

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 55, NO. 7

NOVEMBER 17, 1972

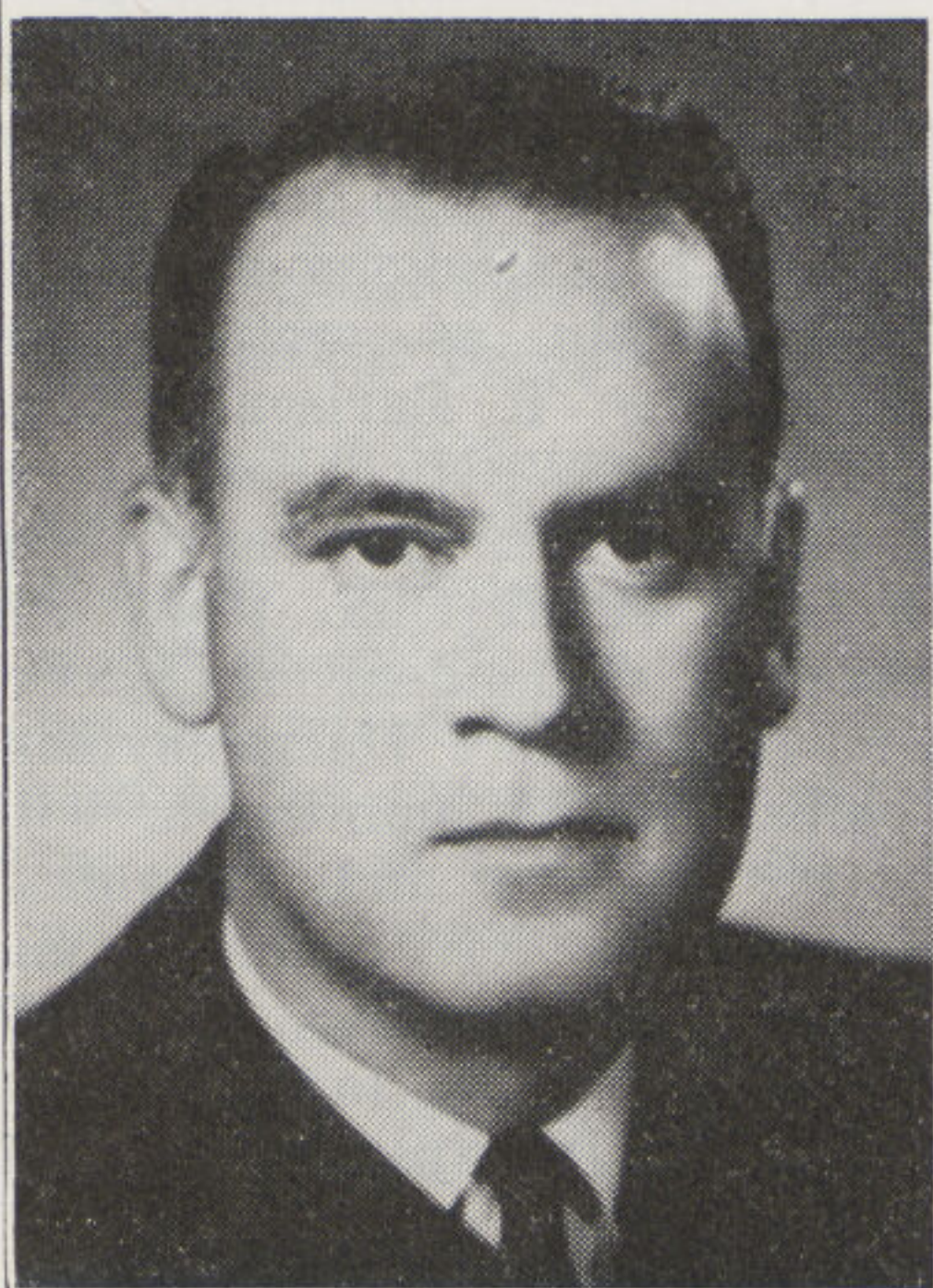
TWENTY CENTS

Council Votes In Unelected Student As Chicanos' Rep

By David J. Cocke

The Law School Council, split over an interpretation of an enabling clause, appointed Charles E. Roybal, 2L of the Chicano Law Students Association to its membership earlier this week. Roybal's appointment brought up a question of the meaning of a clause in the faculty resolution which created the Council calling for that body to expand its membership by up to eight seats whenever any "identifiable groups were not represented on the Council."

(Continued on Page 14)



Supreme Court Justice Potter Stewart will preside as Cardozo tries to break Learned Hand's three-year winning streak in next Tuesday's Ames finals. See Page 2.

Freund Panel to Suggest New Mini-Supreme Court

A seven-man committee chaired by Loeb University Professor Paul A. Freund '31, S.J.D. '32 will soon formally propose the creation of a new "national court of appeals" to lighten the Supreme Court's burgeoning case load.

The details of the committee proposal were reported last week by the *New York Times* and the *National Observer*. Freund said Tuesday that it was "premature" to discuss the report's details since the final draft still had to be circulated among the panel's members. He confirmed, however, the accuracy of the *Times*' account.

The proposed new court — a "mini-Supreme Court" — would screen all petitions for review before they reached the nation's highest tribunal.

Other petitions for review would simply be denied by the new court and would never reach the Supreme Court. However, the High Court would still possess the authority to review cases not referred to it by the sub-Supreme Court.

The creation of the new court — it must first be approved by Congress — would for the first time leave petitioners without a right to come before the Supreme Court. No longer would the Justices be certain they were being exposed to all the justifiable complaints raised in the nation's lower courts.

The Supreme Court's case load has doubled in the last decade,

and tripled within the last 20 years, placing great strains on the Justices' time.

The committee will probably deliver its report to Chief Justice Warren E. Burger next week, Freund said.

The committee of seven consists of two other graduates of the Law School in addition to Freund — constitutional scholar and Yale Law School professor Alexander M. Bickel '49, and Robert Stern '32 of Chicago.

(Continued on Page 3)

Voters Retire Older Judges

By Mark C. Rutzick

The voters of Massachusetts last week approved a constitutional amendment which is now being called a major victory for the law reform movement in the Commonwealth. The electorate approved by a wide margin a provision requiring the retirement of all judges at age 70. The amendment will result in the retirement next month of 38 of the 266 sitting judges in the state, the largest number of vacancies to occur at one time in the history of the Commonwealth.

The vacancies include 10 on the Superior Court, 21 on the District Courts, one on the Land

(Continued on Page 6)

ACLU Lawyer Probes Prisoners' Rights

By Gary L. Rubin

A leading prisoners' rights attorney told a skeptical audience of 60 Monday night that American penal institutions are "a collection of cages that must be brought down."

Al Bronstein, director of the American Civil Liberties Union's National Prison Project, described the lawyer's role in the prison reform movement in the second of three lectures being sponsored by the Harvard Center for Criminal Justice.

Bronstein reported that activism among prison inmates is currently on the rise, as blacks and middle-class youth arrested for what he termed "political crimes" are increasingly put behind bars. The result, he said, is that lawyers' professional talents are being sought out to challenge the authority of prison officials, and "while the lawyer's role is not to be out leading the movement, he can act as a catalyst for change by the people outside."

The focus of change should be the abolition of prisons themselves, Bronstein said. "The inherent danger in what we as prisoners' rights lawyers are doing," he explained, "is a danger of achieving cosmetic results only — less censorship and more procedural due process within the cages — so that we'll wind up with bigger, better, newer cages, but cages nonetheless."

Among the "cosmetic" reforms he named as frequent objects of litigation are more equitable parole procedures, free expression of ideas within prisons and through the mail, and more comfortable quarters for those incarcerated.

He claimed that because the penal institutions are concerned wholly with their custodial function and not with rehabilitation, there can realistically be no trade-off between security considerations and purported correctional goals. Hence prison officials will sometimes tolerate widespread use of narcotic drugs in the pris-

ons as an excuse for punishing politically dissident users, while justifying censorship of mail as a check on the inflow of drugs.

