

HARVARD LAW RECORD

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"Independents" Victors In Moot Court Debate

"Closer than a hairbreadth" is the way Chief Judge Irving Kaufman described the decision which he, Justice Lewis F. Powell, Jr. and Judge Constance Baker Motley were called upon to render in the recent Ames Moot Court Competition held at the Law School.

The question argued was whether the prosecution and conviction of a licensed physician on a charge of manslaughter for aborting a fetus violated his rights to fair notice and privacy. According to Carolyn Wilson, co-president of the Board of Student Advisers and organizer of the Ames finals, the question was a composite of many cases and did not directly parallel the current Edelin manslaughter-abortion case in

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Michael A. Bowen presents respondent's argument during Final Round of the Ames Moot Court competition as opposing counsel Roger E. Schechter and Michael A. Lampert prepare rebuttal. Bowen was cited as Best Oralist.

Statistics Show Fewer Crimson In Class of '78

By Steven Prye

Any 1Ls who are domiciled in Alaska, or majored in astronomy, or graduated from Allegheny College had better check quickly with the Admissions Office. According to official statistics on the Class of 1978, such persons do not exist in this class.

The 552 members of the class include 521 of the original 763 acceptees, plus a group of 31 students who include re-admittees, deferred en-

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Students Asked to Fund Public Service Workers

By Sue Gillette

The Board of Student Advisers is seeking contributions to "Student Funded Fellowships" (SFF), a plan to redistribute the summer earnings of HLS students employed by high-paying law firms to other HLS students who take generally lower-paying jobs in the public law sector.

The goal of the fellowship plan is to provide a \$125 weekly income for students working for public interest organizations, legal services offices, public defenders, civil liberties organizations, and government or legislative offices. Other low-paying jobs involving law or public policy may qualify, according to Charles E. Bachman, 2L, initiator of SFF.

The \$125 weekly minimum was chosen as the estimated amount a student needs to "work without going into debt." Money will be available only to students whose income from their employer and all other sources is under \$125 per week.

The fellowship is recommending that students who will be working in private law firms next summer pledge to SFF \$25 or more.

"If half of the 1600-plus student body were to make pledges at that rate, the fellowship would have over \$18,000 available for distribution in the form of fellowships," Bachman noted.

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Family Man Gets Welfare Job

By Sam Goldberg

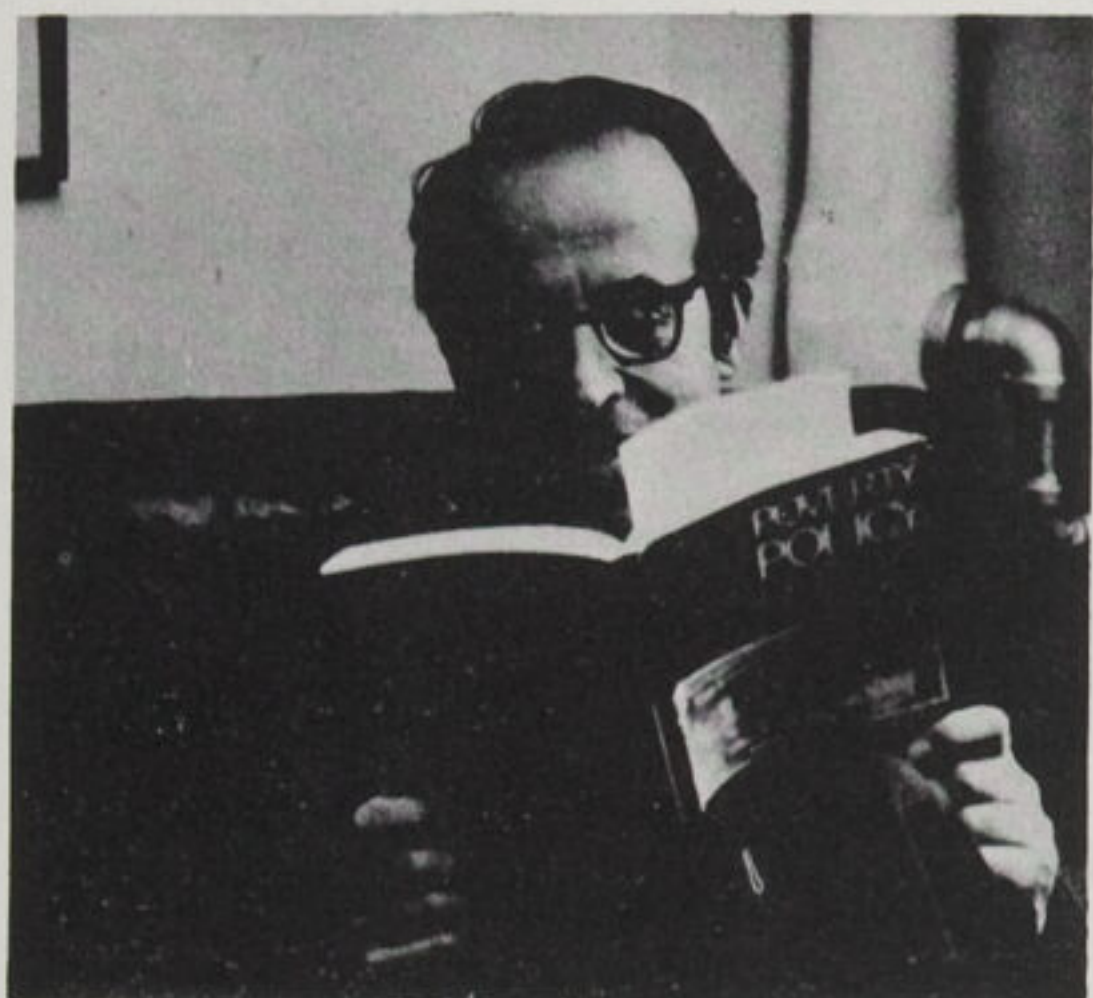
Harvard Law School Professor Frank E. A. Sander has recently been named the Chairman of the State Advisory Board of the Massachusetts Department of Public Welfare.

The primary function of the Board is to give advice and make

Obviously no stranger to state agencies and the Board, Sander already has ambitious plans for reorganization once he begins his post.

In accepting the appointment, he stated, "I look forward to a revitalization of the State Advisory Board by restructuring it around the various program

areas of the Department, such as social services and medical services. In this way, subcommittees of the Board can enlist the assistance of citizens and groups who represent expertise in the various program areas of the Department."



Frank E.A. Sander

recommendations on matters affecting welfare programs or general needs in the area of human services. The Board is made up of fifteen members who serve three year terms.

Sander's new position is an appointed one. Massachusetts state governor Michael Dukakis, in announcing the appointment, indicated that he felt that Sander would bring valuable experience with him to the job:

"I am very pleased that Professor Sander has agreed to serve in this position. Professor Sander brings with him a distinguished background in the fields of welfare and family law, through years of teaching . . . His previous service on the State Advisory Board and on the Governor's Commission on Adoption and Foster Care demonstrates his understanding of social and public welfare issues in the Commonwealth."

Tentative Vote on Ad Board

By Frank E. Sisson

In a 23-18 vote during Wednesday's meeting, the faculty indicated support for the maintenance of three student members on the Administrative Board. The "tentative" vote came after an hour and a half of lively debate on the proposal of the Ad Hoc Committee on the Board that student representation be reduced to two seats on a six or seven member committee.

The Board holds such key responsibilities as making preliminary disciplinary decisions, interpreting and applying academic rules, and considering petitions for readmission. Its decisions are in many cases final or semi-final.

The Law School has never made official the presence of students on the committee through the filing of the system with the governing boards of Harvard University. But for many years the opinions and votes of students on the Board have received *de facto* respect by the other members of the committee. Under the present system, three faculty members and two administrators make up the remainder of the Board, acting alone only when students before the Board on disciplinary charges so requested.

The Ad Hoc Committee, under the chairmanship of Professor James Vorenberg, proposed a student-faculty-administration ratio of 2-3-1

with discretion in the Dean to appoint a seventh faculty or administrative member.

Members of the Law School Council and current student representatives on the Board were present at the meeting to voice strong opposition to the proposal, which in all likelihood would reduce the student ratio on the Board from 3/8 to 2/7.

Jeffrey F. Reiman, 3L and president of the Law School Council felt that the proposal reflected a "lack of trust" in the intelligence and integrity of student representatives. He was not persuaded by Professor Charles Fried's comment that the two students under the new system would have *de jure* positions, whereas they now have no official backing and in theory could be disregarded at any time.

