

HARVARD LAW RECORD

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TWENTY CENTS

Students Give \$12,000

McGovern Sweeps Poll With 83%

By Bob Brown

Senator George McGovern scored a stunning landslide victory over President Richard Nixon in a RECORD straw ballot of students and faculty conducted earlier this week.

With more than half of the Law School students voting, McGovern outpolled the incumbent by more than five to one, 698 to 131. Of 38 faculty members responding to a direct mail poll, 34—just under 90 per cent—

voted for McGovern. (Table IV.)

Perhaps even more significant than the overwhelming vote for the South Dakotan were the figures on campaign contributions. While only 11 per cent of the students voting for the President reported donations to his campaign, 57 per cent of those supporting the man who calls himself the candidate of the "People's Party"

gave a total of more than \$12,000.

Thirty of the 34 McGovern voters on the faculty reported that they had donated to his campaign. The contributions of the 24 who revealed the amounts of their gifts totaled \$4055. There was one contribution of \$1,000 and 13 others of \$100 or more.

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Computer's Misfiring Disrupts Firm Hiring

By Paul Weiner

The interviewing season, always an exhilarating time of year for the Law School's 2Ls and 3Ls, has this year taken on a new degree of excitement as students try to second-guess a misfiring computer program to figure out which appointments will be lost, transferred, assigned to two different people, or forgotten until after they were supposed to occur.

Meanwhile a tightening job market has failed to produce jobs for most of the 106 2Ls who tried to avoid the interview jungle by

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Nader Raider Mark Green Unveils Profiles of Bay State Congressmen

By Daniel M. Taubman

The lives of virtually every Congressman and Senator—some 480 altogether—will be exposed to public scrutiny starting Sunday as Phase II of consumer advocate Ralph Nader's two-year study of Congress gets under way.

Profiles of 24 to 32 pages of every Senator and every Congressman except those retiring or not running for re-election this year will be distributed nationally as part of Nader's most ambitious effort to date.

Mark Green '70 described the Congress Project and released copies of profiles of Massachusetts Congressmen at a press conference yesterday in the Pound building sponsored by the Harvard Law RECORD.

The first phase of the Congress Project was a paperback, *Who Runs Congress?*, issued three weeks ago, and written by

Green, David Zwick, 3L, and James Fallows, a former President of the *Harvard Crimson*.

In addition to Green and Zwick, other graduates of Harvard Law School played an im-

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Charles Soberman

"Paper Chase" director confers with student extra. Read all about it on Page 16.

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Hark Brings Back Mighty Mo

The real (not radar oven) Mighty Mo has returned to the Harkness Grill. Frank Gallagher, manager of the Hark, ordered the controversial super cheeseburger restored last Monday in response to "popular demand"—in particular, the demands of Robert W. Mack, 2L and Geoffry W. Oblath, 2L, Dorm Council members who have been investigating the Hark.

The "Mo" will be sold from 2:30 p.m. to midnight on weekdays and 11 a.m. to 8 p.m. on weekends. Gallagher pointed out that the Grill could not stand the extra strain of producing Mighty Mos during the peak weekday lunch hours.

Last weekend, the Grill also installed a soybean frappe (or milkshake) machine. (Apparently many "milkshakes" nowadays are based on soya products.) According to Mack, the Hark chose soybean frappes instead of ice cream frappes because they require a lot less labor to produce. At the beginning of the term, Mack had called for a boycott of the Grill until the Mighty Mo and the real ice cream frappe were restored.

Other announced changes at the Law School's dining hall involve brunch, new vending machines, Budweiser signs, an extra serving line, and an incipient bussing crisis.

Starting October 29, La Hark will offer a prix fixe brunch each Sunday from 10:30 a.m. to 2 p.m.

A plan is afoot to install a canned soft drink machine and a candy machine on the Hark's ground floor.

Gallagher has removed the Budweiser signs which marred the beauty of the wooden sculpture or whatnot on the Grill's north wall. He said that when the local Budweiser distributor had placed its signs in Harkness last summer he hadn't realized that anyone considered the wall a work of art. Gallagher added that "Bud Man" signs adorning

various dorms had been taken from the Hark by students.

For greater efficiency, weekday dinner serving will now be in two

Hark adds brunch, soybean frappes

lines, one for contracts, one for cash customers.

Many Hark patrons have been neglecting to bus their trays. This has resulted in overtime for the staff, running up to \$44 in a typical week last month. After more subtle persuasion failed, Gallagher posted signs two weeks ago urging students to return their trays. As of last week, the signs had cut the left tray problem in half. Gallagher noted that there will have to be more progress in the future; otherwise, the excess overtime will be reflected in increased prices.

8 Students Help Dems Research Election Law

Eight Harvard Law students have assisted the Democratic National Committee in compiling state voter eligibility laws to be used to withstand expected Republican challenges on election day.

Seven students, under the direction of David S. Fishback, 3L, Law School co-ordinator of the McGovern for President Committee, last week researched voter eligibility laws for Alaska, Arkansas, Massachusetts, New Jersey, New Mexico, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin.

Research on the remaining 40 states is being done by law students at Georgetown and George Washington Universities in Washington, D.C. and by Washington lawyers.

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3L Argues Before Douglas, J. in Ellsberg Case

By Phil Spector

Picture a small hotel conference room on a sunny Southern California day. Mr. Justice Douglas of the United States Supreme Court and two Circuit Court judges sit listening to arguments from two attorneys, one a former U. S. Senator. Over on the side sits a Harvard Law School student, clerk for the attorneys.

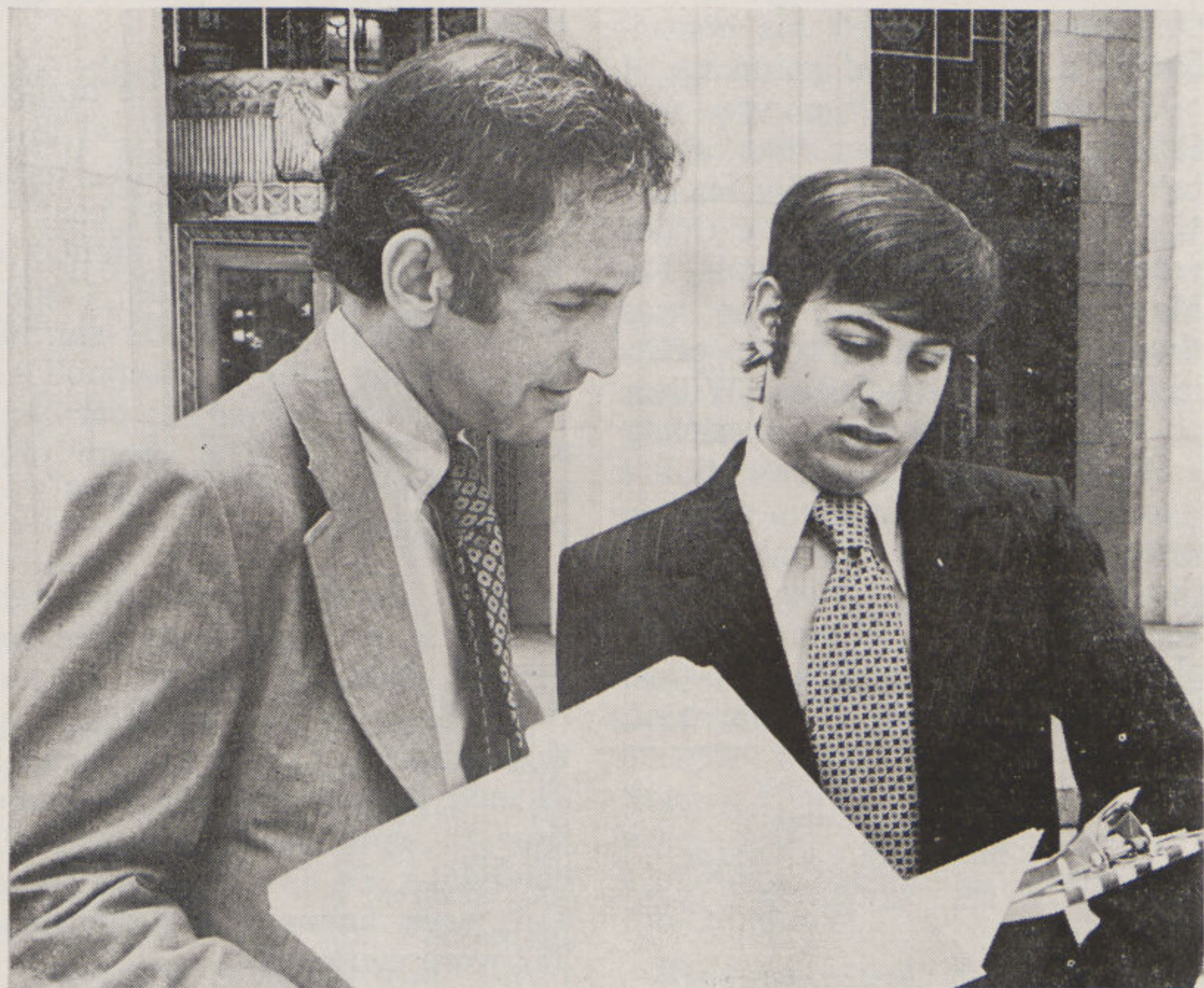
A judge asks a question to which neither attorney can respond. There is a silence. The student knows the answer, wonders a moment whether to speak up, and then answers. Later in the hearing, he is called on again.

