

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 63, NO. 3

© 1976 BY THE HARVARD LAW SCHOOL RECORD CORPORATION

OCTOBER 8, 1976

TWENTY CENTS

Reins in HLS Study Pass From Students; Held By Nader Aide

By Paul Coady

As students shuffle in and out, the long-awaited Nader-sponsored study of the Law School has shifted from a primarily student-centered enterprise to one dominated in large measure by a Nader-paid staffer. The RECORD reported a year ago that student volunteers would design and write the book last fall and that the Nader organization would merely edit the book and provide ideas. However, that estimate has been substantially revised.

While students continue to contribute to the book's overall content, the day-to-day supervision of the work has become a full-time job for a Nader attorney. Joel Seligman, '74, the Nader lawyer who now oversees the book's progress from his Cambridge apartment, is also performing spadework and doing writing on his own. Seligman plans to redraft the work completely after the remaining four chapters of the nine-chapter book are completed near the end of the year.

Originally, five HLS volunteers were recruited by Seligman to analyze Harvard's place within the framework of American legal education. Two other students joined the venture during the course of the year. Topics they planned to address included teaching methods, the law school curriculum, the placement procedure, "the power structure," and law

(Continued on Page 5)

Bowman Disappointed: Study By Gorman Neglects Evidence

By David Remes

(Editor's Note: The following is the last of two articles discussing charges of discrimination filed with the Placement Office by Gail E. Bowman, 3L, against a law firm interviewing at Harvard. The first article described the details of the report which exonerated the firm. The second installment presents the reaction of Bowman to the report.)

Gail Bowman, 3L, in an interview this week, described Dean Robert A. Gorman's report on her dispute with John Morrison of the Chicago law firm of Kirkland & Ellis as

"disappointing."

The report, which cleared Morrison of charges that he used discriminatory and offensive language in an interview with Bowman last year, was submitted to the Placement Committee early last month.

Contrary to an earlier account the Committee neither formally accepted the report nor rejected it. Instead, the Committee decided to let the matter rest upon assurances

(Continued on Page 3)

Beverage Industry Battles Bottle Deposit Referendum

By Patrick Kennedy



You may soon save money
by paying for these.

Would you seek voting advice from a soda machine? If you would, look around the Law School these days: you'll notice that soda machines unanimously favor a "no" vote on Question 6, the so-called bottle bill referendum. In a year when neither presidential candidate is so saintly or evil as to arouse strong emotions, the bottle bill question has produced voter hysteria, provoked an all-out muscle-flexing industry propaganda blitz and created the political soda machine.

Placed on the November ballot by initiative petition after being stalled in the Massachusetts legis-

(Continued on Page 3)

Drop Deadline Moved Up

By Andrea Brown

If you haven't dropped that course you think you hate by now, you probably aren't going to be able to drop it at all.

In the past, Law School policy has been to allow a student to add or drop a course at any time until the final exam, paying a \$10 charge after the first week of the semester. On June 1, 1976, the Administrative Board voted to change the policy.

Students must have decided on their fall schedules by October 4, and must decide on their spring and year-long courses by February 10. Now, according to Mary Upton, Registrar, a fall course may be added or dropped only upon application to the appropriate Class Chairman: Frank E. A. Sander for third-year students, and Richard B. Stewart for second-year students. Before allowing a course drop, they will require a showing of unforeseen extraordinary circumstances which make it impossible for the student to carry his or her registered work-load, Sander said. Mononucleosis or a death in the family is such a circumstance; disgust or desperation about a course probably is not.

A number of students had been over-registering for courses with the intention of dropping the one in which they felt they would do worst, Upton said. Administrative problems arose when it was not clear whether a student was or was not actually in a class on the day of the exam.

Sander described a situation caused by a course last spring for

which a take-home exam had been scheduled. The professor distributed the exam in class, and several students then attempted to drop the course. They claimed that they had planned to do so before the exam, but had not had a chance because the final was "sprung" on them without warning.

While it is against Law School policy to allow a student to drop a course after seeing the final, Sander felt the students' good



"Mary Upton, Mary Upton"

faith had to be assumed. However, the policy was changed to eliminate the "anomalous situation" of students complaining that distribution of an exam was a violation of their right to drop a course, he said.

Sander also criticized the unlimited add-drop period on grounds of educational policy. He said he believes that a month is ample time to decide whether one wants to

(Continued on Page 12)

3L's Give Thumbs Down to Review

By Tim Cooper

Turn down an invitation to join the *Law Review*? Cast away that reputed ticket to fame and fortune? Why would anyone do so irrational a thing? Of course, most people *do* join when they receive their coveted summons, but almost every year there are several who choose not to. In fact, the near unthinkable occurred this year when six of the ten students invited to join at the end of their second year turned their backs on Gannett House. A seventh parted ways with the *Review* after spending but two weeks there in early August. In the past week, the *RECORD* interviewed a sampling of those who took what might be seen by some as an unusual step.

For Kathy D. Bagdonas, 3L, the factors underlying her decision to decline the invitation were fairly simple. "I don't think being on the *Review* would be of great value to me, and I don't believe in doing things just to have them on my resume," she stated. Other interests also militated against joining a journal which demands such an extensive commitment. Bagdonas is a member of the Board of Student Advisors and also wanted to take *Introduction to Advocacy* this fall to pursue her interest in litigation. The untold hours spent at the *Law Review* she saw as clearly incompatible with these activities.

Dispelling the notion that one has to be on the *Review* to clerk, Bagdonas will clerk next year with Judge Merrill of the Ninth Circuit in San Francisco.

Ted L. Stein, 3L, also declined the invitation after his second year, and in explaining his reasons to the *RECORD*, revealed the same cast of mind as Bagdonas. Stein, who is Articles Editor for the *International Law Journal* and teaches a course entitled "Peace, Justice, and Processes of Change," at Harvard College, explained matter-of-factly that "I had better things to do."

Stein went on to explain that he

(Continued on Page 6)

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 617-495-4418. Subscription price: \$3.00 semester, \$6.00 year mailed; \$8.00 year mailed outside U.S.; students \$3.00 year distributed at the Law School. Individual copies including back issues: 20 cents at the Law School, 50 cents mailed. Second class postage paid at Boston, Mass. Copyright 1976 by the Harvard Law School Record Corporation. The opinions expressed in the Harvard Law Record are those solely of the students comprising the Board of Directors of the Harvard Law School Record Corporation.

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

Evidence Favoring Bowman Left Uncited

(Continued from Page 1)

from Kirkland & Ellis that its interviewers would henceforth respect "the need for sensitivity and care in the treatment of matters relating to race and sex during interviews."

Bowman had accused Morrison of making three statements derogating blacks and women.

She criticized Gorman, who is Associate Dean of the Pennsylvania Law School, for having ignored evidence in support of her charges.

In addition, Bowman charged that Gorman had refused to explore larger questions of discrimination in recruitment at the Law School.

In one charge, Bowman alleged that Morrison had referred jokingly to the fact that a black attorney, once with Kirkland & Ellis, was now with Clorox, a bleach manufacturing company.

Among the evidence Bowman said Gorman ignored in his report was a letter that this attorney, James O. Cole, '71, sent to Dean Albert M. Sacks last spring. In this letter, a copy of which has been made available to the RECORD, Cole identified himself as the subject of Morrison's alleged Clorox joke, and mentioned that he had experienced comparable "overt racist receptions" in interviews with law firms. He wrote that he had "no regrets" about having left Kirkland & Ellis, and added, "I now realize that I should have identified certain practices some time before now." Cole did not elaborate in his letter on what these practices might be. Bowman criticized Gorman for not talking to Cole about his experiences at the firm.

Bowman also asserted that Gorman had not fully explored another minority student's report of unsatisfactory experiences interviewing with Morrison. She went on to say that she had apprised Gorman of a similarly aggrieved Chicano student, but that Gorman had failed to pursue the lead.

