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Stewart Doubts Supreme Court Ruling on Executive Privilege

By Paul Weiner

In an informal question and answer session last week, U. S. Supreme Court Associate Justice Potter Stewart said he doubted that the Supreme Court would decide a case involving the President's right to executive privilege; President Nixon has since called for such a decision.

Stewart also called for a qualified privilege for newsmen, questioned the need for the proposed Equal Rights Amendment, defended Chief Justice Warren E. Burger against charges that he had breached High Court etiquette, and reiterated his opposition to the proposed national Court of Appeals.

Stewart's appearance in the Lowell House Junior Common Room Tuesday evening, March 13 before about 40 Harvard and Radcliffe students followed a Ford Dinner at Lowell House at which he had been guest of honor. Justice Stewart's brother, classics professor Zeph Stewart, is Master of Lowell House.

In response to a question about President Nixon's assertion that the doctrine of executive privilege against testifying before the Congress is "em-
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Indian Students Criticize AIM, Aid Tribal Unit

By David J. Cocke

Three of HLS' five Indian law students left Tuesday for Pine Ridge Reservation, South Dakota at the invitation of Oglala Sioux tribal chief Richard Wilson. The three will provide legal assistance to the hundreds of Indian families whose lives have been disrupted by the confrontation between members of the American Indian Movement (AIM) and federal marshals at Wounded Knee.

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Sacks Favors Term Shift

By Daniel M. Taubman

Dean Albert M. Sacks agrees in principle that having the first semester at the Law School, including examinations, end before the Christmas vacation is a praiseworthy suggestion, but doubts that any change will be implemented by next September.

Sacks thus endorsed a suggestion made by the Committee on the First Year Evaluation and Related Matters, which was contained in a letter sent to the Dean by group chairman Professor Jerome A. Cohen last month.

"The benefit of it in terms of giving people a genuine vacation and a break between semesters is very clear," Sacks commented. The main problem in effecting a schedule change, the Dean explained, is coordinating the Law

School and college schedules. The two do not have to coincide, but can't be "too far out of phase" without creating problems for those wishing to cross-register.

Sacks also said he favored exposing first-year students to actual trials, another recommendation made by the Cohen committee. He said he would like to see "a concrete proposal" for having actual trials at the Law School; otherwise, he is interested in a program which would enable stu-

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Charles Soberman

Julia Child at the Law School. See what's cooking on Page 7.

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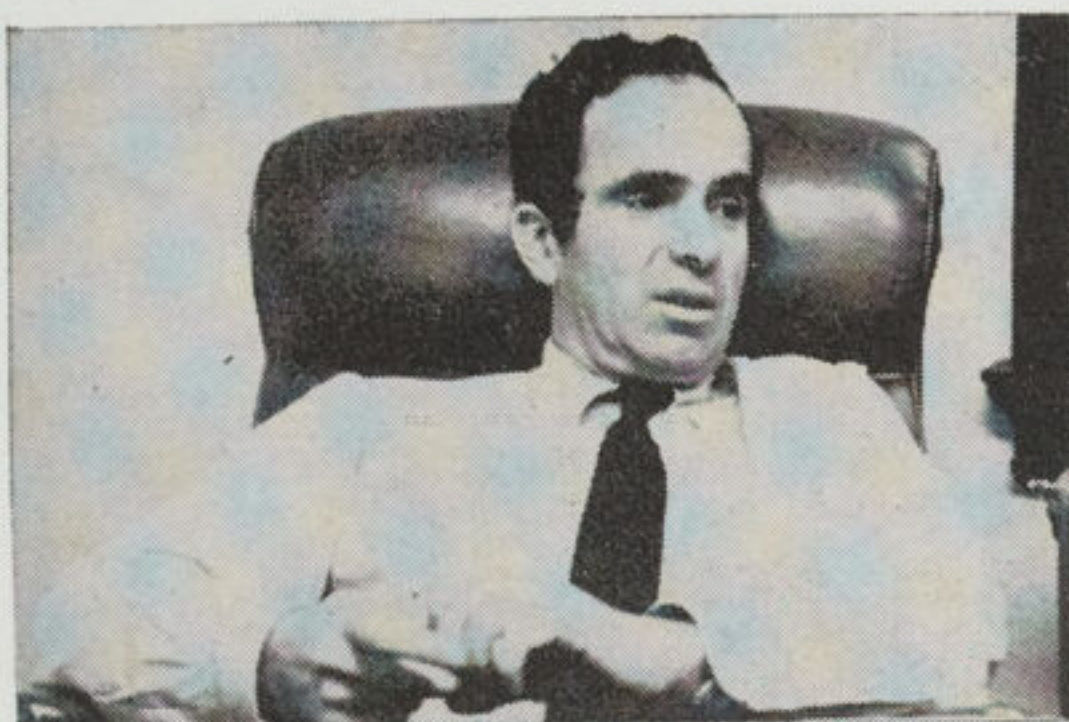
Bok Names Vorenberg Dunster Master

Professor James Vorenberg, Director of the Center for Criminal Justice, will become Master of Dunster House next year. He succeeds Assistant Professor of English Roger Rosenblatt.

Professor Vorenberg became Professor of Law in 1962. As an undergraduate he was a member of Leverett House and graduated from the College in 1948. He will join Professor Kenneth Andrews of the Business School as the second house master from outside the Faculty of Arts and Sciences.

"The appointment," Vorenberg said, "did not come out of the blue. We had discussed it over a period of years." When asked by a RECORD staff member how long he planned to stay, Vorenberg noted that in considering someone else, President Derek C. Bok had stated that he hoped a master would continue in that position for at least five years.

"I wouldn't have accepted," Vorenberg added, "unless I had planned to spend a significant length of time there."



Professor James Vorenberg

He described his wife's reaction as "very enthusiastic." Mrs. Vorenberg was amazed by the number of bathrooms, eight, and the size of the kitchen's fixtures. The Vorenbergs had not seen the master's residence before the appointment.

The first-year criminal law instructor felt that the presence of a law professor in Dunster House on a continuing basis "might act as something of a bridge between

undergraduates and law students."

Vorenberg's residence at 10 Channing Street, Cambridge, has often been the scene of early morning breakfasts for small groups of his law students, or social activities involving the Criminal Justice Fellows.

Dean Favors Term Change

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dents to go to Boston to see trials.

The Dean also declared that he was in general agreement with the committee's proposals for increasing faculty-student contact.

In regard to other academic matters, Sacks said there will be no 2L sections next year. This change has resulted from semesterization of some first-year courses and the offering of *Constitutional Law* to about half the present first-year class.

The Dean also announced that as a result of a new emphasis on public service placement, Assistant Dean Robert A. Williams will be spending a "minimum of one fourth of his time" as director of the program of public service placement.

Sacks further said he has been continuing informal discussions with other schools to determine the feasibility of moving 2L placement interviews to the spring, but reiterated that no change is expected to occur during the next year. One reason for considering the change, he noted, is equalization of hiring pressure between private and public placement.

Law Book Exchange Opens In April

A central exchange for used lawbooks will begin operation April 10, according to Frank C. Gibbs, 3L, a member of the Law School Council. The non-profit, student-run service will be supervised by the Council and supported by a five per-cent fee to be subtracted from the seller's price on books sold.

The Lawbook Thrift Shop will bring the would-be buyer and seller together by means of a consignment mechanism. The seller will leave books at the shop under a consignment agreement, set the sale price independently, and receive reimbursement once the books are sold. "A student hunting a book for a particular course will find a wider choice of book conditions and prices in the centralized exchange," said Gibbs, comparing the new service to present used-book sales at the

Coop and to sales by way of bulletin-board notices.

The shop will be open initially on April 10th and 13th to receive consignments only. Once an inventory of books is established the exchange will be open every other Friday for both consignments and sales. The precise schedule and location of the store will be announced later.

Initial funding for the shop is being provided by the Law School, but the organizers hope it will be self-supporting within a year. Supervision will be exercised by the Council through an appointed director.

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Bruce Recommends Women's Facilities At Hemenway Gym

Vice Dean William L. Bruce has recommended creating athletic facilities for women by partitioning the locker area on the upper floor of Hemenway Gymnasium, after taking a tour of the building recently with a group of women law students. In a letter from Eric Cutler, Assistant Director of Athletics, tentative approval was given to the Bruce proposal, subject to funding of such changes as well for the Indoor Athletic Building and University Squash Courts, now facing similar problems.