Such is the way in which Mark Rosenbaum, 3L, became involved in oral argument on an historic motion in a case going to the essence of First Amendment liberties. It's unusual for a law student to argue before a Supreme Court justice, but then the case of *United States v. Daniel Ellsberg* has been bizarre from its inception.

Rosenbaum spent last summer as law clerk to the Ellsberg defense attorneys, who included Professor Charles R. Nesson of the Law School, former U. S. Senator Charles Goodell, and noted defense lawyer Leonard Boudin, a former visiting professor who spoke at the Law School Tuesday. Another Harvard Law student, Tom Tosdal, 2L, clerked for the attorneys representing Anthony Russo, Ellsberg's co-defendant.

Rosenbaum feels very strongly that "the case itself is an affront. The only fair trial would be no trial at all. Lawyers should be particularly concerned that this trial is happening."

His involvement in the case stemmed from participation in Professor Gary Bellow's *Lawyer-ing Process* class: "I had worked with Gary on the Harrisburg case (where the Berrigan brothers and other antiwar activists were charged with conspiring to kidnap Henry Kissinger and related crimes). I went down to Harris-



Mark Rosenbaum confers with his client, Daniel Ellsberg.

burg and met Leonard Boudin there. Later I worked pretty hard on the final draft of the brief of the Ellsberg motion to dismiss. At the end of the school year, I was invited out to Los Angeles by Charlie [Nesson]."

In Los Angeles, Rosenbaum researched the key points of law for the defense, commenting, "I was practically living in the law library."

The issue which led to the motion before Douglas involved a government wiretap which had accidentally transmitted a conversation of one of the defense attorneys. The government turned a transcript of the conversation over to the judge, Matt Byrne of the U. S. District Court. He ruled that the conversation was not relevant to the attorney-client privilege and that therefore the defense had no standing in moving to look at the transcript.

"We asked for a stay to appeal the ruling," Rosenbaum recalls. "The judge denied it. It just so happened that there was a judicial conference in Pasadena

(near Los Angeles) and that Douglas was there."

With the trial scheduled to begin the next day, the urgency and importance of the issue were such as to justify an unusual approach. "We believed we were right," says Rosenbaum, "but we thought it was a long shot."

The oral argument in the hotel was ex parte, with no government attorneys present. Douglas' questions were "brilliantly perceptive." At the end, when the stay was granted, one of the attorneys told Douglas that Mark Rosenbaum was a law student and added that Rosenbaum might like the justice's autograph.

"Douglas smiled and pointed to his signature on the order staying the trial. 'I think he got the autograph he came here to get,' Douglas said."

The Ninth Circuit later affirmed Judge Byrnes' ruling and refused to grant a stay. The defense attorneys again went to Justice Douglas, finding him this time at a judges' dance in Pasadena.

(Continued on Page 5)

McGovern Overwhelms Nixon in Poll

(Continued from Page 1)

One professor listed his contribution as "\$150 and going up."

The tabulated vote showed McGovern with 82.7 per cent of the total vote compared with Nixon's 15.5 per cent. (Table I.) Other vote-getters included Curtis LeMay; one W. Wood, who was thought by veteran RECORD political observers to be either Wilbur or Willie; and a Bok-Cox ticket.

A 1968 RECORD straw ballot taken at a point in time about a week later in the campaign than the current poll showed then Vice President Hubert Humphrey leading candidate Nixon by 76.5 per cent to 20.7 per cent.

Table I.
Student Vote Totals

	McGovern		Nixon	
Votes ¹	698	82.7%	131	15.5%
Worked for				
Candidate	250	36% ²	32	24% ²
Donated				
Money	400	57% ²	15	11% ²
Amount				
Donated	\$12,508		\$214	

¹Other candidates: 15 votes (1.8%).

²Percentage of those voting for particular candidate.

Most of the student contributions to the McGovern campaign were in the \$25 range, although one student reported giving \$3,000. Nixon's campaign contributions were \$214. While acknowledging that they had given, many students of both parties refused to disclose the amount of their contributions. Thus, the actual amount of the total con-

Table II.
Students Voting by Party

	McGovern	Nixon
Democrats (468) ³	441	27
Independents (278) ³	233	45
Republicans (83) ³	24	59

Table III.
Voting by Class

	McGovern	Nixon
1L (298) ³	254	42
2L (310) ³	267	39
3L (238) ³	177	50

³Numbers in parentheses represent total voting in each category.

tributions may be greater than that shown in Table I.

McGovern reversed the apparent pattern on the national level of Democratic defections, picking up votes from 94 per cent of those students who identified themselves as Democrats. (Table II.) In addition he made significant inroads into the Republican electorate, garnering 29 per cent of the vote from a group previously thought to be solid for the President.

Both faculty and students showed a marked preference for giving their dollars in lieu of their time to the candidate of their choice. Among the faculty, 31 gave money, but only 15 found time to work on behalf of their candidate. Of 844 student voters, 415 were financial contributors, 282 were workers.

The number of voters was considerably greater than the 500 who turned out for the RECORD poll in 1968, when many students felt that the two candidates offered them no choice. Only a tiny handful of voters in the current election opted for splinter candidates or indicated on their

ballots that they found no candidate acceptable.

Table IV.
Faculty Vote Total

	McGovern	Nixon
Votes	34	4
Worked for		
Candidate	14	1
Donated		
Money	30	1
Amount		
Donated	\$4055	—

The Law School community is heavily Democratic. Of the student voters, 55 per cent consider themselves Democrats, while ten per cent claim G.O.P. affiliation. Thirty-one responding faculty members identified themselves as Democrats, four as Republicans, and three as independents.

The voter turn-out was considerably lower in the third-year class than in the other two. (Table III.) The 3Ls gave Nixon 21 per cent of their vote, his highest percentage among the three classes.

