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TWENTY CENTS

Law School Expands Public Interest Job Placement Assistance

By Gary L. Rubin

The Law School is planning to step up its efforts in the field of public interest placement, and, may soon establish a second placement office in the Pound Building devoted exclusively to that concern.

Dean Albert M. Sacks told the RECORD earlier this week that "there are a good many public service jobs for which the traditional interviewing process is unsuited." Accordingly, Assistant Dean Robert A. Williams is currently drafting plans to accommo-

(Continued on Page 4)

OEO Reprieve Rescues Center for Law and Ed

By Mark C. Rutzick
and Phil Spector

The Harvard Center on Law and Education, the Law School-sponsored OEO back-up center which had been threatened with a March 1 termination of funds, has been given a 30-day reprieve. The extension was announced after Dean Albert M. Sacks and Professor Frank I. Michelman met Wednesday with OEO Acting Assistant Director J. Laurence McCarty in Washington. Michelman emerged from the meeting cautiously optimistic, saying, "We were given no indication

that this money would be the end."

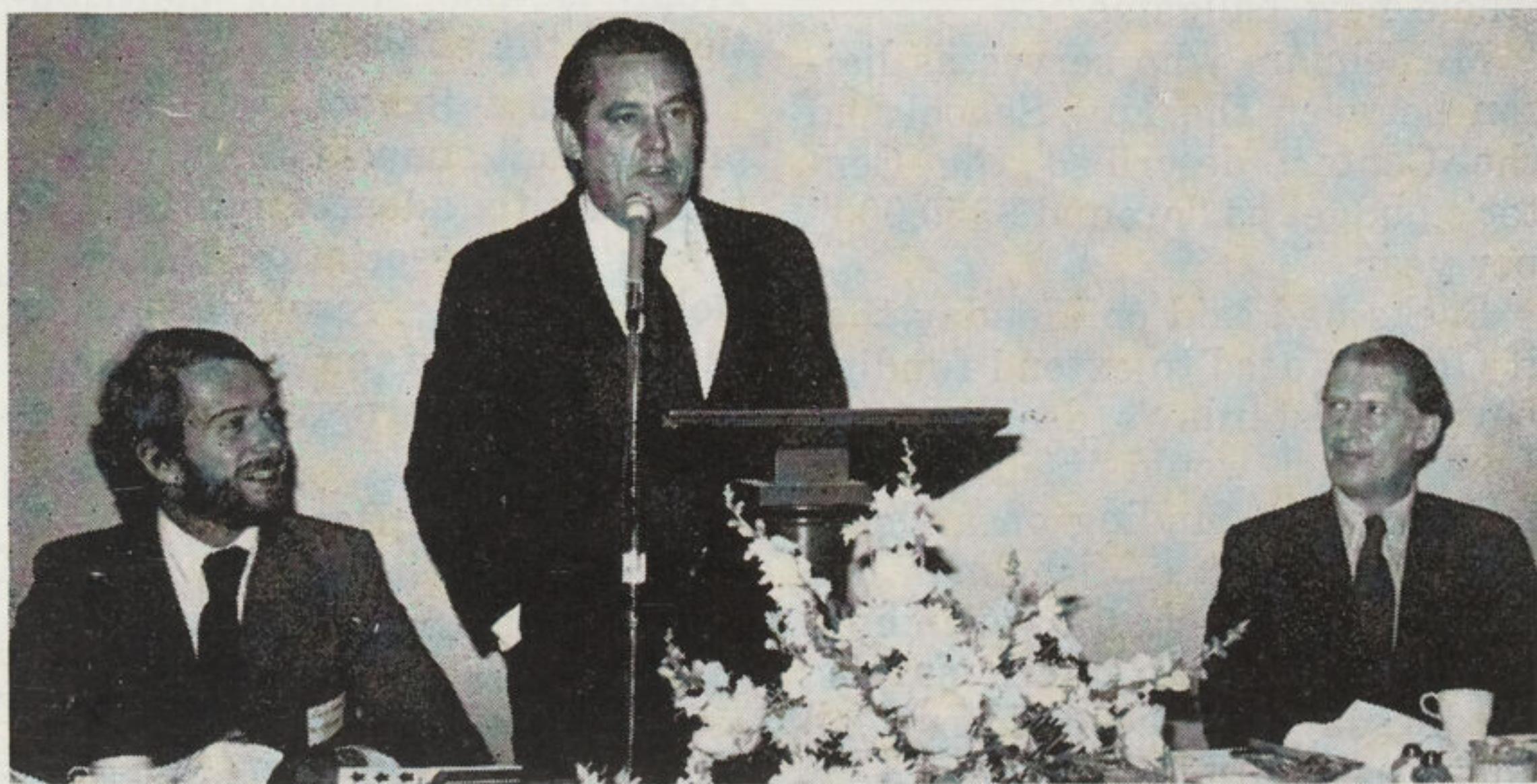
The Washington meeting was the culmination of an energetic lobbying effort by the Law School, which involved contact with administration officials and members of Congress. The effort was aimed at keeping the Center alive for a grace period of up to six months, or longer.

The Center, one of 10 OEO Legal Services back-up centers located through the country, was informed last month that its funding would not be renewed

(Continued on Page 2)

East-West Conference

Harris Calls Exit Fees Trade Bar



Charles Soberman

Former Senator Fred Harris addresses East-West trade conference as Chairman J. Gregory Lynch, 3L and Professor Harold J. Berman, keynote speaker, look on.

By Daniel M. Taubman

Former Senator Fred Harris warned a Harvard audience last week that present Congressional efforts to link approval of the recent Soviet-American trade agreement with Russian elimination of exit fees for Jews would create "an absolute bar" to the present expansion of commerce between the two countries.

Harris spoke to 150 professors, practicing lawyers, and students interested in international law as the keynote speaker at a two-day conference on East-West trade held last Friday and Saturday.

(Continued on Page 15)

Council Criticizes Effects of Grading

By Pat Connolly

Mandatory pass/fail, elimination of the third-year writing requirement, and Law School funding were the topics of discussion at the most recent Law School Council meeting, Thursday, February 22.

Before proceeding to the regularly scheduled agenda, the Council agreed to forward to the Committee on Legal Education a "tentative statement formulated by a special committee of Council and adopted by those voting in the majority on the February 2 Council resolution in favor of pass/fail."

In reaching a conclusion supporting a switch to mandatory pass/fail in the first year, the statement asserts, "The cynicism and hostile disinterest that the experience of the first year generates under the present system is legendary. To those involved in the process the cost in anxiety and humiliation is substantial. The present grading system is the core of the problem. . . ."

The Council also created a subcommittee to look into the possibility and ramifications of eliminating the third-year writing requirement. In addition, it began a discussion concerning Law School funding, which centered on the Law School's maintenance of accounting procedures independent of the University at large. Councilman Frank Gibbs, 3L introduced a memorandum concerning the implications of this practice in determining Law School income and tuition. Further discussion was deferred until the next meeting, Thursday, March 8.

Julia Child will demonstrate French cooking at a meeting of the Harvard Law Wives in Harkness Commons at 7:30 p.m., Wednesday, March 7. All are invited.

OEO Grant Rescues Center

(Continued from Page 1)

when its current grant ran out March 1. The other back-up centers received similar notices. The cutbacks are part of the Nixon Administration's effort to dismantle the poverty programs built up in the 1960s.

The Center is jointly sponsored by the Law School and the Harvard Graduate School of Education, but currently neither supplies any financial support.

Michelman said that he and Sacks had stressed in their lobbying efforts that professional considerations required that the Center be given a "winding down" period longer than the 30 days it had received before yesterday's deadline.

He said that the Center was heavily involved in litigation, and that "simple professional responsibility" made it necessary to extend its life at least temporarily. He added that a "reliance" factor served to prevent the Center's employees from being cut off from their salaries so quickly. The Center employs approximately 10 attorneys as well as a non-professional staff.

Michelman emphasized that he thought the political picture for funding beyond July 1 was too murky for prediction, but said that if the Center managed to survive until a new Legal Services corporation were formed, its continued existence would be "a whole new ballgame."

Michelman, who serves as liaison between the Law School and the Center, described the Center's budget as "around \$350,000" per year.

Sacks had said on Monday that if OEO refused to extend funding beyond yesterday's deadline, the Law School would itself step in and continue funding on a short-term basis. Since Michelman had described the necessary winding-down period as up to six months, Wednesday's reprieve did not end the possibility of future Law School intervention. Sacks said he expected the Education School

would share all such expenses.

