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TWENTY CENTS

Harvard Names '70 Grad First Woman Dean

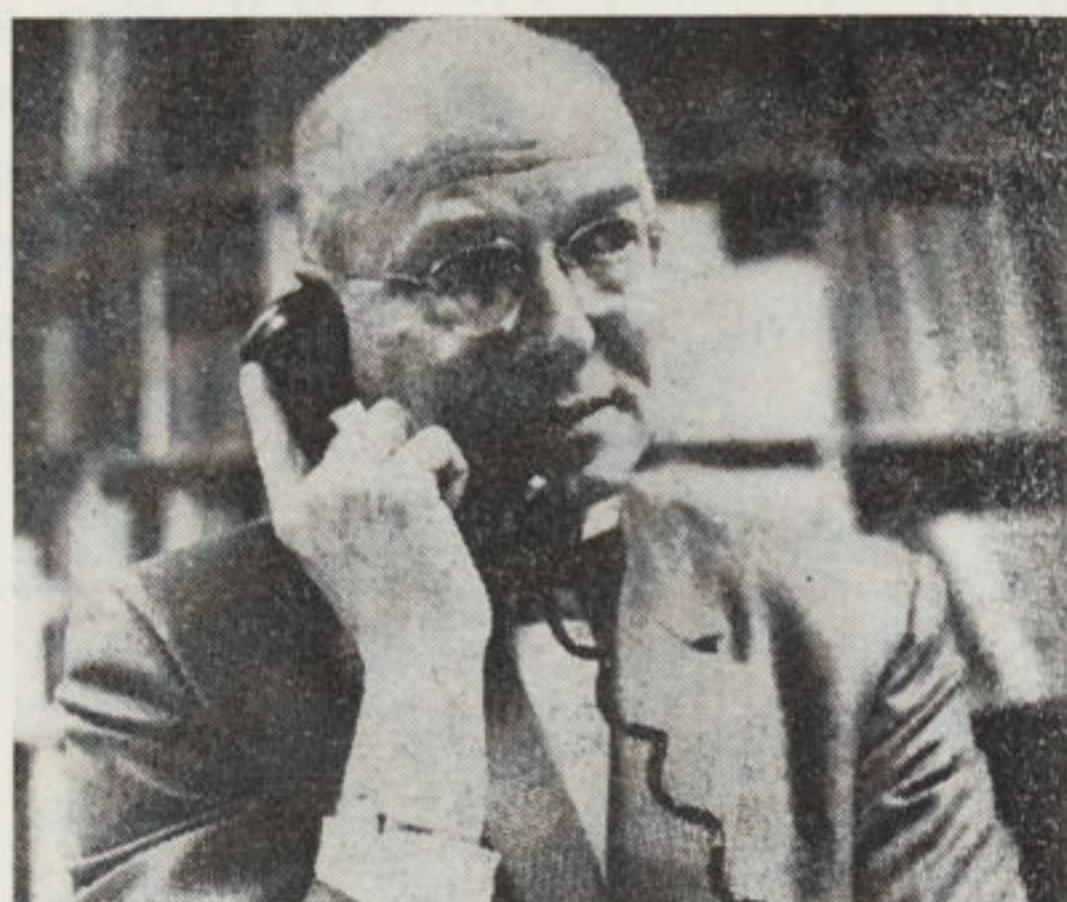
Jeanne Charn Kettleson '70 was named Monday by the Harvard Corporation to be Assistant Dean of the Law School and Director of Administration for Clinical Programs. Kettleson will fill a newly created position "intended to strengthen clinical programs here" said Dean Albert M. Sacks.

The new position is essentially one recommended by a report of the faculty committee on clinical legal education last spring.

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Sacks Terms WLA Charge Of Male Bias 'Groundless'

By David J. Cocke
In response to a complaint by



Charles Soberman
Dean Albert M. Sacks

two women law students of alleged sex discrimination by the Law School in violation of the 1964 Civil Rights Act, Dean Albert M. Sacks labeled the claims "groundless" and "unjustified" in an interview with the RECORD earlier this week. Sacks specifically refuted every allegation in the complaint and maintained that the charges would make it "harder rather than easier to recruit more women to come to the Law School."

The two women, Alice W. Ballard, 3L and Rosalind A. Lazarus, 3L, filed their complaint on behalf of the Women's Law Association with the director of the Office of Civil Rights in the Department of Health, Education and Welfare. That office is in charge of enforcing Title IX of the Civil Rights Act, which prohibits sex discrimination in schools receiving Federal assistance.

Since the charges were filed Lazarus has become a special student.
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Hub Police Hit Court Nominees; Two of 29 Are HLS Teachers

By Gary L. Rubin

Amid considerable fanfare and official ballyhoo, Governor Francis W. Sargent has nominated 29 men and women—including two teachers at the Law School—to fill some of the 38 judicial vacancies created when voters approved a constitutional amendment requiring that state judges be retired at the age of 70.

Among the nominees are Teaching Fellow John C. Cratsley and Lecturer David S. Nelson, and 11 graduates of the Law School. The 29 nominations are expected to be confirmed by the Governor's Executive Council during the next several weeks.

But a Boston policemen's group is threatening to counter the Governor's appointments with a constitutional amendment of its
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Freund Defends Court Plan

By Daniel M. Taubman

One month after a blue-ribbon committee of law professors and practicing lawyers recommended the establishment of a National Court of Appeals to ease the mounting caseload of the Supreme Court, the group's chairman defended the proposals in the face of mounting criticism.

In an exclusive interview with the RECORD, committee chairman

and Loeb University Professor Paul A. Freund noted that "any new departure is bound to produce initially some resistance. I would hope that after more reflection people would come to agree with the committee's proposals."

The proposals, officially titled "Federal Judicial Center Report of the Study Group on the Caseload of the Supreme Court," have
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Sacks Refutes Charges of Sex Bias

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dent at Georgetown University Law Center, but she will receive her degree from Harvard in June.

Neither Sacks nor the WLA representatives have heard from HEW since the complaint was filed on December 19. A spokeswoman for the local bureau of the Office of Civil Rights said Monday that her office had not yet received a copy of the complaint, which would normally be forwarded from the Washington headquarters for an investigation.

Ballard explained that the complaint was the result of a talk between WLA representatives and Gwen Gregory, a Washington lawyer in the Office of Civil Rights, concerning the perimeters of a possible complaint under Title IX. "There were a number of things we could have added," said Ballard, "including the way women are treated here, but we were limited to only those things that the statute would cover."

The complaint charged the Law School with admissions practices that give greater weight to the scholastic performance of graduates of all-male and predominately male schools which were the source of most admissions in the past; recruitment activities that depended in the past upon relationships with male and predominantly male undergraduate institutions, and a failure to compensate for these past practices; "near exclusion" of women from the faculty; and virtual exclusion of women from "positions of responsibility in its administra-

Sacks responded to the charges in detail. With regard to the allegations of discrimination in admissions he said, "One point that they made was that we weigh college records according to our appraisal of the college. That is true, we do. They infer from this that women are at a disadvantage. That is not true. Women's colleges as a group are not appraised

as poorer than men's colleges." The Dean noted that specific information about college evaluation could not be made public, but that it would be available to an investigator from HEW. He was confident that it would show no discrimination.

