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TWENTY CENTS

Rosenberg Replaces Reiser As Legal Methods Director

Michael D. Rosenberg, teaching fellow in law, has been selected to replace Walter Reiser as director



Michael D. Rosenberg

of the Legal Methods Program. He was approved at the faculty meeting December 1, and his appointment is expected to be formally ratified by the Harvard University Board of Overseers next week.

Rosenberg, who has been at the Law School for two years, is teaching a Constitutional Litigation Workshop, together with Professor Charles R. Nesson, this semester. He has also taught Le-

INSIDE THIS ISSUE

Admiral Zumwalt Page 3
Cap the Knife Page 3
Fisher on TV Page 5

CLSA Uncovers July Coop Pact To Drop Farah

By Paul D. Gutierrez

In apparent violation of an agreement made this summer with the national headquarters of the Amalgamated Clothing Workers of America, the Harvard Cooperative Society is continuing to stock Farah slacks. The company's slacks have been the subject of nationwide boycotts in support of striking workers at the company's plant in El Paso, Texas.

The previously secret agreement was discovered last week by Carlos M. Alcala, 3L and Raymundo Velarde, 1L of the Chicano Law Students' Association.

In a telephone interview Tuesday (Continued on Page 6)

Sargent Shriver Looks Back, Without Anger or Regret

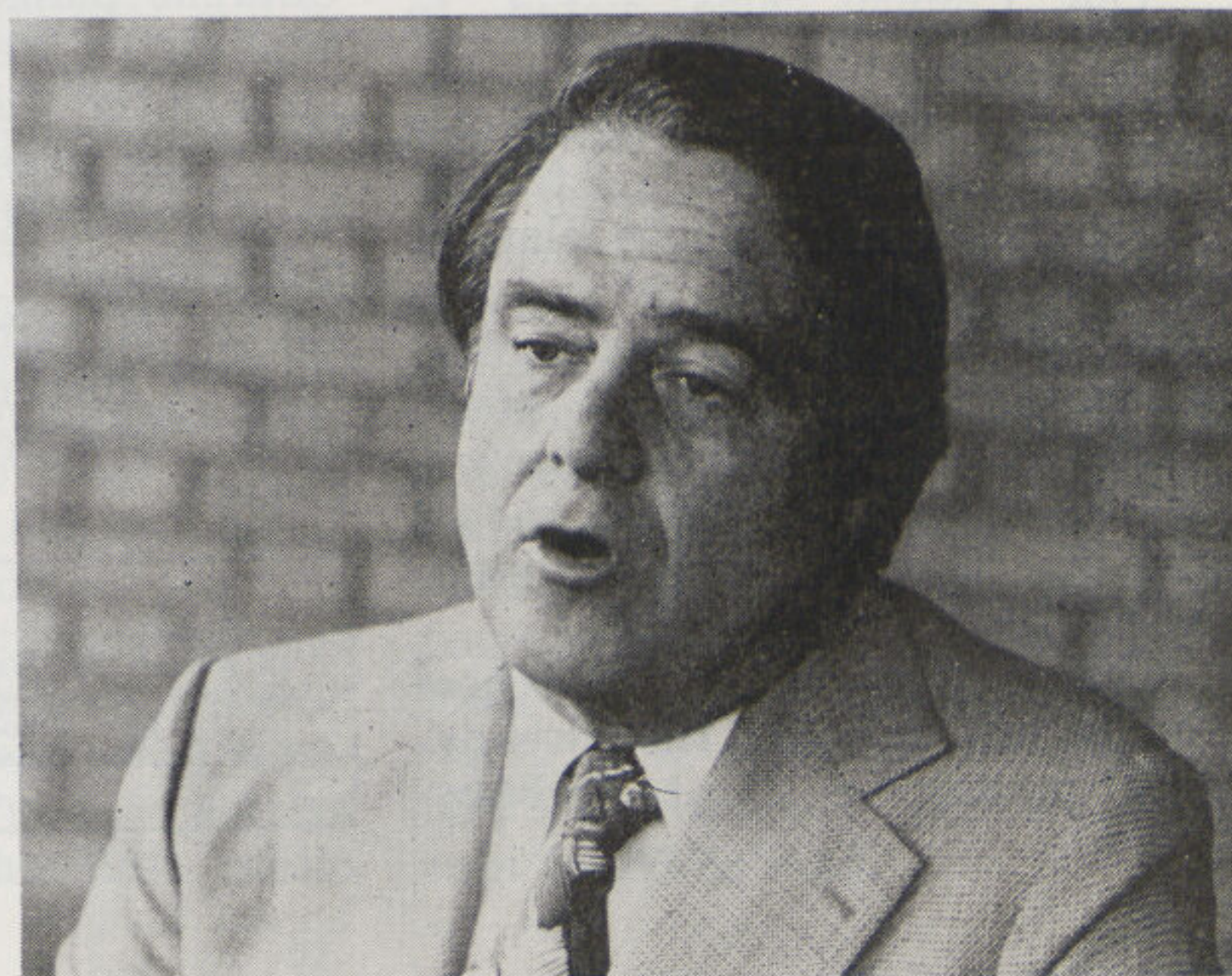
By Mark C. Rutzick

A month after the Presidential election, Sargent Shriver is both philosophical and analytical about his massive defeat, and is eagerly looking forward to a continuing career in national politics.

Shriver was in Cambridge last week interviewing for his New York law firm of Fried, Frank, Harris, Shriver & Jacobson, and spoke to the RECORD between appointments. He discussed at length the causes for his defeat and his evaluation of George McGovern's performance in the campaign.

"Why did we lose? Well, people are going to write books about that and I probably don't know much more than they do. But I think there were a lot of reasons. Probably the most important was that the Republicans were successful in

(Continued on Page 8)



R. Sargent Shriver

Charles Soberman

Council Vetoes WLA Post, Adds 1Ls to Placement Unit

The Law School Council voted Monday to deny additional representation on the Council to a member of the Women's Law Association. By a vote of 10-5, the group decided to refrain from exercising its power to give representation to "unrepresented groups."

Professor Abram J. Chayes, a drafter of the Council Charter, led the argument against the request of the WLA. He maintained that the Council should only add members under the "unrepresented groups" clause when the group seeking representation had no members on the current Council. He pointed to the three women members of the present 17-student group as adequate spokeswomen for women at the Law School.

Proponents of the move contended that the three present women, who include Chairwoman Rene Townsend, 2L, were elected to represent their classes, and not just women. They claimed that an additional woman member of the Council was necessary to insure that the concerns of the WLA were always given due consideration.

The Council has now voted on additional members three times in its past four meetings. It acted at its November 13 meeting to seat a representative of the Chicano Law Students' Association, and denied a seat to the Dorm Council November 20.

The Council also voted to change the student membership of the Placement Committee from three 3Ls and three 2Ls to two members from all three classes. This followed debate which centered on the ability of upper-class students to represent the interests of 1Ls, and the relative priority the Placement Office should give placement of 1Ls in summer jobs after their first year.

Chayes argued that the school should not increase the already-great pressure on 1Ls to find law-

related jobs after their first year. Professor Charles M. Haar contended that the Office should increase its efforts for 1Ls in non-law firm jobs, so as to broaden the scope of available later employment.

The Council acted to place Council members Charles E. Roybal, 2L, William O. Ligon, 2L, Stephen B. Johnson, 1L, and Brian A. O'Connell, 2L, on the newly-created By-Laws Committee, and to place Ligon on a new student-faculty Grievance Committee.

