

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 54, NO. 4

FEBRUARY 17, 1972

TWENTY CENTS

Ad Board Ends Investigation Into Classroom Scuffle

By Bob Hernandez

On the basis of an informal investigation, the Law School Administrative Board has decided not to institute formal proceedings against Edward L. Morris, 3L, for his involvement in a classroom scuffle during a *Business Planning* class on January 20. [See RECORD, January 28, 1972]

The Board's decision was adopted at a special meeting on February 10 following a report from a special three-man subcommittee investigating the incident. Members of the subcommittee were: Professor Donald F. Turner, Vice Dean William L. Bruce and James L. Winston, 3L.

The inquiry had been initiated at the request of Dean Albert M. Sacks after his receipt of a let-

(Continued on Page 2)

Faculty Votes to Approve \$300 Increase in Tuition

Tuition at the Law School, which has remained fixed at \$2100 since September 1970, will go up to \$2400 effective September 1972. This increase was voted by the faculty Tuesday, February 15, following a recommendation by Dean Albert M. Sacks.

The \$2400 is exclusive of the University health fee, set by the University, which is scheduled to increase from \$130 to \$135.

Financial aid to students will be increased to make up for the increase in tuition.

At the same meeting, the faculty approved the tentative course list for 1972-73 including proposals for programs of concentration and Law and Public Policy. (See page 4.)

The faculty also approved the Administrative Board's handling of the "classroom scuffle" case. (See this page.)

The Law School expects to run

a surplus of \$50,000 this year. The dean emphasized that this surplus is due to two unusual circumstances. This year, an unusually large number of professors are on leave without pay, and the number of students is un-

(Continued on Page 16)

2L Would Sue Yearbook Editor In Pic Dispute

By Greg Ward

Charges of discrimination against a minority group — persons wearing cowboy hats — have been levied against the *Harvard Law School Yearbook* by Richard R. Sutherland, 2L. Sutherland is threatening a small claims action against William Leyden, editor of the *Yearbook*, unless his picture appears in this year's book.

In the fall, according to Sutherland, he had his picture taken wearing a cowboy hat by the *Yearbook* photographer. Sutherland was otherwise "appropriately" dressed in sport coat and tie.

"The photographer tried to talk me into taking some other pictures without the hat," said Sutherland, "but I told them no. I figured that the picture with the hat would be pulled."

Sutherland was right, although

(Continued on Page 15)



Peter Hlavacek

Twenty bishops pass judgment on professors in Pound 101.

Ad Board Ends Inquiry of Scuffle

(Continued from Page 1)

ter of complaint signed by five students from the class, two other letters from individual students expressing a different point of view on the matter, and oral reports from one or more students in the class.

[The text of the Ad Board statement is reprinted below.]

In making its finding, the subcommittee considered the three letters sent to the Dean—the original letter of complaint; a letter from Michael K. Wyatt, 3L, criticizing the RECORD's reporting of the incident [See RECORD, February 4, 1972]; and a letter from a student also "taking a less serious view of the matter," according to a member of the subcommittee.

The subcommittee met with the authors of the letters, Morris and

two or three other students brought in by Morris.

In his request for the inquiry, Sacks asked the Administrative Board to proceed "with a view to ascertaining and appraising the facts and issuing such report as seems to the Board appropriate. On the basis of what has been reported to me, I do not request that disciplinary proceedings be initiated with respect to either student . . . though the Board is of course free to take whatever action it thinks appropriate after it has conducted the inquiry."

The incident occurred when a non-member of the class, subsequently identified as a College student, was recognized by Professor David R. Herwitz, stood up and began to denounce the capitalist system and urge students

to work for other interests for the sake of their souls. Morris then stood up, and, according to the subcommittee, "began talking to or shouting at the speaker. In substance he complained that the speaker was wasting valuable educational time that he had paid for, and demanded that the speaker depart forthwith. His language was in part vulgar."

Morris then approached the speaker and grasped the hood of his parka. The Ad Board found that "the speaker was pulled or slipped to the floor, but was apparently uninjured, quickly regained his feet, and resumed the verbal exchange."

While the Ad Board statement recognized that "the use of physical force by a member of the class cannot be condoned, and
(Continued on Page 16)

Text of Administrative Board Statement and

At its meeting on February 10, the Administrative Board agreed to the following statement and to the disposition of the matter therein stated.

The basic facts concerning the incident appear to have been as follows. Shortly after the opening of the afternoon *Business Planning* class of January 20, a person subsequently identified as a student in the College, having been recognized by Professor Herwitz, stood up and began to address the class. His remarks were devoted to alleged iniquities of corporations and the capitalist system, and to urging the students, for the sake of their souls, to work for other interests and other goals.

After a period of around half a minute, one of the members of the class began talking to or shouting at the speaker. In substance, he complained that the speaker was wasting valuable educational time that he had paid for, and demanded that the speaker depart forthwith. His language was in part vulgar. As the speaker continued, the law student made his way toward him, and, after further verbal exchanges, grasped the hood of his parka. The

speaker was pulled or slipped to the floor, but was apparently uninjured, quickly regained his feet, and resumed the verbal exchange. Professor Herwitz, who reached the two at about the time the speaker was picking himself up, talked briefly with them, asked the law student to return to his seat, and escorted the speaker from the room. The class then resumed. The following day, Professor Herwitz announced to the class that the law student had apologized for his behavior.

It is clear to the Board that in the kind of situation above described the use of physical force by a member of the class cannot be condoned, and would warrant disciplinary action in the absence of persuasive mitigating circumstances. The dangers of giving leeway to self-supported enforcers of classroom discipline need no elaboration.

Where an unwarranted disruption of a class has occurred, it is the

responsibility of the teacher in charge to endeavor to persuade the intruder to be silent or leave, and failing in that effort to secure his removal by proper authorities. And certainly where the intruder has persisted in his disruption after a request that he desist, an inquiry with a view to possible disciplinary action would be appropriate.

In this particular case, while having no doubt that the conduct of the law student was unacceptable, the Board has concluded—on the basis of informal discussions with complainants, with other witnesses, and with the law student involved—that the institution of formal proceedings would not be appropriate for the following concurrence of reasons:

1. It is at least doubtful, if not improbable, that there was any intent to do physical harm to the speaker, and none was done. Some witnesses stated that the student pulled the speaker to the floor;

Published weekly ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 495-4418. Subscription price: \$3.00 semester, \$6 year mailed; students, \$3.00 year distributed at the Law School. Individual copies: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1972 by The Harvard Law School Record Corporation.

al Action Threatens Tempaper Agencies

By David Cocke

Representatives of a number of colleges and universities met yesterday with officials of the Massachusetts attorney general's office to decide what to do about the growing problem of tempaper agencies in the Boston area. The meeting followed last week's announcement by the Harvard *Crimson* that one of its reporters had uncovered a recently stolen tempaper in the offices of a Boston tempaper supplier.

Daniel Steiner '58, general counsel to the University, said that the meeting would probably be the first of a number of gatherings of college officials to develop a strategy to end the operations of the agencies. He said that the theft might result in legal action being taken against the supplier caught with the stolen

paper — Tempapers Anonymous.

The agencies specialize in providing tempapers on a wide variety of subjects for a cost of about three dollars a page or more. Some emphasize that they are to be used for "research" only. Others are much less subtle.