The Center is headed by Marian Wright Edelman, a prominent lawyer and Democratic political figure. However Michelman said he did not think her political visibility was a factor in the original decision to close the Center.

The Center is currently involved in the school desegregation case in Detroit which has resulted in a court order for massive metropolitan busing. It also is participating in a lawsuit seeking to challenge the Boston school system for failure to integrate. President Nixon has publicly opposed school busing as a method of integrating schools.

In a related action, a group of students at the Law School has been collecting signatures in support of the continuation of the OEO Legal Services program itself, which is also threatened by Nixon Administration cutbacks. The group is circulating a petition calling for "a fully-funded and autonomous legal services program." As of Wednesday it had collected over 800 signatures.

The Law School group is coordinating its moves with a recently-formed national organization called Action for Legal Rights. Alice W. Ballard, 3L, said the national body is asking each OEO lawyer to contribute \$25 toward a large-scale Congressional lobbying effort aimed at saving the Legal Services program. The local group is also seeking contributions to the effort.

The Law School petition expresses full support for a resolution recently adopted by the American Bar Association House of Delegates. The resolution urges the creation of an independent, well-financed corporation for Legal Services.

According to Dace McCoy, 3L, the signed petitions will be sent to the White House and to Congress. She added that concerned students and faculty should take independent action including writing letters to their Congressman and Senators.

Law Review Names Simon as President

Barry S. Simon, 2L, was elected last Saturday to be President of Volume 87 (1973-74) of the *Harvard Law Review*. Simon was chosen by his fellow editors as the result of a series of elimination ballots which lasted from 9 a.m. to 9 p.m.

The RECORD learned last week that Gregory K. Palm, John Cary Sims, Myron Kirschbaum, and Stephen B. Deutsch, all 2Ls, were

also candidates for the *Review* presidency.

Simon, a native of Stratford, Connecticut, graduated from Harvard College in March 1971, magna cum laude in chemistry. The current President of the *Review*, David L. Engel, 3L, and his predecessor, Jonathan B. Marks '72, are also graduates of the College. Simon, like Engel, was invited to join the *Review* on the basis of his first-year grades;

Marks joined the *Review* after a writing competition.

Simon, as President-elect, announced on Monday his appointment of the following officers for Volume 87, which he made with the advice of the outgoing officers of Volume 86: Palm and Sims, Supreme Court Note and Note Editors; John H. Garvey, Treasurer and Managing Editor; Isaac M. Pachulski, Executive Editor; Lawrence D. Bragg, James W. Jandacek, Boisfeuillet Jones, and Philip J. Ward, Note Editors; Kirschbaum, Timothy C. Sherck, and Ronald A. Stern, Case and Comment Editors; and Thomas M. S. Hemnes, Shalom L. Kohn, and Joel S. Perwin, Articles Editors.

Thomas F. Cullen, Roger H. Cummings, Deutsch, Gilbert L. Kujovich, Philip J. MacDonnell, H. Lamar Mixson, Robert L. Schnell, Eldon J. Spencer, John-Mark Stensvaag, Clifford D. Stromberg, Arthur G. Telegen, Donald R. Ware, and Jeremy N. Williams were named Senior Editors for Volume 87. All are 2Ls.

President-elect Simon and the other officers-designate will offi-
(Continued on Page 14)

HLS Offers 3 New Clinical Courses

The Law School will next year offer three new clinical education courses and several other notable new courses, while Professor Paul A. Freund and 12 other full-time faculty members will be on leave or non-teaching status for all or part of the year. This and other information was revealed in the preliminary teaching schedule for 1973-74, distributed as a memorandum to the faculty by Dean Albert M. Sacks and Associate Dean Paul M. Bator on February 15.

The three new clinical courses are *Advanced Clinical Instruction: Perspectives on Public Housing* (fall term) to be taught by Professor Gary Bellow and *Advanced Clinical Instruction A: Civil* (fall) and *B: Criminal* (spring) to be taught by Lecturer (and West Roxbury District Court Judge) John C. Cratsley. Bellow will continue to teach *Lawyering Process A* and *B*.

In the international field, Professor Jerome A. Cohen will teach *U.S.-Japanese Contract and Sale Problems* in the fall and *Seminar: Japanese Legal Institutions* in the spring.

Professor Charles R. Nesson is slated to return to teach *Constitutional Law — Advanced: Civil Liberties in the fall and Workshop in Constitutional Litigation* in the spring. Professor Archibald Cox will offer a full-year course on *Advanced Constitutional Law: The First Amendment*,

while Professors Laurence H. Tribe and Andrew L. Kaufman will teach *Constitutional Law* in the spring and in both terms, respectively.

Professor Derrick A. Bell will give a seminar on *Race, Law and Social Change — Contemporary Issues* (full year) and Professor Lance M. Liebman will give a fall seminar on *Work, Wages, and Welfare*.

Professor William D. Andrews will lead *Taxation Seminar: Special Tax Problems of Partner-*
(Continued on Page 6)

Harkness Grill Cuts Back Weeknight Service

The Harkness Grill Room has ended all food service after 8:00 p.m. except for vending machines, according to Harkness manager J. Francis Gallagher. The reason for the cut-back, Gallagher said, was to eliminate a source of financial loss to the Harkness operation. Gallagher expects to save \$250-350 per week by the move.

The cut-back will necessitate the removal of two employees. However, Gallagher said he expected that the University would have jobs available for both of them, and that he hoped both would accept the new employment.

Until this week the Grill Room has served hamburgers and beer until 12:30 a.m. on weekday nights. Gallagher said that very

little business occurred between 9:00 and 11:00 p.m., and that gross receipts for an average night were usually under \$60. He said weekend hours would remain unchanged.

In related news, the Harkness deli line announced new increases in cost of roast beef, ham, and turkey sandwiches due to recent rises in wholesale meat prices. The increases will be either five or 10 cents per sandwich.

On a somewhat brighter note, Harkness initiated last week a new coffeehouse on Wednesday and Thursday nights. The "Shoestring Coffeehouse" will feature live folk and folk-rock music in the main TV room. It was not clear how the cut-back in Grill Room service would affect the coffeehouse.

HLS Expands Public Service Placement

(Continued from Page 1)

date the special job market students face when they choose not to work for private law firms.

The most significant feature of the public interest job market is that agency representatives can rarely come to Cambridge. "The private sector can afford to recruit by passing off the costs to their clients," Williams said. "The public sector doesn't have the money."

The result is that the Law School placement office provides mammoth files and plush interview rooms for students seeking jobs with the private firms, but only cursory information on public agencies. "Most agencies don't even know how much money they'll have until the spring, so filling summer or permanent positions is not high among their priorities," Williams said. "Students who don't want to be out on a limb tend to go with the private firms when they're here in the fall."

Those who prefer public employment will soon be rescued from errant limbs, however, perhaps to find refuge in the Milton Dammann Room on the Pound Building's third floor. Williams

proposed to Sacks this week that the Dammann Room be converted into a mini-placement office for public interest employment, complete with extensive files, counseling services, and ongoing correspondence with agencies across the country.

Williams expects that by mid-May, the new office will be instructing students as to the best means of packaging themselves for agency employment. "It's different," he said. "Here you don't have the employers coming to you, and it's important that students come to know their special needs."

HLS may open new placement office

In addition, the public interest placement office, which would operate under Williams' direction and in conjunction with existing placement facilities, will compile a comprehensive list of civil and criminal legal employment opportunities available in New York, Boston, and Washington, D.C. There is currently no public sector analogue to Martindale-Hubbell's directory of private law firms.

Williams also said he would suggest that the Law School install a WATS (Wide Area Telephone Service) line to facilitate student communication with employers who cannot send interviewers to Cambridge. Since the service would cost \$1,950 monthly for 24-hour daily coverage, however, it would probably not be installed until a need for the new placement operation is well established.

Establishing a need, according to Sacks, is the one remaining

fly in the public service ointment. "We need to determine whether jobs are available, whether the students want them, and whether the agencies will be able to offer jobs in the fall," he said. "None of these, to begin with, are financial questions, but we do have to establish a need."

An ad hoc group of 15-20 interested students has undertaken to demonstrate that need, and has, Sacks said, been a major contributing cause of the upcoming changes in placement.