Expenditures for these changes must be approved in a budget submitted by Director of Athletics Robert B. Watson to Acting Dean of the Faculty of Arts and Sciences Franklin L. Ford. The Bruce plan would be substantially less expensive than other alternatives suggested for creating a separate women's section in Hemenway.

Cutler denied recent rumors that women were sharing the present Hemenway facilities. "No one said they could be there. They may be using it at odd hours when no one else is there, but if so, they're doing it on their own."

Surrey Unit Calls Proxy Hearing

A University committee chaired by Professor Stanley S. Surrey will hold open hearings March 26 on the question of whether Harvard should support stockholder proxy challenges to 10 corporations in which the University holds stock.

The committee, created last year by President Derek C. Bok, is composed of five faculty members, five alumni, and five students, including Rebecca A. Donnellan, 1L. It will forward its recommendations to the Harvard Board of Overseers, but that group is not required to follow them.

Faculty Okays Changes For Fall Legal Methods

By Daniel M. Taubman

The faculty last week approved the recommendations of the First Year Committee to lengthen the Legal Methods program, move the Ames Competition to the second semester, and begin an experimental trial level Ames program for approximately one third of the entering first-year class.

The plan, submitted to the faculty in a memorandum and explained by committee chairman Professor John P. Dawson, is mainly the result of proposed reforms announced earlier this year by new Legal Methods Director Michael D. Rosenberg.

According to Dawson, the change in scheduling of the Ames program was made necessary by the "substantial overload" and "distraction" which student participation in Ames last fall caused in students' course preparation. Faculty disenchantment — especially from professors teaching newly semesterized basic courses — with 1Ls' lack of preparation was "greater than ever," Dawson explained, and was reinforced by students' complaints.

"This was aggravated by the more frequent meetings in *Criminal Law* and *Torts* and by the shortening of the period assigned to Ames in order to leave two and a half weeks in December entirely free for preparation for January examinations in those courses," the committee's memorandum states.

Dawson explained that the committee was faced with the choice of reducing the overall demand on 1Ls or spreading it over time, and elected the latter.

He explained that the new trial level Ames program will be offered to between 150 and 180 first-year students, and is expected to run from January to the beginning of March. According to the faculty memorandum, there are also expected to be meetings in the last three weeks of November for the preliminary stage of the program.

Rosenberg told the 45 faculty members present at the meeting that the "full litigation alternative," will involve "a little more work" and "a little more time" than the traditional appellate level Ames, but that the work would be spread out over a nine week period.

According to the committee memorandum, the option to argue an appellate case will be retained, in part because of the substantial effort required in building up enough cases and the difficulties in securing personnel for direction and administration. Dawson added that the already established Ames alternatives would also continue next year.

Changes in the lengthened Legal Method program include the addition of informal litigation experiences such as interviewing, client counseling, and negotiation.

Products liability cases will be
(Continued on Page 14)

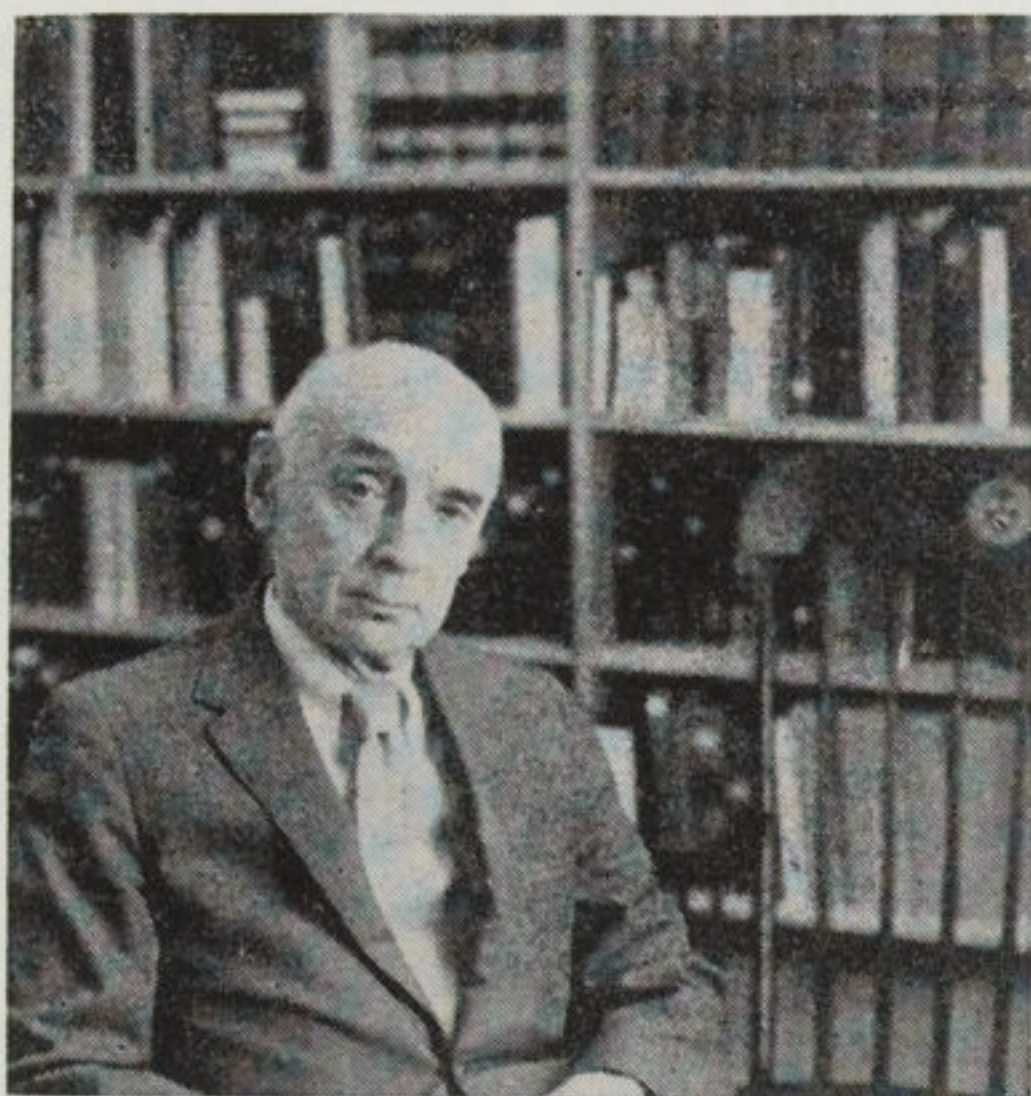
The committee's first decision will concern a shareholder effort to force Caterpillar Tractor to disclose the nature of its activities in South Africa. A decision is due by March 29, and Donnellan told the RECORD that she is "95% sure" the committee will recommend to vote in favor of disclosure.

Other upcoming proxy drives are focused on involvement in the African country of Namibia, particularly in the form of offshore drilling by Phillips Oil, Exxon and Continental Oil.

The open meeting will be held at 8:00 p.m. in 202 Harvard Hall.

Sutherland, UCC Author, Dies

Arthur E. Sutherland, Bussey Professor of Law Emeritus, died of cancer March 8 at the age of 71. He had been a member of the Law School Faculty since 1950, retiring from active teaching in 1970. He graduated from



Professor Arthur E. Sutherland

the Law School cum laude in 1925.

Sutherland taught *Constitutional Law*, *Commercial Transactions* and *Church and State* at the Law School. He was co-author along with former Professor Robert Braucher of a pioneering casebook on commercial transactions, the first to join the previously separated subjects of *Sales* and *Bills and Notes* into a single unified course. He also helped author the Uniform Commercial Code.

He also was co-editor of *Constitutional Law, Cases and Other Problems*, with Loeb University Professor Paul A. Freund, the late Professor Mark DeW. Howe and former Professor Ernest J. Brown. He was a recognized expert on the Constitution, and advised Congress on the constitutionality of, among other things, the Civil Rights Act of 1964.

Sutherland was born in 1902 in Rochester, New York. He received an A.B. from Wesleyan University in 1922 before attending the Law School, where he served as Case Editor of the *Har-*

vard Law Review. After graduation he was law Secretary to Justice Oliver Wendell Holmes in 1927-28, and was in private practice in Rochester until 1941.

With the outbreak of World War II in that year, Sutherland joined the U.S. Army. He saw active duty in Europe, including the Anzio landing, and left the Army in 1945 with the rank of colonel and medals from five nations. In addition to the U.S. Legion of Merit with cluster and the Bronze Star, he received the Order of the British Empire, the French Croix de Guerre (twice), the Czechoslovakian War Cross, and honors from Italy and Morocco.

