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TWENTY CENTS

MassPIRG Meets Goal; Faces Ad Hoc Opponent

The MassPIRG: East tuition add-on petition had been signed by at least 840 law students, a majority of the J.D. candidates, as of Tuesday, March 7. The MassPIRG organizers will continue to collect signatures at least through today.

The petitions will be presented to Dean Sacks after the organizers have verified the signatures and divided them by class.

Meanwhile, a group called the Ad Hoc Committee on MassPIRG: East posted mimeographed statements of their objections to the MassPIRG financing plan in the Law School dormitories Monday, March 6.

The committee, according to Douglas W. Cooper, graduate student in applied physics and signer of one of the statements, was

founded "over coffee in Harkness" on Wednesday or Thursday, March 1 or 2.

The Ad Hoc Committee suggests that MassPIRG be funded by direct contributions from its supporters and that the suggested tuition add-on with possible rebate would take advantage of those students who don't want to contribute but won't go to the trouble of getting the four dollar add-on refunded: "Somehow, getting even some of their money from students who don't have the time or take the effort to get refunds seems like a poor way for a consumer protection group to fund itself."

(Continued on Page 11)

Women Present Petition to Dean

By Daniel M. Taubman

Representatives of the Women's Law Association conferred with Dean Albert M. Sacks Tuesday and presented him with a petition asking, among other things, increased enrollment of women at the Law School.

The petition, which called for the inclusion of a woman at some stage of the admissions process, was signed by a substantial, although still undetermined number of students. Spokeswomen

(Continued on Page 2)

HLS Council Avoids Issue Of Gulf Stock

The Law School Council voted earlier this week not to vote on a resolution supporting a protest of Harvard University's investments in Gulf Oil, which is operating in the Portuguese colonies of Angola and Mozambique. The issue has been the focus of recent confrontations between black students, who argue that the University should withdraw economic ties with racist institutions and nations, and Harvard President Derek Bok, who has made no decision to change current policy. [See RECORD, March 3, 1972.]

The council declined to take a vote because it considered pass-

(Continued on Page 2)



Hundreds of crosses dot the Yard to protest Harvard's investments in the Gulf Oil Corporation.

Charles Soberman

Women Present Petition to Sacks

(Continued from Page 1)
for the WLA refused to reveal either the number of women who signed the petition or its exact contents, maintaining that such publicity would harm their negotiations with the administration.

Many women were reportedly

re-
luctant to sign the petition, due to a provision calling for the eventual enrollment of 50 percent women, or the enrollment of women consistent with their numbers in society. After a number of women expressed discontent with this provision, they agreed to sign a separate statement omitting this provision, according to several women. Other WLA women said those unhappy with the 50 percent clause signed the original petition on the condition that their names would be marked with an asterisk to indicate their more moderate position.

One woman, who requested not to be identified, said the petition urged a goal of 20 percent women in the Law School within the next couple of years, and that the 50 percent figure was a long-range goal. She described the petition as "very moderate" and "highly reasonable."

It is understood the petition also requests the administration to consider special circumstances peculiarly affecting women in the admissions process.

"The inequities in Harvard Law School's admission policy are subtle but very real," another woman explained. "The proce-

Women Confer With Sacks, Press For Increased Enrollment of Women at HLS

...
dure which was originally designed to pick the best from a pool of male applicants has not been modified to identify strong points in a woman's background which may include putting a husband through school or rearing children. Furthermore, it fails to

recognize that society denies women many opportunities to achieve the recognition which comparable men can gain."
A spokeswoman for the WLA said Tuesday that further negotiations with Sacks are planned. She also indicated that petition signatures are still being sought.

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Council's Members Avoid Stock Issue

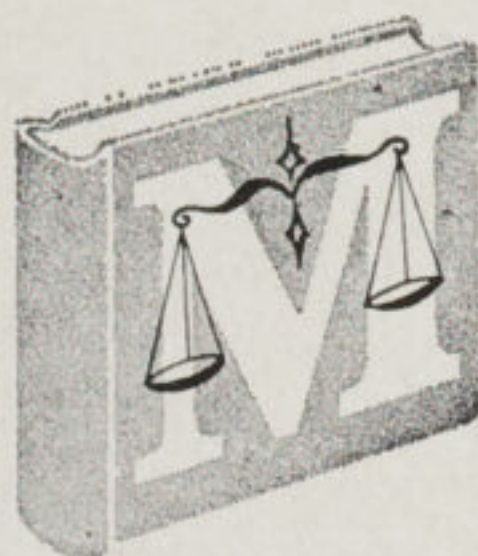
(Continued from Page 1)
ing on a political question "inappropriate". One of the primary arguments was that students at the Law School had not given the body a "mandate" to consider such questions.

Wallace L. Ford, 2L, sponsor of the resolution, says he is considering asking individual members of the council to sign a petition on the subject to be submitted to Bok.

"My resolution was very general," said Ford. "It was a support of the basic principles which the students raised, without regard to specific proposals such as Harvard getting rid of its stock. I thought it should have been passed or at least considered. As it was the issue was obscured."

Ford felt that the resolution would probably not be passed had it come to a vote. "It is very difficult to convey the importance of this unless there is already a feeling of empathy. I'm afraid the meeting became quite emotional," said Ford.

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33 HLS Graduates Serving in Congress

By Mark Rutzick

Harvard Law School is often considered by students, faculty and outsiders alike to be perhaps the single most important training ground for the rich and powerful in American society today. As more and more students begin to reconsider the Law School experience in terms of its purpose and effect, it may be helpful to empirically re-examine this assumption. An appropriate place to begin is with the most visible American institution — the U.S. Congress.

The Law School is represented in Congress by nine U. S. senators and 24 congressmen. Interestingly, HLS alumni constitute a relatively conservative bloc in the more liberal Senate, and a rather liberal group in the traditionally more conservative House.

