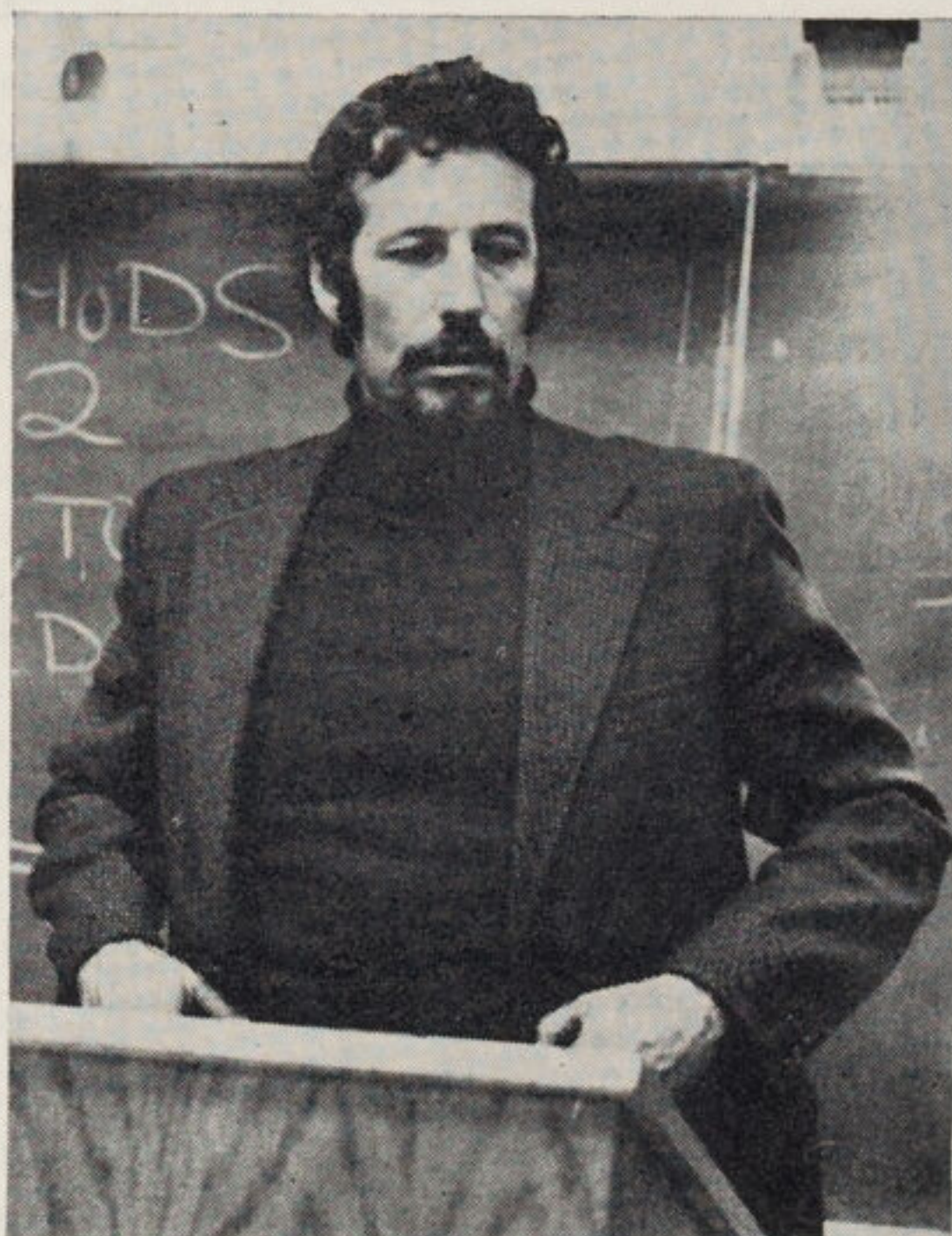
## Prison Union Head Charges Reformers Harmed Inmates

By Paul Weiner

The prison reformers of the last 150 years have not only failed to reach their goals but have made the lives of the prisoners more miserable, according to John Irwin, secretary of the recently formed United Prisoners Union (UPU). The failure of the "rehabilitative ideal" of prison administrators of the 50's and 60's is responsible for much of current prison unrest, he alleged.

Irwin, who is also associate professor of sociology at San Francisco State College, spoke on "Collective Bargaining in Prisons" before an audience of about 75 in Langdell South on Monday night, October 18.

(Continued on Page 4)



Charles Soberman

United Prisoners Union  
Secretary John Irwin

# Commune Offers Free Legal Aid,

By Bert Halprin

The Law Commune — also known as Remcho, Billow & Haroz to satisfy the canons of professional ethics — is an attempt to find new ways of providing legal services to people, but it is more than that.

By breaking down distinctions between members of the commune, distinctions they see as

based on class and sex discrimination, they are attempting to eliminate the mystique of "professionalism" by which the lawyer separates himself from those he works with and represents.

The commune is presently composed of three practicing attorneys, four recent law school graduates awaiting results of their bar examinations, two legal workers,

and one baby, assisted by several part-time volunteers. All major decisions are reached democratically, with all members having full equality.

Salaries are received on the basis of need. The lawyers are not entitled to any greater consideration than anyone else.

In order to enable members of the commune to handle cases for

## Dean Bruce 'Asks Do it --' Investigation

(Continued from Page 1)

Distributed free of charge in the Law School dormitories, the guidebook claims to be published "with the sole intention of providing ideas and presenting you local businesses that will help you save a little bread." On close examination, however, the book has very little to offer.

Sardined among the ads — fully 50 per cent of the book is composed of advertising — are informative lists of emergency numbers, theaters and radio stations, as well as enlightening commentary on museums ("The New England Aquarium — An unbelievable collection of the world's marine life, including a lifesize replica of a stocked coral reef which is lifesize!") and transportation ("Although the cheapest way around, hitching rides can be extremely frustrating and no less time consuming. If you are thumbing on a main route, the going is obviously much easier.").

On the objective side, the booklet fails in its attempt to supply phone numbers of potential interest — when one calls the number listed for "landlord hassles" he reaches a girl named Susan. If you call the Forecast Lab for pregnancy tests you will get "Mr. Gracie's office." The number of the sports desk at the *Boston Globe* is in reality that of a real estate agency.

But, the naive reader insists, it is in the major section on where-to-go that the worth of

the booklet will be found and the proverbial bread will be saved. Only 75 merchants are listed in this section, under subheadings ranging alphabetically from *Army Navy Store* to *Typewriters*. By coincidence all 72 paid advertisers are represented, receiving glowing reports of their friendliness and reasonable prices. Only one merchant, Joyce Chen, received a poor report — the restaurant also neglected to take out an advertisement in the guide.