"As for recruiting, we could cut back on our overall efforts. But it was desirable and appropriate to focus our efforts to attract racial minorities and women to the Law School." He noted that the administration has afforded opportunities to student organizations, including the WLA, to do recruiting, and "within reasonable limits, has subsidized it." For a number of years, the WLA took advantage of this opportunity, he said, but these efforts have tapered off substantially in the last year from "44 visits last year to six this year."

Women Seek Redress For Past Discrimination

Faculty selection, he said, was "sex-blind in terms of any standard." He noted, however, that the percentage of women available (i.e., law graduates who are women) "creates a ceiling" much below the percentage of women in the general population. "While we have generally focused on graduates of the Harvard Law School, which did not admit women until 1951, for our faculty, we certainly don't limit our selection to this group." He pointed out that the faculty made a special canvass of all law teachers who are women and "sought out all possible candidates, graduates of this and other schools, women already in teaching, in private practice, in govern-

ment, and anywhere else we could reach them." He noted that "in deciding whom to appoint we intend to apply identical standards to men and women."

"Finally, in terms of administration, they say there are virtually no women administrators in the School. This is unfair to a number of people who are doing some very important work," he said. Without naming names he alluded to women in the placement, registration, and financial aid departments. "And in fact the two complainants knew of the pending appointment [of Jeanne C. Kettleson as Assistant Dean] before any inkling of a complaint and expressed great enthusiasm for it."

Ballard said she was confident that when the HEW investigators "look through the facts and figures they will find evidence of discrimination." She admitted that the charges depended heavily upon the Title IX mandate to correct for past discriminatory acts rather than merely to eliminate present illegal procedures. "Under the guidelines," she said, "if you did more for one group in the past, you have to do more for the other in the present." She added, "We are very disappointed in Harvard's affirmative action program."

Ballard and a number of WLA members contacted by the RECORD noted that the complaint was designed to put pressure on the School to continue its efforts to eliminate discrimination. "This is just part of an ongoing institutional battle," said Ballard. "We have to push harder and try harder, because we won't be here in 10 years. They [the adminis-

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December Bombing of N. Vietnam Provokes Faculty Protest Petition

By Paul D. Gutierrez

In protest of the Nixon Administration's resumption of the bombing of North Vietnam in December, 32 members of the Harvard Law School faculty signed an open letter denouncing the action as an unjustified resort to violence.

The drive, spearheaded by Professor Stephen G. Breyer, contained the faculty's request to Congress to condemn the bombing. In addition it called upon Congress to vote to cut off funding of the Indo-China war. The letter expressed both "shock" and "revulsion" at the Nixon tactic as "undermining the humane values upon which both the nation and its universities were founded."

Professor Breyer stated that the move to circulate the letter began in the Faculty of Arts and Sciences. He said the letter was modified slightly by Professors Paul M. Bator and David L. Shapiro before being presented to the Law School faculty.

The one-day drive received overwhelming faculty support, and signatures were readily obtained. Said Professor John P. Dawson, one of the signers of the letter, "It seems inconceivable that anyone in his right mind wouldn't sign it."

Breyer said that copies of the letter and the signatures were sent to both Massachusetts Senators Edward M. Kennedy and Edward W. Brooke.

The letter was signed by the following faculty members:

Paul Bator, Derrick Bell, Gary Bellow, Stephen Bernardi, Stephen Breyer, Victor Brudney, Abram Chayes, Morris Cohen, Vern Countryman, John P. Dawson, Alan Dershowitz, and John Ely.

Also, Richard Field, Roger Fisher, Charles Fried, Sheldon Glueck, Charles Haar, Philip Heymann, Duncan Kennedy, Lance Liebman, Louis Loss,

Diane Lund, Frank Michelman, Lloyd Ohlin, Oliver Oldman, Frank E. A. Sander, Austin Scott, David Shapiro, Alan Stone, Donald Trautman, Laurence Tribe, Donald F. Turner, and James Vorenberg.

Woman Selected As Asst. Dean

(Continued from Page 1)

Kettleson will be the first woman to hold the rank of dean at the Law School. Her appointment comes in the wake of charges by members of the Women's Law Association that the Law School "has virtually excluded women from positions of responsibility in its administration."



Jeanne Charn Kettleson

The new dean, who is expected to begin her duties in February, is presently an attorney with the Massachusetts Law Reform Institute. She worked for the Cambridge Legal Assistance Organization (CLAO) while a student here.

Also named to a new position in the Law School administration was James N. Bierman '70, who will be Associate Director of Admissions. Bierman, a graduate of Washington University, is presently a member of the Washington, D.C. law firm of Hogan and Hartson.

Council Votes Not To Endorse Mandatory P/F

The Law School Council voted 9-7 against a motion to endorse implementation of mandatory pass/fail grading for first-year students at its meeting December 18. The vote came after a sharp and sometimes acrimonious debate in which the motives of the Committee on First Year Evaluation and Related Matters were challenged by students who favored the motion.

The debate in favor of the proposal was led by David W. O'Connor, 2L, who stated that the subject of pass/fail grading had received sufficient attention in the recent past to eliminate the need for further consideration by the Council. He claimed that a counter-proposal to create a Council committee to study the matter and report back to the group in February was useless and would interfere with efforts to secure changes in the grading system for the current year.

Professor Stanley S. Surrey suggested that a committee could channel student input, which he said the Committee on First Year Evaluation was very interested in receiving. O'Connor questioned whether student input would have much effect on the minds of the Committee's faculty members.

Although many members of the Council appeared undecided, O'Connor forced the motion to a vote. The students present split 7-7 and the votes of two faculty Council members provided the margin of defeat for the proposal.

Future Council action on the pass/fail question is uncertain in the aftermath of the raucous meeting. From sentiment expressed after the session ended, it appeared that some Council members who opposed the motion favor some form of pass/fail grading, but would prefer a period of time to develop a more responsive system.

Countryman Challenges War

On the eve of the Vietnam ceasefire, Professor Vern Countryman was named counsel for a defendant charged with violation of the Selective Service Act, with directions to challenge the constitutionality of the war. He was appointed counsel for Charles S. Gibson, Jr., by Federal Judge Charles E. Wyzanski '30.

Countryman was scheduled to represent Gibson, a conscientious objector, at a hearing scheduled for February 5, but he received an extension to complete study of the issues.

Several students are working to develop the many challenges suggested at the hearing, including, "whether . . . changes in the Vietnam War and the attitude of Congress toward exercises of Presidential power have so developed as to alter the constitutional situation . . ."

Wyzanski also asked for an investigation of whether the methods of prosecution of the Vietnam war violate the Nuremberg standards.

Countryman thinks the ceasefire in Vietnam "may be of assistance in getting around the political question issue" upon which previous challenges to the war have foundered.

Countryman was also active recently on another political front as a cosponsor, along with Professor Thomas I. Emerson of Yale, of a petition to abolish the House Committee on Internal Security.

The petition, signed by 365 professors from 94 law schools, is being sent to Speaker, of the House Carl Albert, and all new Representatives.

Formerly named the House Committee on Un-American Activities (HUAC), the committee has investigated alleged subversive activities in the movies, colleges, and government.