"As long as they pretend that they have something other than cages," Bronstein said, "the risk of LSD coming in is worth taking rather than having interference with the mail. Officials are not really concerned about contraband — they're concerned about political thoughts coming into their midst."

Bronstein drew the ire of several members of his audience by conceding that he could suggest no alternative means of incarcerating dangerous persons.

Massachusetts Corrections Commissioner John Boone argued that though Bronstein spoke in terms of abolishing prisons, "the ACLU has focused on prison reform, but you're not really addressing yourselves to tearing down the prison walls."

Boone said that accused criminals face a greater threat from a high-priced legal profession than from officials seeking to maintain security within the prisons.

The Commissioner told a Harvard audience late last month that prison reform is a less constructive goal than rehabilitation of criminals within the community itself.

Ames Final Round Set for Tuesday

Seeking its fourth consecutive Ames final victory, the Learned Hand Club will defend its title Tuesday, November 21, at 8 p.m. in the Ames Courtroom before a three-judge panel including Supreme Court Justice Potter Stewart.

Other members of the panel will be Judge Paul Hays (C.A. 2nd Cir.) and Judge Harold Leventhal (C.A. D.C.)

The challenging Cardozo Club team has not won the moot court competition since 1950.

The case is assumed to be before the Supreme Court of the United States on certiorari from a grant of summary judgment in the district court and an affirmance thereof by the court of appeals. The principal issues are whether, on the record before the district court, it properly held that the petitioner-employer had failed to show such a degree of

interference with the policies of federal labor laws from payment of state unemployment compensation benefits to its striking employees as to warrant preemption of the latter; and whether the district court correctly declined to abstain from deciding that question despite the existence of arguably unresolved questions of pertinent state law.

Petitioner Agar Chemical Corporation will be represented by the Cardozo Club team, with Richard Lyle Berkman and David B. Goldstein as oralists, and Christopher T. Carlson, Jeffrey L. Dye, Jon W. Nickel and Garry B. Watzke on the brief. The Learned Hand Club team will represent respondent members of the Michigan Unemployment Compensation Commission, with David J. Fine and Ronald J. Waicukauski as oralists, and Geoffrey M. Conner, Paul P. Daley, Steven B. Jacobsen, and Thomas D. Phillips on the brief.

Published weekly ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 495-4418. Subscription price: \$3.00 semester, \$6 year mailed; students, \$3.00 year distributed at the Law School. Individual copies: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1972 by The Harvard Law School Record Corporation.

Panel to Recommend New Court



Alexander M. Bickel

(Continued from Page 1)

Other committee members are Professor Charles Alan Wright of the University of Texas, Russell K. Niles of New York University, former American Bar Association President Bernard G. Segal of Philadelphia, and Peter D. Ehrenhaft of Washington, D.C.

Committee members met about a dozen times during the past year, and also interviewed all nine Supreme Court Justices.

The report's general recommendations were criticized Monday by Henry J. Friendly '27, chief judge of the United States Court of Appeals for the Second Circuit.

Speaking to an audience at Columbia University Law School, Friendly commented, "While it would be plainly wrong to take a position without benefit of the report of the distinguished committee . . . , at the moment I am profoundly unconvinced.

"Certainly," he added, "no step with such serious potential for harm should be taken without the most thorough debate."

At the same time, the *New York Times* editorialized Monday that "this appears a realistic response to a vexing situation," but it too reserved final judgment un-

til publication of the committee's recommendations.

Further details of the proposed court emerged from the *Times* article:

— The new court would be composed of judges from the 11 United States Circuit Courts of Appeals, and its members would be selected from all except chief judges, semi-retired judges, and judges with less than five years appellate experience.

— No circuit would have more than one judge at a time.

— Appeals to the Supreme Court would be abolished, as would three-judge federal District Court panels.



Paul A. Freund

Irish Ambassador Condemns Terrorism, Sees End of War in Northern Ireland

By Phil Spector

Calling for "full and effective participation of both communities" in Northern Ireland, Irish Ambassador to the United States William B. Warnock spoke to the Harvard Law School Forum Tuesday evening about the history and future of the troubled British province. He noted that his Dublin government "deplores" the violence and discussed possible ways in which the violence may be avoided in the future.

The 61-year-old Episcopalian ambassador pointed out that the Northern Ireland conflict is "not a struggle between religious doctrines as such." Religious, social, economic, and geographic factors, he believes, are all to some degree involved, and the problem has both an internal and an external dimension. Internally, Northern Ireland as a political entity has failed, he asserted, while externally the problem must be viewed in the larger historical context of Anglo-Irish relations.

The career foreign service officer felt the original partition of Ireland in 1920-21 contained within it the roots of the present problem. The six-county northern area is not homogeneous; it was chosen to assure pro-British Unionist majority but included a large, permanent minority who were a majority in many local areas. The political system, moreover, was "poorly designed to meet the local situation," being modeled after the Parliament in London, where there is a balance of power between two strong political parties. In Ulster, by contrast, the Unionist party has never faced an effective challenge in its 51-year history.

Discussing the violence, Ambassador Warnock seemed to imply that it had its origin in the Northern Ireland government's "repressive and often violent" response to the Catholic civil rights movement in the 1960s. The situation was exacerbated by the introduction of British Army troops in

(Continued on Page 7)

Lawyering Process Praised by 2L

By Richard Weishaupt

"I walked into my adviser's office," the prospective Young Lawyer remembered, "and showed him a list of courses that I wanted to sign up for. He nodded approvingly at the old standards — *Con Law*, *Tax* and some others — then a puzzled look came over his face, '*Lawyering Process* for seven credits?' I said, why yes — Gary Bellow's course (praying that he wouldn't disapprove) but I had misunderstood entirely. His response showed not disapproval but ignorance — 'Gary Bellow, who's he?'"

I relate this episode not as an indictment of the faculty advisory system nor to show the unconcern of the faculty as a whole for student life (although one may draw one's own conclusions) but to highlight the detachment that the course enjoys/suffers under. In euphemistic terms, the *Harvard Law School Catalog* describes the class as, "*The Lawyering Process A and B*. The course seeks to examine in detail, through role playing and actual practice experience, the nature and dynamics of such tasks as interviewing, negotiation, drafting, counseling, and advocacy. . . ."

Students point to political desirability of work, plan public interest, poverty law careers

The seven-credit evaluation is neither accurate nor logical. A student in the course receives three classroom hours of credit for five hours of classes per week. Four credits are granted for the "field work", i.e. actual clinical activity, which generally takes fifteen to twenty hours each week. Not exactly generous but three and four makes seven, right? Well . . . not quite, since there is also a required one-credit paper that one must write upon complet-

ing the course (to summarize the experience and hopefully to do some useful research for those practicing community law in the area). But beyond the vague description and credit allotment not much can be learned about the course except by infrequent word of mouth from former students.

Despite the heavy work load I have found no student who would change his mind if he could make the decision to take the course again. For although the course

Course remains favorite Despite heavy caseload

readings are as great if not greater than any course I have encountered and the hours at the various legal aid offices are long and often tiring, there seems to be involved a redeeming social value. Students point to the political desirability of the work, their plans to pursue a career in "public interest" or "poverty" law, and dissatisfaction with the traditional law school teaching method as the motivating force behind their choice.

Indeed one way to characterize the program is as mildly activist-

well as giving practical advice on such topics as cross examination, discovery, and interviewing.

Basically the clinical part of the program is run in conjunction with one of three organizations: Cambridge and Somerville Legal Services, Inc. (CASLS), the Prison Legal Assistance Program (PLAP), and Harvard Legal Aid, all of which are separate entities engaged in legal services that have agreed to take on students from the *Lawyering Process*. All three, in conjunction with the course, allow students to handle cases, essentially on their own, for indigent clients in civil matters. CASLS is the largest and has several full time legal services attorneys while PLAP and Legal Aid are student-run organizations.