3L Board representative Leopoldo L. Ramos added that the presence of a member of each Law School class year is important to the effectiveness of representation, and that the phasing out of the 3L member to make room for the 1L member sometime in the spring, as envisioned by the proposed plan, disregards that member's increased effectiveness from long-term exposure to Board workings and the Law School. He also remarked that those students up for disciplinary action are entitled to have a member of their own class on the Board as it reviews the case.

Council member Thomas L. Borroughs, 2L argued that he understood the stance of the faculty "as a matter of power politics" but that faculty fears of irrational student bloc voting were implicitly premised on the idea of faculty bloc voting. Only if

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ALUMNI: Alumni who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

'78: Columbia, Wellesley Surge; Radcliffe, Cornell Lag

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trants, and Joint J.D.-M.B.A. students. Since the recent advent of deferred admission, the law school has decreased its number of acceptees in order to compensate for the naturally decreased rate of acceptees who decide not to attend (from 32% to 26%).

RECENT ADMISSIONS			
Class of:	Number Accepted	Decide Not to Attend	# Permitted to Defer
1978	763	201	41
1977	763	201	27
1976	804	258	not applicable

Twenty-four of the original 27 deferrers in the Class of 1977 entered this year, and the other three chose not to come to Harvard.

New York, Massachusetts, and California continue to lead in the number of residents entering the first-year class. The biggest increase belongs to Massachusetts. For the last two years the number claiming the Bay State as their home state has skyrocketed, from 31 in 1973 to 49 in 1974 and to this year's total of 79.

STATES	
Class of 1978	6. Ohio 28
1. New York 102	7. New Jersey 21
2. Massachusetts 79	8. Connecticut 15
3. California 46	9. North Carolina 14
4. New Jersey 32	10. Washington, D.C. 13
5. Illinois 29	1976
6. Pennsylvania 29	1. New York 92
7. Connecticut 17	2. California 53
8. Virginia 14	3. Illinois 38
9. Ohio 14	4. New Jersey 36
10. Michigan 13	5. Pennsylvania 34
1977	6. Ohio 32
1. New York 105	7. Massachusetts 31
2. Massachusetts 49	8. Maryland 15
3. California 43	9. Connecticut 14
4. Illinois 42	9. Michigan 14
5. Pennsylvania 30	9. Texas 14

There were a number of identifiable trends. First, 35% (195) of the 1Ls are Ivy League graduates. The largest decrease from last year in the number of registrants was made by the Harvard-Radcliffe contingent, which comprises 77 first-year students, down from 90 entering in each of the two previous years. In fact, in the Ivy League only four of the schools (Yale, Columbia, Dartmouth, and Brown) increased their numbers from last year, with Columbia being the *only* Ivy League school to show an increase during

each of the last two years.

Of schools with 5 or more graduates in the entering classes, Columbia alumni over the last two years appear to be the fastest-growing group of enrollees of any school in the country. Two years ago, Columbia was the only Ivy League school that was not among the top ten schools represented by 1Ls that year. Now, having increased its representation by at least 50% over the year before, Columbia is fourth on the list.

Another notable statistic is that Wellesley has replaced Radcliffe as the most represented women's school.

COLLEGES	
Class of 1978	5. Radcliffe 14
1. Harvard 67	6. Columbia 12
2. Yale 34	7. Penn 11
3. Princeton 26	8. Stanford 11
4. Columbia 20	9. Illinois 10
5. Stanford 15	10. Michigan 10
6. Cornell 15	Class of '76
7. Dartmouth 12	1. Harvard 70
8. Brown 12	2. Yale 32
9. Wellesley 11	3. Cornell 20
10. Radcliffe 10	4. Radcliffe 20
Class of '77	5. Dartmouth 14
1. Harvard 76	6. Stanford 13
2. Yale 28	7. Brown 11
3. Princeton 28	8. Michigan 11
4. Cornell 26	9. Princeton 11
	10. Penn 10

Close behind the leaders this year were Amherst and Penn, with 9 each, and Michigan, Illinois, and Virginia with 8 each.

These figures may be compared with the class of 1952, where the top schools were Harvard (119), Yale (58), Princeton (34), NYU (22), and Dartmouth and Michigan (both 13).

In terms of undergraduate majors, this year's 1Ls seem to be slightly more humanities-oriented than recent classes. However, for the umpteenth consecutive year political science was far and away the most popular major (21%), although it has decreased during each of the last two years, from 133 in 1973 to 118 this year. A distant second is history (84). A marked decrease occurred in the number of economics majors, from 66 and 65 in the Classes of '76 and

'77 respectively to only 41 in the Class of 1978. The decline was such that English replaced economics as the third-most popular major among 1Ls. While there was a decrease among political science, economics, math, and business majors, there was also an increase among history and philosophy majors.

MAJORS	
1978:	Political Science 118, History 84, English 50, Economics 41, Philosophy 32, Math 18, Psychology 17
1977:	Political Science 129, History 74, Economics 65, English 51, Math 26, Philosophy 17, Psychology 14, Business 12, Accounting 9, Sociology 9
1976:	Political Science 133, History 77, Economics 66, English 35, Philosophy 29, Math 28, Psychology 18, Sociology 14

There was also a rather sharp increase in the number of "miscellaneous" or "special" majors represented this year. These are majors that the Admissions Office is unable to reconcile with its list of "standard" majors. These majors range from such conventional topics and combinations such as Literature-Psychology to others that simply defy description. Among majors not represented in this year's entering class are music, biochemistry, and drama.

A closer look at the Class of 1978 reveals that the ages of registrants range from 19 to 36, with the average age at matriculation being 22.8. There are 80 students with additional degrees (as compared with 63 and 76 in the Classes of '76 and '77 respectively). Two-hundred and four (204) of the 1Ls (37%) have taken at least one year off since graduation. This is a considerable increase from the 153 in the Class of '77.

The class has 118 women (21%), 2 fewer than in last year's entering class, although 20 more women were offered admission to the Class of 1978 (182) than to the Class of '77 (162).

The Class of 1978 has a slightly larger minority-group representation than the Class of 1977. There are 53 Blacks, 15 Chicanos, 1 Puerto Rican, 7 Asian Americans, and 2 Native Americans.

Intern Programs Receive Good, Uncertain Reviews

By Roger P. Evans

Declaring that "educational value is the issue," Dean Albert M. Sacks gave his views on internship programs in a recent RECORD interview.

While the discussion ranged over a variety of concerns, Sacks spoke chiefly on internship programs which required a semester, or longer, away from law school.

The primary difficulty with the evaluation of the educational merit of such programs, in the Dean's opinion, was that the "necessary assurance" of a program's worth to a student was lacking. A year or semester with a law firm, business, or public interest organization, might prove of value to an individual student with particular interests, Sacks felt. However, the Dean did not feel that this was necessarily a generalizable assumption relative to all law students.

It was the Dean's opinion that the requisite supervision by the Law School of an internship program was impracticable as things are presently constituted. While some firms and organizations might run very good programs, the Dean stated, others would put students to work much as they would in normal summer programs. While allowing that a student could thereby receive a good picture of the essentials of the practice of law, such an experience would not necessarily contribute to a student's intellectual growth.

To provide more supervision, perhaps with students participating in weekly colloquia with faculty members, or writing frequent papers to be evaluated by professors, would prove burdensomely expensive, in Sacks' view.

The provision of law school credit for any internship program undertaken on an individual basis was deemed "improbable" by Sacks. Absent a more legitimized and structured program, this is likely to remain the case for the foreseeable future.

Assistant Dean Stephen M. Bernardi pointed out, also, that there exist a variety of requirements as to hours of classroom instruction required by law school accreditation agencies and by the various state bar associations. This might well prove a significant stumbling block in the inception of any regularized internship program or in the granting of credit for any which are now undertaken on an ad hoc basis.

Sacks and Bernardi believe, however, that on an individual basis, a semester or year clerkship could prove personally valuable to a student. Bernardi stated that "everything I have heard from returned students is positive — more than that, enthusiastic".

Yet many students who seek to participate in internship programs have difficulty in locating opportunities. No formal placement structure exists for the majority of internship possibilities. The result is that few students participate in internship programs. While a contributing factor to the paucity of students involved in these programs is the desire that most students have to expeditiously complete their formal legal education, the placement structure is necessarily geared to summer clerkships.