The Senate HLS contingent, five Republicans and four Democrats, consists mainly of recently elected, relatively obscure men. The main exception is Senator Sam Ervin '22 (D.-N.C.), an acknowledged constitutional expert

Of this group only Eagleton and Stevenson are liberals; the rest range from moderate to extreme conservative. Eagleton is the only one of the group to have served on the *Law Review*.

Only two of the group, Fong and Ervin, were first elected before 1968; Gambrell indeed has never been elected — he was appointed in 1971 to serve out the term of the late Senator Richard Russell.

None of the group except Ervin is anywhere near the chairmanship of a committee; likewise none but the North Carolina senator are in the inner sanctum of the Senate — the highly obscure and mystical "club" which controls the real power in the chamber.

It is not hard therefore to conclude that HLS alumni have little real power in the Senate in 1972. In a body where seniority largely determines influence and pull, the recentness of election of most of the group means that they will be excluded from that power for another 15 to 20 years.

Senate average of 44% (median 39%).

On certain specific issues the group has also voted conservatively. Only one of seven senators voting opposed the ABM in 1970 (Eagleton); only three of seven opposed the SST (Roth, Ervin and Eagleton); only two of five voting opposed Harold Carswell's nomination to the Supreme Court (Eagleton and Fong); only two supported the Cooper-Church amendment to keep U.S. troops out of Cambodia and Laos (Eagleton and Stevens).

The HLS contingent in the House, 16 Democrats and eight Republicans, is similar to its Senate counterpart in its general obscurity and in its degree of exclusion by seniority from the real power center of the body. But its voting record is considerably more liberal than its upper-body counterpart, and indeed more liberal than the House as a whole.

The two most influential HLS alumni in the House are Wilbur Mills '33 (D.-Ark.), chairman of the Ways and Means Committee and a candidate for President, and Henry S. Reuss '36 (D.-Wis.), fourth-ranking member on the Banking and Currency Committee and the House's leading expert on international monetary affairs.

Congressman Reuss, a former legislation editor of the *Harvard Law Review*, is currently a plaintiff, along with Ralph Nader and Common Cause, in a suit to declare President Nixon's Accelerated Depreciation Range (ADR) plan unlawful.

The other Law School alumni in the House are Democrats John S. Monagan '37 (D.-Conn.); Claude Pepper '24 (D.-Fla.), the former U.S. senator; Spark M. Matsunaga '51 (D.-Ha.); John C. Culver '62 (D.-Iowa); Peter N. Kyros '57 (D.-Me.); William D. Hathaway '53 (D.-Me.); Paul S. Sarbanes '60 (D.-Md.); Michael

(Continued on Page 5)

Senate: 5 Republicans, 4 Democrats House: 16 Democrats, 8 Republicans

and a driving force in civil liberties matters, especially those concerning individual privacy; he chairs four Senate subcommittees. Senator Ervin is also notable for having gone through the Law School backwards, completing his third-year courses first, then his second-year work and finally his first-year courses.

The rest of the group consists of Senators Thomas Eagleton '53 (D.-Mo.), Adlai E. Stevenson, 3d '57 (D.-Ill.), David H. Gambrell '52 (D.-Ga.), Ted Stevens '50 (R.-Alaska), Edward J. Gurney '38 (R.-Fla.), Hiram L. Fong '35 (R.-Ha.), Robert Taft, Jr. '42 (R.-Ohio) and William V. Roth, Jr. (R.-Del.).

But the power to influence public opinion could come much sooner for some — those with famous names like Stevenson or Taft, and those whose voting records consistently appeal to a national constituency — men like Edward Gurney and Thomas Eagleton.

The voting record of the HLS group in the Senate is on the whole conservative. The group had an average Americans for Democratic Action (ADA) rating in 1970 of 30% (and a median of 20%), compared to the average for the entire Senate of 43% (median 39%).

The ultra-conservative Americans for Constitutional Action (ACA) gave the group an average of 52% (median 61%), to the

A MESSAGE TO HARVARD and RADCLIFFE STUDENTS About NOMINATIONS for the COOP BOARD of DIRECTORS

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Names should be presented at the General Manager's office of the Harvard Square Store no later than March 13, 1972.

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Coop**

Graduates in Congress

(Continued from Page 3)

Harrington '61 (D.-Mass.); Torbert H. MacDonald '46 (D.-Mass.); William L. Hungate '48 (D.-Mo.); L. Richardson Preyer '49 (D.-N.C.); John Jarman '41 (D.-Okla.); William S. Moorhead '49 (D.-Pa.); and Brock Adams '52 (D.-Wash.).

The Republicans are John J. Rhodes '41 (R.-Ariz.), Pierre S. duPont 4th '63 (R.-Del.), John B. Anderson LL.M. '46 (R.-Ill.), David W. Dennis '36 (R.-Ind.),

Few Have Power Except Wilbur Mills

Louis C. Wyman '41 (R.-N.H.), John W. Wydler '50 (R.-N.Y.), Chalmers P. Wylie '49 (R.-Ohio), and James G. Fulton '27 (R.-Pa.).

Few of these men have climbed the seniority ladder far enough to reach a position of power; only seven of them are as high as the fourth-ranking member of a committee. Besides Mills, only one, Claude Pepper, chairs a committee—the Select Committee on Crime.

The conclusion is tempting that as in the Senate, the Law School alumni are not the power brokers of the House, with the important exception of Wilbur Mills.

In addition, none of them is blessed with a famous political name. Since representatives are inherently less noteworthy than senators, because of a smaller constituency and more members in their chamber, the opportunity to exert power over public opinion does not occur to these men as it does to some of their Senate counterparts.

Thus these representatives have even less potential for power than their Senate co-alumni, unless they in fact move into the upper chamber.

The voting record of the Law School group in the House is markedly liberal. The group's average ADA rating is 55% (me-

dian 58%), compared to the House average of 41% (median 40%). The contingent's ACA rating is 37% (median 27%), lower than the House average of 44% (median 56%).