Citing "a large discrepancy between the students interested in public service employment and those who eventually take jobs there," J. Stuart Lemle, 2L and Steven L. Landers, 3L drafted a four-point plan last fall which is in large part embodied in Williams' current proposals. They suggested that a full-time Director of Public Service Placement be hired, and that he concentrate on identifying employment alternatives, making contacts in the field, encouraging on-campus recruitment, and providing counseling for interested students.

Williams said he believes the new operation could be handled without hiring a full-time director, because many of its functions will be administered through the existing placement office. "We're making substantial changes," he said, "but they're mainly in the nature of making information accessible to students. The existing resources of the Law School will be put to good use."

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& Schools also have been invited

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SUNDAY
BRUNCH
10a.m. - 2p.m.

In the
Harkness Commons
Dining Room

Fisher Urges Press Regulation in TV Debate

By Mark C. Rutzick

Professor Roger D. Fisher told a National Educational Television audience last night that the national news media should censor themselves before the government does it for them. Appearing on WGBH-TV's "The Advocates", a show he himself created several years ago, Fisher supported the creation of a national news council to "monitor the press on issues of fairness and accuracy and to monitor the government on issues of free speech."

Arguing against the proposition was Aryeh Neier, Executive Director of the American Civil Liberties Union, who claimed that "what the press needs is more adventurousness and more investigative reporting, and a national news council will only stultify it."

Neier also warned against the private council on the basis of history, noting that the creation of a private Committee on Public Information in World War I was followed in only a few months by a government censorship board.

Fisher called as witnesses Norman Isaacs, former editor of the *Louisville Courier-Journal*, and Douglas Cater, former editor of *The Reporter* magazine and former special advisor to President Lyndon B. Johnson.

Isaacs told the live audience in Boston's Faneuil Hall and a nation-wide NET audience that the purpose of the news council was not to censor the press but "to add a great many voices and points of view" to public debate. He did not elaborate on how such a council would achieve that goal.

Such a national press council was in fact created and funded in 1972 by The Twentieth Century Fund, a private organization. It has stirred controversy within the press, and *New York Times* publisher Arthur Sulzberger has announced that his newspaper will not cooperate or participate in the venture.

Cater maintained that government already interfered too much with the press, and pointed to recent libel law decisions as harmful intervention by the courts. He saw the press council as an alternative to more governmental interference. He said the purpose of the council was "to throw the cleansing light of publicity" on the media.

Neier asked Cater if he saw a danger of a Catholic Legion of Decency-type body "dictating



Mark McNeil

Professor Roger D. Fisher appearing on WGBH-TV's "The Advocates."

standards" to the press. Neier also pointed out that the history of the movie-industry code and of the TV code has not been to expand expressive freedom.

Cater pointed to the 1971 CBS documentary "The Selling of the Pentagon" as an example of the need for a press council to receive and hear complaints against the accuracy of a program or publication. But Cater admitted that he could not recall an example of an incident in which a public figure who had objected to inaccurate news reporting had been unable to obtain an opportunity for rebuttal, via press conference or subsequent statements.

Fisher stated that the council would operate like "a *Consumer Reports* on the press." Neier re-

sponded that "ideas are not like vacuum-cleaners" and that "the First Amendment says no one can decide for you what is accurate." He asserted that the way to achieve more accuracy in the media was to have more competing national media in operation.

Neier's witnesses were *Washington Post* assistant editor and ombudsman Robert Maynard, and ABC news president Elmer Lower.

Maynard provided the main fireworks of the evening. A self-confident black dressed in a blue pinstripe suit and yellow-tinted aviator glasses, his responses bedeviled Fisher. Asked by Fisher if he knew why the *Post* had stopped printing Herblock cartoons during the 1956 Presidential campaign, he blithely replied, "No, but I'm sure you'll be delighted to tell us."

When Neier asked Maynard for an example of how a press council might discourage investigative reporting, he said that if the council had been functioning during the last presidential campaign and the Nixon Administration had sought to have it prevent the *Washington Post* from investigating the Watergate scandal, "do you suppose the national news council would have said 'Right on, *Washington Post*, print some more'?"

Neier summed up his opposition to the council by arguing that "the public at large" was the only proper watchdog for the press, and by quoting the poet Milton that "free and open encounter" was the best protector of ideas.

Fisher summarized his arguments by saying that "the press has no organized way of showing its mistakes" and that "a national news council would help the public because it would help it be informed."

The show was broadcast last night, and will be repeated tonight and Sunday in Boston.

Placement Office Should Aid 1Ls

By Phil Spector

The Harvard Law School Placement Office gives no summer job assistance to first-year students. Administrative convenience and economy are probably the main reasons behind this policy, although other reasons will be given. Most first-year students need a summer job, however, and probably the large majority want law-related jobs. Why won't the Law School meet its responsibility to assist with a clear student need?

The budget problems are no doubt formidable, but, when the Law School wants to do something, the money can usually be found. Some professors justify

the policy by pointing out that this may be the last summer a student has to enjoy himself or herself. They suggest that the student spend the summer in Europe or the like.

Such suggestions, of course, totally ignore another kind of economic reality: HLS, the landlord, and the supermarket all demand cold cash. The suggestion seems even more frivolous when the Law School's financial aid policy is considered. Once a student's need figure for the year is determined, it is reduced by \$500 in making the financial aid award. That \$500 is the amount the Law School in essence requires the student to save from a summer job.

Not only does this requirement foreclose the option of a summer trip to Europe, it also forecloses for many (2Ls as well as 1Ls) the option of taking a lower-paying public interest job.

Other professors have proposed that the Law School help 1Ls find non-law-related jobs, partly to maintain a better job market for 2Ls, partly because, as with those suggesting a European jaunt, it is the student's last summer to enjoy himself or herself. This latter point is particularly offensive to many 1Ls: they came to law school because they were interested in law; now law professors are suggesting that nearly anything else is more enjoyable than the law.

If in fact law is going to be all that unenjoyable for a particular student, he or she is better off learning it after the first year so that there is more time to switch professions. If, on the other hand, one enjoys law, having two summers to experiment with different types of practice and different geographical areas is decidedly preferable to having one. Economics aside, then, the student who has had two summer law jobs gains something over those who have had only one.

The fact of a tight law job market is not a particularly appealing argument to 1Ls. Second-year students, after all, have the advantage of an extra year of law school, which should give them some competitive edge with employers. If an employer still prefers a 1L, that is a choice he or she should be free to make.

Many employers now do make that choice, although not necessarily at the expense of a 2L. First-year students now contact employers on their own, and many are offered summer jobs. It's time for the placement office to recognize the reality of the 1L job situation and to take appropriate steps to help.

Law School in 1973-74 Will Offer Three New Clinical Legal Courses

(Continued from Page 3)

ships in the spring and Professor Louis Loss will devote his full-year *Securities Regulation Seminar* to the Federal Securities Code, for which he is reporter.

Professor Stephen G. Breyer will merge *Economic Regulation* with his current *Administrative Law B2* to form *Administrative Law I: The Regulatory Process* (full year).

A number of new courses will study the theory of law: Visiting Professor George P. Fletcher's *Comparative Criminal Theory* (spring) and *Comparative Criminal Law Theory* (spring — 1L only, with Professor Alan M. Dershowitz), Professor Charles Fried's *Jurisprudence Seminar: Law and Philosophy* (full year), Professor Morton J. Horwitz' *Historical Foundations of Modern Law* (spring — 1L only), and Professor Alan A. Stone's *Theories of Violence* (spring — 1L only).

Professor James Vorenberg will offer two new criminal law

courses: *Criminal Law — Advanced Seminar: Alternatives to Traditional Methods of Dealing with Offenders* in the fall and *Criminal Law: Early Diversion of Offenders from the Criminal Justice System* for 1Ls in the spring.

Other new courses are Associate Dean David L. Shapiro's *Federal Litigation* for 1Ls in the spring, Professor Detlev F. Vagts' *Seminar: Law and Business Problems* for J.D.-M.B.A. candidates only in the spring, and Visiting Professor James J. White's *The Lawyer as a Negotiator* in the fall.

Meanwhile, five professors will be on either sabbatical leave or research status for the entire 1973-74 term: Professors Freund, Milton Katz, John H. Mansfield, Frank I. Michelman, and Donald F. Turner.

Four faculty members will teach no courses during the fall: Professors Lloyd E. Ohlin and Oliver Oldman and Assistant Professors Richard B. Stewart and Roberto M. Unger.