HLS 'Adviser' To Be Weekly

The *HLS Adviser*, the official bi-weekly news publication of the Law School, will be published weekly on a trial basis for the first half of next semester, according to Paul R. Gupta, 2L.

Gupta, a member of the Dormitory Council, said that he and two other Dorm Coouncil members met Tuesday afternoon with Patricia Moore, editor of the *Adviser*, and four administrators, and that an agreement was reached to publish the *Adviser* weekly beginning in the spring semester.

The change will continue until spring vacation, and then permanently if the weekly format proves advantageous, Gupta said. Current plans call for including administrative information regularly in the *Adviser*.

At the present time, students have constructive notice of all announcements in the *Adviser*, which is currently distributed free in Harkness Commons and at the Law School Receptionist's Desk.

Law School Nets \$136,923 Gain For Fiscal Year

The students who have to pay a \$300 tuition increase may not believe it, but the Law School earned a surplus of \$253,226 last year. Even when the \$116,303 loss of the Law School dormitories is taken into account, the Law School ran a net surplus of \$136,923, according to the December 8 *Harvard University Gazette*.

Last February, the Law School anticipated a net surplus of only \$50,000 (dormitories included).

Dean Albert M. Sacks then justified the tuition increase in the face of a predicted surplus for 1971-72 by pointing to two unusual circumstances: an unusually large number of professors were then on leave without pay, and there was an unusually high number of students in attendance, in large part because of students returning from military service.

The Dean then predicted that the \$300 increase would allow the School only to break even in 1972-73.

According to the *Gazette*, Law School enrollment was down 93, from 1847 in October, 1971 to 1754 in October, 1972. The enrollment of women, however, was up 50, from 158 to 208.

Sacks explained that the budget surplus of \$86,000 beyond the Law School's expectations was due to "a variety of expenses of all sorts" less than expected.

He also said that "there is just no way to control for the surplus in a total budget of six or six and a half million dollars."

Sacks said he had not yet fully analyzed last year's budget and expenses. The Law School expects to just break even this year, he added.

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Navy's Zumwalt Defends New Policies

By Bob Brown

Admiral Elmo R. Zumwalt, the nation's highest-ranking naval officer, defended his policies Wednesday night in Ames Courtroom before an audience of over 300 including a battery of persistent questioners, many of whom were former naval officers.

Prior to the wide-ranging question-and-answer period, the 52-year-old Zumwalt, the youngest Chief of Naval Operations in Navy history, delivered a brief address on "the law of the sea", of which he said "no other issue is so important from a naval and strategic viewpoint."

In response to questions from the floor, Zumwalt, who has drawn widespread criticism as a result of his innovative policies, defended the current state of discipline in the Navy, his reforms in personal policies, U.S. military operations in Vietnam, the new Trident strategic weapons system, the decision to "homeport" American sailors in Greece, women at sea, and the circumscription of political rights of men in uniform.

Wearing his Navy uniform, the highly-decorated, four-star admiral stated in his prepared remarks, "Gunboat diplomacy is — and must be — a thing of the past." But, although the Navy has been decreasing its size, Zumwalt pointed out that its role has been increasing during the past four years and predicted a further increase in the future.

He described the four missions of the fleet as (1) strategic deterrence, by means of Poseidon missile submarines; (2) projection of overseas forces, through the use of aircraft carriers and amphibious forces; (3) overseas presence, a demonstration of America's interest in an area and the capability to protect that interest; and (4) control of sea lines of communication, essentially maintaining freedom of commerce on the oceans of the

world. He also pointed out some of the strategic implications of international acceptance of the 12-mile territorial sea limit and discussed the feasibility of a 200-mile limit for fishing and mineral rights.

Speaking generally of the many reforms in personnel policy he has instituted, Zumwalt claimed that the changes are now supported by most members of the Navy and that "those who don't have left the service." He blamed the recent episodes of radical unrest and sabotage on tensions resulting from heavy demands being placed on a shrinking and "overstretched" fleet, denying they evidenced a breakdown of military discipline.

"We have good order and discipline," he said.



Admiral Elmo Zumwalt

New HEW Chief to Economize

By David J. Cocke

"The time for fiscal stimulation of the economy has passed. Now is the time to reduce the size of the budget deficit," Caspar W. Weinberger '41, newly appointed Secretary of Health, Education and Welfare, told a large audience at the Business School Wednesday afternoon.

Although he carefully sidestepped any reference to his new job in the President's Cabinet, these and other remarks by the present Director of the Office of Management and Budget indirectly clarified what his role will be at HEW. "There is a definite feeling [in the Administration] that where a little over a third of the GNP [gross national product] goes to government, then that's enough. It is very difficult to maintain a free enterprise system when you go over 40 per cent," he said. The influential economic adviser noted that the "Soviet Union is just over 50 per cent; very few people know this."

Weinberger spoke to the Business School's Public Affairs Forum in one of his first public

appearances since his new appointment. Arriving 45 minutes late and staying only an hour before flying back to Washington for a "budget meeting" Weinberger said he welcomed the chance to "get off my high stool and take off my visor." He apologized for the delay, noting he was caught up in a "Christmas rush on the budget."

In Washington Weinberger is known as a tough, no-nonsense advocate of reducing federal spending. Federal bureaucrats, angered at budget cuts, have dubbed him "Cap the Knife." Critics are concerned that his recent promotion indicates that the President has singled out HEW, which this year became the highest-spending federal department (out-budgeting the Defense Department), as the subject of major cutbacks.

"We need to take about 10 billion out of the budget," he said. "And out of a total budget of \$250 billion, the only expenditures you can look at [for budget cuts] total about \$40 billion. There is really little room for maneuvering." He did not specify where cuts would be made.

Italian Views U. S. Tension

By Karen Bier

A former Deputy of the Italian Parliament told a group of about 40 at the Law School Monday that "there is a tension in American life which has produced some wonderful things. But this tension has also produced a permanent crisis."

Luigi Barzini, speaking on "The Crisis of America," traced this phenomenon to what he called "some sort of a civic religion to which Americans are viscerally attached" which produces unreasonable expectations that outrun realities of American life.

Barzini, author of *Americans Are Alone in the World*, compared the effects of industrialization in the United States with problems in Italian factories. He said that in Italy "the workers don't want more money. They want to destroy the factory. They want the factory to be there like a medieval castle. They want a lifetime guaranteed salary." According to him, it is "second nature for Americans to work in factories," while Italians have not "made the connection" between the factory life they resent and the consumer goods they desire.

Barzini said that American attitudes are rooted in a "mythology" based on the suppositions of eighteenth century philosophers. He added that although "science has exploded all the myths . . . the American mythology works. The world is being improved every year, for the wrong reasons, maybe."

As a newspaperman who cov-

ered political events here in the 30s, Barzini found Americans "of such variety that it's incredible." He said that two events, the depression of 1929 and the Vietnam war, had "contradicted the mythology" and made Americans more "cautious."

After his talk, sponsored by the International Law Society, Barzini opened the floor for questions. In response to one student's question, he analyzed the '72 Presiden-



Bernard Nelson

Luigi Barzini

tial election as a "typically American" choice between populism and individualism, at least in terms of the candidates' "images." He also said that America's problems abroad resulted from the combination of foreign demands, peacekeeping activity in its own economic interest, and a "moralistic strain" in foreign policy. According to him, American policy sometimes failed because "it wouldn't do the ugly things necessary to win."