Placement Director Eleanor R. Appel was uncertain as to the number of students involved in internship programs. She did not feel that there had occurred any

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HOKKU FOR WILLIAM O. DOUGLAS

On slippery slopes
the fruits of the poisoned tree
ripen in plain view

— Mark Engel, 1L

Study Indicates 6th Amendment Rights "Empty"

By Frank E. Sisson

According to a federally-funded study, the right to legal representation by those faced with criminal charges involving prison term sanctions has received only "token" observance since the 1972 Supreme Court ruling in *Argersinger v. Hamlin* (407 U.S. 25) required such representation.

The study focused on nine cities during an 18 month period and concluded that reform in nonfelony cases "has been chaotic and uneven at best," and that the "right to counsel is an empty right for many defendants," due to judicial encouragement of waiver of counsel.

The five-volume report, released last month by the Boston University Center for Criminal Justice working under a \$258,000 grant from the Law Enforcement Assistance Administration (LEAA), contrasted the indigent defense systems of Boston, San Jose, Cleveland, Houston, Birmingham, Des Moines, Belle Glade (Florida), Saco (Maine), and Rocky River (Ohio).

LEAA Administrator Richard W. Velde said the purpose of the study was "to present in one report a detailed compilation on compliance with the court's decision with recommendations that other cities can voluntarily adopt, reject, or modify to fit their particular circumstances."

Compliance with *Argersinger* varies from city to city, according to the report. The Supreme Court conditioned the right on the absence of "a knowing and intelligent waiver." In some lower courts, this phase has been "misused", with the result of a 95 per cent waiver rate.

In Houston and Belle Glade, according to the study, "it is assumed that a defendant has waived counsel unless he aggressively asserts this right." Des Moines courts imply that the

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Ames Not Based on Edelin Trial

(Continued from Page 1)

Massachusetts. Wilson also denied a rumor that an invitation had been extended to the Justices of the Supreme Judicial Court of Massachusetts and then withdrawn.

The case was argued as if on appeal to the SJC. The facts, as given in the record, were that an unmarried 17-year-old girl sought an abortion at Suffolk County Hospital in September, 1973. The defendant first attempted a saline infusion. It failed. Then, again with the mother's consent, Dr. Marshall performed a hysterectomy. The fetus was held for three minutes *in utero* and took gasps of air, according to petitioners counsel, Roger E. Schechter, 3L.

Schechter further argued against a retroactive redefinition of manslaughter and averred that the present Massachusetts manslaughter law was so vague as to violate due process.

Michael A. Lampert, 3L, the other oralist for petitioner, opined that the doctor's reasonable medical judgment must prevail in cases of this nature and that a jury should not be allowed to consider information unavailable to a medical doctor before his operation. Citing the danger of a "chilling effect" on mothers and their physicians if the decision were to go against his client, Lampert felt that the real question for consideration should be whether the doctor at the time of the operation would have reasonably thought the fetus was viable. He warned against the spectre of Monday morning quarterbacking by a jury.

Thomas H. Lee, II, 3L, and Michael A. Bowen, 3L, orally represented the Commonwealth of Massachusetts.

Bowen pointed out that Dr. Marshall was convicted for manslaughter and not for performing an abortion. Although his case was not strong enough to go after a murder conviction, Bowen strongly stated the Commonwealth's contention that the procedure used by Dr. Marshall was not medically recognized and was unhealthy.

Lee, underscoring this point, argued that a doctor was held to know what constituted proper medical practice and that the petitioner had not complied with the standards of his profession. He countered Lampert's argument of the "chilling effect" of an adverse decision by stating that the only medical acts which would be "chilled" would be those which were inconsistent with general medical practice.

Schechter remarked that "these sudden judicial elevations often leave us at sea."

The "Independents," representing the Commonwealth, emerged victorious. In addition to Bowen and Lee, Mark G. Borden, B. Knox Dobbins, John C. Keeney, Jr., and Henry M. Walker, all 3Ls, were on the brief.

The Hughes Club members who were attorneys for the petitioner included Roger J. Baneman, John A.



Ames Justices Kaufman, Powell, and Motley listen attentively to oralists during November 20 competition in the Ames courtroom, filled to capacity.

The three justices questioned the oralists intensively. Kaufman, for example, asked whether it made any difference whether the fetus remained in the uterus or not. The question was artfully dodged by the attorneys for petitioner. *Roe v. Wade* lurked behind much of the argument, since a central question was whether the applicable Massachusetts manslaughter law unconstitutionally burdened rights afforded by that opinion. Kaufman was particularly concerned in this regard about the burdens that a decision for the Commonwealth might mean for the poor, young and mentally disturbed.

A light moment in the proceedings occurred when it came out that Motley had been the attorney who had won a decision in a case heavily relied on by petitioner.

Burgess, Jeffrey H. Davidson, and Michael C. Spencer, 3Ls, as well as Schechter and Lampert.

Asked to evaluate his experience as a brief writer for the Ames Competition, Borden said that he had found the experience "valuable"—not for the rather modest monetary stipend awarded the winning team but for the legal reasoning which the competition required and the opportunity to match wits in a fairly true-to-life legal setting.

Lee added that the whole thing had at times been a "headache." He contended, however, that a competition such as Ames was necessary to provide students with tools of legal writing, analysis, and oral advocacy. Lee averred that the law school was remiss in its "moral obligation" to provide this type of significant experience for all students.

A Comment on the Miller Incident

Ed. Note: "Freezing in the Dark" will occasionally appear in this paper containing the personal opinions of RECORD staffers on matters of current interest.

By Bob Rizzi
and
Roger Evans

An incident four weeks ago in Professor Arthur R. Miller's civil procedure class was reported briefly in the RECORD of Nov. 21. Billed as the Law School's equivalent of the Sepoy Mutiny, the incident began as unassuming and has led to results as misunderstood and unfortunate as the 19th century Indian revolt. Publicity which followed the incident may have contributed to those misunderstandings.

Professor Miller is a controversial teacher. The vast majority of students who have learned civil procedure from him believe he is one of the finest professors in the Law School. The rest do not. His style of instruction in certain respects is the traditional "interrum." It depends upon a high level of classroom tension. It also depends upon a high degree of pre-class preparation. To ensure this, Professor Miller begins his course every year with a statement of procedure: that students should be prepared; if they must for some reason come to class unprepared, they are to give Miller a note and will then not be asked to participate.

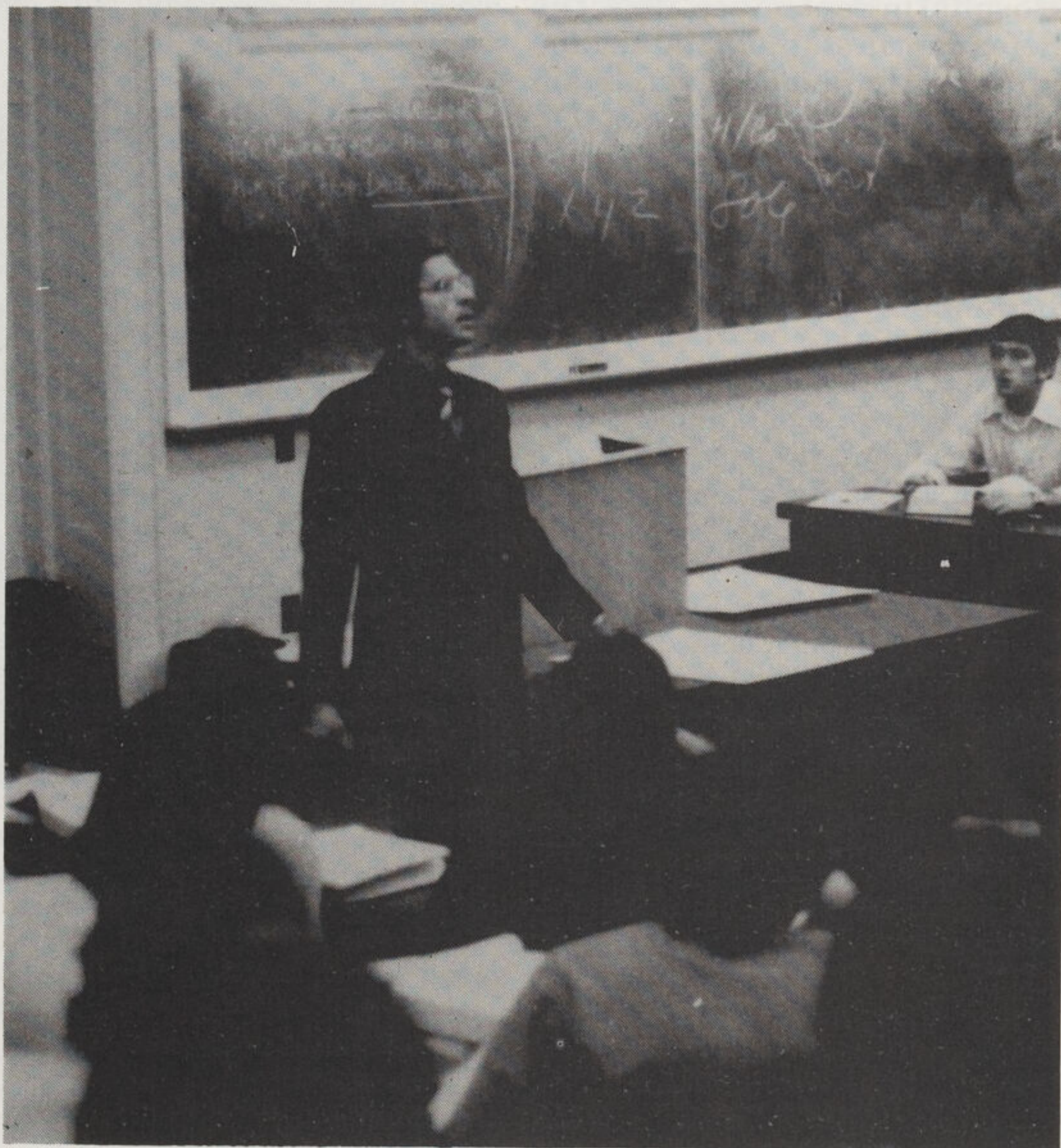
The incident four weeks ago arose out of a failure of a student to leave a note that he was unprepared. For this oversight, when called upon, the student was taken to task. He later apologized to Professor Miller, and the matter might then have been ended. Instead, a petition, a series of meetings, and a brand-new student organization resulted.