Rep. Seeks House Budget Unit

By Kermit Kubitz

Massachusetts Congressman Paul Cronin last week proposed a Congressional Budget Committee to solve the dilemma of avoiding presidential impounding of funds while maintaining a federal budget ceiling. Cronin, the first speaker of the new year for the Harvard Law and Graduate School Republican Club, spoke on "Congressional Responsibility v. Presidential Authority" on February 22.

The 30 members and guests of the club were told by Cronin that the President had not usurped the power of Congress, but rather that Congress had failed to exercise the powers available to it. Cronin, who holds a degree from the John F. Kennedy School of Government, explained that individual Congressmen in their quest for appropriations lack an overall view of the budgetary process comparable to that provided to the executive branch by the Office of Management and Budget. This sways the balance of power over spending away from Capitol Hill towards the President. His proposed Budget Committee would have veto power over appropriations sent it by all other committees.

While acknowledging that such a Budget Committee of approximately 10 members would wield great power and be susceptible to



Bernard Nelson

Congressman Paul Cronin (R-Mass.) addresses Republican Club.

many influences, the new Congressman emphasized the need for modern management tools for use by the legislative branch.

Cronin did not give details of his recent close election victory over antiwar activist John Kerry. In response to a question, he stated that amendments presented in Congress recently to overturn the Supreme Court's decision on abortion were mostly for public consumption with little chance of passage. He also gave his views on special revenue sharing, which he strongly favors, and referred to as incorrect a recent *Boston Globe* article describing the revenue sharing system.

Cronin's speech was publicized

by the distribution of a flier entitled "The Republican View" edited by Tom Logie, 1L. Authorship of the parody which followed the official newsletter was unknown to club members.

Cronin's speech marked a resurgence of the Republican Club, although only a relative resurgence, since their numbers are still far below the 300 members of the early 1960s.

Of the attendees at the meeting, about half were law students, with the rest coming from the Business School or other graduate schools. Republican Club President J. Richard Carrigan, 2L, announced plans for the club's annual trip to Washington, March 15 and 16. Appointments have been made to see Supreme Court Justices Harry Blackmun and William Rehnquist, and Interior Secretary C. B. Rogers Morton. Non-members of the club are welcome to take the trip by arrangement with one of the officers. Other officers are Vice President, Jack Feehan of the Business School; Secretary, Hal Mickelson, 2L; Treasurer, Peter Muhs, 2L. Club members will also be participating in a school for campaign techniques sponsored by the College Republican National Committee scheduled to be held today through Sunday.

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Gerald Gunther: A Man Who Enjoys

By Mark C. Rutzick

Visiting Professor Gerald Gunther '53 is a man of many paradoxes. He is a modest, rather diffident man who has clerked for two of the most famous judges of this century — Learned Hand and Earl Warren. He is a seemingly easy-going man who is currently embroiled in one mammoth 15-year historical project and another five-year project. He is a former Sears Prize winner who favors mandatory pass/fail for first-year students. He is a New Yorker-turned-Californian whose only athletic interest is walking. He is a professor who is not especially concerned that his elder son may not attend college. And he is an eminently human law teacher.

Gunther's intriguing history begins literally at birth. He was born in a small town in Germany 10 miles outside Frankfurt am Main, and his family fled Hitler's Reich in 1938 for New York. There he received a B.A. from Brooklyn College and an M.A. in political science from Columbia; he taught constitutional law at Brooklyn College before attending law school. He chose to do so only to further his teaching career, having no desire to practice law. He says, "I think I was the only one who started school in 1950 who wanted to teach instead of going to Wall Street. I expected the private law courses here to be distasteful, but found they weren't really so bad. When I got out of school I was less sure about teaching than when I began."

'Hand's first name was Billings, but he dropped it after law school'

But Gunther never really got around to private practice in a serious way. He worked on and off for the New York firm of Cleary, Gottlieb, Friendly & Hamilton, but only between clerkships and teaching jobs.

Gunther clerked for Learned Hand in 1953-54, and for Chief Justice Earl Warren in 1954-55. Though a clerkship for the Chief Justice of the United States is considered more prestigious than a Court of Appeals clerkship, Gunther regards his year with Learned Hand as more valuable and exciting. "Hand and I established an extraordinary man-to-man relationship, and in comparison to him any other experience would have paled.

"He was 81 that year, but he was still remarkably self-questioning and open minded. It was just an extraordinary personal experience for me to talk over the tough issues with him, especially realizing

that he had been dealing with these questions for 50 years. And yet he was always reaching and probing, trying to reexamine the issues, never assuming he knew the answer.

"In my entire year with Hand, I never wrote one word for him. Instead, on a difficult issue he would ask me to read up and then call me in to talk about it. If he was writing the opinion, we would intensively go through every paragraph with an extremely close analysis. His openness of mind toward his work product was just amazing."

The next year Gunther was recommended by former Dean Erwin N. Griswold for a Supreme Court clerkship. It was originally to be with Felix Frankfurter, but instead he ended up with the recently-appointed Warren. As Gunther recalls, that in itself presented a problem. "Frankfurter liked to act as a kind of father figure to all the clerks, and he was especially close to me. But unfortunately this was a year when he and Warren were slipping apart, and I felt some tension about that. My first loyalty had to lie with the Chief, but I felt some pressure to tell Frankfurter what was going on in the Chief's office, and had to resist. I really wanted him to lay off."

Warren's approach to his job differed drastically from that of Hand. "The Chief," as Gunther still calls him, had been a District Attorney, Attorney General, and Governor, and Gunther recalls that "his mind just was not accustomed to probing. He was still new to the job and he was reaching for help. Our [his three clerks'] offices were adjacent to his then and we spent a lot of time with him."

The Chief Justice's clerks' duties then were heavy. "At that time only the Chief Justice handled *in forma pauperis* petitions, and he had to do memos on all of them, and then circulate them to the other Justices. We also did a lot of writing on 'cert' petitions and on memos for the opinions. But there wasn't as much personal interchange as with Hand. We would sometimes talk over his opinions, and rarely a 'cert' petition; that was about it."

Gunther left his clerkship in 1955 and after a short stint with Cleary, Gottlieb joined the Columbia Law School faculty in 1956. After only a few weeks his remaining doubts about his career were settled, and he had become a teacher "for the foreseeable future." In 1961 he became a target for the Sirens of Palo Alto, the aggressive and seductive administration at Stanford which was seeking to turn that school into a leading national law school. The next year he succumbed, and has been there since.

Gunther is currently engaged in two extended writing projects. He is the authorized biographer

An Occasional Brief Constitutional

of his tutor Learned Hand, and is in the process of going through the 100,000 documents which the Hand estate deposited at HLS. The presence of those documents was one reason he chose to come to Harvard this year. He also has done extensive interviewing of former clerks of Hand, and did over 30 hours of taped interviews with the Judge himself before his death in 1958.



Charles Soberman

Professor Gerald Gunther in front of a painting by his wife Barbara.

This experience has led Gunther to be able to answer a question which has puzzled law students for decades—the source of Learned Hand's name. "That's easy. Learned was his mother's maiden name, and in fact was only his middle name. His first name was Billings, which he used through law school. But he dropped it when he graduated, because he thought Billings was an inappropriate name for a lawyer."

Gunther expects to finish his study of the documents by this summer, but does not expect to complete the biography for five years.

The explanation for the delay lies in the fact that in addition to that project, his classes, updating his popular constitutional law casebook, and writing articles such as his Foreword to this year's *Harvard Law Review* Supreme Court issue, he is involved in a 15-year project of writing two volumes of the Oliver Wendell Holmes Devise History of the United States Supreme Court.

The Devise History was conceived by Congress in the late 1950s after it had failed for 25 years to decide what to do with the money which Justice Holmes left to the United States in his will. Loeb University Professor Paul A. Freund was selected as Editor-in-Chief, and plans for a multi-volume history were formulated. The series was to contain eight volumes, and Gunther was asked to write the volume on the John Marshall Court.

Gunther soon discovered that he would require two volumes for that period, and the series was expanded to 11 volumes to suit two other scholars who found the same problem. He has now spent several years traveling up and down the East Coast collecting and deciphering hand-written documents of the period, and currently has written over 5,000 pages in draft form for his first volume and part of the second. He plans to cut each volume to under 1000 pages.

