

HARVARD LAW RECORD

America's Oldest Law School Newspaper

© 1977 BY THE HARVARD LAW SCHOOL RECORD CORPORATION

VOL. 64, NO. 4

FEBRUARY 18, 1977

TWENTY CENTS

Hustler Hassled in Ohio; Publisher Vows to Resist

By Madison King

That uniquely American *ménage-à-trois* — belief in free enterprise economics, concern for the protection of civil liberties, and a primal lust for libidinal literature — was smitten again last week by 12 good men and women of the vicinage, this time a Cincinnati, Ohio, jury, which put the rest of the nation on notice that its community standards just can't tolerate the First Amendment full strength.

After four grueling days of deliberation following a five-week trial, that jury found Larry C. Flynt, editor and publisher of *Hustler* magazine, guilty of engaging in organized crime and pandering obscenity in what many civil libertarians considered yet another test of the application of the doctrine of "community standards" in resolving the age-old question of what constitutes obscenity.

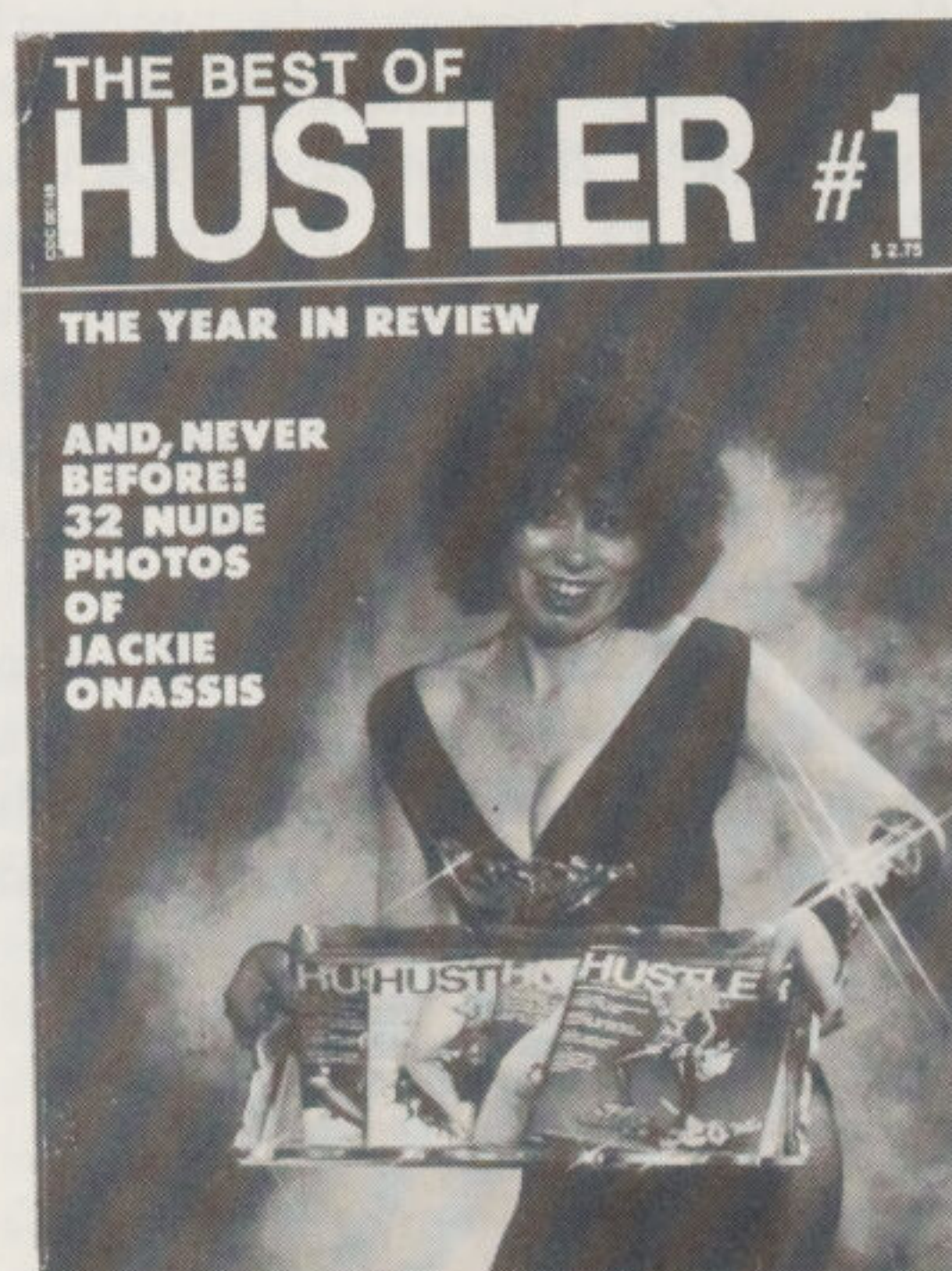
Herald Price Fahringer, attorney for Flynt, was apparently caught off guard last week when Hamilton County Common Pleas Court Judge William S. Morrissey perked up immediately following the verdict and passed sentence — seven to 25 years and a \$10,000 fine on the organized crime charge and six months and a \$1,000 fine on the obscenity charge. Despite a rushed effort in the Court of Appeals where he sought to have Flynt released on bond,

Ohio's bad boy porn publisher ended up spending the weekend in the slammer.

