

HARVARD LAW RECORD

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TWENTY CENTS

School Hosts Black Law Meeting

By Mark Goldowitz

Over 150 law students, lawyers and judges gathered last weekend at the Law School to participate

in a Symposium on the Black Lawyer in America Today.

To many of the participants, the symposium was an historic

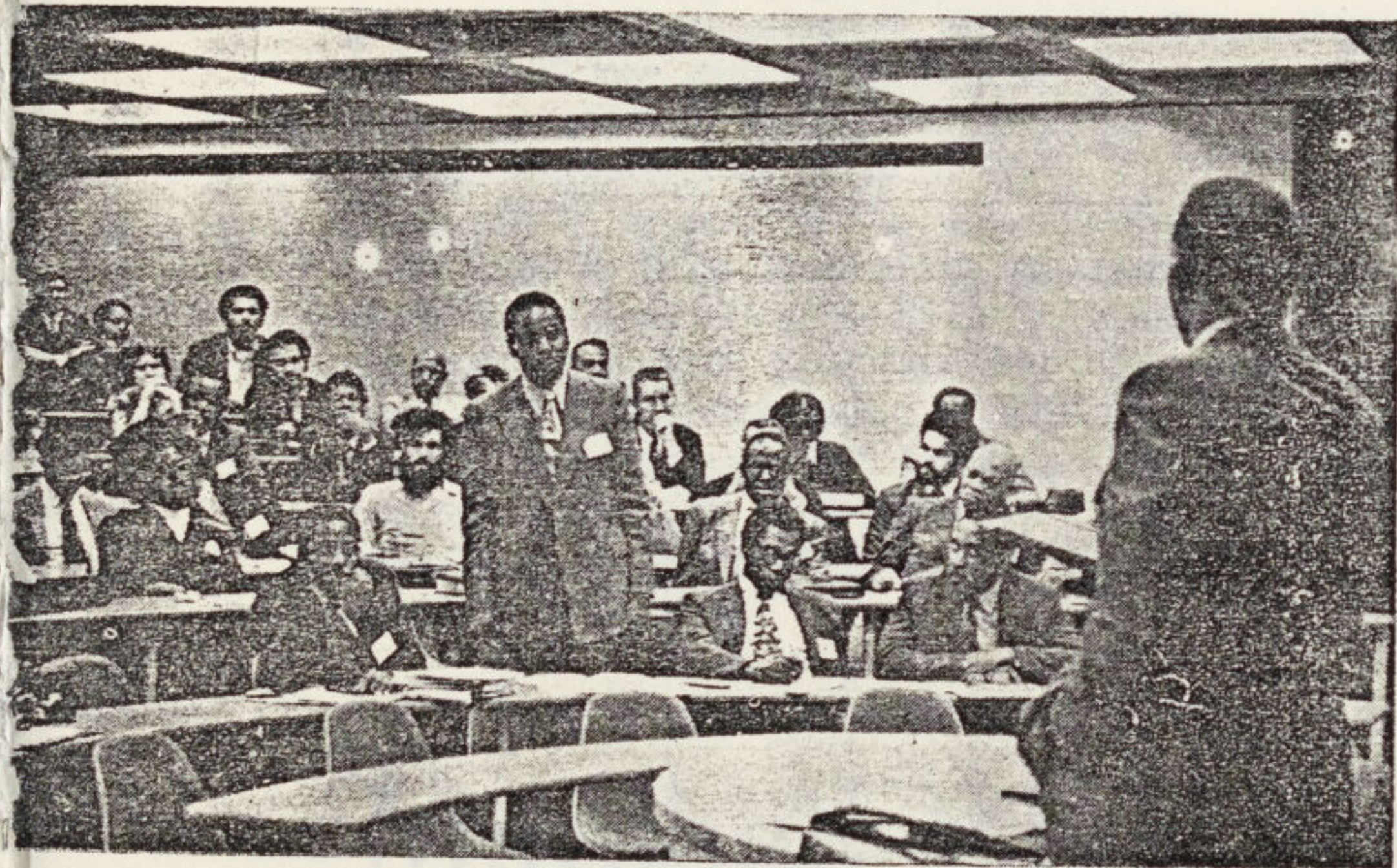
occasion. As one student commented, "Here we have black lawyers talking to black students about the law, and this is something that's never happened here before."

Panelists and speakers included a wide range of practicing lawyers, law school deans, judges, politicians, and political appointees. Their main themes seemed to be "Look how far we've come," and (particularly emphasized by the younger students) "Look how far we have to go."

The latter theme was often underscored by examples of racism in the law and American politics, and by the fact that blacks constitute only one per cent of the nation's lawyers, while they are about twelve per cent of the general population. One panelist called the legal profession "probably the most segregated business in the American economy."

Chicago defense attorney James D. Montgomery expressed the feelings of many when he declared, "The most atrocious institution of America, the 'administration of justice,' visits its oppression most heavily upon black people." Assistant Dean Walter Leonard, the organizer of the symposium, observed that 90 per cent of the blacks in this country still look on the law as being oppressive.

Most of the speakers stressed the necessity for more blacks to become lawyers in order to meet the legal needs of the black community. The black lawyer, in the words of Federal District Judge A. Leon Higginbotham, Jr., "is needed to shine the spotlight of



Jeff Petrucelly

Black lawyers convene in Pound Building.

Review Appoints Thirty

By John York

Thirty second-year students have been selected for membership on the *Harvard Law Review*, the publication's president Allen Snyder announced this week. The public differentiation will be made between those of the 30 who were selected on the basis of their grades (20) and those who won the writing competition (10). The new 2L members are: Robert L. Adler, Neil W. Averitt, James B. Babcock, Stephen B. Bank, Henry H. Drummonds, M. Feinberg, Ira Finkelstein, Peter J. Gabel, Lloyd P. Goldberg, David E. Gordon, Eric Green, Harris Hartz, Peter S.

Hendrixson, John A. Herfort, Alan Stephen Hut, Jr., Robert J. Katz, Jonathan Marks, Scott C. Moriearty, Alan W. Perry, Darrell S. Ross, Lyman Sandy, Andrew Schepard, John-Mark Stenvaag, Charles B. Temkin, Gregory Theokas, Melvyn H. Wald, Kenneth Wallach, Paul L. Warner, Jay K. Wright, John D. Zeglis.

"We see no reason for there to be a difference in treatment of competition and grades people, either by us or by anyone else," Snyder said. No one on the *Review* except for Snyder knows who was selected in which way.

(Continued on Page 4)

(Continued on Page 12)

Few Pick Up Grades; Pass/Fail Less Popular with Class of '72

After the Registrar's office rushed to complete grades for apparently eager students, few showed up when last year's 1L and 2L grades were distributed on October 1 and 5 respectively. Spokeswomen for the office declined comment on the lack of interest shown.

The other big news about grades is that fewer students in the Class of '72 opted for one of the two forms of pass/fail available. Last year's first-year class of 580 elected the following grade-reporting options: 73 per cent on nine-category grades, five per cent on four-category pass/fail and 22 per cent on two-category pass/fail. These breakdowns, compared to those of the Class of '71, appear in Fig. 1.

By May 4, 1970, revocation by students in the 1971 class of their previously elected pass/fail options left the percentages at 67 per cent for nine-category grades, 10 per cent for four-category pass/fail and 23 per cent for two-category pass/fail.

By March 1, 1971, revocations by the Class of '72 may likewise change the reported percentages in each of the three categories.

Complaints about the grade-reporting system during its first year of pass/fail operation last year revolved around employment

placements had answered. Later returns continued to reflect the same general picture.

The study found that a large number of the students — about 66 per cent — who did not discuss grades reported feeling adversely prejudiced by their non-disclosure.