The practice is varied but generally can be broken down into three areas: housing, consumer law and welfare. All three also handle divorces and related matters, but student participation in this field is allowed only by Legal Aid for reasons that remain obscure.

Obviously, the student assumes a tremendous amount of responsibility despite fairly close supervision. As in most legal aid offices the novice does not begin by writing memos to partners or sitting in on negotiations. The very nature of legal services makes for a much more individualized practice than in a typical law firm with more formalized chains of command.

It is this phenomenon that, in large part, explains for many people the necessity for clinical education — large firms can seemingly afford to hire people who are essentially theoreticians rather than lawyers. The appellate case method that has evolved is eminently well qualified for this. As Gary Bellow points out, however, something different is required when the facts are not "as stated above."

After Seven Years . . .

Reiser Leaves Harvard For S.C. Law Post

By Frank V. Calaba

Walter A. Reiser, Jr., Director of the Legal Methods Program, will be leaving the Law School in January to accept an appointment as a Professor of Law at the Law School of the University of South Carolina.

Reiser graduated from the Georgia Institute of Technology in 1943, and worked in engineering during World War II. He received his law degree from the University of South Carolina in 1955, and worked in the following years for Hull, Willingham, Towill & Norman in his hometown of Augusta, Georgia.

After almost 10 years in private practice, Reiser decided he wanted to teach law. Through a former professor he arranged to meet with Professor Robert E. Keeton and Professor Livingston Hall of the Harvard Law School. As a result of the meeting he came to Harvard in 1965 on a two-year teaching fellowship. After receiving his LL.M. in 1967, he became Director of the Legal Methods Program.

"Walter has done a superb job with the program and has helped it immeasurably," said Karen S. Metzger, a teaching fellow in the Legal Method Program. "I know this sounds hokey, but is true. He



Charles Soberman

Walter A. Reiser, Jr.

ered litigation and legal ethics and analyzed cases where the court discussed whether it should deal with a specific area or whether the legislature should. Also, a teaching fellow might propose that we cover a certain area of the law. If the rest of us agreed then we worked it into the course. RECORD: How did the old program teach trial techniques?

Reiser: We conducted a model trial over a three-week period. In the first week we gave a memorandum of facts which resembled an actual client interview to half

were non-law students who were instructed as to the background of the case. The jury was also composed of non-law students. The judge was either from the Federal District Court or the Superior Court.

RECORD: This sounds like a great exposure to the litigation process. Why was the model trial discontinued?

Reiser: As a result of complaints by the students, the Committee [on the First Year] decided to restructure the Legal Method Program to spend a major part of its time considering a lawsuit. The committee felt it a mistake to have a series of unrelated projects. One of the chief gripes of the student representatives was that the model trial was a "theatrical" or as some called it a "circus." . . . I personally felt that it was regrettable to drop the model trial since it exposed the litigation process to first year law students in a dramatic way.

RECORD: I also understand that at one time you were not only instructing students how to write well but also advising them of their rights under the Selective Service law.

Reiser: As you recall, in 1968 the Selective Service stopped giving deferments to law students. Several professors found themselves spending so much time answering questions regarding Selective Service law that they felt that they didn't have enough time for the courses they were teaching. Professor [A. James] Casner, who was Acting Dean at the time, asked me to serve as a draft adviser.

The student demand for knowledge about the Selective Service law was so great that I spent nearly full time advising students of their rights. Until the lottery came in, there would usually be at least five people waiting outside my office every morning. This went on all day long, during this

(Continued on Page 11)

Georgia native Reiser directed first-year Legal Methods Program

is a low-key person who doesn't try to impress his ideas upon the teaching fellows. He lets us develop our own teaching methods."

Reiser recently discussed his seven years at the Law School with the RECORD:

RECORD: What changes have you perceived in the Legal Methods Program in the years since you have been associated with it?

Reiser: The biggest change has been to provide the Program with a more clearly defined objective. . . . Under the old program we cov-

of the students and asked that they be prepared to discuss whether or not the client had a case. We gave a second memorandum in the form of the defendant requesting advice to the other half of the students. For the second class we gave out completed pleadings and discussed pretrial activities.

The third class consisted of a model trial. We got two lawyers to try the case, sometimes they were professors, sometimes practicing attorneys. The witnesses

Mass. Referendum Brings Retirement

(Continued from Page 1)

Court, and six on the Probate Court.

The departure of these judges is itself regarded by knowledgeable observers as a great improvement in the Massachusetts judicial system. Among those retiring are District Court Judges Elijah Adlow and John W. MacLeod and Probate Court Chief Justice John A. Costello, who are widely thought to be among the most reactionary and incompetent jurists now sitting. Indeed, as one Boston attorney involved in law reform observed, "Of the 38 who are retiring, there is only one whom I'm sad to see go. That's Judge Reuben Lurie of the Su-

were the Boston Legal Aid Project, the League of Women Voters, the Council for Public Justice, and the Massachusetts Law Reform Institute.

Ernest (Tony) Winsor '63, a personable young attorney with the Massachusetts Law Reform Institute told the RECORD, "We put forth two main reasons for supporting the amendment. First was the 'good government' argument that all other state employees had retirement ages, and judges should, too. Also, we argued that the procedure that Governor Sargent had established to pick the new judges was so far superior to past practices, and the quality of the new ap-

thing will just be having more judges who follow the decisions of the U.S. Supreme Court. What a change that will be."

Governor Sargent's willingness to innovate in the process used to select judges distinguishes him sharply from his predecessors in the Governor's mansion. He appointed the current advisory panel in August, in anticipation of the passage of the amendment. It consists of six lawyers and six laymen, and is chaired by George Putnam, a Boston investment banker. The group contains three women and one black attorney, and is balanced between Republicans and Democrats, as well as liberals and conservatives. Among its members are a woman from the Massachusetts League of Women Voters, and an attorney from the Massachusetts Law Reform Institute.

'We would have been happy with an amendment that required every third judge to retire.'

perior Court, who's a fine man. But I won't miss any of the rest."

Just as significant as the departure of the 38 judges is the manner in which their successors are being selected. A twelve-person advisory panel appointed by Governor Francis W. Sargent is conducting an unprecedented examination of over 1100 potential appointees to the bench, and making recommendations on every one. The Governor agreed to follow these recommendations closely in making his decisions. This procedure has never before been used in the Commonwealth, which has a tradition of unrestrained political appointments of judges by past Governors, based on little or no public input.

The constitutional amendment passed the Legislature in two consecutive sessions, as required by the state Constitution, without drawing much attention. Once it was placed on the ballot, a collection of liberal and "good government" groups formed a "Coalition for Better Judges" to champion its passage. Members

pointees was likely to be so much better than in the past, that we should try to pick as many judges as possible under Sargent."

Winsor added, "Privately, however, we also wanted to get rid of as many of the current judges as we could. This was a convenient vehicle to achieve that. We probably would have been happy with an amendment that required every third judge to retire." Winsor finds it hard to understate the effect of the new

Putnam, in an exclusive interview with the RECORD, described the procedure the committee has followed. He said that the group initially took recommendations from any source whatever, including self-nomination, and came up with a list of over 1100 names. Each nominee was then sent an extensive Personal Data Questionnaire, which explored the individual's legal training and knowledge, background, and attitudes toward the judicial system.

'This will have more impact on the system than anything else we could have done.'

law. "This will have more impact on the system than anything else we could have done. In addition to removing a lot of bad judges, it increases the pressure on the Legislature to create a permanent method for selecting judges in the way Sargent is doing it now."

Asked what the specific impact of the 38 new judges will be, Winsor responded, "The best

Over 600 of these queries were returned to the committee, whose executive secretary was William Young, Chief Counsel to Governor Sargent. The group then began to arrange personal interviews with every one of these respondents, an activity which is still in process and will not be completed for at least another week.