As for evidence that Gorman *did* consider, Bowman accused him of



Gail Bowman: disappointed?

giving Morrison and Kirkland & Ellis too much credit in several instances. "Gorman seemed to pay more attention to what Kirkland & Ellis said," she declared, "than to what Kirkland & Ellis did." Although Gorman made much of the firm's commitment to non-discriminatory hiring as professed in its manuals and interoffice memoranda, she said, he ignored the fact that none of the firm's approximately 170 lawyers is black.

Bowman called "irrelevant" Gorman's inquiry into Morrison's personal life to determine whether he would have made the remarks ascribed to him. But she said that once Gorman had decided to make such an inquiry, he should also have investigated her personal life to determine whether she would have made baseless charges against Morrison.

"I was born in West Virginia, but I grew up in Des Moines, Iowa," she said. "I was almost always the only Black in my class—often the only Black in the neighborhood. But I'm not the type of person who's inclined to be easily insulted. I can tell when white people are being deliberately offensive and when they're just being ignorant."

Bowman concluded that Morrison was not simply being insensitive but was reflecting firm policy in the remarks she ascribed to him. She argued that an interview is a serious

(Continued on Page 15)

Million Dollar War Chest Fights Mass Bottle Deposit

(Continued from Page 1)

lature for six years, Question 6 asks the voters of Massachusetts whether the state should require deposits on all soft drink and beer containers and impose a ban on the use of metal cans with detachable tops.

Paul Keough, the Director of Public Affairs for the Boston office of the Environmental Protection Agency, told the RECORD earlier this week, "I've never seen an issue in my five years which has generated so much pressure." Describing industry personnel who have set out to defeat the bottle bill, Keough stated: "They're a tough lot, and they don't care how they go about achieving their objectives."

The Environmental Protection Agency recently announced that it will require deposits on bottles and

cans sold on all federal facilities beginning in September, 1977. It will join Oregon and Vermont, the two states where deposit legislation is already in effect, and South Dakota, where the bill has been passed and is scheduled to go into effect January 1, 1978. Here in Massachusetts, the bottle bill has received the support of both Senator Edward Brooke and Senator Edward Kennedy and has been heartily endorsed by Governor Michael S. Dukakis '60.

Fearful that adoption of the bottle bill here and on federal facilities could provide the momentum necessary to enact the bottle bill nationwide, the beverage industry has launched an all-out campaign to defeat the measure. Opponents of the bottle bill estimate that they will spend over one million dollars to persuade Massachusetts voters

(Continued on Page 9)

Prof. Cavers: Distinguished Innovator

By Robert Carr

Despite his soft-spoken manner and impeccable courtesy, David F. Cavers, Fessenden Professor of Law *Emeritus*, is a distinguished innovator who has been in the forefront of some of the most significant changes in law and legal education in the twentieth century.

Born in 1902 in Buffalo, N.Y., Cavers majored in economics at the University of Pennsylvania and received an LL.B. from Harvard in 1926, where he was president of the *Law Review*. After he worked three years with a New York firm, an attack of tuberculosis caused him to move from private practice into teaching. He spent a year as instructor at Harvard and a year as assistant professor at West Virginia College of Law before joining the faculty of Duke University Law School in 1931. In 1945 he was appointed Professor at Harvard and from 1952 until his retirement in 1969 he was Fessenden Professor of Law.

Invited to help establish a law review at Duke, Cavers quickly perceived that the school would be better served by a journal with each issue devoted to a single contemporary question having social, economic, and legal ramifications. He founded *Law and Contemporary Problems* in 1933 and edited it until 1945.

In 1933 he first began government service, as legal adviser for two years to the U.S. Department of Agriculture. In 1938 he served as Special Assistant to the U.S. Attorney General; and in 1943 he became Assistant and then Associate General Counsel in the Office of Price Administration (OPA).

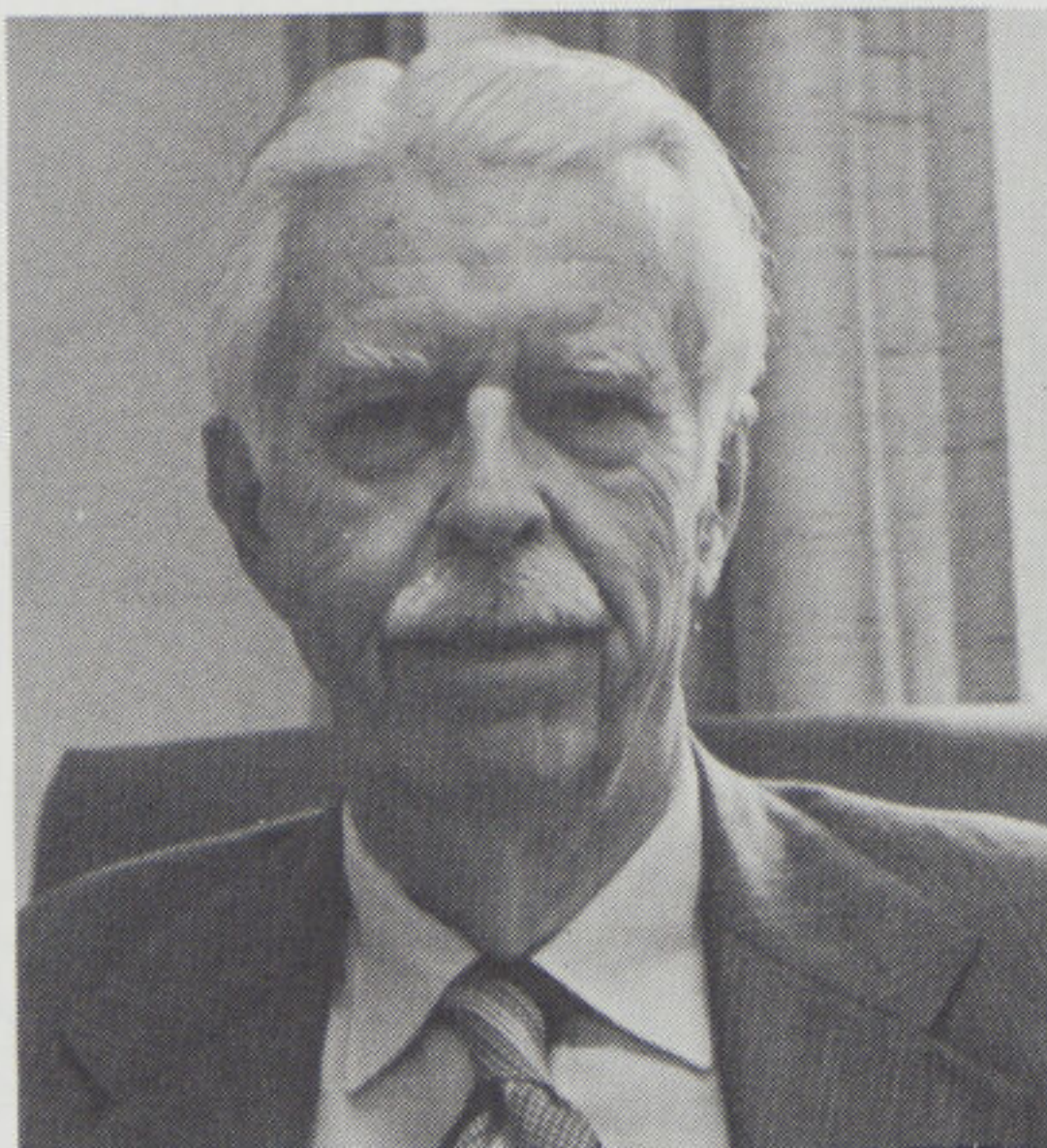
Cavers published an article in the *Bulletin of the Atomic Scientists* in 1947 proposing a moratorium on the development of atomic power. The *New York Sun* carried a front page story on it, describing Cavers as a director of the American Lawyers' Guild, which the House UnAmerican Activities

Committee had denounced as Communist-dominated.

Cavers' lawyers got a retraction, which the *Sun* printed on the night of the worst blizzard of the year; consequently, it reached no one.

Despite his brush with the post-war Communist phobia, Cavers continued to express his interest in controlling atomic energy, through at least seven significant articles on disarmament published in the 1950's.