One advertisement for such an agency solicits business "when you're in need of a paper for a reference purpose, or whatever..." Another touts "Rushed? Hassled cramming? Limited Research Time? Let the No. 1 Professional Service Shoulder the Load!" Each of the agencies emphasizes its connections with a national market, supposedly not to guarantee variety so much as anonymity. After all, the buyer's first worry is whether the paper will be recognized.

This problem was dramatically demonstrated last year when two Harvard students handed in identical tempapers to a British history professor. Both had bought the papers from Tempapers Unlimited. Both were asked to leave the University.

Steiner remarked that this activity was not particularly widespread at Harvard. "One thing that I have heard," he said, "is that greater specificity is required of papers in the College than at other schools. It is a serious situation nationally. What is a problem here is tempaper theft."

Harvard's Problem Is Tempaper Theft

The stolen paper uncovered last week by the *Crimson* was one of 40 taken from the offices of Harvard professors during the period between semesters. It was a 21-page analysis of the McCarthy era written for a class in "Working Class Politics" and reported missing only one week ago. The paper was offered for sale to a *Crimson* reporter posing as a prospective buyer.

"I didn't know it was stolen," said Sheryl Resnick, a manager of Tempapers Anonymous. "God, am I pissed." Resnick and her partner, Barry Levine, have only been in operation for a few weeks and are fairly new in the busi-

TERMPAPERS

CHAMPION TERMPAPERS

536-9700

FABULOUS JANUARY

WHITE SALE

DYNAMITE BUYS!!

PRICES SLASHED ON

ALL USED PAPERS

CHAMPION TERMPAPERS

636 Beacon Street

in Kenmore Square

Boston, Mass. 02115

(617) 536-9700

QUALITY BULLSHIT

Quality bullshit is back to take the load off your head. We write to your needs. Q.B.S. can relieve your verbal constipation of synthetic education. Call 738-0488 anytime.

Charles Soberman

Advertisements for tempaper agencies abound in local underground papers.

ness. They said that they acquired the paper as part of a trade from Minuteman Research of Queens, New York.

The *Crimson* talked to Alan Kay of the New York firm who said he acquired the paper as part of a "batch of a couple of hundred" from a man named "John." John supposedly supplied the papers from a number of schools including Harvard for a price of 10 to 25 cents per page.

Resnick was upset not only about the possible charge of receiving stolen goods but also about the reputation of Tempapers Anonymous. "We have to know where our papers come from," she is quoted as saying. She insisted that her agency has refused to deal in stolen papers, although they have been offered for sale. As a result of the *Crimson* exposé, she says that Tempapers Anonymous has stopped buying papers from "kids."

(Continued on Page 14)

Disposition

others stated that the speaker either slipped to the floor or seemed to fall voluntarily; the student stated that he had no intent to pull the speaker down and was surprised when he fell. The latter versions are corroborated by the fact that after the speaker fell, no further contact or attempt at contact was made.

2. In light of the rapidity of the student's initial response, and his own version of what transpired in his own mind, it seems reasonably probable that his actions were the product of a sudden emotional impulse rather than any conscious deliberation.

3. The student quickly regretted and apologized in writing for his actions, and agreed and has continued to agree they were without justification. He expressed difficulty in understanding his actions, as they were wholly contrary to his past patterns of response. The Board believes his expressions to be genuine.

4. There is no reason to expect any repetition of this or similar conduct by the student involved.

Accordingly, the Board considers the matter to be closed.

New Courses Offered As 10 Profs Return

A movement toward smaller, more "relevant" courses was detected in the 1972-73 schedule approved by the faculty this week. A comprehensive selection of First Year Electives and a new "concentration" program will join with other new courses to help make the curriculum more meaningful to law students.

Approximately 10 students will be offered a chance to do intensive study beyond the scope of third-year papers under the concentration program, earning up to six credits. The program in these cases shall consist of reading, research and field work "appropriate in light of the subject matter." If successful, additional professors will offer "concentrations" in their areas of expertise in 1973-74.

The Law School, in cooperation with the Kennedy School, will offer three new courses — *Law*

be taken independently, though it is recommended that students taking *Policy Analysis* also take *Statistics and Fact-Finding*. Credits in these joint courses will not count as part of the cross registration quota.

A new course entitled *Law and Public Policy: Policy Analysis* will be taught by Professors Philip B. Heymann, Stephen G. Breyer, and Laurence H. Tribe and professors of the Kennedy School of Government. A year course, it is one of three suggested by the Committee on Public Policy Courses, and will stress (1) use of descriptive "models" of individual and institutional behavior, (2) exploitation of techniques such as utility theory, decision trees and cost-benefit analysis, and (3) systematic thinking using game theory, microeconomics and market simulation.

Effort will be made to relate the techniques of the course to "relevant" issues such as trial tactics, pollution and desegregating urban housing. Professor Heymann's *Decision Making* will be integrated into the new course and will not be offered separately.

Professor Lance M. Liebman and two Kennedy School professors will teach *Law and Public Policy: Political Processes*. Professor Lloyd L. Weinreb and two Kennedy School professors will teach *Law and Public Policy: Statistics and Fact-Finding*.

Visiting Professor for 1972-73 Gerald Gunther will teach *Advanced Constitutional Law: Freedom of Speech* in the fall (two hours, 3L only) in addition to the First Year Elective *Constitutional Law*. Gunther is presently a professor of law at Stanford Law School.

Group A of the First Year

Con Law Expert Named Visiting Prof

Electives offers nine courses which will be given on a two hour basis in the spring. Included among these courses are such topics as *Environmental Law: Air Pollution*, Professor Richard B. Stewart; *Law, Lawyers and Social Change*, Professor Derrick A. Bell; *Law, Technology and the Environment*, Professor Milton Katz; *Origin of Judicial Review*, Professor Morton J. Horwitz; and *The Western Legal Tradition*, Professor Harold J. Berman.

Two three-hour courses comprise group B. *Administrative Law* will be taught by Professor Clark Byse and *Legal Process* by Dean Albert M. Sacks.

The last First Year Elective group, Group D, will meet one and one-half hours per week until the spring vacation and includes six courses: *Consumer Credit*, Professor John P. Dawson; *Civil Rights: Private Damage Action for Deprivation of Civil Rights*, Professor John H. Mansfield; *Jurisprudence*, Professor Richard H. Fried; *Law and Socio-Economic Organization*, Professor Oliver Oldman; *Suburbs and Cities: Issues of Integration and Finance*, Professor Lance Liebman; and *Television and the Law*, Professor Roger D. Fisher.

An attempt was made to offer as many courses as possible in

(Continued on Page 16)

Concentration Possible Under New Program

and *Public Policy: Political Processes*, *Law and Public Policy: Statistics and Fact-Finding* (each three hours in the fall), and *Law and Public Policy: Policy Analysis* (three hours through both terms). They will be of unlimited enrollment and open to all 2Ls and 3Ls.

Each of the three courses may

JAMES F. BRINE, INC.

29 Brattle Street Harvard Square
SPORTS EQUIPMENT AND APPAREL FOR THE ENTIRE FAMILY

SKI EQUIPMENT NOW 25% OFF

Skis, boots, bindings, poles
Men's and women's parkas and warmup pants also 25% off.