"Anyone who would buy an ad is a good merchant according to their standards," said Lawrence S. Ebner, advertising manager of

### Directory Loses Ads to Guidebook

the Law School *Directory* and *Yearbook*. "We don't mind the competition, but what bothers us is that advertisers have told us that they already advertised in the Law School."

Ebner reported that many merchants contacted were "shocked" that they appeared in the booklet, having thought that they were advertising in the *Directory*, which is the official listing of Law School students' addresses and phone numbers. Others recalled someone coming around, claiming to represent the "Harvard Law School guidebook" and threatening poor write-ups in the book if they failed to take out an ad.

Despite the competition, Ebner managed to pull together enough advertising to put out the *Directory* and show a profit for the *Yearbook*, although he remarked that several advertisers did not renew their ads since they "had only so much money to spend." Advertisers, he said, are besieged by over 20 publication sources at Harvard alone.

Informal student investigation has turned up no clues as to the editors of the booklet. Advertising Associates in Belmont takes credit for the publication. However, no such organization is listed with the telephone company and the post office refuses to divulge the owners of the post office box. Advertisers were asked to send their money to the Belmont post office box, care of Lydia D. Simone — no such person is listed with the telephone company and she is not a student at Harvard Law School.

Dean William L. Bruce called for more formal investigation in a letter to the Cambridge chief of police. The book, said Bruce, was "third-rate, deceptive and dishonest" — a misrepresentation having an effect on the legitimate interests of a Law School publication by drying up the advertising market and damaging it for the future.

The issue, however, is deeper than the attack on the market.

"When they turn out work of that quality," said Bruce, "it reflects unfavorably on the whole institution."

# Combats Class, Sex Discrimination

free, seen as the most important part of their work, a wide range of fee-generating cases are accepted. These include a large number of drug defenses and draft appeals. Certain types of cases, however, will not be taken. Chief among these are anti-tenant actions brought by landlords (this has caused no problems, observed one communitard cheerfully, since no landlords have yet asked them to) and defense of non-using sellers of heroin (this has come up several times).

While communality does not ensure agreement among the members—and sharp disagreements do take place—all of them are highly critical of law school education in general and Harvard Law School (alma mater of most) in particular.

The members discussed some of the problems currently existing, and what could be done to help, at one of their regular luncheon meetings (sandwiches at the office).

All agreed that law schools provide the worst professional education in the country. When a doctor or dentist graduates from school he is prepared to go out and start in practice, by himself if necessary. But, as Lynn put it, "A law school graduate is only prepared to go out and join an already set-up law office."

The attitude inculcated in students by their first year of legal training also came in for heavy fire. Tony, one of last June's graduates, observed that, "One of their major flaws is that, starting right from the beginning, law schools acclimatize their students to an isolation from reality. Students learn to treat cases as intellectual exercises, not as the real problems of real people."

Gerry, who's been practicing for several years now, added, "The schools deal with the cases in a one-dimensional sense, as though they're solely legal problems. But they're not; problems exist in a political and social context and have to be treated as such."

They differed widely on whether improvements were really possible. Most applauded the trend towards increased opportunities for practical and clinical experience but to Hilary, a volunteer still in school, there was but one answer. "Abolish them," she said, "they do a lot more harm than good."

Larry, one of those awaiting results of the bar exams, felt that one of the best ways to understand Harvard Law School is to look at the jobs that professors come from and go to. "You'll find that overwhelmingly they work for government or do solely appellate work for large corporations."

Bernie agreed with him and

Gerry topped off this criticism of HLS by flatly declaring, "People interested in working in any sort of place like the Law Commune would be preparing themselves better by going to a small state law school, rather than attending Harvard."

All of the commune-ists joined in offering advice to the current crop of students, especially the new 1Ls:

1. *Quit worrying about grades.* The Law School might have to provide interesting, relevant classes, if this happens. Classes today are so poor it is only the fear of not "doing well" that keeps students attending.

2. *Attack the myth of neu-*



Jeff Petrucelly

Law firm of Remcho, Billow & Haroz — an attempt to eliminate the mystique of professionalism.

added some more criticism of HLS. "Harvard is one of the few major law schools where the professors are unwilling or unable to teach any courses in military or draft law. Last year there was one seminar on this," he went on, "but it was student-initiated and student-run." And that wasn't all. "No psychology courses at all are offered by the School. While lawyers who deal only with transcripts and law books may not need this type of course, it would be extremely valuable to those who have real contact with real people, frequently very disturbed ones, who need help."

trality the school tries to perpetuate. Show the political values it actually supports. Challenge professors in class when they try to avoid dealing with this (as they surely will).

3. *Work with organizations out in the community.* You learn much more about the actual operation of the law by doing this than you ever could in class. If none of the organizations around appeal to you, start new ones.

After about a year and a half of operation the Law Commune seems successful and growing more so. The members enjoy  
(Continued on Page 12)

# Union Head Blasts Reformers

(Continued from Page 1)

The lecture and discussion were sponsored by the Center for Criminal Justice as one in a series of seminars on law and corrections. Lawrence Bershad, criminal justice fellow and former commissioner of the Vermont Department of Corrections was moderator.

Irwin traced the development of events in the California penal system which led to the formation of the United Prisoners Union, formerly the California Prisoners Union. He attributed much of the rising tide of prisoners' discontent to the failure of the "rehabilitative ideal" which prison reformers in the 50's and 60's held out as a panacea.

According to this ideal, prisons do not just deprive a man of liberty for a term of years, but perform a therapeutic function of restoring "sick" individuals to a condition in which they can return to society. One concomitant

ample, extend a man's sentence for one crime because of their suspicion of his guilt in a second crime for which he hadn't even been charged.

The early 60's saw the beginning of the politicization of the California prisoners. Convicts became versed in the radical perspective to the criminal justice field. The system was seen as discriminating against the less rich and less powerful. Lawbreakers are spread throughout the strata of society, but convicts are usually drawn from the lower classes. Convicts began to accept the view that they had not been treated fairly. In general, they did not deny that they were deserving of punishment, they only protested that they were being punished disproportionately.

Starting around 1955, California opened up a series of adjustment centers. According to the theory, there were some convicts who couldn't conform to the regular prison system and

union, who are all either convicts or ex-convicts, decided to work towards goals in three areas: labor, the indeterminate sentence system, and the human and civil rights of prisoners.

The demands of the UPU as a labor union include the payment to prisoners of the required minimum wage, workmen's compensation benefits for those injured on the job, and unemployment benefits upon release. Included among the "human and civil rights of prisoners" are freedom from physical and mental brutality, adequate food, exercise and medical treatment, free correspondence and the right to have access to outside organizations and individuals. The goals also include the full restoration of all civil rights upon release and the establishment of a process for the redress of grievances by an outside authority.

After San Quentin and Attica, the prisoners' union movement is experiencing a tremendous surge of interest, both among prisoners and those on the outside. Prisoners' unions have sprung up in prisons across the country, but mainly on the east and west coasts.