In the Class of '71 about 40-45 per cent of those with nine-category grades did not disclose them

Fig. 1 Grade Options Chosen by Classes of '71 and '72		
Option	Class: 1971	1972
Nine-category grades	53%(284)	73%(421)
Four-category pass/fail	14%(75)	5%(30)
Two-category pass/fail	33%(179)	22%(129)
	100%(538)T	100%(580)T

placement interviewing. In the early part of 1970 the Placement Office sent out a questionnaire to 2Ls concerning grade disclosure and their experiences in seeking summer employment. The RECORD of February 12, 1970, reported the results available at that time, when about 350 stu-

to employers at interviews. About 75 per cent of those with four-category pass/fail did not disclose, and those on two-category pass/fail had little to disclose.

Further studies on the pass/fail options and their ramifications are planned for the coming year.

Marshall Club Argues in Ames Final

By Bob Junghans

However debatable the recruiting tactics of the Marshall Club, it seems apparent that it has paid dividends — at least in 1968. That's when this year's graduating class was first introduced to that bucolic jurisdiction known as the State of Ames.

What arose out of that 1968 recruiting was a team of six that has argued its way to the finals of this year's Ames Competition. The Marshall contingent — the respondent in this year's championship round — will be facing the defending Ames champions, so to speak.

Representing the petitioners before the high court of Ames will once again be the Learned Hand Club, likewise successful in

last spring's semi-final round. Learned Hand, with six now-graduated senior partners carrying the banner, was the winner (by a nose over the Bevins Club) in last year's final round.

The final arguments will be held

Justice Byron White Heads 3-Judge Panel

Tuesday, Nov. 24, in the Ames Courtroom at 8 p.m. before a three-judge panel which will include United States Supreme Court Justice Byron R. White. Justice White's associate justices will be announced at a later date.

The case, *James Best v. Ronald L. Davis*, is a securities case involving the question of whether

an individual buyer has the right to sue in private action under Rule 10(b)(5) of the 1934 Securities Exchange Act, an anti-fraud provision. The basic issue has been hotly litigated over the past ten years and precedents abound on both sides.

Oralists for petitioner will be Susan A. Cahoon and Richard C. Brautigam. On the brief for Learned Hand will be John Koeltl, Kenneth F. Seminatore, Gregory W. Byrne and Jared B. Stammel.

For respondent Marshall, Frederick F. Schauer and Lawrence R. Samuels will present the oral argument. Peter T. de Koszmovszky, Stephen B. Presser, David Leng and John T. Rose II are on the brief.

Simpson Says Intern Program 'Bombs'

By Michelle Scott

Only 33 second-year students have been placed in summer jobs under the experimental internship program which began this fall.

Seventy-eight law firms, government agencies and legal services offices offered positions. Before the regular interviewing season began, 84 second-year students interested in internships submitted preferential listings of type of position, geographic location and salary expectation to the Placement Office. Some positions matched with more than one application and were assigned by draw. Others drew no applications.

Both student and administration directors of the program expressed disappointment with the small number of students submitting applications. When the internship proposal was presented to the Placement Committee last spring, 370 members of the present 2L class signed petitions in support of the computer job-matching program.

"It bombed," admitted Russell A. Simpson, assistant dean and overseer of the Placement Office. It was quite clear from the applications that students were interested in the usual commercial

Few 2Ls 'Win' Summer Jobs

jobs. All that talk about legal services work was talk, except for legal services in the popular towns."

Andrew I. Schepard, 2L, student promoter of the internship proposal agreed with Simpson. The interest reported in legal service jobs wasn't manifested in the applications which were received for the program."

When the program was presented to 2L employers late last term, many objected to random placement through the Law School. Firms in particular re-

plied they found the proposal "impersonal" and would continue their regular interview methods.

Schepard and Douglass W. Casel, Jr., 2L, contend that 2L summer placement no longer means permanent placement in students' minds and that interviews are often used to discriminate against minority groups and women. They said that many students and employers find a 20-minute interview inadequate. Often, Schepard suggested, 2L placement resembles a "fraternity rush."

To assuage some employers who found the internship idea

outrageous, both Dean Derek C. Bok and Simpson addressed letters to all firms and companies who interview regularly at the Law School, reassuring them that participation was voluntary. The letters noted that the proposal offered employers who could not afford to come to Cambridge a chance to recruit among the Harvard student body.

Most firms chose to ignore the experiment. The only Western firm offering an internship and the only firm offering two positions both have partners on

(Continued on Page 6)

Students Vie for Office

By Greg Ward

Massachusetts' Third Middlesex District runs up Massachusetts Avenue from Harvard Square into North Cambridge, and westward. Traditionally, it sends two Democrats to the state capitol building in Boston.

Ordinarily such an outcome would delight liberally-stanced politicians aware of the district's profile — low-income, conservative, blue-collar workers only slightly offset by the professors and professionals who make up the intellectual pocket surrounding Harvard and Radcliffe Colleges.

In 1970, however, the conviction that one incumbent was incompetent led two Harvard Law students to run for state representative from the Third District.

Dennis R. Kanin, 3L, attacked the incumbents directly, and lost. Kanin ran behind Representatives Timothy W. Hickey and Charles F. Flaherty, Jr., in the Democratic primary, finishing third in the field of nine candidates. Douglas Matthews, 1L, ran unopposed in the Republican primary and will test the Democratic winners on November 3.

"If Dennis (Kanin) had won, I wouldn't have run," said Matthews matter-of-factly. Fingering

a yellow pipe that was filled but never lit, Matthews candidly recalled how he had told Kanin to "smear the opponent," a tactic



Ira Finkelstein

Andre Douglas Matthews

which he seems to feel is essential for success in the Third District.

"But he wanted to play it straight," said Matthews, who himself plans to conduct a "blitz campaign on the issues" modeled on the "Three Cheers for Speers" campaign conducted in Southern California. (Speers was a successful candidate for the California Assembly whose campaign de-

(Continued on Page 9)

Review Pressed by Manpower Shortage

(Continued from Page 1)

However, Snyder will tell each individual which of the two bases determined his selection. "The person himself has a right to know; he can use the information as he wishes," Snyder explained.

"Since it could be deduced that a person who never entered the finals of the writing competition — a list of those who did having been posted publicly — made it on grades, he could use this information to his advantage in talking to potential employers while some new members who might have made it on either criteria would not be sure, we feel it only fair that each person be on an equal footing," Snyder continued. "But I don't encourage anyone to use this information," he concluded.

The papers of the 40 finalists in the writing competition were each read by two professors and Snyder. The papers were then ranked and integrated with the list of those selected on the basis of grades. There was some overlap.

During the summer ten 3Ls were selected on the basis of performance during their first three semesters at Law School. [See RECORD issue of October 1, 1970]. "This was the only fair way to get people who could come to work on August 1 without using spring-exam grades," Snyder

More 3Ls Will Be Chosen on Grades

said. In addition to four others previously announced as reinvited to join the *Review* after a year's absence is Howard A. Schulman, 2L.

In the near future, when 3L grades have been ranked, more third-year students will be selected. "We will choose — on the basis of either two or four semesters of work — 12 people who

would have made *Review* by our usual criteria," Snyder explained. Because of overlap with the ten 3Ls already chosen, the possible quantity of new 3Ls to be selected could be as low as two or as high as twelve.

"My guess is that it will work out that we'll take seven or eight new members from the third-year class for a total — including those chosen this summer — of fifteen to twenty from that class," Snyder said.

Last year twelve 3Ls were chosen on the basis of grades, and only six to eight 3Ls were taken two years ago. Snyder declined comment on whether these growing numbers constituted a conscious policy of enlarging *Review* membership.

This year's delay in issuing grades for many students — and therefore class rankings — due to the lateness of summer examination return has caused the *Review* three serious problems.