Was all this really necessary? Is there too much tension at Harvard for first-year law students? (Second- and third-year students, who may sleep through more of their present courses than they care to think ab-

out, probably don't have to ask this question for themselves.) Certainly tension accounts for the repercussions of the incident in Miller's case. Absent a background of uncertainty and fear, the incident might well have been ignored. At least it would have been analyzed on its merits:

Alumni will wonder if law students have gone "soft." The real question is whether a law school education requires such incidents.

The sobering fact is that it may. At the very least, the new organization launched to examine the



Professor Arthur R. Miller

adequacy of notice, materiality of error, severity of reprimand. Instead, it has become the triggering cause — though, as a letter from one of Miller's students reprinted elsewhere in this issue indicates, by no means the only cause — of extended discussion and a new student organization. Other professors in the Law School have been confronted this year with incidents of a kind similar to the one in Miller's classroom. None have been more serious, but all are an indication of the reaction of some students to the tensions of the first year.

first-year experience should consider this as a realistic possibility. The students, less than one-fifth of Miller's class, who signed a letter objecting to the reprimand should also be straightforward enough to contemplate not only the basis for the procedure under which his class is run, but also the reason for the pressure they object to. They should consider that there are few courses first-year students remember more from than Miller's, and few professors who, at the end of the year, are more highly regarded.

3L Heads International Society

By Tim Cooper

Did you ever dream of being a bartender on the *Delta Queen* riverboat? How about taking a ride on the same *Orient Express* on which Hercule Poirot solved his most famous case? Or perhaps you have always wanted to visit "beautiful downtown Saigon." Talk to Logan G. Robinson, he's done them all. Robinson is the President of the Harvard International Law Society and last April was elected National Student President of the American Society of International Law.

The American Society of International Law is a venerable scholarly organization for lawyers and others who have an interest in international law. One of the activities of the Student Organization is running the Jessup Moot Court Competition in which pertinent topics of international law are debated. First rounds are held by ILS groups in many law schools around the country, with regional and then national competition taking place. The U.S. winner then takes on an international team.

Elected to a one year term as President, Robinson's job includes the supervision and conduct of the moot court competition, development of other regional ILS groups, and the filming of a recently held Career Opportunity Conference. Since his election Robinson has travelled to Washington three or four times to meet with the Executive Secretary and other officers to plan the organization's activities.

Robinson is also an International Research Exchange Preparatory Fellow. Having started the program in his second year, he has been preparing for a possible graduate study grant at the Moscow State University. He has taken several courses in Russian law and last summer studied the Russian language at Middlebury College. If accepted, Robinson will be on the law faculty at Moscow State and will pursue graduate study by examining the Soviet conception of the citizen's re-

sponsibilities to the state and community.

"All Americans have heard or seen is the political side" of the Soviet government, states Robinson, but "they, as do we, have to have some kind of rules" under which society operates. In studying the Soviet legal system, Robinson would like to dispel some of the incorrect notions that Americans hold of it. Along with studying the legal system itself he would also like to



Logan G. Robinson

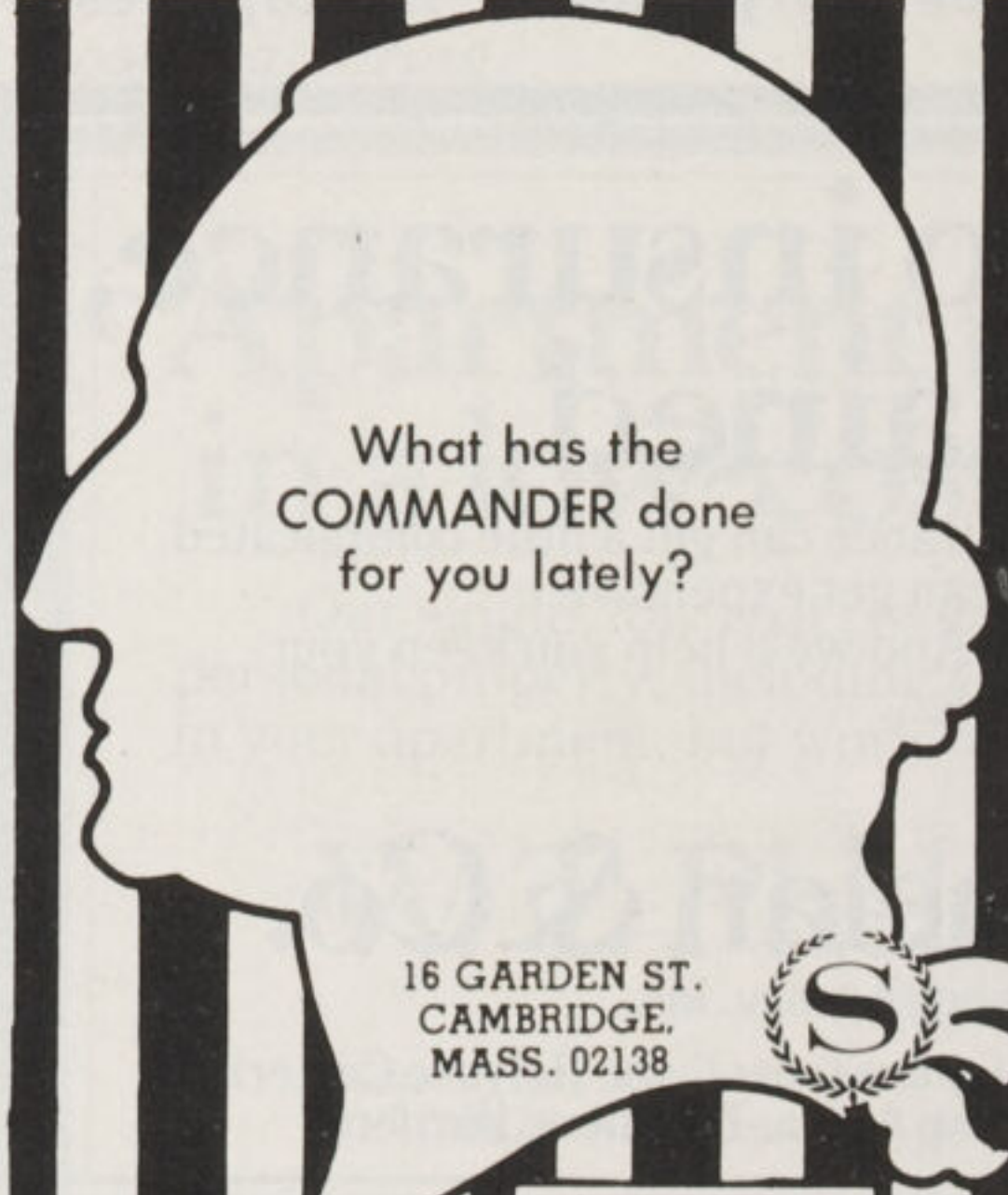
examine the East-West trade now going on.