"The three Chief Justices of

Of 38 Judges Now Above Age of 70

the Courts [District, Superior and Supreme Judicial] urged us to stick with people with extensive trial experience," Putnam noted. "They wanted to minimize the training period which would be necessary for all the new judges, and felt that this was the easiest way." Accordingly, the panel has looked most kindly upon applicants with those qualifications.

Every interviewee will receive a rating from the panel, but less than 25% of them will be rated "acceptable"; the rest will be labelled "not recommended", and all the names will then be sent to the Governor for consideration. "We have every reason to believe that the Governor will only appoint individuals we have rated as acceptable," Putnam said. Since as many as 150 persons will be recommended, Sargent will still have considerable latitude in his final choices.

Putnam said that the panel had sought to attract both women and black applicants, with mixed success. "Unfortunately, we received disappointingly few nomi-

nations of women. There just aren't enough qualified women in practice today. As for blacks, we received no self-nominations of blacks, and had to go out looking. But we were able to find some very highly qualified blacks, and we have already recommended to the Governor three or four blacks and several women whom we definitely expect to receive appointments." Putnam added that the only two women on the Superior Court were being forced into retirement by the new law, and that there are no blacks on that bench at the present time. "We hope to change that soon," he said.

Putnam admitted the difficulty of a non-lawyer quizzing an attorney on the law. "I left the legal questions to the attorneys on the committee, and limited my questions to those dealing with the individual's administrative talent, his prejudices and the kind of person he is. I think those are very important ques-

tions for a judge." Putnam feels that the committee did not try to dictate a judicial philosophy to the applicants. "We had both liberals and conservatives on the committee, and recommended both to the Governor. We did eliminate those with extreme views in either direction, but beyond that we were quite tolerant."

Putnam found that a considerable number of the middle-aged nominees were trial attorneys to whom a judgeship had become more attractive financially since the advent of no-fault insurance in the state. "There's no question that many of these people would not be actively seeking these positions if their practices had remained as strong as before no-fault," he said. A District Court judgeship pays \$26,000, and the Superior Court \$30,000.

All the new appointees are expected to be handling a full docket by the beginning of the year.

Irish Ambassador Hits Violence, Sees Peace in Northern Ireland

(Continued from Page 3)

1969, ostensibly to defend the minority. The expectations of the Catholic minority were raised but were not met, as the troops instead defended the existing Unionist government.

The Ambassador praised the recent British government "Green Paper" on Northern Ireland as "valuable and realistic", emphasizing that it excludes the option of independence for Northern Ireland and also excludes complete integration of the province into the United Kingdom. Warnock quoted Irish Prime Minister Jack Lynch as suggesting a "Greater Ireland Council", dealing initially with economic and social problems and giving the Northern

majority "an opportunity to participate effectively."

The international aspect of the Northern Ireland situation was brought out by Warnock, who pictured the Republic of Ireland's foreign relations in terms of three concentric circles: Great Britain, the European Economic Community, and the full international community. Many economic and social differences which exist at present between Ireland and Britain "will have largely disappeared by 1980" because of the entry of both countries into the EEC.

In response to a question, the ambassador mentioned that there will be a referendum next month on the special position of the Catholic Church in the Irish Constitution.

Harvard-Radcliffe

Hillel Society

CHANUKAH CELEBRATION

Sunday, December 3

Concert featuring

NAHAMA LIFSHITZ

renowned Russian folksinger, at Sanders Theater, 5:00 p.m. Admission \$4.00, students \$2.00.

Supper, folk singing, and folk dancing at Memorial Hall from 7:00 until 12:00. Admission \$2.50, students \$1.25.

Tickets available from Hillel, 1 Bryant Street, Cambridge, 495-4696.

2L, Ex-AID Official in Vietnam,

By Steven Young

The author spent three years in Vietnam — 1968 to 1971 — working for the Agency for International Development.

He spent his first year working as a civilian advisor with village government in a Delta province. The second year he was in Saigon looking after local government programs for all of South Vietnam. His third year found him in the American Embassy working on economic reform.

The broad terms of the peace agreement negotiated by Henry Kissinger and Hanoi represent for me a victory for the South Vietnamese people, who for so long have been oppressed by power-hungry leaders of the left and of the right.

Now, on one hand, the North Vietnamese (having failed to impose their idea of political good on South Vietnam after 14 years of struggle and war) accept the continued reality of a South Vietnam which is not dominated by the Communists or their allies. And, on the other, the termination of massive American support will make it more difficult for the Vietnamese right to sustain the repressive aspects of the Saigon regime. Both extremes lose by the settlement, and the chances for a middle way come to the fore.

There has been a war in Vietnam because political life has been controlled by two extremes — neither of which can win but neither of which will give up. Each attempts to nourish a Western ideology amidst the Vietnamese people — Communism on one side and Catholicism on the other. Both must rely on foreign support to survive.

In the Viet Minh war, the Communists succeeded because they used nationalism to mobilize the support necessary for victory, but only because they had the foresight to dispatch great nationalist leaders such as Huynh Phu So and Truong Tu

'One Had to Use Law For Drastic Reform.'

Anh in 1946. Opposing them was a small core of Vietnamese tied to the benefits of the colonial economy, to oversimplify the situation.

However, most Vietnamese are neither Communists nor toadies of foreign capital. They are nationalists looking for a unique Vietnamese destiny in the modern world. They have been caught in the middle since 1946 and are still waiting for an effective nationalist movement to come along.

Thus, the solution to the war has always been to build a nationalist political community strong enough to defeat the Communists on the battlefield

and cohesive enough to control the conservative elements in the urban centers.

Such a solution can not be found through the roulette wheel of personality politics as Diem, Minh, Khanh, Huong, Ky, Thieu have shown. I volunteered for Vietnam to try a different approach.

I felt one must manipulate state power to restructure institutions and establish different relationships among people, wealth and political power. In short, one had to use law for drastic reform.

And that is what we did starting in late 1968. For a complex of reasons which still amaze me, it seems to have worked out better than we expected but exactly as we predicted.

First, power was decentralized to the villages. As recognized in the 1967 Constitution, villages rather than hamlets are the units of local government sanctioned by tradition. So village chiefs were given line authority over local troops, police and cadre. Special development budgets outside ministry control were given to each village for it to use as it pleased. Guns were given to a new people's militia. Then in 1970 Village officials were given authority to carry out land reform which gave title to every tenant in place.

Second, elections were held and re-held to provide for new leaders tied to the local community. Councils were also elected at the provincial level to provide a middle, linking village councils with the elected deputies and Senators in Saigon. Local leaders could now trade votes meaningfully for a share of higher budgets and protection from administrative interference.

As a result of this effort and successful military operations, the Viet Cong evaporated as an effective force within South Vietnam. The Communists had to mount their 1972 offensive as a North Vietnamese operation, even in the Delta.

In addition to battling for the success of these local government programs, my particular effort when I came to Saigon was to institutionalize the new arrangement of local power. I wanted a rational village tax system to provide funds for self-sustaining development and a credit program to sustain the agricultural prosperity which had occurred in most of Vietnam in 1970 through village credit committees. Establishing the credit program was not difficult, once the professional American credit advisors were swung into line, but raising the absurdly low village tax base was frustrated by the national assembly.

In this work I discovered the Tan Dai Viets, a modern, nationalist party of effective, capable, dedicated men who must be given most of the credit for the resilience and survival of South Vietnam these past few years. The Tan Dai Viets

Applauds Recent Peace Plans

form one of the two major factions in the coalition which keeps Thieu in power. The other major faction is the core of wealthy urban conservatives, largely Catholic and Chinese, left over from the French. This latter group keeps the Tan Dai Viets out of complete power and is responsible for the worst aspects of Thieu's regime.