The fact that all 30 newly invited 2Ls and the remaining 3Ls to be selected are coming to work two-and-one-half months later than the customary August 1 starting date has: (1) caused a manpower shortage for putting out the annual Supreme Court issue; (2) left a shorter time period over which new members can be trained before some of them assume the *Review's* helm in the spring; and (3) created a potential shortage of completed notes for some pre-March issues with a deluge of finished writings ready for publication after April.

The last-mentioned is the most critical for the *Review*, according to Snyder. "The delay in getting most of our new members has been a tremendous handicap for us," he said, "but the biggest headache will be developing new members' written work. Last year all but one member of the group just joining the *Review* published at least one piece. It usually takes five to six months for completion of a note from inception to pub-

lication. We try to give everyone the possibility to publish something."

"Last year at this time," Snyder continued, "there were as many as ten or twenty notes in process — they were then published from February onward. Now we have thirty 2Ls — and an estimated six to eight more 3Ls to come — all ready to begin notes. And the writings will all be in their first or second drafts

Training New Editors May Delay Elections

in a month or two when we'll need the stuff."

As for the manpower shortage from August 1 until this week, 3L non-officers who help with the Supreme Court issue have been harder-pressed. Some may stay on after the issue is completed to help train new workers, although none of the non-officers are forced to remain beyond that point. In the past most 3L non-officers have been inactive in *Review* work past the completion of the November issue.

Whether four instead of six months will be a sufficient time span over which new members can be trained before all of this year's third-year members exit this spring remains to be seen.

"The training problem may delay election of next year's officers until maybe as late as March 1," Snyder said. Elections were held February 14 last year.

"We don't want to stay around and meddle after the new officers take over next spring," he continued. "We just may stay on a little longer ourselves before elections so that they can just jump right in once they take office."

Despite these setbacks, Snyder was smiling but firm in saying that the *Review* did not intend to change its publication schedule at all as long as a high-quality pub-

(Continued on Page 13)

Students Propose Revisions

Committee Rewrites Constitution

By Mark Goldowitz

The HLS Committee for a New Constitution has organized to direct Law School suggestions in the nationwide effort to amend and reform the 183-year-old Constitution.

Using two recent revisions of the present Constitution—the Tugwell Constitution and the Philadelphia Proposals—as points of departure, the Law School group will hold workshops and draft its own provisions for presentation to a National Constitutional Convention early November in Washington, D.C.

The ideas in the Tugwell Constitution and the Philadelphia Proposals are being debated around the country. In a liberal think-tank in California, former New-Deal “brain-truster” Rexford G. Tugwell recently published his 37th Tugwell Constitution. Across the nation, 10,000 blacks and whites met late this summer in Philadelphia to formulate a “People’s Constitution.”

Both efforts share two basic assumptions. They find the present Constitution anachronistic and cumbersome. They also consider the procedures for amending the present Constitution antiquated and restrictive.

Neither effort foresees implementation of a new Constitution by traditional routes. Instead, both see the question of a new Constitution as a matter for all Americans to decide, directly and popularly.

But at this point the similarity ends. Tugwell’s substantive proposals call for increasing centralization of power in the federal government, with a nine-year presidency, lifetime Senate terms and the essential abolition of federalism. Tugwell’s Constitution limits guarantees of a jury trial and adversary proceedings. “Efficiency,” as recommended by Chief Justice Warren Burger, is the apparent goal.

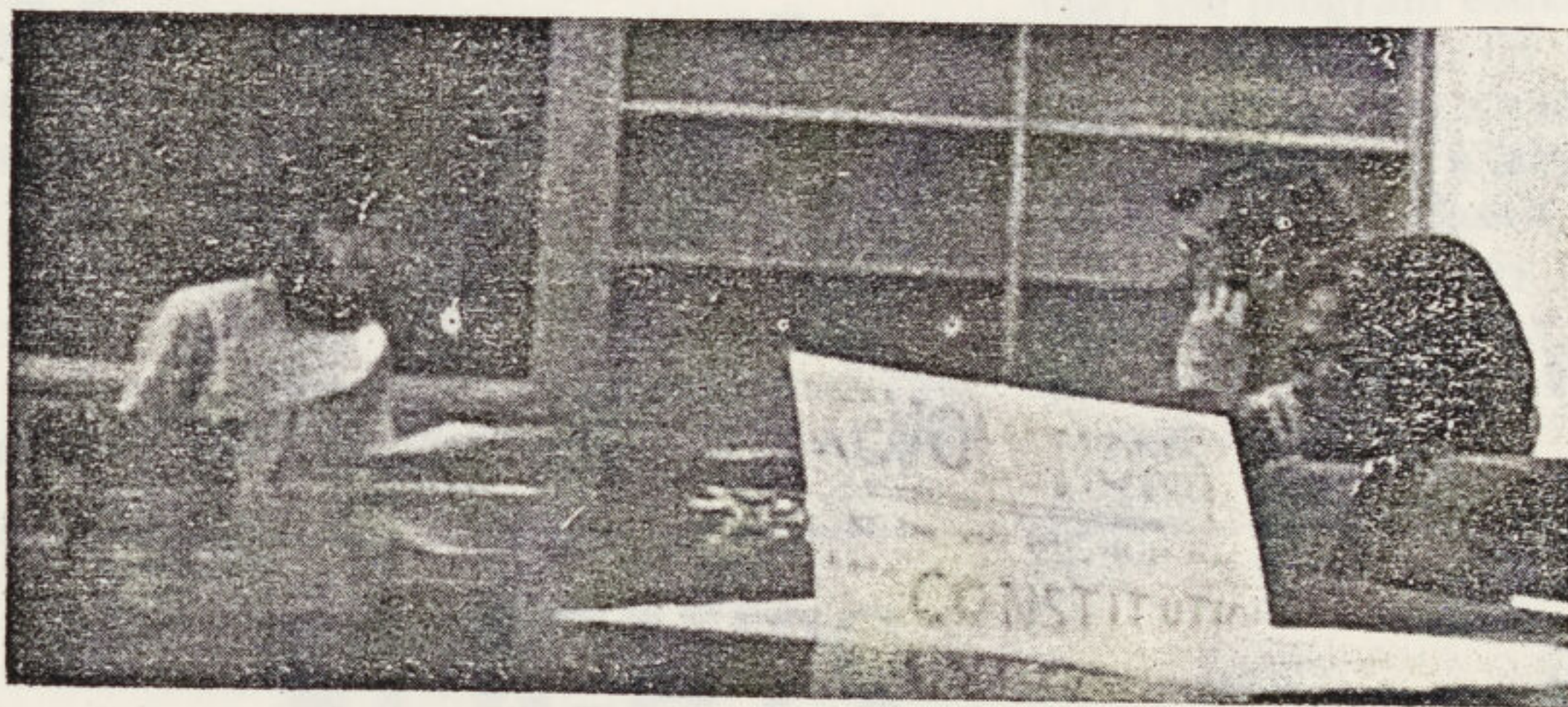
The Philadelphia Proposals

grapple with social issues: war, poverty, racism, sexism, ecological destruction and civil rights. They call for the prohibition of any government expenditure for foreign military or police purposes, for the abolition of the draft, for the end of a national standing army and for a maximum spending limit of 10 per cent of the national budget on military or police activities.

The Philadelphia Proposals provide for a guaranteed income,

guaranteed employment, freedom from hunger, free housing, free transportation, free medical care and free childcare. They also propose the socialization of industry. At the summer sessions, constitutional provisions granting equal rights for women, for homosexuals and for “third world” peoples were supported.

Editor’s Note: Mr. Goldowitz attended the Philadelphia sessions and is helping organize the HLS Committee for a New Constitution.



M. Stul Oppenheimer

Radicals discuss constitutional reforms.