Table V.
Faculty Voting by Party

	McGovern	Nixon
Democrats	30	1
Independents	2	1
Republicans	2	2

Former Coop Manager Brings Suit To Invalidate Spring Directors Ballot

Donald Steele, former manager of the Law School Coop and a former director of the Harvard Cooperative Society, brought suit against the Coop in the Sixth Middlesex Superior Court last Friday, asking that last spring's election of directors be declared invalid. He alleged that a stockholders' decision shifting the election date from October to April effectively disenfranchised freshmen and thus had to be approved by vote of the members.

Steele also asked for a court review of the Coop's process for screening signatures on nomination petitions for directors. He claimed that the Coop had disqualified over 40 names on his

petition for technical reasons, thus preventing him from running. He alleged that the Coop had been especially picky in examining his signatures because he had opposed hiring policies and pension changes while serving as Law School branch manager.

Steele is representing himself in the suit.

Louis Loss, general counsel to the Coop and Cromwell professor of law, said that the Coop had offered last June to seek a declaratory judgment on this issue at its own expense, but had been unable to locate Steele, who had been out of town at the time.

Computer Malfunction Slows Placement

(Continued from Page 1)

applying to the Law School's Summer Internship Program last May.

The computer program for scheduling interviews, which has been in use for about five years, was working perfectly at the end of last year's season, according to Russell A. Simpson, director of admissions and financial aid. Since that time, the Law School has started using an MIT time-sharing computer, rather than

Mispunched Cards Cause 'Civil Death'

the computer which used to be at the Harvard computer center.

The computer changeover necessitated programming work which delayed the start of scheduling by 10 critical days and still produces occasional bugs, according to Placement Director Eleanor R. Appel. When the placement staff finally got a chance to schedule the first batch of firms, they forgot that a firm interviewing on two days had to be given two different code numbers. The initial delay and first botched run led to a snowballing series of mishaps. Appel claims that no one warned her of the computer switch, which took place at the beginning of the term.

Some students found the foul-ups amusing; to others they were harrowing. Richard O. Levine, 2L, received a postcard denying him an interview with a firm; he claims the Placement Office "added insult to injury" by mailing it postage due.

Robert L. Schnell, Jr., 2L, heard one Monday that he had been scheduled for an interview on the preceding Friday with a firm he hadn't signed up for. He got to another interview 15 minutes late because it had been shifted from the Placement Office to 23 Everett Street at the

last minute, "but it really didn't matter because there were two people signed up for the same time." Schnell cited an apparent "student be damned" attitude at the Placement Office, and thought the whole situation was "just silly."

When the Placement Office signed up two groups of students (one by hand, one by computer) to see one interviewer for Milbank Tweed Hadley & McCloy, he responded by holding joint interviews.

The worst fate fell to those students whose computer cards had been mispunched; they suffered a sort of civil death, with all their sign-up attempts unheeded. One 2L had to miss four interviews, visit the Placement Office about 10 times, and "throw a tantrum" before the overworked and "harassed" staff realized what had happened and issued her new cards. They also tried to hand-schedule interviews for firms for which she had already submitted a defective card.

Appel has been working 16-hour days to straighten out the scheduling mess. By next Wednesday, she hopes to be sending out notices of interviews 10 days in advance, with everything back in order.

Two years ago, Simpson instituted the Summer Internship

Program as an alternative to regular placement procedures. Students must commit themselves to the program in May of their first year. They then specify the sort of employment they wish (by type and size of employer, location, and salary) for the summer following their second year. If they are matched with a job of that sort, they are bound to accept it; otherwise, they are released from the program in the fall and go through the normal interviewing procedure. Employers committing jobs to the program are likewise required to accept any student who is matched with them, sight unseen. They cannot establish any standards based on grades or anything else.

This year, only 13 of the 106 applicants to the program were matched with jobs. Last year, 17 out of 87 received jobs, and in 1970-71, 33 out of 84. Simpson blames the decline on the tightening job market.

Simpson feels that both second-year students and employers take summer jobs too seriously, and waste much time and money on interviews. But he doesn't see a mass movement to the summer internship system. "It's just quite clear that a large percentage of the law firms want to interview students."

3L Argues Pentagon Papers Case

(Continued from Page 3)

dena. He agreed to hear the case in Yakima, Washington, near his summer home, with both sides presenting arguments.

Leonard Boudin gave, in Rosenbaum's words, "a magnificent argument tracing the history of government intervention in private lives." Douglas wrote an opinion granting the stay. The defense has a petition for certiorari now pending before the Supreme Court.

Rosenbaum, vice-president of the Harvard Legal Aid Bureau, plans to return to Los Angeles with the defense attorneys once the Supreme Court decides the wiretap issue. Beyond that, he wants to do civil liberties and poverty law work, emphasizing his concern with "protection of the fragile, rather than protection of the powerful," which he deplores as the main concern of too many Harvard Law School graduates.

Alumna Holtzman Sees Congressional Win

By Daniel M. Taubman

Brooklyn — The young woman candidate telephoned a constituent in search of yet another vote. An excited, creaky voice responded:

"Don't give me that Holtzman spiel. I'm 84, and if Celler feels the way I do, he shouldn't be in Congress."

The young woman, Elizabeth Holtzman '65, is confident she will be the first new U.S. Representative in New York's 16th Congressional District in half a century. In June, she narrowly defeated 84-year-old Emanuel Celler, Chairman of the House Judiciary Committee and a Congressman since 1922.

During a recent interview at her storefront office in the Flatbush section of Brooklyn, Holtzman, 30, described her primary victory over Celler.

"I was his constituent and I never heard from him. I was also a Democratic state committeewoman and I never saw him at any committee meetings, and never heard his name mentioned in political circles," Holtzman explained.

A strong McGovern supporter, the Harvard Law School alumna attacked Celler's absence from the district, and his lack of a district office or even telephone listing in her primary campaign. Holtzman also researched Celler's voting record and discovered that he was not as liberal as many had thought.

Celler was a staunch supporter of the war in Vietnam until about a year ago, Holtzman said, and consistently favored strong military spending. She also criticized him for voting against automatic cost of living increases for recipients of Social Security benefits, and for his opposition to the Equal Rights Amendment.

During the spring, she campaigned daily at subway stations, supermarkets, bingos, and even movie lines, shaking hands with voters.

"The press and some of the



David Taubman

Elizabeth Holtzman '65 poses before map of her native Brooklyn.

politicians didn't take the race seriously, but the people took me seriously," Holtzman, attractively attired in a floral print dress, declared. Celler himself had dismissed his primary opponent like "a toothpick thrown against the Washington Monument."

After he had lost, Celler challenged the election results (unsuccessfully), claiming voting irregularities. Last month Celler decided not to campaign as the Liberal Party candidate and declared his support for the Democratic ticket, even though his name will remain on the ballot.

Holtzman, besides criticizing Celler's stand on the war and military spending, has also spoken out against Richard Nixon. "I know I won't be able to function as well as I can if Nixon were re-elected," she commented. The magna cum laude Radcliffe graduate predicted that McGovern will carry her Congressional District in the election, even though some of her own supporters have told her they plan to vote Republican.

Her supporters live in a predominantly Jewish, middle-class district, with lesser percentages of blacks, Irish, and Italians. According to Holtzman, her campaign has received substantial support from blacks and the elderly.

Holtzman's identification with Harvard Law School has been a

benefit to her campaign. As she explained, "instead of threatening them, it was something they thought of as an asset."

Many people, she explained, looked at her as a "local person made good," as a model for themselves and their children.

While at the Law School, Holtzman taught English at Radcliffe one year, and was one of the founders of the Harvard Civil Rights Research Council.

After graduating six years ago, Holtzman worked for two years with the New York law firm of Wachtell, Lipton, Rosen, and Katz. She then spent two years working for New York City Mayor John Lindsay, as Assistant for Parks, Recreation, and Cultural Affairs. Most recently, Holtzman spent two years in the litigation department of Paul, Weiss, Rifkind, Wharton, and Garrison, but resigned from the firm to run her political campaign.