When I came to this understanding of the political situation in late 1970, and having stabilized the

'We Changed Rules on Aid To Take Out Windfall Profits.'

village programs, I asked to work on the economy as an area in critical need of institutional change.

Vietnam's economy had to be taken off the tit of American aid. That would cripple the power source of the conservative elite and open the way for the Tan Dai Viets and other nationalists to assume predominance. And it would bring about one precondition for the attainment of our objective of an independent, self-sufficient South Vietnam: a productive economy.

Once again, Heaven was with me, as the Vietnamese say. We changed the rules on aid to take out the windfall profits. We dried up the black market, squeezed smuggling rather dry, switched profit incentives away from imports to exports, pushed interest rates up to take money off the street and put it in banks for channelling to productive investment, increased taxes and liberalized trade regulations.

[As benefits on the margin, I like to take some credit for the fall of the Prime Minister's brother

and cousin, one Minister of Defense and his pack, and the loss of monopoly profits for the 54 merchants who ran the fish industry. Unfortunately, Harvard accepted me before I had completed my case against "Mr. Big", who dominates official corruption and has an office in Thieu's Presidential Palace.]

Today, South Vietnam has a viable political system linking all levels of society in a pattern of exchange and accommodation; an economy increasingly less dependent and corrupt; and many capable, motivated men ready to give effective nationalist leadership.

The draft peace agreement allows us to leave South Vietnam without making a shambles of the viability which has emerged in the last 4 years. I do not expect a coalition government or elections to materialize as contemplated in the agreement. Compromise and elections have never been Vietnamese techniques for resolving fundamental political issues.

Hanoi will face the choice of giving up or fighting on. Since Hanoi no longer has sufficient infrastructure or popular support in the South, I do not think renewed guerilla war will be profitable for the Communists. And as for another major conventional military effort, I think Hanoi's divisions will be defeated by the nationalist military officers now coming into high command, even without the aid of U.S. airpower. The nationalists in the South Vietnamese Airborne, Marines and 1st Division have consistently defeated Communist troops. I think South Vietnam has survived.

In particular, the South Vietnamese people now have a respectable opportunity to build that unique national community in the family of nations which is their desire and their heritage.



\$6 Rent a Volkswagen
Per Day + Mileage

Lowest Rates In
Harvard Sq.
Compacts - Sports Cars - Sedans
Station Wagons - Small Vans
Bicycle and Ski Racks Free

491-7600

106 Mt. Auburn St.
At the Coolidge Bank

WANTED: PROFESSIONALLY WRITTEN CASEBOOK OUTLINES

for

Andrews — Federal Income Taxation '69
Brudney & Ch — Corporate Finance '72
Countryman & K — Commercial Law '71
Haar — Land Use Planning '71
Herwitz — Business Planning '66
Jennings — Security Regulation '72
Keeton — Case Supplement to Basic Text
on Insurance '71

Cambridge Law Study Aids
4814 South Pulaski Road
Chicago, Illinois 60632

Backward from Zero

The action of the Law School Council this week in gratuitously seating as a full voting member an unelected Chicano student merely underlines what a mockery the group has become since its inception last year. Three blacks and one Chicano had been duly elected to the Council as part of its 16-student membership, but because no present member admitted to "representing" Chicanos at the Law School, another Chicano was added, in line with a Charter provision allowing "unrepresented" groups to supply additional members at the whim of the Council.

This Charter provision is an insult to every HLS student and should be eliminated at once. It presumes that the student body will discriminate against minorities in Council elections, and that a special precaution is necessary to guarantee these minorities seats on the Council. Even if four minority group members hadn't been elected this year, this presumption would be subject to serious question, as would the idea that minorities deserve representation *qua* minorities, without regard to the will of the voters. At a law school, this perversion of the one man-one vote principle is especially offensive.

But the action of the Council in debasing its own representative authority is demonstrative of a greater ill — that this group has never since its creation made the slightest effort to assert its power as the elected delegates of the student body at this school. Last year the only action, if it can be called that, that the Council took was in *refusing to vote* on the issue of Harvard's investment in Gulf Oil. This year nothing has been done.

Significant power will come to a student group in this school only when it begins to take unilateral action to demonstrate to the faculty and administration that student power already exists as a potential. To this end, the Law School Council must act now to show that it does represent students here, and can do so only by mobilizing the lone resource it now can draw upon — the energy and commitment of the student body.

The Council's Charter provides: "The Council may direct its attention to any matter of Law School policy or practice touching the interests of students, and shall serve as a forum for the expression of student views and concerns on such matters."

We're waiting.

HARVARD LAW RECORD

DAVID COCKE	Editor
PAUL WEINER	Editorial Manager
DANIEL TAUBMAN	News Editor
KERMIT KUBITZ	Assistant Editor
MARK RUTZICK	Associate Editor
ROBERT FLANDERS	Book Review Editor
CHARLES SOBERMAN	Photography Editor
TERRY COLEMAN	Business Manager

Staff: Bob Brown, Fenno, Paul Gupta, Joel Seligman,
Gary L. Rubin, Paul Gutierrez, Phil Spector,
Frank V. Calaba, and Glenn Stover.

Secretary: Elaine Burke

Fenno

Fenno sat down in front of the Hark, stretched and breathed deeply. Gosh, what a great day, he thought, gazing at the yellow leaves fluttering from the trees like a golden rainfall. Suddenly, the stillness was shattered. Pssst! Then again . . . pssst! Fenno looked around and spotted a shadowy figure behind the Pound building. He was dressed in solid black. He wore a dark high-rise, wide-brimmed hat, a flowing black cloak and, (Fenno strained to see), yes, he carried a dagger. A long, bony finger beckoned Fenno to come. "I've got them," he whispered breathlessly, glancing nervously around. "Here, in code, are the names you wanted," shoving an envelope into Fenno's hands. Fenno looked bewildered. "Say, I think you've got the wrong . . ." but, in a heartbeat, he was gone.

Fenno opened the envelope, unfolded the letter and read:

"Sonja Feline, the fluffy kitty cat, strutted over to the barn. She wanted to see if Roy and Chunkey were around. Roy was the coolest rooster and Chunkey the biggest black ox on the farm. 'Hey, Man,' she said prancing up to the fence where the rooster perched near his huge friend, 'what's new?'"

"'Well,' the rooster began, 'I scared away a foreign burglar last night. He had a lot of goodies in a sack so I hollered, 'HOLD IT!', he shouted, 'TOUCHÉ, SIR' and I chased him out with a bat or something. He looked a little like Henry Fonda's son. I went after him because nerve is something I've got."

"'Not only that,' the ox bellowed. 'I come along to borrow a book, I wanna read a story. I see the two and wonders which is the chaser and which is the chasee. But I figures if I catch him I'll eradicate that monkey tonight. So I pounce on the burglar, but he was such a bruiser he went and freed himself.'"

"'I just don't know about you two,' Sonja said shaking her pretty head. 'What makes you think I'm going to believe that COCK and BULL story?'"

It was then that Fenno realized. Hidden in that passage were the names of twenty members of the Harvard Law School faculty. But Fenno knew the names were safe, for he was certain that not even the superstars of Harvard Law School could find all twenty.

Law Notes

Two 2L students, George Birnbaum and Joshua Rubins, have written a musical which is scheduled for production at the Agassiz Theater next March. The production is sponsored by Radcliffe Grant-in-Aid. Open casting for the musical, "The Suffragette", will be held December 11 and 12 at the Agassiz Theater and December 13 and 14 at the Loeb Theater. Casting will begin at 7:00 p.m. on all four days.

The production, which will be directed by the two law students, calls for five female and four male leading roles as well as both male and female choruses.

* * *

Yearbook group photographs that were cancelled because of inclement weather on Tuesday have been rescheduled for next Tuesday at the same times.

* * *

The recently released report by two Stanford University professors calling for widespread reforms in legal education has been published by McGraw-Hill under the title *New Directions in Legal Education* and is now on sale for \$10.