HOCKEY — SOCCER — BASKETBALL — FOOTBALL
TROPHIES AND ENGRAVINGS

"Better Buys at Brine's"

Johnson Suggests Public Television Plan

By Nick Akerman

Sporting a flashy multi-colored tie and a bushy head of hair, Nicholas Johnson, a Lyndon Johnson appointee to the Federal Communications Commission, spoke to the Harvard Law Forum last Friday evening.

He had a few kind words for commercial television. "The purpose of commercial TV is not really to entertain or inform. It is to attract huge mass audiences, hold them to the tube for hours at a time, and sell those audiences to the highest bidder. The advertiser wants the program that will attract the most, and repel the fewest members of the audience. That's why we are surfeited with year after year of incredibly bland programming."

In order to achieve a greater diversity in American broadcasting, Johnson stated there are two alternatives — cable television and non-commercial television. But because "the FCC has so far severely retarded the growth of cable TV in this country," the only alternative is public broadcasting.

"If we view it in that light as a positive alternative to the built-in limitations of commercial radio and television — we can all agree that this country desperately needs public broadcasting. It is no frill. It is a necessity. No other civilized nation in the world tries to do without it."

He emphasized that "there must be some definition of the goals of public broadcasting. I think we can all agree that the job of public broadcasting is to provide solid programming alternatives for the millions of Amer-

icans who are not served by the commercial system, a system completely dedicated to serving the marketing strategies of mass producers of goods and services. It is public broadcasting's job to



Peter Hlavacek
FCC Commissioner Nicholas Johnson

discover the weaknesses and limitations of commercial broadcasting and to fill those voids."

To make public broadcasting more effective, Johnson stressed that "public broadcasting needs adequate financing. You cannot rationally expect \$34 million in federal funds to satisfy the needs of 200 television stations, 90 radio stations, and the variety of national program production centers that exist today."

Johnson blasted the Congress for failing to provide the necessary funds for public broadcasting and the Administration for providing "no leadership at all."

"In my opinion, we ought to start our discussion about public broadcasting with an annual fi-

nancing figure of \$500 million," said Johnson.

"If we funded public broadcasting in this country with the same proportion of our gross national product as Japan, we'd be budgeting it at a level of \$1.8 billion."

With respect to the allocation of such funds, Johnson suggested that "the ideal funding system would provide one-third to national networks, one-third to local stations, and one-third directly to individual artists and program producers. One of the greatest frustrations that any artist feels is the necessity to work within a rigid bureaucratic structure."

Johnson also expressed agreement with the Carnegie Commission on Educational Television, which recognized "the dangers that could result from having public broadcasting funded through the annual appropriations process, recommended that funding be long-term, so as to be spared from the vicissitudes of political life, and insulation provided through some kind of automatic funding device like an excise tax on the manufacture of television sets."

Along with a lack of funding, Johnson lashed out at political figures and corporations for "using their influence to object, often successfully, to particular programs or segments which make them appear in a bad light."

"There are episodes too frequent to mention — like WETA-TV, Washington, D.C., refusing to carry the documentary *Who Invited Us?*, about American imperialism; or the station refusing to carry a Consumers Union special on television repairs after a local television repairmen's association objected to its contents; or the Nader Report on Mobil Oil commercials postponed just about the time that Mobil Oil made a \$1 million contribution to public broadcasting."

Johnson stressed that radio
(Continued on Page 14)

PUBLIC INTEREST LAWYERS

Boston attorney seeks other attorneys to form litigation and action-oriented public interest law organization. Interested third-year students may respond. Send name, address, experience to Box 100, Harvard Law Record.

ILS Panelists Point out Jobs

By Daniel M. Taubman

How can you be admitted to the Communist Chinese Bar?

How can you acquire a yen for borrowing Japanese currency?

Why may it be advantageous to you to become friendly with the President or one of the senior U. S. senators?

These and other questions were considered Wednesday and Thursday, February 9 and 10 at two panel discussions on career opportunities in international law sponsored by the International Law Society.

More than 150 students attended Wednesday's program to hear three Law School graduates and a graduate of Yale Law School discuss their work with two corporate law firms and two international corporations.

The following day, 110 were present as four speakers, including Professor Abram J. Chayes, discussed job opportunities in the public international field.

Richard Murphy '57, general counsel to Arthur D. Little, Inc., a diversified consulting and re-

search firm, explained he works as a "traffic cop of international legal problems." As "house counsel" for Little, he must "dabble in many trades without ever having the opportunity to become terribly proficient in any one of them." But by maintaining working relations with attorneys in

volves giving business as well as legal advice.

"I don't consider myself an international lawyer," he said. What I do in an international context is about the same thing I do in the United States — mergers and acquisitions.

A "basic grounding in corpo-

Taxation Course Essential for Future International Lawyers

some 50 firms, he fulfills this "traffic cop function," spotting problems himself and contacting specialist lawyers for advice.

Little's clients are primarily American corporations operating outside the United States, foreign corporations, and foreign governments.

Murphy recommended *Taxation* as an essential course for students desirous of pursuing careers in international law.

Henry R. Webb '66, general counsel for the Cabot Corporation, explained his work often in-

rate law" would be useful in private international law, Webb suggested.

George Schenk is an associate with the New York firm of Coudert Brothers. The young, 1970 graduate of Yale Law School worked in Paris for four months before assuming his duties in New York.

His employer, Coudert Brothers, is one of the largest international law firms, with one third of its 60 members involved in the international arena. In addition, the firm employs 15 American and 15 European lawyers in its Paris branch, six attorneys (including former Organization of American States Ambassador Sol M. Linowitz) in its Washington office, 15 lawyers in London, and five in Japan.

"What we believe is most valuable is one who has an understanding of the client's culture. Most of the time you must understand why your client is misperceiving his general situation or what you are saying to him," Schenk explained.

Balding, bearded, with rimless glasses, William Brewer '49 works with the Boston firm of Hill and Barlow.

In his medium-sized firm, about 75 per cent of his clients are American corporations, with the remaining quarter clients overseas.

Brewer termed his firm a "department store," in which the in-

THREE CRISES OF BRITISH POLITICS

a series of discussions with

ROY HATTERSLEY

Member of Parliament (Labor),
former Minister of Defense (Administration),
and Fellow of the Institute of Politics

Tuesday, February 15 RHODESIA

Tuesday, February 22 THE COMMON MARKET

Tuesday, February 29 IRELAND

ALL SESSIONS ARE AT 4 P.M. IN WINTHROP JUNIOR COMMON ROOM. OPEN TO ALL INTERESTED.

Sponsored by the Institute of Politics, Kennedy School of Government.

in International Law

ternationalist is "primarily a lawyer and secondarily a specialist." Within the firm "you're not set off on a pedestal." If it's a corporate firm, you do corporate work; if it's a trial firm you do trial work," he said.

International firms don't look for one interested only in international law; they prefer those with general interest who wish to concentrate in the international field.

Explaining that his work covered a broad range of skills, Brewer listed among his problems exports, establishing subsidiaries, foreign mergers, portfolio investments, immigration, customs, and foreign divorces.

At the second panel discussion, David Smith '61, secretary of the International Legal Studies Center, surveyed international-oriented fellowship opportunities. Each year 20 to 25 Harvard students study or do legal research abroad, he said.

Professor Abram Chayes, former State Department legal adviser, confessed he had "taught nothing in the international field at all before I was appointed."

The State Department's legal branch, which employs some 60 attorneys, provides advice with respect to legal problems arising out of foreign policy.