Gunther's outside interests have changed since moving to California, but he hasn't yet fully assimilated West Coast culture. "I never was an athlete, and I'm still not one. I haven't succumbed to golf or tennis. About all I do is go to Stanford football games. It's usually warm and I try to get a tan during the game. Other than that the only thing I do is go for walks."

But the quiet professor thinks he is still growing and changing in other ways. "One of the great revelations of my life has been that I woke up to good music in the past five years. I started with Mahler symphonies, but now I pretty much prefer Beethoven and chamber music. I very much enjoy opera, too, and we go to the San Francisco opera quite often."

He is also a movie and theater fan, who has recently enjoyed "The Heartbreak Kid" and "The Godfather", not enjoyed "The Discreet Charm of the Bourgeoisie" or this year's Loeb theater productions, and been unimpressed by "Hair."

His wife Barbara is a painter and lithographer, who has had professional exhibitions in California. She is also a graduate student at San Jose State College, "one of the longest-living grad students in history, so she can use their studios."

His two children are fairly normal teenagers, he says, and his 18-year old son Dan is currently trying to decide between going to college and playing clarinet in a rock band. This doesn't bother him too much now, he adds. "I'm not nearly so hung up now on an academic career for Dan now as I am concerned that he discover for himself what he wants to do. I don't think I would have said that three years ago, but I've changed a lot since then."

Gunther will have an opportunity to keep changing, since he is returning to Stanford in the fall. But though he has been far from universally thrilled with his year at HLS, he is getting over "Harvard shock" and says he is even starting to like it here. As a result he is leaving open the possibility that he might return permanently in the future. But not now—he still misses that warm California sun.

Save Legal Services

"OEO shares one problem with Mark Twain, the great American humorist. Its death has also been prematurely reported and greatly exaggerated." So wrote recently Phillip V. Sanchez, until one month ago director of the Office of Economic Opportunity.

Since that time, Sanchez' resignation, together with the planned crippling of OEO and its legal services programs, suggests that political pundits may have been more accurate in assessing the future of the nation's antipoverty program than the fate of one of its foremost authors.

Despite the best efforts of President Nixon and his colleague, OEO Acting Director Howard Phillips, many of the country's leading lawyers have expressed support for a continued antipoverty program and especially for a legal services program. The American Bar Association, at its annual midwinter meeting last month, adopted a resolution calling for the creation of an independent legal services corporation "independent from political pressures in the cause of representing clients." Present supporters of a legal services corporation include ABA President Robert W. Meserve, President-elect Chesterfield Smith, California Governor Ronald Reagan, who is a long-time foe of certain legal services projects, and more than 800 Harvard Law students, who signed a pro-legal aid petition circulated here earlier this week.

But support for any legal services corporation is not enough. An attempt to make the directors of a legal services corporation dependent on presidential approval—as President Nixon seeks to do—would ensure the paralysis of the organization before it would formally begin. Here is an area where lobbying would seem to have a real chance of success, as was demonstrated by the one-month extension in funding granted to the Law and Education Center as a result of the trip to Washington Wednesday by Dean Albert M. Sacks and Professor Frank I. Michelman. Students, faculty, and especially practicing attorneys must make their support for a strong independent legal services corporation known to their Senators and Congressmen. We are in a sorry state of affairs when at long last the Law School and the legal profession appear committed to providing legal services to the poor only to find the President seemingly resigned to allowing the nation's 30 million poor to submit to the law of the asphalt jungle. As law students and as future members of the American legal profession we should be concerned about assuring poor people equal access to the courts and the law through expanded legal services. To do otherwise would make a mockery of the adage that ours is a "government of laws and not of men."

HARVARD LAW RECORD

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Fenno

Fenno pushed his casebooks aside, sighed deeply and gazed out at the winter snow drifts. Here I am at Harvard, he thought, who would have ever guessed it? Fenno recalled the difficulty he had adjusting to the new environment and suddenly realized that it all still fascinated him.

His early apprehension had been confirmed as he remembered the suspicion he'd had of the area. You've got to be careful, he thought, of people who have an affinity for abbreviation. He remembered having to learn that the appropriate way to refer to the central area of the Law School was the "Hark" and not Harkness. He couldn't recall a single person referring to that "street" as Massachusetts Avenue. Fenno wondered how the residents would react to "Kissinger's Association", an up and coming fan club.

Fenno sighed. This area was flooded with misnomers. There was absolutely nothing "common" about that park across the street and there was an uncanny lack of "squareness" about Harvard Square. And pronunciation! Fenno shook his head in disbelief. He had cautioned himself against those who are unable to pronounce simple towns like Leominster, Worcester, or Natick.

Some of the most intriguing of all are found in the Law School. For instance, to Fenno, the Pound Building was either a very lightweight structure or a home for British solicitors. Fenno could imagine himself stopping a passer-by and asking directions to the £ Building or trying to find his way to Langdell North-South-Middle-West.

Fenno had come to realize, however, that he must learn the cryptic language of lawyering. He smiled inwardly at his earlier naiveté in that area. He had once thought that an attorney's briefcase was a case for carrying extra undergarments. It would then naturally follow that "drafting a brief" was a matter of cutting out certain parts. Ah, sweet innocence, Fenno thought.

But, he was later to learn that coded language was required from then on. He learned quickly that *Criminal Law* was not an instrument used by criminals to govern their affairs. But most importantly, he learned that, true to the local abbreviation syndrome, *Torts* was short for "torture."

Letters to the Editor of The RECORD

Newspaper Act

To the Editor:

Paul Weiner's report (RECORD, January 26) of the *Harvard Crimson's* panel discussion on the press and the First Amendment, in which I participated, was excellent. In passing, however, he made a misleading reference to the Newspaper Preservation Act (15 U.S.C. §§ 1801-1804) that I hope you will let me correct.

First, it should be said that I testified against passage of the act and am now counsel for the plaintiffs in a suit challenging its constitutionality.

Mr. Weiner wrote that the act "allows competing newspapers to combine printing operations without violating the antitrust laws." This description is not surprising. It is the way the act was generally described to the public — when it was reported at all — by the nation's newspapers, many of whose owners had an interest in its passage.

In fact, no antitrust exemption was needed to allow competing newspapers to combine printing operations. What such papers could not do under the Sherman Act, but can under the Newspaper Preservation Act, is fix prices, pool profits, and divide up the market. See *Citizen Publishing Co. v. United States*, 394 U.S. 131, 135 (1969).

These practices are not necessary to a combined printing operation — as the District Court's decree in *Citizen Publishing* demonstrated — and are not needed to "preserve" any newspapers. They do create a monopoly for the two established dailies and they maximize the barriers against competing papers, existing and potential. That's what the act is about.

Stephen R. Barnett '62

Professor of Law
University of California, Berkeley

Degrading?

To the Editor:

It apparently never occurred to Phil Spector ("Faculty Evaluations: Grading the Graders?," RECORD, February 2, 1973) to ask the most important question: are students (1) objective and (2) qualified? It did not occur to him because of his arrogance or his superficiality. His unfounded underlying argument seems to be what professors can do, students can do. . . .

Other weaknesses appear. Students can't validly evaluate the casebook used without comparing it with others in the field. He will never get the opinion

of "every student" in the class. The percentage response will bear on the value of the evaluations.

Finally, Mr. Spector, in his arrogance or naïveté, argues that other law schools will probably follow Harvard's lead in this area. Albany Law School students have been evaluating professors for three years. The Student Bar Association here, I'm sure, will be pleased to send him a model questionnaire for his perusal.

Professor William Samore '53
Albany Law School
Albany, New York

Law Notes

Loeb University Professor Paul A. Freund will speak on "Justices Brandeis and Frankfurter: Personal Recollections," at 8:45 p.m. today in Phillips Brooks House. The talk is sponsored by the Harvard Hillel Foundation.

Praise the Law and Pass the Erudition, an original musical satire of life at the Law School, will be playing March 16-18 and 22-24. Tickets at \$2.50 or \$2.00 with a student I.D. are available at the Holyoke Center ticket office, the Langdell receptionist's desk, the Hark, and at the door.

The Board of Student Advisors has selected the following teams as winners of this year's best brief competition for their work in the Ames Competition last fall: first prize, Barbara S. Reid and Phillip L. Spector; second prize, Armin K. Taus and Bruce A. Wolk; third prize, Edward E. Carnes and Kenneth W. Erickson; and fourth prize, Marc S. Dreier and Alan C. Johnston.