The report, written by Professor Herbert L. Packer and Dean Thomas Ehrlich '59, recommends the establishment of a two-year law degree and a limitation of the case method developed at Harvard Law School to first-year courses.

The increasing heterogeneity of the legal profession requires legal education to diversify to reflect increasing specialization, the report notes.

The study was prepared for the Carnegie Commission on Higher Education.

Correction

In last week's RECORD story on the election, we omitted Floyd K. Haskell '41 from our list of newly elected alumni. Haskell, a Democrat, was elected to the Senate from Colorado in an upset which surprised virtually every political observer in the country. He was a Republican until the day after the 1970 Cambodian invasion, when he changed his party registration to protest President Nixon's war policy, and is expected to vote as a liberal in the Senate.



Smithsonian

Judge J. Skelly Wright

Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit will address the Harvard Law School Forum on November 29, the Wednesday after Thanksgiving vacation. He will speak at 8:00 p.m. in the Lowell Lecture Hall.

The RECORD will not publish next week because of the Thanksgiving vacation. The next issue of the RECORD will come out December 1.

Letters . . .

Glueck Remembered

To the Editor:

On the passing of Mrs. Glueck, I think notice should be taken of the Gluecks' personal interest in the students.

My freshman year Mrs. Glueck went to the trouble of inviting by written invitation small groups of freshmen to their tiny apartment for tea on Sunday afternoon. Successive Sunday teas eventually covered the entire class. This courtesy of the Gluecks is what comes first to my mind on mention of their names.

Cleveland Burton '44('47)

Thank God

To the Editor:

After reading in the RECORD about the straw ballot giving McGovern 83 per cent of the voters polled, and then observing the actual results of the election last night, I can only say: thank God that the electorate of this nation has more sense than the students and faculty of the Harvard Law School.

George R. Cooper, Jr. '51

Reiser Leaves HLS for S.C.

(Continued from Page 5)

period. It got to a point where I was getting phone calls from non-students asking for advice. I tried to limit myself to students, however, so that I could give them all my time.

As a result of my advising students I was appointed Government Appeals Agent for the Cambridge Draft Board—Local Board Number 17. Shortly thereafter I was appointed a member of the Board and just recently resigned.

RECORD: Now we get to the subject of your new position as a Professor of Law at the Law School of the University of South Carolina. How did it come about? Isn't it unusual to be appointed in the middle of the academic year?

Reiser: Last summer I was in-

vited to teach summer school there. It is unusual to be appointed during the middle of the academic year but the appointment arose as a result of a vacancy on the faculty due to the death of one of their members. I was offered the position and I thought it would be possible to leave Harvard in January since most of my work is in the fall.

RECORD: Do you have any final reflections on HLS?

Reiser: The unique thing about Harvard in comparison to private practice is that to some extent you are isolated from the general society at Harvard. In some respects I personally feel this is good but I realize it may not be a good thing for a law school. This is being overcome, however, to a great extent by clinical programs.

The Boston Consulting Group

ONE BOSTON PLACE • BOSTON • MASSACHUSETTS 02106

GROWTH VS. PROFIT NOW

The rules for growth products are clear: invest heavily and aim for leadership, or withdraw as profitably as possible. Either "buy" additional market share, or "sell" off the market share that you hold.

Which path to take should depend on your financial resources, your investment opportunities elsewhere, and how late it is in the day. You may be able to invest in some segments of the market, and withdraw from others. But a compromise between growth and profit produces the benefits of neither.

The company which derives its strategy from consensus decisions is often the least effective competitor. In any group of decision makers, there are those who will press for aggressive policies, and others who want to maintain high reported earnings. There is a temptation to believe that an intermediate decision between maximum short term cash flow and maximum long term profitability is somehow an optimum. This is a fallacy.

Since industrial real costs decline consistently with accumulated production, it pays to outgrow your competitors in a growth product. By adopting policies which deter others from investing, you can achieve both a large market share and a unit cost advantage over everyone else. By the time growth slows and investment stops, it will be impossible to profitably unseat you. Your plant is already in place, and any competitor knows that there is no profit in building surplus capacity.

The "experience effect" thus places a substantial premium on the value of growth. Its result is a highly profitable position for the competitor who ultimately becomes the entrenched market leader. But the policy leading to this position costs money which inevitably and seriously reduces interim profits.

Alternatively, you may do well by maintaining price as high as possible, cutting overheads vigorously and adding new capacity only when it will be fully utilized as soon as available. Depending on the strength of your initial position and the strength of demand, it may be possible to generate substantial positive net cash flows and reported profits in the short term.

Obviously, this is a policy of liquidation — future competitive position is deliberately sacrificed as experience/cost improvements are lost to the competitors who fill the vacuum. Eventually the industry price will approach your cost. Net cash throwoff will fall to zero. The entire reported profit will be required to reinvest in merely keeping a marginal business alive. Yet, in the meantime high profits will have been made, particularly if your competitors were willing to go along with your high prices. Conditions are especially favorable if you have patent protection or have a leading position that permits you to lose market share slowly while holding a price umbrella.

How rapidly you should liquidate in order to maximize short term cash flow depends on a variety of factors. If the product life is short or uncertain, it makes sense to take your profit fast. If your competitors are conservative and docile, the process might profitably be dragged out over a long period of time. However, low share competitors rarely have much choice.

Growth while losing share is dangerous and usually expensive. Slow growth can easily be worse than no growth at all. Starting with a low market share, the decision merely to try to keep pace with the industry growth will entail heavy investment with small likelihood of achieving a superior cost position. The situation is even worse if one competitor is growing fast at the expense of the others. Not only will his price policy reduce your short term profit margin, but he can steadily gain share and a cost advantage which you may never be able to match. Once the growth slows down, it will be too late. Your business may show "acceptable" net income for years, and yet the cash return from your investment will probably never be significant.

The eventual price of failing to maintain market share is heavy. Continuous loss of market share will lead to declining profit margins and, eventually, to a nonviable business.

Characteristically, every business makes most of its profit from a few product segments. Those product segments are the ones in which it has a clearly dominant market share. These are the only ones in which it can achieve a superior cost compared to competition together with high volume.

The mediocre company is the one which pursues the middle way. It neither achieves product segment leadership nor maximizes cash throwoff. It becomes a portfolio of marginal products.

Perspective #79

BOSTON • LONDON • MILAN • PARIS • TOKYO

Pages by Sages Increase Through the Ages

By Kermit Kubitz

Part of every law student's life at Harvard is spent becoming acquainted with the books that hold the law on five levels of the library, from old English tomes to the latest decisions of state and federal courts. The books seem to have grown bigger and seem to come faster these days, so we ventured into the stacks to see if the output could be measured.

The first thing we turned to was the *Harvard Law Review*, the national epic of legal writing. Volume 85 of *The Law Review*, "TLR," as we shall call it, has 1700 pages. While this may seem adequate for an exhaustive treatment of almost anything, for TLR it represented a retrenchment from the 1976 pages of Volume 84 or the 1972 of Volume 83.