The son of a military man,

Robinson was accustomed to travelling a great deal. He got used to the "rootlessness" of his life and became very interested in travel and, later, in international law. Although he cannot pinpoint his interest in international law, Robinson believes that it offers something more than does conventional law practice. While the mechanics are the same — contracts, litigation, etc. — he feels that the interest comes in working with people of various countries and in the interesting problems that sometimes arise from that fact. Robinson is especially interested in working on future trade between the United States and the Soviet Union.

If travel is a prerequisite for a career in international law, Robinson is way ahead of the game. After graduating from Cornell in 1972, he went to work on the *Delta Queen* and then spent some time in Germany, followed by a trip into the Mideast. From there he took the overland route to India, then visited Burma, Thailand, Laos, and South Vietnam. Since starting law school Robinson has worked in the more mundane atmospheres of Cincinnati and New York.

Robinson is an appropriate president of the student organization of the ASIL. There aren't many people with a resume that reads like Phineas Fogg's itinerary.



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Antitrust Policy Linked to GNP

By Roger Bernstein, 2L

As part of its efforts to control inflation and reduce unemployment, Congress is about to authorize a three-fold increase in the level of annual appropriations for antitrust law enforcement. Both economic theory and a recent study by economist Leonard Weiss of the University of Wisconsin suggest that this Congressional program will indeed have the desired effect on these two problems.

According to Weiss, one year's effort by the average Antitrust Division lawyer generates from \$46,000 to \$2.6 million a year in additional Gross National Product (in 1968 prices). This gain comes from the efficiency advantages a competitively organized economy has over one in which industries are monopolized. Since each of these lawyers costs the Government an average of \$32,000 a year (again in 1968 prices, and including overhead), it is clear that society's investment in antitrust enforcement has thus far shown a very handsome return of 40 to 8,000 percent.

Of course, current high return on antitrust enforcement efforts does not guarantee similar high returns on the additional enforcement efforts Congress contemplates. The extent of increase will depend, among other things, on how carefully the Antitrust Division chooses cases

for "win ability," for dollar value of sales affected, and for extent of price elevation due to monopoly power.

Not enough is known about the pattern of diminishing returns to antitrust enforcement to say at what point additional enforcement will cost more in lawyers' time than it yields in increased GNP. On the basis of the current picture, however, it seems safe to say that a three-fold increase in the overall antitrust budget is very likely to yield continued improvement in the economy's performance, and accordingly, in its severe inflation and unemployment problems.

The price decreases that accompany successful antitrust prosecutions not only engender greater economic growth, but also redistribute income away from antitrust law violators to consumers of their products. For buyers, this lowering of prices on violators' products runs counter to the general inflationary trend and thereby lessens the impact of inflation. For unsuccessful antitrust defendants, however, this lowering of income (due to loss of monopoly profits) exacerbates the effect of inflation on their purchasing power.

However, there is little need to sympathize with the average defendant in a Justice Department antitrust case. The principle focus of the antitrust laws is on corporate monopolies and

oligopolies, and more than 50% of the stock of the country's corporations is owned by the richest 1% of the population, according to a 1974 study by Marshall Blume, Jean Crockett, and Irwin Friend of the Wharton School of the University of Pennsylvania. Accordingly, any cost-increasing burden of antitrust enforcement will fall primarily upon those who are best able to absorb that burden and who have been least affected by inflation.

Similarly, the recent efforts of the Antitrust Division to eliminate the anti-competitive practices of professionals (mostly engineers, but to an increasing extent, lawyers as well) will be far more costly to groups that can afford reductions in income than to other groups in society.

Weiss' study also contains some interesting data on the magnitude of the redistributive effect of antitrust enforcement. The gain to consumers (including intermediate level manufacturers) from each year of work by a lawyer in the Antitrust Division ranges from \$900,000 to \$53 million a year, depending on the kind of case brought (again, in 1968 prices). Accordingly, each additional antitrust lawyer hired under Congress' proposed program can probably generate substantial counter-inflationary savings for consumers.

At \$32,000 per lawyer year, it is obvious that we are a long way from reaching the point of diminishing returns to antitrust enforcement if what we want from the antitrust laws is redistribution of income. Of course, when we reach the point at which there are no more net increases in GNP resulting from additional antitrust enforcement, such redistribution would be at the expense of economic growth. However, since it seems likely that even with a tripled antitrust budget there will still

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HARVARD LAW RECORD

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Ramsbotham: Britain Involved With Emerging EEC Function

By Ann T. Bailen

The Law School Forum's Fall '75 season ended with a talk by the British Ambassador, Sir Peter Ramsbotham, in an informal gathering in the Root Room. Sir Peter began by saluting the American Bicentennial, and then turned to the topic of Britain's changing role in the world.

Sir Peter expressed the view that Britain's traditional aloofness has given way, during the past decade, to partnership with Europe. He called the British Empire an "aberration" arising out of the Industrial Revolution in Britain, and noted that Britain never had the geographical strength or internal resources to remain a world power. Britain's World War II alliance with the United States merely fed Britain's illusion of preeminence.

Although Churchill perceived the necessity of economic ties with France, it was not until Britain joined the Common Market that she began to fulfill her modern role as a medium power working within the European community.

Sir Peter stressed that the importance of Britain's new position is not to be underestimated. British sophistication and experience in Third World countries will be very useful in the economic, political and diplomatic maneuvering of a world no longer dominated by two super-powers.

Turning to Britain's internal affairs, Sir Peter said that Britain is currently facing the dilemma of how to reconcile economic growth with a striving for social justice. Sir Peter acknowledged that American criticism of Britain's social inequality may have validity, but he pointed out that British society is undergoing thorough self-examination. Britain is considering, among other fundamental changes, adopting a written Constitution.

Sir Peter feels that the economic situation in Britain

will improve by next summer. But he foresees the possibility of a wealth tax as a drastic measure to induce Labor to support otherwise "unpalatable" government programs.

In response to a question from the audience, Sir Peter denied that Britain is moving toward socialism, but said that the issue, rather, is the extent of nationalization of certain unhealthy industries, such as railroads and shipbuilding. He pointed out that such possibilities were not so remote even in the United States.



British Ambassador Sir Peter Ramsbotham speaks before Forum Root Room gathering.

Faculty Ruling Tentatively OK's 3 Student Reps

(continued from Page 2)

one of the 5-member faculty/administration majority "did the unthinkable" and supported student positions would the stalemate problems cited by several faculty members come into play. ("Stalemate often means no action.")

Faculty views generally favored preserving a significant faculty/administrative majority on the Board. Professor Paul Bator espoused a faculty plurality as a desirable element in the new Board in order to ensure protection of "the integrity of the academic enterprise."

Nearly 100 minutes into the debate, Dean Albert M. Sacks called for a vote on the "Reiman proposal" that three students rather than two be included in the new Board. Sacks termed the vote "tentative and subject to re-examination" given the feelings of some members of the faculty that the student contingent should depend on the size of the Board, which could be modified in further debate.

The vote for the three-student proposal carrying, some members of the faculty attempted to force a straw-vote on the ultimate size of the Board, which would better guide the Ad Hoc Committee in developing more refined options. It was evident, however, that there would be lengthy discussion on this issue as well; Sacks tabled the matter until the next meeting.

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Pitch Out

The Board of Student Advisers hopes for pledges of \$12,000 or more from HLS students to support a program ("Student Funded Fellowships") of income supplements to other HLS students holding public law jobs which do not provide the often lucrative remuneration accompanying employment by private firms.

The expectations of SFF may seem Pollyanna-ish at first glance. We hope that many will take second and third looks, noting the merits of the program and its success elsewhere.

The program could pull some of the germinating legal talent at the Law School into legal areas not generally sought by HLS graduates which need qualified attorneys in increasing numbers. Many pressures at this Law School pressure a student to join a law firm for summer employment and after graduation. The placement office procedures for seeking public law jobs are haphazard and little publicized. The curriculum is oriented toward corporate practice. One's peers even encourage the corporate drift.

SFF could become a force to encourage students to explore non-traditional opportunities in public law. The weekly salary SFF proposes to provide to its recipients is only a minimal part of the program's total effect. A \$125 weekly salary won't itself lure many students to public law. (And we are confident that SFF will be fairly managed and its moneys equitably distributed.)

The crucial aspect of SFF is the opportunity it provides for law students — yes, even students of the Harvard Law School — to demonstrate support for public law programs and for their classmates who elect to give up the possibility of "big bucks" private practice in order to serve the public welfare. Moral support from fellow professionals should bolster students who have made such a choice and may sway vacillating students to step across the line into public law. Should the programs succeed, the Law School might draw more applications from qualified people turned off by the current corporate emphasis to HLS courses and placement.