On specific issues, the record is also liberal. Though a 12-8 majority supported the ABM (the House vote was 271-92 for the ABM), the SST lost in the group by 15-7, the Cooper-Church amendment was approved by the group 14-7, and a bill to grant state vetoes over OEO projects was disapproved by 17-4.

What explains the significant differences in voting between the Senate and House alumni groups? Only tentative answers are possible. One is an apparent correlation of age and year of graduation with voting record; the younger congressmen and senators and those graduating most recently seem to vote more liberally. Since congressmen tend to be younger than senators, they vote more liberally. But this explanation cannot explain the fact that in general the Senate is more liberal than the House.

A more intriguing answer is possible. Close observation of graduation dates shows that World War II represents a dividing line of some significance between those voting more liberally and those voting more conservatively. Could it be that Harvard Law School changed in some way because of the World War, such that it was taking or making more liberals after the war? Is former Dean Erwin Griswold responsible for changing the Law School experience such that more liberal men and women came out of it? If so, what did he do? Or was the change a change in American society itself, which the Law School merely reflected?

Answers to these questions are not possible now, but perhaps they raise issues worth examining.

Legal Services Curtil Intake

By Bob Hernandez

Poor communities in the Cambridge area have felt the pinch of a recessionary economy as the Cambridge office of Cambridge and Somerville Legal Services (CASLS) was forced to go onto emergency intake procedures for most of February and March.

In a memorandum to the CASLS staff, director Ronald L. Cheney '61 ordered a temporary intake shut-down until March 15. "All clients who do not have emergencies should be instructed to call the office after March 15 and make an appointment to come in after that date," the memo reads. "All clients who have made appointments now for the next two weeks will be seen. There will be no change or cancellation of these appointments. However, no more appointments will be made until after March 15. During this . . . period, we shall accept emergencies only."

Cheney, in his memo, links the emergency procedures to a lack of funding for the Cambridge community. "I think it is becoming clear to most of us that with half of the funding which we had last year to serve Cambridge, change is necessary. I think that each of us in dealing with potential clients should make a special effort to point out that the resources of this office have been cut in half."

The opening of a Somerville office upon the merger of the Community Legal Assistance Office (CLAO) and Cambridge Legal Services (CLS) into CASLS in 1971 accounts in part for the cut-back of resources for Cambridge, since no additional funding was acquired.

In addition to disallowing new appointments before March 15, the memorandum specifies: (1) no one outside of Cambridge and Somerville will be served by the
(Continued on Page 16)

Justice Harlan: A Master Craftsman,

By Henry Jacob Steiner

Justice Harlan was for me pre-eminently a sturdy man. I mean this not in the sense of a dogmatic or unyielding temperament. To the contrary, the justice stood open to much new experience and argument. Rather I refer to the security of the basic faith that informed his personal manner and public philosophy.

When the justice came to the bench in the mid-1950s, the country was experiencing one of the series of moral and political crises that gave rise to the vexing legal issues of these decades. He understood how others, deeply alarmed at such trends as McCarthyism, foresaw the surrender of established principles and thus urged the Supreme Court to return the country to its proper course. Although he appreciated the seriousness of these issues and soundness of many of the charges, I believe that Justice Harlan could not respond out of

ter was rather one for legislative decision, or political choice by the people, or executive clemency, or



John Marshall Harlan, 1899-1971

executive discretion within a special competence. Surely some of these opinions reflected the justice's disagreement with the positions advanced rather than simply

referred to the "excesses" of recent years in official responses to the "communist problem". But he was certain that "we shall remain true to our traditions." The doubters were short-sighted. They overlooked the many illustrations in American history of aberrational measures. Those extremes were later corrected and consigned to history, as good sense prevailed. "No one who has faith in our country" could doubt that the familiar patterns would recur.

If the justice then stood with Frankfurter and Hand in urging judicial restraint, the reasons lay deep in his perception of our past and faith in our future. That faith was joined to a precise conception of the innermost nature of American government. The justice's political vision or model drew upon essential attributes of the classical liberal state—not, to be sure, in its pure laissez-faire incarnation, but rather the concept of the state as an institutional and procedural frame for accommodation as different generations worked out their own welfare and destinies. Surely the justice shared some aspects of Holmes' skepticism that denied the finality of any generation's truths. Different solutions would emerge over time within the evolving marketplaces of ideas. The vital goal was to keep open the channels of invention, so that the country could reformulate goals and adapt laws to emergent needs.

For Justice Harlan, the principles of separation of powers and federalism were more than compatible with such a vision of government. They were of the essence, our chosen means for realizing these aspirations of the liberal state. The dispersal of power horizontally and vertically protected the people against the imposition of final truths. It facilitated diverse styles or experi-

Harlan Felt Separation of Powers Helped Create a "Liberal State"

the same sense of crisis or imminent doom. Rather he spoke from the depth of his faith in the security of his country's traditions.

This political foundation for the justice's judicial philosophy illuminates and gives a coherence to the paramount themes of his judicial career—stress upon the judiciary's limited role within the scheme of separation of powers, a respect for federalism, a concern over expansive interpretations of the Due Process or Equal Protection Clauses. His opinions would frequently answer a demand for judicial resolution of a problem by arguing that the mat-

his adherence to principles of institutional competence. But not infrequently the opinions argued for the validity of legislative or executive measures (such as loyalty investigations) that offended his own sense of the appropriate or decent.

This self-limitation and confining view of the Court's role had deeper sources than a sensitivity to the Court's fragile position, a fear of institutional reprisal, or a "close reading" of constitutional history or text. Numerous opinions point towards such deeper sources, but perhaps none as forcefully as a speech made in 1955. Several times the justice

Great Dissenter And 'A Sturdy Man'

ments. In such a spirit the justice could affirm that the federal system "embodies values profoundly making for lasting liberties in this country." It followed that the Court should exercise the greatest caution over constitutional interpretations that imposed uniformities and limited the choice of future generations. From such a perspective, doctrinaire liberalism posed as high a risk as any other orthodoxy.