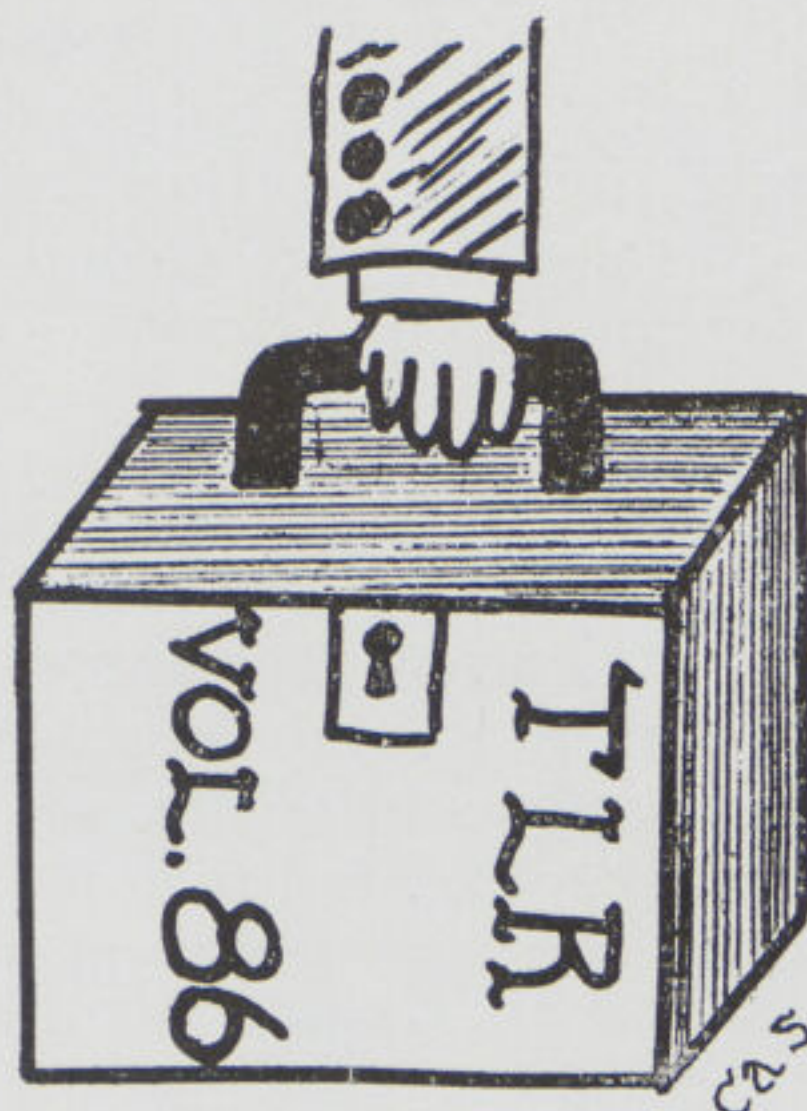
These gargantuan efforts at legal succinctness overshadow the lesser attempts of competing law reviews. The high tide of the *Yale Law Journal* may have been reached with Volume 76, 1967, when the Old Blue, in a supreme effort, reached 1739 pages. That same year in Volume 80, TLR had a mere 1836 pages, but that was sufficient to carry the day.

One might think that Harvard had always triumphed, but alas, the Crimson have faltered in the past. From its humble 392-page beginnings, TLR accepted and defeated all challengers from 1886 to Volume 30 in 1917 which had risen to 874 pages, while *Yale*, four volumes behind, had only 811 and upstart *Columbia*, 13 years slow, had 742.

The random scatter of the length of TLR about a rising trend line, had it never yielded to these lesser lights, might have been said stochastically to dominate *Yale* and *Columbia*, if not for a faltering growth rate in Volumes 40 to 60. TLR increased only 206 pages, from 1170 to 1376, while *YLJ* went from 1200

to 1475 and the *Columbia Law Review* burst from 1020 to 1398.

Those glory years for the insurgents (we only reviewed issues comparable to *Harvard's* Volumes 30, 40, 50 etc.) ended



with the aforementioned Volume 80, but a new challenge had arisen. *Harvard's* 1700 pages in the most recent bound volume were the product of 60 editors, for a per editor yield of 28.3. While this is sufficient to dominate the Ivy League with comparable figures of 26.8 pages per editor for *Yale* and 22.5 for *Penn*, it shrinks into insignificance when compared with *Michigan's* impressive 1642 pages by a mere

'Have Faith In Massachusetts'

31 editors, a resounding 49.8 pages per. The acumen of the *Midwesterners* is further reflected by their decision to divide the bulk into two more manageable sections.

The growth of these secondary sources is merely a reflection of the waterfall of precedents, holdings, dicta, and footnotes. For example, from volume 1 of F. 2nd to Volume 50 encompassed the years 1924 to 1931. Since the length of a Reporter was approximately 1100 pages, this repre-

sented an accumulation of about 7900 pages a year. This rate of 50 volumes per seven years continued from 1924 to 1953. The next 50 volumes, however, took only from 1953 to '58, and 250-300 appeared in only four years, '58-'62. By this time the rate of publication was 13,800 pages per year, up 75 per cent from the rate that had held for 30 years before 1953.

This sudden acceleration quickened with volumes 300-350 arriving by 1965, Volume 400 reporting 1968 decisions, and 450 coming in 1971. It looked as though the rate was settling down at a steady 18,300 pages per year, but wait. In 1968, faced with a freshet of new law, the *Federal Reporter 2nd* expanded the average length of its volume from a 50-year average of 1100 pages to an average over 1500 pages per volume. Thus the publication rate between 1968 and 1971 is revised upward to 24,800 pages per year. No wonder law reviews are becoming enormous.

The same expansion from 1100 to 1500 plus pages took place in the *Federal Supplement*. Now *Corpus Juris Secundum* sits there on its shelf, looking like a blue python which has just devoured a young calf, which is slowly being digested between "Adjective Law" and Volume 101, "Zoning."

The only hope for the law student lies in the one and only, Massachusetts. In Volume 1 of the *Mass Reports*, 1804-05, 564 pages said all there was about the law.

Fifty volumes later *Metcalfe's Reports* totaled only 630 pages, and by Volume 200, '09, had reached only 735 pages. The latest volumes are sneaking up over 900, but within reason. TLR may reach 2001 before the rest of us, and the federal courts may make the case method untenable, but as Calvin Coolidge said, "Have faith in Massachusetts."

Council Seats Unelected Chicano Student

(Continued from Page 1)

Opponents of Roybal's appointment pointed out that Jorge C. Rangel, 3L, a member of the Chicano group, had already been elected to the Council as an at-large representative. Rangel claimed that he did not represent the Chicano organization, but was only a third-year class representative. There are about 40 Chi-

Appointment Raises Procedural Issue

canos in the school's student population of about 1500.

In a related action the Council postponed a request by the Dorm Council for representation on the board since no official spokesman for the Dorm group attended the meeting. A member of the Dorm Council is presently on the Law School Council, raising the same question presented by the Chicano Association request.

One member of the Council who wished to remain anonymous explained that there was considerable resistance to Roybal's appointment. Much of this resistance was reflected in a large number of abstentions in the actual vote. "The liberals on the board just couldn't vote against a minority," he said.

Rene Townsend, 2L, said she did not think the question of representation was resolved by the vote. "We will decide each case individually as it comes up", she said.

The conflict can be partially explained by last year's experiences when representatives of the Dorm Council and the Chicano group were appointed to the Council. At that time neither group was represented in the at-large voting which placed 15 law students and one grad law student on the board.

There was no real discussion at

last week's meeting concerning Roybal's personal qualifications, said William O. Ligon, 2L. "Rather than focusing on the particular group, the discussion focused on the principle for adding members," he explained. "There was some hesitancy to adding freely to the Council," he continued. "We want to establish first that a student actually represents the organization that he is a member of and second that the organization deserves representation."

According to Townsend the Council will hear requests from any organization on campus that feels that it is underrepresented on that body and wishes to have a member appointed to the Council. The deadline for requests is the end of November.

Townsend and Ligon, both candidates for chairmanship of the Council, did not feel that organi-

zations should be represented per se, irrespective of at-large representation. Ligon saw the Council as a "consensus organization" and not as "a focal point for minority groups." Both are blacks.

Michael Berman, 3L, another candidate for the Council presidency, was unavailable for comment. It was learned that he was a vocal opponent of the appointment.

The next meeting of the Council will be Monday, November 20th, at 3:00 p.m. in ILS, Room 4. The meeting is open to all law students.

New first-year representatives on the Council are : Rebecca Anne Donnellan (Section 4), Lawrence C. Patrick (Section 1), Jamienne S. Studley, (Section 2), Stephen B. Johnson (Section 3) and Stuart L. Brown (at-large). The grad student representative is Thomas W. Walde.