After the war he joined the faculty at Cornell Law School, where he taught until 1950, when he came to Harvard. In 1956 he was Fulbright Lecturer at Oxford University in England, in 1958-59 he was Visiting Professor at Mt. Holyoke College, and in 1962 was U.S. Delegate to the Conference on Legal Education in Africa. In 1955 he was named Bussey Professor of Law. In 1965-66 he served as Acting Master of Lowell House at Harvard College.

Prior to the Law School's Sesquicentennial in 1967, Sutherland was asked by former Dean Erwin N. Griswold to write a history of the Law School. Though he was not a trained historian, he produced *The Law at Harvard 1817-1967*, which has been termed "a detailed and delightful history."

The history was so highly regarded that the American Bar Association then asked Sutherland to write a short history of the American bar. The professor completed his manuscript and had submitted it to his publisher just weeks before his death.

Sutherland was a member of the Faculty of Arts and Sciences as well as the Law School, and

was active throughout the University. In addition to his position at Lowell House, he served as a Fellow and later Associate at Adams House.

Among Sutherland's other activities were his work as Commissioner of Uniform State Laws for New York (1948-50), chairman of a special commission to study the Massachusetts "Blue Law" in 1962, vice president of the American Academy of Arts and Sciences (1967-68), and Trustee of Mt. Holyoke College.

A memorial service was held March 12 in the Christ Church (Episcopal) in Cambridge. Dean Albert M. Sacks called Sutherland "a man with a broad humanitarian outlook, a concern both for colleagues and students near at hand and for groups in the society."

"At the Law School — and in the University at large, where he always taught — Arthur saw his teaching role as considerably broader than the classroom. Whether with students in his seminars, or with college students in the houses, or Nieman Fellows, Arthur conveyed a sense of lively interest, and a desire to establish

Professor wrote Law School history

informal relations that was widely appreciated.

"What for others seemed a dizzying and uncomfortable rate of social change over the past decade, he found quite understandable in its enlarged promise of human self-fulfillment. It was no happenstance that his teaching at the Law School focused more and more on issues of human rights and liberties, both in terms of equality and freedom."

Sutherland is survived by his wife Mary Kirk Sutherland and four children.

Four Profs Split on Court's Abortion Decision

By Phil Spector

In a wide-ranging panel discussion on the Supreme Court's recent abortion decision, four law professors raised major questions about *Roe v. Wade*'s constitutional and scientific validity.

The all-male panel, consisting of Law School Professor Philip B. Heymann, John H. Ely of Yale Law School, currently a visiting professor at the Law School, Henry P. Monaghan LL.M. '60 of Boston University Law School,



Charles Soberman

Professor Philip B. Heymann

and William J. Curran LL.M. '51 of the Harvard Medical School and School of Public Health and Lecturer on medical-legal relations at the Law School, agreed with the substantive result in *Roe v. Wade*, which struck down nearly all state criminal abortion statutes, but the panelists disagreed about whether it was judicially-appropriate for the Court to decide the case at all.

Monaghan spoke first to the near-capacity audience in the Austin Hall Courtroom, pointing out that the issue of the morality of abortion is a separate question from the issue of whether a state is prohibited under the Fourteenth Amendment from deciding the moral issue.

Monaghan contended that "a

crisis in constitutional theory" is disclosed by the *Roe* opinion, which arises when such subjective criteria as "fundamental right" or "compelling state interest" are used by the Court. Monaghan concluded: "Judged by conventional criteria, the opinion is nearly incoherent . . . It is intellectually untenable."

Ely began by observing that the Court "got a bit carried away" in terms of remedies by setting out exactly what the state may and may not do in each trimester of pregnancy. He then directed his attack to the Court's handling of the issue of whether a fetus is a person. The Court "has given no indication," Ely said, of wanting to strike down laws prohibiting marijuana use or homosexuality between consenting adults. Yet many people feel that abortion, like marijuana use or homosexuality, is immoral and shouldn't be tolerated, but, unlike homosexuality or marijuana use, "abortion involves someone or something else, the fetus."

The author of an article on *Roe v. Wade* which will appear

argument for striking down abortion laws. He began with the proposition that, under the Constitution, "there are certain fundamental interests that a state can't abridge without a very good reason."

His next point was that fundamental rights are not limited to those explicitly in the Constitution. He cited the right to vote as an obvious example and also cases from as far back as the 1920's showing a fundamental interest in the sex, conception, and parent/child areas.

Heymann's third contention was that the right of a woman to decide whether to have a child is one of those fundamental interests. In addition to the fact that the right falls in an area that has been emerging for 50 years, Heymann claimed, it is a matter deeply important to individuals, like religion or speech. The reasons for deference to state legislatures are substantially weakened by the fact that abortion laws only affect poor people, since the rich can go to a state where abortions are legal or can pay to have an illegal

**Monaghan: ' . . . the opinion is nearly incoherent
 It is intellectually untenable.'**

in the *Yale Law Journal* this spring, Ely disagreed with Monaghan on the subjectivity of the "fundamental rights" category, claiming that there are standards in this area. He agreed, however, that the *Roe* Court did not make clear why the right to an abortion should be considered part of a poorly-articulated right to privacy, concluding: "I really don't trust the Supreme Court justices enough to let them add constitutional rights that aren't there."

Heymann took the opposite side from Monaghan and Ely, presenting a structured, five-step

one. This point had troubled Ely earlier in the evening when he argued that abortion laws should not be judicially invalidated.

Curran said that doctors are aware that the *Roe* decision and its companion, *Doe v. Bolton*, still allow doctors to refuse to perform abortions.

He pointed to Massachusetts and New York public health regulations issued after *Roe* which emphasize the doctor's duty to give the woman all necessary protection even in the earliest stages of pregnancy.

3 Law School Professors Eye Tax Reform Proposals

By Frank V. Calaba

Harvard Law School professors Stanley S. Surrey, Richard A. Musgrave and William D. Andrews discussed the outlook for tax reform in 1973 at a forum held March 8 in the Root Room of Langdell Hall.

Surrey began by summarizing recent hearings before the House Ways and Means Committee, in which he and Musgrave took part. He reported that the Committee this year was trying a different type of hearing, whereby experts were picked who represented both sides of an issue, in an attempt to give the Committee a broader view of the field.

Surrey said the experts held panel discussions on pre-selected topics such as the tax treatment of capital gains, and whether or not to tax state and local bond interest. The list of witnesses, Surrey estimated, was about one-half economists and one-half practicing lawyers.

He added, "It was interesting to see that many tax lawyers from large firms were critical of the present system and held views similar to public interest firms." Surrey said that the discussion went into the tax benefits of the wealthy individuals and big corporations, but did not cover the tax benefits of the middle class. After the panel discussions, he noted, the hearings will be open to the general public, and after the public hearings, the Administration will testify.