A quiet person, Holtzman said she "doesn't like to scream at people, and in general I like to talk to people in a thoughtful and serious way."

Daniel Feldman, 3L, a friend and campaign assistant, described her as a "pretty sensitive person." He said she is "amazingly honest" and "very, very idealistic." "I guess she saw Law School as a way of pursuing those feelings."

Surrey Receives Top Foreign Honor in Japan

By Mark Rutzick

Professor Stanley S. Surrey returned to the Law School this week from a two-week trip to Japan as a guest of the Japanese government. During his visit, Prime Minister Kakuei Tanaka awarded him on behalf of Emperor Hirohito the Order of Sacred Treasure, Second Class, the highest honor which can be presented to a foreigner by the Japanese government.

Professor Surrey and his wife travelled with Professor Carl Shoup, professor emeritus at Columbia University, and his wife. Both men received honors for their work in 1949-50 with the Shoup Tax Mission on the Japanese tax code. The Tax Mission was responsible for studying the Japanese tax system and presenting recommendations for a comprehensive tax code for the post-war Japanese state, which was at that time still under American military occupation.

The report of the Mission, which contained its recommendations, is internationally regarded as an incisive and influential analysis of the Japanese system of taxation. Discussions among tax experts in Japan to this day center upon the many observations made in the document.

The invitation to visit Japan was made to the two professors earlier this year by Mikio Mizuta, minister of finance under former Prime Minister Eisaku Sato. It is significant that the visit was sponsored by the Finance Ministry, because this department is regarded as the most powerful and influential in the government. It carries out functions which correspond to those in this country of the Treasury Department, the Internal Revenue Service, and the Office of Management and Budget. Its attorneys are considered to be among the most talented in the country, and often go on to successful careers in administrative positions, in the

Diet, or in private business. Thus, the source of the invitation added to the prestige of the visit enjoyed by the two professors.

In addition to receiving the citation from Prime Minister Tanaka, which was accompanied by a twenty-minute meeting with



Professor Stanley Surrey

the Prime Minister, himself a former finance minister, Professor Surrey spent his time in a combination of sightseeing and professional discussions and seminars. He participated in a two-day seminar with Japanese tax professors and analysts, in which he responded to papers presented on current topics of Japanese tax law, including a consideration of

Law Prof Honored For Tax Advice

a value-added tax as a means of financing increased governmental spending without raising the individual and corporate income taxes which produce most governmental revenues at the present time.

Professor Surrey addressed several groups concerned with tax and financial affairs, including the Japanese Society for Tax Law, the Kansai Economic Federation, and the Blue Return Taxpayers Association, a group

of individual proprietors and corporations who file a "blue return" every year with their tax payment. The "blue return" was a plan devised by the Shoup Tax Mission to encourage businesses, which traditionally had engaged in sloppy and incomplete book-keeping, to keep accurate accounts by offering special tax benefits to those who did so. On every occasion, Surrey's remarks were translated into Japanese by an interpreter, because although many Japanese businessmen, lawyers, and academicians are competent in English, not all of them can understand the spoken word easily.

Professor Surrey also met with the deans of several Japanese law schools and the chairmen of the economics departments at several universities. He noted that many of these scholars seemed to regard him as being as much an economist as a tax lawyer. He met on a number of occasions with officials in the Finance Ministry, as well as with representatives of the Home Ministry, which is responsible for the enforcement of the statutes that control the manner in which local governmental units may levy taxes on their citizens. As in this country, these levies include property taxes and excise or sales taxes.

Beyond his professional activities, Professor Surrey was given the benefit of a tour specially arranged by the Ministry of Finance. He was escorted around the country by various officials of the Ministry, who scrupulously followed a schedule prepared in advance for the trip. The four American visitors were allowed to enter and view the Imperial Palaces in Tokyo and Kyoto, which are normally closed to tourists. On different nights, the two professors and their wives were guests of honor at receptions given by the Finance Ministry and the Home Ministry.

Miscalculations, Uncertain Leadership

By Daniel M. Taubman

The writer worked during the summer with Ralph Nader's Congress Project as a topics researcher.

"Topics meeting, 8 p.m., committees at 9 p.m., and profile writers at 10 p.m.," the sign read. Yet at 8 o'clock many who were to spend the summer studying committees or writing profiles of congressmen and senators, were already waiting expectantly in a George Washington University dormitory lounge.

About 60 of the largest group of Nader's Raiders ever assembled had begun filtering in about 20 minutes before, some eagerly anticipating their

Nader said 'Don't wear sandals, don't use drugs, cut your hair'

first view of the famed consumer crusader. Ralph Nader, looking gaunt, disheveled and a bit haggard in his customary dark blue suit, light blue button down shirt and narrow, dark striped tie, arrived promptly at 8, seeming slightly annoyed that his summer employees were arriving late for the summer's first meeting. He sat down, ruffling through a sheaf of papers, then suddenly arose and began shaking hands.

How odd, I thought. A typical political ploy, conducted by the nation's number one antipolitician. And so it seemed that Nader himself felt uncomfortable, passing from person to person, shaking hands and exchanging small talk. Yet this benign introduction belied the Ralph Nader many people came to know during the course of the summer.

Shortly after Nader finished greeting his newest Raiders, Bob Fellmeth, a 1970 Harvard Law School graduate, arose and began speaking by asking whether anyone from the press was present. Greeted with silence, he then queried whether any person not associated with the Congress Project was present. One wimpy looking youth timidly raised his hand, and averred that he was visiting a female companion. Fellmeth, dressed like a mafioso in black suit, black tie, and dark blue shirt, abruptly ordered the young man to leave. A college coed working with a related Nader Health Research Group was also requested to leave.

This set the stage for the brief, to-the-point introductions of the Congress Project leaders on this, the first Saturday evening in June. (I of course recalled that Nader had also spoken at Harvard Law School last spring on a Saturday evening). Fellmeth, Bill Meyer '70, heading up the topics teams, and Joan Claybrook, a super-energetic long-time Nader associate, all explained what they would do.

When Nader finally spoke, all were attentive,

and we all felt the wait had been worthwhile. Speaking forcefully and articulately, Nader advised us that the written output of the Congress Project would exceed everything "we've ever done before." He exhorted us to emulate him, to follow him in carrying the Protestant work ethic to its ultimate conclusion. And he threw in a touch of morality too: don't use any kind of drugs, because we have to be above any kind of inquiry or suspicion. Don't wear sandals; this is the stretch drive of the project, and you must be presentable. And above all, you must be willing to sacrifice long hair, or your personal mode of dress for interviews with congressmen and staff personnel. Though this rule of dress was always followed, I was surprised to discover how informally Nader's Raiders would dress when working at the Congress Project office in midtown Washington — jeans, cutoffs, tie-dyed shirts, etc.

The purposes of the Congress Project, Nader continued, were serendipity, precedent ("hopefully it will be just like the Wright brothers' first airplane"), and the development of information "in a very readable and accurate and imaginative form."

During the course of the summer Nader managed to lead his journalistic troops in the battle against bureaucratic inefficiency and political opposition. On the latter front he succeeded rather well, persuading most Congressmen to be interviewed by aspiring journalists and idealistic youths, and to subject their lives to a more thorough-going public examination than had ever been undertaken.

Yet in fighting bureaucratic foes, Nader did not fare as well. Errors of miscalculation, as well as single-minded leadership, contributed to discontent among many of Nader's Raiders. When college journalists protested that they could not write

He exhorted us to emulate him in maintaining Protestant ethic

nine 30-page profiles, together with research, during the course of three months, Nader responded that the format of the profiles had already been determined and that it would be impossible to change them. Faced with a near-open rebellion, Nader agreed to allow profile writers an additional week to complete their work and a reduction in profiles from nine to eight.