The UPU is now going through a period of organizational difficulties, for a number of reasons. On the local

(Continued on Page 15)

## Prisoners Perceived 'Treatment' And 'Rehabilitation' as Deprivation of Rights

of the rehabilitative ideal which has generated much rancor among prisoners is the indeterminate sentence: a man's release date is not fixed but depends on the seemingly arbitrary determinations of correctional staff and administrators.

After 1950, California tried to put the rehabilitative ideal into effect in a big way. California doubled the number of prisons and made large investments in education and training. It introduced new programs of group counselling and therapy. Many convicts accepted the idea that they were "sick" and thought that the correctional system was going to do something for them.

But by the end of the 50's it became apparent that despite the huge expenditures, the new "rehabilitative" penal system was a failure. Recidivism was still as high as ever. The failure was apparent to administrators, staff, and, especially, to the convicts themselves, who began to view treatment as a sham or hypocrisy, and not innocent, either.

Prisoners saw that the idea of "treatment" and "rehabilitation" was depriving them of their rights. Sentences imposed by the California Adult Authority seemed much more arbitrary than those imposed by judges. The sentencing authority could, for ex-

needed heavier rehabilitation. In fact, they were the old segregation cells under a different name. But whereas a prisoner needed to be charged with a rule violation and have at least a semblance of judicial proceedings before he could be put in "the hole" for a specified length of time, convicts in adjustment centers were usually held indefinitely, with no charges of rule violations preferred against them. George Jackson, for example, spent seven years in adjustment centers.

As the politicization of prisoners gained headway, anyone defined as a "leader" was put in an adjustment center. As the number of protests grew, the number of "leaders" kept growing. The adjustment centers were full; "leaders" were transferred from prison to prison. Irwin thought that most of the "organization" had occurred in the minds of administrators.

On November 2, 1970, inmates at Folsom Prison in California began a strike which was to last about 30 days. They submitted a list of demands including an end to indeterminate sentences, the abolition of adjustment centers, and payment of the minimum wage to prisoners. This marked the beginning of the idea of a union for prisoners.

An organizing convention was held in January, 1971. The members of the

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# Edelman Heads Law and Ed Center

By David Cocke

Marion Wright Edelman, a well-known and respected civil rights attorney, has taken on a new assignment as director of the Harvard Center for Law and Education. The center, sponsored jointly by the Harvard Law School and the School of Education, is funded by the Office of Economic Opportunity and is designed to provide support and research materials for the Legal Services Program.

As director of the center Mrs. Edelman hopes to continue her efforts to promote school desegregation and encourage administrative reform within the Department of Health, Education and Welfare and other government agencies. "One of my first tasks," she said, "will be to call on the resources of the Harvard academic community and especially the Law School to help solve real people's problems.

"It should be a challenge," she said. "Lawyers are so elitist that they have a real problem relating to community groups. There is a new kind of lawyer now, however—individuals like Roger Rice, who joined our staff from the

## Ten Lawyers Research Desegregation, Indians

Welfare Rights Organization. They have a totally different attitude about the law. What lawyers must learn is that real institutional change will come from people, not from lawyers."

The Center for Law and Education was formed three years ago primarily through the efforts of Professor David Cohen of the Harvard School of Education. The center is jointly sponsored by the Law School, but the relationship with this body has been confusing, according to Cohen.

The Law School representative, Professor Frank I. Michelman, explained that various Law School professors have contrib-

uted significant research support to the center but have not participated generally in active litigation. "The relationship between a teaching institution and an activist institution will have to be clarified," he said. "We have to justify our long-term investment."

The center, which has a staff of ten lawyers, has done research in such areas as desegregation, student rights, classification of students, Title I of the Elementary School Education Act and Indian affairs. Although the center was designed primarily to provide research material for the Legal Services Program, Mrs. Edelman feels that her work cannot stop there. "We must find ways to get this information to the local communities who will in turn put pressure on the local legal services programs."

"Our relationship with Legal Services is not adequate," she remarked. "We will try to change this by personally assessing each local legal services agency, by providing these agencies with as much specific information as possible and by improving our own field work. One way we may try to do this is by encouraging each legal services agency to have an education specialist on their staff."

Mrs. Edelman began her career as a civil rights attorney on the staff of the NAACP Legal Defense Fund in Jackson, Mississippi, in 1963. After serving as director of the Legal Defense Fund's operations in Jackson, she joined the Poor People's Campaign in Washington, D.C., as congressional and federal agency liaison.

"After so many years of pushing for new pieces of civil rights legislation, we realized that the guidelines and enforcement were left to the lobbyists and bureaucrats. I came to Washington to see if anyone could have an impact upon how decisions were made.

"A lot of people thought that the Poor People's Campaign was a failure," she reported. "But I think that it at least did establish the right of poor people to be consulted. As a result there were some substantial procedural changes in the federal government."



Chris Lutz

## Mrs. Marion W. Edelman

Mrs. Edelman's concern for procedural and administrative reform led her and a few other attorneys associated with the Poor People's Campaign to form the Washington Research Project of the Southern Center for Public Policy, a public interest law firm. The Research Project took on two or three basic issues each year but began to concentrate on monitoring desegregation in

(Continued on Page 16)

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# 'Students' Attorney': Legal Counsel

By Kermit Kubitz

*This is the first of a series of articles on problems related to the provision of legal services to middle-income groups of American society.*

The student has traditionally been an outsider in the college town. He or she lived in university housing, and when, on rare occasion, a student was apprehended by the local constabulary, the paternal old dean of students would, in answer to a midnight call, run down to the police station and bail out the offender after smoothing the ruffles of the locals.

The problem with the idyllic paternal scene described above lies in the inherent conflict of interest between the best interests of the student and those of the college. A recent example of this conflict is the suit of a former Vassar freshman against the college for failing to take action when a roommate's pot parties prevented the freshman from sleeping or studying. Would the school's general counsel have aided the student in seeking injunctive relief against the school?

Offices of Students' Attorney have sprung up in such diverse locations as the University of

Robert L. Ackerman, of Babcock & Ackerman, was retained in a student fees dispute at the University of Oregon. In the course of litigation and negotiation the state attorney general ratified the students' right to employ counsel of their choice as an independent contractor using student fees collected by the University [Oregon, 34 Op. Att'y Gen. 776 (1969)].

The range of experience of the three attorneys is fairly typical of the legal profession as a whole. Ackerman was already a member of a local firm; Howland was a few years out of Columbia Law School; and Boyle, a graduate of the University of Texas School of Law, spent one year on a poverty law project in Louisiana before becoming the first students' attorney.

A set of guidelines for beginning "Attorney for Students Programs," written while Ackerman, Howland and Boyle were attending the National Student Association Congress last summer, suggests that the best prospect is a member of the bar who has from two to five years practical experience, including some litigation.