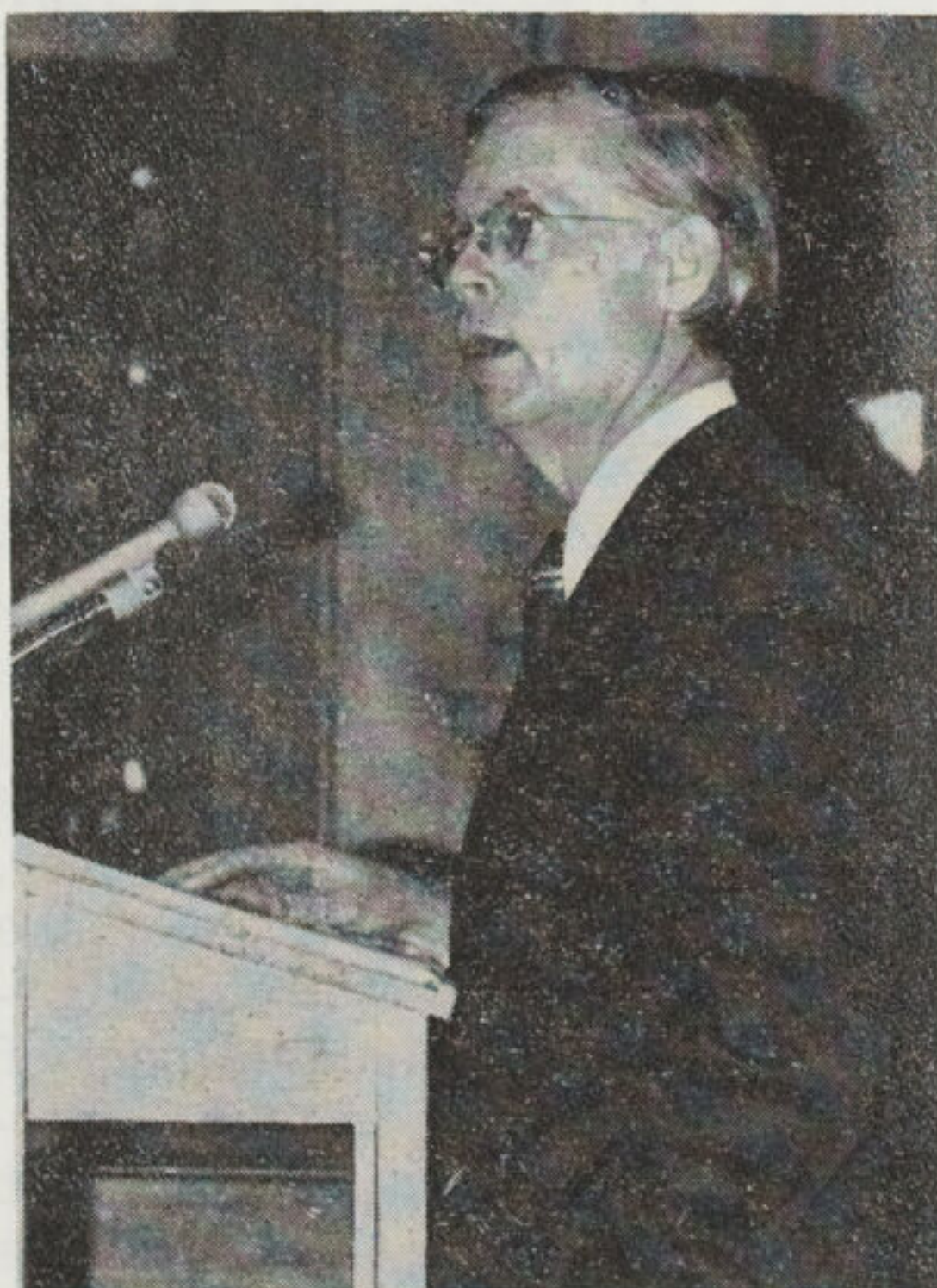
Professor Andrews said that to him an ideal tax base was one in which all income was treated equally and any deviation was a preference, loophole, or subsidy and ought to be fought.

Andrews added that the average rate of income tax paid was 23%. He stated that the income tax really wasn't a good redistributor of wealth because "it imposes a burden on one who

doesn't have it and wants it, and doesn't affect one who does have it."

Surrey submitted that to inject Andrews' or Musgrave's view into the current debate would "set the progressive tax movement back 20 years." Surrey then touched upon his tax expenditure concept—that one should segregate out of the Internal Revenue Code those sections having to do with a normative tax system (i.e., the rules for the defining and collecting of revenues), everything else is a subsidy. He said, "A great many tax subsidies, if they came before the Congress in the form of direct grants, would probably be voted down."

Surrey said that McGovern "blew" the issue of tax reform by not thinking things through early enough in the campaign and since he was "always on the defensive" he was never able to attack the Administration on their history of tax reform which was "horrible".



Bernard Nelson
University of Michigan law professor Francis A. Allen delivered the 1972-73 Holmes Lectures last week in the Ames Courtroom.

HEW Orders HLS To Give Response To WLA Complaint

The Law School has been ordered to respond by the Department of Health, Education and Welfare to a complaint filed in December by two members of the Women's Law Association charging the Law School with practicing sex discrimination.

Dean Albert M. Sacks said last week that the Law School would answer the complaint, but refused to indicate the date by which the Law School was required to respond to the HEW investigation. Sacks also declined further comment on the affair.

A spokesman for the regional HEW office in Boston said Monday that the investigation was being handled entirely by the Washington office. Although the local office usually handles investigations, she said it was "not odd for Washington to conduct the review" since implementing regulations for Title IX of the Civil Rights Act of 1964 have not been formulated.

"As far as I know," she said, "this is the first Title IX review ever conducted in this region."

The local Office of Civil Rights at HEW referred all requests for information on the complaint to Burton Taylor of the Washington headquarters. Taylor was not in his office this week and was unavailable for comment.

In an interview with the RECORD in January Sacks specifically denied each of the allegations in the WLA complaint.

Countryman to Argue

Professor Vern Countryman will appear in the U.S. District Court in Boston Monday to argue a motion to dismiss a selective service prosecution on the ground that the Vietnam War was illegal.

Moore Calls Davis Trial Political

By Kermit Kubitz

Howard Moore, Jr., described the trial of H. Rap Brown, whom he is defending in New York, as the "longest continued oppression at the hands of national and state government for nothing but political activity of any person in the country."

The widely known trial lawyer, who was chief defense counsel for the trial of Angela Davis, spoke on "Political Trials and Black Defendants" to an intent crowd of about 50, at the Lowell Lecture Hall. Described by Professor Derrick Bell, who introduced him, as "an unconventional lawyer," the entertaining and articulate Moore found political aspects in almost all forms of law enforcement in the black community.

A 1960 Boston University Law School graduate, Moore clerked for the Hon. Charles E. Wyzanski, Jr., who attended the speech. He was admitted to the Georgia Bar in July, 1962, and is senior partner with the firm of Moore, Alexander & Rindskopf in his home town of Atlanta.

The first examples of political trials he gave were attempts to suppress overt political activity through statutes prohibiting insurrection, as in the case of Angelo Herndon. His Georgia arrest during Communist organizing activities was overturned by the Supreme Court in 1937 in *Herndon v. Lowry*, but insurrection was a capital crime until 1967 in Georgia. Then a three judge court declared the insurrection statute unconstitutional in *Carmichael v. Allen*, (involving Stokeley Carmichael) on the ground that it infringed protected First Amendment activity.

Turning to his current work, Moore then suggested that where attempts to suppress political activity had failed, resort was made to charges of "hard-core undeniable criminal conduct," for example the Davis charges of murder, conspiracy and kidnapping.

The federal government's

charges against H. Rap Brown for crossing state lines with a weapon were rejected by the jury for one leg of his round trip to New Orleans. Thus, Brown's attorney concluded, "If he'd taken a one-way trip, he never would have been convicted." Since the charges were not directed against his political activity, the government could disclaim interference with his constitutional rights.

"But," Moore stated, "criminal prosecution is used against a person covertly to silence political activity."

Even in cases which seem neither overtly nor covertly political, such as robbery, shoplifting, or prostitution, Moore found political elements because of the few alternatives to crime. He cited the Philadelphia
(Continued on Page 13)

TV's Julia Child 'Cooks Up a Storm'

By Frank V. Calaba

There was standing room only as Harvard culinary enthusiasts gathered to see T.V.'s French Chef, Julia Child, demonstrate how to "entertain with eggs." The event was sponsored by the newly-named Harvard Law Community Association at Harkness Commons on March 7.

Child, accompanied by her husband Paul, told the audience she is getting ready to make public appearances in the spring to promote her new book and would like comments on her demonstration.

In an amazing feat of aplomb, Child carried on with her usual joviality despite the fact that her husband and several students were crawling around the table trying to fix faulty electrical connections. As the problem was finally remedied, Child, without losing a step in her choreography about the table (and without uttering so much as a "sacré bleu"), prepared to sauté the ingredients to her *Oeufs Piperade*.

The audience, many taking copious notes, were shown how to cut vegetables at dazzling speed without losing a finger. As she busily chopped onions and peppers she warned the audience to keep busy while in the kitchen and to avoid "mooning over the sink." While demonstrating the

technique of onion slicing and dicing Child inadvertently nicked her hand. "Oh well," she chuckled, "Thank Heaven I've never done that on T.V.!"

During the course of the evening she showed the audience the correct way to scramble eggs ("slow cooking over low heat—more like custard than curdled lumps"), and gave helpful hints ("chopped parsley is a wonderful way to hide your mistakes").

The *pièce de résistance* of the evening was her *Flaming Fritatè Banana* — (sautéed bananas, sugar, butter and bourbon set aflame in the frying pan and then poured over an omelet). "Voilà!"

During a question and answer period after the demonstration, Child told how she and her husband managed to stay thin in spite of exposure to so much good food. ("Plenty of exercise and watch the weight.") "I didn't have to watch mine until I was 42, so enjoy it while you can." When asked about the financing of public television and the fate of "The French Chef," she said that it will depend more and more on donations from the public rather than grants from foundations and government. In answer to the question of how she got started in cooking she replied she started at the age of 32 with lessons in Paris. "So you see," she said, "There is hope for all of you yet." "Bon Appetit!"