The petition calls the committee "a serious danger to freedom

of expression in America" and charges that it "serves no useful purpose in our governmental structure." 754,000 cards in the committee's files contain political information about individuals from public and investigative sources and are available to members of Congress and 25 Federal agencies.

The petition suggests that all of its legitimate functions should be carried on by the House Judiciary Committee, and states that it is not proper for a legislative body "to investigate and record the political opinions and associations of American citizens, and to use the data so collected to harass particular points of view which the Committee does not share."

Dean Rebuts WLA Charges

(Continued from Page 2)
tration] have a Gibraltar-like existence to fight against us."

Ballard clarified some of the charges made in the complaint. She insisted that Harvard's past practices in admitting only men had created special relationships between the admissions office and male-oriented schools to the detriment of women at small, all-female schools "especially Southern teaching colleges with a lot of minority women." Such a history of discrimination, she said, made it more difficult for women "who are often hidden from the application process" to receive equal treatment.

In response to Sacks' statement that WLA had slowed down its recruiting drive, Ballard said that "we found out student recruiting was not the answer. One of the problems was that Harvard did not allow us to see only women, and we often found ourselves speaking mostly to men. I went to Bryn Mawr and there were 12 men from Haverford and two women. I didn't want to waste my time convincing men to go to Harvard." The answer, she said, was for Harvard to adopt a stronger affirmative action program toward female applicants and "a different

Only 10% of 1Ls Opt For Fall P/F

Although 69 per cent of the first-year class voted in favor of mandatory pass/fail grading in a poll taken last month, only 10 per cent of the class actually opted to take their January exams on a pass/fail basis.

This contrasts with a figure of 22 per cent for last year's finals and 20 per cent for 1971.

This year, 2 per cent of the 1Ls chose the four-category grading system, leaving 88 per cent who took traditional letter grades for *Criminal Law* and *Torts*. The number of students going pass/fail ranged from nine in section II to 19 in section IV.

way to read applications" in order to eliminate anti-female bias.

In a telephone interview with the RECORD, Lazarus responded to criticism from unnamed members of the faculty who felt that the complaint was a "cheap publicity gimmick" and unfair to Sacks "who has supposedly done such a good job of dealing with the 'problem'." Their saying this," she said, "reflects their failure to understand precisely why we filed. What they don't understand is that society has imposed other standards on Harvard and other graduate schools in their relations with women, as to what constitutes equal access and participation in all aspects of graduate school life.

"We went to Sacks last year with a petition signed by virtually every woman at the Law School, asking for a public commitment by the school for an increase in the number of women. We explained that other schools had made that decision. This was refused.

"They shouldn't be surprised," Lazarus concluded, "that we've turned to the law to pressure the school again for that commitment."

Sargent's 29 Judgeship Nominations Spur Police Protest

(Continued from Page 1)

own, charging in a statement last Saturday that some of Sargent's nominees are "immature and totally inexperienced attorneys."

According to Jack Bilodeau, vice-chairman of the Boston Police Patrolmen's Association, police organizations throughout the state are planning to circulate a petition calling for direct election of judges rather than appointment by the Governor.

"I don't expect we can do anything to stop this set of appointments," Bilodeau said. "But we're looking for fair-minded judges in the future. Some of these people are just not experienced enough to sit on the bench."

Claiming that "Sargent's got a liberal slant on everything he does," Bilodeau said the police are also upset with the nominees because "some of them have been involved in anti-police movements." He declined to identify the individuals involved.

The police association has begun coordinating its efforts with a group of state legislators who have advocated direct election of judges. Bilodeau estimated that as many as 1,800 of Boston's 2,300 patrolmen will be sent petitioning from house to house, seeking 20,000-25,000 signatures for a proposed statute or constitutional amendment which has not yet been drafted.

A spokesman for the Governor's office in Boston told the RECORD Tuesday, "We're not in a battle with the Boston police, and we're not seeking a new

breed of judges. There were all sorts of safeguards to avoid partisan politics in the screening process, and there is no sense in which the Governor's nominees are either 'liberal' or 'conservative.'"



John C. Cratsley

Sargent appointed a twelve-person advisory panel last August to interview potential candidates for the judicial posts, and George Putnam, a Boston investment banker and chairman of the committee, said that over 1100 persons were screened before committee recommendations were sent to the Governor. Sargent made his 29 nominations from among 300 names designated as "acceptable" by the committee.

But while agreeing with the Governor's spokesman that "the people submitted in nomination are uniformly excellent," attorney Richard K. Donahue of Lowell, who was vice-chairman of the screening committee, told the RECORD this week that "the committee exhibited a clear bias in favor of young people, women,

and blacks. We were making an obvious attempt to reflect a cross-section of the general population in the courts."

The police "are making a harsh judgment without any of them having had an opportunity to judge," Donahue said. "They just don't want young people, and maybe not women, and maybe they're not too crazy about blacks either."

Donahue said the committee set out to reverse an "unwritten rule" in Massachusetts that "no one is equipped to serve on the bench until he has practiced for 15 years, and he's probably immature until he's practiced for 25." He added that though the voters' intent in approving the November referendum is unclear, the committee saw its task as an opportunity to improve "the status of the judiciary."

Cratsley, who teaches *Provision of Legal Services* and *Advanced Clinical Instruction* at the Law School and is a member of the Massachusetts Parole Board, said the Governor's screening process sought to "test people on what they've done and how well they've done it, rather than who they know and their political affiliations."

Nominated for a post as special justice in the Roxbury District Court, Cratsley, who is 31, expects to continue teaching if confirmed by the Executive Council. Citing his parole board experience as a source of insight on sentencing alternatives and community-based rehabilitation

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The Harvard International Law Society will host the Conference, which is co-sponsored by the Boston Bar Association and several Greater Boston law schools. The Conference will focus on the legal aspects of East-West Trade from the perspectives of Congressional Restrictions, Executive Initiatives and Business Negotiating Techniques. Former Senator Fred Harris and the Harvard Law School's Harold J. Berman will be the featured speakers.

Panel members will include representatives from legal, business, academic and governmental circles. Panel I will examine the history of U.S. restrictions on trade with Communist countries and will bring participants up to date on current developments, including treaties, Executive Agreements, and statutes. Panel II will focus on the new and distinctive role of the Executive branch in making trade Agreements with Communist Nations. This panel will include James Mitchell, Department of Commerce, who was one of the members of the U.S. delegation which recently negotiated the U.S.-U.S.S.R. Trade Agreement in

Moscow. Panel III, chaired by Professor Jerome Cohen of the Harvard Law faculty, will explore the legal dimensions of negotiating with Communist Trade officials. The panel will direct its discussion to a comparison of the customs and expectations involved in the negotiating process as well as the content of contract clauses in the Soviet Union and the People's Republic of China.

The Conference is open to professionals and students, as well as other interested members of the general public. There is a registration fee of \$15.00 per person, which includes the cost of the luncheon on Saturday afternoon, at which time Senator Harris will address the Conference. Students will be admitted to the Conference sessions free of charge but are requested to pay \$5.00 (to cover expenses) if they wish to attend the luncheon. In order to facilitate registration, it is requested that all those interested in attending detach and submit the form below.