All three attorneys have acted as legal advisers to the student government, as well as handled student cases on an individual basis. The types of cases which the attorney may handle for individuals are often limited by the terms of his contract to exclude criminal matters, taxation or estate planning, or cases against the student government.

At the University of Texas, according to an article in the April 26, 1971, issue of the *Texas Law Forum*, the regents of the University prohibited Boyle from representing any student, staff or faculty member in matters requiring administrative decision, or "any proceeding which is directly or indirectly antagonistic to the interests of the University

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## Students' Attorneys Spring Up To Define Academic Relationships

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Those days have gone the way of the nickel cigar and the Hudson. Students and student governments have begun to find it necessary to retain professional legal assistance to deal with two previously undefined relationships: (1) the relationship between student and community — landlords, police and election officials; and (2) the relationship between student and university — academic standards boards, regents and deans.

The person who fills this need is the "students' attorney," a new institution in the structure of a college community, designed to fulfill the demand of students for legal services independent of university administration.

Offices of Students' Attorney have come into being also in part because of the need to find new markets for legal services due to the pressure of increasing law school enrollments. (See article by Professor Emeritus David F. Cavers, *RECORD*, April 23, 1971.) With limited financial resources but a fairly continuous demand for low-grade legal services, the student provides a sort of continuous class action.

Massachusetts at Amherst, the University of Texas at Austin and the University of Oregon at Eugene. At Texas, Jim Boyle was hired pursuant to an agreement between the students and the university which required that, for many purposes, the attorney be an employee of the school. While he is prevented from engaging in certain kinds of litigation, particularly against the University, he does actively litigate many civil cases. He employs law student assistants to expand his service and provides specialized services to the student community which would be inadequate or non-existent without the involvement of a lawyer.

Richard M. Howland, at U. Mass., was hired by students who had budgeted for a lawyer the year before. He is an independent contractor with no limitations upon the services he may perform or the cases he may take and sue upon. The past year Howland's principal services were to provide a legal aid referral as well as to handle all cases in which the hiring of outside counsel would have been financially prohibitive.

# on Campus

System." This points up again the possible gap between the interests of the student and the protection accorded those interests by the university.

The Texas Office of Students' Attorney opened in June, 1970, and represented a group of students known as Gay Liberation in December 1970. In January, 1971, the regents prohibited the office from representing student organizations if the University is an interested party.

In the Texas article, author Gene Majors also reports that Boyle's office provided services to over 900 students in the first ten months of its operation.

At the University of Oregon, attorney Ackerman will be providing preventive legal services to students, including presentations to student groups about their rights and duties under the law. Ackerman, like Boyle and Howland, is paid by the student government on the basis of fees assessed against students by the University — between \$1.00 and \$1.50 per year — and administered by the student government. Any student enrolled at the University who has paid his fee is eligible for services involving typical student legal problems: lease, contract, incorporation or release.

Working in cooperation with the local law school, Ackerman will supervise law students who will assist in processing small claims court cases, obtaining judgments and garnishments against judgment debtors.

The creation of an Office of Students' Attorney can have immediate and significant impact on adjusting student power relationships with campus administrators. It may in fact lead to conflict with the university and with the bar. However, as a new direction in the provision of legal services, it can also mean that a formerly unrepresented segment of society will be protected by the law.

## Movie Review

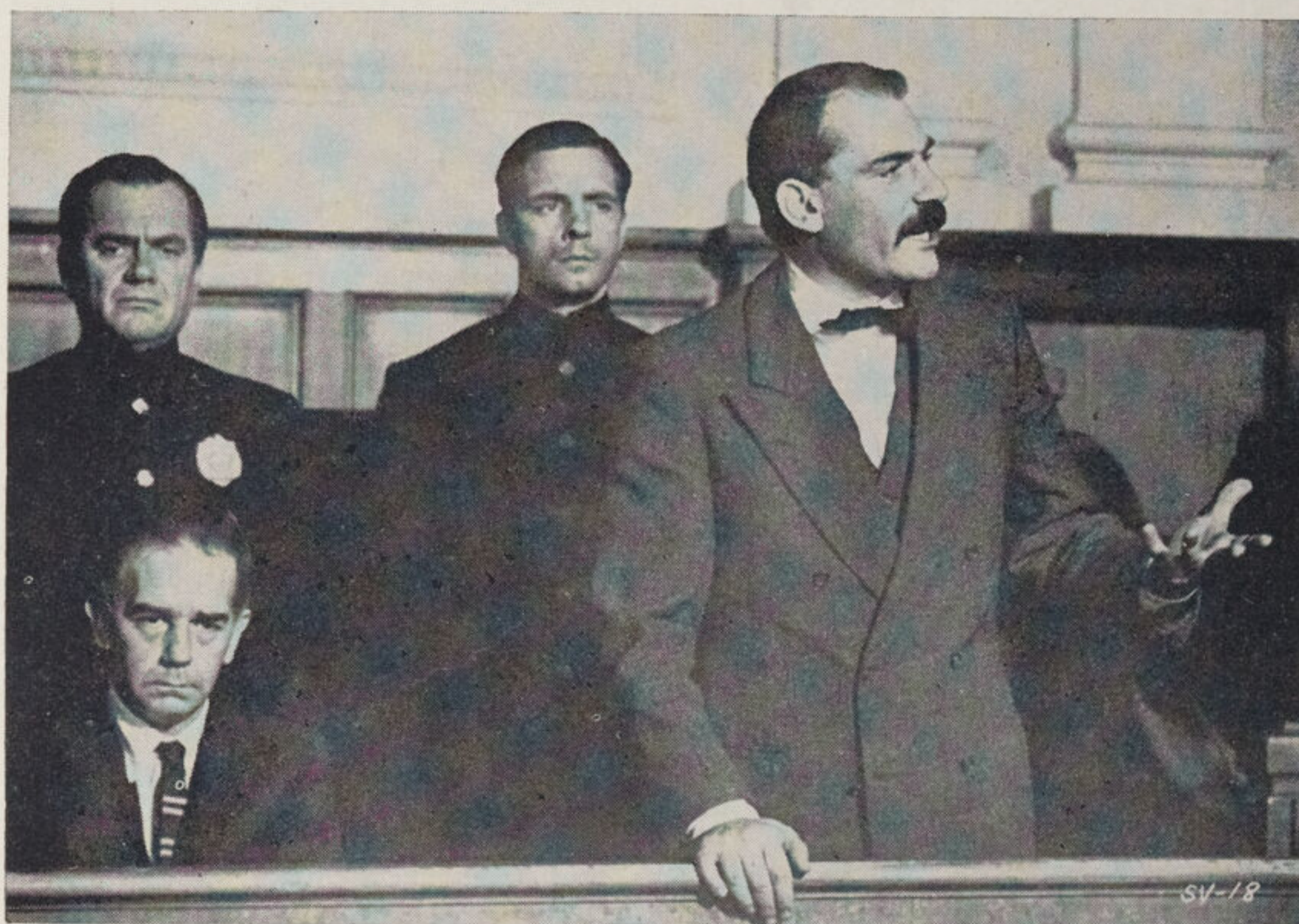
# Sacco and Vanzetti Case Revisited

By Alan Lederman

The Sacco and Vanzetti case has aroused an increasing amount of interest within the law community. The recent conspiracy trials of Spock, Berrigan and the Chicago Seven have evinced a mistrust of government and the entire judicial process. Director Montaldo's film "Sacco and Vanzetti" graphically illustrates the reasons.

