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TWENTY CENTS

Dean Reveals \$250 Tuition Rise For '74-'75

By Ricardo Hinojosa

Discussing a subject which he says "will not lead to popularity" Dean Albert M. Sacks presented his view that a tuition increase of at least \$250 is needed for 1974-75. The tentative proposal was presented at the faculty meeting held January 25.

Sacks stated he was not asking for a faculty vote on the tuition increase, since the Harvard Corporation through his recommendation will act "but in accordance with our practise I would like the matter discussed." The issue had been raised with the faculty a day earlier in a memo from the Dean. In the memo Sacks stated the law school had been fortunate to have had a \$125,000 surplus in 1971-72 and an

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Students Challenge Williams On Public Sector Placement

By Michael Bowen

Representatives of a loose coalition of Harvard Law School organizations met with Assistant Dean Robert A. Williams Monday to discuss charges that "the Law School has reneged on its commitment to provide placement service in the area of public sector law," and that efforts by Williams' office to correct the deficiency have been "inadequate." The principal result of the meeting was a promise by Williams to respond by today to a letter sent to him earlier by the organizations.

The charges against Harvard's attempts to place students in public interest work were initially made in the letter written to Williams on December 17. Monday's discussion resulted from Williams' failure to respond to the letter by January 22, as the signatories had requested.

The decision to confront Williams was taken Thursday, January 24, at an afternoon meeting of members of eight of the organizations that had supported the original letter. After some discussion, the group decided against bringing the matter immediately to the attention of Sacks and the Law School faculty, as the letter had suggested they would do, and instead to send three persons to speak with Williams first. Accordingly, Elizabeth K. Lewicki 1L, Thomas E. Johnson 2L, and Richard P. Weishaupt 3L arranged the Monday meeting with Williams.

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Letter to Bok Opposes JFK Library Plans

Construction of the proposed John F. Kennedy library and museum on the present site was opposed in a letter to President Derek C. Bok by Professors Henry J. Steiner, James Vorenberg, and more than 20 other members of the Law School faculty.

While refusing to comment on the letter, which he characterized as "personal", directly, Vorenberg did describe his views on the memorial.

"The museum as now placed, as compared to the library, which would be a scholarly place, looks to me like a disaster

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Rick Stafford

Professor Archibald Cox, '37, who has often, as here, been the center of attention through his role as University trouble-shooter, returned to the Law School this week after a five month term as Special Prosecutor to teach a spring section of Administrative Law.

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State's Subpoena of Nixon Raises Constitutional Issue

Los Angeles Superior Court Judge Gordon Ringer created a unique constitutional question Tuesday when he subpoenaed President Nixon in the trial of John D. Ehrlichman and two other defendants in the "plumbers" burglary case.

"This is an extraordinary situation," commented Raoul Berger, Charles Warren Senior Fellow in American Legal History, on Wednesday.

After finding that "the Hon. Richard M. Nixon is a material witness for the defense," Ringer signed a certificate requiring President to testify on a motion for dismissal of the complaint. The motion is based on the claim that David Young, G. Gordon Liddy, and Ehrlichman were acting as federal agents.

President Nixon's spokesmen have indicated that the President will refuse to appear personally, although he might make some documents available to the court. The three defendants are charged with the break-in at the office of Daniel Ellsberg's psychiatrist, Dr. Lewis Fielding, in September, 1971.

Professor Laurence H. Tribe, commenting on the subpoena, said, "The President's status as such does not render him immune to legal process," citing the precedent of the *Burr* case.

The first subpoena ever issued to a President was issued to Thomas Jefferson in 1807 in connection with the trial of Aaron Burr. In that instance, Chief Justice John Marshall upheld a subpoena for presidential papers desired by Burr's lawyers. Jefferson supplied the papers, but refused to appear personally.

In the second case of a Presidential subpoena, directed to James Monroe in 1818, a similar distinction between personal appear-

ance and supplying documents was made.

"Insisting on the personal presence of the President is more intrusive," stated Tribe. He described the possibility of a "qualified privilege not to appear" because of the demands on his time.

The grounds given by the White House for refusing to comply with the subpoena were the principle of separation of powers. Berger commented that "The executive is generally posited the freedom from responding to judicial orders on separation of powers." However, he continued, separation of powers is a doctrine applicable to the three branches of the federal government, "and does it apply to a state court? I pose to you the question." Berger stated that Monroe's Attorney General, William Wirt, advised him to comply with the subpoena.

The failure of the President to comply could seriously disrupt the prosecution of the three defendants. There is a "tension" between the presidential privilege not to appear and the defendants' rights under the Sixth Amendment as developed in such cases as *Washington v. Texas*. The inability of the defendants to exercise their right to produce witnesses could lead to "collapse of the prosecution" said Tribe.

It would be difficult for the President to argue that it is inconvenient for him to come to California, in light of his frequent stays at San Clemente, but there are other reasons for refusing a personal appearance.

If the President did not appear personally, the question then would be whether the defense attorneys would submit interrogatories to him or take his deposition directly.

\$250 Tuition Rise For '74-'75

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expected surplus of \$50,000 in 1973-74.

The Sacks memorandum had a different picture for 1974-75 due essentially "to the general intensification of inflation in the economy." Other increased expenses listed were for clinical programs and financial aid. It was also noted that there would be a drop in revenue in that unlike this year there would not be inadvertant overadmissions next year.

The Dean said even with the projected tuition increase there would be a small deficit next year, but the prior years' surplus will "provide a cushion." Sacks also mentioned that "although we have not in the past had annual increases, that possibility must now be kept open."

Sacks admitted that "as we have increased our tuition the students' needs for financial aid have gone up." But he feels that due to good management in the Financial Aids Office increases in recent year have not been much and the proposed aid increase for next year would not be too big when looked at over a 2-3 year period. He expressed a view that the Financial Aids Committee should study whether the present 50% grant and 50% loan formula should be continued.

Faculty salary increases were also discussed at the meeting. Sacks stated that in the past few years pay increases have been subject to federal government constraints, but that such constraints might soon be removed. He said he was thinking "of an average increase of about 6%, perhaps a bit higher."

After the two subjects were opened to discussion, most of the faculty attention centered on the salary increases. Some faculty members expressed concern that the increases would be presented without prior faculty consultation and discussion and they expressed hope that this policy would change. Sacks said the subject was worth discussing in the immediate future on an informal basis and stressed that federal constraints on raises in recent years had not allowed much room for discussion.

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Committee Seeks New Vote on P/F Option

The Committee on Legal Education has unanimously recommended that the faculty consider reinstituting the recently abolished pass/fail option for first-year students at its February 8 meeting. According to Professor Robert E. Keeton, committee chairman, "We have not undertaken to make a recommendation on the merits one way or the other."

Although Keeton was unwilling to estimate the likelihood of the return of pass/fail, he noted that "everybody agrees it's rather unlikely."

The committee's action follows the Board of Student Advisers' November 13 letter to the Dean and faculty urging a re-examination of the pass/fail option; Dean Albert M. Sacks referred the letter to the committee. Also, Jeffrey J. Reiman, first-year at large delegate to the Law School Council, presented the committee with a petition signed by 413 1Ls opposing the revocation of the pass/fail option.

The committee has recommended that the faculty listen to a 20-minute presentation by student proponents of the reinstitution of the pass/fail option, debate the matter for one hour or less, and immediately vote pass/fail up or down, without any further delay or deliberation.

The proposed resolution would



Professor Robert E. Keeton discusses Pass/Fail recommendations.

restore the first-year pass/fail option substantially as it existed through 1972-73, except that the four-category grading option (High, Satisfactory, Low, and Fail), which was seldom elected, would not be restored. Basically, each first-year student would be able to have either his January grades or his May grades or both reported as either Pass or Fail, if he chose to do so before the beginning of the respective exam periods. After second-year January examinations, each student would be entitled to have his first-year grades changed from pass/fail to letter grades.

The committee has recommended that the faculty consider only whether the pass/fail option should be reinstituted, and leave questions of when and how to change over to the discretion of the Dean.

The committee will give each faculty member, prior to the February 8 meeting, a packet of memoranda which summarize the arguments for and against the pass/fail option. This packet includes a memorandum in support of the reinstitution of pass/fail written by Reiman; Patrick A. Shea, 2L student representative on the Committee on Legal Education; and Carolyn Lewis, 3L Richard F. Ziegler, 2L and Timothy J. Sheeran, 2L representing the Board of Student Advisers.

The students' memorandum notes that "there appears to be some confusion among some fac-

ulty members, and certainly among the students, as to whether the option system was examined independently on its own merits." According to the memorandum, the abolition of the pass/fail option was considered only in the context of the Cohen Committee (Committee on First-Year Evaluation and Related Matters) proposals, which included a recommendation that the two 1L fall term courses, *Criminal Law* and *Torts*, be uniformly graded on a Satisfactory/Unsatisfactory basis. This recommendation was rejected by the faculty in May.

Although many students believe that the faculty's repeal of pass/fail was inadvertent, Keeton contended that "the issue was squarely faced last year" in a series of faculty meetings held in May, and it is unlikely that the faculty would reverse itself after such a short time.

According to Keeton, the consideration of pass/fail was compressed into the end of the academic year only because the final Cohen Committee report was not available until April 29. "Ordinarily, when we have a report of that length, we like to give the faculty more time to study it."