Radical Law Students Plan Projects: Ames, Curriculum Targets of Reform

By Mark Goldowitz

In the wake of last May’s national student strike, escalating governmental surveillance of political activists, and a national call for a new federal constitution, the radical law students at Harvard have begun work on a number of projects.

Two recent meetings launched a varied series of workgroups, directed inside and outside the Law School. The largest and most active thus far is a group of first-year students who argue that the Ames “moot court” competition is neither as helpful, interesting, or meaningful as a number of alternative legal research projects.

Another group will concern itself with additional Law School reforms particularly in the area

of curriculum. While warning his comrades that the law school faculty “are the champion co-opters of any movement, anywhere,” Saul Shapiro, 2L, emphasized the importance of the struggle to make the Law School more responsive to the needs of poor and oppressed people.

One proposal which sparked much interest was a six-month field program, where students would work outside the Law School for credit. Shapiro strongly defended this proposal on educational, as well as political, grounds.

“My understanding of the criminal process after having been at Fort Dix for nine months

(Continued on Page 14)

2L Intern Program 'Bombs' . . .

(Continued from Page 3)

the Placement Committee which agreed to this fall's trial.

"Only a few firms were very enthusiastic," Simpson reported. "These tended to be firms from places like Dayton, Columbus, and Baltimore who did not have very good luck recruiting here in recent years. They didn't have much better luck this year either."

While law firm internships in New York City, Washington, D.C., Boston, Beverly Hills, Chicago and Newark were filled, two Baltimore summer clerkships at \$200 a week, as well as jobs in Philadelphia, Pittsburg and Hartford at similar rates were unmatched. Only one work/study job currently rated at \$3 per hour and two legal services jobs, both at \$125 per week in Boston were filled.

Simpson noted that several of

the 15 work/study offers could not be filled because students whose parental income tops \$10,000 are generally ineligible. Several of these jobs, however, offered no salary and others paid as little \$150 per month.

Simpson, Schepard and Cassell suggested that many students might not have applied because of the low number of jobs available in popular locations, uncertainty about summer plans so early in the semester and the de-

Law Firm, Legal Aid Jobs Unfilled

sire to know the practice, and often "prestige", of the firm they worked for.

Simpson further explained that some employers feared that only

low-ranking students would reply. However, he noted that applicants were "quite representative" of the entire class, both in academic backgrounds and minority group numbers.

"This year there was even a mitigating factor," Simpson noted ruefully. "Only about 75 of the 2Ls had even three of their 1L grades at the time applications were due. So the chance of getting only poorer students was reduced this year."

"We'll try to follow-up on the program," Simpson said. "But our sample is so small, I don't think it's going to help much."

Both Schepard and Cassel hope that the program continues. They feel greater publicity and discussion during registration would have resulted in a larger number of applicants. Cassel, as a first step, hopes to survey the 2L class to find out why many did not apply and if they think the program should be changed.

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De Nova Cries 'Basta!' to Women's Lib

By Susan Carlson

Rodolfo de Nova, professor of International Law at the University of Pavia, Italy, is teaching a course in conflicts of law as visiting professor at the Law School for the fall semester.

De Nova received an LL.D. degree in 1928 and a doctorate in political science in 1930 from the University of Pavia. He studied at the University of Munich, at Yale from 1932 to 1934, and at the Academy of International Law, the Hague.

During the 1935-36 academic year, de Nova taught at Pavia, and from 1936 to 1938 at the University of Messina. In 1939 he returned to the University of Pavia to teach international law, later serving for four years as dean of the law school.

In 1962 he was again in the United States as a research scholar at the University of California at Berkeley. He feels that his present work at Harvard will be his "crowning experience in American law schools."

De Nova's course on comparative conflicts of law will focus on comparison of American and European approaches and theories concerning the law applicable to transactions or relations involving more than one state.

Asked about his impressions of the United States today, de Nova replied that the most striking change was the presence of more long-haired "street people." He compared them to European gypsies, but noted that unlike gypsies, there weren't any old street people. The girls in particular looked extremely young, he said.

Comparing American with Italian law students, he observed that law students in Italy were never oppressed by work as students in the United States. They are able to take things easy." In Italy, students go to lectures only if they want to. They do not have to prepare for classes and generally are under much less pressure, according to de Nova.

As a young man, he enjoyed skiing, but now prefers more sedentary pleasures, and especially enjoys reading American poetry. His favorites are Frost, Auden and Cummings, "poets I can understand."

De Nova believes the "openness of the United States, its frankness and ability to be self-critical, even to an extreme or masochistic

of society, too, and I like them better."

Another difference he noticed in present day America was that violence has now appeared in this country. "Although I have not actually seen any violence myself, I have heard about it. In 1932 even raving anarchists didn't throw Molotov cocktails. Debates were violent but there was no such physical expression of this."

His views on the women's liberation movement generally disagree with those who try to quantify the discrimination against women by pointing to the low percentages of women in law, medicine and engineering.

"What is important is the influence that women have in the community. This has always been an imponderable which can't be accurately measured.

"You can't count whether children are more influenced by their mother or by their father, but children are the future. The legal decisions which the man makes as to place of domicile, money, etc., aren't important compared to women's role in raising children. I fear that children may be neglected if women try to be too much like men.

"It is also distressing that women are stirring up discontent at a time when America is facing so much discontent in other areas. This is not so urgent a problem. Perhaps, though, if women act non-violently, it will be a good example that claims can be raised without violence.

"The social position of women here is superior to that in most of Europe, although in terms of law this may be the opposite. Legal distinctions in most of Europe were wiped out after the Second World War."

Professor de Nova is married, with two children — one a doctor in engineering and the other a lawyer.



Ira Finkelstein

Professor Rodolfo de Nova

point, is its main strength. This is different from Italy where a policy or enterprise may start off in one direction and then go on and on without criticism, and eventually end in disaster."

Surprisingly enough, the thing that he most disliked about the United States when he was here as a student in 1932 was "American girls, because they were too superior. This was due to men putting them on a pedestal. Now they think that they are victims

Blood, Sweat and Tears Go Into Each Harvard Law Review Note

by Kermit Kubitz

Five months and the efforts of many members of the *Law Review* are required to produce each Harvard Law Review note. Countless steps and exacting guidelines are mercilessly followed by the 60 *Review* editors to produce the notes appearing in each issue.

A note in the Harvard Law Review begins (1) with suggestion of a topic to the note editors, either from a person on the *Law Review* or occasionally from a faculty member. There are three note editors and two Supreme Court note editors, who are remanded to the status of note editors after the September issue.

The suggestion is read by three of the note editors who then assign someone, usually a 2L raw to the *Review*, to do a "prelim." The prelim ordinarily takes about four days and results in a 10 to 15 page double-spaced outline of the general area of law involved and relevant authorities. It suggests possible approaches to the topic and recommends whether or not a note should be written.

When the prelim is returned, three of the five note editors must concur in order to assign the note. Usually the note is assigned to the person who suggested the topic, unless it is felt that the author should bring a fresh point of view to the note.

The note is assigned an editor, usually an officer of the *Law Review*, although some 3Ls who are not officers also edit notes. An editor may work on one case or note each month.

During the next two weeks the author will spend all his time writing the first draft (2), although some do manage to attend classes during the writing. Most members write one note and one case a year. However some notes may be killed during development, or pre-empted by another law review.