Cavers has also made major con-



Groundbreaker Cavers

tributions to legal education in twentieth-century America. He became one of the earliest advocates of the problem method as a supplement to the case method, and wrote what he remembers as a "rather snotty" article about the subject in the 1945 *Columbia Law*

Review. He said he was gratified to learn from a 1966 study he made that Harvard, the birthplace of the case method, was also the leading user of the problem method in America. Some 16 faculty members were incorporating it in their teaching.

Cavers' impact on legal education at Harvard has been profound. He began the Legal Methods program and supervised it for five years. He also began seminars in legal education for graduate students.

In 1964 Cavers began to teach a seminar on Consumer and Environmental Hazards. It was the first time the environment had received attention in the legal curriculum, except as a part of nuisance law, he said. When the seminar began, he recalls, he had to scramble for materials. When he last taught it in 1969, he found himself inundated by a sea of print.

As Associate Dean of Harvard Law School from 1951 to 1958, Cavers played a major role in internationalizing the curriculum. He was one of the leading planners of the International Legal Studies Program, which he envisaged as combining public international law and comparative law and exploring the impact of national law on international law. Together with Professors Stanley Surrey and Oliver Oldman, he helped to found the International Tax Program, which was begun in conjunction with the United Nations to help new countries revise their tax structures.

Cavers' most dramatic contribution to international understanding was the Japanese Program, which was an outgrowth of a request to Cavers by a former student to plan a three-day visit for a group of Japanese judges. It attempted to help Japan cope with the intricacies of American law thrust upon it after the war.

(Continued on Page 15)

JAMES F. BRINE INC.
29 BRATTLE ST.

HARVARD SQ. 876-4218

**SPORTS EQUIPMENT AND
APPAREL FOR THE
ENTIRE FAMILY**

- Soccer • Skiing • Tennis
- Skates • Squash • Rugby

15% Discount on Squash Rackets
during October

Check this year's down parkas and vests.
You can't get warmer coats for less
money than at Brine's

Several Students Now Ex-Authors; HLS Still Waits For Nader-Sponsored Study

(Continued from Page 1)

school financing. However, the book's focus has broadened to include all of American legal education. Leaving most of such a project to students was a goal that could not be realized. As Seligman related, "It had been my hope that students could do the book and I would be sort of a Dutch uncle figure and just give advice. That didn't work out. I now must be much more involved and do research and also writing, which is something I didn't expect to be doing."

Seligman, a former member of the Nader Corporate Accountability Research Group (CARG), gained experience authoring a book with students when he produced a study on corporate law with students at Georgetown. The 26-year-old lawyer detailed the problems he met in utilizing HLS volunteers by comparing the project with his Georgetown research group. "At Georgetown, we were able to keep a high morale because students were taking the courses and had closer contact with Nader. At Harvard, I learned it's just not possible to take on a task as complex as legal education without someone who's willing to spend the three, four, or five months doing the research. It just wasn't possible for students to do this."

Today, only three of the original group of five students remain with the project and only two of these are actively working on the book this semester. Recent *HLS Advisers* have featured advertisements, in fact, for new recruits.

The attrition rate which caused him to take on a larger role was attributed by Seligman to the unexpected enormity of the task and the very nature of the topic. "It's very hard for students — and most people — to work on a book length project. The length of time entails morale problems and the enthusiasm of students is difficult to

keep up when working long term," Seligman said. "Writing about American legal education is much more difficult than writing about corporations, or about Congress. It involves using methodologies of journalists as well as those of historians."

Lynne A. Bernabei, 2L, one of the initial study group members, by her own account spent at least 20 or 30 hours per week on the book last year. Her duties included interviews of faculty and students on teaching methods, a study of the faculty hiring process, and a review of clinical programs as alternatives to traditional law courses. Though she presently is not contributing to the book, Bernabei plans to resume her involvement next semester.

Bernabei concurred in Seligman's explanation of the production delays encountered by the students last year. "It takes a tremendous amount of time to do all the necessary background reading and to perform interviews. . . . It's something I didn't realize, but there's also a qualitative difference between writing a book and writing news stories," she stated.

Bernabei was emphatic in denying that any importance should be attached to the wide extent of Seligman's current responsibilities. Power politics, she asserted, did not lie at the core of the problem. She instead placed the blame on natural attrition. "The explanation is really not sinister. Some members got discouraged and quit and some are still going. The idea of someone taking over is absurd. It was just a bunch of people working together," she related.

For Gail E. Bowman, 3L, working on the Nader book was an on-again, off-again proposition. Since the project's inception last fall, the nature of Bowman's association with the Nader team has depended on what other interests she was pursuing at a given time. Bowman

admitted that over the course of the academic year, a change occurred in the scope of student responsibilities for the book. "I think it was originally the wish of Nader, Joel, and other people that students would essentially run it and just get a little guidance from Washington and have them look at it maybe once a week. What has turned out has been that we needed more guidance than we thought. . . . Joel is living here now and is providing a great deal of guidance," Bowman said.

Of the other three of the original five, Elizabeth S. Bernstein, 3L, has left Harvard and is spending the year in Florida. Roger B. Howard, 3L, left the project because he felt it was too long a process and he felt it not worth the personal effort. Bruce P. Howard, 2L, elected to spend his spare time with the *Law Review*. Had he not joined the *Law Review*, Howard subsequently commented, he would have continued to work on the book — and even use one of its chapters as his third year paper.

Some of the internal workings of the book and the lines of authority were described to the *RECORD* by Howard in recent weeks. In relating the changes that took place, he flatly asserted at one point that "last spring, the Nader people came up here and took over the book from the students." In a later interview, however, he explained that the outline of the book had already been drawn up by Seligman last fall but that he was responsive to suggestions for revision. As Howard expanded upon his comments on the personnel changes, "There are always personality problems and pressures. . . . It was a low-priority sort of thing with many frustrations. . . . As some of the students dropped out, as all the musical chairs were over — and I'm not sure they're over now — Seligman was in a majority position," he said.

(Continued on Page 12)

Seven Offerees Decline Law Review Membership

(Continued from Page 2)

believed he could gain little additional writing experience by working on the *Review*. He also pointed out that while he is currently developing a topic of his own choosing for an *International Law Journal* comment, he would probably be unable to do this on the *Review*.

Whatever his own reservations, Stein recognized the substantial advantages that go with being part of the journal. He felt, however, that career advancement and electing not to join the *Review* were not necessarily mutually exclusive. "There are many paths to things that were once for only those with *Review* experience," Stein observed.

In reflecting on the manner that he himself was invited, Stein openly criticized the grading system as one of "the most ludicrous" methods of distributing rewards. Exams, he said, measure skill in test-taking rather than real mastery of the material, and he cited his own experiences in doing well in some courses as evidence of this.

Chris F. Edley, 3L, a joint degree student with the Kennedy School, resigned in mid-August from the *Review* to work for the Carter campaign in Atlanta. Though Edley had already spent a year with the *Review* and had been Supreme Court Editor, he commented that "I just couldn't pass up the opportunity

to work in a presidential campaign . . . My resignation had nothing to do with the *Law Review*," he asserted.

At the moment, Edley is working in the Carter campaign director's office. His concerns relate to coordination and scheduling of the Carter family's appearances and determination of which key political interest groups require attention. While Edley plans to receive a degree from the Law School, he does not plan on returning to the *Review* when he again takes up living full time in Cambridge.

In underscoring that his resignation was purely for personal reasons totally divorced from the *Review* itself, Edley explained. "I have no reservations or anything like that for the *Review*. In fact, I spent a considerable amount of time encouraging others — especially Blacks — to go out for writing competition."

How does the *Review* feel about those who turn down its bid? *Review* president Susan R. Estrich, 3L, said that she respected those who feel that the *Law Review* is not the place for them. Estrich was quick to point out, however, that the *Review* is a "tremendous time commitment," but is wholly worthwhile for those who want an "intensive educational experience in studying and learning about the law." Estrich also downplayed the career success that may eventually result from working on the *Review*. "The intellectual experience, rather than the incremental benefits, if any, should be the justification for joining," she commented.