Barzini told the group that the "American Dream" had been beneficial to the people of Europe. Citing the improving standard of living in Italy, he said, "It's not for nothing that this country [America] is a utopia." He warned that the utopian dream serves to unite the diverse elements of American society, saying, "If the mythology vanished, Americans would be atomized. America would disappear like Cinderella and her coach."

Rosenberg Named As New Director Of 1Ls' Program

(Continued from Page 1)

gal Methods sections during the last two years.

Rosenberg received his B.A. from American University in 1964 and his J.D. from New York University Law School in 1967.

Reiser is planning to leave the Law School at the end of this semester to become professor of law at the University of South Carolina. He has been at the Law School since 1965, and received his L.L.M. here in 1967.

In related news, Dean Albert M. Sacks announced Tuesday that the Law School is presently discussing ways to give greater emphasis to "non-interview placement" in the future. He said that HLS might appoint someone to assist students interested in public interest employment, or that there may just be an assignment of someone now at the Law School to undertake this specific task.

"We are not beyond the discussion stage," Sacks declared. He suggested however, that Assistant Dean Robert A. Williams "might" be tapped for the new position.

Williams presently handles public interest law opportunities within the placement office.

A decision is expected to be made in January.

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Fisher: A New Breed of TV Lawman

By Gary L. Rubin

TV viewers have long been acquainted with the likes of Ben Cartwright, Archie Bunker, and the NBC peacock, but many of them are now encountering a new and different figure on their living room screens. Roger D. Fisher, Harvard professor of international law, is trying to take the boob-tube away from the boobs.

The books and pamphlets in Fisher's office present him as a scholarly resolver of international conflicts, but much of the professor's time these days is devoted to analyzing the foibles of American television. "TV programs are being used to hold audiences in mental stupor until the commercial comes around," he says. "It's not so much selling soap to the people as selling people to the soap manufacturers."

Fisher's goal is to transform television into an effective medium for communicating information, and since 1969 he's been doing more than his share. In that year he devised "The Advocates," a Peabody Award-winning TV series which presents public officials discussing policy questions and solicits viewer response to their opinions. Fisher himself moderated the program for over a year, and he received over 80,000 pieces of mail after one show on which he convinced Egyptian President Gamal Abdel Nasser to state conditions for a ceasefire with Israel. "Television land is a big place," Fisher says. "For a professor teaching classes of 15 to find an audience of half a million or one-and-a-half million is pretty heady stuff."

It's stuff, he believes, which is a bit too heady for the heads in charge of it. "The businessmen who decide what's on TV have nothing to say," Fisher says, and the result is that even when television isn't attempting to entertain, it really isn't informative,



Roger Fisher, fourth from left, moderates "Harvard, Where Do We Go From Here?", an award-winning WGBH telecast following the University strike in 1969.

either. Fisher recalls appearing on panel discussion programs on Boston's WGBH which "were doing a disservice to the public. We had a panel of experts telling them public problems were boring, dull, and complicated, and there was nothing they could do about it."

He decided that a legal mind would be helpful in formulating questions for the public, and began moderating "It's Up to You," a local program which later became a model for "The Advocates." "When I'd argue cases before the Supreme Court, I didn't say, 'May it please the court. This question is too complicated to decide.' We shouldn't assume the man on the street is that much smarter than a Supreme Court justice."

But while the man on the street shouldn't be expected to absorb intricate analyses of local government, international problems, or his own nutritional and psychological needs, Fisher believes that all of these issues could be made comprehensible to TV viewers if information were better organized to meet the layman's needs. Together with a small group of media people, researchers, and foundation representatives, Fisher has formed the Design Center for Public Interest Com-

munication, which recently began exploring means of effectively communicating information to the public.

Funded to the tune of \$50,000-\$100,000 annually over a two-year period by the Academy for Contemporary Problems in Columbus, Ohio, DeCPIC will produce a "design handbook" identifying educational, visual, and technical factors influencing effective TV communication. In addition, DeCPIC — of which Fisher is chairman — will commission a series of papers exploring potential areas for TV instruction, such as consumer protection, mental health, nutrition, early care of babies, and such public concerns as crime, poverty, housing, pollution, transportation, and war. The result of this research will probably be a set of pilot programs to show to the TV networks.

It is in teaching the public to affect public choices that Fisher's role as a lawyer merges with his ideas for changing TV. "A fundamental problem of American education is that all legal education is in the law school," he says. "The public should be made to know that law is process and not all trial law and criminal law, that an adversary system doesn't always pit the good guys against

(Continued on Page 13)

CLSA Uncovers Coop Pact With Union

(Continued from Page 1)

day, Howard Davis, general manager of the Coop, denied that any agreement with ACWA had ever been consummated. "We did meet with members of that group," Davis recounted, "but their account of the conversation is just not correct. We aren't going to take a loss on that (Farah slacks) product without some real justification. We've now got two board members investigating the matter to see whether or not the Coop should make an exception in this case."

The two members are Joseph Angland, 3L, and Michael Porter, Harvard graduate student and also the new Director of the Coop.

"We believe we should leave it up to the NLRB [National Labor Relations Board] who I understand is working on it," Davis continued. "I see no reason why they shouldn't be able to handle it."

Davis, Angland and Porter met with CLSA spokesmen last week and advised the Chicano group that the Coop would need statistics, news and other justification before the Coop could cooperate in such a boycott of the Farah product.

In conclusion Davis stated, "We

have not violated any agreements for if we had made one we would have lived up to it."

Velarde, spokesman for CLSA, said in an interview that he was told by the Coop members that the store would cease to carry Farah pants if the group of Mexican-American law students would present statistics justifying their position.

According to Velarde, the Coop board members present at the meeting advised Velarde that they had previously met with Joseph Smyth and Reuben Fishman of the clothing workers union.

"What they [the Coop board members] failed to tell us," Velarde said, "was that they had made an agreement with Smyth and Fishman to cancel all outstanding orders with Farah and to order no more."

Davis reported that the Coop's Farah inventory is readily available, and that the Farah brand is one of the store's principal lines. When asked whether the nationwide Farah boycott has affected Coop sales Davis responded, "Farah is one of our biggest sellers and we haven't seen any real changes." He also noted that the Coop generally stocks \$150,000 worth of Farah purchases yearly.

Spokesmen for CLSA commented that it seemed incongruous for the Coop to demand statistical justification from CLSA before acting on an agreement made with ACWA five months earlier. Alcala noted that had it not been for the research of CLSA and the *Civil Rights-Civil Liberties Research Committee* the agreement probably would never have been discovered.

In a telephone conversation with Tony Sanchez and Woody Biggs, leaders of the strike in El Paso, CLSA was referred to the New York office of ACWA. There on file were found notes from the meeting on July 14, 1972 between Smyth, Fishman, Davis and Samuel Litman, the Coop's merchandising manager. The notes revealed that Davis and Litman made the agreement to "take the pants off the shelves" because "they sure didn't want to tangle with the Harvard students."

Now, Velarde pointed out, the Coop is telling CLSA it needs special justification for its action, so as not to be subject to the requests of other groups. He said that it was difficult to regard the behavior of representatives of the Coop as indicative of good faith efforts on the Farah issue. At its most recent meeting CLSA members expressed doubt about the Coop's sincerity in cooperating with striking Farah workers.