What I have stressed in the justice's temperament was a dominant impulse, not an absolute. Of course he saw limits to legislative or executive action which the Supreme Court was bound to enforce, and so judged in fields as diverse as criminal procedure and political expression. If wary of uniform solutions or the risk of creating a monolithic state, he recognized that the choices of this and future generations were confined by the duty to respect constitutional liberties and freedoms.

It is difficult, perhaps impossible, to uncover a uniform pattern in the decisions. When claims involved the privacy of one's home or personal or marital life and relations, the justice showed a deeper concern for protecting the individual against official intervention. For reasons that perhaps are to be sought in his innermost sense of self and society, he here found one of the cornerstones of the liberal state. Within the realms of political and economic action, mores and solutions could change over time. But the autonomy of the individual spirit in its most private longings and relationships was inviolable. Here the Constitution stood as a literal shield against governmental interference.

More characteristically, the tensions between the structural

principles of government and the specific values expressed through the Bill of Rights or the Fourteenth Amendment were resolved in favor of the former. Perhaps the decisive influence upon the justice in his drawing of these difficult lines was the strong faith

power of judicial review.

To describe Justice Harlan as a sturdy man is to reach past a political faith to his personal life as well. His role over many years, particularly after Justice Frankfurter's resignation, as the Court's great dissenter must have

Harlan Sought to Confine Court's Role, Keep Open Channels of Invention

to which I have referred. He found in the "independence, alertness and common sense of our people" the "final bulwark of our way of life." He believed that common sense and decency would triumph, that over time the people would honor and observe the spirit of the Constitution. If this fundamentally optimistic vision was not inevitable, neither was it surprising in a man born into a prominent family and tradition of public service, achieving the highest success in his own career, and perhaps too apt to attribute to others in high office that same integrity, decency and intelligence which typified his own work. In



such a world of legislators and administrators, none of us would feel as keenly the need for a

been taxing and lonely. The same years were burdened by his seriously deteriorating eyesight and saddened by his wife's illness. At the annual reunions of the justice's clerks, we would marvel at his strength and calmness and humor. In opposition to many doctrinal trends of the Court and vigorous in his dissents, he spoke without rancor and understandingly about the Court's directions. Working under intensely difficult conditions, he retained an acute grasp of the Court's work and a master craftsman's skills in the execution of his own. Before great personal sorrows he never expressed complaint.

If anything, Justice Harlan's warmth and interest in his former clerks' lives grew over these hard years. They were the distinctive marks of our gatherings. We gathered perhaps to honor, but more simply to enjoy something of the company of this extraordinary and noble man.

Henry Jacob Steiner has been a professor of law at Harvard since 1965. He was a clerk to Mr. Justice Harlan from 1957 to 1958 and is the author of numerous publications, including Transnational Legal Problems (with Detlev Vagts) (1969).

Various Visitors Lured to Middle Kingdom

By David Cocke

Former Law Student Is Chief Interpreter

One of the handful of China experts who accompanied President Nixon on his recent trip to Peking was a former Harvard Law student, Charles W. Freeman, Jr. The 28-year-old Foreign Service officer served as the chief interpreter for the United States delegation to the People's Republic of China.

Freeman spent most of his time interpreting discussions between Secretary of State William Rogers and the Chinese foreign minister. "I didn't learn much at all about China on this trip," he explained to a RECORD reporter in a telephone interview last week. "I did get a chance to visit a bookstore and a department store," he said, "but I was working almost all of the time I was there."

The young State Department officer attended the Law School for two years after graduating from Yale in 1963. He then joined the United States Foreign Service and studied Chinese at a Foreign Service language school in Taichung, Formosa. A former student at the school reported that Freeman had a reputation for speaking "perfect" Mandarin.

Freeman would not answer specific questions concerning the private negotiations that he attended in Peking. "I should be able to speak more freely in a month or two," he said, "after we have had a chance to review what was accomplished."

He did mention that the tone of the talks was "very positive" with "traditional Chinese hospitality throughout. It was a frank and honest exchange of very healthy differences of opinions." Freeman's interpreting chores did not include Nixon's meetings with Chou En-lai or Mao Tse-tung.

During these exchanges the Chinese provided their own interpreters.

While at Harvard Freeman was a member of the Democratic Club and the International Law Club but did not develop an interest in China there. He said that no particular course or activity at HLS led him to reject the law and turn to the Foreign Service for a career. "I did a lot of



Charles Soberman

reading during those two years," he said, "but it was in Widener, not Langdell."

Whatever this experience meant it left a mark on Freeman. He has definite opinions about law and lawyers in the field of diplomacy. "One of our greatest problems in the State Department is that so many of us have been lawyers," he explained. "Legalism is itself an ideology which defines categories of thought and behavior. It is often irrelevant to diplomacy, or worse than that it often gets in the way of meaningful discussions."

Freeman mentioned that his impatience with the law was one of his main reasons for leaving the Law School. "I knew I was not going to practice law and I felt it was dishonest to stay on when the only possible justification was to get a degree."

Evidently happy with his new career, Freeman is looking forward to his next visit to the Chinese mainland. He expects it to be soon.

Taiwanese Student Plans Mainland Visit

A Chinese third-year student, who asked that his name not be used because of possible harassment by Taiwanese authorities, says he plans to visit the Chinese mainland shortly. Born on the mainland and educated in Europe, the student considers himself a citizen of the People's Republic but holds a Nationalist government passport. This technicality makes his visit so unusual.

Until recently the People's Republic not only did not recognize a Nationalist passport but they also refused temporary entry by holders of such documents. "They [People's Republic] are very sensitive about their reputation," he explained. "They are anxious to get people [to visit] who are sympathetic to their government and who also have influential contacts in Taiwan. If visitors go to the mainland, receive a favorable impression and pass on their views it will help to countervail propaganda in Taiwan."