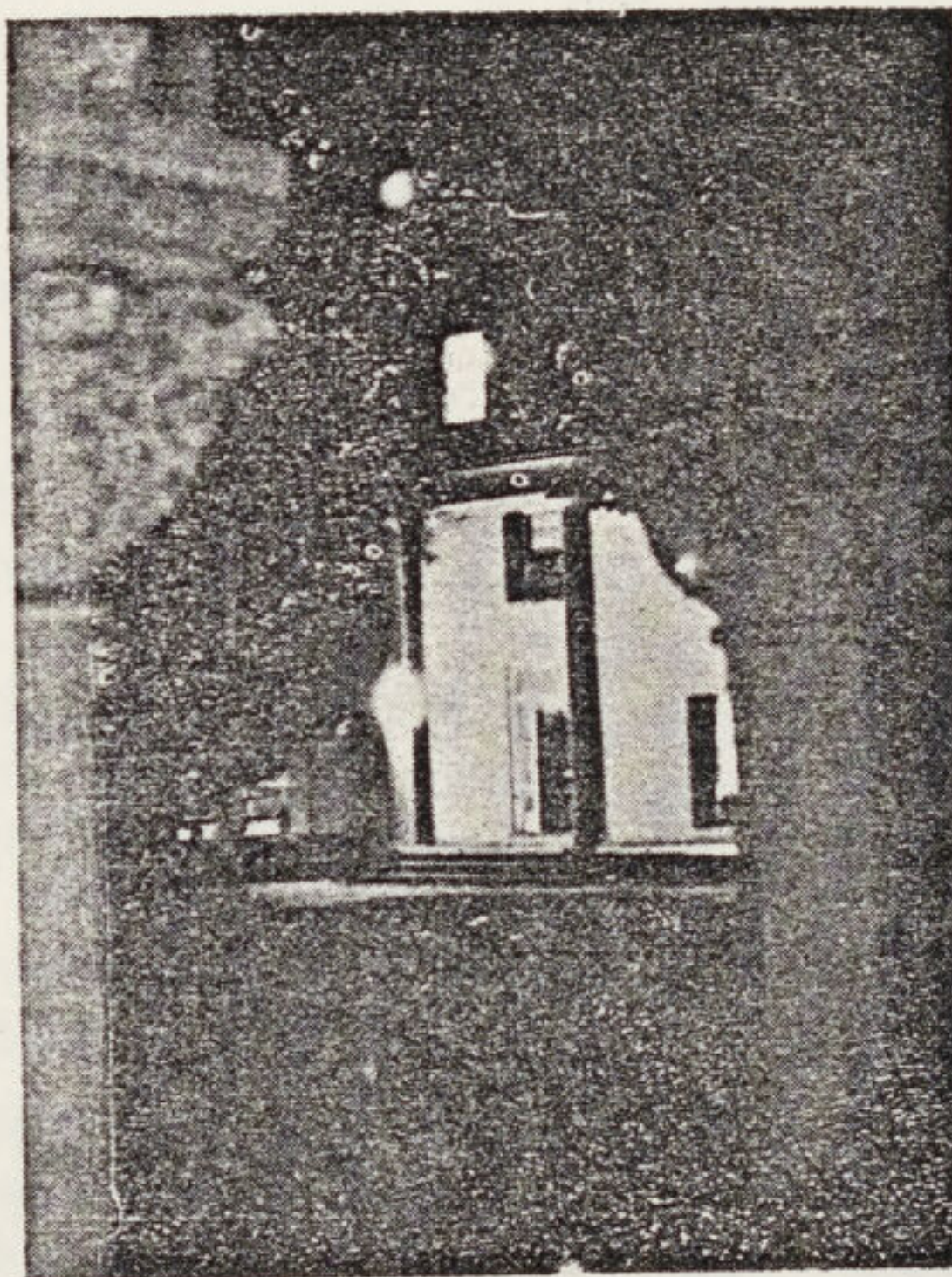
The first draft will be 40 to 80 or more triple-spaced pages. Only one vertical half of each page is used, the other half reserved for the comments of the large number of people who will eventually contribute to or delete something from the author's work.

Most of the work is done in the library, and most of the subsequent editing on the upper story of Gannett House, although in the process of writing second, third and fourth drafts, the author may confer with his editor elsewhere. Footnotes tend to build as

the draft grows, from mere citation footnotes in the beginning to larger statements of material that the author considers parenthetical to the main text.

The editor's job is to understand what the author wants to say, judge its value, and fill any gaps the author may leave. The editor (3) writes up and down the blank half-pages of the draft, discusses or possibly argues points with the author, and sends him off to write another draft.

The first draft is usually very different from the finished case or note, as



Ira Finkelstein

Gannett House

the most fruitful ideas on the topic usually result from the editing sessions. The second draft (4) takes another two weeks of full-time work and leads to yet another editing session. The third draft (5) should be good enough to bring other people into the editing process. On either the third or fourth draft, the note enters a new phase of its life when it is subjected to the inspection of the subciter, and a faculty reader.

The subciter is obligated to make all possible criticisms of the author's work. There are at least two subciter per note (6). They check citations and shepardize cases, assuring that each case cited is given the correct weight. All cited law review articles are read.

When the subciter finishes, the editor and author should be able to come up with a final draft (7). The officer

reader (8) returns his copy of the draft with suggestions for the ultimate appearance of the note.

The faculty member (9) sets up a conference with the editor and author to discuss the draft, spending possibly one to three hours pointing out his observations.

The task of the editor and author (10) now is to collate the three drafts and comments that they have into a final form. This takes from three to six days and is the most difficult part of the whole shebang.

The author may write yet another draft (11), may with the editor jointly revise the note, or each may work on a section. When they finish, their work is submitted to the President of *Law Review* (12), who must read and approve everything that is published. When he is satisfied with the note, the final draft is sent to the publisher and comes back as green galleys.

The galleys (13) are read by a technical citation checker for form and accuracy and read against the final draft to prevent omissions. The editor and author read these galleys and return them to the publisher.

The note comes back in the page form as it will appear in the review. These first pages are checked (14) by a reader, by the executive editor, and again, the editor and author. Back and forth, as gray, pink and blue pages, it goes to the 2nd page reader, and subsequent pages, to the executive editor. By the 20th of the month before publication (15) the note should be ready to bring some developing area of the law to the 11,000 subscribers who receive the review.

Rebate Checks are ready for distribution and may be picked up at the Cashier area of each store.

**the
Coop**

HARVARD LAW RECORD

Smear Tactics Essential in Third District

(Continued from Page 3)

pend on the advertising gimmick of name recognition as a result of endless repetition of inane campaign slogans.)

"Good news, It's Matthews" will blare from sound trucks during the two weeks prior to the election, and a Matthews jingle will fill the airwaves from radio station WCAS in Cambridge. Matthews estimates a total budget of \$1,500.

The "smear" element of Matthews' campaign will involve the publication of three newsletters which will attempt to "educate the public to the fact that my opponent is a crook and I'm a good guy."

Matthews, recent editor of the Ripon Society magazine and former reporter for *Time* magazine ("a totally intellectually corrupt way of earning a living") will also present in the newsletter what he feels are the four issues in the campaign. Matthews favors (1) building a beach at Spy Pond, (2) lower interest on credit cards, (3) reform of county government, and (4) the house cut. But it is clear that the main thrust will be Representative Hickey's poor performance in the government in an effort to turn the Hickey name against the incumbent.

For Kanin, running for state representative was "the logical extension of the politics I'd been involved in," which had included serving on the Massachusetts steering committee of the Eugene McCarthy campaign, acting as political coordinator for the mora-

the caucus which first nominated Father Drinan for U. S. Congress.

The strength of the Hickey name and profession (funeral director) was attested to by Kanin, who spoke of his campaign efforts with a weary reticence that alluded to the vicious in-fighting which occurred in the primary.

Kanin sees the funeral home as an important part of Massachusetts politics, illustrating his point by mentioning that Mayor Curley of Boston used to attend wakes to meet people and gain the thanks, and votes, of the be-

Funerals Important In Mass. Politics

reaved. "If you run the home you make every wake," said Kanin.