Undaunted, Fahringer returned on Monday and Flynt was released after posting \$75,000. The trial judge had publicly stated that he denied bail because there was no way to insure that Flynt would not continue to distribute the magazine. However, Flynt's wife, Althea Leasure — who was found innocent along with Flynt's brother, Jimmy and *Hustler* Vice President Al Van Shaik — said, "It'll be right there. We'll just sell more copies."

"There's never been any suggestion in this case that Mr. Flynt was connected with any organized

(Continued on Page 8)



Hustler: the cover looks pretty tame, doesn't it?

Review Courses: Needed For Bar?

By Terry Keeney

What's a J.D. degree from Harvard Law School worth?

Many 3L's may be surprised this summer to learn that an HLS degree won't help them too much. In fact it won't even help them become a practicing lawyer. After three years at Harvard Law School they may have to go to another "school" — a bar review course — to pass the bar examination in their home state.

An American Bar Association survey, published in *Student Lawyer*, counted over 120 bar review courses offered in the fifty states. Unlike law schools, bar review courses exist to teach as

(Continued on Page 4)

Library Installs Computer To Aid Legal Research

By Bill Ross

The Computer Age reached the Law Library last Friday when LEXIS, a computerized legal research service, was installed. The computer terminal, located in the typing room at the south end of the Langdell Reading Room, will become available for student use early in March, according to Librarian Morris L. Cohen.

(Continued on Page 6)

Teitz and Frank Find HLS and Politics Mix

By Larry Zelenak

Many law students hope to serve in a legislature after passing the bar. But two Harvard Law School students, Jeffrey J. Teitz (2L) and Barney Frank (3L), have managed to combine their legal studies and political careers. Teitz, a Democrat, represents Newport in Rhode Island's General Assembly, while Frank (D., Back Bay) is one of the most influential representatives in the Massachusetts State House.

Each follows a schedule that most people would find exhausting. After a morning of classes, Teitz leaves Cambridge around noon and arrives in Providence a little more than an hour later. Committee meetings and floor sessions usually last until at least 5 p.m., and meetings in Providence or Newport often fill the evening. Weekends are reserved for studying for law school and reviewing and drafting legislation.

Frank, too, schedules all his Law School classes in the morning. After his last class he rides the subway to the State House in Boston, where the legislature meets at 1 p.m. He usually leaves his office there by seven in the evening, more often than not on his way to some meeting or the class in state government he teaches at MIT.

For as far back as he can remember, Teitz wanted to be a lawyer and a politician. When he was first elected to the Assembly as a 19-year-old sophomore at Brown University, he had already worked there as a student staff assistant, and consequently knew most of the legislators. Since they already knew he was competent, he encountered little or no difficulty because of his youth.

After graduating from Brown, Teitz decided to combine law school

and politics. "I had always wanted to be a lawyer," he explained, "because the best politicians are lawyers. They have valuable insights and technical skills you can't get any other way. At the same time, I didn't want to give up my seat in the Assembly. I've found that if you really want to do something you can find time for it. And my attendance record at the Assembly is one of the best. Better than my attendance record at law school, for that matter."

Unlike Teitz, Frank was not always set on a political career. After graduating from Harvard College in 1962, he thought he was destined for the academic life. For five years he remained at Harvard as a graduate student and teaching fellow in

political science.

In 1967 newly-elected Mayor Kevin White of Boston asked Frank to be his executive assistant. Frank agreed, with the understanding that he would eventually return to Harvard. Three years later he resigned and returned to the University, "totally exhausted" from his work in the mayor's office.

Shortly after that, Rep. Michael Harrington (D., Mass.) offered him a job in Washington, D.C., as an administrative assistant. "It was then that I realized I had to make a decision about my career," Frank recalls. "It seemed I didn't have the discipline to be an academic — I couldn't sit still long enough to write my thesis. Besides, I'd always wanted to go to Washington and I

(Continued on Page 5)

Peterson Elected *Review* Head; Estrich Bows Out

By Charles Jordan

Members of the *Harvard Law Review* met last Saturday and elected 2L Robert M. (Mike) Peterson to succeed Susan R. Estrich as president of the *Review*. Peterson assumed his duties immediately after the election.

Peterson's first reaction to his victory was to assure *Review* members that he intended to carry out the reform proposals recently ratified by a majority of the magazine's 2L members (RECORD, February 11, 1977). In a previous interview with the RECORD, Peterson had described his stance on the proposals (which at that time had not been ratified) as "somewhere in the middle."

In the spirit of these reforms, Peterson refused to release to the RECORD the names of the newly-appointed academic

editors. Peterson defended his refusal by maintaining that his action was consistent with the 2L vote to alter the REVIEW masthead so that it will not differentiate between officers and non-officers.

Peterson's last remaining opponent in the multi-round election was Penda D. Hair, a 2L from Knoxville, Tennessee.

Elections at other Harvard journals will occur over the next two weeks. The *Civil Rights-Civil Liberties Law Review* will elect a new masthead on Thursday, March 3. Both the *International Law Journal* and the *Journal on Legislation* will hold their elections on Wednesday, February 23.