"It was no different from a Wall Street firm," Chayes commented. "It was terribly impor-

tant to generate business for the office," he said, adding that there was a lot of legal work that never got done.

Chayes cautioned that job opportunities with the State Department are limited "in the sense that if all of you [here]



Charles Soberman

Panelists Piero Sella, Paul Szasz, and David Smith talk about career opportunities in international law.

went down there you wouldn't get jobs."

Viennese-born Paul Szasz, senior legal officer to the United Nation's legal counsel, also stressed the limited job opportunities in public international law. All international organizations, including the UN, its related agencies, and the Common Market, employ

some 220 lawyers. And the number of American lawyers is even less, he said.

The UN establishes a quota of about 25 per cent for American employees, while job possibilities with the European Common Market are even slimmer since the United States is a nonmember.

Given the tight market, persistence, "being on the spot" and knowing people are useful devices for securing employment, Szasz said.

Piero Sella, assistant general counsel of the World Bank, explained that "we have to make sure borrowers are legally bound to repay what we loan them." This is done by providing guarantors for loans, ensuring that borrowing governments are committed to the projects under the proposed loans, and advising "our clients not to ask for too much."

Sella stressed the importance of speaking foreign languages and a "certain ability to understand other legal systems" as prerequisites for work with the World Bank.

Oh, yes, about those questions. Murphy said he didn't know, but he did understand it was possible to be admitted to the bar of the People's Republic of China. Sella explained that at the World Bank, "we've been able to borrow without knowing Japanese." And finally, Szasz confided that if you personally know the President or senior United States senators, they might effectively exert influence on your behalf to get you a job at the United Nations.

HARVARD CIVIL RIGHTS — CIVIL LIBERTIES LAW REVIEW

announces the publication of Volume 7, Number 1

Articles:

Paul Dimond on Northern School Segregation

E. Richard Larsen on Racial Discrimination in Private Employment

Comments:

Serrano and Equal Protection

Campaign Spending Limits

Maternity Leaves

Book Review:

Edgar Z. Friedenberg on *Deschooling Society* by I. Illich

Subscriptions: \$6.50 regular, \$4.00 student; single issues: \$2.50 regular, \$2.00 student.

Harvard Civil Rights — Civil Liberties Law Review, Langdell Hall W135, Harvard Law School, Cambridge, Massachusetts 02138

Visiting Professor Bellow Regards

By Kermit Kubitz

The office of Visiting Professor Gary Bellow is spare, some bookshelves completely empty, others briefly filled at either end. The office hides behind the second story stacks, as if ashamed that its inhabitant is not half buried beneath briefs and *billae verae*. The books are not musty legal fare, but contemporary, as are the photographs, except for one of O. W. Holmes, framed, with a letter. They reflect the taste of the occupant, formerly of Manhattan Beach, California; telephone unlisted, according to the resume; age 36.

Gary G. Bellow, B.A. Yale '57, Legal Aid, P.B.H., Bruce Club, says the caption in the 1960 HLS yearbook. The hair is a little longer now, and perhaps ticked with gray. In 1960 Assistant Professor Derek C. Bok cautioned a meeting of the Harvard Law School Young Republican Club that "doctri-

HLS, Inflexible and Immovable, Now Seen As More Diverse

naire political shibboleths" would not solve the steel strike, while a senior partner in a Boston law firm asserted that the number of people passing bar examinations is decreasing, and therefore, with the continuing prospect of rising population "there is no reason why the lawyer cannot maximize his income if he follows efficient methods of office management."

"What would you be doing if you were in Southern California?"

"Walking on the beach — or teaching. I was teaching the *Lawyering Process* course, working on the law school curriculum, and on my own litigation."

"Are you involved in any litigation now?"

"No, not in Massachusetts. While I'm here I want to spend a few years thinking through the assumptions implicit in this method of teaching."

Rewind 10 minutes. Waiting for the subject to arrive. There are a few scrolls — New York Bar, D.C. Appeals Court, California Supreme Court. The pictures are more interesting. A youngish Bellow in a large group on what appears to be a hilltop with a mountain range in the background.

"That's the staff of California Rural Legal Assistance on the Monterey Peninsula. Someone said we should have a picture, so we just all went out there and took it."

Another picture, Bellow, in the foreground, dressed casually, speaking into a microphone. In the background, a sign reading, "Free Rent for Farm Workers."

"That's a rent strike. They were living in a place that John Steinbeck called in 1937 the best

farm workers' camp in America. Well, it hadn't changed since then. Tin shacks, 115 degrees inside, and they were raising the rent."

"What do you think of coming back to Boston, and the relative benefits of big and little places?"

"I lived in a little town in California, McFarland, about 3000, and handled an area about the size of Massachusetts, Kern County. I like rural areas as only someone from Brooklyn can. They really throw you back on yourself. They force you to find stimulus in what you're doing, and in being alone and it's quiet. That's very good for people. It's so much different in a city, so much outside stimulation. But then you miss the city and all it has to offer."

Rewind again, listen to Bellow talking to Jeri Fitzgerald, his secretary. He gives the impression of a man for whom the day is just a few hours short.

"... and close that, thank you for your patience in these matters. And see that he gets the backup budget ... or should I dictate a whole new letter?"

Jeri says, "I'll have to type the whole thing over anyway."

Bellow comes in, closes the door, puts feet up on the typing shelf of the desk. Looks like he's wearing hiking boots. Definitely not wing tips.

"How did you happen to come back to Harvard?"

"I was asked to come by Derek Bok — who said the Harvard faculty was interested in experimenting with clinical teaching methods."

"How did it go here?"

"I think we have a lot to learn. We're only beginning to find ways to capture the student's field

Attorneys' Lack of Skill, Perception Recognized During CRLA Work

experience in the classroom — how students learn, what the best pedagogy is. The clinical method at its best is a methodology, not a subject.

"How did you become a clinical teacher?"

"When I left law school I went into public defender work, then into administration of a poverty program and street organizing, then California Rural Legal Assistance. Law is a political instrument and it is important that it be used as such. We took on the job of training new lawyers that came in and these young attorneys had neither the skills, nor the perception of the process, nor the perception of their own roles that would enable them to teach themselves."

"Legal education sees itself as channeling people into a particular segment of society — often firm, often large, and leaves it up to the partners to

Law as Political, Social Instrument

fill the gaps.

"We began to lose people in two ways. Either they left, or they stopped trying to learn and started to process cases by rote. I went to USC to teach courses in poverty law. Students were not being exposed to the problems of the poor in commercial transactions, or to the application of poverty law to the problems of slums. But the prob-

Methodology, Not Subjects, Educate Young Lawyers

lem is not more subjects, it is the particular method by which students are taught."

"Were you dissatisfied with these methods when you were in law school?"

"I thought the study of law was challenging and interesting. I thought it lacked subject matter content because I wanted to be a criminal lawyer and there weren't very many criminal law courses, so I went to a year of graduate school in criminal law.

"When I got into practice, I felt that I had very little of what I needed to practice, and too little understanding of the way the law job fits into society and institutions—I had to appear before a judge and didn't know what to do. I had to deal with a client and I was afraid I was going to hurt him. I had to understand what was happening to me without the framework good education provides."

"How much has Harvard changed since then?"

"Quite a bit, although I can't be sure. As a student, I saw it as inflexible, immovable, and class biased. It's much more diverse now. As a new faculty member I can see many more differences of opinion and approaches than I had guessed, and I don't agree with some of the directions in which it's going."