Estrich maintains that the *Review* staff is happy because practically all of the 1L's who were asked to join last summer are still with the *Review*. Only one such 1L, Bayo Ogunlesi, turned down the *Review* and he apparently only deferred it for a year to attend the Business School.

Office Will Try To Locate More Alternative Jobs

By Penny Pilzer

The search for an Alternative Careers Administrator in the Placement Office is nearly over, according to Assistant Dean Alfred Daniels. Faculty and student opinion about candidates has been solicited during the past week and there may be a decision today.

This is the second new position to be filled in the Placement Office this year. Mark Beyers began work as a Vocational Counselor in early September.

The category "alternative careers," Daniels is quick to point out, includes jobs not only with public interest and legal



Daniels in the process of broadening P.O. options

aid organizations, but also in corporations or in the public sector, such as government agencies. In its 30-year history, the Placement Office has traditionally concentrated on filling openings in large, prestigious law firms — and any other kind of placement is therefore considered "alternative."

More recently, there has been some effort to locate "alternatives" through semi-annual mailings to prospective employers. However, with no one to coordinate, follow-up and organize an effective communications system, students interested in alternative placements have largely been on their own."

(Continued on Page 13)

Dorm Council Activities This Weekend

TGIF — Today, 4-6 p.m.
Harkness Downstairs Lounge

Next Friday, Oct. 15, TGIF
4-6 p.m. Harkness Downstairs Lounge

Next Saturday, Oct. 16—Mel Brooks'

THE PRODUCERS

8 and 10 p.m. in the Harkness,
\$1.00 or 50c with
Dorm Council Card

SFF Bankrolls Public Law Jobs

By Larry Zelenak

Thanks to the contributions of their fellow students, 12 HLS students were able to spend the past summer working in jobs in a wide variety of public law fields.

The jobs were made possible by Student Funded Fellowships (SFF), a program initiated last year by the Board of Student Advisors. Students with high-paying summer jobs pledged part of their earnings to SFF to help provide a minimum income of \$125 per week for students taking lower-paying jobs in the public law sector. About \$10,500 was pledged, according to Charles Bachman, 3L, the initiator of SFF.

The twelve students and their employers are: Richard L. Alfred, 2L, Employment Law Center, San Francisco; Bruce G. Berning, 3L, United States' Attorney's Office, Portland, Oregon; Jennifer K. Harbury, 2L, Texas Rural Legal Aid, Weslaco, Texas; David Oppenheimer, 2L, Brecker, Cobin & Dayley, Oakland, California; Donald J. Russell, 3L, Public Citizen Litigation Group, Washington, D.C.; Margaret E. Montoya, 2L, Oficina de Ley del Pueblo, Tierra Amarilla, New Mexico; Carey F. Corbaley, 2L, Equal Rights Advocates, Inc., San Francisco; Bruce E. Cohen, 2L, Mexican-American Legal Defense and Education Fund, San Francisco; Robert S. More, 2L, Appalachian Research and Defense Fund of Kentucky, Inc., Barbourville, Kentucky; Roxanne Ando, 2L, Legal Services Organization of Indianapolis, Inc., Indianapolis; Mark L. Figura, 2L, Public Defender's Office, Mercer, Pennsylvania; and Ann C. Shalleck, 2L, Women's Law Project, Philadelphia.

Their duties typically involved legal research, memo writing, interviewing clients, and working on pleadings and briefs. They all found that there was more than enough work to be done. As Alfred said, "The legal aid society was on

such a tight budget that they couldn't afford to have me hanging around unless I was really doing some work. So the second week I was there I was working on a brief to be submitted to a judge of the Federal District Court in San Francisco."

Many of the cases the students worked on concerned some of the most significant areas of current legal development. Oppenheimer spent much of his time researching a class action suit based on Title 7 of the 1964 Civil Rights Act. The suit charged the carpenters' union in North California with sex discrimination. Berning was involved in defending Indian treaty fishing rights, currently a highly controversial issue in the Northwest.

Russell worked on a North Carolina case challenging the constitutionality of a section of

the Price-Anderson Act, which limits the liability of a nuclear power plant in case of accident, and researched the question of whether the FBI had complied with the provisions of the Privacy Act of 1974.

Cohen began work on a paper concerning legal issues in bilingual education, which he hopes eventually to develop into a third year paper. Ando helped to develop a class action suit to improve conditions at the men's state reformatory in Indiana.

Most of the students had very positive feelings about both the work itself and their colleagues.

"I felt a lot of support for being a radical and a lawyer, which I didn't feel at Harvard," Oppenheimer remarked. "I feel much better about being a
(Continued on Page 14)

BRI

is interviewing for student representatives

In most every jurisdiction that BRI is in, the majority of law school graduates choose BRI for their review course. There are plenty of reasons why and we want you and your classmates to know about them.

We are now selecting student representatives from your school to convey BRI information to the student body.

(Representatives will get 50 to 100% discounts on courses and other perquisites, depending upon performance.)

PLEASE CONTACT: John Hull 498-5332 evenings
Gene Goldberg 267-7100 days
or

B.R.I. OF MASSACHUSETTS

306 Dartmouth
Boston, Mass. 02116
(617) 267-7100

The Boston Consulting Group

ONE BOSTON PLACE • BOSTON • MASSACHUSETTS 02106

The Boston Consulting Group is a management consulting firm that specializes in corporate strategy. Our clients are characteristically large, successful companies that are concerned about maintaining their growth and becoming more effective competitors.

A case team of 2-4 consultants conducts in-depth analysis of the client's businesses and environment. The team's conclusions and recommendations draw upon both the conceptual insights of case team members and a background of concepts previously developed within BCG.

Our consulting practice addresses the development of corporate strategy, resource allocation in the competitive environment. We have substantial evidence that our influence is significantly changing the accepted beliefs and behavior of the business community.

The firm has doubled since 1971. Our professional staff now numbers about 80 in Boston and about 175 worldwide. Other offices are located in London, Paris, Tokyo, Munich and Menlo Park, California. Five 1976 graduates of Harvard Law School joined BCG this year. Other consultants have graduate degrees in business or law or PhDs in economics, social psychology, and other fields.

BCG believes that prices can be lower and the national standard of life can be improved through the pursuit by business of policies of self-interest, if public policies are consistent, rational, coordinated and tightly reasoned in their construction and application. We also believe that adoption of public policies consistent with our concepts of competition and resource allocation can greatly benefit the general public.

An informal discussion will be held at 2:30 p.m. on Wednesday, October 13 in Pound 335 for those interested in learning more about strategic consulting and BCG.

Dukakis: Bottle Bill Makes Economic Sense

(Continued from Page 3)

that the bill will hurt the state economy and raise beverage prices. Around the state, billboards have been posted with the warning that the bottle bill "could cost your family over \$100 a year." The same message is being pushed by pamphlets available at most beverage and liquor stores throughout the state.

On four consecutive days, the RECORD contacted the opponents of the bottle bill, the Committee to Protect Jobs and the Use of Convenience Containers in Massachusetts, in an attempt to determine how the \$100 per family figure was calculated. On each day we were told that the person possessing that information was not presently available, but would return our call. No return call was ever made.

Through Keough, and through Massachusetts State Representative Lois Pines, a supporter of the bottle bill, the RECORD has learned how the "over \$100" figure was calculated. These sources explain that \$58 is attributed to lost deposits. This figure is based upon the assumption that the return rate for bottles and cans will be 43%, whereas the return rate in Vermont is over 90%, and is 95% in Oregon. Pines declared that based upon the Oregon and Vermont experience, it was ludicrous to suggest that lost deposits will cost Massachusetts families \$58 a year.

In addition to the lost deposit estimate, industry forces also claim that the average family will spend an extra \$48 in higher prices due to increased handling costs. Keough explained that this projection was based upon an EPA study of the Vermont experience but stated that EPA data was "grossly misused." Keough noted that the Vermont law imposes a one cent handling charge, a provision which is absent from the Massachusetts proposal. Moreover, Keough declared that the industry estimate disregards areas where savings could be expected to result.

