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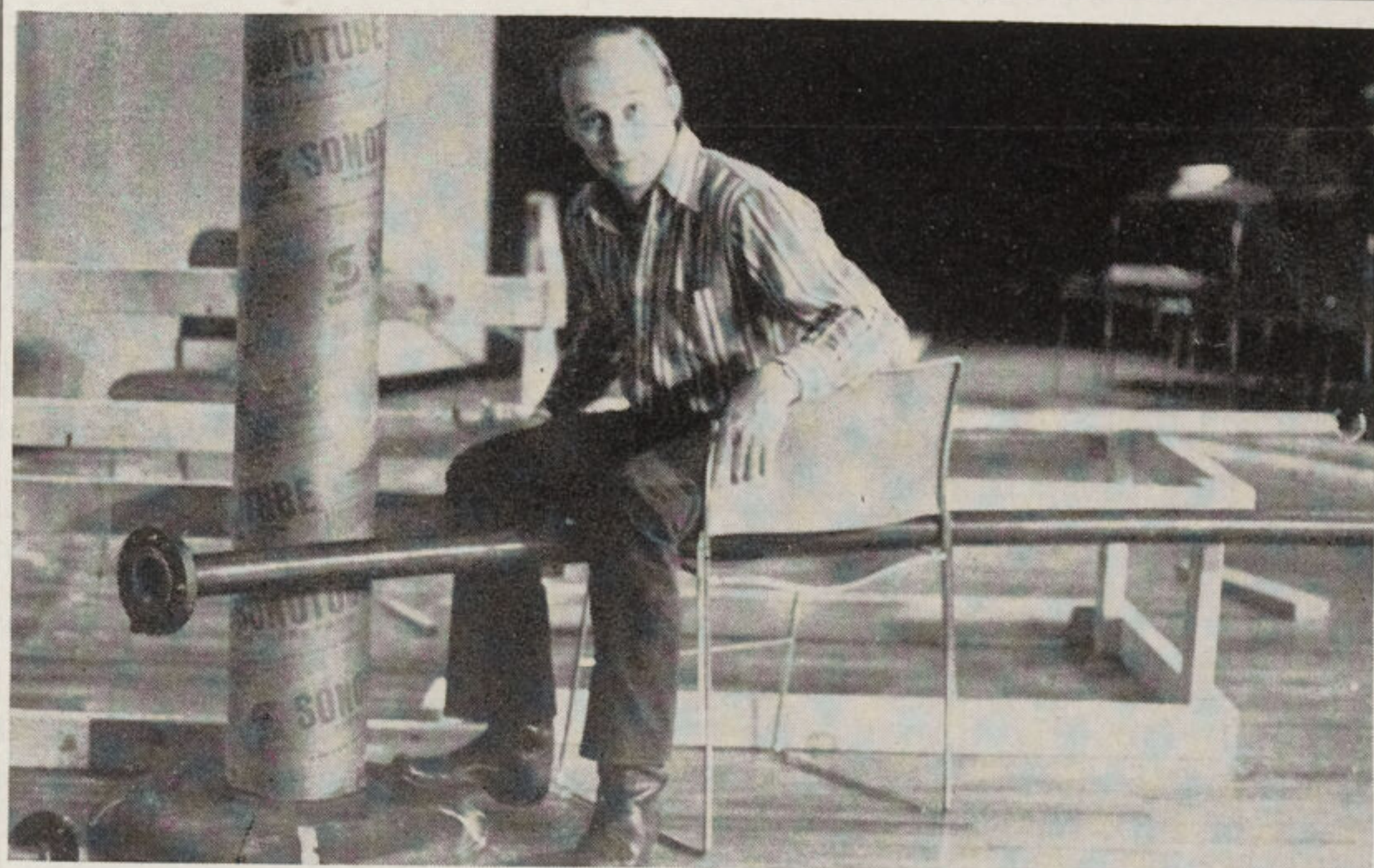
HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 54, NO. 7

MARCH 17, 1972

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Charles Soberman

Michael J. Hudson, 3L holds down one end at rehearsal for the Law School show, which opens tonight in the Pound multi-purpose room at 8:30 p.m.

Faculty Appoints Eight New Profs; Two Are Women

Mrs. Diane V. T. Lund '61, assistant professor of law at Northeastern University, has been appointed assistant professor of law at Harvard Law School. Gary Bellow, Arthur R. Miller, Elisabeth A. Owens, and Laurence H. Tribe will become professors of law and Dr. Alan A. Stone professor of law and psychiatry as of July 1.

Miss Owens is the first woman to hold a tenured position at the Law School; Mrs. Lund is the second woman to hold a regular faculty appointment.

John H. Ely and Gerald Gunther have been appointed visiting professors of law for 1972-73.

Mrs. Lund, a 1958 graduate of Stanford, will teach *Trusts* and a course on the legal status of women. Before joining the faculty at Northeastern, she worked for the Massachusetts Law Reform Institute.

Gary Bellow, Yale '57, Harvard Law School '60, is currently a visiting professor of law. He was deputy director of California Rural Legal Assistance from 1966

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Sacks Agrees to Place Woman On HLS Admissions Committee

By Daniel M. Taubman

Both Dean Albert M. Sacks and the Admissions Committee have accepted in principle the hiring of a woman administrator who would participate at some point in the admissions process, and the future placement of a woman faculty member on the Admissions Committee.

These accords between the administration and the Women's

Law Association were reached following two meetings with Sacks and Associate Dean David L. Shapiro last week and at a Monday gathering with the Admissions Committee, according to Rosalind A. Lazarus, 2L, WLA spokeswoman.

"I will make no statement on
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3L Claims Lending Law Breach

By Richard J. McManus

The recommendation of an extended tuition repayment plan by Dean Albert M. Sacks in a letter to parents of Law School students last December may have violated federal truth-in-lending require-

ments, according to Michael P. Froman, 3L.

The plan, which has been used by students and their parents at hundreds of educational institutions across the country, was de-

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127 Women Sign Petition on Admissions

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this at the present time," Sacks said when reached at his home Tuesday evening.

These actions occurred following the presentation by the women to Sacks of a petition calling for increased enrollment of women at the Law School signed by more than 80 per cent of women presently enrolled.

One hundred twenty-seven women of approximately 150 at the Law School signed the petition which called for the presence of a woman at some point in the admissions process.

Some 25 who objected to a clause calling for the eventual enrollment of 50 per cent women in the Law School starred their names to indicate their disagreement with that clause.

Lazarus explained that while the petition has been presented to Sacks, the signatures of the women have not. She added that those who starred their names would not be differentiated from the rest because "the position adopted for negotiation accommodated the minority view."

"The underlying feeling was that our goal was not to have a quota but rather to rapidly and substantially increase the admission of women to Harvard Law School by intervening at every step in the recruitment and admissions process," she said.

Sacks also agreed in principle to write a letter to all accepted women applicants urging them to come to Harvard, outlining the progress of women at the Law School and the desire of Harvard to make them feel welcome.

This effort was sought by the Women's Law Association to counteract the large female rate for declining acceptances, especially during the last three years.

For the present 1L class, 38 per cent of the women and 31 per cent of the men accepted declined; for the 2L class, the corresponding figures are 46 per cent and 39 per cent; and for the present 3L class the figures are 49 per cent and 47 per cent.

Sacks also responded favorably to a WLA proposal that the administration and the WLA jointly undertake a study of women acceptances and declining of acceptances, to determine why more women than men turn down acceptance offers. According to Lazarus, Sacks also agreed to write to placement offices at numerous colleges to encourage outstanding women applicants to apply.

The Admissions Committee was

"very favorable" to the question of either a woman administrator or a woman faculty member participating in the admissions process, she said. Other points were discussed with the Admissions Committee, but no conclusions were reached.