Authors of the best briefs produced for Ames Alternatives are Harold R. Ward and Robert J. Rauch, first prize; and Richard C. Cole and Bruce S. Gelber, second prize.

Each individual named will receive credit toward the purchase of books at the Harvard Coop and a West's hornbook of his or her choice.

Loeb University Professor Paul A. Freund received the American Bar Foundation's annual award for outstanding research in law and government at the Foundation's annual banquet in Cleveland on February 10. Previous recipients of the award include Langdell Professor of Law, Emeritus and former Dean Erwin N.

SCAP Defined

To the Editor:

SCAP, in the records of which Mr. Stevens did research (RECORD, February 16), does not stand for "Supreme Command Allies-Pacific" but for "Supreme Commander for the Allied Powers." The title was quite carefully worked out to reflect General MacArthur's representative capacity in acting for all of the Allied Powers in the occupation of Japan. It was in that capacity that he accepted the instrument of surrender in Tokyo Bay on September 2, 1945.

Professor R. R. Baxter
Formerly Assistant Adjutant
General, GHQ, AFPAC and SCAP
(Continued on Page 14)

Griswold in 1960; Dane Professor of Law Emeritus Austin W. Scott in 1964; and Weld Professor of Law A. James Casner in 1971.

The Harvard Law Wives will hold a Monte Carlo night of gambling, auctions, and games March 9 from 8:30 p.m. to midnight at Lincoln's Inn, 44 Follen Street. The evening will feature several professors dealing at the card tables, including Professors Arthur R. Miller and John P. Dawson (dealing Blackjack, of course).

Gambling chips may be purchased during the evening and used to amass a small fortune. Later in the evening an auction of prizes donated by local business establishments will be held and gamblers may use chips they have won to bid on prizes. Proceeds will go to establish a new community residence for retarded adults.

Admission is \$1.50 for a single and \$2.50 for a couple. Tickets may be purchased at the door or in advance by calling 492-7079.

The Dormitory Council announced the election of the following officers for the coming year: President, T. Gregory Bowe, 2L; Vice President, Brian A. O'Connell, 2L; Secretary Conor D. Reilly, 1L; Treasurer, Lucia A. Fakonas, 1L; Comptroller, Nancy E. Holland, 1L.

The Harvard Legal Aid Bureau announced election results for the next year: President, Lois J. Wood, 2L; Vice President, Barbara S. Zinaman, 2L; Executive Director, Charles A. Miller, 2L; Secretary, Bari Schwartz, 2L; Treasurer, Michael B. Jordan, 2L; Research Director, Stephen M. Eisdorfer, 2L; Associate Directors, Robert S. Enright, 2L, Judith A. Neibrief, 2L, and Henry J. Sommer, 2L.

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Trade Balance

An excess of imports is favorable to the importing country. An excess of exports is unfavorable to the exporting country. This is the exact opposite of conventional wisdom.

Imports in excess of exports are interest-free loans. The exporter accepts money that is not used to buy goods for the present. The money is worthless until it is spent or used to obtain something of value.

Excessive imports decrease inflation. They make more goods available with the same amount of work. By increasing the supply, without increasing the demand, they depress prices. Excess imports hold prices down while increasing the standard of living.

Excess imports may never have to be fully paid for. If exchange of value is delayed too long, then the exchange rate may shift unfavorably for the exporter. The exchange rate is almost certain to shift unfavorably if the exporter tries to cash in his accumulated stock of money too fast in exchange for real goods.

Conversely, exports in excess of imports are inflationary and depress the standard of living. All exports require that labor and material be taken out of the economy and shipped to someone else. This is inflationary. Internal buying power is created in the domestic economy of the exporter, but the supply of things to buy is decreased.

Exports in excess of imports depress the standard of living of the exporter. If only foreign money is received and it is never spent, then the exports were given away. The longer the foreign money must be held, then the lower its present value. The exporting country does not gain at all until imports of even greater value have been received and used.

Large payment imbalances between countries must always be reversed eventually or the exporting country always loses. The normal way to redress such an imbalance is by a counterbalancing shift in exchange rates. A continually floating exchange rate is the only way to maintain a self-adjusting trade balance that does not severely punish the exporting country by sharp and sudden devaluations of the excess foreign money that it accumulated as payment for excess exports.

Value relations between countries are never stable for long. Inflation rates differ. Rates of change in productivity differ. Investment cycles differ. Business cycles themselves are often out of phase. Because of these things, exchange rates must constantly shift to keep payments and trade in a stable relationship.

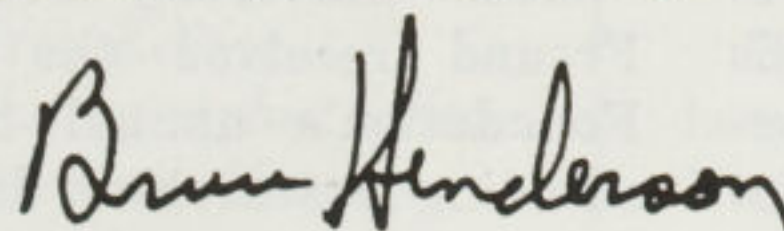
Efforts to maintain fixed exchange rates always punish the net exporter. He sells cheap, and he buys dear. He lends money interest free. He is whipsawed into overbuilding capacity which becomes non-competitive when the exchange balance is abruptly corrected. He suffers inflation in proportion to his excess of exports. He then inevitably has deflation, structural unemployment and lost output when the required exchange correction occurs abruptly.

It is necessary for trading nations over time to have an accumulated excess of exports compared to imports. This is the principal way to accumulate reserves of foreign exchange. The price for this accumulation is high. The only real value of foreign exchange reserves is to act as a buffer to smooth out the speculative and other short term shifts in the flow of money and trade.

Conventional wisdom says that exports provide jobs while imports destroy them. The reverse is true. Failure to import is failure to displace low productivity workers and shift them to high productivity employment. The value of human labor is degraded by failure to trade the less valuable job for the more valuable job.

Effective full employment can always be achieved by money supply management. Inflation can be decreased by promoting the maximum imports. Free floating exchange rates can insure the money supply to pay for imports while cushioning the disruption that is caused by abrupt shifts to exchange rates. Floating exchange rates are the only protection for the net exporter.

Those who export too much, import too little and try to fix exchange rates hurt themselves the most of all.



Bruce D. Henderson

Perspective # 116

BOSTON • LONDON • MILAN • PARIS • TOKYO

Pass/Fail: A Boon to WASPs and Preppies

By Mark C. Rutzick

Daniel M. Taubman's defense of compulsory pass/fail in the last issue of the RECORD was little more than a warmed-over pastiche of incorrect or ill-considered arguments.

Among Taubman's more indefensible statements was that "[e]very law student with a B or B- average who interviewed law firms realizes that he or she was at a disadvantage compared with fellow students whose

The Backbencher

grades were just a shade higher." He cites no factual support, for there is none. I would be grateful, and quite surprised, if even one student, let alone one employer, could come forward in support of that statement. Has Taubman ever had an interview? He appears, at best, quite ignorant.

Taubman maintained that appellate judges and law schools rely "to a great extent" on grades in hiring. His example of the Law School hiring Lecturer Lewis D. Sargentich '70 on the basis of grades, however, didn't even cut both ways, but only one way — against his position. Not only was Sargentich a Sears Prize winner and President of the *Harvard Law Review*, he was widely acknowledged as the outstanding member of his class, and his law review Note on the First Amendment overbreadth doctrine has been cited and indeed relied upon by the Chief Justice of the United States (unfortunately the wrong way, but that's quite irrelevant to the quality of the article; see *Gooding v. Wilson*, 405 U.S. 518). In that case, it seems, grades accurately correlated to legal ability. Shocking, Mr. Taubman.

Taubman can not see how grades can remain "a valuable

indicator" of learning if "[m]any students learn far more law outside the classroom." I find it easy to reconcile the two statements, and easy to conclude that valuable learning occurs both in and out of the classroom, and that an aggregation of grades over a two- or four-semester period is a moderately but not wholly successful method of measuring that part of the learning that does occur in the classroom.

Taubman also can't believe that interviewers would begin to discriminate on any of several grounds were grades ended. What would an interviewer do if faced with one applicant from Harvard College and one from, say, Utah State, each with all "P's"? On the average, which would seem to be a safer bet? And if the Harvard applicant is a preppie and the law firm WASPish?