"We completed a survey of

beverage prices in Southern Vermont just this week and found that prices there are consistently lower than those in western Massachusetts," Keough stated.

Keough confirmed that as a result of the "distorted" use of the Vermont study, the EPA has asked the anti-bottle bill forces to withdraw the name of the agency from the group's literature.

The predicted increase in beverage prices is also disputed by a study undertaken by the Federal Reserve Bank of Boston. That study, published in March of this year, concludes: "There is very lit-

**IF THE
BOTTLE BILL
PASSES, IT
COULD COST
YOUR FAMILY
OVER \$100*
A YEAR.**

*\$100 per year for the average family based on consumption of 8 oz. cans of soft drink (1975 Sales Survey of the Soft Drink Industry, published by the National Soft Drink Association); consumption of beer based on 12 oz. cans (1975 Brewers Almanac); additional total cost per unit/case based on Vermont Study (U.S. Environmental Protection Agency).

Asserting that data from its study had been "grossly misused," the EPA requested earlier this week that its name be withdrawn from the above ad.

tle likelihood that the proposal would produce a noticeable increase in retail beverage prices; in fact, some prices might fall."

Pines lamented that despite the questionable nature of the \$100 cost per family claim, the bottle bill forces have been unable to persuade Attorney General Francis X. Bellotti to seek an injunction against the use of the ubiquitous posters.

Pines admitted that the effect of

the industry's campaign must be damaging, but complained that the pro-bottle bill forces lack the necessary funds to rebut the beverage industry's media blitz. Supporters of the bottle bill estimate they have raised approximately \$12,000 in individual contributions to promote the campaign, of which between seven and eight thousand dollars have already been spent.

Industry forces, on the other hand, have amassed a war chest of over one million dollars, and have already spent in excess of \$600,000. Much of this money has come from out-of-state. The Can Manufacturer's Institute of Washington, D.C. has contributed \$150,000. Anheuser-Busch (Budweiser) has contributed \$32,000, and the Joseph Schlitz Brewing Company has contributed \$21,000. Neither Schlitz nor Budweiser maintains breweries within the state.

Pines explained that the reason for out-of-state support is that beverage industries have been centralizing their operations in the Midwest: "The beverage industry has been leaving Massachusetts in droves." Pines argued that the deposit requirement will provide an incentive for beverage companies to establish bottling companies closer to the relevant markets and will promote the establishment of local breweries which have been in a steady state of decline.

Anti-bottle bill literature stresses that the proposition may result in the loss of "thousands of jobs" in the state, exacerbating the problems of the already troubled Massachusetts economy. Opponents of the bill point to the fact that approximately 800 Massachusetts residents are currently employed in the production of glass bottles and cans. They foresee the loss of these jobs, as well as the continued flight of brewers and bottlers from the state.

A disinterested study conducted by the Federal Reserve Bank of Boston reached directly contrary

(Continued on Page 14)

Placement Office Blues

It seems that hardly a week slips by that the Placement Office fails to receive coverage in the pages of the RECORD. Whether it be the inadequacy of *pro bono* offerings, foot-dragging in hiring an alternative career counselor, charges of racist jibes in interviews conducted under its auspices, or bureaucratic snafus which make interviewing a burdensome process, articles relating developments in the Placement Office have become legion. In fact, whole issues could be devoted to the topic with ease.

Perhaps it is the near-dizzying array of choices confronting student job-seekers which dismays them with the present arrangements. Misgivings about career decisions and the subtle pervasive pressure to attend more interviews may also lead students to be keenly conscious of the office's shortcomings.

Whatever the underlying explanation, the fact remains that details of the placement process occupy the attention of second- and third-year students for a major part of fall semester. Since long-term career decisions are often made during this time, it would be no exaggeration to state that the process exerts a strong influence over students' lives.

At the very least, more efficient procedures should be developed to bring the Placement Office's performance and image in line with its importance. Even a few minor changes would make a major difference:

Interview selection cards might be kept entirely separate from the service area to prevent the bottlenecks which plague the office at popular times of the day. Duplicate files for the deposit of selection cards might even be supplied. The frustration of tracking down the single volume of firm resumes for a given city might be relieved by preparing several different copies of each. A safeguard system should be developed to prevent the utter havoc which computer failures recently produced.

While some of these suggestions advance the interest of efficiency by exalting the trivial, we also believe that alternatives to the "big firm" clerkship should be spelled out more clearly. They should not just be discovered by the adventuresome who happen upon the public interest volumes tucked away in the rear of the office.

Students are not the only ones with something to gain. Interviewers have a stake in untangled placement procedures as well.

These complaints were never heard before the Placement Office was founded some thirty years ago. However, the expansion of both the legal profession and the Law School itself has been startling, and student expectations have kept pace with this growth. The Placement Office should not remain bound by the ways of the past. We believe that both students' and employers' expectations can be met.

HARVARD LAW RECORD

PAUL J. COADY	<i>Editor</i>
CHARLES C. JORDAN	<i>Managing Editor</i>
GARY D. HAILEY	<i>Associate Editor</i>
PATRICK F. KENNEDY	<i>Senior Editor</i>
STEPHEN JACOBS	<i>Photography Editor</i>
STEVEN R. DAVIDSON	<i>Business Manager</i>
ANDREA BROWN	<i>Features Editor</i>

Staff: Robert Carr, Charlie Cheatham, Michael Collins, Harold E. Cooke, Tim Cooper, Roger Evans (New York City) Fenno, Susan Gillette, Sam Goldberg (Kansas City), David Halprin, Dan Heller, Jeffrey R. Karp, Madison King, Jeff Kurtock, Joe Lacerenza, Marc Lauritsen, Kenneth Levin, Adrien Mally, Barry Miller, Steven S. Miller, Vincent Pagano, Scott Patterson, Randy Phillips, Penny Pilzer, Steve Prye, Mike Raiden, David Remes, Bob Reznick, Robert Rizzi (Cleveland), Bill Ross, Bob Ruxin, Jesse Spikes, Ellen Taylor, Hayden Trubitt, George C. Valentine, Scott Woches, Larry Zelenak.

Fenno

Fenno raised the milk carton to his lips and washed down the last vestiges of his veal cutlet sandwich. Through the steamed front windows of the Four Deuces he could make out the indistinct shadows of early evening traffic on Massachusetts Avenue. It was that magic time between the TGIF and the Dorm Council Mixer; time to relax with good food and satisfying company after another trying week among the best and the brightest. His companions — a 2L and a 3L — were furiously debating the ethical responsibilities of attorneys after the fifth martini.

The 3L belched loudly and said, "That's what I think about your position. Law may be a learned profession, but no one can tell me that it must be sober as well." He hefted his copy of *The Annotated Paper Chase* and threatened to throw it at the 2L.

"When's the last time you read Ethical Consideration 1-5, which specifically refers to temperance or the 'adverse reflection' clause of Disciplinary Rule 1-102? The only bar you'll ever be admitted to is . . . Oh no; here comes El Revver." The doors of the Four Deuces flew open and in strutted a dashing figure in orange and white plat-forms and a Pierre Cardin sweater.

El Revver strode to the counter and ordered his sandwich without interrupting himself. "Gentlemen, I suggest we adjourn to the Mixer; or shall I say the field of battle?" He flashed the grin of a presidential candidate, stuffed the meatball sub into his back pocket, and, followed reluctantly by the others, led the way back to the campus.

When they arrived, the Hark was bustling with activity. El Revver felt his long-dormant mating instincts come to life. He proceeded with his entourage up the ramp, into the room, and across the dance floor to the first woman he saw.

"Hi. \$25,000 a year plus expenses; six years to partner; a home in the suburbs and afternoons at the Club. Names are unimportant. My room's right across the way; I've got a great collection of securities regulation monographs. What do you say?"

"Sounds like a declaration against penile interest to me," Fenno mused.

El Revver turned and bared his teeth, only to witness his prey rapidly disappearing into the crowd. He could just make out the text of the Equal Rights Amendment on the back of her tee shirt before she was gone. The meatball sub became dislodged and slid down the back of his snow-white slacks. He turned to his companions with disgust.