SCHEDULE

Friday, February 23, 1973

5:30-7:00 P.M. — Registration

7:00-7:30 P.M. — Introduction and Keynote Speech by
Prof. Harold J. Berman

8:00-10:00 P.M. — Panel I — Congressional Restrictions
on Trade with Communist Countries: Present & Future

Saturday, February 24, 1973

10:00 A.M.-12 noon — Panel II — The New Role of the
Executive Branch in East/West Trade

12:30-2:00 P.M. — Lunch — Major Address by former
Senator Fred Harris, Director,
East/West Trade Center, Washington, D.C.

2:30-4:30 P.M. — Panel III — The Legal Dimensions
of Business Negotiating Techniques with
Communist Countries

4:30-6:00 P.M. — Social Hour

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First-Year Unit Sidesteps Pass/Fail

By Phil Spector

The substantial majority of the first-year class that favors mandatory pass/fail grading in the first year — at least 63%, according to a recent poll — may take some comfort from the fact that the Committee on First-Year Evaluation and Related Matters is diligent, hard-working, and taking its mandate seriously. But the comfort can only stem from concern about the fate of future generations of 1Ls, for it appears virtually certain that the committee composed of eight faculty members and four students, will make no recommendations affecting this year's 1L class.

For a group which has been meeting weekly since September on an issue which has been debated around the Law School for years, the failure to make any recommendations for the class of 1975 seems at first glance rather odd. The RECORD last week interviewed some of the faculty and student members of the committee, seeking clarification of what the committee has done in the past and what it expects to do in the future.

The chairman of the group, Professor Jerome A. Cohen, was out of the country and unavailable for comment, but much of the committee's deliberations early last semester were succinctly summed up by Professor Philip B. Heymann as "a gigantic false start." Committee member Heymann referred principally to the group's lengthy debate on whether to make a change on the immediately pressing issue of evaluations for the first semester of the first year. The change would have affected only the January 1973 examinations.

In addition to mandatory pass/fail, the committee considered a variation suggested by Professor Paul M. Bator in which the grades of A+, A, and A- would be recorded, while all other grades would be reported simply as pass or fail. Ultimately the committee

decided not to make any quick, temporary change; Professor Laurence H. Tribe characterized the period up until that decision as one of "very little real substantive discussion."

The student members of the committee disagreed with the consensus decision of the eight faculty members to make no first semester change, believing, according to Conor D. Reilly, 1L, that "any change is preferable to the present grading system." Reilly agreed, however, that

**63% of 1Ls
want mandatory P/F**

mainly "emotional-type issues" were considered last semester. Of those members interviewed, only Professor Frank I. Michelman dissented on this point, saying, "It's not clear to me that we would be much further ahead if we had foreclosed the January option at the beginning."

During the past two or three months, the committee has received a substantial amount of input on Law School opinion and on what Heymann called "the major philosophical views." A survey of first-year students in early December, to which about 70% of the class responded, found 69% favoring mandatory pass/fail in the first semester, while 63% fa-

vored it for the entire first year.

As another means of obtaining student input, the committee held an informal open discussion with students near the end of last semester. Most members interviewed did not feel that the meeting was particularly helpful, but all emphasized their desire for more student input, particularly in the form of written memos.

The committee has also solicited faculty opinions on first-year evaluation. Professors Duncan M. Kennedy, Morton J. Horwitz, Alan A. Stone, and others have submitted memos, and the entire faculty has been canvassed by the committee in a search for innovative methods of evaluation, such as papers or midterm examinations, as part of what Tribe stressed is the committee's mandate to consider more than just grading systems. Finally, the committee has been investigating grading methods at other law schools, particularly Yale.

Some of the strongest attacks on the committee's failure to recommend changes for the current year come from non-member students critical of the present first-year grading system. David W. O'Connor, 2L, who led an unsuccessful fight for a mandatory pass/fail resolution in the Law School Council, believes that "the faculty has made up its mind that it's against pass/fail. The profes-

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Newsmen, Lawyers Attack Press 'Cowardice'

By Paul Weiner

As prosecutors throughout the country continue to threaten reporters with jail for refusing to break confidence with their sources, the American press "now faces the tip of a very ugly and dangerous iceberg," said Alan M. Dershowitz, Professor of Law, last Saturday as he began a panel discussion of "The Press and First Amendment Rights."

The panel members, three law professors and three working journalists, blamed the press itself as often as the administration for its current dilemma, criticizing journalists' excessive dependence on government sources and the lack of support by media owners for independence and initiative on the part of reporters.

The discussion was sponsored by the *Harvard Crimson* as part of its 100th anniversary celebration, and many of the panel members were former editors of the *Crimson*.

"The dangers are as great from within as from without" the media, declared J. Anthony Lukas, contributing editor of *More, A Journalistic Review*. He charged the management of the press with "internal restraint and at times outright cowardice." The Pulitzer Prize winner and former *New York Times* reporter scored the press for its failure to do sufficient investigative reporting and for its excessive dependence on government sources who might turn silent "because you rubbed their noses in it a little yesterday. The dependence on sources in the Nixon Administration is so great that this fear must operate in every reporter."

Stephen R. Barnett '62, Professor of Law at the University of California at Berkeley, accused the Administration of "not a blunderbuss attack, but a careful effort to separate the interests of the owners of the media from those of the journalists." The former law clerk to Associate

Justice William Brennan pointed out that the White House had supported the Newspaper Preservation Act, which allows competing newspapers to combine printing operations without violating the antitrust laws, and appointments to the Federal Communications Commission which were "probably cleared by the industry" at the same time that it was so loudly inveighing against bias in the news. He called for "an effort by the journalists not only against the government but against the owners of the media" to preserve a free press, stressing

U.S. press faces 'tip of the iceberg'

individual "whistle-blowing" at news "brown-outs" and the need for collective bargaining agreements guaranteeing the reporter's independence.

Professor Hiller B. Zobel '59 of the Boston College Law School cast doubt on the common assumption that without a journalist's privilege, the press would be prevented from uncovering impropriety by government officials. "People in government with inside information very frequently don't care whether their name is used or not when they go to the press."

Zobel also questioned the wisdom of granting reporters an absolute privilege not to reveal their confidential sources. Discussion of such a privilege in academic circles "tends to be automatically white hat, black hat" but "there are going to be times when a good guy will want a journalist to talk." He questioned whether the privilege should apply in the case of an alleged murder by "a member of a motorcycle hell squad" or in a case where the journalist's testimony might be necessary to exonerate a defendant. The former *Crimson* editor asked whether the reporter should "own" the privilege or whether

the source should have the discretion of permitting the reporter to breach his confidence.

Dershowitz agreed with Zobel that "it should be a privilege of the source" but noted that "he can simply reveal" whatever he told the journalist in confidence directly to the court, should the source so wish. He also recognized the "distinction between the government seeking information and the defendant seeking information."

Dershowitz scored the government for its "pincers" attack on freedom of information, by trying to squeeze more information out of journalists, while at the same time moving to protect its own members from interrogation by the press or Congress. Nevertheless, he pointed out that courts and legislatures might be leery of creating a privilege for journalists so long as they, unlike doctors and lawyers, are not governed by a code of ethics with means of enforcement.