The strike began May 3, 1972 when 3,000 of 8,500 Farah workers walked out after the ACWA experienced difficulty in organizing workers in eight plants in Texas and New Mexico. The cause was attributed to Farah's alleged unfair labor practices before negotiations and, according to the *Washington Post*, after as well. In July the AFL-CIO called for a consumer boycott of Farah products. AFL-CIO President George Meany called for a Congressional probe into Farah's misuse of the courts, according to the ACWA newsletter "Viva La Huelga".



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2nd-year Ames Attracts Greater Participation

By Phil Spector

After several years of steadily declining student participation in the second-year Ames Competition, the moot court contest this year has reversed that trend. Under a revised organizational framework, the number of 2L participants increased from 36 to 44, a 20% rise. In previous years about 90% of all students participated in Ames qualifying rounds.

The Board of Student Advisers chairman of Upper Round Ames, Ronald J. Waicukauski, 3L, attributed this increase to a revised

participants in Upper Round Ames are also involved in other activities of all types. As students become aware of this and of the fact that there are only about five weeks of intensive work involved in Ames, Waicukauski predicted, there will be "more participation in the future."

Waicukauski also emphasized the social aspects of Ames and the Ames clubs. He said that the Marshall, Learned Hand, and Cardozo clubs have continuing organizations and that Marshall in particular was "very well-organized." The Marshall Club has a large

won-lost records: Harlan Law (4-0) (Kenneth N. Klee, Robert L. Mote, David P. Towey, and Daniel C. Bort), Harlan Equity (3-1) (David G. Richenthal, Donald E. Knebel, Kenneth L. Manoff, and J. Ken Davis, Jr.), Learned Hand Law (3-1) (Charles W. Douglas, Edwin P. Rutan, E. Joseph Dean, and Gregory R. Mowe), and Learned Hand Equity (3-1) (Robert J. Malone, Peter M. Rosenblum, Craig R. Callen, and Kenneth B. Bley). James E. Tyrrell, whose team did not get into the semi-finals, was named best oralist; and the best brief will be selected soon. The semi-final rounds will be held in the spring, and they will each be judged by three "distinguished" federal or state court judges.

Smaller Teams Provide More Experience, Allow for Increased Oral Argument

structure for the second-year competition. He said that "in the past, the competition was based on six-man teams in the qualifying round, each team dividing into three pairs, and each pair writing one brief and doing one oral argument. This year in the qualifiers we moved to four-man teams and to two oral arguments per pair, before different panels of judges."

The advantage of the smaller teams, Waicukauski pointed out, lies in the fact that "after the decline of the Ames clubs, it became difficult to organize a six-man team." He mentioned that the increased number of oral arguments was more personally satisfying for the participants, since they put substantial time and effort into preparing for the arguments, and he said that two arguments also provide "more of a learning experience, because the judges' criticisms in the first argument can be applied in the second argument."

Waicukauski, a member of the winning team and best oralist in this year's Ames finals, believes that these competing activities may be less of a factor in the future. He pointed out that most

membership roster of dues-paying students, 152 members, and holds parties and educational events throughout the year, as well as participating in the Ames competition. The competition, he said, also provides an opportunity for students to talk with faculty members and Boston attorneys, both at the arguments and at the banquets and receptions held for participants.

On December 9, the results of the qualifying round were announced by Waicukauski. Of the eleven teams, made up of 44 students four teams advanced to semi-finals on the basis of their

The winners at the various stages of the Upper Round Ames receive cash prizes from the Board of Student Advisers. Harlan Law will receive \$100 for having the best record in the qualifiers, and James Tyrrell and the best-brief winner will each receive \$50. In the semi-finals, \$500 will be divided among the participants, although the precise split has not yet been determined; and in the finals, the winning team will receive \$300 and the losers \$200, with the best oralist also receiving Roscoe Pound's 5-volume work on jurisprudence and a plaque from the American Trial Lawyers' Association.

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Shriver Looks At V.P. Campaign,

(Continued from Page 1)

smearing George as an unacceptable 'radical'. They scared the population into thinking that if the Democrats were elected, drastic, rapid and ill-advised changes would take place.

"Then, too, Nixon was very shrewd politically in this election. He is a very poor advocate for himself, and he knew that the less the people saw of him, the better it was for him.

"I think the Eagleton affair hurt George badly in two ways. It caused some of his younger supporters to become disillusioned, and to think that after all McGovern was just another politician. And it hurt among some of the more prosaic people who criticized his staff for not being

*'Half the people you know
are your enemies.'*

thorough, and who began to think that George was a vacillating, weak and indecisive person.

"The abortive peace settlement also hurt us, there's no doubt about that. Unfortunately, George waited three or four days to attack it as a hoax, and although it turned out that he was right, it was too late to counteract the effect.

"Finally, I think the social issues in the campaign cut against the Democrats. George's positions, or at least his initial positions, on amnesty, abortion, and marijuana hurt badly among groups who should have been supporting the Democrats, such as organized labor. They should have voted for Democrats on the economic issues, but they didn't."

Shriver believes that the refusal of AFL-CIO President George Meany to endorse the Democratic ticket was a result of McGovern's other problems, and not in itself a cause of the defeat. "No, I don't think that was a factor. Partly, it was a reflection of the problems McGovern had with labor on the issues. And certainly Meany himself disagreed with McGovern on a lot of things.

"Also, Meany was offended by the lack of attention he received from McGovern, both before and immediately after the convention. I wasn't involved in the campaign then, and I may be wrong, but it seems to me that McGovern left Miami to return to Washington, and from there went directly to South Dakota without making any effort to meet with Meany. In South Dakota, McGovern made a speech saying he would not be dictated to by big business or big labor, and that put Meany off a great deal.

"There's no doubt, too, that some labor people just felt vindictive toward McGovern after the

primaries, and wanted to get him. McGovern had played hard in the primaries and had beaten COPE [the AFL-CIO's Committee on Political Education, its political arm], and COPE wasn't used to being beaten. They were unprepared for the McGovern onslaught. And because there was this antipathy on the issues, they were happy to stay away from the ticket."

Looking back on the campaign, Shriver is convinced that the Democratic ticket stressed the right issues, but thinks mistakes were made in the presentation of the Democrats' positions on some of them. "One of George's biggest problems is that he didn't learn that in politics you need a tight defense as well as a good offense. By his honesty and directness in the primaries, he left his flanks exposed on some of these issues. Every politician needs to learn that in politics half of all the people you know are your enemies. George just wasn't prepared to have his words subjected to the kind of scrutiny that a Presidential candidate must undergo, and he suffered for it."

The tanned, greying former Peace Corps director also feels that McGovern did not always present his strongest positions in the best light. He pointed to the issue of military spending as one example. "Hell, military spending was one of our best issues, but instead of talking about cutting back on the military, we should have been talking about strengthening the military. We should have said that wasteful spending was weakening the armed forces, which it is.

"We should have asked why we have an army today where people are deserting, where men are



Charles Soberman

turning down West Point appointments, where a man like Colonel [Robert] Reault doesn't get court-martialed for dropping a guy into the South China Sea from a helicopter, where a General Lavelle can lead a private war and end up losing one star instead of being thrown out on his ass. We should have said that the military today is in lousy shape and that we wanted to strengthen it, to return it to the great tradition it has had throughout American history."