Kanin also pointed out that Hickey's father was a "very popular guy," having buried many people at low rates, and that many voters admitted voting for the son because of the father.

Despite this handicap, Kanin managed to amass 200 volunteers and file for candidacy with 1,750 signatures — 1,600 more than necessary under Massachusetts law. In a district where 4,000 votes will ensure a primary victory, Kanin's showing came as quite a shock to Hickey supporters. Their response was swift — while filing his candidacy petitions, Kanin received a summons from the Cambridge Election Committee.

"The Hickey people tried to prove I was improperly registered in Cambridge," said Kanin. His antagonists attempted to show that Kanin was registered in Norwood, Massachusetts, where his parents still reside. The Harvard Law School Directory was used as proof of this allegation, but the issue was dismissed when Kanin's lawyer revealed the inaccuracy of any and all Harvard directories.

Later a second hearing was held "on new evidence" — a Norwood census-taker claimed to have a paper showing that Dennis Kanin was residing in Norwood. "He then held up a piece of blank paper," laughed Kanin, and the second hearing was summarily dismissed.

Following the second hearing, Kanin discovered sugar in his gas tank, and the wires pulled out of the engine of his car. His parents received phone calls in the middle of the night ("One person called at 4:00 in the morning and asked where I was. My mother said I was out canvassing.") Someone went to the Boston Globe and paid for an advertise-



Dennis R. Kanin

ment offering 3 free rooms of furniture at Kanin's parents' home. Fortunately the ad never ran, as the *Globe* double-checked the facts in the ad with the Kanins.

"After a while we got used to it, and they stopped," said Kanin. In retrospect, Kanin seems to believe that he was right in playing it straight. Although he feels that he should have dramatized Hickey's record, he seems satisfied with his efforts to build up a strong political base in the district.

Matthews learned a lot from watching the tactics used against Kanin in the primary. There will

(Continued on Page 13)

Matthews Calls for Beach at Spy Pond

torium in Massachusetts, and, most recently, setting up the Third District citizens caucus. The citizens caucus, said Kanin, was the first peace convention of people united on issues, and it was

November Electioneering

Last May almost the entire Law School community responded to the Cambodian crisis with active and personal political involvement. Often at real sacrifice, faculty and students both put aside immediate work and plans, undertook writing projects and mail campaigns, collected funds and signatures and joined primary campaigns and peace demonstrations.

Whether our satisfaction from these efforts was more than psychological remains arguable. In spite of May's activism and idealism, the problems debated then still remain this fall. Poverty, racism, alienation, and most of all, the Indochina War, continue. Some forcibly argue that these problems have intensified.

Many realized that significant changes in American policies could only be achieved by national election victories. The Coalition for a New Congress and proponents of the Princeton Plan for two weeks' fall school vacation began campaigning.

Over the summer, zeal has been expended and apathy has set in. At the Law School, the Princeton Plan was rejected. Student organizers of the Coalition for a New Congress have received meager student response to political events and activities.

Although some students are campaigning and a few presented themselves as candidates, most sit on the sidelines, cynically — and uneffectively — laughing at national polysyllabic homilies. Even the most optimistic expect little change.

Yet some changes can be realized. Several elections both in Massachusetts and nearby states involve tests of significant issues. Candidates, hoping that the dedication voiced in May will be demonstrated now, seek help. Many professors are adjusting paper and project schedules to permit law students to participate in campaigns.

The November elections offer us the opportunity to prove our interest in public service and desire for social change. The elections offer the occasion to disprove those critics who still view the May strike as a self-serving exercise. And, the elections still offer the opportunity to abandon reaction and rhetoric for action and achievement.

Once again, it is time for all of us to stop complaining and to start ringing doorbells.

HARVARD LAW RECORD

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Fenno

"Hey Fenno, did they slip that notice under your door yet? About class attendance being compulsory?" Bunky shouted as I adjusted the color on the tube for the fourth game of the Series.

"No, I haven't seen it, but they're not serious, are they?" I answered. "Loss has so many dots next to my name that his seating chart is starting to look like a checkerboard."

"I'm not sure, Fenno, but it looks bad. We might have to start buying books and going to class."

"And let O'Connell make all that profit selling us books? Forget it."

"Fenno, you want to get your degree, don't you?"

"Sure, but there's such a thing as cruel and unusual punishment."

"Name one thing that's cruel and unusual about going to class!"

"Getting called on."

"But it doesn't count. Momentary embarrassment, Fenno. Are you a man or a mouse?"

"I'm not sure, but if Stern Vern puts some cheese on the floor, I may go for it."

"You get too excited about it," Bunky soothed. "If you went more often, you wouldn't be so frightened."

"Look, Bunky," I stated firmly. "I figured out mathematically the exact day Herwitz would call on me in *B Planning*. And what happens when I show up to show off that one day?"

"What?" Bunky wondered.

"I was on the wrong problem."

"I never could understand one day why Areeda was pointing at me and muttering, 'Answer? Answer?' Who'd he think I was? Dr. IQ?" Bunky pontificated.

"Ever since the first day, from the 'murder at sea' hypothetical, the Chad calls on me whenever I'm there to say, 'Real proof.' That's the kind of system I like," I answered testily.

"Braucher once called on me because I was smoking," Bunky submitted. "And Bator didn't like my tie. Dawson recognized me from Charlie's Kitchen. And Weinreb called your name one day, saying, 'Mr. Fenno, whoever he is.'"

"Keeton thought my name was O'Connell," I confided. "O'Connell! That's right, why doesn't he ever get called on?"

"Fenno, are you forgetting who owns this dump?"

"Casner says King Philip had clear title," I winced.

HARVARD LAW RECORD

Letters to the Editor of the RECORD

Editor's Note: The RECORD welcomes letters from its readers. Brevity is valued; the staff reserves the right to edit rambling epistles. Worthwhile albeit lengthy writings may be run as guest columns. All letters must be signed as evidence of the correspondent's good faith. However, names will be withheld at the request of the writer.

Bator Elaborates Appointment Steps

To the Editor:

The article on Law School appointments in your issue of October 8 may be inadvertently misleading in one important respect. The Law School's appointments Committee does not name" either Visiting Professors or Assistant Professors. The Committee's only function is to make recommendations to the Faculty. All appointments are voted by the Faculty as a whole. The Faculty's action, in turn, is subject to approval by the Governing Boards whenever the appointment is for a term exceeding one year.

Paul M. Bator '56
Professor of Law

Alumnus Offers Hints on Army

To the Editor:

Since many Harvard law students are probably going through the agony of anticipating what is in store for them once they are actually inducted into the armed forces, I think I can be of some service, as I have suffered the same agony and have found some answers to the mysterious way in which the U.S. Army works.

I went through basic training under the assumption that the army would make me an infantryman because of my education; they didn't, but others likewise situated were less fortunate. Unless you really like colorful medals and ribbons or believe firmly in our commitment in Vietnam, you don't want to be in the infantry. If you have any doubts, I suggest you read *Hours of Boredom, Seconds of Terror*

by James Sterba in the *New York Times Magazine* section of February 8, 1970.

The best way to save your skin in the least possible time is, I think, to wait for your orders at the conclusion of basic training. If you get a good assignment, don't do anything. If you get assigned to advanced infantry training or something similar, enlist for an extra year in exchange for a guarantee that you'll be sent to clerk school. The army will honor this guarantee 99% of the time; the other 1% it will allow you to revert to your former draftee status.

Once you have a clerical MOS (military occupational speciality) the worst that can happen is that you will end up at Cam Ranh Bay, Long Binh or Saigon (like yours truly), the three safest places in Vietnam. The records of all clerks entering Vietnam are screened by the Personnel Section at Long Binh; any clerk with a GT score of 115 or over will be sent to a headquarters outfit, at the above named places. The GT is an army intelligence test and a score of 115 is well within the reach of most college graduates.