At first, some of the more vociferous writers were assigned fewer than eight profiles. Later, it turned out that only a handful would complete eight profiles, with the majority completing between five and seven.

As a result of this poor planning, Joan Claybrook was forced to exhort profile writers to superhuman efforts, and many of them performed

Mar Ralph Nader's Congress Project

overtime, working evenings and weekends. On one occasion, Claybrook requested a Stanford law student who left in mid-August to get married to postpone his wedding date so he could produce another profile.

At the same time, new profile writers were hired, one of them a Harvard Law student. Selection of the profile writers was not as rigorous as the original screening process, but the Congress Project was still able to recruit talented writers to fill in. Unfortunately, there was a self-selection process at work, with a defection rate of perhaps 25 per cent from among the new writers.

Added to the miscalculation concerning the profiles was a more serious miscalculation involving the perceived values of committees and topics researchers. Nader, who had previously termed the profile requirements unalterable, and then changed them, again switched horses in midstream in deciding that a short book would be written not as an overview of Congress, but as a teaser to induce citizens to buy later more detailed studies of committees and topics such as lobbying and campaign financing.

Most topics and committee researchers felt the quickie book was a transparent device for shunting

committee and topics studies to the background while the more timely profiles grabbed the spotlight. Committee team researchers were most vocal in their opposition, and many refused to assist in the writing of the quickie book, recently released as *Who Runs Congress?*

During this mini-crisis, Nader met with topics and committee members in an attempt to mollify them. As he had kept his ground with profile writers, so too with the committee and topics researchers: We are writing a quickie book, that's that. Now, does anyone have any questions?

"It was as if Mount Rushmore had crumbled," a Harvard Law student said after attending the meeting. The student's image of Nader had been shattered.

Yet, now in October, *Who Runs Congress?* has been published, the profiles will be forthcoming shortly, and further studies are destined for publication late this year or early next year.

Two questions remain. Has Nader placed too much emphasis on getting things done, at the expense of receptivity to differences of opinion of his co-workers? And in striving for a total output on the order of 17,000 words, has quality been sacrificed for quantity?

Nader Releases Profiles of Congressmen

(Continued from Page 1)

portant role in Nader's Congress Project. The Project director was Robert Fellmeth '70, author of a Nader study on California land use planning, and one of the original three "Nader's Raiders." William Meyer '70 also figured prominently in the project, directing teams of young researchers during part of the summer.

Nine Harvard Law students, including three June graduates, worked during the summer on the Congress Project.

The Congress Project, designed to increase citizen awareness of the functioning of the nation's legislative branch, began nearly two years ago, and involved more than 800 people. Some 500 volunteers in nearly every Congressional district throughout the country conducted field research, interviewing local political leaders, community officials, and members of the Congressman's district office.

During the summer, nearly 200 people, mostly undergraduates, graduate students, and law students, interviewed Congressmen, legislative and administrative assistants, and committee staff personnel in Washington, D.C.

Summer workers were divided into three groups: profile writers, topics researchers, and committee researchers.

Committee and topics researchers included law students from Texas, Michigan, California, and Wisconsin, numerous grad students, and even a sprinkling of faculty members and professional journalists.

Profile writers, originally 60 in number, were mostly undergraduates or recent graduates with extensive journalistic experience in college. They were asked to write nine 30-page profiles each, but when it became clear that this would be impossible, additional writers were hired.

Each profile contains a brief

description of the Congressman's voting record, committee work, 1970 campaign, campaign spending, and areas of interest. To assure that allegations of shoddy work stemming from a prior Nader project would not recur, each profile was exhaustively documented.

A typical first draft of a profile included between 150 and 200 footnotes, and one had 452. In the final published versions of the profiles, however, footnotes are expected to be kept to a minimum.

Nearly every Congressman agreed to an interview, although a small number balked at the idea initially. Retiring Congressman Wayne Aspinall, a long-time holdout, was finally interviewed by a University of Texas law student in late August. Congressman Barry Goldwater, Jr., refused to be interviewed, and Arizona Senator Paul Fannin would only agree to an interview with someone from his home state.

Misplacement

The current foul-ups in the Placement Office combined with the tightening job market for attorneys provides a good opportunity to reevaluate the Law School's placement program. The program is presently providing six employees and a suite of offices to serve primarily a scheduling function for large corporate law firms. Such firms could arguably provide this service themselves — at their own expense. One might wonder whether anyone could do a worse job than what is being done now.

Another question which should be raised is whether this placement exercise interferes with Harvard's educational independence. Students have been clamoring for greater "relevance" in the classroom and nothing could be more relevant to an HLS student than a job; but this level of vocational education may be a little too much. In October one would think that HLS was nothing more than a trade school.

There are two functions that the Placement Office could better fill than being a mere scheduling agency. In the first place it can act as an institutional check on interviewing procedures: to prohibit discrimination, to prevent undue and unfair emphasis on grades, and to curtail the more crass aspects of the annual hiring hall. This the Placement Office is doing now to some extent; it could continue to do the same thing if law firms provided their own scheduling.

A second function could be to work with students, faculty members, and possible employers to develop both new jobs and new kinds of jobs for lawyers. ABA President Robert Meserve has said that this is one of the greatest challenges of the decade for the profession — to find some creative way to employ the massive influx of new law school graduates. This would seem to be a project particularly suited to a law school campus and particularly relevant to the Placement Office.

The RECORD calls on Professor Victor Brudney, chairman of the Placement Committee of the faculty, and Eleanor Appel, placement director, to investigate the purposes of their office at the same time they are looking into the reasons for this fall's computer malfunction.

We hesitate to ask the committee to come up with what will inevitably be another report; we would prefer some direct action on the subject. But the Placement Office should be less concerned with the "going rate" and more concerned with where it is going.

HARVARD LAW RECORD

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Fenno

The air was clean and crisp and the sun made the moist grass sparkle. In the distance Fenno trudged up the same familiar path from Austin Hall. His every breath was a puff of cloudy vapor and he looked like a tiny train chugging around Langdell South in the bright early morning. It's coming, he thought, the usual signs were very clear. Why, already the students from Florida were showing up in parkas and mittens. Fenno recalled seeing a salty 3L relating to a group of awestruck newcomers about "the Big One in '70."

Yeah, there was no denying it, he muttered as his footsteps echoed off the ominous gray columns of Langdell. He remembered some 1Ls from California the day before out scraping off their "THINK SNOW" bumper stickers and he knew that was a good indicator. He saw a squirrel near Langdell North rummaging around in the grass, hopping, stopping, scratching for nuts. Wait a while, Fenno thought, in a few days the place will be jumping with them.

He walked past the Hark, turned up toward Child, hopped off the ledge to the grass below. The brittle blades crunched beneath his step as he puffed his way across the yard to Everett Street. He noticed two Lesley girls on their way to class. They're wearing bras again, Fenno thought, and that was a *very* good sign. He entered the building at 23 Everett. The women in the Child Care Center were preparing the fixings for little styrofoam snowmen. Fenno smiled and nodded knowingly.

Up the stairs to the RECORD office and into the newsroom he plodded slowly. Yes, winter was coming and the RECORD wanted it covered. They wanted a description of the beautiful metamorphosis of the Law School as transformed by the majestic white artistry of snowy frosting. They wanted to read of the winter image of learning in an atmosphere as pure as the virgin snow — as pure, almost, as Big Al himself. Yes, the RECORD expected his portrayal of winter as an exhilarating, exciting and gloriously aesthetic experience.

Fenno stared at the typewriter. He sighed deeply and typed the only word that came to mind — "YECCH!"

Law Notes

John Boone, Massachusetts commissioner of correction, will speak at the Law School a week from Monday in the first of a three-part series of public lectures on "The Problems of Corrections and Correctional Reform."