The government responded then as it does now to public pressure for "law and order," despite a minority pressure for justice. In 1927 Sacco and Vanzetti were executed, leaving questions that remain unanswered to this day.

The portrayals of Sacco and Vanzetti by Riccardo Cucciolla and Gian Volente are flawless. They are able to convey realistically the nobility of the two sim-



Sacco proclaims his innocence; Vanzetti sits glumly by.

The government's propensity to prosecute those who defy its policies is clearly illustrated in the trial scenes, filmed in close-up documentary style. The victims of this inquisition are those two anarchists; as always, the scapegoats are those who are unpopular and too poorly organized to put up an adequate defense.

Were Sacco and Vanzetti able to find the "detached judiciary"? Were their rights scrupulously protected despite political pressures? Hardly so. We watch in horror as they are confronted with bribed testimony, inadmissible evidence and a prejudiced court. Even a confession by the actual perpetrators was rejected on "procedural grounds."

ple peddlers being sacrificed in a political struggle.

The body of the film, the investigative and trial scenes, were filmed in color. However, the most powerful scenes were filmed in a black-and-white documentary style. The first of these depicts a brutal Palmer police raid on immigrant quarters, a graphic reminder that "it can happen here." The second and final scene is the electrocution, visual verification of Vanzetti's final words, "They are all murderers."

This film is disturbing to those in the legal profession, for it shows how little has changed in the last fifty years.

# Balance-the-Ball, Hide-'n-Seek Amaze

By Bob Hernandez

"Guess who's got another dirty diaper?"

The dozen children in the Law School's Day Care Center afternoon session were deep into games, but at least one had taken time out for other activities, just in time for our arrival.

RECORD photographer Charles Soberman politely declined the

old who, as senior partner, had assumed direction of play-time activities.

"Picking him up."

"OK, but be careful."

But Becky had already put him down. Having noticed the strange-looking guy with a camera, she was gathering up the rest of the afternoon brigade, and sitting them down in rows for group

lems when it got to the last person in line, but she handled that one too.

"Pretend you're passing it to a person next to you, and then I'll take it back."

By this time, though, the rules had changed, and everyone was to try to balance it on his head. Charles joined in; although he did manage to keep it on his head for at least a split second, he had somewhat more trouble trying to balance it on his tongue. But everyone was grooving it, so it didn't really matter. Even Jennifer Number One — who, instead of joining the game, was pushing around a baby buggy loaded with a toy truck, ball, and yellow Cinderella purse — was laughing.

"We really don't have to organize them," explained Margot. "They're really great on their own. During 'organized free play,'

## Dirty Diapers, Faces Distinguish Enrollees

we might assign parts when they play house, but it helps them to do these kinds of things on their own."

The philosophy of the Day Care Center seems to foster the development of imagination and initiative among the children. A strong sense of community consciousness has also developed. It seems to be a second home for the kids, where everyone plays and has fun, making sure everyone else is playing and having fun.

Under the directorship of Helen Goldstein, the Day Care Center is structured without being stifling. It is an environment carefully designed for children, but which relies heavily on their improvisation for definition. The physical lay-out was designed by Terrence Glassman, who is presently studying for a master's degree at the School of Design. Although the physical structure is far from complete, it is already proving to be a success by the



Charles Soberman

### Becky explains the rules of "Pass-the-Ball."

honor of changing the diaper and I acted busy taking notes. Carol Lindseth, Day Care Center volunteer, took charge of corrective measures, while I interviewed Margot Pelias concerning her afternoon wards. Charles began shooting pictures and the kids ran the rest of the show.

Margot is a part-time BU student who works full-time for the new Day Care Center, which is located at 23 Everett Street — premises donated by the Law School. Although she enjoys every minute of it, it's clearly full-time work.

"What are you doing to him?" Margot asked Becky, a five-year-

shots. Charles had a tough time convincing her that he wasn't primarily interested in staged pictures. She finally got the point and started picking everyone up, one at a time. "Becky, I think they can get up by themselves," Margot suggested, but Becky had a new game in mind.

"Becky is the oldest child, and she's very bright," Margot explained. I just sank down into an old tire and watched.

The idea of the game was for everyone to stand in line, and to begin passing the big red ball to the next person. Becky explained the rules to everyone and supervised. She realized she had prob-

# Pre-Schoolers, Record Photographer

most important standard of all: the kids really love it.

Alfie, with a dirty face, got onto his tricycle. He rode it into Charles and fell over.

Meanwhile, Jennifer Number Two's mother had arrived to take her home. Jennifer Number Two smiled all the way to the gate and waved by-by. "See ya Monday."

"Good-by, Jennifer," said Margot. Jennifer Number One came up to her and announced, "There are two Jennifers."

Becky was just starting a screaming game. Everyone got into the act including Charles, until Margot suggested that she was getting a headache.

So the game switched to "Who's it?"

"I like it when they play 'One-two-three red light,'" said Carol, the volunteer worker. "But Alfie never stops."

A few minutes later Becky came to say, "I want Cheryl to be 'it' but she doesn't want to." Before that problem got too heavy, Christopher came to ask Margot to tie his shoe. But he changed his mind, saying "I know what — we can play hide and seek." Becky made the announcement to the rest of the gang.

The afternoon session of the center is smaller than the morning, when there are 18 children. As Helen Goldstein explained to

me later, most of the children are from the Law School, although it has been successively opened to the Harvard and Cambridge communities. The center will accept six more children, as the number is still below capacity; potential working mothers have been facing an acute job shortage this fall.

At the same time there is a



noticeable shortage of male faces at the center. However, one male Harvard student has volunteered for mornings. Fathers are also frequently seen between classes, according to Mrs. Goldstein.