MANY HAPPY RETURNS

Due to editorial fiat, the publication schedule of the RECORD for the remainder of this semester is rather erratic. We plan to have issues out on the following dates:

March 4
March 18
April 1
April 22
April 29
May 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 1977 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.

A Goodbye Interview

By Bruce Howard

(Editor's note: Less than a year ago Bruce Howard, then Associate Editor of the Harvard Law Record, wrote a distorted and tasteless article about a fictional interview with Susan R. Estrich, then newly-elected President of the Harvard Law Review. In it Howard falsely claimed that Estrich, the first woman ever to be elected President of the Review, intended to publish such articles as "Favorite Recipes of the Third Circuit" and "Forum-shopping - Look for Specials!" Howard falsely reported that Estrich claimed she was named after the female hormone estrogen. Falsely and maliciously Howard wrote: "Still, Estrich does not intend to be a mere caretaker editor. 'True,' she said, 'I have absolutely no conception of what the Review should be doing and why . . . but these green drapes here, they have to go.'")

Such total fabrications, distortions and libels are beyond the bounds of the journalistic standards of the HARVARD LAW RECORD. We, the other editors, immediately attacked Howard's article as low and crude, and indeed, in the same issue in which it appeared, we printed an editorial denouncing his "pig attitude" and "sophomoric innuendo." Howard was suspended from the staff until last week, when, agreeing to abide by the RECORD's strict journalistic and ethical standards, he was permitted to begin a tasteful column entitled Page Three.

This week Estrich completes her distinguished Presidential term at the Harvard Law Review. To mark this occasion, and in spite of the RECORD's unfortunate and irresponsible article last year, Estrich has graciously consented to a final goodbye RECORD interview. The interview, conducted by Page Three editor and chief correspondent Bruce Howard, is printed verbatim to avoid any possibility of distortion and defamation.)

Q. Well Susan, you've had quite a year.

A. To tell you the truth, I'm glad it's over. Sixteen hours a day, 7 days a week, 112 hours a week, four-and-a-half weeks a month, 12 months a year, 60 minutes an hour, 60 seconds a minute. . . .

Q. Wow.

A. That's right. It was hell. Work, work, work. Busting my ass. And for what? Well, it's over, that's all I can say. No more. From now on it's play. Play, play, play . . .

Q. I see.

A. Play, play, play. Fun, fun, fun. Sex, sex, sex.

"We, the other editors, immediately attacked Howard's article as low and crude, and indeed, in the same issue in which it appeared, we printed an editorial denouncing his 'pig attitude' and 'sophomoric innuendo.'"

Q. Well.

A. No more President Estrich. It's Suzie! Suzie Fun-lover! Suzie Swinger! Suzie Estrogen! Life has been passing me by!

Q. Susan . . .

A. Sex, sex, sex.

Q. Susan?

A. I'm serious. I'm completely changing my life. No more compulsion. No more drive, no obsessiveness, no single-mindedness. No more. Just sex. Sex, sex, sex.

Q. Susan?

A. Sex, sex, sex. Male-female sex. Female-male sex. Male-male-female-male-female sex. Male-female-Harkburger sex. Dean sex.

Q. Susan, are you all right?

A. Sixteen hours a day, 7 days a week . . .

Q. Susan?

A. I'm going to make Erica Jong look like Eric Sevareid. It's a Review tradition. When last year's

president retired, he said he was going to make Jimmy Carter's heart look like a pacemaker. In 1967, Lance Liebman said he was going to make Mayor Lindsay look like Abe Beame. Richard Parker said he was going to make the Silver Fox look like the old gray mare. Arthur Miller said he was going to look like Arthur Miller. (Interviewee rises, runs to window.) Do you hear me out there?! I'm free! I'm alive. I want to live!

Q. Susan!

A. My phone number is 354-3283. Call me! Right now! I'll have nothing on but the radio.

Q. Susan!

A. Right now! Don't delay! Call now, and get as a special bonus Phil Gelston, Supreme Court Editor!

Q. Susan!

A. Not available in stores! Call collect! In Connecticut the number is 800-354-3283. Call now and get at no additional charge the special bonus Supreme Court Editor! Slices, dices, cuts whole tomatoes in a single stroke! Hurry! Hurry!

A. Susan?

THINGS TO COME

In next week's award-winning issue of the Law School's *National Enquirer*, we'll feature a story on the secretary who wouldn't (make coffee, that is). Steve Emmanuel will be exhumed from his law firm carrel, as he takes a fond backwards look at marketing at the Law School. For those who haven't yet caught on to the game, the love letters which have been weekly hidden within *Cryptic Law* will be brought out into the harsh light of day. And Mary Upton plays it fast and loose in the new RECORD feature, "Administrative Forum."

And as if that's not enough, you can catch up on the latest on the seamy underside of Harvard Law School as captured in the unseemly trio: *Fenno*, *Nerd*, and *Page Three*. Last, but not least, find out about the chilly reception given the former Chilean ambassador that almost blew the doors off of Langdell library. Remember: catch the RECORD March 4. The truth never felt so good.

Review Merits Argued

(Continued from Page 1)

many law school grads as possible enough state law to pass the state bar exam.