Shriver reflected on his own campaign, his first try for elective office. The 56-year-old Maryland native is still unhappy about the quality of press coverage the whirlwind search for votes received. He especially criticizes the media's refusal to report the substance of any of the speeches he regarded as important. "I made a speech at the

Questions McGovern TV Tactics

Drake University Law School on the subject of reform of the Justice Department, which I regarded as one of the most important speeches I made. The *New York Times* reporter travelling with the campaign was so impressed that he wrote a long story on it and wanted to print the text, too.

"But he sent his copy back to New York and they printed only three or four inches of the story and ignored the text. He came up to me on the plane the next day and apologized. He said he had been told by his editors that if I was making the speech, it couldn't be important, because if it were important then the Presidential candidate would have made it instead.

"He said that the *Times* had made a study going back in American history, and had found that no Vice-Presidential candidate had ever made an important policy speech in a national campaign. So whatever I was saying wasn't worth reporting, to them."

Shriver, a former Ambassador to France, had differed from McGovern and his national staff on the scheduling of the Vice-Presidential candidate's appearances, but felt throughout the campaign that because he was "an amateur, who was invited in" to join the ticket, he was in no position to tell McGovern's relatively experienced staff how to run a campaign. The result was that Shriver became a cog in the "multi-city media" approach which was the cornerstone of the Democratic campaign; he made as many as a dozen speeches a day in four or five states. But he never liked it.

"I just don't care for that kind of campaign. I much prefer a campaign where the candidate visits an area in depth, rather than popping in and out all the time. I wanted a campaign where I could come to, say, California and stay for three days, and then maybe go to Ohio for two days. Instead I went to Ohio eight separate times, but I never got much feel for the state.

"The only opportunity I had to do something like that was when I spent one full day travelling throughout New Jersey. And I came away from that day with a certain feel for that state that I didn't have before."

It becomes clear after listening to Shriver that he is a man who has not abandoned public life. Indeed, the first director of the Office of Economic Opportunity appears to have come out of his first try for office with boundless enthusiasm and the combatant's craving to enter the ring again. He himself readily agrees that all of this is true. "I loved the campaign. I would do it again in a minute if I had the chance. It's true that I was unhappy about the press coverage I got, but it's sure as hell more than I got when I wasn't a can-

didate. Besides, only about 150 people in American history have ever run for President or Vice President, and I consider it a great honor to be in that group."

Shriver's specific intentions aren't so clear. He was mentioned as a possible compromise choice for Chairman of the Democratic National Committee, but was passed over for Robert Strauss of Texas. This fazed him not at all, because he was quite happy with all the candidates mentioned for that position, including Strauss. "I can easily live with Strauss. He was never linked with John Connally when Connally was Treasury Secretary and he was Treasurer of the D.N.C., so why now? He



Charles Soberman

Shriver, associate interviewing at HLS

supported no one before the convention, and he told me that he did support the ticket in the fall. So as far as I'm concerned, he's fine."

Shriver is the first to admit that it is far too early to begin speculating about 1976. But in general terms, he thinks the Democrats are in good shape. "We have quite a few good candidates coming up. There's my brother-in-law [Edward M. Kennedy], [Senator] Fritz [Walter] Mondale [of Minnesota], Governor John Gilligan of Ohio, and in the South there's [Governor] Dale Bumpers of Arkansas, Governor [John] West of South Carolina and [Governor] Reubin Askew of Florida."

And Sargent Shriver? Besides Edward Kennedy, he is the only Democrat in contention with national recognition. And seldom in recent history has a Presidential contender come into national prominence between one election and the beginning of the next. So it is not at all unlikely that come January 1976 only Shriver and Kennedy will be nationally known. If Ted Kennedy should once again remove himself from contention for personal or family reasons, Sargent Shriver would be in the spotlight alone. And could he avoid a run for the nomination in those circumstances? No one knows the answer, least of all Sargent Shriver. He says, "1976 is just too far away. Too much can happen between now and then—that's what makes life so interesting." For a man in Sargent Shriver's position, life can be very interesting indeed.

Counseling the Council

The Law School acted correctly this week in denying the request of the Women's Law Association for a seat on the Council. It apparently was persuaded by the arguments of Professor Abram J. Chayes and a letter by Joseph D. Gebhardt '71, drafters of the "expansion" clause of the Council Charter, that membership should only be increased to give representation to identifiable groups who have no members on the current Council. The presence of three women on the Council eliminated the need for special representation of the WLA. Similarly, the Dorm Council's request for a member was denied because a representative of that body already sat on the Council.

The Council's actions show that it is beginning to understand that the "expansion" clause has at best a very limited function. With this knowledge, it should act immediately to reverse its totally improper and unwarranted action earlier this semester in seating a representative of the Chicano Law Students' Association while another member of that group already sat as a duly elected class delegate. This decision was an abuse of Council power and sets a dangerous precedent. It should be corrected at once.

Summing Up

With this the last issue of the year it is a good time to look back at 1972 and reflect upon what has been going on at HLS. If headlines from the last 20 issues are any indication, it was a quiet, almost boring time. In retrospect, few stories seem to have had any lasting impact.

Two subjects which seemed to have importance last term were the Gulf Oil stock controversy and the proposal for MassPIRG, a Nader-sponsored public interest project to be financed by student fees. Both stories faded from the scene without being actually resolved. President Bok sent a representative to Africa to see whether Gulf Oil actually was "exploiting the people of Angola" as charged by black students on campus. MassPIRG may yet be revived but there certainly is no major student support for the idea. Other stories involving grades, placement, tuition increases, and clinical education came and went the same way.

The biggest story of the present term was the national election. Student attitudes were polarized, according to the RECORD poll; but student involvement was modest compared to '68, according to the RECORD news reporters. Reaction to the result of the election, again unlike '68, was mild.

The biggest HLS news of the year never really reached the pages of the RECORD. Two alumni, Caspar W. Weinberger '41 and James T. Lynn '51, joined Richard Kleindienst '50 and Elliot Richardson '47 in the President's cabinet, making the White House occupant the beneficiary of a Harvard Law education and his office the scene of numerous HLS reunions. Now that's important.

HARVARD LAW RECORD

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Fenno

Fenno settled down, preparing himself for a long Christmas vacation by opening the December issue of *Playboy*. Suddenly the face of the Playmate of the month was transformed into that of his ex-roommate, Jacob Marley. "Beware," the image moaned, "of three ghosts of Christmas vacation," then disappeared. Fenno shook his head curiously and nodded off to sleep.

Suddenly there was an enormous crash that brought Fenno to his feet. Before him stood the Ghost of Christmas Vacation Past, vaguely resembling Professor Dawson. "Come," the vision beckoned and they were whisked off in a purple haze. "There," the spectre pointed to a youthful Fenno, 1L, "see how he gorges himself with Mighty Moes? Frolics in soybean frappes instead of hitting the books?" Suddenly Fenno awoke. Gosh, he thought.

Then there came a bright flash of lightning and a ghost, looking somewhat like Big Al, only purer, offered Fenno an outstretched hand. In an instant, the Ghost of Christmas Vacation Present swept him into an empty library in Langdell, pointed to the Federal Supplements gathering dust. Then—whoosh!—to the TV lounge and an idle Fenno mesmerized by the Rose Bowl Game. The image shook its head sadly. "Tsk, ts!" Then again Fenno awoke.