This spring he teaches *The Lawyering Process B* from two until five Friday afternoons. He wants to work through for a few years the ideas implicit in this teaching method. His publications are right out of the legal aid briefcase, for example, "Reflections on the Problems of Caseload Limitation," 27 *Legal Aid Briefcase* 195 (1969) or "The Lawyer and the Dilemmas of Community Organization," *The Law and the Poor in Ohio* (OEO 1969).

He sees a need for more people trained to perform advocacy functions in this complex society but, "whether only lawyers ought to be trained to do the law job and benefit from our particular monopoly, I don't know."

"What difference does the size of the school



Charles Soberman

Visiting Professor Gary Bellow seems omnipresent in clinical legal education.

make, USC's 450 or Harvard's 1500?"

"There is less sense of community here, and you have to work harder to maintain relationships. There, we went to each other's classes, we knew much more about what was going on in the school."

"Some people have proposed instead of increasing clinical work to cut law school to two years. What do you think?"

"I think it would be a shame. It's a form of throwing up one's hands in the face of reconceptualizing. I still believe there is a great deal that can be learned about the law in three years. I'd like to see the curriculum blurred at both ends, see the first year draw on perspectives from the undergraduate years, so the change is less abrupt, and have the third year spread out over the fourth and fifth years, out in practice. The lawyer's education is a long process."

Someone else is waiting outside the frosted door. The interview ends, but the lawyering process goes on. We go out. Someone else comes in.

"Hi, I'm from the Prison Legal Assistance Project. . . ."

Bellow extends his hand.

Prof Freeze

While the Law School is running a monetary surplus of \$50,000 this year, next year's tuition increase will only allow the School to break even, according to Dean Albert M. Sacks. The fact that the monetary surplus existed only because there was a large number of faculty on leave and an abnormally high number of students highlights a pervasive problem which also plays an all-too-important role in the current discussion over clinical legal education.

We all accepted the high student to faculty ratio when we decided that Harvard's reputation indicated it must not be too important in developing good lawyers. We came to understand, or rationalize, that small classes weren't necessary for the study of much of the law and were content to attend classes with 150 students or more. The new curriculum schedule for next year indicates a trend toward more small classes but a nagging question remains — where are the additional professors needed to staff the necessarily greater number of courses?

The decision to hire clinical professors is made difficult by the fact that the opportunity cost of such a hiring is the loss of a more "nuts and bolts" professor. It doesn't take much investigation to see that HLS needs another *Civil Procedure* professor, for example, with one class' professor "to be announced" and another professor nearing a deserved retirement.

It is no wonder that the School is seriously considering the expansion of existing courses to include a clinical element as an acceptable solution to the clinical problem, even though the fit between legal and clinical may not be perfect and the professor may not be versed in clinical course methodology. Put at its simplest, Harvard Law School cannot afford to hire more clinical professors. Even if there were more Gary Bellows running around, the School could not hire them without some extensive financial shuffling.

Before the Law School can adequately develop its clinical program, it must first take a hard look at its policy as to student-faculty ratio. Other prestigious law schools have managed to offer a lower ratio at approximately the same tuition cost to the student. Only by moving in this direction can Harvard put itself in a position where it can do much more than just fill vacated positions in traditional courses.

HARVARD LAW RECORD

GREG WARD	Editor
DAVID COCKE	News Editor
PAUL WEINER	News Editor
RICHARD McMANUS	Assistant Editor
DAN TAUBMAN	Assistant Editor
KERMIT KUBITZ	Associate Editor
ROBERT MCGAW	Associate Editor
MICHELLE SCOTT	Senior Editor
JERRY SNOW	Senior Editor
CHARLES SOBERMAN	Photography Editor
TERRY COLEMAN	Business Manager

Staff: Bob Hernandez, Carol Plumb, Hoffer Kaback,
Lavell Jackson, Willard Fraumann, Nick Akerman,
Lisa Friedman, Robert Dwyer, Joel Seligman
Bert Halprin, Bob Brown, Robert Flanders, and Paul Gupta

Photographers: Chris Lutz and Peter Hlavacek
Cartoonists: Michael Hudson and John Hagen
Secretary: Elaine Burke

Fenno

(In one corner of the Multipurpose Room, the Hare Krishna band stiffens and begins to play "Ruffles and Flourishes." In another corner, there is a sudden stirring and then the gray men, in business suits, start to move, rapidly and with eyes darting, toward the center of the room. Behind them is another man, who walks with a quick and sure pace. He goes to the lectern.

It is Fenno.)

Fenno: Gentlemen. I have come to the historic Multipurpose Room of the Harvard Law School to announce my candidacy for the Presidency.

I have no further statement at this time. I will take questions if you are foolish enough to ask.

Mr. Areeda (Associated Press): What is your view on oil import quotas?

Fenno: I will keep oil in the family.

Mr. Freund (Loeb Publishing): As you know, there has been much discussion and controversy regarding the proposed Sex Amendment to the Constitution. Do you have a position on this?

Fenno: I most certainly do. But I feel that, in these troubled times, all Americans should be free to take any position they like.

Mr. Steiner (Rapid Wire Services): Were you the President, what type or kind of action would you take in regard to the recent seizure by the naval forces of Afghanistan of an American shipment of vichyssoise?

Fenno: I feel it is important not to be hasty in these matters. One must be philosophical. I would send the leader of Afghanistan a formal diplomatic note reading "eat, drink, and be merry," etc., etc.

Mr. Cox (Esquire): Have you given any thought as to who your Attorney General would be?

Fenno: Yes, I am considering several faculty and graduates of the Harvard Law School. No one else, it is needless to say, would be qualified.

Mr. Dawson, (Munich Star-Ledger): Would you be willing to provide price supports for the American malt crop?

Fenno: Yes.

(Unidentified): Are you in favor of bussing?

Fenno: Absolutely. Also hugging. Especially in front of a fire.

Thank you, gentlemen.

Letters to the Editor of the RECORD

Law School Lauded On New Woman Prof

To the Editor:

Congratulations to Harvard Law School for recognizing that, after only seventeen consecutive one year appointments as Lecturer on Law, Elisabeth Ann Owens deserves the position of tenured professor.

Anne B. Pringle

Will the Poor Be Served?

To the Editor:

I hope that those who are pressing for increased students' clinical programs are giving thought primarily to the poor who are to be served. Treating people as means rather than as ends has been immoral at least since Kant.

Reuben Goodman '38

Too Much Attention To Alleged Assault

To the Editor:

Pray tell why the alleged "assault" reported in the January 28th issue of the RECORD merits (i) a serious editorial questioning why such action is "condoned," (ii) a "factual" report of the incident by Bob Hernandez, and (iii) a full page analysis of the incident by the same Mr. Hernandez.

I seriously question whether anybody in the administration is "condoning" Mr. Morris' behavior. Mr. Morris is assuredly sorry for the momentary loss of his temper and has apologized to Professor Herwitz. The "victim" was not injured. The matter should be considered closed.

One wonders whether the RECORD in fact considers the incident so serious as to warrant such attention, or rather whether the RECORD is seeking to discredit the administration by demanding action in a matter which clearly does not deserve further action.