As the committee's memorandum notes, the pass/fail issue "was resolved by the Faculty so late last year that student members of the Cohen Committee were not able to participate fully in the Committee deliberations bearing directly on this issue...."

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Committee Undertakes Study Of 3rd-Year Paper Control

By Daniel M. Taubman

"One of the worst features we have now is to have students tramp around looking for a faculty supervisor," one disgruntled professor complained recently.

He was speaking at the December 14 meeting of the Law School faculty, which met to consider a report by the Committee on Legal Education on methods of improving faculty supervision of third-year papers.

The committee undertook the informal study as a result of complaints by students who encountered difficulty finding a professor willing to supervise their third-year papers.

According to Associate Dean Paul M. Bator, some dozen students — all of whom had been turned down by four or five other professors — requested him to supervise their papers done in satisfaction of the written work requirement.

The problem has arisen, according to the Committee on Legal Education's memorandum to the faculty, for two reasons:

- Some of those listed as paper supervisors in the Catalogue have defined the topics on which they are available so narrowly that relatively few students have sought them out.

- Other listed professors have turned away students who wished to write in the specified areas even though the instructors had previously accepted only a relatively

small number of students to supervise.

As a result of this situation, almost 200 students are being supervised outside seminars by instructors not listed in the Catalogue.

In its memorandum, the Committee recommended the continuation of the Catalogue listing of faculty members available to supervise papers, but suggested some reforms as well. The Committee urged that instructors listed in the catalogue specify topics as broad as possible in light of their curricular and academic interests. It also suggested that students be allowed to sign up for paper supervision routinely through the Registrar's office, with each listed faculty member accepting at least the first 15 students who sign up to write papers.

The Committee also proposed that those faculty members not listed in the Catalogue continue to supervise "a reasonable number of students" in light of their other assignments.

If adopted, will these reforms end the enforced wanderings of third-year students? The answer is not clear.

At the faculty meeting, Associate Dean David L. Shapiro indicated that even if the Committee's suggestions were adopted, students will "still be bounced around a little bit. There's no way to get around it."

Letter to Bok Opposes JFK Library Plans

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for an already over-congested area with serious traffic problems."

"Whether that means that the complex should be moved elsewhere," he continued, "or that they should be split up is something that I just haven't thought enough about as to what the pros and cons are."

His personal objections, Vorenberg stated, come from "a strong sense that there has been a growing congestion, including high-rises."

But the Kennedy museum, the lifelong Cambridge resident, asserted, "would be of such a different order of magnitude, in sheer numbers of people, that it would affect sharply the quality of life here."

"Also, like so many other things, a very heavy part of the problem would fall on poor people."

In support of these claims, Vorenberg stated that, "Experience with Presidential memorials is that they become, as they should become, a place where people can come and see these mementoes."

There is no necessity, however, for a "marriage" between the museum and the library. The museum, would, in Vorenberg's view, be a permanent problem.

"The bicentennial would make it worse, but it would permanently change the quality of the city," he concluded.

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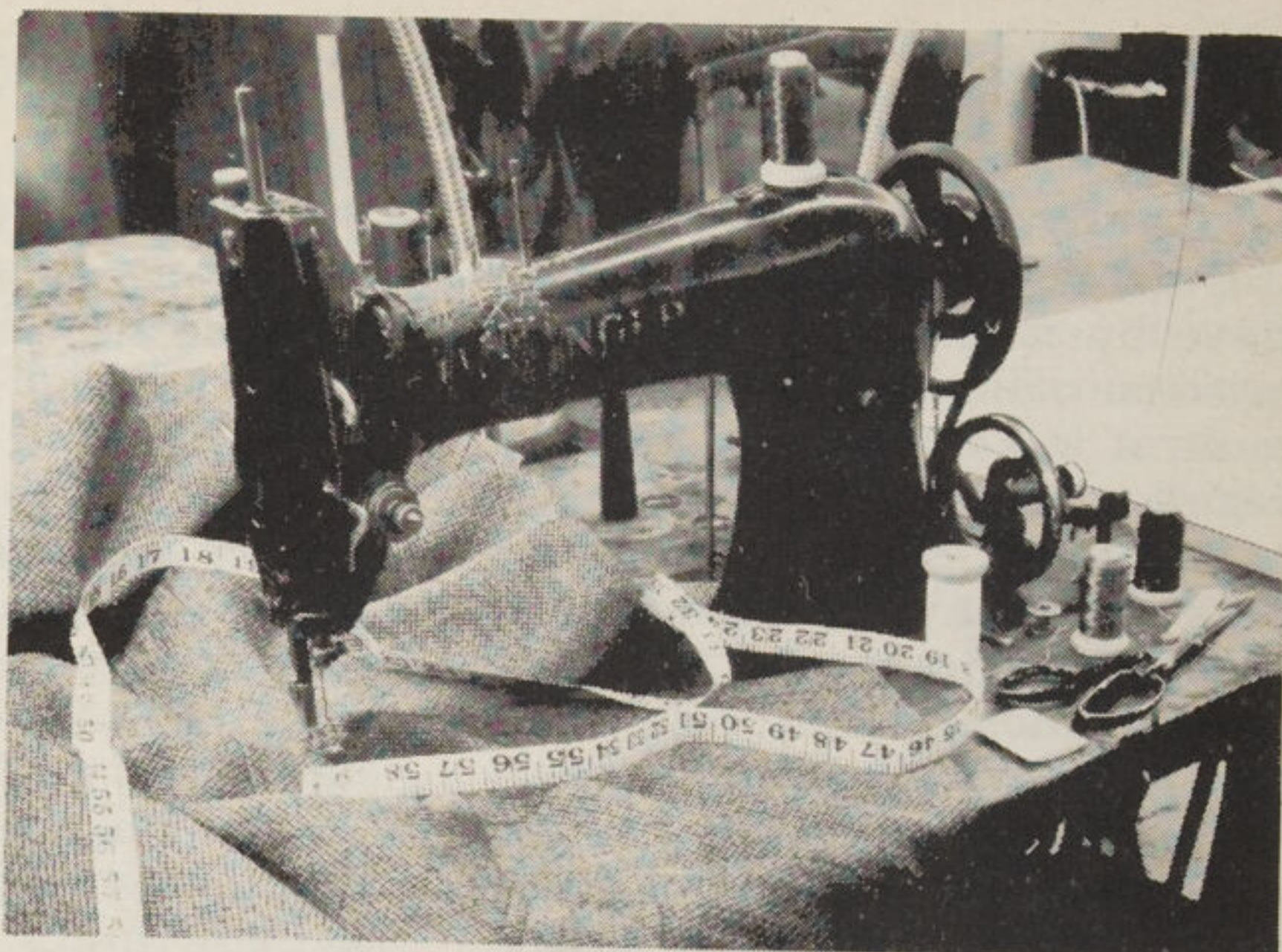
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Students Claim School Reneged

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Lewicki said that the group was "not satisfied" with Williams' response, and would try to discuss the issue with Dean Albert M. Sacks next week. According to Lewicki, Williams promised that his answer would outline a timetable for completion of a directory of pro bono legal service organizations and for installation of a WATS line for use by students trying to contact those organizations. This fell considerably short of the programs requested in the group's December 17 letter, which had included symposia on alternative forms of legal practice, and Law School or private firm subsidies to pro bono organizations to permit them to interview at Harvard.

Williams explained the delay in this answer, Lewicki said, by remarking that he had not wanted to

disturb students during Christmas vacation and the examination period, and that a death in his family had prevented his responding since the resumption of classes.

Williams, contacted late Monday afternoon, declined to comment on the meeting, other than to say that, "We exchanged views. I appreciate their position and I hope they appreciate the problems I face."

The original letter to Williams had been endorsed by some 16 student organizations connected with the Law School, including: the Prison Legal Assistance Program; the Harvard Legal Aid Bureau; the Harvard Voluntary Defenders Association; the Law School Council; the Committee on Military Justice; the Women's Law Association; the Environmental Law Society; the Civil Rights/Civil Liberties Research Committee and the Civil

Rights/Civil Liberties Law Review; the Board of Student Advisors; the Harvard Student District Attorneys Association; the Chicano Law Students Association; the Harvard Journal of Legislation; the International Law Journal; and Casls Legal Services. The Black American Law Students Association sent Williams a separate letter on December 19 in which it termed the public sector placement program "unacceptable," but said that it was "not aware of any facts supportive of charges of bad faith" in Williams' efforts to develop a more effective undertaking.

The group which sent the letter is largely unstructured and has no formal leadership. J. Stuart Lemle, 3L was the initial organizer of the effort, and the moderator of the Thursday afternoon meeting that resulted in the decision to meet with Williams.

Con Law Is Popular Choice Among 1L Spring Electives

By Bruce Kuehne

Even the worst procrastinators have by now settled into their selection of first-year electives. For most, it was a painlessly efficient registration.

The main complaint voiced was that many 1Ls couldn't get into their preferred courses. Four of the sixteen electives offered were heavily over-subscribed from the outset. *Political Power and Protective Judicial Doctrine* turned three-fourths of its applicants away, while *Federal Litigation* rejected two-thirds. *The Legal Profession and Suburbs and Cities* each turned away half of the students who would have liked to take them.

Five other courses were completely filled by the end of registration: *Comparative Criminal Law Theory*, *The Consumer and the Law*, *Law and Socio-economic Organization*, *Law and Social Order* and *the Law of Employment Discrimination*.