Taubman is right in saying that discrimination is not blatantly practiced. Only in marginal cases do irrelevant factors enter. A clear difference in grades can make such factors unimportant. But without grades every comparison is marginal, and the "irrelevant" factors are magnified. No doubt Harvard preppies favor pass/fail, because grades are for them the only barrier between popular jobs and the exercise of all the discriminatory factors which run in their favor to help them get those jobs. Indeed, grades are the major levelling factor which allow individuals from disparate backgrounds to compete for jobs which they may consider most desirable.

Grades also allow individuals with unassertive or unassuming personalities to compete with their more aggressive, fast-talking classmates. If anyone thinks grades aren't an objective measure of ability, consider how poor the alternative measure is — the ability to impress an interviewer for 20 minutes or maybe two hours in an interview. And no

one should doubt for a moment that this would become a primary prerequisite for a job, if grades are abolished. Realistically, how are interviewers supposed to evaluate applicants without grades?

And yet it is clear that the impetus for compulsory pass/fail does not come from aggressive Harvard preppies. It is much more widely based and seems to emanate from those who are least concerned with the job market, especially the corporate law firm job market. Their concern is not that grades unfairly present their abilities to interviewers.

Rather, their concern really is that the substance of legal education and of the legal profession is bad, and they feel that by changing the procedures by which that substance is maintained (the evaluation and hiring of new attorneys by corporate law firms), the substance itself will somehow be changed.

Their argument at base is that grades foster competition, which channels students toward competitive outlets like the *Law Review*, which reinforces the competitive instinct and in turn channels students toward prestigious, high-paying jobs where they can continue the competition they began in law school. These jobs are with corporate law firms which perpetrate considerable evil in American society by enabling their clients to flout the law and rob the consumer.

My disagreement comes only at the beginning of that syllogism, not at the end. I think grades have no effect in the channelling of law students, and that the distribution of jobs will not suddenly alter away from law firms toward public interest positions if grades are dropped. The real battle will be to change the structure of American society, and the grading system at Harvard Law School is simply irrelevant to that goal.

Simon will Lead Review Editors

(Continued from Page 3)

cially assume their new positions on the day following Commencement in June. But according to David L. Engel, 3L, President of Volume 86, both the incoming and outgoing teams of editors are now working simultaneously in an effort to make up the *Review*'s current one-month production delay. Simon and the 2L officers are starting work on the May issue while Engel and the 3L officers prepare the March and April issues. Engel predicts optimistically that this approach will allow the *Review* editors to complete the current volume before the end of the term, whereas "last year several of us had to stay beyond exams."

Until last year, said Engel, the *Review* had come out "pretty much on time for about 20 years" following several decades of less punctual publication. According to legend, former Dean Erwin N. Griswold had then insisted that each month's copy of the *Review* reach his desk by the 10th of the month.

Now Engel "would consider us on time so long as it came out around the middle of the month," but with delays and all "I'd say we're still ahead of most other law reviews."



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Letters to the Editor of the RECORD

(Continued from Page 11)

Schoen Replies

To the Editor:

As a life member of HLSA, I receive the Harvard Law RECORD. Imagine my surprise in seeing a whole page devoted to my recent book in your issue of February 2.

All of my writings are controversial. Therefore, I expect some adverse reviews. In view of the reported viewpoints and actions of the majority of the Law School teachers as well as the demonstrations and intolerant attitudes of many of the students at the Law School, I had expected an adverse review from the RECORD. But I had not expected to see in print foul fulminations of the greatest of all nuisances, the common scold. In earlier times the common scold was given his due by placing him on a dunce's stool and then cooling him off with a public ducking. Currently, he appears to be rewarded by being named Book Review Editor of the RECORD.

In contrast to Flanders who berates and denigrates but does not support any of his opinions, I support mine with a number of specifications, some of which follow because to give them all would unduly lengthen this letter.

(1) He refers to me as an octogenarian. I am not as yet 80. The text was completed about three years ago and commenced when I was in my early 60's.

(2) He refers to me as an inchoate octogenarian. The word "inchoate" refers to someone who is incoherent. I am not incoherent, as witness these lines.

(3) In my book, I twist the tails of many sacred cows whose sainted chips are a messy mixture of offal dear to the nostrils of our elitists, and thus affecting their sense of smell. Flanders appears to be so affected.

(4) Flanders states that he retched during the first hundred pages of my book. Retching results from a stomach disturbance, usually due to partaking too copiously of edibles and potables or either, sometimes due to the eating of tainted food. Of course, Flanders may have been eating the pages of my book. That could have resulted in his retching. But now let us look at the first hundred pages. There is a Table of Contents running from page 7 to 12. There is a Preface running from page

13 through 19. There is one page of quotations. Chapter One of the Text starts at page 21. Chapter Six commences at page 90 and ends at page 99. Thus, as far as the text is concerned, Flanders is talking about the reading of less than 80 pages of text. On page 7 of the Table of Contents there is a reference to Chapter Three, page 48, where, were it not that Flanders was retching, he would have ascertained, to use his words, "what the hell" the book "is supposed to be about." Page 48 states "the search for a solution of societal abuses of power encompasses both secular conflicts of interests and spiritual conflicts of loyalties." The reading of this page of text certainly should have acquainted Flanders with what this book is all about. I cannot credit him with stupidity, he having been admitted to Harvard Law School. I can, therefore, only credit his remarks to chicanery, the old, the trite abuse of power by name-calling, the vile attempt to kill a book because it does not mirror the reviewer's personal viewpoints.

(5) No self-respecting reviewer would make Flanders' false and wholly unsupported statement that I have misread each book cited in my text. Only a common scold would do that.

After a statement that the price for law and order is not to be found in dollars and cents or in an enforced conformity to man-made legislation, I conclude the text by stating that an intricate complexity of social issues must be taken into consideration in order to formulate well-grounded principles for social control, and that these issues embrace the entire ambit and extent of conflicts of loyalties and conflicts of interests.

My text leads up to these conclusions by many pages of detailed study. And yet, the allegedly flabbergasted Flanders wants to know "what the hell this (book) is all about."

I am having copies of Flanders' review and of this reply quick-printed and propose to distribute them to persons of my choice. To have authored the "worst book that was ever written" (Flanders' words) is no mean accomplishment. Indeed, Flanders recommends that it be purchased, stating: "Buy it . . . It might just change your life."

Edgar J. Schoen '19
Chicago, Illinois

Harris Sees Bar to US-Soviet Trade

(Continued from Page 1)

"Unless something changes on the part of the Soviet Union, then most-favored-nation status is not going to pass," Harris, now a board member of the East-West Trade Council, declared. Under the terms of the Soviet-American trade agreement signed in Moscow last fall, Congress must grant most-favored-nation (MFN) status to the Soviet Union in order for its main provisions to be implemented.

A country granted MFN status receives tariff concessions equal to those granted any other country. Otherwise, higher tariffs under the Smoot-Hawley Act of 1930 apply.