Suddenly a low groan presented yet a third ghost. It was the Ghost of Christmas Vacation Yet to Come. In a heartbeat the two travellers were overhearing a conversation between two law students. "That poor Fenno," one said, "I thought sure he'd make it," and shrugged his shoulders sympathetically. Then, in a roar of thunder, the ominous spectre pointed a bony finger to an article in the Harvard Law RECORD entitled: "Those Who Didn't Pass the Bar," and, yes, confirming Fenno's darkest fears, there was the inscription—EBE-NEEZER FENNO. No! Fenno cried and awoke with a start.

It was only a dream, he shouted, only a dream. I'm going to spend this Christmas vacation studying and that's a promise. He ran to the window and hollered out to a student below, "Say, lad, what day is this?" Came the reply, "why, it's January 5th." Oh, Fenno said absently as he slowly returned to his bed. Well, he thought, "you win some, you lose some."

Letters to the Editor of the RECORD

Expansion Defended

To the Editor:

As chief student sponsor of the Expansion Clause in the Law School Council's Charter permitting membership for "identifiable groups . . . not represented on the Council," I find myself in serious disagreement with both the recent Council action appointing an additional Chicano student and the RECORD's editorial of November 17.

In my view, the Council acted irresponsibly and in violation of the Expansion Clause. Chicano students are surely an "identifiable group" within the Clause's meaning. But to say that Chicano students are "not represented" by their one elected member makes a mockery of the Clause and its fundamental purpose. The Clause refers to groups "not represented," i.e. those having no representation or those excluded from Council decision-making. Expansion should be triggered only when a member of an identifiable group is not elected. The draftsmen of the Charter, the Committee on Governance, did not intend to meet the problem of inadequate symbolic representation of a particular group, such as the election of a member rather than the president of an organization. The Expansion Clause was designed to overcome the complete exclusion of an identifiable group whose regular participation during the year the Council deemed essential or valuable.

The drafting Committee on Governance wanted Council members to be chosen democratically and therefore set up an election system—a hybrid of at-large elections, single-member elections from class sections, and appointments by elected students. The Governance Committee, however, took notice that racial and ethnic minorities often have a difficult time getting elected in at-large elections and from predominantly white single-member units. Also, there was the possibility that some particular constituency within the Law School, such as *Law Review* students or dormitory residents, might go unrepresented. . . .

While the Expansion Clause should not have been activated in this particular instance, I also cannot see the logic of repealing it. The November 17th RECORD editorial advocating repeal is in my view hasty, shortsighted, and potentially disastrous. As outlined above, the Expansion Clause can be a

valuable and necessary tool, provided it is used prudently and "with hesitancy" as one Council member urged. It does not presume discrimination against minority group students or, for that matter, dormitory residents. . . .

Repealing the Expansion Clause provides no effective remedy for solving any problem or righting any wrong. The day may come when no dormitory resident, or no woman, or no black, brown or native American student is elected to the Council. A Charter which establishes a democratic institution must be flexible enough to meet such a contingency. I think that all

The RECORD ceases publication for the fall semester with today's issue. Publication will resume Friday, January 26, 1973.

Law Notes

All Harvard Law Students and their guests are invited to a free New Year's Eve Party sponsored by the Harvard Club of Boston. The party, which begins at 9 p.m., December 31, will be held at the club at 374 Commonwealth Avenue in Boston.

* * *

Members of the Committee on First Year Evaluation and Related Matters will meet informally today with all interested students at 5 p.m. in Pound 335. The committee is seeking to hear student views on pass/fail grading and other aspects of grading reform.

* * *

Course additions and changes for the spring semester are as follows: *Advanced Civil Procedure*, Monday, Tuesday, 9:30 a.m.; *Church and State*, Wednesday, Thursday, 2 p.m.; *Contracts IV*, Thursday, Friday, 10 a.m.; *Copyright*, Wednesday, Friday, 10 a.m.; *Prediction and Prevention of Harmful Conduct*, Tuesday, 4 p.m.; and *Law and Social Research*, Wednesday, 4 p.m.

* * *

The current library exhibit is a biographical display on the multifaceted career of Lord Mansfield entitled "The

would agree that the Council's time will be better spent this year if it does not engage in a protracted debate—internally and with the faculty—over repealing this Charter provision.

I suggest that the Law School Council act promptly to reconsider and rescind its decision to add an extra Chicano student. Consideration of repealing the Expansion Clause should be immediately dismissed.

Joseph D. Gebhardt '71

As Harvard Goes . . .

To the Editor:

The McGovernites should not be too discouraged! After all, McGovern carried not only Harvard and Massachusetts, but also North Vietnam, Russia and perhaps also Red China and India!

Hon. Wilmer St. John Garwood '22
Austin, Texas

Ed.: The writer is a former Associate Justice of the Texas Supreme Court.

(Continued on Page 13)

Judicial Mind: An Eighteenth-Century Version." The exhibit is located in the north end of the Langdell Reading Room and in the Treasure Room.

William Murray, Lord Mansfield, was both a judge and a Cabinet Minister at the same time. He was a spokesman in Parliament for the Duke of Newcastle, the master of political patronage and Parliament-packing. Besides *Pillans v. van Mierop* and *Moses v. McFerlan* he decided the appeal from John Wilkes' outlawry. He held that slavery could not exist in England and supported the removal of disabilities from Roman Catholics; but he also supported the government in the criminal libel trials and opposed the extension of *habeas corpus* to impressed seamen.

* * *

The Law School Drama Society, sponsor of the traditional Law School Show, will hold a combination meeting Christmas Party Monday, December 18 at 4 p.m. in the Pound Student Lounge.

Open casting for this year's law school show will be held January 19-23, the first week of the spring semester. This year's show will be an original musical satire; it will be directed by Victor Budnick, 2L. It is being written and composed by several people under the direction of Donald Meaders, 3L, and Richard Hope, 1L.

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Depreciation

Depreciation is based on a fallacy. Depreciation does not affect profit. It only affects the forecast of future profit. There is only one profit that counts. That is the cash payout to the owner. Depreciation does not affect cash flow except by changing the income taxes.

Corporate "reported profit" is a paper profit that may never be realized. Probably no company has ever paid out dividends equal to its accumulated "reported profits". Few ever will. Most corporations' complete lifetime dividend payouts are less than half their cumulative lifetime reported earnings. The difference is represented on the asset side of the balance sheet. Every asset except cash is merely a forecast that someday that asset will be converted into cash — maybe.

Meanwhile the "reported profits" not paid out are represented by the assets. These assets, no matter how valued, are the business. They are not retained profit. They are investments in the future which may produce profit — real profit that can be paid out in cash — someday.

It should be obvious that any tax on "reported profit" is a withdrawal of capital. The consequences are far reaching. If the capital is withdrawn in proportion to success, then the inefficient are protected from the efficient. The whole basis and purpose of a competitive economy are undermined by a tax on "reported profit".

Depreciation is the critical issue in determining the tax impact of "reported profits". Depreciation applies to fixed assets where the benefits are long deferred and problematical. Current assets are near cash. Fixed assets are nowhere near a profit.