The hide-and-seek game was encountering some difficulties. Becky was now "it," but people seemed to forget what they were

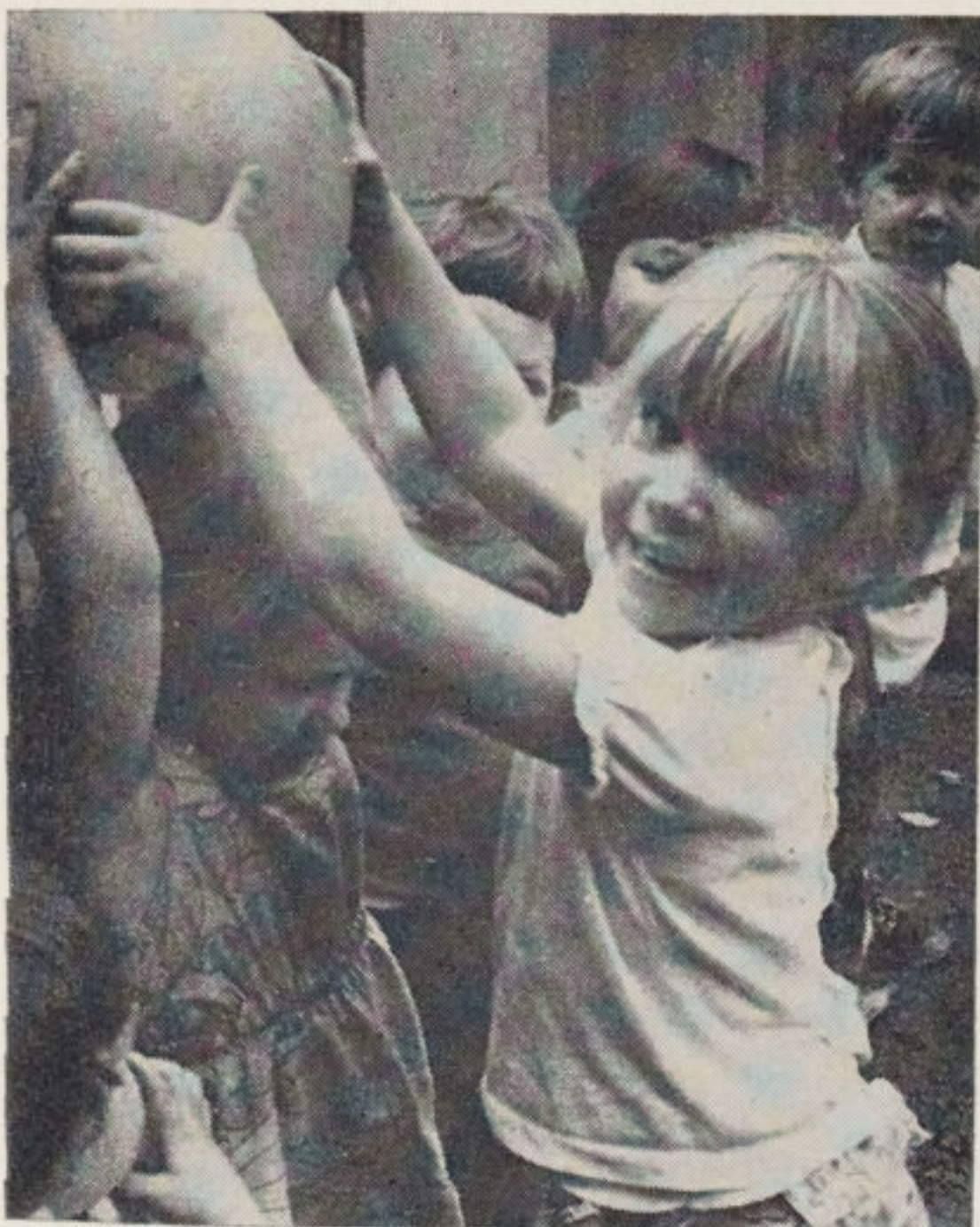
playing before they found a hiding place. Becky counted to 20, but noticed someone beside her, so she told her to go hide. She counted again. Someone else came up to her. She told him to go hide. She looked around again and saw that Cheryl was just standing there.

"Cheryl, I know a good place for you to hide." Becky showed her the place and went back to continue counting. After 20, she looked around again. "Cheryl, you're supposed to stay in your hiding place!"

If Becky could just master the Socratic method, she'd make a great law professor.



Charles Soberman



Charles Soberman

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# Supreme Court Indignity

Reproduced below is a letter to the editor sent to *The New York Times*, *The Washington Post* and *The Boston Globe* for publication yesterday, written by Professors James Vorenberg and Frank I. Michelman and signed by 35 members of the Law School faculty.

The letter is appropriately indignant at President Nixon's apparently cavalier approach to Supreme Court nominations, as well as his list of potential justices. It is nevertheless moderate in tone and carefully worded. One wishes more of Harvard Law School's 85 odd faculty members had seen fit to sign.

To the Editor:

We are writing as lawyers and law teachers to express our dismay at the standards evidently governing the President's selection of nominees for the Supreme Court, as most recently reflected in the list of six potential nominees submitted to the American Bar Association screening committee.

In making such nominations, the President carries out a stewardship entrusted to him by the Constitution. Implicit in that stewardship are certain widely accepted criteria of eligibility for the office of Supreme Court Justice. These include, we believe, a rich experience and distinguished performance in the realm of law, and qualities of mind and spirit promising a wise and fair search for the legal merits of cases undistorted by partisan, personal, or regional bias.

Regarding the reported list of six, we are certain on the basis of our own investigations that at least half do not nearly measure up to the minimum standards we think the nation can expect and should demand of a Supreme Court nomination. Moreover, we know of many lawyers, judges, and legislators—of various political backgrounds, from every part of the country, of both sexes, with a variety of experiences and specializations—who unquestionably would meet the basic standards for appointment, and would meet them more convincingly than any of those named on the President's list.

We are, therefore, left with the conviction that the President has approached his task improperly, giving too much weight to factors which should have been subordinated to an overriding goal of locating candidates of the highest quality. This presidential conduct, resulting in the inclusion in the list of some plainly unqualified persons, demeans the Court and risks undermining public respect for it so as to impair its performance of its crucially important role. Some of the persons named may turn out to merit serious consideration. The flawed process which generated their candidacies argues, however, for the most meticulous and searching examination by the ABA Committee and the Senate.

We know that our concerns are widely shared, and we urge all who share them to voice them in appropriate ways. We hope that the President can be convinced to reconsider his approach to these appointments; that the ABA Committee will not hesitate to disapprove as many of the names proposed as its investigation warrants; and that the Senate—also entrusted with a constitutional stewardship—will hold the President to the appropriate standards in considering confirmation.

Derrick A. Bell, Jr.  
Gary Bellow  
Harold J. Berman  
Abram Chayes  
Morris L. Cohen  
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Richard H. Field  
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John P. Sullivan  
Stanley S. Surrey  
Donald T. Trautman  
Laurence H. Tribe  
Donald F. Turner  
James Vorenberg  
Robert B. Washington, Jr.  
Lloyd L. Weinreb  
David Westfall  
Ralph U. Whitten

## Fenno

The member of the Review was speaking very solemnly.