Further meetings with Sacks are planned, and "we hope the Law School will issue a statement expressing its commitment to our overall goal of increased admissions," Lazarus concluded.

Miller, Owens, Tribe Given Tenure

(Continued from Page 1)

to 1968, and developed a clinical legal program at the University of Southern California. Next year he will again teach *The Lawyering Process* and *Criminal Trial Advocacy*, the Law School's two clinical courses.

Arthur R. Miller, University of Rochester '55, Harvard Law School '58, is also a visiting professor of law, on leave from the University of Michigan where he is professor of law. Next year he will again teach a section of *Civil Procedure*, and will probably be on half-time research status, working under a National Science Foundation grant to develop a model set of procedures for handling information in data banks, with an emphasis on social science and academic data banks.

Elisabeth A. Owens, Smith '40, M.A., University of Chicago '41, Yale Law School '51, is now lecturer on law and director of research for the International Tax Program. She has been a member of the Law School faculty since 1956. Next year she will again teach *Environmental Law: Management of Natural Resources: Oil and Gas* and *Environmental Law: Management of Natural Resources: Water*.

Laurence H. Tribe, Harvard '62, Harvard Law School '66, has

been assistant professor of law since he joined the faculty in 1968. Next year he will teach *Evidence, Law and Public Policy: Policy Analysis, Technology: Legal Process and Technological Change*, and a seminar on *Constitutional Adjudication in a Changing Court*.

Dr. Alan A. Stone, Harvard '50, Medical School '55, has been lecturer on law since 1966 and associate professor of psychiatry at the Medical School since 1969. Next year he will teach *Human Relations Problems in Legal Practice, Psychoanalytic Theory and Legal Assumptions, Family Law*, and a seminar on *Mental Abnormality and the Law*.

John H. Ely, Princeton '60, Yale Law School '63, is professor of law at Yale. Next year he will teach *Constitutional Law, Conflict of Laws*, and a seminar on *Selected Problems in Federal Jurisdiction*. He has been a visiting professor at Harvard before, in 1970-71.

Gerald Gunther, Brooklyn '49, M.A., Columbia '50, Harvard Law School '53, is professor of law at Stanford. Next year he will teach *Constitutional Law* (for 1Ls in the spring term) and *Advanced Constitutional Law: Freedom of Speech*.

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.

Daresh Files Surprise Brief in Jessup Moot

By Carol Plumb

What do you do when you're given a hypothetical fact situation involving multi-national business transactions for a moot court competition, and suddenly you receive a letter from one of the supposedly mythical countries demanding entrance into the litigation as an *amicus curiae*? Members of seven competing law school teams may find out tomorrow, Saturday, March 18, when the Northeastern Regional Round of the 1972 Philip C. Jessup International Law Moot Court Competition will be held in the Pound building.

A demand that the *Republique populaire de Daresh* be allowed to present its view to the "international tribunal" because its national interests will be seriously affected by the outcome arrived recently at the office of the Harvard International Law Society, which is hosting the Regional.

The letter, written in formal French and embossed with a red wax "official seal," so impressed the student opening the society's mail that she went running upstairs to the ILS library and fruitlessly searched three atlases for information about this unknown country. "I thought at first it must be some Arabian sheikdom I wasn't familiar with," she stated, "but gradually it dawned on me that 'Daresh' was the name of one of the countries in the Competition's statement of facts."

The situation in the current Jessup problem concerns two developing countries, Daresh and Rhodania, associated with a superpower, Titania, (which can be readily identified as the United States) in the Fluvia River Regional Power Authority (FRRPA). Another impoverished developing country, Westphalia, submitted the lowest bid for turbines to FRRPA, but Titania has used its influence to have the contract awarded to a corporation located in Rhodania (a country clearly modeled after

Southern Rhodesia). Titania has taken this action in the face of a UN resolution calling for a boycott of Rhodanian goods, because of Rhodania's oppressive treatment of its 75% majority black population.

Deciding to play it straight, the Harvard student society requested a ruling on standing of *amici* from its parent organization, the American Society of International Law, which sponsors Jessup. James Nafziger '67, attorney with the ASIL, deciding that "there is nothing in the rules against having an *amicus* on the case," directed that Daresh be informed it might appear, provided it submitted a memorial to the tribunal.

A member of Harvard's ILS who had practised law in Paris,

Henri de Richemont, graduate student in law, drafted a reply in formal legal French to "Ambassador C. Kalmanskaite," who had sent the original missive from the New York City address of the "Permanent Mission to the United Nations of the Republic of Daresh."

"At this point, we're waiting to see if a brief will arrive from Daresh," said J. Gregory Lynch, 2L, the president of the International Law Society. "The competitors have been notified that there may be an unexpected appearance at the moot court arguments — we're anticipating anything from a default to a demonstration by impassioned Daresh nationals and their sympathizers!"

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Jessup Host Fails to Field Team

By Daniel M. Taubman

Although Harvard is hosting the Northeastern Regional Round of the Phillip C. Jessup International Moot Court Competition, the Law School will not be among the dozen or so schools competing in the competition this week.

J. Gregory Lynch, president of the International Law Society, explained Harvard's absence in the competition as due in part to a lack of "enough broad interest" and the lack of a faculty adviser.

The International Law Society organized interested students last fall to participate in the international moot court competition, and there was sufficient response so that at one point the Law School was contemplating a local runoff between two teams of Law School students.

Later, one team consisting of Douglas W. Jones, 2L; Bruce Ismael, 2L; Timothy Chorba, 3L; and Bart Fisher, 3L was assembled for this year. Chorba, an honorable-mention oralist last year, and Jones, a researcher, were veterans of the Jessup Competition.

With support from Ismael and Fisher, holder of a Ph.D. in economics and an expert on GATT (General Agreement on Tariffs and Trade), one of the issues in this year's problem, the International Law Society expected to field a highly competent team, Lynch said.

"Bart [Fisher] was the first to weaken," Lynch explained. In early February, he decided he would not be able to devote the necessary time to research and dropped out in order to write his third-year paper. "Till February we assumed everything would get done," Lynch continued.

Ismael, after his election as United Nations editor of the *Harvard International Law Journal*, was the "next person to weaken." He suddenly realized the time commitments necessary for the Jessup Competition, and further discouraged by Fisher's absence, also elected not to participate.

That left only Chorba and Jones, last year's participants. Chorba had originally agreed to participate as one of the two oral-

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Councilman Blasts Impotent Body,

By Arthur Angel

Arthur Angel, 3L, is a member of the Harvard Law School Council.

The Law School Council was formed about five months ago, with a broad mandate: "The Council may direct its attention to any matter of Law School policy or practice touching the interests of students, and shall serve as a forum for the expression of student views and concerns on such matters."

Since its inception the Council has met a number of times and, in essence, done absolutely nothing. I believe there are several reasons behind the impotence of the Council, including: (1) the laziness of the student members of the Council; (2) the "don't care" attitude of the students; and (3) recognition that the faculty approved creation of the Council only to provide an illusion of student participation in the operation of the Law School, not meaning to actually give students a place in the decision-making process.

In hopes of altering (1) and (2), I am presenting several concrete proposals aimed at broadening the type of education available to HLS students to the appropriate Law School Committees. These proposals are (1) Participation on *Harvard Law Review* on a voluntary basis; (2) Pass-Fail option in individual courses in all three years; (3) Student initiated courses and independent research credit; and (4) Clinical-Legal opportunities. An elaboration of these proposals and comments on each will be made in the next issue of the RECORD, on March 30.