Phillip J. Hanrahan '66

'Scuffle' Backbencher: Strange Viewpoint

To the Editor:

The analysis of the "classroom scuffle" incident by "the backbencher" appearing in the January 28 issue displays a strange point of view. Nowhere in the article is there any indication that the victim of the alleged assault desires that his assailant be brought to justice or that criminal proceedings be brought against him. If he did, with or without the assistance of one of your editors, it is a short bus ride to the Cambridge District Court to apply for a complaint.

Apparently it is the viewpoint of the RECORD that it is the responsibility of the Law School to see that criminal proceedings are instituted. Were this view universally accepted, our already jammed courts would be further burdened with every burst of temper in any public place. Is this really what you want?

Charles H. Resnick '50

RECORD Children Advised on Rights

To the Editor:

I agree that some action should be taken with regard to the classroom scuffle reported in your January 28, 1972 issue.

The "unidentified" undergraduate (and the RECORD complains about a cover-up!) should be firmly disciplined for his unauthorized entry to and disruption of the class. Edward L. Morris should be commended for refusing to recognize that this intruder was privileged to interfere with the class proceedings.

The RECORD's comments minimize this unauthorized interruption of a class, and point an accusing finger at the person who had the courage and conviction to object. It is time the children running the Harvard Law RECORD realize that so long as a person is part of society, he must recognize and honor the rights of others, and that his failure to do so should be corrected immediately and decisively.

Leonard H. Farmer '48

Too Much Attention To Alleged Assault

To the Editor:

The RECORD for January 28 reports an incident in Professor Herwitz's *Business Planning* class and carries a special column about the incident. I am hundreds of miles away and do not intend to condemn or condone, but, really, must one not hear from the undergraduate affected before one has any thoughts one way or the other for serious public consumption?

Ancil N. Payne, Jr. '61

Law Notes

Summer internships in civil rights and poverty law are available through the Law Students Civil Rights Research Council. Pay is \$50 per week. Applications are available now at the CRCL office in the basement of Langdell and are due by February 23.

* * *

A study of the legal system as it actually operates is the mission of the new *Journal of Legal Studies*, edited by Professor Richard A. Posner of the University of Chicago Law School. The *Journal* will appear twice a year.

It is hoped that the *Journal* will provide information which will make legal and social reforms more likely, acting as a forum for scholars from all disciplines concerned with the study of the legal system.

Subscriptions at eight dollars per year (\$14 for two years) are available c/o the University of Chicago Law School.

Law Wives' Annual FASHION SHOW

Sat. Mar. 4
Luncheon 2:30 - 4:30
Jordan Marsh
Burlington Mall

Tickets:

\$3.00 dues-paid members,
\$3.50 others.

Call 661-3346 for information,
tickets, transportation.

Student Teams Simulate Crisis in Mideast

By Paul Weiner

From "1600" Friday, February 11 to "1200" Saturday, February 12, students in Professor Roger D. Fisher's seminar on *The Middle East: Roles for Law in Conflict Resolution* simulated a hypothetical Middle East conflict in the second half of May 1972. This simulation was planned by Clifton A. Leonhardt, 3L, a member of the seminar.

The game starts off from a scenario in which *Le Monde* has announced that Israel has nuclear weapons. President Sadat of Egypt, embarrassed at not having made 1971 a "year of decision", has threatened war by June 30 if no settlement is reached with Israel.

Students were divided into three teams of four representing the U.S., the U.S.S.R., and Israel, and three sub-teams of three representing Egypt, Jordan, and the Palestinian Liberation Organization (PLO) combined with Syria. The three sub-teams together comprise the Arab team.

Leonhardt; Professor Fisher; Roscoe Suddarth, a Foreign Service officer spending this year at MIT; and Colonel Thomas Fisher, a member of the faculty at the Fletcher School of Law and Diplomacy, played Control. Control was responsible for Xeroxing messages from one team to another, playing the roles of the United Nations and countries not represented by teams, and arranging face-to-face meetings between teams on the few occasions when they occurred. Control is, in effect, God and nature.

The participants played through three move periods. All other activity ceased as the Arabs and Israelis met in face-to-face peace talks at 11:45 Saturday morning.

Most team members identified closely with their assigned roles. Several reported dreaming about the game overnight between move periods. One player, who says he only gets hemorrhoids when extremely nervous, reported the first flare-up in his condition in three years during the first evening of the game.

In the critique following the game, some participants criticized the realism of the teams' moves. One member of the Israeli team thought that the Egyptians and Jordanians had not been as bellicose as they would be in the real world.

The members of the Arab sub-teams emerged convinced that each had a distinct and difficult bargaining position.

"More so than before the game, we realized that Jordan's interests are not those of the rest of the Arab world." The Jordanians pointed out that "we really had to come to terms with the Israelis separately." Had Egypt proceeded to its settlement with Israel on Sinai, the Israelis would have had little reason to negotiate with Jordan.

They saw the PLO as wanting to liberate the Palestinians from the Hashemite Kingdom once the West Bank was regained. "Maybe Hussein would be better off as just king of the East Bank."



David Guberman

Clifton A. Leonhardt, 3L, briefs Mideast game teams.

The Palestinians thought they had been ignored because they had no territories or armies to use as bargaining chips. They could attract only some little attention by acts of terrorism.

The Egyptians saw themselves "between the devil and the deep blue sea" — the conservatism of the Jordanians and the zeal of the Palestinians.

The Israeli team admitted that they had never asked Control whether the story about atomic weapons in *Le Monde* was true or only a rumor. The U.S. intelligence sources, however, had ascertained its truth.

Eliot G. Disner, 3L, the Israeli premier, thought that "We never did come up with a Palestinian solution because there probably isn't a Palestinian solution."

Another participant thought that the exercise well illustrated it is "not untypical for a government to overlook the causes of a problem and just deal with the crises and events."

Many players found themselves just reacting to events, and not planning where they were going. Professor Fisher thought this typical of diplomacy: "The incoming cable is the focus."

One surprising aspect of the game was the way in which the Israeli and Arab teams pre-empted the attempts of the Americans and Russians to direct a solution for the crisis. "Are leaders in the real world so egocentric?" asked a U.S. team member after the other teams had recounted their strategies with only a passing nod to the U.S. "We actually thought we had control of all the teams."

Another unexpected result was the way in which the introduction of nuclear weapons led to stability rather than to war. In the game, the nuclear deterrent made Israel more secure and hence more willing to compromise.

"The thing that surprised me most was that the game worked," said Professor Fisher. The teams were "playing the game to the hilt and not arguing about the shape of the board."

The Jordanians and some other players had thought that Control had been manufacturing incidents on its own, but Control tried not to pre-empt the moves of the playing teams. Control only initiated activity on its own twice, first in Gunnar Jarring's mission to the Mideast and later in Peking's overtures to Palestine/Syria.

According to Leonhardt, "I added [the UN initiative] because I didn't want a basic emphasis on war and war games. The exercise was designed basically to investigate prospects for peace in the Mideast."

Some participants thought that more teams, especially some representing U.S. allies, should have been added to make the game more realistic. Leonhardt replied that the game had had about as many teams as was practicable. He had originally planned to have a team representing the United Nations and only one Arab team, but he decided that representing the Arabs as a monolithic bloc would be too unrealistic.

Some strategists have considered such simulations sensitive enough to test theories of international affairs, but Leonhardt doubts that gaming corresponds closely enough to the real world to be predictive.

"Its best role is educational, giving players a chance to gain new insight into the Mideast conflict by learning through the experience of role-playing. The scenario presents a problem for teams to work on, a sort of modern case method."