'Suffragette': Superior Entertainment



Charles Soberman

Maryanne Murphy, Claudia Carter, and Marianna Houston (left to right) play leading roles in musical "Suffragette."

By Kermit Kubitz

Amateur theater is always a risk, and staging a new show compounds it. But within moments of the opening of 2Ls Josh Rubin and George Birnbaum's Radcliffe Grant-In-Aid production *Suffragette*, it was apparent that the risk was more than justified by the result.

For *Suffragette* is superior theater, and the more the pity that its run may have ended by this weekend, unless extended at the Agassiz theater or (hopefully) picked up by a New York producer. Its themes are universal and therefore contemporary: the struggle of the oppressed for equality.

The lessons of the English women's suffrage movement are presented entertainingly in both dialogue and music. That social comment can be entertaining is not surprising. That a statement about women asserting their political rights can be made without the usual asides and entendres is remarkable. As a note scribbled on a Harkness poster emphasizes, "This doesn't insult women!"

The overall effect is attributable to both the play and the cast, many of whom have some professional experience. Mari-

anna Houston as Emmeline Pankhurst delivers a marvelous performance as the hesitant, unnerved wife (in one scene she flees from her first attempt, initiated by her husband, at public speaking) transformed into a strong-willed leader of women who is willing to risk arrest and prison to accomplish her ends. Houston could easily go on with the show to a larger forum.

Overall, the women's talents outshine the men's, and then, by the end of the show with the song "Burning to Vote" the women have all the momentum going their way. The Pankhurst daughters, Christabel and Sylvia, played by Claudia Carter and Maryanne Murphy, display the internecine warfare that even today oppresses the women's movement.

Sylvia, who later became the head of the British Communist Party, wanted to use the female suffrage movement as a part of a broader movement for social change, and resented what she interpreted as the strictly middle-class attitude of her sister and mother. Her belief that they saw the women's suffrage as an end in itself led her to split from the movement and return to London's poverty-stricken East End and

continue her work for more economic and social change.

The men are either a) Sympathetic and supportive or b) Chauvinistic and reactionary. Emmeline's husband, Richard (Terry Emerson) places progress for women above his law practice but fails to see any of his hopes realized before his demise in the first act. Scottish M. P. Keir Hardie grows old and haggard in his struggle with the Parliamentary establishment.

In fact the most long-lived of the men are the two dance-hall comedians, Alf and Charlie, (John McNamara and James Dudley) whose condescending air is a constant counterpoint to the efforts of the women. John Sansone, 3L is ideal as an insensitive headmaster of a school where Emmeline's son is boarded.

As the men wane, the women wax stronger and more intent on their goal, joined by their sisters from all walks of life in a vocal display of power and determination. The suggestion of the *Harvard Independent*, that an original cast recording would be valued, must be seconded by this writer.

If the show has any faults, they are the product of its setting and resources. The set is used imaginatively, but is basically visually drab. The projection of some of the cast could be improved with great effect on the audibility of the lyrics. All these changes would merely make a superior amateur performance into a stunning professional play.

Younger Members' Committee
Harvard Club of Boston
invites

HLS community, alums & their guests
to JOLLY UP PARTIES

1st & 3rd Mondays & Fridays
From 7 p.m. to 11 p.m.

Admission Price: \$1.

Complete Cash Bar

Music and Dancing

at the Harvard Club House
374 Commonwealth Avenue
(near Massachusetts Avenue)
Boston, Massachusetts

Women & Men from other Clubs
& Schools also have been invited

Law School Show: Infernally Good

By David S. Fishback

With a story line that remains coherent almost to the end, enthusiastic performers, sprightly music, and something for just about everyone this year's law school show, "Praise the Law and Pass the Erudition," is perhaps the best thing to happen in the Pound Building this year.

The show opens with Judge Learned Hand (Donald W. Meaders, 3L) as the Devil himself, plotting the downfall of Danny (Richard H. Rubin, 2L) an idealistic law student. Danny and Persephone (Kathie Irving) are cast as islands of principle in a sea of money and power hungry Harvard law students. Hand, disguising himself as a public interest crusader, lures Danny to the Inferno, where he is exposed in frantic, frightening succession to legal aid, Ralph Raider, and criminal defense, each experience more chaotic and disillusioning than the one before.

The highlight of the Inferno is the performance of Freddy and the Felons (Gregory C. Prakas, 3L; Mark A. Jarboe, 1L; Steven B. Kite, 2L; and Robert L. Ryken, 1L), hoodlums in the Sha Na Na tradition who sing with tenderness and affection about the gang-rape of Mary Lou Sweetheart. Prakas brings the house down with a magnificent performance that must make him wonder if he has chosen the right career. Their trial becomes a television game show which leaves Danny and Persephone in great despair.

Back in Purgatorio (that is, of course, the Law School) Hand wins the disappointed Danny to the corporate world through the wiles of Beatrice (Barbara Melnick), whose "Aphrodisia" dance surely has never been matched by even the most sensuous movement in the Hark on a Friday night. Danny's Manhattan (Paradiso?) experience is equally predictable, and soon the story

line becomes a virtual nullity, but that loss is more than compensated for by the uproarious finale, featuring the Supremes in that "great courthouse in the sky" (or under the earth—the location is never made clear).

The show is pure humor and parity—neither heavily ideological nor unconnected with reality. The Inferno sequence must delight traditionalists (nodding knowingly about the foibles of lawyering in the public interest), but also reformers who keep in mind that the Inferno is the invention of the corporate seducer Hand. Paradiso is another fantasy world that cannot help but bring laughter to those on all points on the political spectrum, providing they can still laugh at themselves.

Meaders' performance is particularly strong, as he obviously takes delight in the role he (along with Christopher Harding) has written for himself. He dominates the stage as Hand, J. must have dominated the courtroom. The music, written by Richard F. Hope, 1L, Robert J. Cubitto, 1L, and Meaders dispels fears we may have that all law

students are artless automotons. Producer Patricia Nicely, 2L and director Victor R. Budnick, 2L do an excellent job of staging this extravaganza. Other notable performances are by Robert Rosenfield as B.L.Z. Bub., Nancy E. Holland, 1L as Danny's girlfriend and money-oriented law student; Penny (Louise Claps) as a legal aid client; Abbot L. Reichlin, 3L as B.B. Cardozo, and Susan Brown as Mary Lou Sweetheart.

Praise the Law and Pass the Erudition is particularly notable for both its inclusions and its exclusions. The cast and staff are made up to a significant degree of law students; the result is a show that *feels* like a law school show. In addition, the annual mixer scene is absent, as are the sexist remarks that used to be part and parcel of the whole business; the show did very well without them.

Unlike some past productions this year's show is firmly rooted in the law, and will tickle the fancy of both those who love and those who loathe the tradition of Joseph Story, Christopher Langdell, and their present-day successors.



Richard H. Rubin, 2L and Kathie Irving star in the *Law School Show*, ending tomorrow night.

Charles Soberman

The need for amnesty

The anguish and bitterness of the Vietnam war will not subside until all the prisoners of war have come home — and this includes the thousands of exiles who fled the country and the hundreds more who went to jail to avoid participation in a war they regarded as wrong, and now find themselves imprisoned in foreign lands or domestic jails unable to return. Until unconditional amnesty is granted these men, the country will remain divided and tense.

The case for amnesty in connection with the Vietnam war is especially compelling now. The country is in the midst of giving a generous and genuinely moving welcome to the men held in North Vietnamese and Viet Cong prisons. The simple joy of families reunited transcends political ideology. Though some Americans believe that these airmen and soldiers acted immorally or criminally, we are all accepting them back to their homeland with warmth.

This act of forgiving by many who opposed the war is precisely the kind of concession which President Nixon has said must be made by the former anti-war bloc before he can respond with generosity. If one side can forgive those on the other whom it regards as wrongdoers, surely the Administration can respond similarly.

An amnesty is appropriate too because so many of those who fled did so for the most vital reasons of conscience — far from believing themselves to be lawbreakers, most felt they were compelled by a higher law of morality to do everything in their powers to end an immoral war. By refusing to place their bodies at the disposal of unresponsive and unfeeling leaders, they acted in the most direct way to prevent further killing. If more of their brothers had joined them, the war might have ended long before it did. As it was, their acts of sacrifice spurred on their less brave compatriots, many of whom were able to avoid military service through the means available to those with influence or wealth, to work within the political system until peace was finally achieved.

They deserve to come home. They deserve to be greeted at airports across the country in the same enthusiastic and moving manner as their military counterparts. Though some may detest their beliefs, and others may think them worthy of honors, all of us should agree that they are victims of the war as much as those who were imprisoned in Asia.