About two hundred twenty 1Ls elected *Constitutional Law*, making it by far the most selected course, while *Administrative Law*, with 110, was a distant second. Almost precisely the same percentage of 1Ls selected *Constitutional Law* last year.

Course enrollment figures give little clue as to the reasons for the selection. Some students may prefer to defer *Constitutional Law* to the second year. Others took it in the first year as an alternative to a course from which they were cut. Factors, such as exam schedule, course schedule and rumor may also have had an effect on the decision process.

Associate Dean David L. Shapiro, when asked how the School decides which first-year electives will be offered, said that it was something like trying to put together a giant jigsaw puzzle; "you've got to consider what the students would like to study, who you've got to teach it

and what conflicts there might be with other courses the teachers must conduct. We try to offer as wide a range of electives as possible."

Shapiro was asked if it would be possible for students who were interested in a particular subject to get a group of interested people together, find someone to conduct the class, and make their own course. "It's been done, but the problem is that there's such a long lead time on these things. We're already preparing the schedule for next year."

Mary Upton, Registrar, said that next year's schedules will be finalized soon, probably sometime in February. Preliminary registration will be before spring vacation and the class schedules will be mailed to students during the summer.

The tally of 1L enrollments as of January 26 was:

ONE CREDIT: *Law and Social Order: Equality*, Professor Weinreb, 35; *The Law of Employment Discrimination*, Professor Lund, 36; *Political Power and Protective Judicial Doctrine*, Professor Nesson, 20.

TWO CREDITS: *Comparative Criminal Law Theory*, Professors Dershowitz and Fletcher, 50; *The Consumer and the Law*, Judge Braucher, 30; *Early Diversion of Offenders*, Professor Vorenberg, 36; *Environmental Law*, Professor Stewart, 50; *Federal Litigation*, Professor Shapiro, 32; *Law and Socio-Economic Organization*, Professor Steiner, 37; *Law, Lawyers and Social Change*, Professor Bell, 34; *Law Reform in Torts*, Professor Keeton, 16; *The Legal Profession*, Professor Field, 25; *Suburbs and Cities*, Professor Liebman, 25; *The Western Legal Tradition*, Professor Berman, 55.

THREE CREDITS: *Administrative Law*, Professor Stewart, 110; *The Legal Process*, Dean Sacks, 58.

FOUR CREDITS: *Constitutional Law*, (2 classes) Professor Ely, 110 and Professor Kaufman, 112.

Prices Go Up At Harkness; Costs Blamed

By Arnold S. Rosenberg

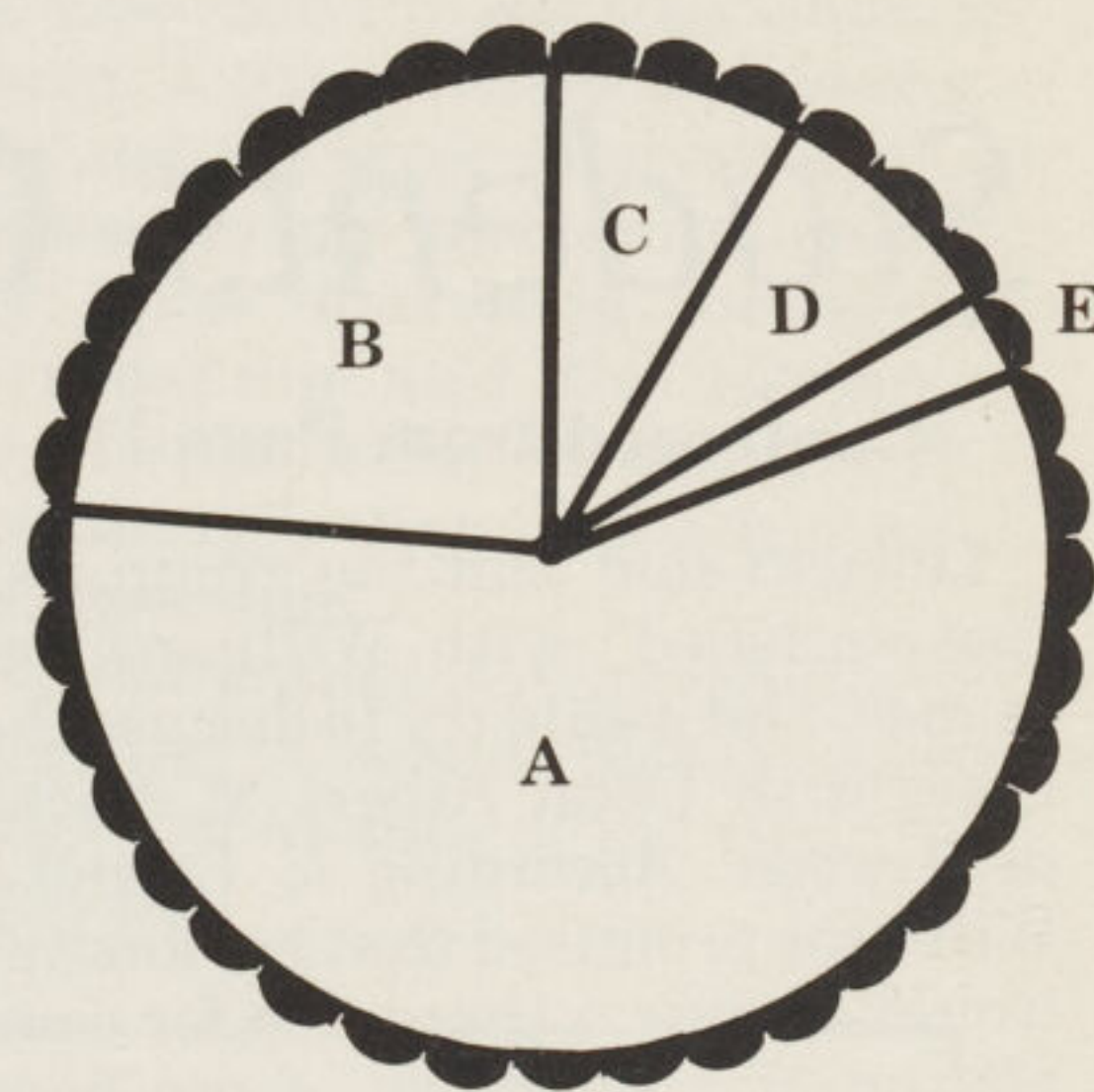
A la carte price increases at Harkness Commons reflect rising raw food prices and labor costs, according to Vice-Dean William Bruce.

"Labor and raw food costs should each be less than 40%," Bruce said Tuesday, "and overhead and profit ideally should be a third" of the price to students. "However, in practice we're lucky if the price splits evenly into labor and food costs, and the overhead constitutes a loss."

Bruce defined 'overhead' as including such items as accounting fees, utilities, hiring costs, rubbish collection, uniforms, machinery, and cups.

Market price rises have affected virtually every food item, but have been uneven, according to Ruth Raven, who has been Manager of Harkness since mid-December.

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Quinn Investigates Indian Trust

By Patrick Kennedy

Responding to the growing controversy regarding Harvard's obligations under a seventeenth century trust instituted for the education of American Indians, the Attorney General of Massachusetts, Robert H. Quinn, called representatives of Harvard and of the Native American Student Association (NASA) to his office this past Tuesday afternoon in an attempt to avert a possible court action.

The meeting follows on the heels of an investigative report by a special Massachusetts assistant attorney general, Daniel B. Bickford '55. That report, which was commissioned by the State Attorney General last Spring in response to allegations by NASA, found there were still enforceable legal obligations to Indian students arising from the 1653 trust and recommended court action against Harvard if necessary.

Daniel Steiner '58, counsel to the University, said in response to Bickford's report that he has "no doubt" that the University has fulfilled any and all obligations under the Indian College trust. Steiner said that the relevant information has been examined by the Boston law firm of Ropes and Grey, and by a panel of Law School professors, and that they concurred with his conclusion that there are no outstanding legal obligations arising from the disputed trust.

Russel Barsh 3L, a researcher for NASA, contested Steiner's analysis. Supporting Bickford's report, Barsh pointed out that the University's records indicate only one Indian student had ever graduated from Harvard prior to 1960. Apparently there were two or three other Indian students in attendance for a short while, Barsh continued, but that is the full extent of Indian education at Harvard prior to present times.

The origin of the dispute is a 1653 agreement between Harvard and the British Society for the Propagation of the Gospel in New England. The Society, which was

formed to bring the gospel to Indians, may have donated as much as 400 pounds sterling to build a dormitory called Indian College to house Indian students. According to Barsh the sum was donated at the request of Harvard, then experiencing financial troubles.

Although there is no record of the actual agreement between Harvard and the Society and other relevant documents are scarce, what facts are known are not in dispute. The controversy arises as to how these facts should be interpreted.

After the dormitory was built Harvard petitioned the commissioners of the Society to allow white students to live in the dorm since there were insufficient Indian students to fill the dormitory's occupancy of twenty. The Society granted this permission in 1656. From that date until 1693 when the building was torn down the dorm was occupied almost exclusively by white students.