The talk, sponsored by the Law School's Center for Criminal Justice will be held October 30 at 7:30 p.m. in Langdell North Middle. Boone will discuss the problems of making fundamental changes in correctional programs and attitudes.

Boone will also appear at two subsequent lectures, which will deal with the prisoners' rights movement and with community-based corrections. At those lectures Boone will act as com-

mentator and share the podium with speakers who have not yet been named.

* * *

The following 2Ls have been selected to join the **Harvard Law Review** on the basis of the recently completed writing competition: Lawrence D. Bragg, John H. Garvey, Thomas M.S. Hemnes, James W. Jandacek, Boisfeuillet Jones, Jr., Philip J. MacDonnell, H. L. Mixson, Joel S. Perwin, Eldon J. Spencer, Jr., and Clifford Stromberg.

* * *

The following members of the second-year class were named last month to the **Board of Student Advisers** from more than 100 applicants: Mark Baseman, Michael Critelli, William Dallas, Diana Daniels, Joseph

Dean, Martin Flumenbaum, and David Halperin.

Also, James Jardine, Donald Lents, Carolyn Lewis, Charles Newcom, Louis Peterson, George Reid, Mabry Rogers, Michael Ross, Edward Rutan, Richard Sadler, George Sheanshang, Robert Tortoriello, Roscoe Trimmier, Jonathan Wohl, and Steven Young.

* * *

Three Harvard Law School faculty members said they intend to vote for **Richard Nixon**, in a full-page advertisement in last Sunday's New York Times. The three are Philip Areeda, Samuel E. Thorne, and Professor Emeritus Lon L. Fuller.

Forty-two other distinguished faculty members from across the country were also signers of the ad.

"Of the two major candidates for the Presidency of the United States, we believe that Richard Nixon has demonstrated the superior capacity for prudent and responsible leadership," the statement said. "Consequently we intend to vote for President Nixon on November 7th and urge our fellow citizens to do the same."

The ad was published and paid for by the Finance Committee to Re-elect the President.

* * *

In an article in the October 8 issue of the *New York Times Magazine*, Assistant Professor **Lance Liebman** described Justice Byron White as the "swing man on the Supreme Court." Liebman drew on Supreme Court voting statistics from the forthcoming issue of the *Harvard Law Review* to criticize Visiting Professor Gerald Gunther's prediction that the Nixon Court would represent "shifting alignments of relatively independent judges" rather than "a solid phalanx of new appointees."

Liebman clerked for White in 1967-68.

* * *

Professor **Frank E.A. Sander**, in an October 10 memorandum to the faculty, pointed out that Section 512 of the **proposed family assistance program bill** would prohibit the expenditure of funds to any federal employee or participant in any federally-financed activity (such as OEO legal services) who attempts to challenge any provision or policy of the Social Security

(Continued on Page 15)

Letters to the Editor of The RECORD

To the Editor:

As Public Relations chairwoman for Harvard Law Wives, I feel responsible for replying to the letter written by Diane R. Engel questioning the purpose and definition of Harvard Law Wives. Ms. Engel has found several misconceptions about this organization, apparently without basis.

Harvard Law Wives does not imply that women can be friends "simply because of their husbands' common interest." It is an organization, as the HLW Handbook states, for the purpose of bringing "... the Law School, the University and the community together." All meetings (with speakers such as Sheriff John Buckley and Commissioner Boone) and most events (such as the wine-tasting party, a charity Monte Carlo night, and a Crafts Market) are open to all members of the community. Harvard Law Wives is not open only to women married to Law School students. Nowhere in its constitution is there a sexist or marital restriction.

As for the name "Harvard Law Wives", it is just that: a name. Harvard Law Wives has been in existence for over fifty years; therefore, its name has become an anachronism. However, while being an anachronism, it is also a name to which we have become accustomed. In a vote last year, the decision was made to keep the name. There will be another discussion and vote on changing the name at the October 28th meeting. It seems trivial to argue over a name, yet no one ever criticizes the

National Organization of *Women* for having a sexist name.

Whether the name will be changed or not, Harvard Law Wives is a useful and enjoyable organization and is not "exclusive, sexist, or insulting" as Ms. Engel seems to think.

Ellen M. Moskowitz,
Public Relations Chairwoman,
Harvard Law Wives

To the Editor:

Mrs. Engel's plaintive letter, published September 29, tugged at my heartstrings. While she may yet discover that she has something to talk about with young women similarly afflicted by their intimate connection with Harvard Law students, she may also discover that actual membership in the Law Wives is purely optional.

This poor child will inevitably encounter many more of the same careless assumptions by strangers of the ilk who presumed to suggest that she has interests in common with fellow law wives. There will be those who will assume that she reads newspapers and books and magazines, or that she cooks, or that she is politically aware, or even that she plays bridge, simply because she is what and whom she is. She will have to face down all such presumptuousness, no matter what its source, asserting endlessly that despite appearances, she is a *tabula rasa* on which none may write. She will no doubt get very tired of it all before she is thirty.

Frederick O. Kiel '66

The RECORD will not be published next week, Friday, October 27. The next issue will appear two weeks from today, Friday, November 3.

The Boston Consulting Group

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Cash Traps

The majority of the products in most companies are cash traps. They will absorb more money forever than they will generate. This is true even though they may show a profit according to the books of account. Continued investment sends good money after bad. Escape from the trap requires extreme measures. Either stop investing and manage solely to maximize cash withdrawal, or invest so heavily that a leading position is reached in the market.

Reported profit almost always exceeds payout to owners in any business. Much of the reported profit must necessarily be reinvested just to maintain competitive position and finance inflation. If the required reinvestment, including increased working capital, exceeds reported profit plus increase in permanent debt capacity, then it is a cash trap. Cash is rarely ever recovered from a cash trap unless relative competitive performance is improved by obtaining a superior market share.

The typical manufacturing company with typical growth rates and asset turnover must have a pretax profit of about 7 percent on sales, or the entire company becomes a cash trap. Fast growth sectors of the economy require even higher margins. So do capital intensive businesses. At any lesser margin, the required increase in assets will exceed the reported profit. This cannot continue, unless the permanent debt also increases in the same proportion, or new equity is constantly added.

Real cash traps are worthless because the owners will never receive a payout. Instead, the owners will put in cash. Reported profit is not payout. Even if you escape from such a cash trap eventually, you have still lost. The longer it takes to escape, the greater the loss in present value of your investment.

It is a fact that most of the net cash generation of virtually all companies comes from a very few products which have a clearly dominant share of their relevant product-market segment. This is inevitable.

Pareto, an Italian economist, discovered this effect many years ago while trying to determine why most of the wealth was concentrated in a few families. It is a familiar pattern: approximately 20 percent of the items produce approximately 80 percent of the margin. However, when a constant reinvestment requirement is subtracted from all margins, then that 20 percent may well represent 120 percent or more of the actual net cash generation.

Pareto's Law alone would lead to most of the net cash generation coming from only a small number of products. The experience curve effect compounds the relationship and couples cash generation to market share. The experience curve effect causes your relative cost to decrease about 20 to 25 percent each time your market share doubles. Both margin and volume increase with increase in market share. The converse is true also, of course. That is why there are many cash traps, and most of them are low market share products.

Reported profit is really irrelevant to the shareholder who actually holds the shares. All he will ever receive is a cash payout of either dividends or liquidation value. This is all a corporation receives internally from a product: either net cash throwoff or net liquidation proceeds. Regardless of reported profit, a business or product is worthless unless it compounds and returns the cash invested in it.

In a dynamic economy almost every business, even slow growth ones, requires reinvestment of a substantial proportion of reported profit. Inflation alone requires financial growth to compensate for inflation in asset values as they turn over. Additional growth in assets employed is required in order to maintain market share as the industry grows with the economy. Consequently, only

a portion of the reported profit can ever be available for distribution unless the business is liquidated. If it is liquidated, many assets will prove to be unconvertible into cash at book value.