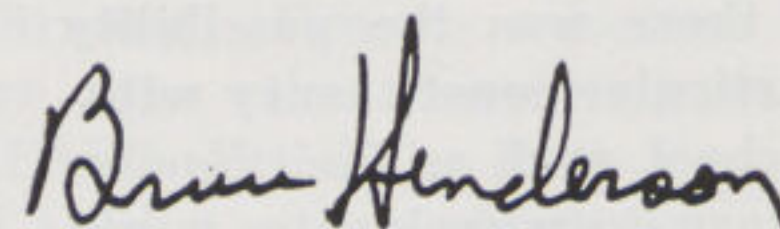
The sensible thing to do, of course, is to use 100% depreciation for tax purposes, i.e., expense with expenditures. This would prevent withdrawal of capital by taxes until capital was no longer invested. The effect would be to defer, but also *increase*, taxes. The other effects would be to increase competition, decrease prices, increase national productivity, and dampen inflation.

- No corporation would consider investing in assets where the return is less than on government bonds. Most set minimum thresholds for investment four or five times as high. Deferred taxes invested in earning assets would increase the present value of future government tax receipts.
- If increased competition passed the benefits of deferred taxes on to consumers in the form of lower prices, then the control of inflation would be benefited.
- If deferred taxes permitted the efficient to grow faster than the inefficient, then everyone would benefit.

Obviously the consumer, the government and the economy would benefit most if taxes were based on dividends only. They are not. The next best thing would be taxes based on a cash resource, cash expenditure basis. They are not. The best available choice under current laws would be the maximum possible depreciation rate, up to 100% annually.

Business management has little choice or influence in tax policy. Neither can business determine its own "reported profit". But in making policy decisions there is still a fundamental rule that should be the guide:

"Cash is compounded until it becomes cash out" is all that counts. Cash is all that counts. Anything else is a forecast.



Bruce D. Henderson
President

Perspective #82

BOSTON • LONDON • MILAN • PARIS • TOKYO

Letters to the Editor of The RECORD

(Continued from Page 11)

'One-Way Ticket South'

To the Editor:

If the rubbish quoted in your November 10 issue from Mr. Kennedy's article in something called 1 *Yale Journal of Law and Social Action* is representative of the man and the publication, it is comforting to know that both are in their first year. Being unacquainted with either, I can only hope that neither will long be with us.

If I had not been in Cambridge just a couple of years ago and had to rely on accounts of Mr. Kennedy and that curious work *The Paper Chase*, in which professors enter and leave through solid walls and mount non-existent pulpits, I should think that the Law School of my day had been destroyed a half-dozen wars ago and been secretly replaced by strange edifices peopled by some alien race.

Although most of the teachers of my day have passed from the scene, their successors, many of whom I knew as fellow students, are not their direct

opposites, as they would have to be to fit Mr. Kennedy's reaction.

I do not know what they would have done with Kennedy under the "open door" policy then in effect. But I do know that the memorable ones no longer there — Seavey, Morgan, Scott, Powell and Griswold, to name only a few — did not subject us to any neuroses and/or psychoses they may have suffered. None of us cringed in fear or had occasion to feel rightly martyred by some Great Man. Each of them had a wry sense of humor (one recalls Scott with his thumbs in his vest) which relieved tension and encouraged a good set-to between equals.

One Fred Rodell per generation is quite enough, and Leach is not around to watch this New Haven product make a career of vilifying his betters and reduce it to shambles with a few words in the *Review*. At least we did not clutch Rodell to our bosoms. I shall be glad to contribute toward a one-way ticket south for this apostle of pass-fail mediocrity whose mind is apparently as tidy as his dress.

John M. Naff, Jr. '47

Fisher Proposes TV Reforms

(Continued from Page 5)

the bad guys." To this end, he would have journalists explain "the law behind the news" when public controversies arise; and to this end, he will explore the in-

teraction between television and the law in a seminar course for 1Ls this spring.

Since coming to the Law School faculty in 1958, Fisher has acquired a reputation for trying out his suggestions for resolving international conflict on delegates to the Paris peace talks, heads of state in the Middle East, and officials of the United Nations. A collection of his letters to Mideast leaders, recently published by Harper & Row as *Dear Israelis, Dear Arabs*, demonstrates a special mode of analysis which Fisher applies to both international conflict and domestic communication. "Don't spend time explaining how big the problem is or how difficult it is to solve," Fisher says. "Instead, identify who is in a good position to do something about it and set out a specific, detached proposal of what he ought to do next." Such is his advice to the TV producers of America.

Griswold to Return?

Former Dean Erwin N. Griswold will retire as Solicitor General of the United States at the end of the present term of the Supreme Court.

Griswold is presently Langdell Professor of Law Emeritus and continues to have an office at the Law School. According to a recent article in the *Harvard Crimson*, the former dean is still uncertain about his future plans. Dean Albert M. Sacks says he has not talked to Griswold but noted that "he will always have a place here."

Paul J. Weiner Wins Promotion To Record Chief

Paul J. Weiner, rising from his current position as Editorial Manager, was named Tuesday as the editor of the RECORD beginning in January 1973. Weiner, a 2L, will serve during the first five issues of the paper next semester, when he will yield the editorship to Mark C. Rutzick, 3L, who will complete the term.

A native of Narberth, Pennsylvania, Weiner was a physics major at Harvard College and served as Associate Editor of *The Cheltonian* at Cheltenham High in Wyncote, Pa.

Rutzick, who will begin the term as News Editor, is a University of Michigan graduate who hails from Annandale, Virginia.

Returning to their key positions on the RECORD staff are Terry Coleman, 3L, Business Manager; Charles Soberman, 3L, Photography Editor; Robert Flanders, 2L, Book Review Editor; and Kermit Kubitz, 2L, Assistant Editor.

Retiring from his position as News Editor, Daniel M. Taubman, 2L, will also be an Assistant Editor in the spring. Outgoing Editor David J. Cocke, 3L, becomes Senior Editor.

In addition to the above-named officers, the following were named to the board of directors of the RECORD Corporation: Robert C. Brown, 2L; Frank V. Calaba, GL; Paul A. Gutierrez, 1L; Gary L. Rubin, 1L; and Phil Spector, 1L.

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Dear Abby, (Abdul, Abba, et al.)

By Robert Flanders

DEAR ISRAELIS, DEAR ARABS, by Roger Fisher. Harper & Row, New York. 1972. \$6.95, 166 pp.

The first time we are told that Roger Fisher is not trying to play God in this book is quite an occasion for relief. After all, that

Roger Fisher— Mail Order Messiah?

would be a rather demanding role to assume in a world so heavily populated with people. The second time Roger Fisher tells us he is not trying to play God, one starts to worry: he is beginning to sound a bit like Olivier declaiming on why he never really wanted to play Hamlet.

Perhaps it is the vast dimensions of the Middle East conflict which themselves mandate a denial of apotheosis by those who would advance solutions; perhaps it is the very thought of proposing solutions (via letters) to the various heads of state which carries with it a certain god-like hauteur that must be expunged if the reader is to confront the real human problems with which the author is grappling. In any case, I spent the rest of this epistolary book marvelling at Roger Fisher's coming as close to being a mail-order messiah as any mere mortal might care to approach on this side of Christmas.

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His thesis is a deceptively simple one: break up the problem into little pieces; think in terms of a short-term, step-by-step approach; avoid rhetoric; and act so as to make your opponents realize the adverse political and economic consequences of their behavior. As an abstraction, Fisher's fiat to "be operational" does not pack the same kind of power that watching him "being operational" does. Working through the medium of letters to Israel, Egypt, Jordan, and a Palestinian, the author proposes various limited actions that each government should take, along with provisional drafts to such organizations as the United Nations, in order to realize a more secure and lasting peace in the Middle East. Each letter encloses copies of the other letters he has sent to opposing governments, and each utilizes an incredibly factual persuasiveness (at least to the non-expert), arguing the practicalities as only a lawyer can.