Taking a bar review course is like squeezing three years of law school into several weeks and adding a bit of extra material where knowledge of state law is tested on the bar examination. Not only are entire courses reduced to a few hours of lectures and several pages of outlined notes, but entire bodies of substantive law are drilled intensively into the heads of anxious would-be lawyers.

Depending on the state, a bar review course can cost anywhere from \$50 to \$100 for outlines of state or multi-state exam law and \$300 or more for the complete course package: outlines for state and multi-state law as well as live or taped lectures.

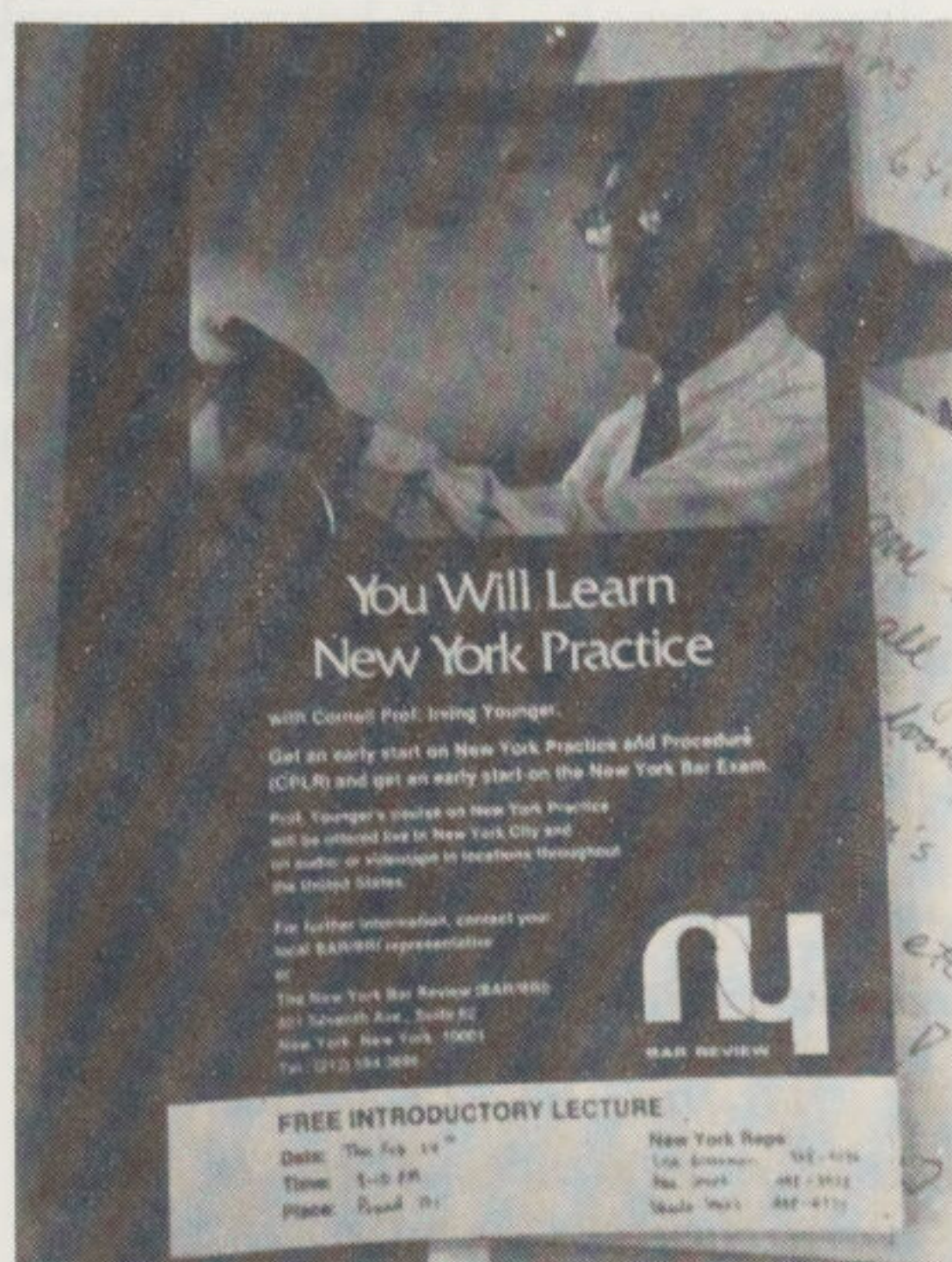
Although there are no statistics on how many law school graduates take bar review courses, many course directors find that grads flock to review courses the way they used to flock to Gilbert's outlines and West's hornbooks. The Illinois BRI bar review estimates 90 percent of the students taking the Illinois bar took their course. And BRI claims that 92 percent of the students who took their course passed the Illinois bar on the first try.

Are bar review courses really necessary? Ben Skor, director of the Practicing Law Institute which runs a review for the New York bar exam, sees the bar review as essential, especially for passing the New York bar.

"Students definitely need bar review courses, regrettably, because most students aren't sufficiently self-disciplined," Skor said. If nothing else, bar review courses force law school grads to seriously review and study the law. Few graduating law students have the discipline to prepare for the bar exam alone.

"There are people in the top ten percent of the class who will fail the bar exam because they

"There are people in the top ten percent of the class who will fail the bar exam because they are sure they will pass."