When profit margins are low, the required reinvestment will often exceed the reported profit indefinitely, even in mature stable businesses. Do nothing and such businesses trap cash forever. The longer the delay until liquidation, the greater the loss. If eventual liquidation will produce only a portion of book value, then the reported profit until then is being overstated in proportion. If the company's required threshold on investment return is higher than this deflated profit, then the difference represents the company's annual opportunity cost.

Fast growth products are even more dangerous cash traps than slow growth products. Growth compounds the cash input required. But growth alone does not improve relative cost or profit compared to competition. Yet the eventual payout depends on a superior cost compared to competition whose margin is just sufficient to finance growth needed to maintain their own market share. Superior margin is rarely achieved without superior market share. Consequently, growth just compounds the cash drain unless it also leads to superior market share.

The only advantage of a growth product is that share can be shifted more rapidly from one competitor to another by preempting the share of the growth itself. The disadvantage of a growth product is that it usually requires a large negative cash flow just to hold position in the market. Yet failure to achieve a leading position before the growth slows can be fatal to any hope of a cash payout later.

The critical market share seems to be a level about twice that of the largest competitor. At about that point, debt capacity increases with market share even faster than the assets required. The cost level which can be achieved makes it possible to service debt equal to total net assets employed even though competition is selling at cost or below. When this condition is reached, the entire reported profit and more can be withdrawn as cash and reinvested elsewhere or paid out. It is a highly desirable position. This leads to a competitive rule of thumb.

Grow at least twice as fast as your leading competitor in any relevant product-market segment. If you cannot, then plan the process of extricating your investment as expeditiously as possible.

Only the largest two or three competitors in any product-market segment can reasonably expect to avoid being a cash trap. There are usually several times that many active competitors. Therefore, the majority of the products in the average company must be cash traps. This means that a majority of the products in the average company are not only worthless but a perpetual drain on corporate resources.

Prices could be lower to customers and profit could be higher at the same time if all competitors would recognize their cash traps and stop wasting money on them. Anytime there are more than two or three active competitors in a given product-market segment, then someone is making a mistake. The leader may be failing to compete by holding an umbrella over higher cost competition at his own expense. Or, it may be that competitors are caught in cash traps. Either way, there are major opportunities being lost.

Bruce D. Henderson

Perspective # 102

Bruce D. Henderson

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Citizen Revolt Needed to Cure Congress

By David Cocke

WHO RUNS CONGRESS? THE PRESIDENT, BIG BUSINESS, OR YOU? by Mark J. Green, James M. Fallows, David R. Zwick. Bantam Books, 310 pp., \$1.95.

This summer Ralph Nader and his famous Raiders took on their most ambitious project to date: reform of the U. S. Congress. Armed with hundreds of youthful researchers, they collected dossiers on each of the nation's representatives in the first stage of what Nader hopes will be a massive citizens' revolt against the archaic, inefficient, and undemocratic legislative body. This book is a preface to that movement.

Given the circumstances surrounding his document, it cannot be reviewed like any other book. You have to take it like it is, somewhat like you have to take or leave a major political party's national platform. This, after all, is a document in what will hopefully be a national movement. And it is a persuasive, political document, not a scholarly one. It contains little about Congress that hasn't been said before.

To maximize its political clout the book is being published in paper only — at a price that will fit every American family's budget. The original press run is 275,000, an astounding amount. After all, news of the citizens' revolt has to reach the public.

The book is also meant to be timely. It was written in two months, edited in one day. It will be followed immediately by the Congressional profiles (to be formally released this Sunday) and by a continuing procession of Nader exposés. It will be measured by its results.

If it is persuasive, however, it is only because the target of its rhetoric is so vulnerable to attack. No important decision-making institution in our country is

so overwhelmed with bureaucracy, archaic procedures, inadequate information-gathering techniques, and poorly conceived objectives as is Congress.

One of the biggest problems with Congress is not that it is evil but that it is composed of human beings with human shortcomings. Graft, promiscuity, alcoholism, abuse of power, shortsightedness, and timidity are, after all, common vices. If the

When Citizens Care the Congress Works

American public is often seen by Nader et al. as condoning the shortcomings of Congress it can be partially explained as condoning only human nature. By way of further justification Congressmen do have one of the hardest tasks imaginable — getting reelected.

The authors describe the phenomenon by stating that "every single member of Congress is a walking, talking embodiment of conflict of interest. On the one hand, he has an interest in staying in office, in being reelected; on the other, he has, or ought to have, an interest in serving his constituents and the nation honorably. . . ." The Congressman's constituents usually understand this — if they understand anything. They don't expect too much of him under these restraints, certainly not more than they do of their other governmental officials (which isn't much).

What then can one do about Congress? Throughout the book the authors throw out possible internal reforms, most of which have been tried before: repeal of Rule 22 (allowing filibusters), end of the seniority system, reassertion of powers abdicated to the executive branch. A few are being used now, but not effective-

ly: legislative oversight of executive programs (the book gives high marks in this field to Rep. L. H. Fountain of the Subcommittee on Intergovernmental Operations) and investigation of Congressional programs by such agencies as the Government Accounting Office (one of Senator William Proxmire's favorite tools). But real reform, says Nader and *Who Runs* authors, comes from the people. When they care, Congress works.

In the final analysis *Who Runs Congress?* is less about Congress than about the American citizen. For each Congressional failing there is an inattentive constituency; for each flaw in the character of a committee chairman there is a flaw in the character of the public. If we want better we have to demand it. Otherwise those who are now demanding of the Congress (big business, special interests and the monied classes) will continue to get it all.

There is truth in what Nader and the authors of *Who Runs Congress?* have to say. But there is danger in their moralistic approach. It can either lead to unrealistically high hopes and devastating reminders of reality (note particularly the 1968 Democratic convention) or it can lead to insufferable narrow-mindedness. Of the two the latter seems the most dangerous to the Nader Raiders. The movement takes for granted the need for highly competitive personalities to run an efficient and effective government. It has overtones of contempt for the "average" voter-citizen. It does not question in any depth the purpose and direction of our society and nation.

But there is much to be said for the book and the movement. If it helps to overcome the serious present crisis of citizen apathy it will be a welcome relief. The book might not move mountains, but the movement might.

Lawless Government Exposed

By Robert Flanders

HOW THE GOVERNMENT BREAKS THE LAW, by Jethro K. Lieberman. Stein & Day, 298 pp., \$10.

The daily papers document with shocking regularity the incidence of governmental corruption, deviousness, and lawbreaking. No one of us really doubts that officials within the government, on occasion, take bribes, allow themselves to be influenced, or defy the law in order to realize some personal gain. But how many of us are interested in the scope and methodology of this universal practice? After all, when we inquire as to how the government breaks the law, had we not better prepare ourselves for self-analysis?

Jethro K. Lieberman presents us with a rather diffuse but scandalously thorough documentation of the kinds of subterfuge employed by officials at all levels of the bureaucratic structure. Unfortunately, this type of political broadside, like some of the "bad law" it attempts to explode, has a tendency to blow too wide a hole in its target. Admittedly, it is hard not to overstate the case for a more open, effective bureaucracy, one which not only promulgates law, but seeks to enforce it non-selectively; it is difficult not to speak with virulence when confronting this seemingly endless drift of corruption and official dissembling.

But the author seems to do just that when he explains the effect of "Lieberman's law," a formula which attempts to describe the futility of creating more laws to plug the existing loopholes in the system, instead of enforcing the present laws as they stand.