At the present time a few words are in order about the role of students in the decision-making process at HLS and the related matter of how students are perceived by the faculty and the administration. It is clear that the faculty does not recognize any need to include students in the decision-making processes which shape the education they will receive at HLS. Students do not have a say in decisions about courses offered, research or writing programs, other programs supported, grading policies, etc. There are student representatives on various committees, but they do not maintain any two-way communication with the students they are supposedly representing, nor do they have much say in the final decisions on various proposals. So the majority of students have little, if any, say over the type of educational program available at the Law School.

The unwillingness of the Law School faculty to include students in the decision-making process is a result of their basic conception of students as *niggers*. (See Farber, *The Student As Nigger*). Students are seen as stupid, lazy, shiftless and irresponsible, lacking the capacity to play a mean-

ingful role in shaping their own educations. One illustration of this has been the bases for the faculty's strong antagonism to the oft-heard pleas for pass-fail grading. An important reason for many faculty members is that "the quality of the work will go down." They assume that without the carrot of high grades and its worldly manifestations — *Law Review* membership or a *cum laude* on diplomas — or the stick of a possible failing grade, students would not conscientiously pursue their legal educations. This ignores the high achievement motivation and compulsiveness (or more charitably, dedication) of the students who make it to Harvard Law School, and their pattern of learning which is well-established before they come here. More fundamentally, it is educationally harmful to deny to students the responsibility for their own education. And it speaks poorly of the teaching ability of the professors here (perhaps justifiably so) that they feel they must premise their teaching on such contrived reinforcements to supply the motivation necessary for students to work to learn "the law" and to become lawyers, rather than on the motivations which stem from the law's interest and importance, its humanitarian capabilities, or on the students' internal needs to become the best possible lawyers.

Students are seen as an entirely different breed from lawyers, laymen, or other graduate students. It is inconceivable that a professor would intimidate and humiliate a lawyer in one of the courses

Professors Think Students Stupid, Lazy, Shiftless

of instruction for lawyers, or a graduate student or layman in an outside lecture, for coming in a few minutes late, for being unprepared, or for giving an incorrect answer. Yet all of this does take place in Law School classes.

I have never resolved which I think is the more incredible — that Harvard Law School professors would have the temerity to treat students like stupid children (and not as compassionate or caring teachers treat children) or that the students so passively accept the faculty's conceptualization of them.

We are all college graduates, selected by Harvard over a large number of other applicants, supposedly the "cream of the crop." Many of us have significant practical, research, and teaching experience and publications. Some of us have more formal education than the professors who seem to hold us in such low regard.

Blames Failure on Faculty Control

But the inappropriateness of the faculty attitude toward students is not simply failing to treat the students as fellow professionals, as responsible graduate students should be treated. It is, more fundamentally, in not treating students with the decency and respect due us as people, apart from our intellectual, educational, social, economic, or employment status. And this elitist way of relating to fellow human beings is one of the more significant components of what education the professors do impart to their students.

Harvard Law School is based on an authoritarian rather than a humanistic educational model. Professors are the deified elite — omniscient and omnipotent (at least around the Law School). And they use their decision-making powers to shape a Law School environment which molds students in their own image, rather than one which serves the individualized learning characteristics of the students. Students are the peons, graciously allowed to sit at the feet of the masters to gather the pearls they casually toss aside. If the process is successfully completed, the students may one day be accepted as fellow elitists.

Most professors do not work *with* students as *equals*, offering them certain skills which the students want to acquire. Instead, they teach from on high, oblivious to whether students are learning and oblivious to them as people. Perhaps it is their legal training that makes Harvard Law professors recoil at the idea of “conspiring” with students to provide for them the best possible legal training. They avoid all risks of conspiracy by remaining aloof from students. Only a few ever chat informally with students; many are often too busy with doing other things to help students learn.

For most, the idea of working with students to develop educational methods in their courses which will be most useful to the students seems bizarre. Professors don't do that sort of thing. Professors lecture, students listen, attempt to answer questions formed by the professor and thereby “learn”. The Socratic method is often abused to intimidate and humiliate students for the ego-satisfaction of the professor. Professors know what is good for the students; it is not for the students to determine how and what they shall learn; and education can be neatly measured by number of hours of instruction, and learning can be neatly measured by the grades students obtain on Law School examinations.

Some professors have come to see their main responsibility not as helping their students to learn as best as they can, but rather as distinguishing the “best” students from the “poorer” ones

(presumably as a public service for the law firms, judges, government agencies and others who must select lawyers to meet their needs). The conceit of many professors is such that they really believe they can identify the “best” law students (those with the most “legal ability”) by their “best” exam answers which are given the highest grades. And as Bob Hernandez pointed out in the March 3 RECORD, Ralph Nader, the folk-hero of the socially-conscious non-law reviewers, thinks in the same terms.

But as those who have been through the grading system should know, grades often do not reflect mastery of the subject matter or even ability to

Faculty Assumes Need For Grading ‘Carrot’

apply what has been learned to a concrete problem. They primarily measure test-taking ability, whose relationship to later legal skill is unclear. And the professors who do the grading have prejudices, erroneous conceptions, and ideas of what is “good” legal writing which may vary from time to time, from blue book to blue book, and which may or may not have a valid basis. In sum, the precision, reliability and validity of the grades handed out by professors are all open to question. It thus seems highly inappropriate for professors to so intently devote themselves to “separating the wheat from the chaff” rather than working with students to help them to learn in their own ways.

The educational program offered at Harvard Law School is deficient in not giving sufficient recognition to the fact that students differ in their strengths, weaknesses, interests, values, and goals, and in the ways they learn. I submit that it is the function of Harvard Law School to help each of its students best realize his own learning potential in the most effective way possible. To meet the needs of the varied students seeking training to become lawyers (or for some other role for which a legal education is perceived as useful) different types of educational tools must be made available. More basically, Harvard Law students should be accepted as responsible adults and allowed a significant role in determining the nature of their own education. Because I think it is not enough to point out where the Law School is wrong, I will offer the several proposals mentioned earlier, admittedly by no means original, as suggestions for a few modest steps toward making the Law School more responsive to the educational needs of its students.

Ames Semi-Finals Scheduled

The John Jay Club will take on the Cardozo Club and the Kaplan Club will challenge the Learned Hand Club in the semi-final arguments of the Ames Competition Wednesday, March 22 and Tuesday, March 28.

The John Jay Club will represent petitioner and the Cardozo Club the respondent in a suit based on *Business Executives' Move for Vietnam Peace v. FCC*, 450 F.2d 642 (D.C. Cir., 1971), petition for cert. granted, 40 U.S.L.W. 3415 (Feb., 1972), before a U.S. Supreme Court composed of Justice Robert Braucher, Judge Arlin M. Adams, and Hans F. Loeser, Esq. of Boston Wednesday, March 22 at 7 p.m. in the Ames Courtroom.

James K. Pharris and Thomas D. Phillips will represent John

Jay as oralists, with Phillip Barkett, Terry S. Coleman, and Gregory A. Long on the brief. Richard Lyle Berkman and David B. Goldstein will be oralists for Cardozo, with Christopher T. Carlson, Jeffrey L. Dye, Jon W. Nickel, and Garry B. Watzke on the brief. All student participants are 2Ls.

The principal issue presented is whether the First Amendment requires the FCC to make mandatory the acceptance of some amount of editorial advertising by television stations that carry commercial advertising.

Kaplan Club will appear for the appellant and Learned Hand Club for the appellee before a Court of Appeals for the Third Circuit consisting of Judges Marvin E.

Frankel, W. Arthur Garrity, Jr. and Justice Alan J. Dimond Tuesday, March 28 at 8 p.m. in the Ames Courtroom.