Sanford J. Ungar, staff reporter for the *Washington Post*, doubted that dependence on sources is greater now than in earlier administrations. "The press was very successfully used during the Kennedy and Johnson administrations," said Ungar. "The press in the United States has in many ways performed a *Pravda*-like function." "It ought to be the publisher who refuses to turn over the tape and the publisher who pays the penalty," suggested the author of *The Papers and the Papers*, a study of the Pentagon Papers case.

Irvin M. Horowitz, Assistant National News Editor for the *New York Times*, criticized the administration for attempting to destroy the credibility of the "leftist, liberal, pinko" Eastern dailies and in general, ignoring the press. "One of the two candidates in the past election didn't give a damn whether the press existed or didn't exist."

The Sated Gourmet: Strolling Up The Avenue

By Mark C. Rutzick

Waverly Root of the *New York Times* had to travel to Lyons, France to enjoy the greatest meal of his life, a gastronomic adventure of epic proportions. But has his palate ever been tempted by the wonders of a Roy Rogers roast beef platter, or ravioli from the College Grill, or franks and sauerkraut from the Midget?

For indigents, stay-at-homes and those who missed their flight to Lyons over semester break, we present in brief form (but perhaps not unduly so, in some cases) a compilation of gourmet delights available closer to home. This week we venture north along Mass. Ave. from the Law School to Porter Square. In future weeks we will explore the even more diverse pleasures of the Harvard Square area, and beyond. And Waverly Root take note — if you ever come to dine in Cambridge, instead of tripe and Beluga, you may be eating your words.

For purposes of abbreviation, *'s refer to quality of food, and + 's to what Gael Greene of *New York Magazine* calls "ambiance";

Bit O' Gloucester ** + 1651 (in the Holiday Inn). It owes its existence to the fact that every Holiday Inn has to have a restaurant; it's eternally three-quarters empty, though this doesn't seem to help the service, which varies wildly. The portions are rather small, and the quality only fair for the money. \$6.

Chez Jean * + + + 1 Shepard St.** This is probably the best kitchen on the Avenue, and one of the best in Cambridge, though perhaps not great by New York standards. Two dimly-lit rooms provide a tranquil atmosphere to forget about the world for a couple of hours over duckling Curacão, seafood casserole gratinée or boneless breast of chicken (all recommended, and the latter two highly). The onion soup is sharp and tangy, but the salad a bit bland. The wine list is small and not cheap, but for these days not exorbitant; a good 1970 Pouilly-Fuissé was \$7 the bottle. Be warned though, this place will cost you. \$7 (without wine). Closed Sundays.

College Grill * +. The Grill is, I suppose, an Italian restaurant.

rather expensive. \$3.50. Closed Sundays.

Acropolis ** + + + 1680. Good Greek food at moderate prices, in a relaxed but vibrant atmosphere, with incredibly efficient service. Best features on the small menu are the shishkebob Acropolis, roast lamb, and Calimari squid. Both the baklava and the flogara (custard in a pastry shell) are irresistible desserts. The Zorba-type music on the stereo never seems to inspire the choreographic response it deserves. \$3.

Charlie's Beef and Beer House* ½ +. The less said the better about this dreary spot. The menu offers Italian, Greek, and American food at low prices and quality to match. An abomination. \$1.50.

Varsity Sub and Pizza Shop ½* ½ + 1691. Oddly named because it serves no pizza, this place does offer decent cold subs at low prices. \$1. Closed Mondays.

Mustard Kup. We can only report its obituary. Badly damaged by a December fire, it apparently will not re-open. So it goes.

Harvard House of Pizza 1706. In a corner formerly occupied by a forlorn Chicken Delight, a new sub shop (for take-out only) arises like a Phoenix. Because it will be opening this weekend, it is, as they say, beyond the scope of review.

Midget * ½ + 1712. The Midget has atmosphere like the Stage Deli in New York, except with no famous people or history (which is to say no atmosphere at all). The food varies from fair to bad, and service is always miserable. But I would forgive them if they changed their "Law School Special" into a baloney sandwich, cut both ways. \$3.50.

Tower of Pizza ½* ½ + 1728. Like its namesake, it is leaning — toward an award for worst pizza I've ever had (and that's saying a lot). It's a profoundly bad eating experience, but it is open late. \$2.

(Continued on page 13)

Chez Jean: 'Forget about the world over duckling Curacao'

both reflect nothing more than relative, subjective judgment. The prices indicated are for a reasonably complete, average dinner without liquor, tax, or tip. All addresses are Mass. Ave., except where otherwise stated.

Roy Rogers Family Restaurant (that's what it's called) ¼* ¼ + 1613. Home of the fabled "Trig-ger burger", and much more. Amazingly, every item tastes the same, including the soybean shakes. But the service provided by all those less-than-nubile 14-year-old counter girls is, you must admit, fast. Franchised by Nixon's favorite fast-food man, J. Willard Marriott. \$1.

This suggests that its specialties should be Italian dishes. Regrettably, it has no specialties. Passable veal cutlets parmigiana and veal zingara are the best it can do, and the grease usually manages to outdistance the flavor even in these. Its non-Italian offerings are equally mediocre. The service has improved in the past year from bad to fair. \$2.50.

Natalie's *½* + + 1672. This at least looks like a nice place to eat. Candlelight and crowded tables on two levels will help you enjoy a meal despite only fair Italian food, if you're in the right mood. The boneless chicken parmigiana with spaghetti is a good buy; the veal

The End of the Tunnel

The war is over. The conflict that began when the present graduating class was in high school, that carried us through college on a tidal wave of sit-ins, protests, demonstrations, rallies and petitions, that brought us into law school in a never-ending cascade of official lies, cover-ups, credibility gaps and lame denials of popular will, around which our entire adult lives have been oriented, is finally over. But the legacy of distrust and ill will created by this barbarous affair lives on, providing yet one more tragedy in a decade filled altogether too much with tragedy, and too little with joy.

For the American people have been denied even the catharsis of a celebration at the end of this sad era. Even in bringing peace, Richard Nixon poisoned our senses with lies and retaliatory murder, and the satisfaction we might have felt three months ago has been swept away.

Nixon deserves credit for ending the war today rather than tomorrow, but this is a far cry from approving his continuation of the killing for four years in order to effect his own peculiar kind of negotiated agreement. The price of his delay in ending the war can be measured in human blood, and the dead will not enjoy "peace with honor." But neither can we bring back the dead with recriminations, so at least let us savor the end of the war we've hated for so long. It feels good to be free.

Nixon's Activists

To what ends will President Nixon not go to thwart the will of the people, unbalance Constitutional government, and shackle the hands of the police power of the states? The decision in *Roe v. Wade*, banning state restrictions on abortion during the first three months of pregnancy, suggests that judicial adventurism may now run rampant, destroying what little is left of America's law and order.

Three of the President's nominees, Justice Harry A. Blackmun, who wrote the opinion, Chief Justice Warren E. Burger, and Justice Lewis F. Powell, Jr., went beyond overturning state law and came close to writing a whole new manual of hospital procedure. Must every emergency room doctor now have three lawyers walking beside him expounding Constitutional law as he makes his rounds?

How cannily the President went about appointing these three ultraliberal judicial activists to the Court while he himself spoke out for "the right to life of literally hundreds of thousands of unborn children." If only he could have set aside partisan politics long enough to nominate at least a few "strict constructionists."