Predictive or not, Suddarth is sending the record of the game to Assistant Secretary of State Joseph J. Sisco.

The Boston Consulting Group

ONE BOSTON PLACE • BOSTON • MASSACHUSETTS 02106

INFLATION AND THE CORPORATE PLANNER

Inflation may appear to be bullish to the stock market; it is anything but helpful to the corporation. It means an acute shortage of funds which can choke off growth even though it may stiffen demand. It means earnings that will be reported and taxed but which will never be available for growth or dividends. Even the higher prices for end products are not necessarily helpful when materials and labor costs go up at least as much.

The price effects on inflation receive much more attention than the critical effect on cash needs.

When prices of everything go up, the asset side of the balance sheet must go up in proportion. Except for certain permanent assets such as land, each item must be increased in proportion to the change in price levels. This means that otherwise identical assets must be purchased at higher cost to do the same task that previously could be performed with lower valued assets.

The difference between the original cost and the later cost represents an outlay of cash. This cash had to come from somewhere. It can come from debt or from retained earnings. Either way, there are problems.

If cash comes from retained earnings, it means that taxes have been paid on that income causing a cash drain, yet the earnings must be permanently reinvested in the business. In effect the inflation was really a loss although half of it was reported as a net profit.

If the cash comes from debt, then it constitutes a claim that comes before those of stockholders. Therefore, the debt required because of inflation is in fact a straight deduction from previously reported earnings.

It is not easy to obtain debt to deal with inflation. Creditors want net returns which are still net after offsetting the effects of inflation on the value of money. This means that interest rates become high. Furthermore, no one wants to lend money long term if there is any likelihood of rates of inflation increasing. Long term money gets expensive. Furthermore, everyone needs money at the same time for the same reason, so money may become hard to get at all.

The effects of this are quite different on different kinds of companies. Companies with very rapid capital turnover are hardly affected. Very small increases in prices completely offset the effects of inflation on capital required. Capital intensive industries are not affected at first unless they try to grow. But with time, capital intensive industries must develop profit margins equal to the inflation rate times the capital turnover rate, just to avoid increasing their debt ratio.

Public utilities, chemical manufacturers, computer leasers and heavy machinery producers are particularly hard hit. For them inflation requires very high rates of reported income just to have anything left at all which isn't required merely to sustain the business.

Growth industries with slow capital turnovers are apt to find severe constraints on their growth. It may be impossible to increase profit margins enough to pro-

vide the capital for growth plus provide the capital to offset inflation plus pay taxes on the reported profit which this would make necessary. As a consequence, many growth companies are apt to be particularly severely hurt by inflation.

For any company dividend payout merely multiplies the effect of inflation. Dividends are quite apt to be a casualty if the company is growing and has a substantial capital to sales ratio.

Ordinarily, many capital intensive companies are able to compete effectively at reasonable margins on sales just because they do have high debt levels. These companies can be drastically curtailed in their growth by inflation if debt isn't available to maintain their debt ratio. Just at the time that they must raise added capital to even stand still, they find that they must reduce their debt/equity ratio and supply the added capital for inflation from retained earnings. This may make growth impossible.

The visible effect of inflation is to raise prices. Prices would not rise, however, if supply and demand stayed in balance. Competition would insure that. Prices do rise primarily because suppliers *cannot* grow as fast as demand without higher prices to supply their cash needs. In other words, inflation chokes off growth in physical volume even though apparent dollar volume may increase.

It is clear that growth in reported profits during inflationary periods does not get translated into benefits to stockholders or even to job holders. In addition, however, the effect on competition and corporate strategy can be equally critical.

The corporate planner in the capital intensive industry whose company is growing and which already has a high debt/equity ratio obviously faces a formidable obstacle. Conversely the company with the low D/E ratio in the same industry has an unusual opportunity to steal a disproportionate share of the growth, if willing creditors can be found.

Growth companies face extremely severe problems if their physical capacity expansion means equivalent expansion in their capital investment. After all, a growth rate of 10% annually means the equivalent of doubling capacity by the seventh year. The effect of inflation is likely to shift the competition between growth companies from operating efficiency toward financial resources.

One thing is sure. Inflation of a substantial amount introduces a major added variable into corporate strategy. Certain companies face substantial added handicaps in their competitive performance. Others are presented unusual improvements in the relative opportunity to gain on competition.

Strategies to obtain a competitive advantage from inflation are peculiarly difficult to formulate, however. It is not easy for the strategist to remember that net cash flows are all that count. Inflation often makes a large part of reported earnings unavailable for either growth or dividends — ever.

© The Boston Consulting Group, Inc. 1968

BOSTON • LONDON • MILAN • TOKYO

Johnson Talks

(Continued from Page 5)

as well as television should also be included within the scope of public broadcasting. "Television costs perhaps 10 times more than radio to produce and to transmit, but in many ways is a far less powerful medium than radio. Radio plays far more powerfully on the imagination than television, because it is not limited to the two-dimensional world of the television tube.

"Ultimately, it should be the goal of the Corporation for Public Broadcasting to own one AM and one FM station in every major market of this country. Unfortunately, right now this is not the case. The vast majority of public radio stations are FM and there are important cities all over the country which lack public radio entirely."

During the question and answer session following his speech, Johnson expressed his opinion that the FCC ought to allow counter-advertising on television to expose the deficiencies in advertised products. This statement brought an immediate response from *Administrative Law* Professor Louis L. Jaffe who was sitting in the audience. Professor Jaffe stated that he did not "object to counter-advertising as such" but asked Johnson "whether advertisers would continue to advertise in a system that would expose the weaknesses of their products."

Without responding to the question, Johnson digressed on a moral justification for counter-advertising. But Professor Jaffe, an expert in the socratic method, finally elicited a response, to the delight of the audience. Johnson stated that he believed his proposal would not deter advertising.

SPANISH CUISINE
Beer & Wine
Luncheon 12-2 Supper 6-9
Fri. & Sat. 6-10
IRUÑA 56 Boylston 868-5633

Termpapers Bought, Stolen

(Continued from Page 3)

Boston University has also expressed concern about the term-paper business. The president of that university has appointed Professor Henry P. Monaghan of the B.U. Law School to investigate possible litigation against the agencies. Monaghan refused to comment on possible theories to be used in such a suit. "I will say this," he said. "We intend to act."

Steiner has already mentioned that possible action can be taken on the basis of the theft. He also thinks that Harvard might sue the agencies for unlawful interference with a contractual relationship between the student and the University.

"I think the courts would look askance at the claims by the agencies that they only do research," said Steiner in reference

to a research disclaimer often accompanying term-paper sales.

Steiner did not see the term-paper agencies as a symbol of recently alienated youth. "This kind of thing has been going on for years. We used to associate it with fraternities. Now it has become commercialized." But what particularly disturbed him was that the practice was both "corrupt and corrupting." He cited the thefts and a recent report of a student term-paper writer who was beaten for failing to meet a deadline.

Steiner mentioned that a temporary restraining order was being filed against the agencies in New York and that a Queens legislator had introduced a bill that would eliminate term-paper sales in that state. Similar action, he thought, might be forthcoming in Massachusetts.