John E. Beerbower and Norman H. Jackman will represent Kaplan as oralists with Paul R. Alanis, Bradley C. Diggs, Michael T. Nations, and Edwin Vierra, Jr. on the brief. Paul P. Daley and Ronald J. Waicukauski will be oralists for Learned Hand, with Leonard E. Birdsong, Geoffrey M. Connor, David J. Fine, and Steven B. Jacobsen on the brief.

The principal issue presented is on grounds of unconstitutionality. whether a disciplinary rule limiting contingent fees according to a sliding percentage scale is a state "statute" within the meaning of 28 U.S.C. §2281, such that a three-judge court must be convened to hear and determine an action to restrain its enforcement

Letter Urges Yale Plan or Faculty Salary Cut

The following open letter was sent to Dean Albert M. Sacks and the Harvard Law School faculty by 16 Harvard Law students:

We are writing this letter with regard to the recently announced tuition increase, to \$2400 from \$2100 (from \$1750 two years ago). Together with health fees and charges for multilithed materials, students are being told that they must pay a minimum of \$2550 to attend Harvard Law next year.

In addition students are facing increased housing costs. Dorm charges have been increased. Rents in the Cambridge area have been pushed up (thanks in part to Harvard, which only last year requested a control exemption for its 550 units). Rates for utilities have risen.

Students face rising food costs, whether at the supermarket or at the Hark (where we are paying more for less). The costs of all necessities have sky-rocketed in the past few years. In 1969 the RECORD estimated the real cost of attending the law school with "reasonable frugality" to be \$5000. Today it is probably well over \$7000.

At the same time the school has cut back on financial aid. A few years ago the law school adopted a policy of minimum scholarship,

maximum loan. This year students have discovered that there is a cut-back in loans from the school, forcing them to pay higher commercial rates and accumulate more debts in order to complete law school. Students have often complained that Harvard pushes them toward high-paying rather than public interest jobs by leaving them with heavy indebtedness. Last year a student poll indicated that a large majority of students favored a "Yale Plan" for tuition payment with forgiveness provisions for those graduates entering low-paying public interest type employment. The faculty did not adopt such a plan. In raising the tuition at this time, on top of everything else, the law school cuts back on the input of lawyers into the sectors which need them most.

Naturally, the faculty will insist that the law school is facing a tremendous rise in costs. Obviously the national economy is a mess. The producers have shifted the cost of the Viet Nam war onto the consumers. Harvard suffers from inflation like everyone else. BUT the faculty has shifted the cost rise onto the students without regard to student views on the subject.

The faculty has not made the law

school budget public. We have no idea of planned expenditures for new construction or for maintaining or expanding corporate law courses. Our acceptance of the tuition increase must be based on faith on the faculty's good judgment with regard to law school priorities. We believe this information should be made public and students consulted prior to the raising of tuition.

In theory a school is a community where students are offered the opportunity to learn from those who have knowledge. It does not exist for the accumulation of laurels by the great or the financial enrichment of the teacher. It is a place of learning. There is little reason to the proposition that students should be made to struggle economically while the faculty live in relative ease, particularly when the students are given no voice in the matter. Sure, you too are facing rising food costs, but try to meet them on the budget of a law student.

In short, we urge the faculty to make public the law school budget and implement the Yale Plan for next year. Alternatively, before the students should be made to pay an increase in tuition, the faculty should accept a voluntary salary cut.

Naderism and the Seeds of Reform

By Mark Green

When a critic throws not a dart, but a fit, it is tempting to leave the obvious diagnosis to others. Still, as part of Bob Hernandez' intended target in "Naderism and the Revolution: The Promise and the Threat," I would like to make a few brief comments on facts, interpretations and conclusions.

No valid argument — nor reporter Hernandez' — benefits from factual misstatements. To support his charge Naderism is elitist, Hernandez quotes Nader as saying that "the brightest students" are working at Gannett House. If he had bothered to read the front page of the RECORD in the very same issue, he could have discovered that the correct quotation was "among the brightest [students]," which is more than a niggling difference. To support his view that Naderism is egocentric, the writer asks why mention of leaders like Gary Bellow was omitted; yet in my remarks I specifically applauded new activist role models among law professors "like Professors Nesson and Bell, and Associate Professor Bellow." To support the point that Nader uses guilt feelings to gain adherents, the writer quotes Nader warning against the effectiveness of

Reporter Hernandez Should Read Playboy

"sheer, unadulterated evangelism" to effect change among law students. Suddenly, *mirabile dictu*, he argues that Nader was "obviously pointing to the *Business Planning* incident," continuing on to imply that Nader's logic was insensitive to the student victimized since "the victim was a mere human being, not a law student." Convinced? Neither am I. In no way whatsoever — except for those in need of a false sally —

was Nader referring to that incident. At best, this was a 14 line typo. At worst, it was deliberate misreporting, the shoe-horning of fact into predetermined thesis.

Also, in my view, Hernandez' interpretations represent the approach, as Professor Freund once phrased it, that all looks yellow to the jaundiced eye. On egocentricity, he wrote: "Nader himself repeatedly told the audience that he was way ahead of his time even at the Law School. How else could a former LAW RECORD editor make such a big hit?" Nader never said anything remotely like this characterization. When a student asked, "Where was your head at in 1955?" he personally and anecdotally related how he turned off to the Law School, how he interviewed derelicts and blue collar workers in an effort to understand how the law and safety hazards impacted on society's castoffs. (He omitted mention of his tour of 10 Indian reservations, later compiled into a moving RECORD article.) One would have supposed that a reporter, a self-proclaimed revolutionary and humanitarian at that, would applaud such extra-curricular activities. Instead, it is perverted to make a point about egocentricity. This is known in journalism as a cheap shot.

Hernandez also called the Nader organization "manipulative," citing the example of a PIRG organizer who gave a speech on women's lib to women students and immediately afterwards gave interested students pamphlets to begin spreading the message. So? What should you talk to women about, gun control? And the immediate organizing is a traditional and sound tactic. To slice through the fat of student apathy, aggressive and dedicated organizers are *sine qua nons*. The writer should read *Playboy's* March interview with Saul Alinsky in order to understand that serious organizing means more

than chanting — fists raised and clenched — power to the people.

Which brings me to my main difference with "Naderism and the Revolution," one of conclusion. Hernandez finally states something accurately: Naderism is *not* revolutionary, and it is critical of aspects of the counter-culture. Revolution may be big in Cambridge salons, but that's all. And in fact, if anything is elitist, it is the self-indulgent aspects of Hernandez' revolutionary counter-culture — largely

'All Looks Yellow To Jaundiced Eye'

leisurely, white, middle-class, unoppressed — who ignore generic problems of poverty, race, corporate power and legal injustice while they put their heads together. Passing a joint may be easier than writing a brief, quoting Rozak and Reich is more fun than reading Senate Commerce Committee hearings. But for those interested in serious social and legal change, more is needed when testifying against Richard Kleindienst, when representing Angela Davis, when petitioning the Department of Transportation on air bags, or when getting law school grading and clinical reform. We may all wish change and new consciousnesses came *sua sponte*, but they do not. Change needs agents of change; it requires interaction between organizers, lawyers, the community, local leaders; it needs dedication and technical competence to challenge the massive resources and power of those in control. Is this a pernicious meritocracy, a new elite, as Hernandez opines? When blacks urged black power — putting black, instead of white, hands on the levers of political power — no doubt the Hernandez's ap-

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Students Debate Funding Proposal,

By Mike Berman

The articles on these two pages present opposing views on the proposed tuition add-on needed to fund MassPIRG: East, a student-run public interest research group. Michael P. Berman, 3L, one of the organizers at the Law School, presents the arguments for MassPIRG. John W. Moscow, 3L, member of the Ad Hoc Committee on MPE, a group formed to oppose the funding of MassPIRG, presents the arguments against.