Our only hope now lies with the community of legal scholars, whose derision and scorn will no doubt condemn this outrageous decision to well-merited obscurity, as they have done with *Marbury v. Madison*, *Brown v. Board of Education*, and *Miranda v. Arizona*.

HARVARD LAW RECORD

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Fenno

Fenno stepped out of Harkness Commons. The grass, still brittle from the frozen snow, was like a mat of delicate crystalline spines. Fenno inhaled a gigantic breath, filling his lungs to overflowing with the moist air. Then with the exploding force of months of academic pressure he shouted, "THANK GOD!!" and his cry echoed off the dorms as the words burst from his lips and swirled about the quad in a smoky vapor. Fenno smiled and headed back to his room. Exams were over.

Fenno relished his emotional release and felt as though a great number of law professors had just stepped off his chest. He reached his room and followed his traditional ritual of taking his case books and carefully placing them in his "COMPLETED" file. Oh happy day!

Fenno was certain that, through his good study habits, his diligence and his reliance upon Gilbert's Outlines, he had succeeded in avoiding the *Harvard Law Review* yet another time.

In his brief moment of glory, Fenno couldn't help feeling that behind him lay a battlefield strewn with the carcasses of *Administrative Law*, *Torts*, *Corporations* and a great number of other academic soldiers that the Law School had pitted against him. And still he goes on, Fenno thought, "where do we get such men?!"

Somehow, Fenno began to reminisce, it wasn't really that difficult. He flipped through the pages of the fallen enemy; its leaves were covered with multicolored battle scars, evidence of a bitter struggle. Just think, Fenno imagined, what benefits would have been gained had I attended classes with this old soldier. What morsels of madness could have been gained by heeding the words of the prophetic general of *Family Law*. Fenno smiled. The heights of academia were perhaps not as impregnable as he had thought.

But then, the feeling was gone. The mood of triumph had disappeared. Fenno reached down and picked up the schedule of classes for next semester. He sighed the deep mournful sigh of the Fenno we used to know. Shrugging his shoulders in sadful resignation, he thought, let's see, I could take *International Business Problems or Securities Regulation*. Then again I could take. . . .

Letters to the Editor of The RECORD

Kennedy Criticized . . .

To the Editor:

Glenn Stover's tribute to Duncan Kennedy should be balanced by the views of one who did not react so favorably to Kennedy's class in *Contracts* last year.

My assumption is that the Law School and its faculty are exploitable assets to give the means by which I can accomplish future goals (as yet rather undefined). Therefore, my concern as a student is useful professional output from a teacher. I feel I did not get this from Kennedy.

In his rejection of the hollowness of harsh Socratic teaching, Kennedy has gone past some appropriate midpoint of balanced teaching to an extreme where indulgence of the student has replaced tyranny over the student. To me both extremes offer a cop-out for the teacher by placing the major burden of understanding on the student. Dialogue is replaced by monologue, in response to the teacher's commands in one extreme and to the student's feelings in the other.

Many times getting the "gut reaction" of my classmates was very helpful in understanding ramifications of a case. But we, not Kennedy, were doing most of the work and I rarely felt our work was getting us somewhere.

Class after class I walked out feeling helplessly adrift in a sea of reactions, knowing that somewhere there was a lifeboat of more structured analysis.

When the midyear trial exam showed that there at least Kennedy rewarded rigorous analysis over gut reactions, I finally bought Corbin to learn some law. And thanks to 10 days exclusively in Corbin's company, I did reasonably well on the final.

I fail to see how creating confusion which then drives students to external aids is successful teaching. It is nicer to one's ego in class, that is true. But at some point one must come to grips with the fact that others do not exist to serve one's ego needs.

One does not overcome American Society's failure to provide satisfactory ego-identities through a constant search for the perfect father-substitute as an author figure. The odds appear much better that self-accomplishment according to fixed standards will bring

more lasting satisfaction than participation in a forum where one can rest secure in the feelings of the moment, protected from harm by the idealized father.

Stephen B. Young, 2L

. . . and Praised

To the Editor:

I found the article in the December 1 issue on Professor Duncan Kennedy's teaching methods most interesting and I commend it to the Law School faculty for serious consideration.

As a student in "Bull" Warren's 1st year *Property* class, and other faculty members of that era, I had my share of the "tyrant" type of professor. (However, I know that underneath the "Bull" had a heart of gold.) I believe there is some value in a 1st year student having one or two courses taught in this fashion.

But I also had "Gentleman Joe" Warren, who was more of the Duncan Kennedy type, for *Property II*. I am confident I learned considerably more in his course than I did in the "Bull's." I believe it would be well for his style of teaching to increase among the faculty at the Law School.

Grissim H. Walker '43 ('46)
Sarasota, Florida

Rigorous Training

To the Editor:

Re: Mr. M. Rutzick and his article "In Defense Of the Socratic Method" in your issue of December 8, 1972.

It was certainly about time for an article making clear that the Law School should not seek to be a Cambridge Branch of the Club Méditerranée. The Law School was, and I hope remains, a training ground for lawyers. That training is often rigorous and rightfully so. The school's highest priority must be to improve the ability of its students to think clearly and speak effectively under pressure.

I may not always have liked being called on, particularly when the best answer I had was "unprepared." Nice leisurely rap sessions may have been more fun and more relaxing. Then again, so would long strolls through the woods. Each has its place, but if the goal is to learn to serve clients in the real world—whether Wall Street bankers or disadvantaged minority groups—then legal training

without pressure would be akin to surgical training on Barbie Dolls.

David I. Faust '64
New York

Unhappy with Poll

Gentlemen:

I am enclosing a copy of the Harvard Law RECORD which shows that a poll of both students and professors reflected that McGovern was favored by 83% of those polled.

In another mail was a request for contributions to Harvard. My position, plainly stated, is as follows: Were I to make a contribution, it would not be to any school where McGovern would win a poll of both students and professors by 83% over any other candidate, especially over Richard Nixon.

Is there something wrong with the philosophy of Harvard and those things being taught which will permit such a state of affairs? Does Harvard no longer teach the free enterprise system? Is it now totally dedicated to the extreme Socialistic approach of division of wealth supported by McGovern?

Usually I am optimistic about the world. This poll, reported in the Harvard Law RECORD, is the most disappointing thing I have experienced for many years.

Maurice Acers, 1929-30
Austin, Texas

(This letter was addressed to the Law School, which forwarded it to the RECORD.)

Law Notes

The number of first-year students in the 149 ABA-approved law schools dropped by 2.9 per cent this year, but the number of first-year women students increased by 27.3 per cent. Total enrollment, however, increased by 7.7 per cent, according to the *New York Times*.

This compares with a 5 per cent decrease in total enrollment at Harvard Law School, combined with a 32 per cent increase in the enrollment of women.

* * *

Stephen B. Young, 2L was recently elected as new Chairperson of the Board of Student Advisers. Others elected were: Diana M. Daniels, 2L, Vice Chairperson; Richard Sadler, 2L, First-Year Committee Chairperson; Michael J. Critelli, 2L, Williston Chairperson; and William M. Dallas, 2L, Upper Round Ames Chairperson.