Each potential donor to SFF must make his or her own decision about whether to pledge and how much to pledge. For some students a pledge may not be financially sensible. Others may prefer not to pledge because they do not support the goals of SFF. We hope no one will withhold a pledge because of a feeling that support of public law is not primarily the responsibility of law students. Future members of the legal profession ought not shift the burden of encouraging fellow lawyers to contribute their abilities to public law. Lawyers have an interest in assuring that the talents of their profession are available wherever needed in American society — whether on Wall Street or in the public defender's office.

HARVARD LAW RECORD

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Fenno

"I see you've finally taken a job," Fenno said to the 3L, as the latter thoughtfully pinned his crimson-and-black striped tie to the Ames 1 bulletin board.

"What gives you that idea?" the 3L demanded, writing short and to-the-point Anglo-Saxon expletives across his six remaining interview cards.

"I don't know," Fenno admitted. "It's the kind of thing you get a feel for after you've been around this place for a few years. I got my first inkling when I saw you wadding up copies of your resume and throwing them at the professor you'd asked to write your recommendations."

"You know," the 3L said, "you're absolutely right. It's uncanny."

Fenno shrugged modestly. "Call it instinct," he said. "Who have you decided to work for?"

"Well, I talked to several Wall Street firms in October."

"Were those interviews productive?"

"There was a lot of motion, but the bottom line was that they didn't produce anything."

"Look on the bright side. Think how much lower your taxes will be if you don't work in New York. How did your interview with Nader go?"

"He said I shouldn't have any trouble spotting misrepresentation, since it appeared from a comparison of my transcript and my resume that I had considerable experience with it."

"That doesn't sound very promising."

"No. He said he couldn't offer me a job, but he could guarantee I'd have a prominent place in his book on the Law School."

"Hmm. And I take it your interview with the Justice Department didn't go any better."

"It was quite successful, actually. I agreed not to interview them again, and in return they agreed not to have me indicted."

"I guess this experience has sort of dampened your enthusiasm for public sector employment."

"That and the realization that at the end of this term the money I owe Harvard Law School will approximately equal my first three years' salary as a government employee."

"So what did you finally do?"

"Well, it turned out that the Wall Street firms finally decided in December that I was better than what they were likely to get otherwise."

"I can almost see their point. So you decided to sell out as the undergraduates put it."

"Not quite. I figure after a couple of years, people will forget little things like an F in Legal Methods, and I'll be able to move on to something better suited to my radical temperament."

"Sounds like selling out to me."

"I prefer to think of it," the 3L said contentedly, "as renting out."

Letters to the Editor of the RECORD

Humorless Firm Not Late, Lazy or Racist

To the Editor:

In the October 24 issue of the *Harvard Law Record*, an article appeared which stated that certain recruiters had failed to disclose statistics regarding hiring of women and minority group members. This firm was included in that list.

Since that story was inaccurate as far as this firm is concerned, we contacted the Placement Office at the Law School which conceded that they had erred in failing to indicate in their files that we had returned the questionnaire regarding minority qualifications. The Placement Office indicated that a corrective statement would be submitted to the *Record*, and we subsequently received a copy of that statement from Ms. Appel.

In the November 7 issue of the *Record*, the statement from Ms. Appel was printed in its entirety under the astounding headline "Employers Late or Lazy but Not Racist". I would like to point out that this firm was not late, was not lazy, and is not racist. I assume the *Harvard Law Record* is not racist, I know the *Harvard Law Record* is late because it never arrives on time. Finally, I am now quite certain that if anyone is lazy, it is the headline writer of the *Law Record* who does not bother to read items about which he writes headlines.

Robert D. Papkin, '57
Cox, Langford & Brown
District of Columbia

The Sheep That Was Lost, But Now, Found

To the Editor:

Your article in the 24 October *Record*, received today, was technically correct in stating (page 5) that this firm did not supply statistics regarding hiring of women and minority group members (of which we have both). The rather simple explanation, which further inquiry would have disclosed, is that we did not conduct interviews or recruit at Harvard in the fall of 1975.

While I originally scheduled a date (October 9) to conduct interviews at Harvard, that date was cancelled because of an extended business trip which took me out of the country and from which I only recently returned. No other member of the firm was able to keep the appointment I was forced to break. Consequently, no recruiting occurred and a "Notice of Interview" form was not supplied the Placement Office — on which form one supplies minority hiring information.

This firm has had a long and happy

relationship with the Harvard Law School and, when interviewing there in the future, will provide any information called for by the Placement Office. The confusion of my creation in 1975 is such that no retraction or apology is called for, but you might be good enough to pass this letter on to Ms. Stocking. I am also providing the Placement Office a copy in the event we have, through this chain of events, been found seriously wanting.

Thomas R. Remington, '56
Armstrong, Teasdale, Kramer & Vaughn
St. Louis, Mo

Unpublished Cases By The Volume

To the Editor:

The November 7th issue has a headline: "Unpublished Opinions By Ninth Circuit Court".

We in Wisconsin have an even more interesting situation.

The Supreme Court will list unpublished per curiam opinions that are decided under a summary rule eliminating argument of counsel. These are listed only by name and disposition.

The court then lists the original writs and the Habeas Corpus Petitions denied without opinion.

In addition to these two groups of unpublished opinions there is the additional one where the Supreme Court has decided that the matter is not the subject of a published opinion.

In the latter instance, the court, assuming there is nothing to discuss, enters an order and that order is not even published with the two categories named above.

Thus again, Wisconsin is in the forefront of changes in the law. Whether for the best or not remains to be seen.

George M. St. Peter, '35
Fond du Lac, Wisconsin

Sports Quiz Ed. Drops The Ball

To the Editor:

In your November 7 issue, question 1 of the Sports Quiz asks who ended Oklahoma's 31 game winning streak in 1951. Your answer was Notre Dame. I think you will find that the University of Kentucky ended Oklahoma's winning streak in the Sugar Bowl in New Orleans on New Year's day, 1951. I saw that game. If your records indicate I am wrong, I would appreciate your letting me know.

I believe that Notre Dame's claim to fame was that it was the last team to beat Oklahoma before the long winning streak beginning in 1952 and was the first team to

beat Oklahoma and end that winning streak.

Also, my schoolmate, Cliff Hagan would not appreciate your misspelling his name as Hagen.

John T. Ballantine '57
Louisville, Kentucky

By Whom Is Whom Being Subvened?

To the Editor:

In a recent letter [Nov. 7] posing several questions concerning the *Harvard Law Review*, four unidentified students asked, among other things, whether the Law School "subsidizes" the *Review* "with space, utilities, and money" and, if so, whether it is "fair to have some students pay for something that only directly benefits others".

The *Review* is not a bookish analog of the intramural basketball league. Like the Law School and the University, it attempts to serve, not only the students for the time being, but separate interests of the profession and the community at large. If, in pursuit of those other interests, the Law School does "subsidize" the *Review*, that is scarcely "unfair" to current students.

Furthermore, it seems likely that subscribers to the *Review* collectively contribute to the Law School's Annual Giving (and thus, in part, to the School's students) far more than the subvention, if any, which the Law School grants the *Review*. Who is "subsidizing" whom?

Richard Schumacher, '58
New York, New York

First Year Student Hits Miller Report

To the Editor:

I hope this is the last word on an incident which was blown out of proportion. It should have been a private matter between the teacher and his students, but now that the HARVARD LAW RECORD and "Section Five" have chosen to make it public, I cannot remain silent. As one of the 28 students who signed the letter to Professor Arthur R. Miller regarding one incident in class, I feel I am partly responsible for the current furor and the misleading article in the November 21, 1975, *Record*.

I do not question the validity of the complaints of the members of "Section Five," but I do object to the causal connection made between one incident in Professor Miller's civil procedure class and the birth of "Section Five." "Section Five" is an outgrowth of the conditions of the law school in general, not the incident in Professor Miller's class in particular. The letter we gave to Professor Miller was not to protest his conduct, but to express our concern over one incident, and it did not require a reply. As the letter itself states, we were "frustrated, largely because of our respect for [Professor Miller], [his] understanding of the law, and [his] ability to

(Continued on Page 12)

Letters

impart that understanding to us." We wanted to let him know that he is an effective teacher even without the use of the tactic he employed in that one class. We all agree, as the same letter states, that his "effectiveness as a teacher speaks for itself."