For four dollars students at Harvard can help establish and control the largest public interest research group in the country, MassPIRG: East. The PIRG's here and elsewhere are new institutions of change which are creating new roles for professionals. MassPIRG will provide a mechanism for continuous and effective student involvement in citizenship action. The individual student, the educational process, and the community will all benefit as a result.

MassPIRG is not an off-campus charity. It is a metropolitan-wide *student* organization. It will be student-funded and controlled, with a chapter at each participating school. Its projects will be devised, directed, and researched by student volunteers. A student-elected board of directors will formulate policy, hire a professional staff, and allocate all funds. Any student at a participating school may propose a project, work on a project, or run for the PIRG board of directors.

Many projects will be conducted entirely by students from one school, although others will involve

Advocate Says PIRG Promotes Effective Student Involvement

volunteers from several schools. PIRG will help to fund projects, to provide professional assistance, to attract interested students from other disciplines at Harvard or elsewhere, and to provide serious follow-up to the research. Many students in other states are combining PIRG research with academic work. Professors at Harvard and elsewhere in the area have already expressed interest in offering courses and seminars in conjunction with PIRG studies.

The fact that MassPIRG will be supported by students at a number of schools will enable it to take advantage of economies of scale. It will ultimately have a professional staff of around 20, spanning a number of disciplines. Furthermore, PIRG will function as an information clearing-house to bring together students with similar interests. The PIRG's in other states publish

newsletters concerning ongoing and proposed projects. For more information about PIRG's elsewhere, see *B.A.D.*, March 14, page 1.

Some attention has been focused on the PIRG funding mechanism. But consider the PIRG proposal in the context of the funding of other student groups at the law school. Almost every group here receives, in addition to office space and equipment, a sizable cash subsidy from the law school. Several of these subsidies are much larger than the sum PIRG might receive under its proposed mechanism (about \$6700). Complete figures are not available, but at least \$40 per student is allocated annually among various groups.

Some critics of PIRG contend that all student groups should be funded on a voluntary basis. However, few if any presently subsidized groups could attract sufficient student support to sustain themselves through voluntary contributions. Those that did survive would expend more energy and resources in fundraising than in other activities. This economic inefficiency, coupled with the inherent uncertainty of solicitation, would in turn discourage contributions even from students who would otherwise support the activity. The resultant loss of activities would confine students to classrooms and libraries and thus greatly narrow their education.

A method more equitable than the present subsidy system would be to fund activities through fees voted upon by students. The payments to student groups would then appear as separate items on term bills rather than being hidden in "tuition". Also, the amounts and allocation of these payments would be determined by students, not by the administration. At schools where such a funding method is used, the predicted orgies of self-assessment imposed by runaway majorities simply have not materialized. In fact, very few organizations are able to demonstrate the widespread support shown for PIRG at the Law School and elsewhere.

Thus student democracy, even without refunds, would constitute a sweeping reform at Harvard Law School. The MassPIRG proposal improves the student fee system by conditioning implementation upon the support of an *absolute* majority and by providing a refund to any student. Also, there is continuous student input through initiation and control of projects as well as through the election of representatives to the PIRG board of directors.

MassPIRG: East will begin operation in September if students support it now. Over 900 students at the Law School have already requested that the PIRG proposal be implemented. Why are PIRG opponents afraid of student democracy, not just for PIRG but generally?

Question Role of MassPIRG: East

By John W. Moscow

MassPIRG: East (MPE) is proposed as a public interest research group that will do things which we as law students are supposed to consider "good." We, as law students, have a duty to look beyond the proposed ends of the organization to see if the means by which the good ends are to be achieved are themselves acceptable. In the case of MPE the means involve the unnecessary coercion of our fellow students, the pointless compromising of the Law School's position of academic independence, and the curious barring of individual memberships in an organization for the public good.

The MPE plan calls for each student to be taxed four dollars on his term bill, which he must pay to remain a student. After a certain period of time each student will have the right to go to Holyoke Center and ask the bursar for his money back. If a majority of students accept that option, everyone's money is to be returned, and the group disbanded.

The MPE plan is coercive in that students must pay the four dollars whether they wish to or not, on pain of having their membership in the University discontinued. (The fact that University funds may currently be used for other activities of which some students disapprove is not support for an argument increasing the number of such activities, but rather for cutting back on those that already exist.) It is distressing in the extreme to have to show why coercion is not to be favored over voluntarism, yet the arguments of the proponents of MPE seem to ignore any burden they might have to show why coercion should be justified in this case. The opponents of MPE do not favor coercive means over voluntary means; the proponents do. That is a large part of the dispute.

There are some activities which require coercion. Government is the best example. There is no way that one person can pay for a certain amount of national defense without providing the same amount for his neighbor. Since everyone must necessarily share equally we coerce everyone into paying. There is some question as to whether MPE is that sort of activity.

What MPE needs to function is a certain number of interested students, together with a certain amount of money. Even the organizers of MPE recognize that not everyone need join MPE; they provide for people opting out of the group. But if not everyone need join, MPE should be treated as is every other voluntary organization: if people want to join they should be permitted to, but not forced.

The argument in favor of coercion says that students normally "waste" a great deal of money each

year, and that that money would be better spent on public interest research. It is encouraging to know that there are people at the Law School who know which uses of my money are wasteful, and which socially acceptable, but speaking for myself I would rather make such decisions on my own. It is also nice to know that among our schoolmates there are those who *know* what is in the public interest, without even consulting the rest of us. The traditionalists who worried about the disappearance of elitism and snobbery at the Harvard Law School can rest assured that both are doing well. While the social arbiters of the past have disappeared, we now have men to tell us truth, and to guide us in the spending of our money.

There is no reason that MPE could not set up a table at registration to collect its money from those

Critic Scores Funding Process, Coercion, Lack of Individualism

who wanted to give. The argument against that plan is that not enough money will be raised. That argument is silly. What is "enough" money? Enough for the people interested in an idea to get what they want? If I want to go to Europe, and ask for people to contribute to my trip, do I have the right to tax everyone if my requests don't raise "enough" money?

The proponents of MPE say that it will go into operation only if a majority of the students favor it, and that the minority should go along. BUT, why is MPE a proper topic for majority control? Not everything is, surely.

Universities are a specialized form of social organization dedicated, ideally, to the search for truth — to teaching, research, learning. It is not clear that such specialized forms of social organization can be put to separate purposes — e.g., deciding what is in the public interest and doing research on it — without seriously distorting their original purposes. Since there are serious potential costs, and no compelling reasons why universities should be distorted in the MPE-proposed manner, it would be best if MPE were organized among college students, but in their role as citizens rather than students.

Finally, we are told that if fewer than a majority of students at an institution support MPE, none will be permitted to join. That is a true denial of individualism; either Harvard Law School joins, or no one there will be permitted in. Is it really necessary?

Closed Parens

Debate over the funding of MassPIRG and the failure of the Law School Council to produce any meaningful changes indicate that the School is not years but decades behind the movement toward greater student decision-making. It would seem that the primary objection to MassPIRG is not the purpose, but rather the funding, of the organization. Although some questions remain unanswered, the broad scheme is a desirable one and one that will benefit not only the community at large but also the students who take the time to work for the public interest. The organizers of PIRG have unfortunately fallen victim to a system which still considers the student an inappropriate decision-maker when it comes to which student organizations will receive some of his tuition monies.

At any other university PIRG would have appealed for funds to the existing student government, which would have authority to disburse monies earmarked for student activities. These student representatives would determine whether the activity was worthy of financial support when balanced against other student interests.