To grant an unconditional amnesty will not undermine the legal system, as President Nixon contends. It will only reaffirm that our system of laws is tempered with the mercy of men, and that this mercy can be wisely invoked. It does not reward those who fled or went to jail; they have already paid a dear price in anxiety and loneliness. Rather, it reinforces the most traditional American concept that men and women pass individual judgments on the acts of their country, and respond to those judgments.

The war is over. All the prisoners must be allowed to return.

HARVARD LAW RECORD

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Fenno

Somehow the portraits of the great jurists that graced Langdell had lost some of their radiance. As the professor's voice faded from Fenno's ears he stared at those majestic poses and realized that he was somewhat less than awestruck. Even though they were indeed great men, Fenno admitted, they had taken all the glory and left silent the praise for many unsung legal heroes.

For instance, Fenno thought, the career of the current Chief Justice, Warren Burger, has overshadowed that of his brother, Jumbo, expert in circus law. Yes, it was Jumbo Burger whose meaty career included marrying the trapeze starlet who used to hang around the courtroom, and participating in the famous Scopes Trial by submitting an *amicus curiae* brief on behalf of the monkeys.

Then again, let us not forget Cardozo's uncle Buzza, a real card in the courtroom and master of legal history. It was he who believed a racially balanced Supreme Court consisted of one Justice White and one Justice Black; whose immortal words should grace the library: "the law is an ass."

And what about Rollo "The Shyster" Monger who introduced classic legal tactics: throwing your client on the mercy of the court. He once, through plea bargaining, got his client's offense changed from jaywalking to manslaughter. Said Rollo in retrospect, "For a while there it was touch and go." He now markets a new birth control device on the side called "The Negative Pregnant."

Fenno remembered the great Judge Roy Has Bean who handed down 13 consecutive death penalties, unprecedented at that time in Traffic Court.

And lastly, Fenno recalled Dumb Harold Frumble, anchorman of his class at the Ace School of Law and Auto Mechanics. It was Dumb Harold who thought that when a judge was sitting on the bench it meant the coach wouldn't let him play, that his "law suit" was what he wore to court, that a hung jury was made up of 12 men. It was Dumb Harold who could never distinguish between contracts and torts and once brought suit for loss of consortium and asked for specific performance.

Fenno sighed. These were the great ones that history overlooked.

Letters...

'Blasphemous'

To the Editor:

In re Book Review appearing in your issue 2 February 1973 entitled "The Bawdy Reign of E. J. Schoen" by Robert G. Flanders reviewing Mr. Schoen's book "The Bawdy Reign of Power Politics":

This review disturbs and angers me. . . . From time to time, for the past thirty years and perhaps more, I have had professional contact with Mr. Schoen involving from time to time a number of different and varied matters. I have come to regard him as one of the most competent and brilliant lawyers I ever encountered. I admire him greatly and value him as a friend.

Last year I read his book carefully. I think he has done a masterful job of analysis of historical trends and threads that interweave to form the tapestry of our complex and sometimes frightening world society. But more important, he presents a message your reviewer seemed to fail to receive, or if received, to scorn. Mr. Schoen is saying in effect that belief in God and the sanctity of family is tragically threatened in our contemporary life as never before, and restoration of these is essential to a decent or even tolerable civilization.

This your reviewer dismisses as "a banal compendium of trivia, trifles and tripe"!

May God have mercy on us! To say the review was unfair is to eulogize it. It is in fact libelous and blasphemous. It is an unpardonable insult to alumnus Edgar J. Schoen and to Harvard Law School and to all for which it stands.

The ultimate irony is that if everyone were to read *The Bawdy Reign of Power Politics*, it might not merely "change your life" as your reviewer suggests, and if every reader truly got its message, it might not only change the world, it might save it!

Leavitt R. Barker, '20
Minneapolis, Minnesota

The RECORD will not publish for the next two weeks. The next issue of the RECORD will come out Friday, April 13.

Law Notes

The first Ames semi-final argument was held last night before Judge Bailey Aldrich, Judge Raymond Pettine of the U.S. Dist. Ct. for Rhode Island, and Professor Robert Kent of Boston University Law School. Harlan Equity, with Donald Knebel and David Richenthal as oralists and Robert G. Flanders, Jr., Dennis R. Luna, Kenneth L. Manoff, and Robert Rothberg on the brief, represented appellants. For the appellee, Harlan Law Club was represented by oralists Daniel Bert and David P. Towey, with David Ackermann, Kenneth N. Klee, Alan L. Morrison, and Robert L. Mote on the brief.

The next argument will be held at 8:00 p.m. Wednesday, March 28 before Justice Herbert P. Wilkins of the Massachusetts Supreme Judicial Court, Lord Kilbrandon, a Lord of Appeal in Ordinary of the House of Lords, and Gerald A. Berlin, a Boston attorney. Petitioner will be represented by E. Joseph Dean and Charles W. Douglas, oralists for Learned Hand Law Club, and Gregory R. Mowe, Edwin P. Rutan II, Robert L. Tortoriello, and James E. Tyrell on the brief. Learned Hand Equity for respondents will present Kenneth B. Bley and Robert J. Malone, oralists, and Steven D. Gordon, Kevin E. Grady, Peter M. Rosenblum, and Alice R. Welt on the brief.

All the above students are 2Ls.

E. Joseph Dean, 2L has been elected as president of the Harvard Legislative Research Bureau/Harvard Journal on Legislation for 1973-74. Other editors will be named later.

Elisse B. Walter, 2L has been elected editor-in-chief of the Harvard Civil Rights Civil Liberties Law Review for 1973-74. Other editors chosen thus far are Robert C. Brown, 2L, Managing Editor; Joseph A. Silva, Jr. 1L, Executive Editor, and Roy A. Black, 2L, General Editor.

Professor Gary Bellow will discuss "Legal Aid: Historical and Modern Perspectives" at 3 p.m. Tuesday, March 27 in the Root Room of Langdell Library. Professor Alan M. Dershowitz will discuss "Learning and Practicing Criminal Law" at 2 p.m. Wednesday, March 28, also in the Root Room.

Bert Halprin, 2L and Laurence Storch, 2L have been elected president and vice president, respectively of Harvard Student District Attorneys for 1973-74.

The Harvard Law Community Association (formerly the Harvard Law Wives) will sponsor a fashion show and luncheon tomorrow, March 24 beginning at 1:00 p.m. The theme of the event is "I Am Woman" and will feature a wide selection of the latest fashions modeled by members of the Association. The Fenway Motor Hotel, 777 Memorial Drive, Cambridge will be the site of the activities. Admission is \$2.75 for HLCA members and \$3.25 for non-members; free parking is available. For information and advance tickets phone: 491-0958, 926-2135, or 491-8553.

Parking fees in University spaces will go up \$10 per year for commuting students and \$20 per year for resident students, effective September 1973. The University also announced its intention to gradually phase out subsidies for student and faculty parking.

The deadline for submission of English Parts for the Harvard Commencement Ceremonies is noon, April 13. Typed drafts to be read by members of the Committee are due at Warren House 3. The speakers must be candidates for graduate degrees under any Faculty of the University.

John P. Sullivan, Trial Practice instructor, was recently named to the Massachusetts Superior Court by Governor Francis W. Sargent. He is the fourth law school instructor to be named to the bench by Sargent in the past six months.

Historical Foundations of the Common Law, Visiting Professor S.F.C. Milsom's Ames Prize-winning work, is published by Butterworth's in London and costs \$9.10 in paperback.

The Law School Forum is sponsoring a debate/discussion on "Post-war Vietnam," Tuesday, March 27 at 8 p.m. in the Ames Courtroom. Participants will be Professor Edwin O. Reischauer of Harvard, Rep. Michael H. Harrington (D-Mass.), Professor Milton Sacks of Brandeis, and Professor Ithiel Pool of MIT.

The name of the former Supreme Court clerk who has publicly endorsed the proposed National Court of Appeals is Roland S. Homet, not Hornet, as it appeared in some copies of the last issue of the RECORD. The RECORD regrets the error.

Spring Training in Flanders' Fields

RECORD Arts Editor Flanders is, in his spare time, a professional baseball player. After a college career as a pitcher and outfielder at Brown University, he was signed by the Detroit Tigers. In 1971 he played with the Tigers' minor league team in Batavia, N.Y., and last summer was with their farm club in Clinton, Iowa.

In early March Flanders left Cambridge to join the Tigers' spring training camp in Lakeland, Florida. After winning a pitching position with Montgomery, Alabama of the Southern League (Double A), he has returned to the Law School with the following observations.