The Chinese student learned all of this in a two-hour discussion over tea and tangerines with Chinese U.N. delegation officials in New York. "They said straightforward that I will have no problem getting into China," he explained. This remark was made even after the student explained that he had relatives in Taiwan and would keep his Taiwanese passport.

The law student is more concerned about possible reaction from the Nationalists. "The Taiwan government is still uptight," explained the student, "and it is personally dangerous to speak in

As China Opens Doors to United States

favor of reunification." He cited an example of a Taiwanese student who had been abducted from Hong Kong and sent back to Taiwan to stand trial for treason. His charge was "reading Communist documents while a student in the United States." "It was only by covert American pressure that he received the minimum sentence," added the student, "ten years of hard labor."

The delegate of the People's Republic told the young student

connotations" associated with the term "husband." The student mentioned that he is now taking a course in modern Mandarin Chinese.

He expects no problems with the United States customs. "Restrictions are less for permanent residents than for citizens [of the U. S.]," he explained. "In any case I called American customs and the official answer is that China is off the [proscribed travel] list." Nevertheless he plans

hair?" He expects to do some adjusting before entering China in order to remain "inconspicuous." "Everyone was very courteous in New York," he said, "all in their navy blue Mao coats. I looked like a decadent bourgeois capitalist. Before I leave I may have to visit the Coop." The Harvard Coop is presently featuring products imported from the People's Republic, including a complete collection of Mao jackets and caps.



Charles Soberman

These objets d'art are among the collection of the East Asian Law Center in Pound 410. They are on loan from Harvard's Fogg Museum.

that he could stay in China as long as he wanted, depending on his activities while there. "The most common reason given by those applying is visitation of relatives," he said. "After that, academic study." When he mentioned that his field was law the delegate informed him that at present legal subjects are not being taught in China. This department has been closed at all Chinese universities since the height of the Cultural Revolution.

"I was told that my Chinese was outdated," he said, "since I speak pre-revolutionary Chinese, the language used today in Taiwan." Among the differences in word usage are the elimination of titles of respect or rank. Everyone today is called "comrade." Even in the family people are no longer "husbands or wives" but "lovers" denoting equal status of women. In pre-revolutionary days there were family "hierarchical

to get this position in writing before he leaves.

Once in China he could technically be refused exit since he is considered a Chinese citizen by the People's Republic. He was assured that this would be no problem, but the official in New York reserved the right of China to deter its own citizens from going abroad. The student expects that detention would depend on his own behavior in China and an assessment of China's best interests by emigration officials.

Once there he expects to travel unrestrained. "Overseas Chinese are very free," he said. "I expect to go to various provinces where Americans have never been permitted to visit." His freedom to travel will be facilitated by numerous relatives still on the mainland.

Some questions still remain unanswered: "What kind of clothes do I take? Should I cut my

Returning Professor Tells of China Trip

Last week the East Asian law program hosted Professor Ishwer C. Ojha, chairman of the political science department at Boston University and a recent visitor to China. Ojha, a native of India, visited the mainland with a number of other American "liberal" scholars at the invitation of the Chinese People's Institute for Foreign Affairs, a group composed substantially of Chinese Foreign Service officers.

Ojha spent a full month in China discussing American foreign policy, the possibilities of cultural exchanges, educational and intellectual developments, the impact of the Cultural Revolution, and a wide range of Chinese domestic issues. He was particularly impressed with China's development of a "global foreign policy" and its obvious goal of working toward normalization of its relations with the United States. "China is no longer dependent upon its shared experience with the third world," he said. Ojha's general theory of this change is that the normalization of China's economic and domestic political affairs has allowed it the freedom to seek normalization of its foreign policy. "The Chinese seem to feel that no issue with the United States can not be solved," he said.

(Continued on Page 12)

Harvard's Stock Answer

Harvard University's role as a shareholder has again come under attack, this time in a controversy involving the question of which companies' stock the University should own. Last year the question was whether the University should exercise its rights as a shareholder to vote in management elections, and the University decided ultimately that its role was that of a neutral, with a limited activist role in areas which affect its classic interests. [RECORD, April 1, 1971] The key word in the committee report at that time was "maximum return" — one wonders if this concern will carry the day this year.

The question this year is fundamentally different — rather than ask the University to appraise the performance of the existing management teams and vote to depose those who fail to act honorably, an extremely difficult subjective decision, the activists are asking only that Harvard exercise some discretion in the selection of its investments, that it concern itself with the worthiness of the company as well as the potential for return. The issue has become a live one because the students do not ask merely for more care in the future — they demand that Harvard divest itself of shares with a book value of approximately \$112.7 million.

The University as always must be cautious; a divestment means reinvestment and investment must be a calculated decision with "maximum return" in mind. There would seem to be no other reason for Harvard's delay in agreeing to the students' requests.

Yet one senses that Harvard believes that any divestment would be a political move, threatening the existence or reputation of affected corporations, destroying Harvard's cherished neutral stance. But more is at stake than Harvard's neutral stance. What the protesters are talking about is not pollution of the air or planned obsolescence — if their information is correct, Harvard is continuing to support corporations which are aiding the Portuguese government to wage war against many citizens of Angola and Mozambique. Harvard should immediately investigate the role that these corporations are playing in Africa, and begin to consider other corporations which would meet their investment criteria.

If the University refuses to vote to oust those who act against the interests of the people, it at least should be concerned with, and aware of, the corporations' activities and divorce itself from those companies which show no concern for something as important as human life.

HARVARD LAW RECORD

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Fenno

(Fenno is a crusty s.(d.)o.b. He (she) never accedes to any requests, principally out of sheer orneriness. However, after repeated importuning, he (she) has agreed to devote his (her) column this week to the following (free) personals and classifieds — Ed.)

Sensitive, shy, intellectual law student, male 22, seeks perceptive, communicative, analytical girl 18-25 with whom to discuss the constitutional underpinnings of the Mann Act. Enclose photo.