"Is Langdell still open?"

Fenno nodded. "Here; have a napkin."

RECORD Eleven Uses Trick Plays to Outsmart Review

By Gary D. Hailey

The Harvard Law RECORD, displaying a stalwart defense and a surprisingly offensive style, coasted to an easy 24-6 victory over a hapless *Harvard Law Review* team in a gridiron grudge match played Wednesday afternoon at the Cambridge Common.

The RECORD's potent offensive unit quickly took command of the contest, the start of which was delayed for 25 minutes by the late arrival of the *Review* squad, by scoring twice in the first five minutes of the game on trick plays which caught their opponents by surprise.

On the third play from scrimmage, RECORD quarterback Paul J. Coady, 2L, rolled to his left, came to a sudden halt, and then screamed, "Don't anyone move! I've lost a contact lens!" When the good-samaritan *Review* defenders dropped to their knees to search for the errant lens, Coady lofted a long scoring strike to split end Charles C. Jordan, 2L, who had slipped into the end zone undetected.

The RECORD's razzle-dazzle continued on the ensuing series when they regained possession after the listless *Review* attack could do no better than punt. On a crucial third-down-and-short, running back Pat Kennedy, 3L, took a pitchout and tried to skirt left end. In danger of being hemmed in along the sideline and trapped for a loss by the *Review* defense, Kennedy pointed to two well-dressed gentlemen walking across the law school grounds and shouted, "There they go now! There go Justice Stewart and Justice Powell!" He walked in for the score as the *Review* team ran off the field en masse, waving resumes wildly over their heads as they pursued the two startled passers-by.

The ineffective *Review* offense looked confused much of the time and was penalized time and time again for delay-of-the-game infractions. The *Re-*

view team repeatedly lost track of the down and yardage situations, punting on third down twice and choosing running plays on several fourth-and-longs.

The clever RECORD defense forced turnover after turnover in the second half, and their offensive counterparts cashed in twice for TD's. Flanker Gary Hailey, 3L, turned short receptions into long gainers by eluding the *Review*'s defensive backs after yelling, "Look! There's a five-dollar bill on the ground!" or "Hey! Your shoes are untied!" or "Look! There are two five-dollar bills on the ground!"

The *Review* avoided the embarrassment of a shutout when its offense finally clicked on a sustained, seven-play scoring drive, covering 60 yards for a touchdown late in the game. As a matter of fact, it was so late in the game that the RECORD squad, convinced that the game had ended, had left the playing field ten minutes earlier.

RECORD quarterback Coady credited his team's upset victory to "our big-play offense, heads-up defense, superior coaching, and constant manipulation of the sideline yard markers. We've been preparing for this game for months — it was originally scheduled to be played last April, but the *Review* kept putting us off — and my players really came through."

Coady admitted that he was surprised.
(Continued on Page 16)

Law Notes

The Harvard Law School Forum will present syndicated columnist Ann Landers, speaking on "How to Hang Loose in an Uptight World," in the Pound Multi-Purpose Room on Wednesday, October 13. One week later, on October 20, 1960's student activist leader Jerry Rubin will appear on a Forum program in Langdell North Middle.

Both programs will begin at 8:00 P.M. Single admission tickets are priced at \$1.50.

* * *

The Harvard-Radcliffe Hillel Society will hold holiday services and celebrations in the coming days. The Hillel will also sponsor a

reception for Colette Avital, the Israeli Consul in Boston, and a Yiddish Film Festival. For more information on these events, which are planned for the dates of October 8 through October 17, call 876-6138.

Cryptic Law

The following excerpt from a famous property case book is in "judicial code." Decode it. The BSO's opening concert brought this musical selection to mind. (Hint: Each letter stands for a different letter of the alphabet.)

Op oumsj qmsvuzpjf oum mblqlospqf wjpb
oum xmwmqxlqof lnjobmqo bld fphqx asrm
xsfypjxlqo hahalospqf, gusam oum
xmwmqxlqof bld gmaa wmma gsou
Qsmocfyum oulo "gsoupho bhfsy aswm
gphax zm l bsfolrm." Zho gumoumj "bhfsy sf
oum bpfo fhzasbm qpsfm oulo ulf mimj
nmqmojlox sqop oum mlj pw blq" sf qpo l
bloomj wpj thxsysla xmomjbsqlospq.

(Solution on Page 16)

SPORTS QUIZ

By Robert Reznick

1. Who holds the major league record for most career strikeouts per at bat?
2. The same pitcher who gave up the most home runs in a season also gave up the most home runs in a career. Who was this Hall of Famer?
3. Name the only professional basketball player to lead both the NBA and the ABA in scoring for a season.
4. Who holds the professional football record for most career fumbles?

DEALER'S CHOICE:

5. Identify the principal author of each of the following sports autobiographies:
 - a. *It's Good to be Alive!*
 - b. *Screwball*
 - c. *Nice Guys Finish Last*
 - d. *Wilt*
6. The first major league playoff game was held on October 8, 1908 — exactly 68 years ago today — between the Chicago Cubs and the New York Giants at the Polo Grounds. The game provided the setting for *Talcott v. National Exhibition Co.*, 144 App.Div. 337, 128 N.Y.S. 1059 (1911), a case involving false imprisonment. Who caused this playoff game to be necessary by failing to touch second base while the winning run would have scored, thus triggering a melee which caused the game to be declared a tie?

(Answers on Page 16)

Nader Book: Musical Chairs

(Continued from Page 5)

Howard went on to comment that little of the final product will correspond directly to his own input into the study. "Nothing will be mine because I didn't finish. I was to do the history chapter and I handed in one draft, and they didn't like it very much. I don't think it will at all reflect my work because I left."

For Greg W. Smith, 3L, involvement with the Nader book has, in his own words, "left me with bitterness." It was Smith who first acted upon Nader's idea of writing a book on the Law School by telegraphing him in Washington in the spring of 1975 in response to comments attributed to Nader in the RECORD. Smith was commissioned by Nader and Green to spend the summer performing basic research, conducting interviews, and writing up a methodology. In the fall — with 100 or so pages completed — Smith jointly interviewed 22 candidates with Seligman, eventually helping him select five of them.

Accounts of the ensuing fracas vary widely, but according to Smith, "divergent views over the control of the project from Washington" led to his summary firing as leader of the students just as the project was getting underway. Smith maintains that his desire for the book to be "believed" and free of preconceptions caused him to want to put distance between himself and the Nader organization in Washington.

Smith asserts that "these divergent views" came to a head over the question of whether interview transcripts would be forwarded to Washington. "Nader and his associates wanted verbatim transcripts to look at and all of our drafts," he charged. "They wanted to see it as it was being done, to keep us pointed in the right direction, they said. I saw that as a ridiculous amount of control. If every word of professors' was going to find itself on Nader's desk, we'd end up looking like puppets . . . It just didn't give the right kind of appearance," Smith claimed.

Smith related that his firing was in clear violation of an agreement with Green that participating students were "not to be mere footstools" and came as a shock to him and most of the other students. "Green and Seligman told me that I was no longer associated with the project . . . that I was fired. . . . They called the others working on the book and told them that I was sort of a persona non grata and that they should stay away from me. It was a clean amputation," Smith said.

The version rendered by Seligman and Green stands diametrically opposed to Smith's comments. Seligman termed Smith's story "a complete misrepresentation" and claimed that Smith was fired for having feigned an ability to lead

(Continued on Page 15)

Late Adding Also Ended

(Continued from Page 2)

drop a course. "A professor isn't exciting for the first month and then becomes boring."

The reverse situation of a student attempting to add a course in the fourteenth week was less frequent, but equally objectionable, Sanders said. It usually occurred when students realized that they had registered for fewer than the minimum hours required. In large classes, there was no way of knowing whether unregistered students had been auditing all semester or not.

While Sander acknowledged the importance of student choice, he feels that effective use of auditing would be more appropriate than "juggling balls in the air and then dropping one in the week of the exam." Both Sander and Upton contend that it is unsettling for a professor, particularly in a small class, not to know who is actually going to be in that class. Sander added, "Students say that they want closer relations with professors; they shouldn't spend a whole semester in a course and still be 'shopping'.