"Since it is obvious that the President, by dint of his performance on appointments heretofore, has operated with a view towards purposefully denigrating the prestige and influence of the Court, it is only right that, for reasons of our own intellectual integrity, we at least think about some qualified men—oops, people. Namely, our own professors."

"I'm amenable."

"Good," he said. "Let's get down to specifics. Archie, for example."

"Well, I don't know. You can't really expect him to take it. It would be a comedown after the job he's already had."

"True. You have a point. What about Mr. Jaffe?"

"No good. He's too absent-minded. He'd show up prepared for conference on oral argument days, and for argument on conference days."

"You've got me there. Hm. How about Mr. Herwitz?"

"Nope. He'd want to munch peppercorns during oral argument, and that would be too distracting."

"Dean Bernardi?"

"Dresses too flashy."

"Mr. Keeton?"

"To be sure, he'd venture to do justice, but he's on leave."

"Doc Stone?"

"Too analytical."

The Reviewer began to cry.

"Mr. Cohen?" he pleaded.

"No. Haven't you heard? He's succeeding Mao."

"Dersh?"

"He's already been on the Court."

"Tribe?"

"No good. He's flying to Addis Ababa tomorrow. He thinks he's the Emperor of Africa."

The Reviewer was so distraught that he didn't notice his tears of anger dripping down onto the 15th preliminary draft of his note.

"I give up," he moaned.

"Thank you. The solution, as always, is simple. Brewster and Bok jointly and severally resign and join the Court. Harvard and Yale then amalgamate into 'Hale' and continue under the hearty leadership of Gloria Steinem."

# Letters to the Editor of the RECORD

## Students Would Riot If Black Named Now

To the Editor:

"De Mortuis," etc. But suppose Mr. Nixon should nominate a Southern ex-Kluxer for the Supreme Court?!? The whole Harvard faculty and student body would "take to the streets." Justice?? Sure—if it's *my* kind of justice!

W. St. John Garwood '22

## Sacks' Leadership Lovingly Remembered

To the Editor:

Your much appreciated article of September 24 regarding Dean Sacks was shy an item of which I am privileged to have personal recollection.

Late in 1952, newly come to the Law School, Albert Sacks was tagged with the untidy assignment of guiding a group of volunteers as they went about the formation of a new concept in service to the Law School, the community and the legal profession—the Harvard Student Legislative Research Bureau. Dean Griswold's blessing and encouragement for our idea was a great source of confidence, but it was Professor Sacks who added the firm guidance, the tight adherence to funda-

mentals and orderly development that gave us a good beginning.

For those of us who worked with him then, his position of leadership now is no surprise. Many of us, I am sure, can acknowledge that our own standards and self-discipline bear his imprint, which was rarely applied with reticence.

The Law School has a Dean who is perceptive, resourceful and committed to the concept of thorough preparation as a prime requisite for enduring results.

Tedson J. Meyers '53

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## Law Notes

The National Conference of Bar Examiners is preparing a bar examination to be offered for use by all states, which will assist bar-examiners by making an expertly compiled examination available to them.

California, Florida and Pennsylvania plan to use the tests in February 1972. The first examination will consist of five subjects: contracts, criminal law, evidence, real property and torts.

\* \* \*

Students interested in working on Mayor Kevin White's reelection campaign are invited to contact Professor Charles M. Haar's office, FOB 300 or 495-4610.

\* \* \*

Professor Laura Nader, a noted legal anthropologist at the University of California at Berkeley, will show a film in Pound 107 on Wednesday, October 27, at 4:00 p.m. which she produced on processes of dispute resolution among the Zapotec Indians of Mexico. Professor Nader, a visiting professor at Yale, will then comment on her research in this field and respond to questions.

\* \* \*

Rent control, community control, and quality public education will be among the topics discussed at a candidates' luncheon sponsored by the Harvard Law and Graduate School Democratic Club. The luncheon will be held on Tuesday, October 26, at 1:00 o'clock in the Mallory Smith Room at Harkness Commons. Candidates for Cambridge City Council and School Committee will speak and be available for questioning.

\* \* \*

Students interested in working with Ralph Nader in drafting amendments to the Auto Safety Bill or with Senator John Tunney (D-Cal.) on the permitted uses of land at federal water projects should contact the Legislative Research Bureau in Langdell South (above the reading room) or call 495-4400.

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## Trend Continues: Women Admits Up

(Continued from Page 1)

probate and divorce cases are involved with corporate finance. Several female Law School graduates are currently assistant district attorneys in Massachusetts, he pointed out.

Many women with families work part-time and "really help out" law firms, Simpson added. It is also clear that women use their legal education "about as well as men do."

Minority group student enroll-

### Women Draft Brochure

To encourage more women to apply to the Law School, the Women's Law Association has recently published a brochure entitled "Information for Women Applicants" which makes the following points:

— "Harvard Law School has the reputation of a great, gray-suited bastion of male chauvinism. The truth is that three-piece suits went out long ago, women law students are increasing in numbers, and sex discrimination is taken seriously."

— "According to a 1970 study of Harvard Law School alumni, women graduates have not 'copped out' to become housewives."

— "While the day of blatant male supremacy is over at the Law School, women may encounter more subtle manifestations of it."

ment (blacks, Mexican-Americans, American Indians, Puerto Ricans and others) increased from 12 to 15 percent. It is estimated that for the 1972 entering class the same proportion of minority group applicants as others will be admitted.

More than 230 members of the 1970 entering class had taken a year or more off after college graduation before entering law school, and Simpson believes this year's figure will be higher still. Complete fall registration statistics are not yet available.

Only 156 students in the 1969

entering class had taken a year or more off.

Of 231 members of the 1971 entering class who took a year or more off, 94 had taken off one year, 70 two years, 34 three to four years, and 33 five or more years.

"There is no tangible difference in academic performance between those who come directly and those who take time off," Simpson said. Those who take time off "probably enjoy law school more and get more out of it," he added. The Admissions Committee has tended to place value on those who have taken a year off.

The Admissions Committee is chaired by Professor William D. Andrews, and includes Professor Oliver Oldman, Assistant Professor Laurence H. Tribe and Assistant Dean Robert A. Williams.

Simpson himself reviews about half the applications and decides on those who are clear admissions and clear denials. The remaining applicants are discussed by the other committee members in weekly meetings between December and May.

"The admissions problem has increased enormously in a very short period of time," Simpson commented. During the 1950's, applications fluctuated between 1400 and 1700, and about one out of every two applicants was accepted.

In 1963, the 2,000 application figure was passed; the 3,000 number was exceeded three years later, and in 1969 the 4,000 figure was reached. The number of applicants jumped to 5,000 in 1970, then soared to well over 6,000 for the present entering class.

Of 60,000 students who took the LSAT law boards last year, more than ten per cent applied to Harvard. The median LSAT score of 1970 entering class applicants was 650 (93rd percentile), while the median score for those who actually registered was 692. Simpson estimated that the median LSAT score for the present entering class will pass 700 for the first time.