Mass. auto insurance, explained.

Mass. automobile insurance can get a little complicated. And if you're under 25, it can get expensive. We'll simplify things. And we'll help you keep your premiums as low as possible.

W. T. Phelan & Co.

Insurance Agency, Inc.

11 Dunster St., Harvard Square (next to the Holyoke Center).
876-0876. Representing Aetna, Travelers, Hartford.

No hair too long or too short for Gino & Mike's expert service.

Gino and Mike Barber Shop

Opposite Holiday Inn
ONE BLOCK FROM
LAW SCHOOL
1638 Mass. Ave., Cambridge
354-9790

We do razor styling.

Younger Members' Committee
Harvard Club of Boston
invites

HLS community, alums & their guests
to **JOLLY UP PARTIES**
on every 1st & 3rd Monday
from 6 p.m. to 9 p.m.
\$3 admission includes wines & cider
and

to **RATHSKELLER NITES**
on every 1st & 3rd Friday
from 7 p.m. to 1 a.m.
\$1 admission; cash bar, Bavarian beer
at the Harvard Club House
374 Commonwealth Avenue
(near Massachusetts Avenue)

2L Nader's Raiders Respond to Mark Green

The following is a response to an article by Mark Green, co-author of Who Runs Congress? and Nader Raider, which appeared in last week's issue of the RECORD. Green's letter was prompted by an article critical of Ralph Nader's Congress Project which appeared in the October 20 issue of the RECORD.

We who worked for Ralph Nader's Congress Project during the summer feel compelled to respond to Mark Green's assertion in last week's RECORD that "more important than the Project's process was the project's substance." We do so because we feel that this statement reflects a disturbing willingness by him to subordinate ends to means, and, in so doing, to alter the very nature of public interest work.

Symbolic of the subordination of means to ends was a distressing lack of communication within the Nader organization. We soon discovered that we were left to deal with a coterie of Nader's confidantes, and, except for an introductory meeting with Nader, came only to see him in crisis situations.

Summer researchers could speak to Nader himself with only the greatest difficulty, and, consequently, this communication barrier helped produce two mini-crises during the summer.

More than "our slightest bureaucratic tremors," as Mark Green called them, these conflicts created a bitterness not at what Nader was doing, but at the way he was going about it. Moreover,

it was clear that the complaints were widespread, and that the complaints of the few were not erroneously represented as the complaints of the many.

After this summer's decision to write a short book as a "teaser" (Nader used the phrase originally when speaking to Congress Project researchers on August 3), nearly all the topics and committee researchers were strongly opposed to the effort for various reasons, and many declined to co-operate with Green and his co-authors in the writing of *Who Runs Congress?* Only last week, in fact, one college professor who was a team leader decided to withdraw from the Project.

It is possible that the dissension during the summer was attributable to the size of the Congress Project. If so, this suggests either that Nader's critics are correct in saying that he is spreading himself too thin, or, that public interest work, by its very nature, should be restricted to smaller groups to retain a sense of personal intimacy and achievement.

On the other hand, it may be that greater effort must be made to improve communication between Nader and his summer employees. This is not to say that Nader must accede to all the demands of his summer researchers; acquiescence and communication are two different matters. Nor does this mean that Nader must alter his life style to maintain "buddy-buddy" relationships with his co-workers.

We believe that Nader failed to be receptive to criticism, and effectively, but unfortunately, shielded himself from it during the summer. A corollary of this was Mark Green's overreaction in last week's RECORD to an article which discussed the sense of frustration which most people on the Congress Project felt at not being able to have their complaints rationally listened to. As Mark Green's response indicates, one is forced to adopt a "love it or leave it" attitude with respect to the Nader ethic, and this many refused to do.

Ralph Nader and Mark Green have always been critical of others in defending the public interest, and we support them in these efforts. We would also hope that they will consider criticism less apprehensively in the future and that they will realize that constructive criticism can play a role in fostering the promotion of the public interest, in studies of Congress and elsewhere.

Bob Randolph, 2L
Mabry Rogers, 2L
Daniel M. Taubman, 2L

International Law Unit Hosts Panels on Jobs

Approximately 60 students attended each of two panel discussions last week on Career Opportunities in International Law, an annual program of the Harvard International Law Society. The first program, November 8, included Professor Abram Chayes, former Legal Adviser in the Department of State, and discussed employment possibilities in the public sphere, while the second program the next day centered on jobs in the private sector.

Chayes noted that there may be no room for excitement at the State Department now, but that "there is considerable opportunity if you have a significant substantive interest in international law."

HLS FORUM

presents

J. SKELLY WRIGHT

Judge, U.S. Court of Appeals,
District of Columbia Circuit

Wed., Nov. 29, 1972

Lowell Lecture Hall, 8 P.M.

ATLA Dedicates Pound's Library

By David J. Cocke

The personal library of the late HLS Dean Roscoe Pound was presented Saturday to the Roscoe Pound-American Trial Lawyers Foundation in Cambridge. The more than 8000 volumes, composing the bulk of the great legal scholar's collection, are located in the Foundation's headquarters at 20 Garden Street.

Among the 200 guests of the Foundation at the library dedication were Assistant United States Attorney General Roger Cramton, who was filling in for the planned speaker, Attorney General Richard Kleindeinst, '50; Dr. Wellington Koo, Chiang Kai-Shek's personal envoy; and Dean Albert M. Sacks, representing the Law School.

The library, an amazingly diverse and scholarly collection, reflects Pound's wide interests. In his early years he was a botany and classics scholar, graduating from the University of Nebraska with a degree in botany and eventually receiving a Ph.D. in

that field. Both subjects are well represented in the collection. When he was 19 he spent one year at the Law School, return-



Dean Pound celebrating his 92nd birthday in 1962.

ing to practice law with his father in Lincoln. Meanwhile he directed the Nebraska Botanical Survey and became a professor of law at the University of Nebraska.

Pound's taste in literature contrasted with his obvious interest in philosophy, ethics and history (particularly the American Civil War). The prairie scholar's li-

brary features Rudyard Kipling, Mark Twain (with a well-worn copy of *Tom Sawyer*), and a short book entitled *Famous Sheriffs and Western Outlaws*. The library's director says Pound was also interested in foreign translations of Lewis Carroll's *Alice in Wonderland*.

In his later years Pound developed an interest in China and served as an adviser to Chiang's Nationalist Government. Many volumes in the collection deal with Chinese history and philosophy.

The library's collection of Pound's own works is limited. Most of the Dean's private papers are in the Law School's permanent collection.

The Pound Foundation was established while the Dean was still living, in 1956. It is associated with the American Trial Lawyers Foundation, with which Pound was actively involved. Pound was editor of the *American Trial Lawyers Law Journal* in 1953 and was dean of the Law School from 1916-1936.

Poly Clean

**COIN-OPERATED
DRY-CLEANING**

Open 7 a.m. to 10 p.m.

7 days a week

1685 Mass. Ave.

(between Harvard
& Porter Squares)

**CONSIDER OUR
WINE RACKS**

**THE PLYMOUTH ROCK
OF YOUR
HOLIDAY PILGRIMAGE**

SAVENOR'S

LIQUOR MART INC.

100 Kirkland St.

547-7300

**EXETER
STREET
THEATRE**

Exeter and
Newbury Sts.
Boston

MARJOE

KE 6-7067

ENTERED AS SECOND CLASS POSTAGE, BOSTON, MASSACHUSETTS

RETURN ADDRESS:

HARVARD LAW RECORD
HARVARD LAW SCHOOL

CAMBRIDGE, MASSACHUSETTS 02138

Professional Dry Cleaning
and Shirt Laundry

at

**Alta-Mex
CLEANERS**

KI 7-8008

4 Hudson St., Cambridge

(off 1672 Mass. Ave.)