While that seems to me an apt observation of the failure of the administrative process, I nevertheless seriously doubt whether "Lieberman's law" leads ineluct-

ably to the conclusion that the only way to get respect for law is to wipe out most of our law."

Moreover, it seems a shame that such a capable intellect as that of Mr. Lieberman, was unable to focus, more than cursorily, on the treatment and cure for a government bent on breaking its own health standards. Yet perhaps this criticism is unfair, since the book attempts, and largely succeeds, in isolating the elements of a widespread abuse of discretion, which itself may prove sanative to all who take the diagnosis seriously.

But the reader, in his own self-interest, perhaps, cannot refrain from incredulity; can it be that things are really this bad? Yes, Lieberman answers, providing us with an arsenal of governmental malfeasance whose cumulative overkill is indeed devastating. Like a modern Diogenes, one is left picking his brain for the possibility of an honest bureaucrat immune from special, self, or conflicting interests.

Credit Mr. Lieberman with giving us a provocative and very disturbing lesson in the ways government refuses to account for itself or to prescribe sufficient checks for its discretionary powers.

WRITERS

needed for the

RECORD

Prefer 1 or 2Ls with journalistic experience who would like to see their names in print.

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Price Equalized For One Mixer

Admission prices to the last mixer of the year will be equalized because of a vote of the Dormitory Council last week. According to Council President David T. McDonald, 3L, the final mixer is expected to be held during the week of February 23, 1973. The split decision — 14-10 — set the price at \$1.50 for both men and women.

The much debated proposal was previously discussed with officials of the Graduate Student Association. The GSA expressed doubts as to the economic feasibility of the move but did not officially reject the notion.

A proposal to ban special advertising of the new mixer price for late February suffered a 14-7 defeat. The Council authorized McDonald to use his discretion in determining the format and publicity for the final mixer.

The Dorm Council advises that, for security purposes, all locks in the new dorms will be changed. The keys will remain the same but the new locks should discourage other methods of entry.

Council Secretary, Brian A. O'Connell, 2L, ended the *Council Reporter* by posing the following question: "Why does the Coolidge Bank periodically refer to us, on its computerized print-out as the 'Harvard Law Sch Dorm Ass'?"



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Disappointing 3L Voter Turnout Characterizes Council Elections

By Gary Rubin

The 2L and 3L classes elected five representatives each to the Law School Council last week, with 2Ls turning out in considerably greater numbers than their third-year brethren.

Elected to represent 3Ls were William S. Barrett, Michael P. Berman, Geoffrey M. Connor, Frank C. Gibbs, III, and Jorge C. Rangel. There were six 3L candidates for the Council.

The 2Ls chose, from among 13 candidates, Robert C. Brown, William O. Ligon, Brian A. O'Connell, David W. O'Connor, and Rene Townsend.

According to Jonathan R. Bell, 3L, interim Council president, more than two-thirds of the 2L class cast ballots, while slightly more than one-fourth of the 3Ls turned out to vote. In order for a Council election to be valid, at least 25 per cent of a given constituency must vote.

3Ls were widely reported not to have found ballots in their classrooms.

Bell said the new Council would make provision for the election of five 1L representatives soon after its first meeting. In addition to the 15 class representatives, the Council will be composed of five faculty members, one teaching fellow, one graduate student, and up to eight

additional students named to represent major student organizations.

The Law School Council was established by vote of the faculty after a faculty-student Committee on Governance recommended its creation in June 1971. According to the committee report, the Council is designed to "serve as a forum for the expression of student views and concerns" on "any matter of Law School policy or practice touching the interests of students."

Two-thirds of 2Ls Cast Council Ballots

Council representatives are expected to act as liaisons between their constituents and the Law School governing committees, and are empowered as a body to bring recommendations before the faculty.

"The Council is supposed to be the first point of reference for a student who's worried about something," said Bell.

It is expected that this year's Council will be concerned primarily with airing proposals for grading reform, establishing a grievance committee to handle specific complaints about Law School governance, and appointing student members of the governing committees.

Law Notes

(Continued from Page 11)

Act in court. Sander adds that the bill is still in conference.

Sander expressed his views in a telegram to Rep. Wilbur Mills (D-Ark.), and suggested that other faculty members might wish to do likewise.

* * *

The Intramural Law School Basketball Program, beginning after Thanksgiving and continuing into March, is seeking students to assist as referees. Pay is \$2 to \$2.50 per game, with each game taking one hour.

Refs are expected to work two games per week, four games per week, or as reserves in case normally scheduled referees fail to appear.

Anyone interested in working as a referee should contact Charles Roybal, 2L in Ames 213 or Xavier Suarez, Ames 305, at 498-4024.

* * *

A group of law students is being formed to do legal work on behalf of Soviet Jews, including research projects. Law students are asked to consider fulfilling their written work requirements by undertaking research on the rights of Soviet Jews and the underlying human rights issues pertaining to their legal status. The group especially needs people who can read Russian. Interested persons should contact Bernice A. Heilbrunn, 2L at 498-6300.

* * *

The Academy for Contemporary Problems in Columbus, Ohio has awarded Professor Roger Fisher seed money to develop a new educational television series. In 1969, Fisher originated *The Advocates*, an educational network television series which presents in each show a debate on a specific proposal and invites viewers to vote for or against it.

* * *

More than 600 Harvard Law students have signed a petition calling on Soviet Premier Alexei Kosygin to abandon his government's recent decision to impose exit fees on Russian Jews seeking to emigrate to Israel.

The petition, which is being circulated at Harvard University by the Ad Hoc Committee Against Exit Fees for Professionals in the Soviet Union, states that "considering these facts the new exit fees must be viewed as deliberate discrimination against people with higher education and thus particularly odious to us as members of a university community."

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Students Star In Movie As 'Paper Chase' Extras

Between 50 and 60 Law School students are headed for instant stardom after having served as extras yesterday and today in the filming of a full-length feature motion picture based on a novel by a HLS graduate.

The students, selected Monday on the basis of interviews with producer Robert Thompson and Roderick Paul, will appear in the movie "The Paper Chase," taken from a novel of the same name by John J. Osborn, Jr., '70.

The Twentieth Century Fox production will star Timothy Bottoms, Lindsay Wagner and Graham Beckel. Bottoms, who will play a Harvard Law student, recently starred in the Academy-award winning film, "The Last Picture Show."

Wagner's first film, "Two People," in which she co-stars with Peter Fonda, will debut later this fall. Beckel will be appearing in his first film.

"The Paper Chase" will be filmed in Cambridge and Toronto,

with release expected in April or May, Thompson said in an interview Monday.

According to an arrangement between the film-makers and Harvard Law School, Harvard is not officially allowing the use of its facilities, but "just acknowledged that we're here," Thompson explained. Thus, when the movie is released, Harvard Law School will be identified as such since the leading character is a Harvard Law student, but the School will not receive official credit for use of its facilities.

Students interested in becoming extras signed up at a desk at the Hark last week, and were then chosen Monday on the basis of brief interviews. Students were selected, Thompson said, on the basis of director Jim Bridge's conception of "what law students look like."

"We wouldn't want to get too many of one type," the producer noted.

Extras will be paid \$25 per day.

NY State Court To Clarify Rules On Bar Entry

The New York State Court of Appeals is expected to clarify the state's new bar requirements in order to permit cross-registration in law-related courses and in joint degree programs, Dean Albert M. Sacks said last week.

The revised bar requirements increased the number of required semester hours from 72 to 80 and class hours from 1152 to 1280, and had stipulated that the courses must be taught under the direct and immediate supervision of a regular member of the faculty.

"We have heard informally that the court will in some way clarify its rules so that cross registration that's law-related will clearly qualify," Sacks said.

"I'm rather optimistic though not sure about cross-registration generally.

"I'm also confident that joint degree programs will be seen as falling into the general category of law-related programs," he added.

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