It is not known for certain whether these students paid rent to Harvard College, but it seems likely that they did. Whether this rent paid by white students living in the dormitory should have been set aside for the Indian trust appears to be a major point of contention. If in fact such rent was paid by white students, it apparently was not added to the trust. Barsh concludes that by failing to do such, Harvard failed to fulfill the terms of the trust. They allowed the funds to dissipate without appropriating them to their entrusted use.

Additionally Barsh counters any claim that the dormitory was Harvard's to use as it pleased. Not only did Harvard have to petition the Society to allow white students to live in the dormitory, but when the building was torn down in 1693, Harvard asked permission to use the bricks from the building to construct a new dorm, Stoughton College. The Society granted this permission stipulating that Harvard continue its obligation to house Indian students free of charge. Harvard complied with this re-

quest and used the bricks though apparently no Indian students were ever housed in Stoughton. According to Steiner, if there was any remaining legal obligation, it was terminated when Stoughton College was destroyed around the time of the revolution. Barsh claims, however, that the agreement in 1693 reinforced Harvard's ongoing legal obligation to educate Native Americans.

The Native Americans are asking for the establishment of 20 scholarships for Indians. To fund such a program, Steiner claims that the University would have to set aside 2½ million dollars in principal. Barsh claims that NASA's request actually reflects a compromise position. If the 400 pound sum were computed with 5% compound interest, it would now yield an approximate sum of 13 million pounds. Barsh further explained that estimates of the 1653 conversion rate run anywhere from 10 to 500 dollars to the pound.

"The request for 20 scholarships for Native Americans", Barsh concludes, "is in keeping with the spirit of the agreement."

Barsh further volunteered that a primary cause for NASA's actions contesting the trust has been "Harvard's refusal to grant Indian students as much financial aid as is awarded to other students." When queried upon his contention, Barsh said that Indian students were required to seek scholarship aid from the federal government as well as Harvard but that such aid was not forthcoming in most cases. "As a consequence" Barsh said, "most Native Americans at Harvard are forced to maintain one or two jobs on the side while accumulating large debts from loans taken to pay additional expenses."

A spokesman for the Harvard Financial Aid Office flatly denied these claims, however, stating that Native Americans are treated exactly the same as other students applying for assistance.

President Turns to HLS Lecturer

By Daniel M. Taubman

After deciding he did not want a Harvard Law School professor to prosecute him, President Richard Nixon looked earlier this month to the HLS teaching staff to select someone to defend him.

His search ended January 4 when he appointed James D. St. Clair '44 ('47) as his defense counsel "for Watergate and related matters." St. Clair replaced former White House Watergate lawyers Leonard Garment and J. Fred Buzhardt, who are continuing as Presidential counsel in other areas.

St. Clair, who has taught *Trial Practice* at the Law School since 1958, resigned as a senior partner of the prestigious Boston firm of Hale & Dorr and ended his teaching duties to assume the \$42,000 a year post in Washington.

St. Clair's trial practice section is now being taught by Massachusetts Superior Court Judge Robert J. Hallisey '51 who until his judicial appointment a year ago was a trial attorney with Bingham Dana & Gould in Boston.

Generally regarded as one of Boston's top trial lawyers, St. Clair has represented clients from all parts of the political spectrum during an active and distinguished career. His clients have ranged from Yale's Reverend William Sloan Coffin in the "Spock" Trial to the conservative Boston School Committee. He also assisted Joseph Welch in opposing Senator Joseph McCarthy in the 1950s, and, more recently, prosecuted former Boston Judge Jerome Troy on charges of judicial misconduct.

According to Robert Meserve '34, Boston lawyer and former American Bar Association President, the Troy case was "a political lemon he had to squeeze. He did a very thorough, workmanlike job."

Meserve who taught *Trial Practice* with St. Clair from 1957 to 1961, also pointed out that St. Clair recently declined to appeal a racial imbalance order against the Boston

School Committee, believing that such an appeal would be frivolous.

Yet despite this instance of apparently shunning publicity, Meserve thinks St. Clair has "a distinct flair for handling matters in the public interest." "Unless there is a good reason to the contrary," he says, "St. Clair represents a client without regard to personal belief or adequacy of compensation. His work is not what you might call *pro*



James D. St. Clair

bono publico, but it is work in the public interest."

Fellow trial practice lecturer Lewis H. Weinstein '30 agrees. "St. Clair's ideology has not influenced his cases," he says, pointing out St. Clair's philosophy that a lawyer, like a surgeon or a priest, should be willing to take on cases of any kind.

"If a client were very, very offensive, he wouldn't take him," Weinstein continues.

Boston attorney John M. Hall '35 of Choate Hall & Stewart recalled earlier this week one case which St. Clair did take. Hall defended the Boston *Herald Traveler* against libel charges by then-Senator Owen Brewster of Maine, who was represented by St. Clair.

Hall recalled that in a pre-trial deposition of then-Senator John F. Kennedy, the politician bested the up-and-coming trial

lawyer. But, he adds, "That was the only time I have seen Mr. St. Clair come out on the losing end." The case, by the way, resulted in a one cent verdict for Brewster.

That case was decided before federal district court Judge Charles Wyzanski, Jr., who also decided an earlier case which helped make St. Clair's reputation as a stellar quality trial lawyer.

In that case, St. Clair represented plaintiffs in an antitrust suit against the Cape Cod cranberry growers' association, and won a verdict of about a half million dollars. He also managed to earn a hefty attorney's fee, which Wyzanski awarded after going out of his way to praise St. Clair's impressive trial work.

Veteran Boston lawyer Claude B. Cross '20 recalls that St. Clair "got a good deal of publicity at the time, and justly so."

Since that initial encomium by Wyzanski, St. Clair has maintained an exceptionally high reputation among his colleagues who have worked with and against him.

"Jim never cut corners with me at least, and I don't believe he did with anyone else," Cross commented.

Hall agreed, adding that St. Clair is "very thorough," though "not particularly exciting or emotional."

"I don't know any lawyer who has prepared his cases more completely and effectively," academic colleague Weinstein observed. "He has acquired a great knack of being able to phrase questions effectively," he adds. "He doesn't have to write questions down."

Weinstein also called St. Clair "completely honorable," and said he "would pull no fast ones."

"I'm sure there are people who don't think well of him. But I've never heard anything other than compliments about his legal ability," Weinstein added.

Meserve, who has worked both with and against St. Clair, describes the new Nixon appointee as

St. Clair for Counsel on Watergate

"a very conscientious hard-working lawyer with a particular grasp of the techniques of cross-examination."

Professor Robert E. Keeton, director of the *Trial Practice* sections, calls St. Clair "an excellent teacher," pointing out that he and Meserve were the first lecturers hired by the Law School to assist him and Professor Emeritus Richard H. Field in teaching *Trial Practice*.

Weinstein, who ran a critique session together with St. Clair last March, notes that St. Clair is "extremely good at sharpening issues, and I think students like that."

St. Clair most recently appeared in an academic role at the Law School in October, when he defended a doctor in a model trial sponsored by the Board of Student Advisers and tried before Chief Judge Bailey Aldrich of the Court of Appeals of the First Circuit. That simulated trial of a medical malpractice suit was observed by all first-year students.

The Boston Globe reported that St. Clair first heard from the White House December 26 while vacationing in Florida. According to family sources, Alexander Haig, the President's chief of staff, called and asked St. Clair if he would come to Washington. He went to the nation's capital December 27, and discussed the job offer with Haig and Buzhardt.

The Globe reported that St. Clair met with Nixon to talk about the job Monday, December 31, in San Clemente.

A different story was reported by *Globe* columnist David Farrell, who wrote last week that St. Clair came to the attention of the White House after being retained by Charles Colson, former Presidential adviser. St. Clair was to represent Colson before the Grievance Committee of the Massachusetts Bar Association.

"No way" said St. Clair in a telephone interview from Washington Wednesday, denying that he had ever been engaged to represent

Colson. The *Globe* account was also refuted by a statement issued by Charles J. Kickham, Jr., President-elect of the Massachusetts Bar Association which stated that "No complaint has been filed with the Grievance Committee of the Massachusetts Bar Association against Mr. Charles Colson."

Apparently one of St. Clair's first official acts was to advise the President not to hand over subpoenaed tapes to the Senate Watergate Committee. He is now expected to play a major role in advising the President whether to testify in the cases of John Ehrlichman and G. Gordon Liddy, as ordered by a Los Angeles County Superior Court judge earlier this week.

Throughout his career, St. Clair has been the frequent recipient of

publicity. Yet according to Meserve, "He doesn't seek the limelight; it seeks him out." But, he adds, St. Clair "has a fair ham component like any trial lawyer."

At the same time, St. Clair himself has never shunned publicity. After accepting Nixon's offer, he reportedly said, "If you are in the business I'm in and the White House calls you, you wouldn't say no."

His "yes" came at a welcome time to the White House, with constantly breaking developments affording ample opportunity to display his legal talents. Undoubtedly many Nixon supporters are hoping St. Clair's fellow attorney John Hall was right when he concluded that "all in all, the President couldn't have chosen a better man."

Suit Asks Injunction of Nixon

Four members of a 20-member Boston-based political group have filed a suit in federal District Court asking that President Nixon and Vice President Ford be enjoined from continuing in office. The group has no lawyer; its brief was written by a Harvard College freshman.

According to Wednesday's *Harvard Crimson*, the suit was filed on Monday. Alan C. White, who wrote the brief, is the group's national secretary and its only student member.