## Commune Helps

(Continued from Page 3)

close personal relationships. Their number is expanding and so is their office. In the same spirit of communality that characterizes all of their work, they are doing the construction themselves — with a little help from their friends.

They have handled several major political cases, including defense of the Hanscom field anti-war demonstrators. And recently an important milestone was passed. Although at first most of their work had to be on "money" cases to keep the office going, now they have crossed the 50 per cent mark and spend more than half their time on free work for cases they believe in.

The Law Commune can provide opportunities for anyone who wants to do volunteer work, legal or otherwise. In addition, the commune members — Judith

### Communers Handle Fee, Free Cases

Remcho, Gerald Billow, Michael Haroz, Lynn Goldsmith, Bernie Nevas, Tony Sager, Dave Rockwell, Larry Katz, Barbara Haroz, Hilary Sohmer, Al Rubin, and week-old Carim Haroz (the first Arab born in Beth Israel Hospital) — are willing, within the limitations imposed by a busy schedule, to talk about alternatives to the corporate law office and other problems of American justice with those interested.

Their office is on the second floor of 698 Mass. Ave., in Central Square. If you want to call before dropping in, the number is 492-3900.

Just as we left, Tony added one final piece of advice for the new law student. "Be sure to get completely away from the law for a good part of your time. Go camping, get high, watch movies, anything. This just might let you keep some sort of perspective."

## *The Japanese Challenge*

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Almost everything the United States does is wrong if what Japan does is right. Yet Japanese productivity is growing at a rate of 10 to 14 percent per year while we think that 3 or 4 percent is good. If the present trend continues for another fifteen years, the Japanese will out-produce the United States. Extend the gap for thirty years, and the relative economic positions of the two nations will be reversed.

- Japanese business uses over 80 percent debt while U.S. business uses about 30 percent.
- American business pays out a much higher proportion of earnings to stockholders as dividends than does Japanese business.
- Japanese industry is concentrated on a limited number of efficient producers while U.S. business is kept as fragmented as possible.
- Japanese business is highly responsive to central planning and support from government. U.S. business and government are more frequently found in adversary roles.
- Japanese firms use lifetime employment and compensation based on seniority to achieve a high degree of flexibility in allocating management resources and assigning job responsibility. U.S. firms have tended to assign responsibility on the basis of seniority and to tie compensation to status in the organization.
- Japanese companies operate on lower sales margins but grow several times faster, enjoying rapid increases in overall profitability.

Japan's growth strategy is not based on low cost labor or exports. Japan has by far the highest cost labor in Asia. It exports far less than any European country.

Is the U.S. overlooking something?

---

*The Boston Consulting Group is an international management consulting firm with offices in Boston, London, Milan, and Tokyo. The firm specializes in the policy problems related to corporate business strategy. The above is an abstract from one of The Boston Consulting Group's publications on corporate strategy.*

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# Prison Unionist Blasts Reformers

(Continued from Page 4)

level, prisoners are not used to forming organizations. To be identified as a member of the UPU is in most prisons to be singled out for disciplinary action. Many wardens consider UPU members troublemakers and refuse them access to prisoners on the inside.

At the same time as prisoners are moving for greater rights, Irwin sees prison administrators and prison guards, who have recently formed their own very conservative union, calling for greater repression. Administrators tend to blame all the demonstrations on a few "bad apples." In order to segregate these troublemakers, California is now about to construct a "maxi-maxi-prison," a sort of super-adjustment center.

Irwin sees the situation as very explosive. "The only thing that can save us is if prisoners themselves get into the arena as a countervailing power to try and stop this disastrous direction—the direction of increased retaliation and increased punishment delivered to a small group of people."

Irwin is wary of such devices as probation, parole, or halfway houses. He sees these as providing either a method of restricting the liberty of convicts for years after they actually leave prison or a means for judges and sentencing authorities to let off those with influence. He sees the best prison system as one in which either you're in or you're out.

Irwin would allow no sentencing discretion whatsoever. He would have all people convicted of the same crime and with the same past conviction record serve the same length of time.

He sees nothing wrong with treatment so long as it is voluntary. He thinks prisons should provide any kind of treatment or training which might be beneficial, but participation in it should be voluntary and should not affect the prisoner's release date.

John Irwin was brought up in Los Angeles. After a series of arrests and convictions for various petty crimes, he was convicted in 1952 of robbing a check cashing stand in Los Angeles. He served five years in Soledad prison. This was his first encounter with the

indeterminate sentence system. His partner, with an identical record and apparently similar prison behavior was let out after two years and nine months. "I thought I was just as nice a guy as he was."

Before entering prison, Irwin had attended college for one semester; he thought the prison staff had been hostile to him because he let them know that he planned to go back to school once he got out. At that time, prison staff members discouraged higher education as an unrealistic goal. "The model of the rehabilitated man is a man who keeps his head slightly bowed down, who is thankful for the break they gave him, who is industrious but not ambitious, and who will not cause trouble."

After his release from prison, Irwin went to school for ten years. His Ph.D. thesis at Berkeley was published in 1970 as "The Felon." He considers his two most important accomplishments the writing of "The Felon" and his participation in the group of authors of "Struggle for Justice: A Report on Crime and Punishment in America" which will be published for the American Friends Service Committee by Hill and Wang on November 17. "Struggle for Justice" advances and documents Irwin's contention that the rehabilitative ideal has led primarily to increased arbitrariness and repression in the penal system.

The lecture was followed by a panel discussion. Members of the panel were Professor James Vorenberg of the Law School; Sheriff John Buckley of Middlesex County; Professor Thomas Kennedy of the Business School, a labor relations expert and arbitrator; and John Anthony, co-director of CONCERN, the Convicts Committee for Rehabilitation.

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# Edelman Directs Law Center

(Continued from Page 5)

Southern schools. This led Mrs. Edelman to her present position with the Harvard Center for Law and Education.

"The center is involved in things I cared about," she remarked. "My overriding concern lately has been child development, what happens to children generally, both in terms of education and in society."

Mrs. Edelman is a firm believer in integration as the only way to guarantee educational benefits to minority children. "The real question is quality," she said. She is also concerned about community control but stresses that the definition of adequate community control varies with each school district. "With a good superintendent maybe you only need a good P.T.A."

Mrs. Edelman is a graduate of Spelman College in Atlanta and Yale Law School, where she received a John Hay Whitney Fellowship. In 1965 she was named as one of the four most exciting young women of America by *Mademoiselle* magazine. She is presently serving on a number of important boards and councils including those of the NAACP Legal Defense and Education

Fund, the National Council on Hunger and Malnutrition, the Board of Trustees of Yale University, and the Advisory Board of the Woodrow Wilson School, Princeton University. She is also a member of the National Democratic Policy Council and serves as vice-chairman of Americans for Democratic Action.

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