Security blanket for paranoid grads?

are sure they will pass," Skor said.

Melvin Nord, executive director and founder of the Nord Bar Review, is not as pessimistic about a diligent law grad's chances of passing the bar without a review course. There are two types of law school grads, he said: those who graduate at the very top of their class, who don't need bar review courses, and the rest of the law grads who need the courses.

"I never took a bar review course. I never saw any reason to do it," Nord said. "The ones who take it always say, 'If we didn't take your review course, we would never have passed the bar,' but it's not true."

Many recent HLS graduates have found bar review courses essential. One member of the class of 1976 said, "I took the bar review course because I wanted to pass the bar. With the type of questions that were on the bar exam you needed a bar review course. It teaches you things you don't learn at a na-

tional law school."

Jeff Reiman, Class Marshall for last year's class, took the BRI course in Colorado last summer mostly because he didn't want to take his chances studying on his own. "There's nothing worse than having to take the bar exam over again," Reiman said.

Reiman registered for both the notes and the lectures offered by BRI and gave a mixed review about the course. "The outlines were really helpful, but the lectures were a real waste," Reiman said.

Another recent grad, who passed the District of Columbia bar, noted that the outlines were the most important aspect of the review process, especially for learning the local law tested on the D.C. bar.

"I think you could probably do well just by having the BRI outlines, but psychologically it's comforting to go through the lectures," he said.

One member of the Class of '76 decided to go it alone. He took no bar review lecture course, but instead studied the notes of a person who took the Ohio bar the previous year. He spent four to six hours each day during June and July last year preparing for the bar exam. And he passed.

"I think I worked harder just because I didn't take a lecture course or have tapes or anything," he said. Once he overcame the problem of disciplining himself to a rigorous study schedule, he was able to prepare well for the bar. "I thought I was very well prepared," he said.

Although he took no bar review course for the Ohio exam, he anticipates taking another bar exam and also taking a review course by cassette. Based on the experience of two friends, he believes the tapes often merely repeat the material in the bar review outlines.

"Both of my friends told me they thought the tapes were worthless," he said. "A friend of mine took a tapes course and listened to it while driving his car. He had a few things to say about that."

"These people that choose not

(Continued on Page 9)

Two Students Combine HLS, Politics

(Continued from Page 2)

greatly admired Michael. So I chose politics."

He had promised Harrington to stay on for at least 18 months, but his actual tenure was somewhat shorter. The incumbent Republican state representative for the Back Bay had decided not to run for re-election in 1972. The area had always been strongly Republican, but the Democrats believed this might be their chance to gain control. They asked Frank, who was fairly well known in the district, to be their candidate. Frank accepted the invitation and apologized to Harrington for resigning early.

He found it refreshing to be finally speaking for himself, instead of as someone's assistant. "It was great to be on my own at last," he says. "I could make indiscreet comments and not have to worry about embarrassing anybody but myself."

After winning the election, he applied to Harvard Law School. "Since the legislature's job is making laws, being a lawyer is a big advantage to a legislator," he explains. "I wasn't too worried about the amount of work. I could arrange the hours so they wouldn't conflict. And since I was already somewhat familiar with the law, it wasn't as much work for me as for most first-year students."

He came close to leaving law school after only two months, when Gov. Michael Dukakis, '60, offered him the position of Massachusetts Secretary of Transportation. Frank seriously considered the offer before turning it down. He says that "looking back, I can see it's the smartest thing I've ever done. Dukakis' policies turned out to be so abhorrent to me that I would have had to quit in a couple of months anyway."

He has had little trouble combining his studies and his job. In fact, his first year grades were good enough to make him eligible for a



2L Jeff Teitz toots his own horn with this laden bumper.

SJ



2L Jeff Teitz

SJ

position on the staff of the *Harvard Law Review*, but he decided he couldn't fit it into his schedule. "But it wasn't just the lack of time," he adds. "The whole thing has always seemed to me a little like whitewashing Tom Sawyer's fence. By making it a big honor, they get people to do an awful lot of drudgery."

Both Teitz and Frank have been among the most active and influential legislators in their states. Teitz is Vice-Chairman of the Judiciary Committee, through which passes more than half of all the legislation introduced in the Rhode Island General Assembly. Among the legislation he has been particularly interested in are bills to reform the state's court and prison systems, strengthen the deceptive trade practices law, regulate lob-

byists, control campaign contributions and expenditures, and a large number of consumer protection measures.

In the last two years Frank has led the fight against the cutbacks in social services proposed by Gov. Dukakis. He has always been outspoken on controversial issues, and for this he gives much of the credit to his constituency: "It's a very mature, sensible district. I'm under much less pressure to talk nonsense than most of my colleagues. Since my district will let me speak out in favor of things like busing, abortion, gay rights, and welfare programs, I feel a special responsibility to do so."

The two also have in common ambitions that go beyond their state legislatures. Teitz plans to remain in the Assembly after receiving his law degree, and to practice law in Rhode Island. But he also plans to remain open to the possibility of a full time political career. "Going to Washington as a congressman or senator would be my ultimate goal," he admits. "In state government you become very aware that many of the oppor-

(Continued on Page 9)

LEXIS Marks Research Revolution

(Continued from Page 1)

"The computer is a revolution, but it isn't a total revolution," Cohen observed. "It opens up a new dimension in library research here. It's certainly not going to replace law books, but it will save drudgery time and make research more effective."