The brief asks the court to declare the 1972 presidential election illegal and void and recommend that Congress order a new presidential election. According to the brief, Nixon and Ford should be removed from office because employees of Nixon's reelection campaign committed "illegal acts" which deprived Americans of "the right to vote in a free and honest election."

White, who once won a debating

contest in high school arguing that Nixon should be reelected, defines We The People's political philosophy as "conservative liberalism." "To deify lawyers," said White, "is a mistake."

According to the *Crimson*, White said that if the court refuses to hear the case as presently presented, We The People will seek legal assistance and resubmit the suit.



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Bar Exams and Standards

We note with dismay the comments of some members of the bar that pass/fail grading in law schools is part of an overall relaxation of standards that must be thwarted through the bar's continued reliance on examinations for the would-be attorney.

The same voices that vigorously assert the relevance of bar examination results would probably be the first to disparage any attempt at imposition of general performance standards on the bar as a whole, as is now happening, in the form of the PSRO, professional service review organization, in the medical profession.

Yet the experienced attorney may be just as prone to oversight or obsolescence as the elderly driver, for whom many states now impose re-examination requirements as a condition of license renewal.

The changing nature of the practice of law also makes the bar examination less relevant. The lawyer who begins her or his professional career by joining a large corporate law firm, or, as is developing in some states, the legal clinic, will have his work supervised to an extent that makes the entrance requirements imposed by the bar examination meaningless.

The novice attorney who successfully passes a bar examination is likely no more competent to advise a client or draft a successful lease than before. She or he will have acquired some knowledge of the substantive law of the state, but no more judgement about how to apply it.

The essence of law school is learning to think like a lawyer: to analyze the matter involved, determine the important facts, and organize an opinion of the legal result of those facts.

This faculty the bar examination does not test. Most new attorneys admit that, whatever their law school or grades, they would fail the bar examination without attendance at a bar review course. And most bar review courses teach only the rote application of a strictly limited selection of legal material. Certainly this short-term test of memory is far less relevant than successful completion of three years of in-depth study.

Further, the potential for abuse associated with the bar examination is vast. The attempt in Texas to require fingerprinting and an implicit authorization to make a wholesale investigation of an applicant's past is but one example. The incidence of conscious or unconscious discrimination against minorities is another, and the seemingly widespread practice of adjusting the grading standards of exams depending upon how many lawyers are coming into the state is a third.

For these reasons, the RECORD supports a diploma privilege for all in-state law schools or for persons who have taken a practice course keyed to the state. Failing that, we urge the removal of control over bar examinations from any group which has an interest in controlling the number of lawyers or setting fees, even if only advisory.

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Fenno

"Finished?" Fenno asked as the 1L sat down numbly at his table.

"Yes," the 1L confirmed. "I'll never have to answer another question about Torts."

"Wanna bet?" Fenno asked, as he spotted another first year student approaching.

The 1L looked quizzically at Fenno, but it was too late for any warning.

"What torts did you find on the second question?" the approaching student asked briskly.

"Uh, I said that was assumption of risk," the 1L admitted uncertainly.

"The whole thing?" The questioner seemed incredulous.

"Well, I didn't have too much time left for that one and —"

"Did you spot the causation issue?"

"Actually, I —"

"Did you mention *Palsgraf*?"

"To tell you the truth, I —"

"How about interacting negligence?"

"My concentration was really on —"

"Did you bring *res ipsa* into it?"

"I thought that was Civil Procedure," the 1L said weakly.

The interrogator then proceeded to summarize his own answer to the question. It went on for some five minutes and was divided neatly into symmetrical sections and subsections. As he moved away toward his next victim, the 1L slumped dejectedly in his chair.

"Why do I suddenly feel depressed?" he asked Fenno.

"That's an occupational hazard for law students," Fenno answered. "The student went to the professor immediately after the exam and got the model answer."

The 1L groaned. "How can you talk to someone who has the model answer? What are you supposed to say?"

"Oh, that's easy," Fenno assured him.

"What? What are you supposed to say when he asks, 'What torts did you find?' and he knows the answer perfectly?"

Fenno considered the question carefully. "You're supposed to say," he finally responded, "What's a tort?"

RECORD Schedule

The Harvard Law RECORD will be published this spring on the following Fridays: February 1, 8, and 15; March 1, 8, 15, and 22; April 12 and 26; and May 3.

Letters to the Editor of The Record

Georgia Women

To the Editor:

Your article on the percentage of women in the first-year classes of 17 law schools shows the University of Georgia to be last with nine per cent, Vanderbilt next lowest with 17 per cent and Harvard with 18 per cent. This nine per cent figure does represent the percentage of women students in all three classes at UGA Law, but our first-year class is in fact 16 per cent female, which still places us last in your survey, but not as completely out-of-ratio as the disparity indicated in your article. I am far from satisfied with the situation at UGA Law — which is awful, but not as godawful as the numbers in your article indicate. In fact, the percentage of female students entering law schools nationally in 1972 was sixteen.

There have been some recent hopeful signs: 38 women in our first-year class compares favorably with the sad statistic that only two women were among our two hundred graduates last year. The Women's Law Student Association here does take an active role in recruiting, including traveling to women's colleges and sending out an encouraging letter to each woman who requests information about UGA Law. The WLSA has also improved the atmosphere at UGA Law so that women law students here have more favorable conditions for studying law than those encountered by my own female law school classmates. But we are still fighting the Southern "magnolia syndrome", which causes negative self-selection by potential women law students; this is shown by the fact that our percentage of acceptances of female applicants exceeds that of male applicants, although the standards for acceptance are the same.

This is not to say that UGA Law does not have other problems: for example, there are no women on our law faculty, which is why this letter must be signed ...

Ira B. Shepard '64
Assistant Professor of Law
and Faculty Advisor to
the Women's Law
Student Association

Solomonic Justice

To the Editor:

In his letter appearing in the RECORD of December 7, 1973 a 1973 graduate deplors the "nauseating" statistic showing that two-thirds of the 1973 graduates are working with private law firms and concludes, on the basis of that figure, that "2/3 of the seats in every law school class are warmed by people whose ultimate goal is ... to resist collective bargaining, regulate the regulatory agencies, pollute with impunity, and fight liability for defective products and industrial accidents."

I only wish I could get as much mileage out of one gallon of gasoline as your correspondent has managed to get out of one statistic. From one little fact he has fed a multitude of erroneous conclusions in a manner reminiscent of the miracle of the loaves and fishes. There are only so many hours in a day and a lawyer busily fighting liability for industrial accidents will have very little time left to help polluters pollute with impunity. Your correspondent omits reference to lawyers who evict widows and orphans on behalf of slumlords. Perhaps he is unaware of their existence. He may also be unaware that private law firms may also represent good guys. ...

It appears that your correspondent graduated without having accepted the idea that reasonable people can differ on very important issues, and that it is a rare controversy in which all the good is found on one side and all the evil on the other....

There are not many opinions that I hold with the degree of certitude that your correspondent seems to bring to all of his, but one of them is this: the mark of an educated person is the ability to see the merits of a differing viewpoint. ...

Howard S. Cooper '58
Bethesda, Md.

'A Slight Glimpse'

To the Editor:

Mr. Solomon's letter as to statistics of his classmates' areas of work raises the question: does not the Law School—somewhere in the first two and one-half years—give students a slight glimpse of what graduates have been doing in private practice? (Mr. Solomon is '73.)

He should be told they are spread all over the country, in big cities and small towns, practicing alone, in pairs, or more, representing poor, middle class—and perhaps a few more wealthy individuals—various sized business corporations, churches and other charitable and non-profit corporations, all depending on our locations and contacts.

Most have, and with pleasure, aided and advised the poor without charge, and many others at less than compensable charges, taking into consideration their financial ability, and the nature of our services; for those folks, as well as our few more affluent clients, most of our courses at Harvard were helpful. This we still do, despite the increased help of Legal Aid and Public Defenders.

May we hope that Mr. Solomon studies situations more deeply before he takes a position of his own.

A. Sidney Johnson, Jr. '30
Media, Pa.

(Continued on Page 12)

Raoul Berger In Reply Raps Mack Article

To the Editor:

"Who steals my purse steals trash ... But he that filches from me my good name ... makes me poor indeed."

In your issue of December 7th you quoted from an article by Robert E. Mack, 2L, in the *Republican View*, the statement that Raoul Berger's "recently proclaimed reputation as a constitutional historian *par excellence* needs to be examined more closely both for his own good and that of the country." For this he relies on an article published in the *Boston Globe* by Brandeis Professor William M. Goldsmith, which others have described as a vicious libel on my scholarly integrity.

It might be expected that a second-year student at Harvard Law School would have learned that a case is not determined on the plaintiff's allegations without waiting for defendant's answer, that one who would sit in judgment must suspend judgment until the whole case is in. Those who are interested to learn the other side may consult my reply to Professor Goldsmith in the *Boston Globe* of December 9th.

In a second letter (RECORD, December 14th) Mr. Mack disclaims an "attack" on me. He merely gave fresh currency to the libel without pausing to inquire. Now he repeats that Goldsmith "criticized severely Berger's motives as an historian," this about a study written in 1963-1965, before Watergate was dreamed of. What I wrote in 1963-1965, Goldsmith insinuates, is a part of my "frantic haste" to impeach Mr. Nixon. Doubtless Mr. Mack's publication in the *Republican View* in December, 1973, is innocent of such political motivation.