By Robert G. Flanders

There are few rituals more sacrosanct in the American hierarchy than Spring Training. Year after year the teams reassemble beneath the balmy palms of Florida to prepare for the pomp of opening day and, hopefully, the impossible dream of a World Series. Yet, as one unlimbers amid the pantheon of baseball greats and not-so-greats, the Mickey Loliches and Wayne Comers, the whole anomaly of "spring training" becomes apparent: there is no need to train in this or any other spring. For the idea of spring, of eternal reawakening of life, of beginning all over again the same cycle, of reexperiencing the beauty and joy of youth — these are at the very heart of baseball, and all the training in the world will not make the fun of this game any more real than it otherwise appears.

Spring training must be an idyllic time, a vision of Elysian simplicity. It speaks a language which still beguiles in the vulgate, still offers itself for understanding when so much now is beyond understanding. To know that things "do not count" here, to savor the notion that all is an "exhibition," is to begin to com-

prehend the sweet sapient lull which informs the crowd of tourists and senior citizens who ring the frilly diamond and then make such a raucous devotion to their brightly vested gods.

To miss the religious fervor of Spring Training, to mistake the subdued revivalism in the air for Disneyworld antics, is to let the essence of Spring Training make a northward escape from its peninsular locus. As during the real season, one must arrive before the game begins to apprehend the augury implicit in the peculiar cast of the landscape: the circular carvings; the paths

brazen blue beyond?

Yet it is still that swing of Kaline's which is the genuine stroke of genius: his legs spread wide as a compass marking its furthest sphere; the arms poised in the spent ponder of an evanescent orb, smalling in the sky; and his back bending as a drawn bow bends after it has released its arrow but resumed the reflex echo of its taut tensing. Like a flamingo flexing his voluminous wings, this redoubtable flaneur belongs to a pelagic scene, seems to yearn for some penetrable estuary where in the rumble-tumble of a watery mumble he

*'Yet it is still that swing of Kaline's
which is the genuine stroke of genius'*

of patted turf; the meticulous placement of the chalked lines; the sloping mound with its white, Delphic eye; the manicured soil, luscious and fecund, combed with some groundskeeper's pomade until its ripples lap up gently against the green glaze which overflows and frames like a verdant canopy.

No other game so encapsulates its myths and traditions. Everywhere the cognoscenti look, the great busts of Ty Cobb, Hank Greenberg, and Al Kaline loom, like doppelgangers, from the rafters. When the Atlas that is Frank Howard strides to the plate with an undersized willow (seeming more like a nightstick than a Louisville slugger) how is it that the crowd always gasps? Do they secretly desire to be lifted on his shoulders? Or will it do to merely observe this posture in his mountainous ether; this giant who swings in the saunter of the sun, whose shadow passes across the faces in the crowd, the crowd which he bedazzles with his swift swiping wrists, flicking his wand and sending their hearts beyond fenced-in finitudes into the

could slide in a slick sheath of elegance, singing O Ho! O Ho! with a tremolo.

The Florida sun lords over a cloudless sky, a motley of banners waffle in the breeze, and a throng of people prepare their interior stadia for the anthem. They gather for an uncertain length of time at an uncertain hour of the day, but each knows in his stomach that some things today will be changed for certain. For it is spring, and a green acumen sweeps across the outfield grass, loses his cap, and surrounds the ball with his mincing mitt. And far off, beneath the advertisements and electric scoreboard, a special shirtless brood roosts in sun-drenched bleachers while basking in their beer-buzzed pews. They, too, know that there is no such thing as "spring training;" rather, one trains all year for the spring.

Spring vacation at the Law School will begin Saturday, March 31 and will continue until Sunday, April 8. The editors and staff of the RECORD wish our readers an enjoyable vacation.

Moore Says Street Crime Is Political

(Continued from Page 7)

teachers strike and its possible effects on young black children, questioning how it would be reflected in future crime rates. Anyone who does not consider these crimes political, he asserted, "is living in a dream world."

According to Moore, racial segregation has contributed to lack of even-handed law enforcement. There is no such thing as "intra-rape" between blacks, but rather, rape is a very specific charge directed against black males to keep them in their place and enforce de facto segregation, he maintained.

But, the black attorney said, when Ruchell Magee, a co-defendant of Angela Davis for the Marin County shootout, left Louisiana after six years imprisonment for aggravated assault on a white woman, he could not understand when white police intervened in a dispute with a black Los Angeles taxi driver over a fare. His protests resulted in an arrest, an appearance before "racist Judge Herbert Walker" and a plea of guilty by a court-appointed lawyer. The black defendant, Moore added, "is always an easy target for the abuse of prosecutorial power."

The one special characteristic of the political trial described by Moore was that "there seems to be no humanitarian restraint. There is nothing that the police will not do to convict a political defendant." Nor, the defense attorney said, does the defendant have equal access to scientific methods of proof such as those available to the prosecution through crime laboratories, the FBI, and ballistics experts, many of whom gained experience through association with law enforcement agencies.

The result of recent upheavals has been that in many cases a courtroom is no longer a public place. Moore described the San Francisco Superior Court, where, to enter the court room, one must

obtain a pass on a lower floor and pass through a hall lined with tactical force police in blue jumpsuits. Persons are then photographed, presumably, Moore said, "for a security file of people who attend radical trials."

The Hall of Justice courtroom in San Francisco is itself divided in two sections by a plexiglass wall. The Law Enforcement Assistance Administration has made a grant to design even more secure courtroom settings, including one with a trapdoor, so that in the event the defendant becomes disruptive, he can be dropped into another room where he will be shown a videotape of the trial.

All these measures, Moore implied, are intended to limit "the only chance for freedom and vindication in a political trial, before the jury." Moore deplored attempts to turn the voir dire process over to the judge or limit the size of the jury. Smaller juries increase the chance that minority group people will not serve. The struggle against greater limitations on political trials should also be waged in law schools, he said, noting the influence of law journals on judges. Moore urged greater participation on law reviews by black students or monitoring of articles by blacks to prevent writing adverse to the black liberation struggle.

The dynamic trial lawyer com-

mented that black citizens' "expectations of the way the law operates are not being kept." He theorized that the New Deal had kept the country from going Communist, but that the current administration was "hellbent on dismantling in essence if not in form most of the statutes enacted by the New Deal or the Great Society." This pointed, thought Moore, in the direction of fascism, "directed most toward black people because their grievances are greatest."

Addressing the students in the audience, he said, "You're not at Harvard because you're smart. When brothers began burning cities and toting guns and strutting around, law schools decided they needed to develop some black leaders."

JAFFE TO PRESIDE

Professor Louis L. Jaffe is continuing hearings this week and next in a Boston school desegregation case. Jaffe was named hearing examiner two weeks ago by the Board of Education of the Commonwealth of Massachusetts in a state proceeding under the state racial imbalance law. Due to a recent ruling by the Massachusetts Supreme Judicial Court, the law has been construed to allow balancing only in neighborhoods and contiguous areas, Jaffe said.

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HLS Indian Students Criticize AIM

(Continued from Page 1)

In interviews with the RECORD Monday James Youngblood Henderson, 2L and David C. Harrison, 1L said that they and Russel L. Barsh, 2L had no intention of getting involved in the dispute between AIM and the tribal leaders at Pine Ridge. They said their goal was simply to aid those people who have been hurt by the termination of virtually all social services at the reservation since the occupation of Wounded Knee. "Everything has been cut off for three weeks," said Henderson, a Chickasaw — Northern Cheyenne.

Both Henderson and Harrison were highly critical of AIM for interfering with essentially tribal considerations. "What it amounts to," said Harrison, "is that AIM is claiming a portion of land that should belong to the tribe. When they say they want a sovereign Indian nation, they are saying what the tribal leaders have said all along." Whatever good AIM may be doing by publicizing the plight of the Indian, they said, is more than offset by the damage it is doing by undermining the tribal hierarchy.

The two also criticized the "white media" which has "played up the AIM takeover and characterized the tribal leaders as reactionaries" dominated by the Bureau of Indian Affairs (BIA). "This should not be front-page news," said Henderson, "it's an intra-tribal matter."

Neither side has much use for the federal officers who have entered the dispute, said Henderson. The tribal leaders feel that the Indian hierarchy should be responsible for maintaining order on the reservation without interference from Washington, while AIM leaders have used the occasion to stage another confrontation with the federal government. "The dispute has bifurcated authority on the reservation," said

Henderson. Harrison described the federal role as "confused."