All students who take a three-to four-hour training program may use the terminal for up to three half-hour sessions per week, Cohen said. He noted that approximately 150 students have already signed up for the training program, which will begin in March. The Library will offer the training program again in April, September and October. Cohen said that although the Law Library might establish a fee schedule for persons who want to use the terminal more than thrice weekly, very few would have reason to use the terminal nearly so often.

Professor Robert Keeton, who helped bring the terminal to Harvard, said that "it will not be used frequently by most students but, rather, occasionally by many. Over time, it would be desirable for every student to have some experience with it before graduating, since many law firms use the same computer."

Cohen noted that many students already use the library's computer-aided teaching exercise, so they have a basic familiarity with machine-aided legal work.

The LEXIS terminal is connected to a Dayton, Ohio, computer owned by Mead Data Central Corp., Cohen said. The Law School obtained use of the terminal after EDUCOM, a non-profit Princeton, New Jersey, organization which promotes educational computer use, arranged a special rate for law schools.

"Everybody wanted the computer, but the question was how to get it in the most inexpensive way," Cohen explained. "Professor Keeton was instrumental in getting it from Mead through

EDUCOM for several universities."

Terminals were installed a year ago at Cleveland State and Case Western Law Schools, both located near the computer. But the computer didn't come into widespread academic use until this month. In addition to Harvard, ten other universities, including Yale, Stanford, and the University of Pennsylvania, installed terminals this month, Cohen said. Several others are expected to subscribe to the service in future months, he added.

Subscribers to the service pay \$8,000 per year for the service, compared to the \$36,000 paid by law firms. According to Keeton,



Something for the lawyer who has everything. MB

maintenance costs are inconsequential, and aside from paying the students who help with the training program, the University is not hiring any personnel to service the program work on

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

the terminal service.

"We hope that the terminal will be here permanently, and it probably will be if the price doesn't go up," said Keeton.

The computer is not difficult to operate, Cohen said. When it is fed key words, the computer searches the cases in its data bank to reveal which cases contain those words. "To use a simple example, if you feed in the words 'negligence,' 'injuries,' 'golf balls,' the computer will tell which cases contain those key words," Cohen said. "You can continue to narrow the range, both according to subject matter and court until you find helpful cases."

Some of the more sophisticated searches involve dialogue with the computer, Cohen said. "If you ask the computer how many cases it has on golf balls and negligence, it might say 62," Cohen explained. "You don't need 62 cases, so you ask how many there have been in Massachusetts since 1960. It says eight. Suppose you don't want to read eight cases, so you ask how many it has involving the Supreme Judicial Court. It says three, and you go and look them up."

Although the terminal will provide the full text of relevant cases, Library officials expect that most terminal users will read the cases in books, not off the console.

The computer's data bank includes the U.S. Code, U.S. Supreme Court opinions dating from 1938, U.S. Court of Appeals decisions since 1959 and U.S. District Court opinions from 1970. It also includes state Supreme Court and lower court cases, dating from various years, from New York, Illinois, Texas, Kansas, Ohio, Massachusetts and Missouri. Data from California and Pennsylvania are in preparation.

"The computer's biggest cost is inputting the data. State input has been financed by individual states, through bar associations, bond issues or legislative help," Cohen said. "That's why the computer is such a funny bag of states."

The data bank also includes
(Continued on Page 12)

Abbreviate your life.

It's something you really should do right now, while you're living or working in Massachusetts. Take advantage of some of the lowest cost life insurance available anywhere in the country . . . Massachusetts Savings Bank Life Insurance (or S.B.L.I. as we abbreviate it).

When you consider that Cambridge Savings Bank has written over \$100,000,000 worth of life insurance without using one outside life insurance salesman, you know it has to be a good deal.

So call Cambridge Savings soon at 864-8700 and ask us to abbreviate your life . . . to low-cost S.B.L.I.

Member FDIC

Cambridge
Savings **Bank**

S.B.L.I.

Hustler: Hapless Victim of Ohio Mores

(Continued from Page 1)

crime as we know it in the common vernacular," Fahringer said; "that is to say, the Mafia or Cosa Nostra or anything of that sort . . . that's terribly misleading."

Fahringer, who was scurrying across the country this week in preparation for what is expected to be an arduous appeal, said he has high hopes of succeeding on appeal and added that a number of significant issues are presented by this case.

"First and foremost is the right of the American people to determine what they read and not have that controlled by the state — that's the broadest issue," he said.

Hustler magazine has sometimes been referred to as the most explicit of dozens of so-called men's magazines which offer glossy reams of commentary, flesh, ads and trash. However, civil libertarians are quick to point out that the First Amendment was not intended as a barometer of good taste and that the magazine should not be barred merely because a handful of people found it offensive.

"Everyone should have the right to buy *Hustler* magazine if they want," Fahringer said.

"I said to the jury in my case that 'I'm not proud of everything that is in *Hustler* magazine, but what I am proud of is I live in a country where I can buy *Hustler* if I want it,' he said.

"I made a comparison — cited some statistics — I said 85 per cent of the literature suppressed in the Soviet Union is condemned under an obscenity statute and I have no doubts that *Hustler* magazine could not be published in Communist China or the Soviet Union, but I am proud of the fact that it can be published in this country."