For instance, in his letter to Egypt, Fisher notes that "a good way to bring pressure on the present Israeli government is to provide opposition leaders and political rivals with the basis for good arguments against the present policy." Similarly, in advocating

Israeli withdrawal of civil administration from the Sinai, he envisions military security and not territorial expansion as the long-range goal of Israel.

Nor does he limit himself to any finite number of policy alternatives. As he says to a Palestinian, "if I have any expertise, it is not

Between Gumption and Presumption

in goal-picking — not in substituting my values for yours — but rather in stimulating you to think through how you might best move forward towards your goal."

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Emma Goldman: Lessons From an Earlier Era

By Mark C. Rutzick

I recently read *Living My Life*, the autobiography of revolutionary anarchist Emma Goldman, who agitated in this country between 1889 and 1919, when she was deported to the Soviet Union. This piece is not a book review, though; it is rather my feelings about what there is to be learned in 1972 from the story of an American anarchist.

Goldman's rhetoric was violent, and at times the actions of those around her matched it. Her life-long spiritual comrade, Alexander Berkman, spent 14 years in prison for the attempted assassination in 1892 of steel magnate Henry Clay Frick. An acquaintance and adherent to her creed, Leon Czolgosz, murdered President William McKinley in 1901. Throughout the world, anarchists were killing heads-of-state at a remarkable rate.

The Backbencher

But her revolutionary doctrine was one of beauty and gentleness, too. Essentially, she believed that governments only served to repress "the poor" (as most people were then in this country and still are in most of the world) in order to benefit "the rich" and "the powerful." She felt that the masses could only realize their full creative human potential when all governmental bodies were eliminated from the face of the earth.

For nothing more than the articulation of these beliefs, she paid an enormous price. In dozens of cities across the country, she was harassed, physically threatened, and silenced by the police and elected local officials again and again. Halls were ordered closed and landlords threatened, crowds were dispersed with billy-clubs and guns, speeches were broken up by hired thugs and provocateurs. Fear of the words of Emma Goldman brought repressive action on hundreds of occasions.

And to silence what? Sometimes she spoke on philosophical anarchism, sometimes on a woman's right to birth control, sometimes only on modern drama. Never were violent actions by her listeners traced directly to her words, yet over and over again she was shut up.

I describe this phenomenon only because it seems so incredible to someone who has been brought up on Justices Black and Douglas' opinions in First Amendment cases. And this, then, is the first lesson of Emma Goldman: the First Amendment freedom of speech as we know it is a much more modern, and precarious, creature than we often realize. Repression of unpopular ideas has a far longer tradition in this country.

We should recall that it wasn't until 1919, in *Schenck v. U. S.*, that the Supreme Court even enunciated the clear and present danger test, which was a liberal victory then and is now regarded as a restrictively conservative relic. And Emma Goldman's fate is testimony to the total lack of restraint imposed by the constitution on the states before that decision.

It is well to keep this perspective in mind in evaluating the performance of the Burger Court. While the conservatives have won a few victories, the effect of these retreats on the actual freedom of speech enjoyed today is insignificant. In historical terms, we are far from a crisis.

This perspective should not cause civil libertarians to ease up in the battle for our individual liberties. On the contrary, the infirmity of the free speech tradition makes it imperative that every slip backwards be bitterly contested. But this need for watchfulness is to prevent an encroachment of free speech, and not because the encroachment has already occurred.

The second lesson from the life of this non-believer in law is our

need to realize that our right to free speech was not created by the Constitution or any other law, but rather it exists, apart from all legal institutions, as a necessary component of human existence. Because each of us has a unique creative potential, we have a basic human right to express that potential.

Do Governments Create Rights?

Most of us are so completely socialized into a society of laws that we begin to believe that laws create individual rights, and that without law, and government, there are no rights. But how can anyone look around the world and maintain that belief? How can anyone look at the Soviet Union, or Greece, or Brazil, and maintain that governments are creating rights? The best a government can do is to protect rights, and the worst, which is too often the reality, is to eliminate those rights.

I'm not an anarchist because I believe governments sometimes are useful to bring about citizen cooperation to build roads and schools, and to correct the failures of whatever economic system is being used. I also think certain governments do protect existing human rights from private abuse. But only in that ameliorative role, and not in an initiating role, do I value political institutions.

Our revolutionary forefathers shared this belief in rights they labelled "inalienable", and in government as a corrective rather than creative force. But they probably didn't realize that 200 years of constitutional rule would tend to wipe out this distinction. We should not let the rule of law distort our concept of human justice, nor should we lose sight of how inconsistent our government has been in defending that concept. These are the lessons of Emma Goldman.

Sports Briefs

Jackson Five Upset Maulers in A League Play

In last week's games, the Jackson Five upset the Mashupee Maulers to take over the lead in the A league. The Jackson Five used the strong play of Jerry Gilbert and J. C. Dennis to pull away from Mashupee 46-37, negating a valiant effort by Bill Fraumann and Charlie Burkham of Mashupee.

In the D league, the F**k-Ups, led by their captain David Johnston, played flawlessly and overcame the Associates 48-24. Meanwhile the Ecumenical Movement continued their uncharitable play in the 5'-10" and under league, trouncing Short Stuff 46-14.

In the B league, three teams led the league with identical 2-0 records; the most impressive victory was recorded by One Buffalo Won, who defeated Court Gestures 47-31.

A LEAGUE

Jackson 5	2-0
Grovinators	1-0

Thundering Herd	1-0
Mashupee	1-1
Three-Fifths	1-1
Divinity Saints	0-1
Gargoyles	0-1
Sons of Ham	0-2

B LEAGUE

Little Big Men	2-0
One Buffalo Won	2-0
Upstarts	2-0
Cert Denied	1-0
Court Gestures	1-1
Exhumators	0-1
Nunc Pro Tunc	0-1
Roaches	0-1
Don't Fight Feeling	0-2
Frankfurters	0-2

C LEAGUE

Bureaucrats	2-0
Ducksoup	2-0
Groundhogs	2-0
Iru Cohen	1-0
Turkey Wimps	1-0
Justus Blacks	1-0
Ed. School Gang	0-0
Void Nullities	0-1
Recycled Containers	0-2
Strict Liabilities	0-2

D LEAGUE

A Masers	1-0
F**k-Ups	1-0
Red Tide	1-0
The Team	1-0
Beneath Eligibility	1-1
Most Foul	1-1
Running Dogs	1-1
Associates	0-1
Pedis Possessio	0-1
Mcz — Child Hall	0-2

E LEAGUE

Purple Urp	2-0
Herd	1-0
Juggernaut	1-0
Stop Agnew Now	1-0
Intentional Torts	1-0
Civil Pros	1-1
Trashers	1-1
Beleaguered "E's"	0-1
Big Ten	0-1
Crimson Swine	0-1
Ft. Wayne Kekiongas	0-1
Folatio Alger's	0-2

SPECIAL LEAGUE

Ecumenical Movement	2-0
Beeber's Friends	1-1
Short Stuff	1-1
Shrimps	0-2

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