Deborah Ching, 1L
Section III

Cryptic Law

The following excerpt from a rather dated opinion is in "judicial code." Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

Ng Gtb Czid, bvtg jvt Ftggwcyhgnh irt
bhw mzyyzbte, nj bhw vtye jrhj h enitljnzz jz
jithj hyy wjzld enknetgew hw finglnfhy bhw
gzj nyytahy. Jvt zffzwnjt itwryj bhw ithlvte
ng Ftggwcyhgnh.

(Solution on Page 16)

Sports Answers

0-1 Don't fret. Your performance may lack, but at least you've got Dick Motta's warmth and congeniality.
2-4 You're a lot like Bill Walton's diet — a vegetable, nuts, and a little fruit.
5-6 Your ability is receding as fast as Bill Bradley's hairline, or is it the other way around?
7-8 Good job, but we're surprised you and Tom Burleson even survived Thanksgiving (gobble-gobble).
Add up your score and see how you rate on this humorous scale. (We realize, of course, that the humor is like Wes Unseld's knees — weak and strained.)

SCORING

1. Ken Spain.
2. Phil Chenier.
3. Van Lier; St. Francis; McGlocklin; Indiana; Silas; Creighton; Thurmond; Bowling Green.
4. Mike Riordan, drafted out of the Eastern League by the Knicks.
5. Boston Celtics.
6. Kermit Washington, American University.
7. Weber State.
8. Robertson: Crispus Attucks, Indianapolis; Russell: McClymonds, Oakland; Hawkins: Boys, N.Y.; Carr: DeMatha, Wash., D.C.

SPORTS QUIZ

By Katz, Noto, & Zagrans

1. The Houston Cougars stopped the 47 game UCLA winning streak, 71-69, in the Astrodome in 1968. Coach Guy Lewis had a superb team, led by Elvin Hayes and Don Chaney. Who was their center?
2. Who was the first NBA Hardship draftee? (Hint: he was drafted out of the University of California.)
3. What colleges did Norm Van Lier, Jon McGlocklin, Paul Silas, and Nate Thurmond attend?
4. Who was Jimmy Walker's understudy at guard at Providence College?
5. What was the first NBA team to start five Blacks?
6. Who was the last college player to average 20 points and 20 rebounds per game in his career?
7. Where did Dick Motta coach before he went to the Chicago Bulls?
8. At which high schools did Oscar Robertson, Bill Russell, Connie Hawkins, and Austin Carr star?

Law Notes

Theodore Conant, Director of Technology, Schroder Bank Group, and former director-producer with CBS, WGBH, UN and Canadian Film Board will lecture on "Broadcasting in Asia," at 4:10 p.m. today, Friday, Dec. 5. The lecture is one of the East Asian Law Speakers Program.

* * * * *

Professor Robert B. Oxnam of Trinity College will lecture on "American Public Opinion and China Policy" at 1:10 p.m. on Thursday, Dec. 11. This is also one of the East Asian Law Speakers Lectures.

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(Continued from Page 4)

"dramatic increase" in recent years. A significant reason for this may be that students usually are required to construct their own programs. Few law firms have formal provisions for taking on a law clerk during the fall or winter months.

Samuel J. Goldberg, 2L, and Robert A. Rizzi, 2L, are representative of students who have sought out internship programs. Goldberg will spend his summer with one Kansas City firm, the fall with another firm in the same city, and the winter months in Milwaukee. Goldberg listed a number of reasons for scheduling his year in this manner. One concern was that he be able to look at two firms in a city interested in which he was to a greater extent than would be possible if he were to split the summer between them. Not a small part of his decision was predicated by the fact that he will be able to spend the next year with his new wife, something he would otherwise be unable to do because of her academic and employment commitments. Finally, he expressed the possibility that there may be some value in deferring any potentially life-determining decisions for another year.

Goldberg did experience some difficulty in setting up his plan. Many firms questioned his intentions and claimed logistical difficulty in making provision for his program.

Rizzi did not have the problems which faced Goldberg, in that he will spend next year with a major Cleveland firm which has a well-developed internship program. Important factors for Rizzi were the opportunity to have a more intense experience with a firm in which he would be treated and trained as much like a lawyer as is ethically possible, and the ability to work on longer, more in-depth projects.

There may also be extensive fringe benefits to his experience. Provision is made for salary at the same rate as that paid clerks during the summer, for a scholarship on the basis of need for the third year of law study, and for travel and moving expenses. No assurance of fu-

ot Certain of Internships Worth

ture employment is offered, nor is any guarantee of acceptance of an offer by the student required. Although only in its second year, the program has proved highly successful.

Both public intern organizations and businesses also offer internship programs. A land use, tourism, and recreation advisory company based in South Carolina offers mid-year or term-time positions. The Citizens Communications Center in Washington, D.C. offers an intern program in which more than fifty students have so far participated, although only a few have been from Harvard. Examples of work experience offered by this organization include experience in research, drafting Federal Communications Commission and court of appeals pleadings, and participation in negotiations and client conferences.

The opportunities do seem to

exist for those students with sufficient energy and initiative to seek them out. The Law School is reluctant, however, to give anything more than benign approval to student efforts in this area. As Bernardi says, the Law School must exercise its "pedagogical responsibility seriously. A program would have to be systemized and not merely structured in response to client's needs."

On an individual basis, an internship could be valuable.

Other opportunities do exist for students to participate in a variety of legal experiences, including "splitting" the summer, engaging in term-time work, and seeking legal employment after the first

year of law school. The Law School does offer a variety of clinical programs, many of which offer field experience to students. Yet other law schools in the Boston area, and elsewhere, have undertaken more broad-based efforts.

Northeastern Law School has a work-study program wherein law students are placed in offices in Eastern Massachusetts and elsewhere. Sacks points out, however, that this is primarily a program of financial assistance with the additional benefit of legal experience. He was unsure as to how much, if any, Credit toward law school work was afforded by this program.

Bernardi also mentioned that Stanford and Boal & Hall had provisions for a more formalized internship program in which law students worked in law offices or for judges in the Bay Area. Weekly meetings are held with faculty members to aid in the evaluation of the process.

Per Curiam . . .



Garbage In — Garbage Out

SFF to Spur Public Sector Opportunities?

Contributions to SFF may not be tax-deductible, since it is anticipated that some recipients will be doing political work. This would exclude the donors from tax deductions (IRC § 170(c)(3)) and may mean that the fellowship program itself will not be tax-exempt (IRC § 501(c)(3)).

Bachman pointed out that the non-deductible treatment of pledges will not affect most students, since they don't take itemized deductions on their federal income tax.

Bachman describes the opportunity to make such a donation as a "serious challenge to the sincerity of HLS students who have disparaged the vocational, commercial or corporate atmosphere said to pervade the Law School," but who nonetheless accept corporate law jobs.

Bachman also described the new fund as an "excellent opportunity" for all students here to take a personal role in fulfilling the legal profession's commitment to upgrading the level of legal services available in the public sector by providing financial rewards which will attract greater numbers of qualified people to such work.

SFF is not seeking contributions from the Law School or from alumni. Student contributions will support administrative costs (estimated at \$500 or less) and payments to recipients under the fund. Ten per cent of the contributions will be held back to cover administrative costs next year and to provide a cushion in case some students default on their pledges.

Initial expenses of SFF and the first payments to recipients will be covered by a \$3,000 interest-free loan from the Law School. That loan will be repaid in full next September when all pledges are received, Bachman said.

He insists upon financial independence from the Law School because a goal of the fund is to create a "self-help, communitarian" program. "We

are students helping other students," he said.

Contributions through pledges this year have been estimated at \$12,000. This figure is based upon initial pledges in a similar program begun at Yale three years ago. The Yale fund received \$4,000 from 80 contributors (out of a student body of 450). Bachman speculates that Harvard, more than three times the size of Yale, should triple Yale's donations.

"Both 1L's and 2L's will be eligible to receive fellowships and students in all three classes will be solicited for contributions," stated Bachman. More detailed information concerning both applications and pledges will be forthcoming in the next two weeks.

According to Norman J. Abrams, 2L, a member of the fellowship board, students who think their summer jobs might qualify for fund assistance will be asked to apply in a two step process.

First, the student will be asked to simply submit his or her name and an estimate of how large a fellowship is needed. Later, the fund will require a full description of the job the student has accepted. Other sources of summer income that are available to the student must be reported, but he or she will not be required to show "financial need."

The criteria for eligibility of the job and the method of distributing the money available among eligibles have not been fixed at this time.

A five-member board, Bachman, Abrams and three additional students, will manage the Fund. Any students interested in serving on the board or helping SFF should give their name, address, phone number and class year to Bachman by leaving a message at the BSA office.