The jury didn't buy it.

Neither did Simon Leis, Jr. Hamilton County's self-righteous porn prosecutor, who was so busy basking in the notoriety of national network exposure last week that he didn't have time, when contacted by *THE RECORD*, to trifle with the details of what The Dersh

*"I'm not proud of everything that is in *Hustler* magazine, but what I am proud of is I live in a country where I can buy *Hustler* if I want it," Fahringer said.*

has termed "The Outrage of the Month." (Goldstein, Reems, concurring).

Why was *Hustler* singled out for prosecution when more than 40 similar magazines are sold throughout Ohio?

If the defendants in this case were charged with "aiding and abetting" Marshall News Company — the local distributor of *Hustler* — then why were the Marshall principals granted transactional immunity as unindicted co-conspirators and never brought to trial?

Will other publishers of similar materials be brought to trial?

The *RECORD* called Judge Morrissey's chambers to try to get some answers. He put his clerk on the phone to fend off the hungry media wolves.

The clerk, an affable fourth-year law student at Northern Kentucky University's Chase College of Law named Jim Rueger, explained that the reason *Hustler* was singled out was simply that "they wanted the big fish."

With a national circulation of 2.5 million, *Hustler* is ranked third in

"General Electric, Westinghouse, you can get them for organized crime, you can get Richard Nixon for engaging in organized crime, you can get me for engaging in organized crime and it has this crazy 25-year sentence," said Dershowitz.

national men's magazines behind *Playboy* and *Penthouse*; however, according to Rueger, Judge Morrissey examined *Penthouse*, *Oui*, *Club*, *Swank*, *Galaxy*, *Cavalier*, *High Society*, *Genesis* and other sordid and salacious publications, and while he found that they were all "girlie magazines," he ruled that none of them were comparable to *Hustler*.

Closer to home, Professor Alan M. Dershowitz said he thinks *Hustler* was singled out simply because it's *political*.

"There's no doubt in my mind that the reason they singled out *Hustler* is not because of its pictures or its obscenity, but because it also has a strong editorial policy. It has taken aim at a lot of political leaders and because of that it's precisely the kind of magazine the First Amendment has a real interest in protecting," Dershowitz said. Dershowitz, who last December published an article in *Penthouse* magazine titled "Screwing Around With The First Amendment," said, "My views on this are very personal because as a writer for *Penthouse*, what this prosecution means is that I could be prosecuted in Cincinnati for engaging in organized crime just for having written an article."

According to Dershowitz, the organized crime statute — which makes it a serious felony for five or more individuals to engage in illegal activity for a profit — is "a bloody outrage" because you can get anybody — "General Electric, Westinghouse, you can get them for organized crime, you can get Richard Nixon for engaging in organized crime, you can get me for engaging in organized crime and it has this crazy 25-year sentence."

He added that Flynt could win on appeal but in the process many First Amendment rights will have been violated and Flynt will undoubtedly be harassed and maybe even bankrupted.

"What we need," he added, "is

(Continued on Page 16)

Neatness isn't everything.



Re-elect
Barney
Barney Frank for State Representative

Legislators

(Continued from Page 5)

tunities to have a real impact, to make a difference, have long ago been removed to the federal government."

Frank would like to run for higher office eventually, but first he must solve a problem created by redistricting. He now lives in a district in which both he and Rep. Elaine Noble are incumbents. If he decides not to run against Noble, he must either move or leave the legislature. Frank realizes he is probably too outspoken on too many controversial issues to win any state-wide election. But he would seriously consider running for Congress if Speaker of the House Thomas P. O'Neill retires in four or six years.

In the meantime, though, both men are enjoying their present jobs. As Teitz explains: "I do a great deal in a day, but I enjoy it. I like to help solve problems and see that people's lives are a little better as a result." Frank agrees: "It's more fun than anything else I've ever done."

Reviews: Talismanic Safeguard for Bar Exams

(Continued from Page 4)

to take a bar review course are few and far between," said Debbie Shaughnessy, registrar of BRI's Illinois course. She noted that most students need some kind of review material, especially to brush up on subjects not studied for several years and long since forgotten.

Skor of the Practicing Law Institute noted that in New York the law of torts has changed radically in the last three years. Tax law is often changing from year to year and Skor noted that the course instructor in constitutional law, a professor at Columbia, had to add 20 new cases between last summer's course and the winter course. State bar exams tend to ask questions dealing with such new de-

velopments, Skor said.

"A bar review course brings you up to date," Skor said. "It can also acquaint you with the kind of questions you are likely to be asked."

Bar review courses also serve other functions: for one thing, they keep idle law professors busy with bar review lectures. Jack Friedenthal, visiting professor from Stanford University, is an instructor for the Bay area Review Course in San Francisco. He noted that the bar review courses free law schools from the job of preparing students for their state bars.

"You may end up in Colorado where oil and gas is on the bar exam," Friedenthal said. But it would be tragic if a law student had to spend his time studying oil and gas law for the bar exam, not

studying subjects such as jurisprudence, Friedenthal said.

Skor disagrees with Friedenthal. "I honestly doubt that any law school gives one wit of a damn about what we do," he said. "I don't think law schools take bar review courses very seriously."