Here at the Law School the budgets of the student organizations are determined by the administration, without any attempt to consult with the student body. The idea that the administration and faculty are better judges of where the money should go is part of the more general conviction that the faculty and administration are better judges than the students on any matter affecting the students. The Law School Council, created to give the students a voice, has met repeatedly without coming up with any positive statements or proposals. This is no wonder when it is considered that the council is a mixed body of students, faculty and administrators, whose power allows them to present a proposal to the faculty as a motion made and seconded. Even when the objections of the faculty committee-members are overborne, the proposal will still not be effected until approved from on high by the faculty at large. This is student participation?

Several proposals which have been accepted at other law schools and which would make education at Harvard more meaningful will be presented to the council. The council should pass these proposals and continue to present them to the faculty until it is realized that the students do want changes of this type. The Law School may have made its reputation in times of administrative *parens patriae*, but if it wishes to remain in its respected position it will have to move with the changing trend of thought in the educational field.

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Welcome to the writing staff of the Fenno Third-Year Paper Company. You will find that, almost without exception, our staff is composed of people of the highest intellectual order. For example, one of our middle-level (though not our best) writers got an A+ in *Ad. Law*.

You may, perhaps, have some smidgeon of ethical qualms. What the hell. All truth is relative, as the logicians say.

"Conscience is but a word that cowards use." *III Richard*, V Act 309.

So much for generalities.

Specifically, as a writer for The Company you must:

a) always be on time. It is true that individual Professors have extended deadlines, chiefly depending upon how much their secretaries like you. But it is also true that the Law School has mercilessly shafted people handing in late papers.

b) come up with a finished product whose quality is roughly equivalent to that of a reputable law review article. Of course, you may shoot even higher, such as the quality of a Fenno column, but this is not necessary. One fundamental rule to keep in mind: you must say "on the other hand" an average of 1.63 times per page. We will not pay you for papers failing to meet this requirement.

c) be somewhat original. This is easier than it sounds. You need merely insert "it is submitted" as a prefatory phrase every so often.

So much for requirements.

You should also keep in mind the intellectual level of the person who is handing in the paper. It does no good to write an incisive paper for a student known by his Professor to be a complete cretin. This is true more often than not, so it will therefore be necessary for you to "write down," so to speak. Of course, you may also have to "write down" if, when the Torch of Brains was passed, the Professor was out of lighter fluid. You would do well to check our office manual on this (popularly known as "The Word").

One final note. We realize we are asking a lot of you, but we do have a tradition to uphold. We also have a guarantee: the student will receive a grade at least one notch higher than whatever grade he got in *Accounting*.

Good luck.

Letters to the Editor of the RECORD

MassPIRG Erodes Value-Free University

To the Editor:

The promoters of MassPIRG: East exhibit an amazing insensitivity (or disloyalty) to the protestations of student activists of the past years. Indeed, many of those advocating this unique scheme for institutionalizing social reform might be sympathizers of past campus crusades. Then, as you will recall, one common cry was against university complicity with the war machine, which was defined as all ties with national defense work, whether or not related to the Indochina conflict. Subsequently, those purists seeking a value-free university felt that even voluntary student participation in ROTC programs, on or off campus, or voluntary student interviewing with defense contractors and selected non-defense corporations would be detrimental to their objectives.

Now, MassPIRG: East rises from the ashes of burned and bombed ROTC buildings, seeking university subsidization by means of forced collection of dues. What happened to our value-free university? If this worthy objective cannot withstand the phantasmal encroachments of *voluntary* student participation in organizations such as ROTC, how can it overcome this *active* involvement of the university as dues collector? Is it enough to say that each student has the right to a refund? Can we then overlook the fact such a funding plan requires active involvement by the university and of every unwilling student, first by collecting or paying the desired fee, then by going through the hassle of retrieving it?

While an organization on the order of MassPIRG: East could be highly effective in initiating social reforms, is it so lacking in student support that it can not run on voluntary contributions? If so, it is difficult to justify imposing fees on large numbers of apathetic, uncertain or hostile students to help support a group which is entirely unrelated to fundamental academic objectives of their university.

Finally, if such a funding plan does meet University approval, I will get out a petition for increasing the additional fee to \$4.10. The additional 10¢ per student will go towards an annual

trip abroad for yours truly. The educational benefits acquired from these ventures abroad will make me a more informed citizen. Since all members of my community will reap the benefits of this annual educational input, this plan is obviously in the public interest. Besides, who would go through the arduous process of demanding a ten cent refund? Who would be so cheap?

Terry E. Thomson, 2L

Three Cheers for 'The Nixon Nuance'

Bob Hernandez is to be complimented for emitting The Hernandez Radical Perspective On Ralph Nader. It surely marks a milestone in Analysis at THLS.

His tightly reasoned and yet perceptive piece should significantly advance our understanding of fascism and its dangers. Moreover, the general level of civil discourse at the Law School should be notably elevated by his timely revival and illustration of that classic device, The Nixon Nuance. Huzzah! Murray Chotiner lives!

Richard Spohn, 3L

BSA Representative Prefers Correction

To the Editor:

In the March 3rd issue of the RECORD, in an article on the Ames Alternative program, the following statement was attributed to me: "A substantial number—although not a majority—of Board members favor the Alternatives program." I either misspoke or was misquoted. The statement should read: "A substantial number—although not a majority—of Board members *prefer* the Alternatives program." At the time the remark was made, I was comparing the Board members' attitudes toward the Alternatives program with their attitudes toward Ames.

It should be pointed out that a majority of the members of the Board are in favor of continuing the Ames Alternative program.

Daniel T. Broderick, III, 2L

Law Notes

If you're a first-year Law or Business School student, and you're looking for a summer job, read on. Joseph Hill Associates needs staff members for public policy teams to work with the Massachusetts Legislature and executive. Stop in at Joe Hill (W-137 Langdell) and ask for Kathy, Steve, or Bill.

* * *

Summer jobs are available for law students interested in research and development of case materials relating to problems of low-income housing.

For information, see Professor Charles Haar, Room 300, Faculty Office Bldg. Phone: 495-4610.

* * *

The Holmes Lectures for 1971-1972 will be given by John T. Noonan, Jr. '54, professor of law at the University of California School of Law, Berkeley. The title of these two lectures will be "Alliance of Law and History," and they will be delivered on April 25 and April 27 in the James Barr Ames Courtroom in Austin Hall. Both lectures will begin at 8:00 p.m.

Noonan is a graduate of Harvard College and received a Ph.D. degree from Catholic University. While at the Law School, Noonan served as Book Review Editor of the *Harvard Law Review*. He is the author of numerous books and articles including *Contraception* (1965) and *The Morality of Abortion* (1970).

As a result of his book, *Contraception*, Noonan was invited to present his views to the Papal Commission studying problems of contraception and birth control. The commission was appointed by Pope Paul VI.

* * *

The Harvard International Law Society will hold elections for president, vice president, secretary, and treasurer next Thursday, March 23, at 4 p.m. in Room 107 of the Pound Building. Those interested in running for an office should notify the society office beforehand. All members are encouraged to attend the election meeting.

* * *

The Harvard Law Wives have elected their new officers, with Carolyn Stewart named the new president. Other officers are: Karlene Bley, vice-president; Darney Proudfoot, recording secretary; Gail Trimmier, treasurer; Carolyn Snipe, program chairman; and Joan Reynolds, member at large.

Tuition Loan Violation Cited Jessup Hosts Won't Compete

(Continued from Page 1)

scribed as having "proved very satisfactory" by the dean in his letter. He wrote that the cost of the plan is "reasonable."

Under the plan, offered here by the Richard C. Knight Insurance Agency of Boston, parents can pay monthly installments over a chosen period of time in lieu of the required quarterly tuition payments. That portion of the monthly payment which constitutes interest on a loan is computed at an annual rate of eight per cent.

The extended payment plan requires parents to purchase life and disability insurance to cover the monthly payments and a premium for this insurance is included in the monthly charge. Finally, the plan imposes an initial service charge of \$25.