The course I suggest is preferable to Officer Candidate School because the latter entails a significant risk of becoming an infantry platoon leader. It allows you flexibility and eliminates the need for a panicky decision to sign up for 3 years in the army at the induction station or 4 years in the air force or navy, a week before induction.

Arthur J. Amchan '70

Kunstler Speech Raises Question

To the Editor:

A spring issue of the RECORD carries an account of a speech by William Kunstler at Sanders Theater. According to the report, Mr. Kunstler stated in the course of his speech, "... courts play a fundamental, oppressive role in human society..." I wonder, with fear and trembling, what Mr. Kunstler proposes as a substitute for those agencies of oppression.

Robert M. Royalty '59

Law Notes

Winners of the Governance Committee elections held last week are: Ellen V. Shaw, Alfred K. Guggenheim and Joseph D. Gebhardt, 3Ls; Margaret N. Kniffin, Robert J. Dwyer and Nathaniel H. Akerman, 2Ls.

* * *

Miss Mary D. Upton, assistant to the Secretary, announces the following corrected dates for the spring semester calendar.

May 7, Fri. Classes end for 2Ls & 3Ls.

May 10, Mon. Reading period begins for 2Ls & 3Ls.

May 13, Thur. Final exams begin for 2Ls & 3Ls.

May 14, Fri. Classes end for 1Ls.

May 17, Mon. Reading period begins for 1Ls.

May 24, Mon. Final exams begin for 1Ls.

May 31, Mon. Memorial Day holiday.

All other dates printed in the Catalogue (Sept. 10, 1970 to May 12, 1971 and June 11 to Sept. 13, 1971) are unchanged.

* * *

On October 23 and 24, the Harvard Law School Environmental Law Society, together with the Environmental Law Society of Boston University, the Conservation Law Foundation of Boston, and the Environmental Law Institute of Washington, D.C., is sponsoring an intensive two-day course on environmental law to be held at the Law School. All interested persons should sign up at the Environmental Law Society's offices in the basement of Langdell as soon as possible.

* * *

A prominent faculty of legal and medical authorities will conduct the ALI-ABA Course of Study on Defense of Drug Cases on November 12, 13 and 14 at the New York Hilton Hotel.

The three-day program of lectures, panel discussions and demonstrations of laboratory procedures is designed to help practitioners deal with issues arising in the defense of drug cases. Topics include a description of the nature of various types of drugs, search and seizure and issues in police apprehension of drug users, the sociological reasons for drug use, defense strategy and sentencing. Extensive study of marijuana problems is planned.

Further information is available from Paul A. Wolkin, director, and

(Continued on Page 14)

Law Meeting

(Continued from Page 1)

analysis upon the data of deprivation."

Judge Higginbotham received a standing ovation from his audience after telling them that it was necessary to combine the legal acumen of Holmes and Brandeis with the social sensitivity of Malcolm X. He observed the veracity of Frederick Douglass' statement, "power concedes nothing without a demand," and concluded that the black lawyer must take a key role in "helping us rise again."

The dominant theme of most of the panelists — the necessity for "bootstrapping" — was challenged from the floor and between panels by some of the younger students. One argued that America must "come up with a new law that reflects the black needs in this country," and pointed to such an effort as the Constitutional

Convention called by the Black Panther Party.

Another student argued that America's racism is too deeply imbedded for the "bootstrapping" approach of the panelists to work. He emphasized the necessity for black people to accumulate land, and suggested that doing so in the context of helping build the African continent might be the best approach.

But despite the political differences, the symposium seemed to be a valuable and pleasant experience for most of the participants.

Panels held during the conference discussed the black lawyer in private practice, in the human and civil rights struggle, in legal education, government, institutions, business, industry and the judiciary.

In addition to Assistant Dean Leonard, Law School representatives participating in the sessions were Derrick A. Bell, lecturer on law, and Dean Derek C. Bok.

Fellows Named

Five college professors have been named as liberal arts fellows at Harvard Law School for the academic year 1970-71.

Those named are Robert L. Cord of Northwestern University; Paul F. DeLespinasse of Adrian College; Morton Keller of Brandeis University; Christine Pierce of the State University of New York at Oswego; and Donald M. Thompson of the University of Alberta.

The fellowships enable college social science and humanities teachers to study fundamental techniques, concepts and aims of law, so that, in their teaching and research, they will be better able to use legal insights and materials relevant to their fields. Fellows attend regular Law School classes and participate in a special joint seminar.

The committee in charge of the program, in existence since 1959, consists of Professors Jerome A. Cohen, John M. Mansfield and Harold J. Berman, chairman.

Meet Father Robert Drinan

Oct. 16th from 12 to 2 p.m.

Educator, administrator, lawyer, priest, and politician, Father Drinan will be in the Coop Book Dept. where he will discuss and autograph his newest book VIETNAM AND ARMAGEDDON — Peace, War, & The Christian Conscience.

Rebate Checks are ready for distribution and may be picked up at the Cashier area of each store.

**the
Coop**

State Reps . . .

(Continued from Page 9)

be a meeting at the Law School on October 17 of all those who wish to help Matthews disseminate the first of his newsletters.

If he wins, Matthews—who claims that “Agnew would refer to me as a Rad-Lib Republican”—will not leave the Law School unless a conflict develops. Right now, however, Matthews’ only concern is the defeat of Representative Hickey.

“The point is to win, and then start rocking the boat,” said Matthews.

Review Problems

(Continued from Page 4)

lication can be produced. “As you know,” he remarked, “we are the only law review in the country that comes out on time.”

He pulled an April, 1970, issue of the *Yale Law Journal* from the shelf. “This came just recently. Since their writing competition they have been two or three months behind; once you get behind, you never catch up and final issues of the year are always put out during the summer. That is not an efficient way to put out a publication.”

Students Sacrifice Classes, Work In November Election Campaigns

By Greg Ward

A governor, a U. S. senator and a U. S. congressman are among the many politicians receiving continuing help in their campaigns from Harvard Law students. Many concerned students have maintained a deep-felt interest in various candidates and have chosen to continue their work until the November elections.

Generally student workers are caught up in all phases of campaign work and are urgently needed to perform such tasks. Knox Walkup, 2L, who began working for Senator Albert Gore when he went home last June, has returned to Tennessee to aid in the selection of captains for ward and precinct work.

“When I got home in June,” said Walkup, “there were no headquarters and anyone who wanted to spend some time was put in a position to do something.”

Frank Martin, 2L, who works for John Dow, candidate for the U. S. Congress in New York, discovered that he was Dow’s complete campaign staff. “I started working for him part time and I found out that no one was really doing anything for him.” Dow

soon appointed Martin his campaign coordinator, despite Martin’s claim that he had no idea of what he was doing.

Richard Licht, 2L, once again has found himself working for his uncle, Frank Licht, the governor of Rhode Island. Licht delayed coming to law school to work in his uncle’s first campaign, and now acts as liaison between the governor and the local political organizations and between the permanent and volunteer campaign staffs. He now spends four days a week in Providence and admits that while he has been attending classes, he hasn’t been too well prepared. “I imagine that the last few weeks I’ll even stop going to classes,” said Licht.

The competing sense of commitment to the candidate and to the Law School has troubled some campaigners, but the candidate has usually managed to come out on top.

“I personally do better when I’ve been to classes,” said Walkup in a quiet drawl. “But many people have extracurricular activities, so it is possible to do both. I’ve decided I can do both.”

While the campaigners don’t encourage all students to immediately forsake their studies for electioneering, Licht said that he would encourage anyone who was thinking of going home to help on campaigns during the two weeks prior to the elections to do so. “Only in the last few weeks does politics become the topic of conversation,” said Licht.