The mistakes of the white media were not limited to reporting of Wounded Knee, said both of the Indian students. Efforts by the Harvard Intertribal Council to publicize the feelings of Indian students here were "misinterpreted in both the Boston Globe and the Harvard Crimson," they said. An eight-point statement released last week by the Harvard group stressed support for the Oglala Sioux tribal council and criticized AIM. "This was ignored," said Harrison, "and it disgusted me. The only points in the statement that were accurately presented were our criticisms of the white media and our support of a Congressional investigation."

Harrison, who was on the Pine Ridge Reservation shortly after the Wounded Knee takeover, said that his position and that of the

Harvard Council was one "most Indian people would support." It was hard, he said, to cut through the AIM "rhetoric" but "I am inclined to think most of the Indian young people see that that isn't a realistic approach to things."

"I supported AIM at the BIA [takeover in Washington last month] and in the Raymond Yellow Thunder case," said Henderson, "but when they go to a reservation my support goes to the tribe."

Harrison said he was apprehensive about the future at Wounded Knee "especially after spring vacation begins and there is a rush of students trying to participate in the action. It certainly is glamorous. You've got to have a lot of courage to stand up and brandish a gun in the face of the United States government. But it's just not going to accomplish anything."

Profs Change 1L Program

(Continued from Page 3)

retained in the initial phase of Legal Methods, with the addition of some simulated client interviews. In the second stage, it is proposed that up to nine cases be prepared by each of the nine teaching fellows, instead of having a single case as was done this past year.

The faculty also approved technical amendments to the Law School catalog proposed by the Committee on Legal Education relating to the administration of the written work requirement.

The Committee's proposed change on leave policy for students was also approved; the catalog is expected to be altered to note that "it is the policy of the school to grant applications for readmission within two years freely."

"In an number of instances, students who have withdrawn for a year or two between the first and second years or between the second and third years of law study have reported that the change and the intervening experience in law-related or even in other kinds of work enabled them, in their judgment, to derive substantially more benefit from the remainder of their formal law study than would otherwise have been likely."

At a faculty meeting last month, the faculty agreed to consider next fall the possibility that in the spring of 1974 first-year students will be allowed to register for upperclass courses and that 2Ls and 3Ls be permitted to register for first-year electives.

The next faculty meeting is scheduled for Friday, April 13.

Stewart Doubts Court Will Hear Executive Privilege Suit

(Continued from Page 1)

bedded in the Constitution," Stewart replied that although executive privilege, unlike Congressional privilege, is not explicitly provided in the Constitution, "it's a privilege that's been asserted so long as we've had a nation" and that can be found as implicit in the constitutional separation of powers.

"It's something probably that's never been brought to a court and probably never will be," said the Justice, noting that such Congressional-executive impasses usually end in compromise or political solution. Congress, for example, might say, "If you assert that, we won't have any more hearings on Pat Gray." "It's a little hard to imagine how it could be framed as a lawsuit to come before the Court," he concluded.

In response to a question about the *Branzburg* decision denying the existence of a newsman's privilege before a grand jury, Stewart noted that "I wrote perhaps too long a dissenting opinion" and "I still think it was wrongly decided." Stewart favors a qualified privilege, but "now it's a matter of Congress enacting legislation" if anything is to be done. The Justice pointed out that because the Court in *Branzburg* had held that the First Amendment did not apply to a newsman's testimonial privilege, "Congress can't purport to act under the power of the First Amendment" but would have to find another constitutional peg to support its legislation.

In response to a question about the Popkin case and the possible abuse of grand juries for "fishing expeditions," Stewart replied that in general the grand jury still serves as a "guardian and protector of innocent people." "Many grand juries in many areas are quite independent of prosecution pressure," said Stewart, who recalled that during his youth in Cincinnati "the grand jury in Covington, Kentucky

across the Ohio River quite often used to end up by indicting the prosecutor — and for good reason." The Justice conceded that "this administration perhaps has become wise to a number of the abuses to which a grand jury has been put."

In response to a question about the proposed Equal Rights Amendment, Stewart wondered why there was so much pressure for the new amendment when under the equal protection clause of the 14th Amendment "the female of the species has the best of both worlds." The Justice noted that the equal protection clause can be used to attack laws which unreasonably discriminate against women while saving some, such as exemption from conscription, which favor them.

Asked about the constitutional propriety of President Nixon's threatened impoundment of congressionally appropriated funds, Stewart noted that "it's a power that's been repeatedly asserted and often exercised by Presidents over the years" but never brought before a court. But "I don't know whether it's been quite so deliberately pushed as by this President." The Justice pointed out that the constitutional specification of Presidential veto power could be construed as denying any other Presidential powers over Congressional appropriations.

In response to a question, Stewart denied charges that

Chief Justice Warren E. Burger had broken Court protocol by assigning majority opinions in cases in which he was in the minority. Consistent with Supreme Court tradition, Burger has deferred in such cases to the senior Associate Justice in the majority. Stewart noted that Burger and past Chief Justices assigned the majority opinion in cases in which the outcome was unclear. Thus if four Justices initially vote to affirm and four to reverse, the one undecided Justice is often asked to write the opinion.

Stewart reiterated his opposition to the National Court of Appeals recently proposed by a commission chaired by Loeb University Professor Paul A. Freund. "I'm not in favor of any such dramatic proposal, at least not now — the time isn't right yet. At any time, I don't think I'd be in favor of that particular proposal." The Justice did not want to tamper with the present system under which "any poor wretch in any dirty jail in this country can know that he can at least petition the Supreme Court . . . not some mini-Court that is going to bureaucratize it. . . . The great thing about our Court is that it's not a bureaucracy . . . not just nine policy makers riding around in Cadillacs."

Despite his opposition to its findings, Stewart praised the group as "a good, objective, and working commission."

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Mashuppee Meets Saints in Hoop Final

The finals of the intramural basketball playoffs took place last night, with the Mashuppee County Maulers meeting the surprising Divinity School Saints.

Mashuppee got to the finals by wearing out the Thundering Herd 66-54, pulling away in the second half as Tom Pfister fired soft jumpers and Carl Hawkinson penetrated for baskets. The Herd's Rodney Wulff, resplendent in his all-Australia uniform (he played for the Australian Olympic basketball team) fought hard as did Ross Goldstein, X. Suarez, and Ron Senzaki, but it wasn't nearly enough, as Mashuppee entered the finals for a try at its third straight championship.

The Saints reached the finals by upsetting Jackson Five 66-61. John Kidd's outstanding shooting in the first half and John McCarthy's great inside play kept the Saints within range, while Jackson Five's Jerry Gilbert was showing just what he could do, shooting and rebounding beautifully.

In the second half, the Saints made their outside shots and moved the ball well, particularly their smooth floor leader Allan Kulp. The narrow victory by the Saints put an end to an outstanding season by the Jackson Five, who had compiled an 8-0 record in the rugged A league during the regular season.

Earlier in the playoffs, the hardest fought game of the quarter finals was one Monday between A league powers Three

Fifths and Divinity School Saints. During that game, some beautiful plays were executed, particularly by Saints' guard Mark Olson, who displayed a variety of fine drives, and Three Fifths' counterpart Arnold Ellis, who freed himself for nearly impossible shots which he then made. The score was tied 26-26 at the half, but in the second half the Saints began penetrating while the Three Fifths failed to do so; the Saints thus utilized their eternally youthful center, John McCarthy and also got some shots for Allan Kulp, John Kidd, and Charlie Schoneau.

The Three Fifths on the other hand were not able to use their powerful center Hillaire Stafford; good outside shooting by forwards Jim Spencer, Paul Oliver, and Henry Melchor were not sufficient, and the Saints advanced to the semifinals by a score of 63-59.

The first round of the All-League playoffs took place on Wednesday and Thursday of last week. By far the most exciting

game of the series was the one that brought an end to the season for the unsung heroes of the Law School intramurals, the Upstarts, who were narrowly defeated by Dennis Walden, Doug Holford, and the other Little Big Men, 42-40.

The Upstarts, all 1Ls, surprised many this year by capturing the B League championship with an 8-0 record before being upset in the playoffs by Little Big Men. Laboring under a height disadvantage in nearly every game of the regular season, the Upstarts employed a pressing man-to-man defense and fast-breaking offense to wear teams down in the later stages of games.

Rick Drooyan ran an offense that was geared towards freeing Tom Powers, an outstanding shooter, for the outside shot. Larry Inlow led in rebounding and always guarded the opposing center, while Pat Dowdall, Bob Dolian, and Scott Davis all contributed tough defense and scoring lift to the team.

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