May I suggest that before you publish a "severe" criticism, you afford the object of the criticism an opportunity to make simultaneous reply. Splattered mud is not easily removed weeks after the event.

Raoul Berger
Charles Warren Senior Fellow
in American Legal History

Future Clerks

The RECORD will publish its annual list of clerkships on Friday, February 15. Any student or recent graduate who has accepted a judicial clerkship for next year should notify Kathy D'Avanzo in FOB 100 before noon on Friday, February 8 in order to be included in this list.

Letters to the Editor of The Record

(Continued from Page 11)

'Unholy 287'?

To the Editor:

Proceedings conducted in absentia and without the rudiments of notice or a hearing have a tendency to disturb me. Hence, as one of the 287 people accused, tried and convicted of social blindness and personal venality by Donald Solomon in his letter printed in your December 7th issue, I felt obliged to respond.

I know this might be hard for Mr. Solomon to comprehend, but working for a "private law firm" (a creature scarcely monolithic or uniform) does not require that one loot, pillage and burn society, applaud and urge on the nature-rapers, or drool deferentially at every whispered request of America's corporate lieutenants. Neither, a fortiori, does it require one to whimper constant mea culpas for one's professional existence.

I am quite confident that I and a large number of the other "nauseating" 287 could quite easily match whatever Mr. Solomon thinks has done or is doing to "improve" society. Just ask the ACLU, the Sierra Club, or George McGovern. But wait before doing that. I do not mean for this to be an apologia. Nor do I want Mr. Solomon to be able to bask in the comfortable delusion that the extra-occupational activities I just mentioned are in the nature of guilt work.

The complex reality is that private law firms are *sui generis*, the attorneys who fill them still more so. While I imagine some of my classmates have the attributes so blithely ascribed to all of us by Mr. Solomon, I know that many do not. Ethics and corporate representation are not antithetical. The private practice I have occasion to see reveals that they are increasingly found together.

Mr. Solomon would have us all abdicate our practices for his subjectively determined first priorities. That makes *me* ill, because it would mean removing the conscience from the only forum where it might achieve that humdrum but decisive influence that channels the course of a nation and its institutions. It would mean leaving corporate representation to lawyers ideologically committed to brutalizing the countryside, workers, poor people and the public interest generally. And if the past 20 years of political and cultural history have anything to teach, it is the danger of permitting any field of law or public life to become the exclusive domain of those claiming to be uniquely qualified to oversee it.

Mr. Solomon should face the fact that conscience affects people in complicated ways. That may be difficult for him. Categorization makes everything

so simple, so clear, so ideologically satisfying. So often wrong. Mr. Solomon's hysterical and facile group libel suggests to me a puerile view of the world and a failure to learn from Harvard how tough most questions are.

I applaud the efforts of my classmates in seeking to secure equal justice and better ways of living in and with our environment. I believe that the constellations of personal and social objectives to be found amongst the ranks of the "Unholy 287" can coincide with private practices alive to the need to advise clients about "oughts" as well as about "cans." And because of that belief, I find the black-and-white worlds of the John Deans, Charles Colsons — and Donald Solomons — far more hazardous to the health of the public than the earnest if occasionally unsuccessful efforts of the Harvard Law School to train critical legal minds, whatever professional directions those minds may choose.

Roy L. Shults '73
Los Angeles, Calif.

A 'Closer Look'

To the Editor:

I am certain that this letter will be only one of dozens which you will receive in response to the letter of Donald M. Solomon '73 which appeared in the December 7, 1973 issue.

Mr. Solomon lists numbers and percentages of the Class of '73 which fall into various categories of legal careers and he notes that over two-thirds of this class are connected with private law firms. This percentage of private legal practitioners can hardly be surprising to anyone who has ever been associated with the Law School but Mr. Solomon goes on to make the grossly unfair and frankly childish statement that the goal of persons in such practice "is not to serve any public interest but to resist collective bargaining, regulate the regulatory agencies, pollute with impunity and fight liability for defective products and industrial accidents."

How anyone who has had the benefit of a legal education and presumably some contact with the practice of law can make such an imprecise and sweeping generalization is beyond me. No one can seriously contend that the activities so righteously condemned by Mr. Solomon do not occur or that attorneys in private practice do not frequently defend those accused of such activities. However, at a time when private law firms are increasingly committed to legal services in the public interest, when consumer class actions and environmental injunctive suits are being undertaken daily by private attorneys, and when the private plaintiff's

personal injury bar is stronger than ever, Mr. Solomon's remarks are entirely misplaced.

Undoubtedly, the minority who enter public interest law firms, legal aid or public defender offices do quantitatively more work in those areas devoid of any prospect of compensation. Mr. Solomon apparently finds it difficult to accept the inevitable fact that people, including attorneys, rarely devote their entire careers to work which produces no monetary return. But to narrow the field of "public interest law" to exclude the compensatory practice of private law firms reveals a very superficial familiarity with legal realities. Unions today command substantial funds and top-notch legal counsel in pursuit of collective bargaining and no one needs to explain the lure of contingent fees to the enterprising private attorneys handling products liability and workmen's compensation cases.

My own experience of three years in a private law firm has caused none of the nausea which Mr. Solomon professes. An interest in environmental law has led to my involvement in several major pieces of litigation against governmental agencies. Absent any direct conflict of interest and with the prospect of some possible compensation (*cf. La Raza Unida v. Volpe*, — F. Supp. —, 4 ERC 1797 (N.D. Cal. Oct. 19, 1972)), my firm has given me a free hand in pursuing these matters. Indeed, I think that having the support of a large firm, with sufficient legal expertise and man-power to challenge substantially funded and staffed public agencies, has placed me in a far more effective position than the often ill-equipped and over-worked "public interest" lawyer.

If Mr. Solomon's only point is that there is great room for improvement in our imperfect world, he has vastly overstated a position with which any reasonable man would essentially agree. On the other hand, if his point is that private attorneys are not combating social ills in a forthright and effective manner and that the private practice of law somehow implies a rejection of the public interest, I suggest that he take a much closer look at lawyers and the legal profession.

Kevin P. Kane '70
Los Angeles, Calif.

RECORD Meeting

Writers, Editors and Photographers. Come to the Wheeler Room, 4-6, Thursday, February 7. Have some refreshments and meet the staff. Write for the RECORD and see your name in print and in reprint.

Paper Chase?

By Robert Flanders

Though the law has a way of chasing those who pursue it, I had always supposed that the idea of "the paper chase" referred more or less directly to the pursuit of that coveted document otherwise known as a Harvard Law degree. I always had assumed that this was the more precise, denotative meaning of the word "paper" as used in the title of the book and movie; the "chase" of course referred to the three year quest for this inanimate quarry. But the game is more complex, more subtle than I ever imagined. It too can pursue, and, like an erstwhile predator suddenly acquiring a taste for legumes, I now find myself hounded by a parchment omnivore whose startling aggrandizement threatens to suffocate my very being.

If only it would stop growing, or come to some sort of mature surcease after irrevocably cluttering up my life, I would call it a reprieve and be thankful. But no, this paper monster would have me properly sheaved and boxed until, too spindled to speak, I am forced to capitulate my lawyerly dreams for its reams of foolscap pulp.

I am of course referring to my personal paper accretion during these three years before the Harvard mast: these casebooks, hornbooks, notepapers, exam papers, brief papers, take-home papers, course papers, financial aid papers, law school papers, and now, that most spontaneously combustible of all papers, the third-year paper. I had grown accustomed to thinking of them as a rather retiring lot,

content to gather themselves on shelves; but now, as if suffused with some sinister force, they have become minatory and mobile, tumbling out of desks, cabinets, and lockers at a creepingly inflationary rate. Harried beyond belief, I have all I can do to elude their horrific raffle. If only I could donate one and all to Harvard after appropriately back-dating them for tax purposes; yet it is doubtful I would survive to avail myself of such largesse, so ill-disposed is the creature to my intended perfidy.

If only the spectre of a papery demise between the cardboard jaws of some three-ring binder were a nocturnal fancy — yet I know too well such fibrous phantasmagora indeed exist. My modest apartment sags beneath the moraine of this legal-padded, papyrul amoeba, who, in the wildest throes of its lascivious expansion, seems to seek me out with conjugative notions. And I, for all my humble airs, must play the willing but diffident suitor who, though terrified of consumption, cannot possibly muster the temerity to altogether evade the paper chase.

For where am I to go? Evicted and homeless, I would be left lucubrating on a park bench somewhere in Cambridge. But would a paper bag be far from my lips? Such is the irony of my indentured servitude that even if I should outlast my relentless pursuer, what will I do with it all after I graduate? Put an ad in the paper?

No, if I am not caught by then, I will take with me only one piece of paper when I leave. I will take that one piece of paper and stick it up on a wall someplace, wherever I go. And I will look up at it from time to time and wonder if I chased it, or if it chased me, or if, perhaps too guilefully to imagine, some other paper principle chased us both to the wall, where we, and all the things we could not paper over, hung in the balance for three precarious years.

Inflation Blamed For Price Rise

(Continued from Page 6)

While poultry and hamburger prices have held fast, such items as tuna, portioned meat, and other beef products have gone up rapidly in recent months. Raven estimates that Harvard's Food Services Department, which buys the food sold at the Hark, is now paying about ½ to ⅔ more in general than when she began work at the Law School last June.