Not all student volunteers can count on being named campaign coordinators; however, they can be assured that their presence will be welcomed.

“There is no such thing as a campaign with too many workers,” said Licht decisively.

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Class Attendance Compulsory!

In the current issue of the *HLS Adviser* appears an announcement that "class attendance is compulsory. The right to take the examinations, as well as the privilege of continuing one's membership in the School at any time, is conditioned upon regular attendance at the exercises of the School."

Vice Dean William L. Bruce, author of the statement, explained that he has promulgated such each year for the past five or six years.

"The statement was not prompted by any reports of a drop in class attendance," he said. "To my knowledge there have been no lessened numbers at classes."

"Now the students are put on notice — none should be surprised if one of his professors calls me and says 'I refuse to grade Glumfogle's paper — he hasn't come to class all year,'" Bruce added. "From time to time I get complaints from faculty members about certain non-attending students. If they don't remedy this behavior after seeing me, well"

"After all," Bruce continued, "this school has a reputation to uphold. Students who think they are prepared to practice law without classroom interchange are like those who think they can learn tennis from a book."

Law Notes

(Continued from Page 11)

Donald M. Maclay, assistant director, Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association, 4025 Chestnut St., Philadelphia, Pa. 19104, (215-387-3000).

The Russell Sage Foundation has given \$22,200 to the Kennedy School of Government to provide fellowship funds to students combining graduate education in public service with legal studies at the Law School. Students in the combined JD-MPA program receive specially designed training in the analysis and administration of public policy issues.

C. Cabot Easton, former director of the School of Design Development Fund, and Oliver S. Sughrue, Jr., '62, formerly with the Boston firm of Sherburne, Powers and Needham, have been appointed assistant directors of the Law School Fund.

Three members of the Law School faculty will participate in a *Symposium on Justice* sponsored by the Harvard-Radcliffe Hillel Society at 8 p.m. Sunday in Lowell Lecture Hall. Professor Alan N. Dershowitz will be moderator. Professors Vern Countryman and James Vorenberg will speak.

The Cardozo Club, one of the traditional Ames Clubs, is recruiting 2L

members for upper-round moot court competition. The club also plans to revive its social functions including its annual fall smoker featuring Professor Paul A. Freund's reminiscences of Justice Cardozo. Club officers are James Rice and Marsha Cohen.

Professor Gino Gorla, who holds the chair of Civil Law at the University of Rome, will speak in ILS 4 at 4 p.m. October 22 on "The History of Judicial Styles in Italy and France."

ERRATUM

Stephen B. Presser, Don Howarth and representatives of the Ames Clubs were not members of the First-year Committee which made the decision to make the Ames competition part of the Legal Methods course as reported in the RECORD last week.

The First-year Committee is composed of five faculty members and four students who are chosen by the Governance Committee. Last year the faculty members were Professors Frank I. Michelman and John P. Dawson, Director of the Legal Method Program Walter A. Reiser, Associate Dean Albert M. Sacks, and Charles Warren Fellow, William Nelson. The student members were Kenneth S. Tune, 2L; Willard L. Eckhardt, 2L; Julian H. Spierer, 3L; and Stephen E. Haberfeld, '70.

Presser, Howarth, and Ames club representatives were present at some committee meetings when the Ames Competition was being discussed, but did not have a vote in the final decision.

Radicals Meet . . .

(Continued from Page 5)

is significantly different from that after my first year criminal law course. When they come at you with a gun, you learn something," Shapiro remarked.

The students also agreed on the necessity of publishing a radical newspaper for the law school community, to comment upon important issues inside and outside the law school.

Projects outside the Law School include work with the Massachusetts Welfare Rights Organization, doing both legal and political work. It will be an attempt, according to Steve Goldberg, 2L, for the lawyer to work as part of a political movement, doing organizing as well as legal research and litigation, and not serving only as a "legal technician."

Other groups will be doing draft and military research, helping to write a new federal constitution, and working with movement lawyers and law groups, such as the Boston Lawyers' Guild and the Boston Law Commune.

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A Tree Grows in Harkness

"Kelly and Joe will be back," promised Chet Kenbok, manager of the Harkness Commons Dining Hall. "They complain that they can't see the girls' legs from behind the Deli-Line."

With this one exception, "the Hark" is going full steam ahead in its attempt to bring back student diners who have drifted away.

"We want to get the students eating here again before their eating patterns are set for the year," explained Kenbok, who manages the operation for Marriott Corporation. Kenbok described the situation as it stands at present.

"We have 150 students on meal contract right now," he said. The number at this time last year was 250. Kenbok attributed this reduction in contractees to a rise in the price of the meal contract. The contract rate for this year is \$28 dollars for 17 meals.

Hark Steps Up Attempts To Seduce Student Dinners

"We just weren't making any money on it last year," said Kenbok.

Despite the reduction in business, Kenbok claims that the operation has been breaking even thus far, due primarily to a \$150,000 dollar reduction in payroll, accomplished by transferring numerous employees to other Harvard dining halls. Dining hall staff are Harvard University employees, not Marriott's.

The Law School, in particular, has been losing its shirt in the Harkness operation in recent years. Kenbok now meets with Dean Bok on a regular basis. He is required to submit a detailed financial report every two weeks.

Meanwhile, Kenbok is heartened by the success of the new Deli-Line, which now does more business than the regular meal operation. There are good values to be found. Bud and Michelob are on tap at 25 and 30 cents each, and pizza, at 40 and 90 cents, has recently been added.

Marriott is also taking steps to soften the rather harsh atmosphere of Gropius' eating rooms. Quasi-booths or alcoves have been installed in the TV room, the center room is newly carpeted, and small trees (or large bushes) stand in the middle of the large room. New decorations are on the way. The TV room will be carpeted, and bright curtains will

hang in all the rooms by the end of the month. Antique booths may be purchased to enliven the atmosphere.

A limited waitress service will soon be available to enable students to order beverages in the grill room during the evening hours. And, of course, Kelly and Joe will return to a new version of their old throne, although falling skirt lengths may ultimately frustrate their intentions.



Ira Finkelstein

Deli-line cashier serves ginger ale to students.

A plan for live evening entertainment was vetoed by the Law School, as was a second proposal to install a jukebox or a phonograph on which students could play their own records.

Waitress Service Okayed; Live Entertainment Vetoed

Kenbok promises such experiments as nationality menus and special promotions. But, in the long run, he admits "we must serve good food at a good price and sell ourselves." Kenbok has had mixed results with Marriott's menu revisions. The most popular dish remains the veal cutlet. The least successful entree has proved to be the blitz.

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The Twain Ne'er Meet

Coeducational dormitory living has officially come to the Law School.

For the first time in its history, Wyeth Hall—a graduate residence hall—has admitted men residents. The overwhelming consensus of opinion among female Law School students living there was that the male presence made little difference. A commonly expressed viewpoint was that the men were almost never

around, and not very visible even when they were there.

The physical set-up is not conducive to extensive fraternizing. The men are on the second floor, with a few living on the first floor. Women are on the third, fourth, and fifth floors. About the only time the twain meet is in the laundry room, on the elevator, or climbing stairs.

There are apparently a few psychological benefits. Some women law students now don't feel as cut off from their male colleagues (although not all of the men living in Wyeth are from the Law School).

Hastings Hall is the only true Law School dormitory to be sexually integrated. Women live on one floor in four of the five entries. Usually, only women live on the floor, but in one entry the ratio is four women to two men (because of a shortage of women applicants).

Although there is more contact between the sexes in Hastings than in Wyeth, this must be modified by the fact that there isn't much contact between residents of Hastings, regardless of sex.

And so coeducational dormitory living has indeed come to the Law School. Yawn.

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