In Dean Sacks' letter, in a previous memorandum on the offer sent by Vice Dean William L. Bruce to all students in late November, and on an illustration of the plan provided by the insurance agency, the "finance charge" for the plan is computed at eight per cent and is so stated.

Froman contends that the Truth-in-Lending Act, specifically 15 U.S.C. §1605, requires that insurance premiums and service charges of the kind offered in this plan be included in computing the finance charge. If they were, he says, the finance charge in the illustration of the repayment plan furnished to him by the Knight Agency would be as high as 10.8 per cent.

Froman outlined his arguments in letters to Dean Sacks in mid and late December. Both Dean Sacks and Dean Bruce wrote Froman before the New Year thanking him for his analysis and informing him that his letters had been forwarded to the Boston law firm of Choate, Hall & Stewart, attorneys for the Knight Agency. Bruce also wrote Froman that the Law School wanted to be in compliance with the act.

The Knight Agency forwarded Froman in late January a lengthy memorandum prepared by Rhodes

Boston Law Firm Approves Loan Plan

G. Lockwood '49 of the Boston law firm. In it Lockwood argued that the Sec. 1506 requirement that all charges incidental to the extension of credit, including service charges and insurance premiums, be used in the finance charge computation did not apply to the Knight offer because the agency also offered two other plans, a prepayment plan and a pay-as-you-go plan that included the service and insurance charges but not the loan interest. Only the interest charge was therefore incidental to the extension of credit, he reasoned, and should be included in the finance charge.

Froman counters that since the Sacks letter and Bruce memorandum do not offer eight per cent loans without the insurance and service charges, the charges clearly are incidental to the extension of credit and the statute is being violated.

Froman has not done anything further and says that he will wait until students or their parents who subscribed to the plan want to take the case to court. Froman adds that the Law School and the dean may be subject to penalties under the act if the December letter is considered "advertising" with a false finance charge.

(Continued from Page 3)

ists on the team, and once Fisher and Ismael dropped out, would have had to do research as well. Chorba, also faced with a third-year paper, decided not to participate too.

Meanwhile, Jones had researched and written almost half the brief involving the question of apartheid in the mythical nation of Rhodania. At this point, Jones' previous efforts to encourage participation by some first-year students proved inadequate since only a short time remained before the deadline for submitting the briefs.

Jones, bitter and frustrated, was forced to abandon the project.

"At the beginning I was very upset," Lynch explained, when asked how he felt about the Law School's not fielding a team. "Our main objective was having a good team this year."

Last year Harvard finished last among eight participating schools in the regional competition. That effort was the International Law Society's first following a three-year lapse owing to "disinterest" or "disorganization". Several years before, a Law School team had placed second, however.

"At least we feel that it is our responsibility as a member of the region, that it was still our obligation to be host at some point," Lynch said.

"We do plan on going on with the Jessup next year," he added confidently.

Lynch noted that there are too many conflicting interests among those interested in international law at Harvard, and that the "same few people just get over-committed." At other schools, the Jessup Competition is the only avenue for participation in international law activities, whereas Harvard offers a journal, a society, and numerous course offerings, he said.

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been invited.

PRICE STRATEGY WITH INFLATION

Experience curve theory says that about 3% steady annual growth on trend in physical volume is required to reduce costs enough to offset each 1% of annual inflation. Only products with growth rates more than three times inflation can expect to hold a constant price in current dollars without producing a shakeout.

There are some general pricing rules. Price parallel to experience curve costs if market shares are to be kept constant. Raise prices faster than experience curve costs to cause the smaller producers to grow fastest. Lower prices faster than experience curve costs to shakeout all except a few competitors. These relationships are not affected by inflation. However, inflation has the effect of an automatic price cut if you do not raise dollar prices.

Significant inflation cannot be offset by growth except in a very few fast growth products. Therefore, constant prices in current dollars mean an automatic competitive shakeout for most products. Even maintaining margins in slow growth products requires upward price leadership by someone. Failure to raise prices during inflation is, in fact, a price war of attrition.

The effects of price changes are very unequal. Low share competitors are characteristically high cost. Failure to increase prices is very punishing to them. Failure to increase prices during inflation naturally tends to concentrate market share in the already leading producers.

However, if anyone increases prices and everyone else does not follow, the competitor who holds prices constant, will tend to gain share rapidly. Often he will gain share fast enough to offset the lower price. If the price differential is allowed to exist for an extended period the growth in volume will lead eventually to an improvement in relative cost for the competitor gaining share. This can actually more than offset the price decrease on trend if capacity is added fast enough to keep lead time low.

It is ironic that public policy calls for holding prices during inflation. The result must inevit-

ably be the squeezing out of the higher cost and smaller competitors. The same action in the absence of inflation would be viewed as extremely aggressive.

The corporate strategist must first decide whether market share is worth buying before he can evaluate pricing strategy. Inflation does offer the leading producer a chance to methodically lower real prices and slowly squeeze out his higher cost competition. He can do this by just holding prices constant.

This is no small opportunity. True prices can be steadily reduced this way. In a noninflationary environment, the same result would require a series of highly visible steps that would provoke very strong reaction from competitors and perhaps from antitrust administrators.

Experience curves and inflation work in opposite directions. In the absence of inflation, the leading producer tends to hold prices up in the face of declining costs until his loss of market share becomes unbearable. His very size provides the opportunity to maintain a price umbrella. With inflation every producer is automatically the price leader on the down side until he takes specific action to raise prices.

Passive price behavior by the leading producer means that without inflation he keeps prices too high for his own good in fast growth situations. He loses share steadily and prices eventually decline anyhow.

Passive price behavior by the leading producer in modest and slow growth industries during inflation means that he steadily lowers the price to below the level of his competitors' costs. No one else can raise prices to offset inflation unless the leading producer will follow.

Inflation changes the direction in which active price decisions must be made. However, inflation does not change the fact that there is an equilibrium price at which market share will stay constant. Either higher or lower levels will cause share to shift. Inflation makes the equilibrium price a moving target with an upward bias.

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Daresh Files Surprise

(Continued from Page 3)

At least one of the competing teams has expressed its willingness to share the forum with mysterious Daresh. Philip Weinstein, on behalf of the Boston University competitors, stated that, "To the extent we represent Westphalia (the contest rules require teams to submit memorials and to argue both sides during the course of the competition rounds), we certainly are prepared to do battle with them and support the integrity of FRRPA. To the extent that we represent Titania, we welcome their assistance and will provide tactical support — perhaps loaning 40 jet bombers in exchange for their help here."

In any event, three-judge courts will hear five rounds of arguments among teams from Boston College, Boston University, Columbia, Fordham, N.Y.U., Rutgers and Yale. Among those who have agreed to sit on the judges' panels are Charles E. Goodell, former senator from New York; Rita Hauser, U.S. delegate to the United Nations Commission on Human Rights; and the Hon. Robert Braucher of the Massachusetts Supreme Judicial Court.

Academia will be represented by Professors Louis Sohn and Detlev Vagts (Harvard), Oliver Lissitzyn (Columbia), Andreas Lowenfeld (N.Y.U.), Alessandra Luini del Russo (Howard), Gilbert Verbit (Boston U.), Cynthia Lichtenstein (Boston College), and Basil Yanakakis (Suffolk) from law faculties; and Martin L. Kilson, Harvard University professor of government, Leo Gross (Harvard and the Fletcher School of Law and Diplomacy) and John H. Spencer (Fletcher). Many Boston attorneys who practice in the international area, including C. Peter R. Gossels, chairman of the Private International Law Committee of the Boston Bar Association, will also appear.

"We wanted to get a truly representative selection of judges from the international sphere for

this event and we feel we have succeeded," Lynch stated.