In addition to the raw food price rises, labor costs are up 5% under the Stewards' Union contract, Raven said. Bruce praised the benefits included in the contract, which, he said, amount to approximately 18% of labor costs, but added that they make Harvard's a "very tough dining hall labor program from the point of view of costs."

According to Bruce, a la carte prices are adjusted immediately upon notice of market price increases. Raven emphasized, however, that she tries not to hike prices more than five to ten cents per portion at a time.

A \$50,000 loss has been budgeted for this school year for the Hark, said Bruce. The \$50,000, however, includes an offsetting \$20-30,000 projected profit from the Hark's catering operations, which have included alumni reunions and functions held by societies of engineers, physicists, and Chinese scholars.

While a la carte prices have increased, meal contract prices have not. Ten and five-meal per week contracts have actually diminished in price this semester. However, the number of students on contracts has also diminished from the 150 first-semester total.

Contract menus have also changed slightly this semester, in the aftermath of a food survey conducted by Harkness. Yogurt is offered as an alternative to the entree, soup has been made a fixed item for lunch, dessert and an extra hamburger have been included in the Grill menu, and dinner is now available to contracting students at the Sandwich Deli and Ice Cream Parlor.

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Three Cambridge Bookstores Vie for Law Students' Dollars

By Kermit Kubitz

Buying books is one of the most essential and least simple tasks associated with the beginning of a new semester. Although some professors have opted for mimeographed materials, most still rely on the traditional hard-cover casebook, usually their own.

The HLS student faces several choices in buying books. The first is what kind to buy, new, used or other. A Florida law school student with whom we're familiar advocates not buying the casebook at all. Rather, arrange with someone for a good set of class notes and buy the best available outline. This approach will not work, however, where constant reference to the language of the case is made by a professor who grills one unfortunate for an hour at a time.

While considerable savings can be had by buying used books, one may fear that the original owner may force the successor's mind into predetermined (and not always correct) channels through marking or highlighting.

A second choice is where to buy, and here there is a great variety of sources. For discussion purposes, consider three: the Coop, the Harvard Bookstore, and the Law School Thrift shop.

The Coop's book buyer, William J. Duncan, stocks only those books used by the Harvard Law School. He determines what books will be used through forms sent to the professors, and estimates numbers based on previous history and the registrar's best estimates.

While carrying only books for HLS courses, Duncan notes, "If I hear that BU will be using a particular book, I have an extra 100 copies on hand just to protect myself."

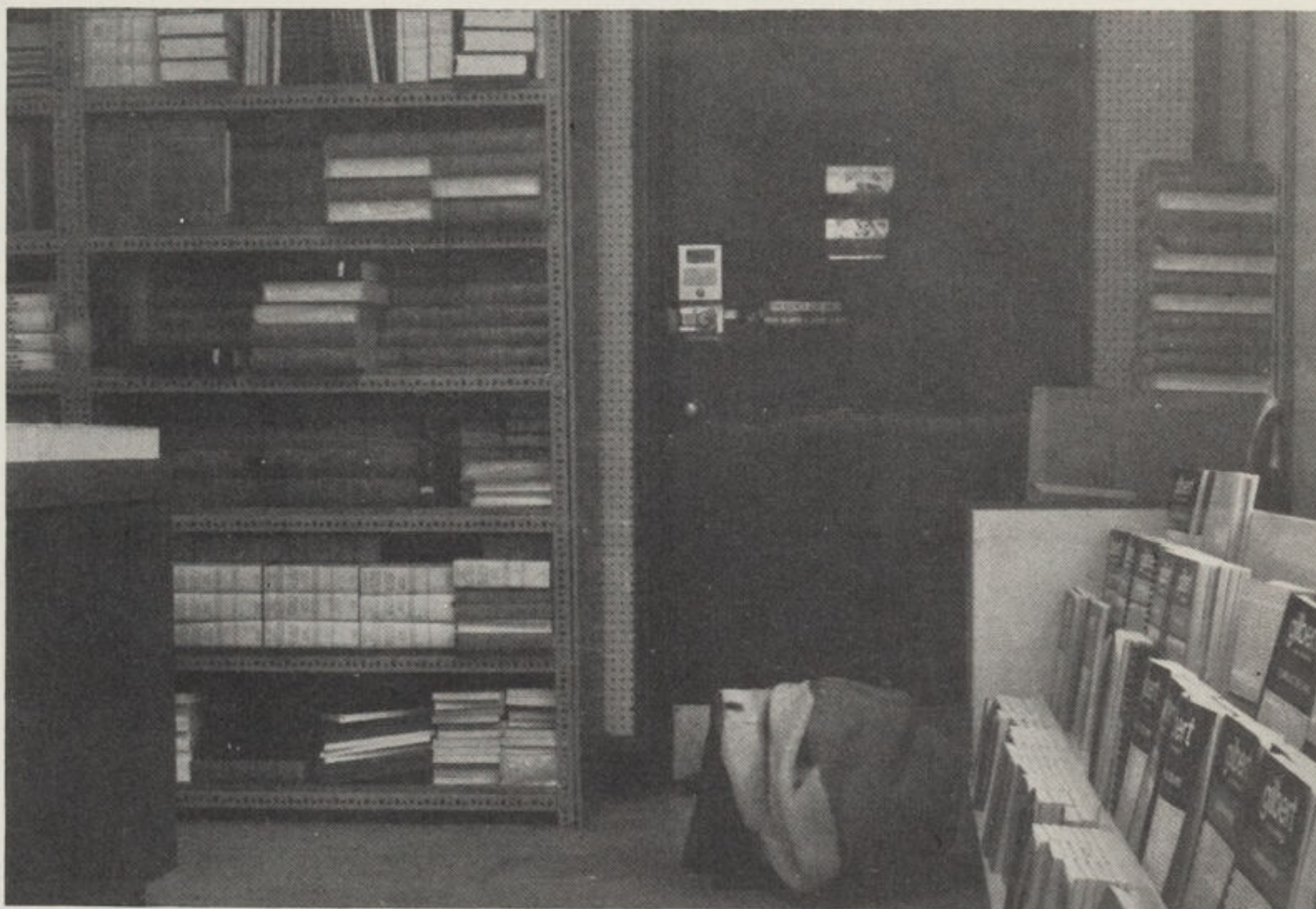
The Coop also buys used books, paying 50% for books in new condition and pricing them at 75% of the original price. If the books are in poor condition, they sell for 50%. Duncan attempts to check whether the same text or edition will be used before buying.

While relative shares are unknown, the Harvard Bookstore is a strong competitor of the Coop for the lawbook market. From his stool behind the cash register just off Winthrop Street, Chester Clayton, the buyer there, can oversee his whole stock of new books, used books, and outlines.

Clayton apparently uses a less formal method of determining what books are needed than the

Boston area, Clayton estimates that his store alone sells between two and three outlines per student.

The Harvard Bookstore's used books sell for 30% less after their first use, and here, as at the Coop, a sudden change of texts or editions may obsolete an inventory of 100 volumes. The sidestreet book mart also carries a line of cassette tapes on various legal subjects priced at about \$20.00 per set. "Some people



Books at Coop await eager HLS purchasers.

Mark McNeil

Coop, but one that is equally effective. He buys for all six area law schools, and mentions that he has customers from out-of-state schools.

Prices of law books are creeping up, Clayton notes, pointing out a copy of *Cases and Comments on Civil Procedure* by Inbau, Thompson, Haddad and Zagel that costs \$20.00. Another common text Hart and Wechsler's *Federal Courts*, goes for \$22.00. "They seem to like \$15.00 on the hornbooks," he adds.

In Clayton's experience, textbooks last four to five years between revisions.

When asked what the most popular book is, the reply comes quickly, *Prosser on Torts*. The most commonly used outline is Gilbert's.

Based on a division of the number of outlines sold by the number of the law students in the

commute; they put the tape in the tape deck and listen for an hour or so each way," Clayton says, noting that he has sold \$100 worth of tapes in the last week to one student.

For your basic law book, however, the Law School Thrift Shop fulfills a need. Indeed, it would be difficult to be more basic than the Austin 105 cubbyhole where a few volumes of more esoteric casebooks are scattered among mountains of *Civil Procedure* and *Torts*. With prices that seem to average 50% of new, the Thrift Shop offers good value for a limited selection of courses. During the few hours that it is currently open, it sells books on consignment.

Whether the student likes his casebook, outline or cassette, however, has little effect on his feeling of deprivation when informed, "This exam will be closed book."

HARVARD LAW RECORD

Sports Trivia Quiz Challenges Students at HLS

1. In 1913, Francis Ouimet defeated two famous British professionals to win the U.S. Open in a legendary tournament. Name those two losers.
2. In addition to Roberto Clemente, name the only other major leaguer to have the five year waiting period waived for his entrance into the Hall of Fame.
3. What All-American football player of post WWII vintage was a Red Sox member?
4. What member of the present Boston Celtics briefly played pro football and for which team?
5. Name the last American to win Wimbledon prior to Stan Smith.
6. Who holds the major league record for career total bases?
7. A famous Notre Dame national championship team featured the Four Horsemen and the Seven Mules. Who was the captain and what position did he play?
8. Who was the last two-sport (major) professional athlete to be at least partially based in Boston?
9. Following WWII, two players came back from the war and pitched in the major leagues with artificial legs. Name them.
10. Name the first professional basketball team in America.