Freund Counters Critics of Court Plan

(Continued from Page 1)

been criticized by many law professors and practicing lawyers, as well as by former Chief Justice Earl Warren and Associate Justice Potter Stewart. An informal survey of Law School faculty members earlier this week revealed widespread reservations and only modest support for the proposals.

Professor Alan M. Dershowitz, one of the more vocal critics of the group's recommendations, termed them "radical surgery before aspirin is tried."

Freund, however, chided some of his critics for reacting before the group's report was officially published in December. He noted particularly that early reservations raised by Warren and Stewart were stated before the report was officially released.

"I was disturbed by premature publicity which triggered some very quick, knee-jerk responses," the well-known Constitutional scholar declared.

Freund's committee, appointed by Chief Justice Warren E. Burger in 1971, recommended the elimination by statute of three-judge District Court panels, the elimination of appeals of right to the Supreme Court, the creation of a nonjudicial body to investigate prisoners' complaints (many of which now reach the court as *in forma pauperis* cases), and increased staff support for the Clerk's office in the Supreme Court, as well as the creation of the National Court of Appeals.

The new court would hear all cases which now reach the Supreme Court on petitions for certiorari and appeal, referring the 400 to 500 most review-worthy to the High Court, and denying the rest. The National Court of Appeals, which would be composed of seven judges drawn on a rotating basis from the federal courts of appeals, would also have the right to decide on the merits cases of genuine conflict between circuits.

Much of the opposition to the

panel's recommendations has centered around the proposed new court and the concomitant elimination of the right to have one's case ultimately resolved in the Supreme Court.

Freund acknowledged this criticism, and conceded that modifications of the committee proposals are likely to be advanced by opponents in the near future. Freund himself suggested that "it might be possible to provide a slight escape mechanism, such as delaying



Professor Paul A. Freund

finality of the decisions of the National Court of Appeals for 30 days, while action would be on the table [for review by the Supreme Court]."

He declined to mention other possible modifications, but expressed concern that other changes proposed by critics would "undo the whole purpose of the measure."

Dershowitz and others were harshly critical of the proposed new court. Dershowitz called the Supreme Court the "most efficient court in the United States."

Dershowitz further expressed his fear that the element of finality in the National Court of Appeals would "cut down on the number of *Gideon*-like cases," alluding to *Gideon v. Wainwright*, the *in forma pauperis* case which established the right to counsel of the indigent in felony cases.

Associate Dean David L. Shapiro agreed with Dershowitz that the proposed new court was not advisable at the present time. Associate Dean Paul M. Bator echoed this sentiment, saying the report "leaves me with serious misgivings but I still have an open mind."

Visiting Professors Gerald Gunther and John H. Ely and Professor Andrew Kaufman, all professors of constitutional law, declined to comment on the report. Professor Archibald Cox, who also teaches constitutional law, was unavailable for comment.

A number of other Law School faculty members are known to be critical of the report's recommendations.

Both Dershowitz and Shapiro suggested, as an alternative to the National Court of Appeals, review of writs of certiorari by a panel of three Supreme Court Justices, with the decision of any one sufficient to grant the case a hearing before the entire Court. If all three justices felt the case not worthy of merit, the case would not be considered.

Dershowitz said such a proposal would cut the Court's caseload by nearly a third.

Freund, anticipating this suggestion, said it would be a "step precisely in the wrong direction . . . that goes beyond questions of efficiency to questions of principle."

"We felt that the screening function in the degree it must now be performed is an obstacle and that enlargement of staff or [Justices] sitting in panels would seriously jeopardize the proper functioning of the Court."

Asked if he were optimistic about the ultimate adoption of the committee's proposals, Freund commented, "I've thought of our committee work as educational. I'm not in a position of lobbying for our report."

"If it's given serious consideration, our work will have been successful."

Joint Committee Surveys IL Grading Schemes

(Continued from Page 7)

sors are all people who have done well in this system. The committee's only function is to come up with acceptable alternatives."

O'Connor is skeptical of the claim of some committee members that they needed time to consider "complex" issues, maintaining that mandatory pass/fail is "a straight up-and-down question." He suggests an experiment with mandatory pass/fail for a few years, during which professors could continue to grade exams, sending the anonymous results to the Registrar for tabulation to determine whether the quality of student work with a pass/fail system falls off significantly.

Committee members were generally reluctant to discuss their opinions on the question of pass/fail. One faculty member stated, on a condition of non-attribution, that "the argument that students won't work doesn't affect me in my gut. I want to be able to justify the grading system in terms of its educational value, not in terms of its flagellant or motivational value."

Most of the faculty members on the committee claimed an open mind on the subject of pass/fail, but expressed the view that a significant amount of faculty sentiment is against it. On the question of whether this sentiment dictates deliberately delaying any proposals on pass/fail, Michelman said, "The prospects are not any different this year than any other year."

Several committee members be-

lieve that the body will make recommendations this semester, but not in time to affect the current first-year class. Predicting the nature of those recommendations appears virtually impossible at this point, other than to state what the committee probably will not do. The present system of first-year evaluation will not remain unchanged, but, on the other hand, mandatory pass/fail appears "almost inconceivable with

this committee," according to student member Reilly.

Committee members believe that the new semesterization of the first year has reduced pressure on the students. They are thus hoping to work out a compromise between the status quo and mandatory pass/fail, free from the pressures which might accompany a recommendation affecting the current first-year class.

Dining on the Avenue: Mixed Blessings

(Continued from Page 9)

Matsu-ya ** ++ (for the front room) or + (for the back room) 1770. One of the best on the Avenue, offering both Korean and Japanese food at reasonable prices. The Korean dishes are said to be better than the Japanese, which I've never tried. The portions are somewhat small, the service good except for water. The beef and pine nuts is highly recommended. \$3.50. Dinner only; closed Monday.

Lung Foon ** + 1784. The only Chinese restaurant on the Avenue, offering quite good food, although the portions were disappointingly small. Service was a bit slow, but you shouldn't be in a hurry for Chinese food anyway. The lo mein and shrimp with oyster sauce were especially good, but

the moo goo gai pan only fair. \$3.

Igo's ** 1/2 * ++ 1812. A fairly classy place, loud but friendly, only a little bit pretentious, offering a fairly basic cuisine with some Italian emphasis. The beef is excellent, as is the breast of chicken. The wine "cellar" is out front, and offers as many 1969s as 1970s. \$5.50.

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Dershowitz to Debate

Professor Alan M. Dershowitz will debate Yale Law School Professor Alexander M. Bickel, a member of the Freund panel, on the advisability of the group's proposals, in a forthcoming segment of "The Advocates." The program, taped Wednesday, will be aired Thursday, February 8 on WGBH-TV in Boston.

The Boston Consulting Group

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Technology And Competition

Classic economics makes no provision for improvement in the state of the art. Yet nothing is more obvious than the all important effect of technology on cost and competition.

The automobile, the telephone and the airplane have become commercial products within the lifetime of men now still active in business. Television, transatlantic aviation, radar, household refrigerators and air-conditioning became commercial in the lifetime of such a man's children. After the birth of his grandchildren, products such as jet aircraft, computers and satellites became commercially important.

Yet it is not so much new products but rather the cost effects of technology which have produced the dramatic results. A television set for \$100; a round trip across the Atlantic for \$300; or a transcontinental telephone call for \$3 are as dramatic in their way as a man placed on the moon.