Carl — I don't care if you did hock my casebooks. I want you back. Laurie.

For a biography of Mr. Rosenberg of the Harvard Law School, I would greatly appreciate anecdotes, letters, etc. In fact, if you have ever seen Mr. Rosenberg, please contact me. Howard Hughes.

Good-looking, with-it male 25, member of Joint Program (Harvard Business School and also Law School), seeks compassionate, liberal girl. You debit me and I'll credit you. Then you credit me, and I'll debit you.

Male, 27, seeks airline stewardess for good times. Any height, any weight, any airline. I like fun.

Super-serious law student seeks intelligent, experienced woman aware of Life's vicissitudes. My heavy study schedule prevents my using conventional means of introduction. Meet me in Library near Corpus Juris Secundum.

S — only *you* would wear hotpants when it is 10 degrees outside. Can't wait to see you again. Blue Eyes.

Will the soon-to-be rich lawyer I met at the Friday night mixer please call me? Cindy.

Members of *Law Review* wish to purchase turtlenecks, extra-large neck size. Conventional sizes do not fit.

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Can any reader identify the person who, when asked about someone, said that he did not care to speak ill of any man behind his back, but he believed the gentleman was an attorney?

Law Notes

John T. Noonan, Jr. '54, professor of law at the University of California School of Law at Berkeley, will deliver the Holmes Lectures for 1971-72 on Tuesday, April 25 and Thursday, April 27 at 8 p.m. in the Ames Courtroom. He will speak on "Alliance of Law and History."

* * *

The Harvard Legal Aid Bureau has announced its officers for 1972: William H. Thedinga, president; Mark D. Rosenbaum, vice-president; John L. Whitlock, executive director; Alan A. Held, secretary; Charles D. Burkam, treasurer; Leah Wortham, research director; Jennifer K. Bell, Jonathan R. Bell, and Douglas I. Foy, associate directors. All are 2Ls.

* * *

Geoffrey M. Connor, a 2L from New York City, has replaced Edward F. Cox, 3L, as chairman of the Board of Governors of the Lincoln's Inn Society.

Other members of the new Board of Governors are William S. Barrett, 2L; John W. Burgess, Jr., 2L; Paul P. Daley, 2L; Kevin E. Grady, 1L; William H. Heyman, 2L; Steven B. Jacobson, 2L; Steven B. King, 1L; Mark E. Mazo, 1L; Hal M. Mickelson, 1L; Peter L. Muhs, 1L; and Rayetta T. Nee, 2L.

Burgess was selected to be the Inn's social chairman. His committee includes Donald A. Bace, 1L; William L. Neff, 1L; and Mary Ellen Conway. The new treasurer is Steven B. King.

* * *

2Ls and 3Ls have until April 15 to submit essays on any aspect of family law to the Howard C. Schwab Memorial Award Essay Contest. The contest is sponsored by the American Bar Association Section of Family Law, in cooperation with the Toledo and Ohio State Bar associations.

First, second and third-place prizes of \$500, \$300 and \$200 will be awarded during the ABA annual meeting next August in San Francisco.

Essays may deal with any aspect of family law. Suggested length is 3,000 words.

Students wishing to enter must obtain an official entry form from the ABA Section of Family Law, American Bar Center, 1155 E. 60th St., Chicago, Ill. 60637.

* * *

Deadline for Law Notes is 5:00 p.m. on the Monday preceding publication.

MARCH 10, 1972

The Board of Student Advisers has announced the winners of the 1971 Fall Ames Competition. The contest was based on the best briefs submitted in 1L Ames activities. First place went to Boisfeuillet Jones and Frederick Utley; second place (tie) to John Appel and David Towey, and Jean Ullmer and Tom Martinson; third place to H. Lamar Mixson and John J. Davis, III; fourth place to Kirke M. Hasson and Ronald A. Stern.

* * *

An experimental writing program for first-year students is being initiated to upgrade those writing skills associated with advocacy of a legal position such as are needed in brief writing or examinations. Several brief essays will probably be required, and assistance in writing and criticism will be individualized and intensive.

Applications should be submitted to the Board of Student Advisers' office today.

* * *

The BSA has also announced the election of its 1972-73 officers. They are: Daniel T. Broderick, 2L, chairman; Peter Wang, 2L, vice chairman; Edward Delaney, 2L, new programs chairman; Steven Marshall, 2L, first-year chairman; Brackett Denniston, 2L, Ames Alternatives chairman; David Wrubel, 2L, case editor; Ronald Waicukauski, 2L, Upper Round Ames chairman; John Elligers, 2L, Williston chairman; George Bustin and Mason Cargill, 2Ls, 2L directors; and Charles Harris and William Walsh, 3Ls, 3L directors.

For the first time, all officers were elected instead of appointed by an elected chairman. A new Board of Directors has been created to direct the Board's policies.

* * *

Ms. Eunice Howe from the Massachusetts Consumer Council will be the featured speaker at the Harvard Law Wives' general meeting on March 15. Coffee at 7:30, meeting at 8 p.m. in the Harkness Common Room. All are invited.

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This week:

Paul A. Freund 1908 —

PIRG Backers Face Opponent

(Continued from Page 1)

According to Cooper, the committee has "about a half dozen" members in the Graduate School of Arts and Sciences and an equal number in the Law School. "It's not a mass movement."

Some of the members of the Ad Hoc Committee met on Wednesday and Thursday, March 1 and 2 when they gathered around the MassPIRG petition table in Harkness to argue with the MassPIRG organizers.

Peter J. Millock, 2L, one of the organizers who was at the table on Thursday, described the incidents as "harassing."

John W. Moscow, 3L, another member of the Ad Hoc Committee said that the harassment charge was "wrong, but quite understandable." According to Moscow, the MassPIRG opponents came by one by one and started asking questions about MassPIRG. The discussion soon became heated. Some of the questioners are now members of the committee, but others still don't know each other.