(Answers on
Page 16)

Rule 26:



Q: How much do winners in the 1L Williston Competition receive?

A. According to Michael J. Critelli, 3L of the BSA, last year's winners took home \$250. Second and third place finishers received \$150 and \$100, respectively. 125 1Ls participated last year; this year around 267 signed up initially, and about 200 are still participating.

Q: Why aren't the classroom no smoking rules enforced during exams?

A. Both Dean Bernardi and Dean Bruce seem to recognize the problem. Both agree it's tough on a smoker not to smoke during an exam but tougher on a non-smoker to have to endure it during an exam. Probably in the spring exam rooms will be divided in half with smokers on one side and non-smokers on the other.

Q: For one of my finals we were allowed to bring our casebook, supplement, class notes, and "any other materials prepared by you or your fellow students." Some people had Law Review outlines and Gilbert's why didn't the stupid proctors do anything about it.

A. First of all the proctors are sent by the student employment

bureau and are undergrad and grad students who don't know the difference between a *Gilbert's* and the *Federal Rules of Civil Procedure*. Dean Bernardi is considering the matter and will discuss it with the Law School Council.

Law Notes

Howard B. Brownstein, 2L, Glenn A. Stover, 3L, and four other law students will discuss the omnipresence of lawyers in Watergate and the teaching of ethics in law school on **David Susskind's** television program to be aired tomorrow at 10:30 p.m. on Channel 2. (The program was taped in December.)

* * *

The **Cambridge School Volunteer Project** is seeking classroom aides and volunteers to work in special classes, libraries, remedial reading, art, English as a second language, in the Community Schools, and as tutors. The Project, which relies heavily on student volunteers, will provide the necessary training. Call 492-7046. The Project is located at 1700 Cambridge St., Cambridge 02138.

* * *

A manager or bookkeeper is needed for the **Law School Thrift Shop**. Terms are negotiable. Please contact Rene Townsend at 222 Hastings Hall or call 498-4788 any time before midnight.

* * *

Students who wish to participate in a course to learn to **prepare tax returns** on a volunteer basis for elderly and low-income people should sign up for a 12-hour course to be taught by IRS instructors. Call VITA, 223-5177, today.

* * *

The **Harvard Law Forum** elected the following officers Wednesday for the spring semester: President, Byron Burnett, 3L; Vice President/Programming, Pat S. Mann, 1L; Vice President/Administration, Ronald E. Salley, 1L; and Secretary, Frank S. Currie, 2L. Chosen as directors were Diana M. Daniels, 3L, Ned M. Dunham, Jr. 2L, and Jeffrey N. Drummond, 2L. Directors ex officio are outgoing Forum President Howard Brod Brownstein, 2L; and former Forum Presidents Mark E. Mazo, 3L and Ernest L. Brazil, 3L.

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Freedman Contracts '73
Henn Corporations '74
Inbau, T & M Criminal Law '73
Inbau, T, H, Z & S ...Criminal Procedure '74
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Vorenberg Maps Strategy In Harvard War on Crime

The standing committee appointed by President Bok to develop ways to reduce violent crime in the Harvard area presented its initial recommendations in a letter sent to all members of the Harvard Community last week.

Among the committee's suggestions to avoid risk were the use of University bus service, which is being expanded, and the carrying of a security whistle, available free from the University police.

The recommendations also state that, "No one needs to or should walk alone in any Harvard area at night." If an individual is unable to obtain an escort, the University's security force will respond to a call at 495-1212.

Professor James Vorenberg, a member of the committee, commented that the problem for the University is "like the problem facing a midsized community or town."

Part of the committee's actions, Vorenberg continued, was to establish monitoring systems to "tie particular changes to that monitoring so we can see where it helps."

As an example, the criminal law professor explained, a mapping of crimes will give priority for the installation of new lights. Three things might then happen: 1) nothing 2) a reduction in total crime or 3) crime might move to another area.

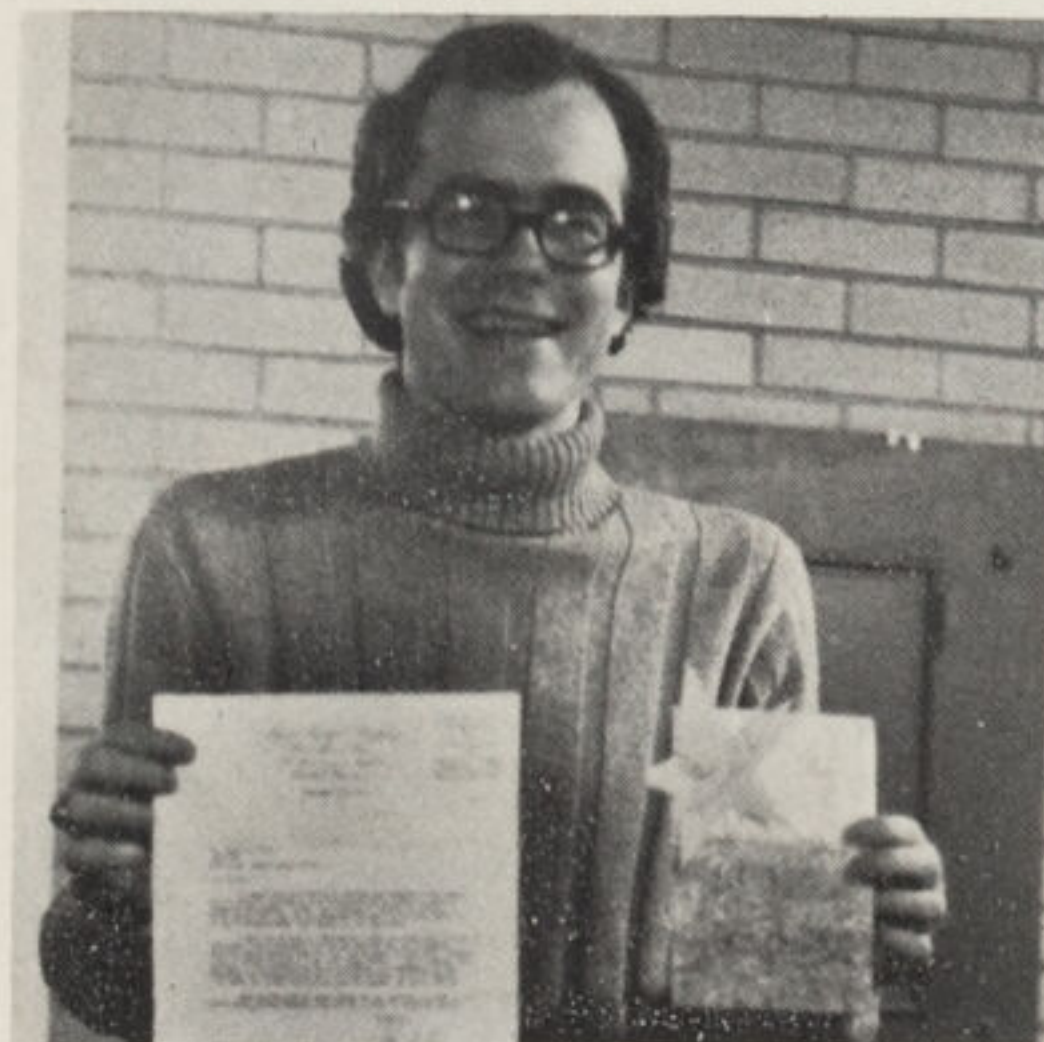
The advice to individuals when confronted by an attacker, Vorenberg said, was based on the committee's intention to, "Give as good advice as we can to people

about how to protect themselves. It's equally applicable on campus or on the way home."

"There is no easy answer," he continued, when asked about possible inconsistencies in the recommendations to run and scream if attacked, but not to resist a robbery.

While most crimes take place on public streets, rather than on University property, Vorenberg noted with some regret that the University has already become a much less open society. Only one gate to a Harvard house may be open, and even that main entrance will be locked during evening hours.

The report of the committee concludes that no one action is as important in crime prevention as the judgment and action of individuals. That comment may be as applicable to the society at large as it is to the University.



Mark McNeil

3L Craig R. Callen, winner of Ames Hall's Attila the Hun contest, displays winning rejection letter and Christmas card from same employer.

HLS to Avoid March Closing

"It looks as though there will be enough fuel" so that the Law School will not have to close for two weeks during February and March, according to Law School Energy Conservation Coordinator Professor James Vorenberg.

Vorenberg, whose office has put out a series of fuel conservation memoranda, stated that the hardest hit members of the Law School community because of the energy crisis have been the faculty and staff. As an example he cited the 6 p.m. shut-off of heat in offices.

"A lot of fuel was saved because the University became more efficient in monitoring heat" according to Vorenberg. He stressed that "the steps we took in December and January added to those savings." He expressed a hope that by a continuation of the present energy conservation program the school would stay within its required limits. "Even if we were pressed to do more, we would work hard to avoid a schedule change," he declared.

Sports Answers

10. New York Celtics
9. Monte Stratton, Lou Brissay
- lies among others)
8. Gene Conley, (Celtics, Phil-
7. Adam Walsh, center
6. Stan Musial
5. Chuck McKinley
- Browns
4. John Havlicek, Cleveland
3. Jackie Jensen
2. Lou Gehrig
1. Harry Vardon, Ted Ray

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