The number of students dropping courses late in the semester has not been large, but has been substantial enough to cause some administrative burden, Sander and Upton agreed. The only thing preventing the administrative system from breaking down, Sander said, was that most students in fact did not over-register and then drop courses at the end of the semester. He said he had worried, however, about the problem becoming widespread, "like airline overbooking," causing problems of unnecessarily over-subscribed courses.

Since the procedure seemed questionable, the Class Chairmen decided that the "extra energy consumed" by the administration of the unlimited add-drop period was not justified, and they requested the Administrative Board to change the system.

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.

Placement Position Still Unfilled

(Continued from Page 6)

A major responsibility of the Alternative Careers Administrator will be to seek out positions and to create credibility in smaller, more diversified law offices than have been contacted before. Daniels said that the new position will involve considerable student input to determine what careers students would like to enter and "where students want to go." Travel to those locations and development of contacts will be a major responsibility.

Furthermore, the Visiting Committee of the Harvard Board of Overseers suggested in its recently released report to the Board that opportunities in public interest and public service law be made available to 1L's through the Alternative Careers Administrator.

Although students interested in alternative placements have been looking forward to the filling of this position, the manner in which their needs will be determined remains a problem. No procedure for determining, for example, "where students want to go" has been outlined, although general, informal "student contact" is stressed.

Communication with the office tends to be a random affair, according to Ira A. Burnim, 3L, of the Law School Guild. He points to the procedure by which faculty and student opinion is being solicited for this opening. A group of "interested" students is being gathered and consulted this week. Daniels, who stresses his accessibility to students as individuals and in groups, has sought input

from representatives from various student organizations, but there is no set policy to accomplish this.

Law School Council member David Oppenheimer observed that "this student participation in the selection process is a *de facto*, not a *de jure*, victory."

The Placement Office deals directly with immediate student concerns and has therefore become a focal point for discontent with the role of students in governance of the Law School as a whole. Likewise, discontent with the relationship between the Law School and society at large is most easily pinpointed at the Placement Office.

Students such as those represented by the Coalition (Women's Law Association, Black American Law Students Association and the Harvard Law Guild) on Placement, have been afraid that the traditional goals of that office will conflict with those of students seeking alternatives to those goals. They therefore suggested last April in their proposal to the Visiting Committee that a separate office be created.

However, Daniels seems to be committed to broadening the focus of the Placement Office itself and to providing an opportunity for informed choice.

There remains a problem, however, in that "alternative" employers seldom have the resources to fly interviewers and interviewees to Harvard and back. Their small and uncertain budgets make it hard for them to predict openings as far in advance as large firms are able to do.

Although there are those who maintain that the life of a lawyer in the "alternative" sector is one of uphill struggle and that the Placement Office has been a good test of the mettle of aspirants, the planned widening of focus is generally welcomed.

Last spring the Coalition suggested an arrangement by which a student may give a conditional notice to one firm by the December 15 deadline, with final notice not due until April 15. Such cooperation between various sectors within the Placement Office would give students time to thoroughly explore employment options.

As Burnim said while recently addressing a group of 1L's, "To the student, the Admissions Office and the Placement Office are the two most important aspects of Harvard Law School. All that is in between is just gravy."

He was only half-joking. Where Harvard Law School sends its students has become as much an issue as how it educates them.

STUDENTS FOR PUBLIC INTEREST LAW

Students for Public Interest Law (SPIL) will sponsor a symposium on public interest law careers at 7:30 p.m. on Monday, October 18. The symposium will be held in the Pound Building, Room 101. Panelists will include Charles Halpern, Bruce Terris, Elizabeth Dubois, and Professor Gary Bellow.



Holiday Inn

OF CAMBRIDGE
1651 MASSACHUSETTS AVENUE
Two Blocks north of Harvard Law School
in Harvard Square
CAMBRIDGE, MASSACHUSETTS
RESERVATIONS 491-1000

Good food and drink — nice rooms — Rent-a-car by National — Use your Gulf, Diners, American Express, Bank Americard, Master Charge Credit Card. Specialists in banquet, wedding, and business meetings.

Innkeeper — JOSEPH ESKENAS

HAIR

WE'LL CUT IT
THE WAY YOU WANT IT

**Gino & Mike
Barber Shop**

ONE BLOCK FROM THE LAW SCHOOL
OPPOSITE HOLIDAY INN
354-9790
We do razor styling.

Students Fund Summer Jobs In Public Law

(Continued from Page 7)
lawyer than I did at the end of my first year."

Alfred was especially impressed by the "incredible talent" of the lawyers in his office, and Berning praised his colleagues for being "very sensitive to people's problems and fascinating people to work with."

Their clients also made strong impressions on many of the students. Montoya, who worked in a one-lawyer office in a very poor section of rural New Mexico, was surprised at the ability of the people of the area to help themselves. "Unlike the urban poor, they don't feel they are at the mercy of the government. The community has built a fully equipped medical clinic and started an artists' co-operative and an agricultural co-op, all without public funds."

There were also a few negative comments. Berning noted that "representing the government doesn't very often give you a chance to be on the side of the underdog," while Cohen remarked that his job reminded him that "all work can potentially be boring."

More typical, however, was Russell's report that his summer job confirmed his desire to work in public interest law. "It removed any doubts I may have had," he said.

BRODIE AUTO RENTALS

Rent a Dodge Colt or Rabbit
For \$7 Per Day & Mileage

ALSO COMPACTS AND
STATION WAGONS AVAILABLE
BICYCLE AND SKI RACKS FURNISHED
AT NO CHARGE

491-7600

106 Mt. Auburn St.
At the Coolidge Bank
Lowest Rates in Harvard Square

Beverage Litter Reduced By 83 Percent in Oregon

(Continued from Page 9)

conclusions. That report predicted the loss of between 335 and 425 jobs in the bottle manufacturing industry, but anticipated increases in employment among bottlers, truck drivers, beer distributors and retail store workers, producing an overall increase of between 97 and 1,380 full time jobs. Opponents of the bill have argued that the new jobs will be lower paying, but the Bank's study predicted that as many high paying jobs will be created as will be lost. Overall, the report estimated an increase in the state's payrolls of between one and ten million dollars.

Supporters of the bottle bill met last Friday in Gardiner Auditorium at the State House to hear speakers favoring the bottle bill legislation. Governor Dukakis used the forum to explain his support of the bottle bill, stating that in addition to the "strong aesthetic reasons to support the ban on throwaway containers it is very clear that Question 6 makes good economic sense for the people of this state."

The Governor noted that once a bottle makes 8 to 10 trips, it is cheaper than the throwaway, and pointed out that during the 1950's the average bottle made 30 trips. Dukakis argued that the natural beauty of Massachusetts is important to the tourist industry of the state, and asserted that it was "clear from experience that it [the bottle bill] will reduce litter . . . which is costing us millions and millions as taxpayers to clean up."

The Governor also argued that the bottle bill should help end the exodus of brewers from the state by providing economic incentives to stay closer to consumer markets. He predicted that if the bottle bill is enacted throughout New England, Massachusetts will become the site of a regional recycling plant.

Other speakers at last Friday's rally outlined other bene-

fits that can be expected from passage of the bottle bill. John McGlennon of the EPA explained that Oregon reduced roadside beverage container litter by 83% and Vermont by 67%. Excluding cans and bottles that originated from outside the state, these figures would jump to 94% and 92% respectively. McGlennon noted that beverage containers make up 60% of the volume of roadside litter.

Large energy savings are also predicted if the measure is approved. A pamphlet distributed by the Environmental Action Foundation predicts a savings of 115,000 barrels of oil a day if the nation were to switch to returnable containers for soft drinks and beer. The nation saved approximately 200,000 barrels of oil a day when it switched to the 55 mile per hour speed limit.

Supporters of the bottle bill also argue that it will be cheaper to the consumer in the long run to buy beverages in returnable containers. They point to testimony to this effect by soft drink bottlers themselves in hearings before the FTC, Docket Number 8855, October 3, 1975.