The Ad Hoc Committee has no definite plans for future action, though it will limit itself to talking and leafletting.



-MH

China Attracts Interpreter, Professor and Student

(Continued from Page 9)

But as American relations improve, Soviet affairs seem to be getting worse in China. "They raised the discussion of the Soviet Union," explained Ojha. "Chou En-lai raised it himself, out of the blue, in the context of a discussion of (Presidential Advisor Henry) Kissinger." Chou seemed to admire Kissinger, in spite of their philosophical differences, according to the B. U. Professor, and the Chinese foreign minister contrasted Kissinger with his Soviet counterparts. Ojha emphasized that the Chinese did not use the word "racist" to describe the Soviets but he implied that this is what they meant.

In response to this analysis Harvard Professor John K. Fairbank, director of the East Asian Studies Center, asked Ojha whether this antagonism toward the U.S.S.R. was not a natural occurrence—recognition of one enemy at a time. As a corollary he wondered whether the recent rapprochement with the U.S. was the result of a national objective inconsistent with a possible concert of major powers. Ojha merely responded that he saw no normalization of Sino-Soviet relations in the near future.

In domestic affairs Ojha sensed that the effects of the Cultural

Revolution were still in evidence, particularly in the field of education. For four years following the reorganization of China's political institutions the universities were closed. In 1970 they were reopened but will not be back to normal until 1973, reported the Indian scholar. "But the old faculty is still there," he reported, "except for the philosophy department." The history and philosophy departments are not functioning and the political science departments are limited;

Legal Institutions Closed to Visitors

some professors are doing research while they are without students.

"The intellectuals still don't feel free," he said. Representatives of the People's Revolutionary Army were in the audience during meetings with faculty members and answered all "political" questions. "When I mentioned that the United States had been going through a minor 'cultural revolution' of its own in the past few years, one of the P.L.A. angrily refuted that the U.S. could have any kind of revolu-

tion," said Ojha.

Ojha and the other American visitors were invited to China because of their opposition to American foreign policy and their favorable attitudes toward the People's Republic. While there they asked about the war in Southeast Asia. They were told that the subject was not proper for bilateral negotiations and the Chinese did not want to discuss the matter. Vietnam, they were informed, is an American problem, not a Chinese problem. "They asked us: 'Hasn't the U.S. had enough? What does it have to gain?' It was easy enough for us to answer," he said.

In spite of their obvious friendliness and the fact that they were the guests of the Chinese people, the visitors were not allowed to visit mental hospitals, a prison for non-political prisoners, or even a people's court. This seemed surprising to Ojha since others had visited court facilities at an earlier period. He was disturbed that the Chinese were not yet willing to expose their legal systems to the world.

Ojha was one of a series of speakers scheduled to address members of the East Asian Legal Studies program this year. Ross Terrill, a Harvard lecturer in government, who has also recently returned from China, will speak on "China Today: Impressions of a Visitor", March 20 in Pound 335 at 1:00 p.m.

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INFLATION VS. EMPLOYMENT

Inflation in the future appears inevitable, and unavoidable. The other two alternatives are quite unlikely. One is chronic depression, which would mean political suicide. The other is the ending of organized labor monopolies. This also appears politically untouchable. Continued inflation seems the least unacceptable, politically.

The real question may be the extent to which inflation can be kept from becoming progressively greater.

Organized groups of labor have enormous leverage. Some services are indispensable. There is really no limit on what such organized groups can demand—and get—if they can stand the temporary financial strain of a strike. And, in times of full employment, this is not too difficult. Part time or temporary jobs, unemployment compensation, union support, loans from local merchants all help bridge the gaps. It is only in time of depressed business that these alternatives become inadequate.

When there is unused manpower and capacity, it is possible for one group to gain without depressing another group. Most of the gain comes from the unused capability. But this is not the case in a full employment economy.

In a full employment economy, there is a finite limit on total consumption. One man's gain is another man's loss. As each group tries to leap-frog the other, no one really gains, but pay levels are pushed up all the same.

Prices must inevitably parallel or lead labor costs. If they do not, then further investment and growth in capacity will be shut off. The inevitable result would be shortage until prices do rise.

Prices must rise *faster* than costs during inflation. If they do not, then actual physical output must shrink. Inflation is financial growth—it must be financed. Even if prices parallel costs, that is not enough. Assets must be increased as well.

For brief periods of inflation, the increased assets can be financed with increased debt. The sharp increase in debt of American corporations in the 1966 to 1970 period illustrates this. Eventually, however, dividends must be cut or profit margins increased to finance the inflation. The other alternative is reduced output, i.e. depression.

There is no historical record of any appreciable shift in income levels between groups because of organized labor. Unorganized sectors of the labor market have done just as well, generally speaking. With full employment, supply and demand is all that is required.

Organized labor monopolies cannot raise their relative standard of living any more than a man can out run his own shadow. But the loss of production during strikes, as well as the monopolistic wage settlements, are clearly inflationary.

As the economy becomes more and more productive it also becomes more complex and interdependent. The interdependence increases the leverage of each labor monopoly. More and more groups become individually more and more powerful. The only counterweight to this power seems to be depressed business.

Under such conditions, neither monetary or fiscal measures can control inflation. They can only control the point of equilibrium between unemployment and inflation. Too much money will cause inflation. Too little money will cause unemployment.

Theoretically, it is possible to have nearly full employment and falling prices because of increased productivity. There was a substantial period in which this apparently happened during the late nineteenth century. However, such a high level stability can hardly exist without great labor mobility. Because of this, labor monopolies are probably the greatest spoilers of full employment.

For the foreseeable future, the prudent basis for business strategy appears to be

- continued substantial inflation
- continued substantial unemployment, and
- continued high interest rates

The consequences of such a pattern are not widely appreciated. The profit margins of the past *must* be increased to finance the inflation,

- or there must be a steady increase in debt to equity ratios,
- or dividends must be cut equivalent amounts by all competitors,
- or there must be a steady shift in market share which concentrates activity in the more efficient producer,
- or the economy itself must not grow.