Professor Richard B. Stewart is adviser to Student Funded Fellowships.

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Nine City Study: Right to Counsel in Jeopardy

(Continued from Page 4)

attorney's fees will fall on the defendant. In Cleveland, courts announce that presence of counsel is unimportant in first-offense cases.

Not all areas investigated in the study yielded negative comments. The San Jose public defender system was termed "highly organized and well organized." Saco courts carefully explain possible pleas and waivers before trial, and the defendant is carefully questioned by the judge to ensure that he comprehends his rights and options.

The report found general inadequacy in representation by court-appointed counsel, "Upon appointment, attorneys immediately consult with their clients, determine a plea, and generally complete a case. The resulting service of counsel is largely dispirited, haphazard, and inadequate." The report also stated that attorneys provided to indigents are too often selected at the last minute. Thus inadequate representation is reinforced by shortage of time to prepare a case.

As a preface to recommendations aimed at obtaining better observance of *Argersinger* stan-

dards, the report noted that "reform of the lower criminal courts is not possible without wholesale changes in the types of matters brought before them." It favored easing the burden on the system by shifting handling of nonserious violations (such as minor traffic offenses) to administrative proceedings, and by decriminalization of certain nonfelony crimes such as public intoxication or loitering.

Recommendations of the report with regard to *Argersinger* standards included:

- Courts should avoid predetermination of the likelihood of imprisonment prior to trial to ensure against prejudice of defendant's right to a fair trial.

- Counsel should be offered at the earliest possible point to all eligible defendants charged with offenses entailing potential prison terms.

- Predetermination that authorized imprisonment will never be imposed should not be attempted since this would usurp legislative authority and exceed the bounds of judicial power.

- Defendants should be allowed to waive counsel only after thorough discussions aimed at full understanding of rights and options involved.

- Specialized training programs for public defenders and appointed private counsel should be conducted. All bar members, with few exceptions, should be required to accept nonfelony cases.

- Financial eligibility standards should be publicized. People with incomes below the Labor Department's "moderate standard of living" figure should be eligible.

- State and local implementation programs should begin immediately to better establish *Argersinger* goals. A national conference might be financed by the federal government to address major issues involved.

- Prepaid legal insurance systems should be established and required to include a component for criminal defense.

Antitrust Plan, Unemployment Interdependent

(Continued from Page 8)

be large net gains in GNP, it does not seem that this is the time to worry about any growth/redistribution tradeoff.

There is every reason to think that Congress' new-found interest in antitrust enforcement will reduce inflation and unemployment. The additional jobs that will thereby be made available to the legal profession should enable law students and law graduates to enjoy greater opportunity for working in an area of the law that is not only deeply affected by the public interest, but is also capable of having major effects on the pressing economic problems of today.

Ed. Note: The "Backbencher" is open to its readers as a forum for their opinions. The RECORD invites contributions for that purpose.

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A Love Story of Your Own? Try Dantés

By Sam Goldberg

Ah, Love. Such a magical, mystical, wonderful word. Is the concept really foreign to the typical Harvard Law student? Are hard cases and ineluctable logic inconsistent with basic human emotions? No. I refuse to be so jaded, so overwhelmed by first impressions, to arrive at such a disheartening conclusion. Pining, anxious and lonely hearts do exist underneath the slowly hardening exterior of the 1L (they do not easily give up fond college memories of cohabitation). Careful observation will reveal 2L's arranging secret lover's trysts in the basement of Langdell. And 3L's — well, maybe in some cases it is too late.

Romance is *not* dead at Harvard Law School. And we have found the perfect restaurant for those future lawyers who can still find time to be

lovers. Although hesitant to spur a deluge of students with who knows what kind of perversions upon this gem, we must nevertheless heartily recommend *Dantés*, located in a secluded corner of Beacon Hill on Joy Street, as the place to cement whatever budding relationships you may be able to develop.

Dantés is an Italian restaurant, a point in its favor right at the start. But the food, while at times eminently palatable, is the least important aspect of the establishment. When it comes down to the big moment, when you stare into her (his) glistening, expectant eyes, it's atmosphere that counts. In other words, Harkness could serve meals fit for a connoisseur, and yet one wouldn't want to propose (or proposition) there.

The atmosphere here is that of your basic, traditional romantic restaurant, with just the right amount of incongruities to be perfect for the law student. It's small, dimly lit, and has plenty of corner tables (at least four to a room). But

what other Italian restaurant do you know with a covey of Chinese waiters? Or a print of the Mona Lisa hanging in the main dining room? And while the huge fireplaces are at least real, and located on the floor where they belong (see the *Jaw Review* of October 10), they do burn those logs with red, blue and green flames.

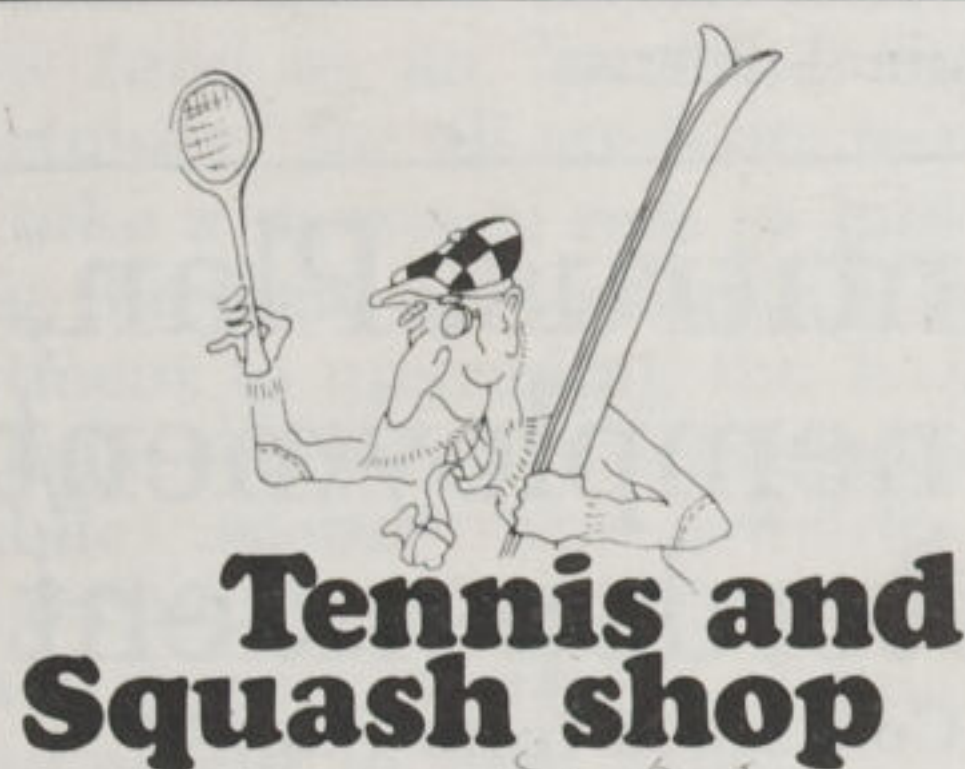
As for food and price, both are better than reasonable. A complete meal for two can be had for between \$10-15, depending on whether you order dessert and how much you tip (the former should be ignored and the service makes the latter generally worth it).

Of special note are the Pork Chops Neopolitana and the Chicken Danté, but most entrées are satisfying and delectable. Salad with a tangy Italian dressing (though perhaps a bit too heavy), a tasty onion soup, fresh bread, and, yes, even table wine (rosé and yet not too unpleasant) are provided with each meal.

As is true with most relationships of this type, proper timing is crucial. *Dantes* opens for dinner Monday-Saturday at 5:30 p.m., the early hours being the safest, as it can get quite crowded around mid-evening. The restaurant also serves lunch.

Remember, however, the major purpose of this experience: too much food (especially pasta) can have a debilitating effect upon certain physical capabilities. A high protein dinner *would* be more appropriate. But will you win her heart with wheat germ?

Yes, *Dantés* may well be worth the effort. Go with someone you love (or would like to love), and eat your heart out.



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Solution to "Cryptic Law"

In New York, when the Pennsylvania rule was followed, it was held that a direction to treat all stock dividends as principal was not illegal. [Equitable Trust Co. v. Prentice, 250 N.Y. 1, 164 N.E. 723 (1928)]. The opposite result was reached in Pennsylvania. [Maris's Estate, 301 Pa. 20, 151 Atl. 577 (1930)]. Scott and Scott, Cases on Trusts, 562 (1966).