No product is immune. It can either be improved, cost reduced or displaced. The cost of electric power is an example. Until the advent of atomic power there was no really fundamental change in the technology of power generation and distribution since the invention of alternating current. Yet the delivered price of a KVA of electricity has been going down steadily for more than seventy-five years, in spite of inflation in cost.

There are fundamental forces at work. We can identify them even though we can only partially explain them. All products of all kinds seem to follow a basic pattern of cost evolution. The causes may be technological or economic, but the results are the same. Costs go down as a function of experience in a definite pattern.

"Each time the total accumulated experience in making a product doubles, then the cost of making that product goes down a constant percentage." This is the famous learning curve first discovered during World War II production of aircraft. However, it seems to apply far beyond single products. It applies to successive generations of products which fulfill the same functions.

In a way this is only common sense. Costs should go down with experience. Costs should go down with better know-how. Costs should go down with mass production. Costs should go down with continued product development. Costs should go down with constantly improved processes and tooling. Costs should go down as the more efficient producers displace the less efficient. Yet, the implications are profound if costs do follow such a pattern.

If these things are true, then:

- The producer who fails to reduce costs along the characteristic cost/volume slope will certainly eventually become non-competitive.
- The producer with the largest cumulative market share (for the given product) should always be able to maintain the lowest cost.
- New products must nearly always be sold at prices below cost until the volume builds up.
- Prices must eventually go down as fast as costs, if there is any competition at all.
- Market share for a new product is extremely valuable, and its value can be calculated approximately.
- Market share is unstable until one producer clearly dominates the market and his prices are low enough to inhibit growth in relative market share of any significant competitor.

These relationships are not easy to use. Definitions of product and market segment cannot be precise. Cost in this context is difficult to define. Accumulated experience is difficult to define. Yet, the basic pattern seems clear and as common as the familiar bell shaped probability curve or the log normal distribution of Pareto's Law. There is a basic relationship between technology and costs in the economics of the firm.

The implications for management are clear. There is a pattern of product cost reduction which is a prerequisite for competitive survival. Market share has an intrinsic potential cost equivalent that can be converted directly into relative profit margin. Prices must follow a definite pattern or market share positions are inherently unstable. The size of the total market available determines the cost potential.

Perhaps the most challenging implication of technical and economic relationships with respect to business is this:

There is no naturally stable relationship with competitors on any product until some one competitor has a commanding market share of the normal market for that product. Furthermore, under stable conditions the profitability of each competitor should be a function of his accumulated experience with that product. If these conditions do not exist, then the competitive system is unstable and competitive relationships will change until they do.

Perspective # 21

Bruce D. Henderson, *President*

BOSTON • LONDON • MILAN • PARIS • TOKYO

Keeton Foresees No 2L Sections

Professor Robert E. Keeton, chairman of the First-Year Committee, said Monday that second-year sections would probably be eliminated beginning in the 1973-74 academic year.

The expected change will result from the current semesterization of first-year classes and the enrollment by more than 220 1Ls in *Constitutional Law*, traditionally a 2L course.

Second-year sections included *Corporations*, *Constitutional Law*, *Accounting*, and *Taxation* until this year, when *Taxation* was changed to separate registration.

Keeton also said there was a possibility that entering 1Ls in September might be given the option to choose their *Property* sections.

In related news, Professor Paul A. Freund said Monday that he expected to be on sabbatical leave during 1973-74.

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Sargent's Nominees Spur Protest

(Continued from Page 5)

programs, he said that "in view of the large number of young people coming through the courts, youth can be a strong plus factor for a judge."

Nelson, 39, who was nominated for a position on the Superior Court, is currently teaching a *Trial Practice* class. A resident of Roxbury, he is chairman of the Board of Trustees of Boston City Hospital and a former candidate for Congress in Massachusetts' Ninth District.

If confirmed, Cratsley and Nelson will join Lecturer James

P. Lynch, another *Trial Practice* instructor, who was named to the Superior Court in November.

Dean Albert M. Sacks said he was "delighted" at all three appointments, and hoped that all the judges would continue their teaching at the Law School.

Lynch expressed his belief that a judge could continue as a law school teacher without conflict of interest. He said that while he would disqualify himself from any litigation involving Harvard University, he would not do so for a case in which a former student appeared.

**“SEC regulations,
like hot pants, require
the disclosure of much
that is interesting
but permit the
non-disclosure of
all that is vital.”**

Just one of the provocative thoughts
business leader **ELI GOLDSTON**, LLB '49
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Intramural Fee Remains Uncollected

Two months and twenty days after the Dormitory Council voted to levy a one-dollar fee on each participant in the basketball intramurals program, no money has been collected.

In an effort to end an apparent communications breakdown between the Dormitory Council executive board and basketball commissioners Xavier Suarez, 2L and Charles Roybal, 2L, the Council voted Monday evening to send a form letter to team captains urging them to collect the fee — used to pay referees — or else settle for only one referee per game.

Meanwhile, Suarez has sent his own notice to team captains, requesting them to collect money by February 12 and to deliver it to him, Roybal, or Council Comptroller Michael J. Critelli, 2L.

Critelli said Tuesday that he had not yet received any money. He described the impasse as "just a case of each one thinking the other would do it, and nothing happened."

Sandra Sue Froman, 2L, Dorm Council Treasurer said Tuesday that she has already paid out \$380

of the \$500 appropriated by the Dorm Council on November 6 for basketball referees. She estimated that the remaining \$120 would be depleted in about two weeks, at which time she would not be authorized to spend additional funds unless money were appropriated by the Council.

A LEAGUE

Jackson Five	4-0
Thundering Herd	4-0
Mashuppee	2-1
Three-Fifths	2-2
Divinity Saints	1-2
Grovinators	1-3
Gargoyles	0-2
Sons of Ham	0-4

B LEAGUE

Little Big Men	3-0
Upstarts	3-0
One Buffalo Won	2-1
Cert. Denied	1-1
Court Gestures	1-1
Exhumators	1-1
Nunc Pro Tunc	1-1
Frankfurters	0-2
Roaches	0-2
Don't Fight the Feeling	0-3

C LEAGUE

Ducksoup	2-0
Turkeywimps	2-0
Bureaucrats	2-1
Groundhogs	2-1

Justus Blacks	2-1
Irv Cohen	1-1
Void Nullities	1-1
Standard Deviations	0-1
Recycled Containers	0-2
Strict Liabilities	0-3

D LEAGUE

Red Tide	2-0
The Team	2-0
Running Dogs	2-1
A-Masers	1-1
Beneath Eligibility	1-1
F**k-Ups	1-1
Most Foul	1-1
McZ-Child	1-2
Associates	0-2
Pedis Possessio	0-2

E LEAGUE

Juggernaut	4-0
Slaughter House 5	4-0
Purple Urp	3-1
Herd	2-1
Stop Agnew Now	2-1
Trashers	2-2
Big Ten	1-1
Folatio Alger's	1-2
Civil Pros	1-3
Ft. Wayne Kekiongas	0-2
Crimson Swine	0-3
Beleagured E's	0-4

SPECIAL LEAGUE

Ecumenical Movement	3-0
Beeber's Friends	1-2
Shrimps	1-2
Short Stuff	1-2

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