Arguments are scheduled for 10:00 a.m., 1:30 p.m. and 4:30 p.m. on Saturday, in the second floor classrooms of the Pound Building, at noon on Sunday in the upper and lower level ILS seminar rooms, and at 2:00 p.m. again in the Pound classrooms.

In keeping with the developing theme of the Competition's subject matter, the society will serve a classical Indian feast of cream of almond soup, chicken tandoori, dal urad, chick peas and potatoes, and other delightful taste sensations. It will be whipped up by two master chefs from India, Dr. Rahmohan Abrul, presently a research fellow at Boston University Medical Center, and his wife, Prehma. Several student members of the International Law Society and would-be gourmet cooks will assist Dr. and Mrs. Abrul in preparing the meal.

Prof. Robert Meagher, consultant to the United Nations, the World Bank and AID, and professor at the Fletcher School, will give an informal talk on "Less Developed Countries and World Bargaining Power" at the dinner.

A limited number of reservations are available for the dinner at a price of \$3.75 for members of the International Law Society, and \$6.00 for non-members. This price includes drinks.

Nader Defended

(Continued from Page 7)

proved. So if those interested in our programs choose that same, traditionally American route — political power so that a Representative Rosenthal, not Representative Holifield, shapes consumer legislation, so that Gary, Indiana can order U.S. Steel to stop polluting, so that Nicholas Johnson becomes attorney general, not Richard Kleindienst — does this thrust become "fascistic." Come on Bob Hernandez. The most fascistic thing about "fascistic" is its indiscriminate, inapt use. The most generous I can be of this characterization is that the Constitution permits people to believe anything.

Ultimately then, our critic is, to take his own phrase, a "Consciousness III revolutionary" — dallying with the style of change rather than the substance of change, content to toss flowers, not seeds.

Mark Green '70 is an associate of Ralph Nader and the Washington-based Center for the Study of Responsive Law. He was a guest speaker along with Nader at a recent meeting of the Law School Forum. Green is the author of an article in the February 21 New York Magazine entitled "Lawyers 1972: Good-Bye To Pro-Bono."

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House Bill Would End Clerk Discrimination

To eliminate alleged discrimination by Supreme Court justices in the selection of law clerks, a United States congressman has proposed the appointment of clerks by and with the advice and consent of the Senate and the House of Representatives.

The congressman, John R. Rarick (D-La.), made the proposal last August to counter "the judicial trend to the far left" resulting from the predominance of Ivy League graduates among the ranks of Supreme Court law clerks.

His proposal and accompanying House remarks were reported in the February issue of *The Student Lawyer Journal*. Rarick is quoted as saying that Harvard Law School graduates include 125 (35%) of the 361 law clerks appointed by the justices who have served on the bench for the past 10 years, including those law clerks appointed by the older justices prior to 10 years ago.

With 60 law clerks from Yale, the Cambridge and New Haven law schools boast over half the total. Other schools with 10 or more clerks were California, 18; University of Chicago, 13; Michigan, 14; and Columbia, 16.

Sports Briefs

Maulers Manhandle Montezuma

By Willard Fraumann

The Mashuppee County Maulers finished the regular season with a 105 to 65 victory over Montezuma's Revenge and took over sole possession of first place in the A League.

The top 16 teams, five from the A League, four from the B League, three from the C League and two each from the D and E Leagues meet in a single elimination tournament which started March 9.

In the first round the Mashuppee County Maulers behind Tom Pfister, 2L, and Rich Stoner, 2L, beat the Exhumators 87-29 and the Sky Kings took Nunc Pro Tunc 59-52. The Rabbits blasted by the Mau Mauing Radicals 81 to 33 behind Xavier Suarez, 1L, and Pat Shea, 1L, and the Grovinators took the Aberrations 59 to 39. Play continues March 13, 16, 20, and 23 in Hemenway Gym.

A LEAGUE

Mashuppee County Maulers	8-0
Montezuma's Revenge	7-1
Jackson 5	5-3
Radishes	5-3
Grovinators	5-3
Sharks	3-5
Turkeys	2-6
The Supremes	1-7
Behemoths	0-8

B LEAGUE

The Rabbits	6-2
The Nunc pro Tunc	6-2
Aberrations	6-2
Process	5-3
The Whopper	5-3
The Roaches	4-4
Son of Xloti	2-6
Irish Republican Navy	1-7
But c. i. c. s. p.	1-7

C LEAGUE

Sky Kings	8-0
Preferred Stock	7-1
Exhumators	5-3
Houly's Hoopers	5-3
Hollis Street Hoopers	5-3
The Turkeywimps	
(pedis possessio)	3-5
Harvard Legal Aid Bureau	1-7
T. J. Hoopers	1-7
The Juggernaut	0-8

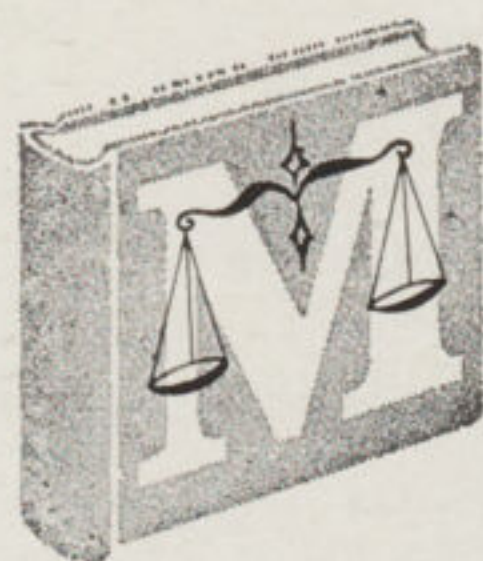
D LEAGUE

Most Fowl	8-0
Mau-Mauing Radicals	7-1
Crimson Swine	5-3
Great Danes	5-3
John Smith	4-4
Net Loss	2-6
Justus Blacks	2-6
Harvard Voluntary Defenders	2-6
Story Decisis	1-7

E LEAGUE

The Yale Law Journal	8-0
The Big Ten	7-1
Globeplodders	6-2
Contingent Remainders	5-3
Cleveland Cavaliers	3-5
Civil Pros	2-6
Red Pigs	2-6
The Supreme Ct.	2-6
The Intentional Torts	1-7

NEW YORK BAR — JULY EXAM



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Law Review Outlines Give Hope

By Kermit Kubitz

The manila folders beneath the library counter look musty and unused, but they may be valuable to students who pale at the idea of attempting to summarize a semester's or year's work in preparation for a final.

What are these arcane objects? Why nothing less than *Law Review* outlines, freshly updated by Reviewers, ostensibly for fellow members so fagged by notes and comments that they need a fast handle on course material, but made available for general student use.

Not all courses have outlines, nor are all the outlines in the li-

brary recent or relevant. A mimeographed caveat in the front of each folder warns, "Most . . . are old, seem to have been hastily prepared, contain little more than

Musty Folders Offer Rest For Weary

summaries of cases, and contain a fairly large number of inaccuracies."

However inaccurate or old, the outlines do exist. An inventory of the physical contents of the folders and oral discovery at Gannett House provided the partial list that follows. New outlines were done of major courses with

substantial changes since the most recent outline. On the other hand, as one *Review* officer said, "Who on *Law Review* would take *Family Law*?"

A partial list of courses for which recent outlines are available include: *Administrative Law*, Professor Byse; *Antitrust*, Professor Turner; *Conflict of Laws*, Professor Trautman; *Constitutional Law*, Professor Freund; *Evidence*, Professors Tribe and Chadbourn; *Labor Law*, Professor Cox; and *Taxation*, Professor Andrews.

Other outlines are in preparation and many other courses have older outlines at the library desk.

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