Competitive strategy must relate the effect of labor monopolies, inflation, interest rates, national growth and employment levels. If there is to be sustained inflation, then competitive strategy will have to change.

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On Decadence, Idealism, Solipsism, and Hot Dogs

By Paul R. Gupta

Most of us, except possibly those few cynics who follow the computer print-outs at M.I.T. and therefore despair about the fate of man, are here because we want to improve the world in some small or large way. Hopefully, in this place where all is challenged—only the *ergo* is found to be ultimately critical in the *cogito ergo sum* we once cherished—we are not to be denied our hopes for future works of altruism. Yet the idealism is always tempered by practicality; as Freud put it, “worldly wisdom will advise us not to look for the whole of our satisfaction from a single aspiration.”

Alternatively, a new class of lawyer-monks insists that a crusading single aspiration must be pre-eminent, and that it can easily and unknowingly be tainted. They further argue that the process of legal education is itself destructive, quoting former Dean and now Solicitor General Erwin Griswold who asked an earlier generation: “Our students . . . bring to this school a large measure of idealism. Do they leave with less? What do we do to them that makes them turn another way?”

Ralph Nader discussed the philosophical problems of law school in these terms two weeks ago, and made the arguments seem more powerful than usual because of both his intermittent evangelism and his reassuring allusions to practical successes in consumerism. Not long ago, irate readers of publications like *Newsweek* and *Time* wrote to suggest that Nader concentrate his fire on his own profession instead of battling corporate dragons; he

has apparently accepted their suggestion, at least to some extent.

How much of Nader's advice should we follow? Just as it is unsafe to pursue only the implicit goals which law schools have blessed, it seems unreasonable to accept any competing analysis too uncritically. If the Law School is perhaps like a cabaret, with a “divine decadence” which is not only the color of money but also West hornbooks, we need to be careful when we rebel.

Nader primarily emphasized the problems generated by the isolation of this Law School and law schools in general, urging that even as academics we should give our first priority to improving the real world. Where, he asked, should some 2500 man-hours of legal work be invested every week: in the *Law Review* or in a community service organization?

It indeed seems helpful to accept Nader's assumption that the success of a law school, or lack of it, is better measured in terms of its real contribution to present and future society rather than in terms of a more pedagogical standard such as proficiency in the Socratic method. But, on the individual level, it is not clear that Nader is justified in believing that the choices lie simply in the extremes of idealism or solipsism, between caring only about society *en masse* or caring only about oneself.

Even in their specific form, the crucial issues today are venerable; it will take more than messianic zeal to resolve them, as we all know. Has there simply been a lack of will or effort to solve problems that have been festering for

a half-century and longer, for example those on a Walter Lippmann list of 1922 which begins with disquiet in Ireland, Greece, the Mideast, and ends with moral vexations caused by movies and short skirts?

The loss of idealism which Nader and others have discussed seems, unfortunately, to have come above all from too singleminded an attack on ancient problems. Students have turned inward most likely because they once greatly cared about society, but were overly hasty in choosing their weapons to win change. Limiting the range of honorable choices to some pure form of idealism has led, in the real world where concern has to be joined with skill, to the imposition of the worst of all possible options.

Nader was surely right, however, in saying that this loss is all the more tragic because modern difficulties demand urgent solutions. It is a commonplace to say that the rate of change increases to our bewilderment as civilization develops, and it is probably also true that civilization itself works to undermine certitude. If nothing seems perfectly clear to us now, it is not only because we are lawyers.

Our profession, though, thrives on ambiguity; therefore, we may be useful. When society needs complexly diffuse analysts, we stand ready to go to work. As Nader suggested toward the end of his speech, to be a lawyer is to be a socially-acceptable generalist. And, as Nader has demonstrated in his most important work, a lawyer can very fruitfully combine his own skills with a basic knowledge of widely disparate fields including, for in-

(Continued on Page 16)

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Decadence, Idealism

(Continued from Page 15)

stance, producing Corvairs or processing hot dogs.

The central challenge to the Law School, then, should not inspire mass produced abstract courses in relevant law, but instead courses which give us competent insights into other disciplines. There is encouragement here from some of the best first-year small group courses and from the planned joint program with the Kennedy School. Additionally, it could be helpful to permit a greater number of credits required for the law degree to be earned outside of the Law School; non-legal courses should be wholly appropriate in the first year, also, to encourage carry-over interests from college. For the second and third years, the Law School should give further thought to creating opportunities for specialization in law with a heavy emphasis in another field, possibly to alleviate the notorious third-year malaise.

Of course, we presumably have the sophistication to know that difficult and technical fields cannot be thoroughly learned in a few semesters. Similarly, most of us have dabbled enough in dilettantism to know how to avoid this trap. While musings on the good and just are fairly useless in a structured setting, directed inquiries into non-legal models of human behavior, government, the environment, and other realities may in fact help us become efficient idealists.

CASLS is Cutting Back on New Cases

(Continued from Page 5)

office, eliminating for the first time old clients with new problems living outside those cities; (2) college and graduate students will be ineligible unless there are extenuating circumstances such as a poor family; (3) the financial eligibility of every prospective client should be thoroughly examined to allow only the poor to use the office, and existing cases in which the client is found to be financially ineligible, the client should be referred to the private bar as soon as possible; (4) CASLS will not handle small claims actions except under unusual circumstances.

Emergency cases, which will be

accepted by the office during this period, are defined as those with "problems wherein a court appearance is imminent" and "problems involving physical violence."

During the emergency period, Cheney urges, staff members should review the cases they are handling in order to close as many as possible.

The memorandum emphasizes that while financial problems force a cut-back in individual cases, the office must continue to work actively on group representation and possible legislation "which will have more impact on the problems of the poor and be of greater service to the community."

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