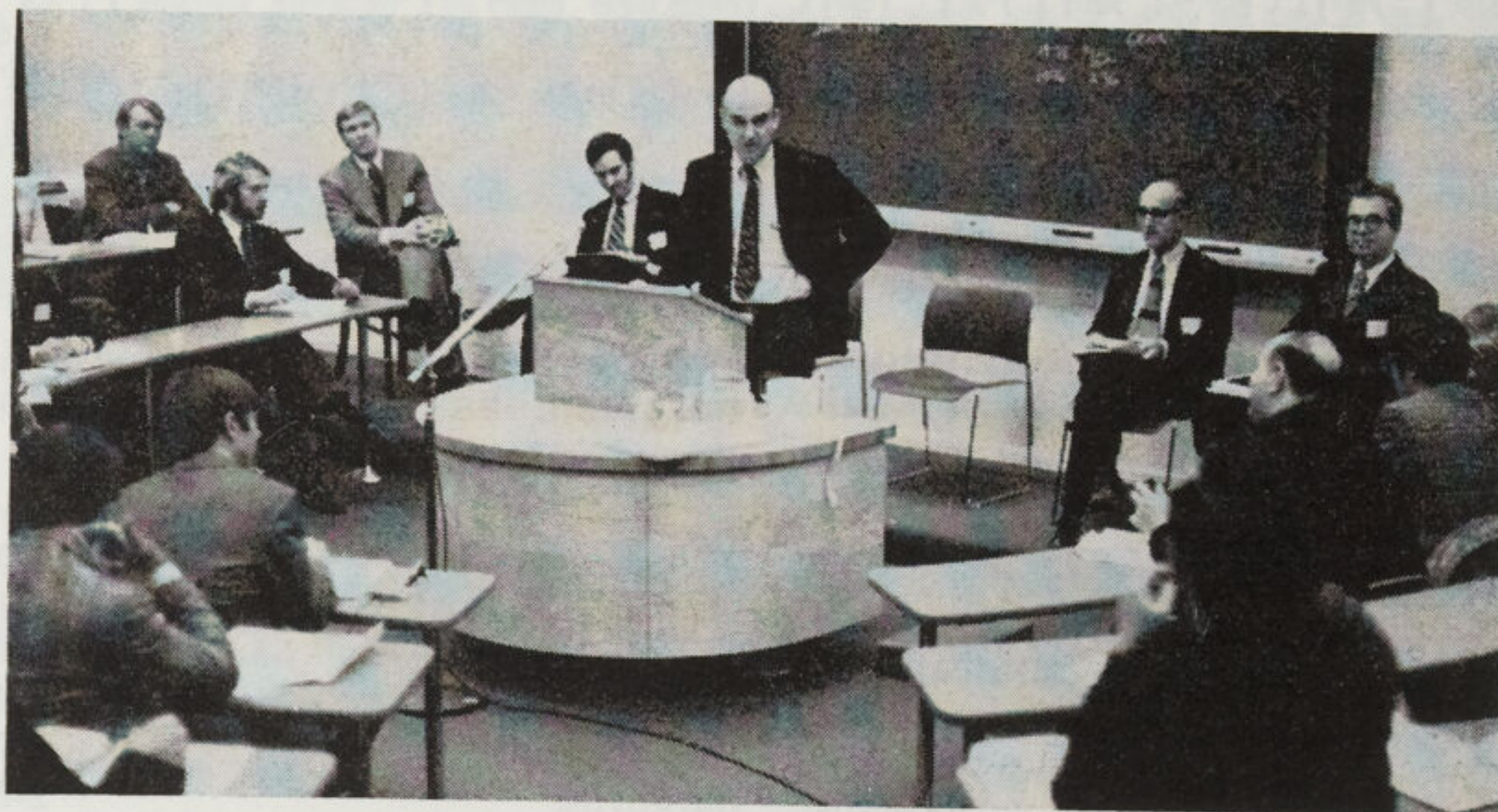
Harris said he was in favor of expanded Soviet-American trade, but feared that a bill recently introduced in the House of Representatives and a similar one to be introduced in the Senate by Senator Henry M. Jackson would leave "zero possibility" for the granting of MFN status to the Soviet Union. The two bills link granting MFN status with abolition of Soviet emigration fees.

Harris' pessimism concerning the expansion of East-West trade in the near future contrasted with the general optimistic tone voiced by the principal speaker, Professor Harold J. Berman, and echoed by most of the participants at the conference's three panels.

Berman discussed the economic, political, and legal illusions which he said the United States has entertained during the past 25 years towards the Soviet Union and Eastern Europe.

The expert on Soviet law agreed with Harris that the Jackson bill might preclude approval of the Soviet-American trade agreement. "The Soviets have locked themselves into a position where it would be difficult for them to trade MFN for a change in emigration policy," Berman declared.

Berman suggested that the two issues be divorced, and that with a trade agreement, an easing of Soviet emigration policy would



Professor Marshall Goldman of Wellesley College discusses expansion in Soviet-American trade. Charles Soberman

likely follow. "We have to get it into our heads that Soviet leaders will not pay a political price to satisfy their economic needs."

Berman noted that if MFN status is accorded to the Soviet Union, the cost of a gallon of vodka would be cut from \$5.00 to \$1.25, while the ad valorem tax on caviar would be cut from 30 to 15 per cent.

At the first panel last Friday evening, one panelist disagreed with Berman on the effects of granting MFN status to the Soviet Union, maintaining that few items besides vodka and caviar would face tariff reductions. The panelist, John P. Hardt, senior Specialist in Soviet Economics of the Congressional Research Service in Washington, D.C., declared, however, that "the prospects of the Soviets increasing their import requirements are very substantial."

"Unless they change their priorities," he added, "export controls are not likely to impede expansion of Soviet-American trade."

Participants at the second panel—including two Administration officials who helped negotiate the Soviet-American trade agreement in Moscow—discussed the new role of the executive branch in East-West trade.

James Mitchell, Special Assistant to the Secretary for Policy

Development of the Department of Commerce, listed four impressions of Soviet negotiators that he observed:

- (1) A heavy reliance on precedent.
- (2) Concern with appearances at home.
- (3) A preference for general principles.
- (4) The appearance that time is irrelevant.

Charles N. Brower, acting legal adviser of the State Department, detailed the provisions of the Soviet-American trade agreement, including the provision for arbitration of disputes and the stipulation that payment be made in U.S. dollars.

"The agreement is designed to require as little necessary concurrence from Congress as possible," the 1961 Harvard Law School graduate noted.

Panelists at the third panel held Saturday afternoon discussed the specifics of negotiating with the Soviet Union and Eastern European countries. Featured participant was His Excellency Corneliu Bogdan, Romanian ambassador to the United States.

Bogdan called for an expansion of East-West trade and for the granting of MFN status to Romania. "We are ready to develop and increase economic cooperation between our two nations," the East European diplomat declared.

Ducksoup Emerges as Frontrunner in C League

During the last three weeks of C league play, Ducksoup has emerged as the clear front-runner. Composed of Jim Jardine, Peter Millock, Bill Vesely, Peter Wang, Jeff Jones, Russ Granick, and Joe Grasso, this well-balanced and disciplined squad methodically overcame the Standard Deviations 57-37; Jardine's rebounding, scoring, and ball-handling were outstanding throughout the game.

Ducksoup's next opponent was Strict Liabilities; they handily disposed of them 40-28. Last week Ducksoup came on strong in the second half to defeat Irv Cohen and run their record to 7-0. Vesely scored well and Jardine played his usual strong game.

Another undefeated team is Red Tide of the D league. On February 10 the Red Tide narrowly escaped defeat at the hands of F**k-Ups by the score of 27-25. In a low-scoring game, the Tide's high-scoring Alan Morrison was held to five points, but John Davis (9) and Joe Tompkins (7) took up the slack. In

their last game Red Tide had it much easier as they rolled over Beneath Eligibility Standards 69-38. Morrison, Davis, and Tompkins were helped by Jim Beha, Dave Ackerman, and Mark Baseman, as the Tide kept its record intact.

A LEAGUE

Jackson Five	7-0
Mashuppee	7-1
Thundering Herd	6-1
Three-Fifths	3-4
Divinity Saints	2-5
Gargoyles	2-5
Sons of Ham	1-6
Grovinators	1-7

B LEAGUE

Upstarts	7-0
Court Gestures	5-1
Little Big Men	4-2
One Buffalo Won	4-2
Nunc Pro Tunc	3-3
Exhumators	2-5
Not Today	1-4
Don't Fight Feeling	2-4
Roaches	2-4
Frankfurters	1-5

C LEAGUE

Ducksoup	7-0
Turkeywimps	4-2
Bureaucrats	4-2
Justus Blacks	4-2
Void Nullities	4-2

Groundhogs	4-3
Irv Cohen	2-4
Standard Devs.	2-4
Strict Liabilities	1-6
Recycled Containers	0-6

D LEAGUE

Red Tide	5-0
Most Foul	4-1
A-Masers	3-2
F**k-Ups	3-2
Running Dogs	3-3
The Team	3-3
Associates	2-3
Pedis Possessio	2-3
Beneath Eligibility	1-5
MCZ-Child	1-5

E LEAGUE

Slaughter House Five	7-0
Purple Urp	5-1
Juggernaut	5-2
Stop Agnew Now	4-2
Folatio Alger's	3-2
Big Ten	3-3
Herd	3-3
Trashers	3-3
Civil Pros	2-4
Crimson Swine	1-5
Ft. Wayne Kekiongas	0-5
Beleagured E-leaguers	0-6

SPECIAL LEAGUE

Ecumenical Movement	5-1
Short Stuff	5-2
Beeber's Friends	2-5
Shrimps	1-5

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