Massachusetts is not the only state facing a bottle bill referendum this year. The question is also on the ballot in Maine, Michigan and Colorado. The Massachusetts experience can be seen as part of a broader struggle to enact the bottle bill nationwide. If the bottle bill passes in several states this November, the movement will pick up considerable momentum.

In the minds of bottle bill supporters, Red Sox pitcher Bill Lee, who moderated last Friday's rally, said it all in summing up his feelings about the bottle bill: "It's like that oil filter commercial you see on T.V. Mother Nature's out there, you either pay her now, or you pay her later."

Nader's Writers Deny Dissension

(Continued from Page 12)

the project at the same time that he was trying out for the *Law Review* by the writing competition. The upshot of this, Seligman explained, was a "totally demoralized group." "It seemed impossible that Greg would hold the group together. As I talked to all five students, it became apparent that I might lose them all," Seligman stated. "Here I am with my careful research and for that character to go around and distort things is repulsive."

Contacted last week in Washington, Green sided with Seligman's interpretation of the episode and directly undercut Smith's account. "The disagreement with Smith had nothing to do with control," Green stated. "We never wanted to go over research on a weekly basis. It is both bureau-

cratically inefficient and discourages creativity, and we never did that with any other report. It was all a question of competence and judgment and we decided it would be best for the students to go forward without him. . . . Nobody likes to be fired," he said.

Moreover, Green disparaged any notion of overweening control by the Nader organization and pointed to the informality of the staff's organization. "There wasn't 'control' . . . There was an informal back and forth arrangement between students and Joel. At no point did we — or do we now — order something written, since we wanted to do it as a student project. It's a give-and-take and the students take from us only what they think is persuasive," Green remarked.

Cavers Heads Up Research Institute

(Continued from Page 4)

Conducted in cooperation with Stanford University and the University of Michigan, the program provided an opportunity for exchanges of members of the legal profession, law teachers, and students between the two countries.

Cavers has also been a long standing champion of "non-traditional" research in law schools — research directed not to doctrinal analysis of court decisions but to empirical studies of the impact of law on society. As Associate Dean, he encouraged the law school to support such research and co-authored a book with J. R. Nelson in 1959 on *Electric Power Regulation in Latin America*.

The culmination of Cavers' interest in non-traditional research was his service as President and Board Chairman of the Walter E. Meyer Research Institute of Law. The first grant giving institution to make legal problems its primary focus, the foundation was funded largely by stock held by Meyer, a New York attorney. The foundation

(Continued on Page 16)

Gorman Report Criticized

(Continued from Page 3)

situation in which such remarks do not drop accidentally especially from a senior partner representing the firm as head of its recruiting team at Harvard.

With Bowman's refusal to drop her complaint upon receipt of a letter from Morrison that was conciliatory but denied the Clorox charge, Gorman's attitude began to sour, Bowman said. According to Bowman, Gorman threatened to abandon his plans to explore the larger problem of discrimination in recruitment at the Law School unless she withdrew her charges. "He was telling me," she said, "how I should do a cost-benefit analysis and figure that it would be more worthwhile to my cause, as he would want to put it, to have the larger report, going to the larger question, written, than the report just going to the

resolution of this matter. But the condition on that was to drop the formal complaint."

In the report that was finally released, Gorman presented his reflections on the problem of discrimination in recruiting, and proposals for improving the process of bringing complaints. He presented no evidence of particular problems he found at the Law School, however.

Bowman expressed satisfaction that the Placement Committee had not adopted Gorman's conclusions exonerating Morrison of her charges. In its own report to Dean Sacks, the Committee declared it could not resolve the dispute either way.

"I think Harvard Law School is doing itself a disservice by not dealing with this problem while it has surfaced," she warned. "They're waiting for it to go down and come up in a more malicious form, I think."

Taking the New York Bar Exam?

MARINO INC. BAR REVIEW COURSE

Call Collect 516-248-3995

For Information Concerning
Representing/Enrolling in the
Marino Bar Review Course

53 Hilton Ave
Garden City, New York 11530

Professional Dry Cleaning
and Shirt Laundry
at

Rite-Way
CLEANERS

KI 7-8008
4 Hudson St., Cambridge
(off 1672 Mass. Ave.)

Cavers Innovates

(Continued from Page 15)

gave research grants and chairs, including the Meyer Research Professorship at Columbia.

When the Meyer Institute was merged in 1972 into the Council on Law-Related Studies, Cavers assumed the presidency of the new organization — a position, he says, which turned out to be a "full time half-time job." Since 1969 he has been heavily involved in the studies of no-fault insurance sponsored by the Meyer Institute and the Council on Law-Related Studies. In 1972 he served on the United States delegation to the Hague Conference. He is vice-chairman of the Center for Law and Social Policy and serves on the boards of directors of the Council on Legal Education for Professional Responsibility and the Environmental Law Institute.

Solution to "Cryptic Law"

"To their neighbors the emanations from the defendants' apartment may sound like discordant ululations, while the defendants may well feel with Nietzsche that 'without music life would be a mistake.' But whether music is the most sublime noise that has ever penetrated into the ear of man is not a matter for judicial determination."

Justice Court Mutual Housing Cooperative, Inc. v. Sandow, 50 Misc. 2d 541, 270 N.Y.S.2d 829 (1966). The court held that a rule adopted by the directors of a cooperative apartment building prohibiting the playing of musical instruments in excess of 1½ hours per day was arbitrary and unreasonable. It expressed, however, the hope that the defendants would not so avail themselves of the rights there accorded them as to conclude with Longfellow that 'the night shall be filled with music.'

Razzle-Dazzle Key To RECORD Gridders' Victory Over Review

(Continued from Page 11)

prised by the RECORD's success with subterfuge and trick plays. "I couldn't believe the dropped-contact-lens play fooled them. I mean, I was wearing glasses when I ran the play, and I thought everyone knows that no one wears eyeglasses and contact lenses at the same time. Frankly, we thought that the *Review* players would be smarter than that — I guess everyone does."

Star receiver Hailey simply smiled when interviewed after the game, saying, "I'll score tonight for sure!"

The *Review's* poor showing angered their president and head coach, Susan Estrich. "I'm mad, good and mad. I'm con-

vinced that several of our players didn't even know what a football looked like until today — they certainly didn't know what they were supposed to do with it."

"Our team was unable to understand the most fundamental elements of football, such as the difference between a pass and a run, or between the directions left and right," Estrich complained. "They couldn't find their way back to Gannett House with a German shepherd."

"But do we care about some stupid football game? Of course not. I'm not even sure that there was a RECORD-*Review* football game. As a matter of fact, I don't think I even gave the RECORD this interview — I know I didn't, because I was out of town at the time."



Tennis and Squash shop

CAMBRIDGE • WENHAM
Massachusetts

Where Service
Is Part of the Game

67 Mt. Auburn St., Cambridge
67 Main St., Wenham

Review Wants Rematch

Susan Estrich, president of the *Review*, unfamiliar with finishing second has demanded a RECORD-*Review* Rematch. Estrich is so confident of her henchpersons' potential that she has matched her demand with an offer to forfeit to the RECORD her clerkship with D.C. Circuit Court Judge J. Skelly Wright. The RECORD, when victorious, plans to auction off the choice Skelly Wright clerkship to the highest bidder and donate the proceeds to the Mass. ERA campaign. The game will be held 3:00 P.M. Thursday, Oct. 14 on the Cambridge Common.

Sports Answers

1. Reggie Jackson. Complete through the 1976 season he is striking out at a .255 clip.
2. Robin Roberts.
3. Rick Barry.
4. Johnny Unitas with 75.
5. a. Roy Campanella.
b. Tug McGraw.
c. Leo Durocher.
6. Fred Merkle. And while we're on the topic of anniversaries, Don Larsen pitched his perfect World Series game exactly 20 years ago today.

SECOND CLASS POSTAGE
PAID AT BOSTON, MASSACHUSETTS

RETURN ADDRESS:

HARVARD LAW RECORD
HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138