SUMMER AWARDS FOR LAW STUDENTS

OPEN TO STUDENTS IN THE LAW SCHOOL FOR WORK IN CONNECTION WITH THE PRODUCTION OF A MAJOR PIECE OF WRITING IN THE AREA OF POLITICS AND PUBLIC POLICY

A PROPOSAL MAY BE SUBMITTED BY AN INDIVIDUAL STUDENT OR A SMALL GROUP OF STUDENTS, AND MUST BE SPONSORED BY EITHER A MEMBER OF THE HARVARD LAW SCHOOL FACULTY OR THE EDITORIAL BOARD OF ONE OF THE RECOGNIZED LAW SCHOOL JOURNALS

FURTHER INFORMATION AND APPLICATION FORMS AVAILABLE AT THE INSTITUTE OF POLITICS

APPLICATION DEADLINE: MARCH 8, 1972

78 MOUNT AUBURN STREET
CAMBRIDGE, MASS. 02138

INSTITUTE OF POLITICS

KENNEDY SCHOOL OF GOVERNMENT
HARVARD UNIVERSITY

2L Would Sue Editor of Yearbook

(Continued from Page 1)

he claims the editing out of the hat came at a much later stage than he had anticipated.

"When the *Yearbook* lists were posted in December," he said "I looked, and to the best of my recollection my name appeared there under the 'pictured' category. I believe they withdrew it." Sutherland's name was listed in the "unpictured" category when the final proofs were posted in Harkness two weeks ago.

Sutherland immediately wrote to Dean Albert M. Sacks and approached Leyden. "I put it in a purely contract thing" he said. "I paid my two dollars and I sat for the thing . . . but when I confronted Leyden he said it was too late."

Leyden said that Sutherland should have notified him after the first lists were posted. Sutherland said that he was listed as "pictured" on the first list and that, in any event, he shouldn't have to watch over their shoulder to see that his picture got in. Sutherland asked to see the first set of proofs. Leyden said they were not available.

Sutherland's pleas to Dean William Bruce brought some immediate response. Bruce penned a note to Leyden which said that "every effort should be made to include Mr. Sutherland's picture." Sutherland, however, isn't optimistic about getting any response from the *Yearbook*.

Leyden, who met with Dean Bruce last week, agreed that he would "make every effort" to see that the picture got in, although he said that the existing layout of the page may make the last-minute insertion impossible. In that event, says Leyden, he does not have to run the picture.

The editor explained that Sutherland was one of seven students whose pictures had been "messed up" during the first week of picture-taking. These persons were

listed as unpictured when the first list went up, said Leyden, and Sutherland was among them. By not reporting the mistake, he said, Sutherland was guilty of laches for not allowing the *Yearbook* to remedy the omission.

"My deadline was December 28," said Leyden, "and any changes I make now are made at great cost." Leyden estimates that to insert Sutherland's picture and necessary copy would cost 10 to 12 dollars.

Dean Bruce Urges Inclusion of Pic

Sutherland's offer to have his picture retaken at a photography studio was declined by Leyden, who offered to take Sutherland's picture with his own camera. The added cost of having a studio picture would raise the expense up in the neighborhood of 15 to 20 dollars.

Leyden said he made it clear to Dean Bruce that any expense that results from the Sutherland picture would be taken from the Law School's scholarship fund and not from his own compensation. The *Yearbook* editors share \$4800 of the profits, with the bal-

ance going to the scholarship fund.

"We have no objection to the cowboy hat," said Leyden, who pointed out that two students had submitted candid pictures of themselves to run instead of the usual portrait. "One student's picture has his kid on his back papoose-style, and that picture is going to run," said the editor.

To Sutherland the issue is an important one and one that should not be dismissed as one man's attempt to destroy the uniformity of the staid *Yearbook*. The discrimination, says Sutherland, is not simply an effort to promote uniformity, but is a manifestation of the dislike which easterners feel for people who wear cowboy hats.

The issue is also important, says Sutherland, since the *Yearbook* is denying him his freedom of expression. "It's like telling a black he can't wear an afro," said Sutherland. "Some things are personal."

Sutherland says his suit will be based primarily on the theory of a violation of his First Amendment rights and only secondarily on breach of contract. He said he will drop his small claims action if the *Yearbook* agrees to run his picture.

APARTMENT INSURANCE

We offer exceptional protection for your apartment. Our insurance includes losses by burglary, theft, fire, explosion, vandalism, wind-storm, personal liability and property damage, loss of use and many other contingencies. All coverages are packaged in a single low-cost policy, world-wide in protection.

W. T. PHELAN & COMPANY

INSURANCE AGENCY, INC.

HARVARD SQUARE at 11 Dunster Street (ground floor)

telephone 876-0876

INSURANCE SINCE 1898

Aetna

Travelers

Hartford

Tuition Hike

(Continued from Page 1)

usually high, in large part because of students returning from military service or other leaves of absence.

According to a projection of expenses for next year, the \$300 increase will allow the School to just break even.

The Law School has in the past tried to limit tuition increases to one every three years, but Dean Sacks thought it likely that in the future tuition would have to be "reexamined" every year.

All the other law schools and other schools within the University which Dean Sacks has contacted reevaluate their tuition every year.

Scuffle Probe

(Continued from Page 2)

would warrant disciplinary action in the absence of persuasive mitigating circumstances," it found such mitigating circumstances to exist in this case.

Specifically, it found that it is doubtful or improbable that Morris intended to physically harm the speaker, and no physical harm was done; Morris' actions were probably "the product of a sudden emotional impulse rather than any conscious deliberation"; Morris genuinely regretted his actions and apologized in writing for them; and "there is no reason to expect any repetition of this or similar conduct by the student involved."

New Courses

(Continued from Page 4)

the spring semester, in contrast to this spring's offerings. Ten professors are on leave this term, while eight will be on leave during the spring semester next year.

Professors William D. Andrews, Andrew L. Kaufman, David L. Shapiro, Samuel E. Thorne, and Donald T. Trautman will take sabbatical leaves in the spring semester. Professors Charles R. Nesson and Henry J. Steiner will be on year-long leave. Professors Charles M. Haar and Shapiro will be on Research Status in the fall and Professor Lloyd L. Weinreb will be on Research Status in the spring.

Professional Dry Cleaning
and Shirt Laundry

at

Rite-Way
CLEANERS

KI 7-8008

4 Hudson St., Cambridge

(off 1672 Mass. Ave.)

BRODIE AUTO RENTALS

\$6 RENT A VOLKSWAGEN
PER DAY + MILEAGE

LOWEST RATES IN
HARVARD SQ.

Compacts - Sports Cars - Sedans
Station Wagons - Small Vans

Ski Racks Free

491-7600

106 Mt. Auburn St.

At the Coolidge Bank & Trust Co.

Poly Clean

**Coin-Operated
Dry Cleaning**

Open 7 a.m. to 11 p.m.

1685 Mass. Ave.

(between Harvard
& Porter Square)

**YOU'VE SEEN THE LAW SCHOOL'S,
NOW TRY OUR CASE METHOD**

SAVENOR'S LIQUOR
MART
INC.

547-7300
100 KIRKLAND ST.

ENTERED AS SECOND CLASS POSTAGE, BOSTON, MASSACHUSETTS

RETURN ADDRESS:

HARVARD LAW RECORD
MAIL DEPARTMENT, LANGDELL HALL
HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138

**EXETER
STREET
THEATRE**

Exeter and
Newbury Sts.
Boston

Vittorio De Sica's

**THE GARDEN
OF THE FINZI -
CONTINIS**

KE 6-7067