Skor believes the bar review fulfills one specific function that the law school cannot. "We are a cram course. We are not in any way attempting to make you a better lawyer."

Is a review course worthwhile for graduates applying to the bar in states with very high passing rates on the bar? One observer noted that some states, such as Iowa, need lawyers and use a high passing rate as an advertisement for more lawyers.

(Continued on Page 14)

Pacific Overtures

This past Saturday night, the Wheeler Room was the scene of a very un-Law School-like party. Sponsored in part by the Dorm Council and organized primarily by a group of enterprising male law students, the party was in dramatic contrast to the Dorm Council mixer of the previous evening, which by all accounts was a dismal failure: even the band walked out. The Wheeler Room party was crowded from 9:30 on, when the buses began delivering their cargo from Wellesley, Boston University, Smith, and Wheaton. (Wheaton?)

One law student ran into a girl he had met at a party at BU. Does she go to BU? No, he explained, but she goes to parties there. If only for one night, Harvard Law School was plugged into a whole interschool party circuit most of its students did not suspect even existed. And amazingly, neither the circuit nor the Law School shorted out as a result; the connection was a success. Partly due to the prodigious amount of (free) liquor consumed, people were easily mingling, meeting, even dancing — perhaps not terribly well, but where there is movement there must be life, a heretofore disputed phenomenon at the Law School.

The party's success is all the more remarkable in that it had to overcome the disreputable, if not sordid, inferences normally adhering to such parties. Most of the imported women travel to Law School parties not to socialize generally, but to meet *Harvard Law School* men, a motivation which the men may initially appreciate but which is at heart rather dehumanizing. And many of the men regard the visitors as fair game for very short-term sexual encounters. Most of the parties in the past have reflected these attitudes, resembling nothing so much as a group of fishermen eyeing a school of encircling barracuda.

Why this party was different is not apparent. There were certainly both fishermen and barracuda of both sexes present, and if locker room gossip is to be given any credence, a certain number of one-night stands resulted — although undoubtedly a smaller number than was claimed. The overriding atmosphere of the party was, however, social rather than predatory, and there was little of the last-chance desperation with which Harvard Law partygoers typically approach members of the opposite sex. If we continue to behave socially acceptably, perhaps the Law School will be allowed to join permanently the party circuit and abandon its current role as the Happier Hunting Ground. Someday we may even be loved for ourselves.

HARVARD LAW RECORD

CHARLES C. JORDAN	Editor
PAUL J. COADY	Managing Editor
GARY D. HAILEY	Executive Editor
ANDREA BROWN	Associate Editor
STEPHEN JACOBS	Photography Editor
STEVEN R. DAVIDSON	Business Manager
CHARLES E. CHEATHAM	News Editor
TERRY KEENEY	Features Editor

Staff: Micah Bloomfield, Robert Carr, Michael Collins, Tim Cooper, T. F. Eldredge, Roger Evans (New York City), Fenno, Susan Gillette, Debbie Goldberg, Sam Goldberg (Kansas City), Bruce Howard, Susan Jack, Pat Kennedy, Madison King, Jeff Kurtz, Adrien Mally, Barry Miller, Steven S. Miller, Vincent Pagano, Scott Patterson, Randy Phillips, Steve Prye, Mike Raiden, David Remes, Rob Reznick, Robert Rizzi (Cleveland), Bill Ross, Bob Ruxin, Ellen Taylor, Hayden Trubitt, Larry Zelenak.

Fenno

Fenno was gliding along the philosophical approach to HLS, but couldn't catch Langdell Hall through the fog. He was feeling a bit tipsy from the WLA's afternoon wine-tasting.

"Fenno," his companion remarked. "You look like the cat that swallowed the canary."

"Madeira, actually. There certainly is cause for celebration."

"Yes," the 3L gushed. "Two women visitors on the faculty next year."

"I was referring to the latest in the social scene. Haven't you got your invitation to Chuck Fried's white-tie dinner-dance for 3L's? The Carbolic Smoke Ball?"

The 3L stopped. "I didn't realize that rumored dance had substance."

"It doesn't. It's formal." Fenno scratched his head. "The faculty is trying to convince us we should be back with them in the 1940's." He handed her an invitation.

"Vern Countryman's combo," she read, "the *Overdue Notes*, will appear on popular demand. Check it out."

"You see!"

"See?" she asked. "Isn't that the group featuring Det Vagts on the horns of a dilemma?"

"The only problem with Vern is that once he starts grooving, as anyone in his classes can tell you, he gets carried away. I'm afraid that wet blanket Sacks'll phone and tell everyone to pipe down."

Wincing, the 3L returned the paper. "I can't dance, but at least the food looks good. I do, however, detect a certain Law School flavor to the menu."

"Naturally," replied Fenno. "They're serving melon and *prosciutto*, roast beef *au jus tertii*, devil'd avocado and *crime caramel*."

The 3L ducked from the barrage of dishes. "This is a canard. I suppose you think the invitation is in the form of a red herring prospectus."

"Don't blame me," Fenno said defensively. "The puns aren't any worse than Dick Stewart's. Anyway, the courses are official since they've been registered with Mary Up-ton."

"Maybe I'll be closed out! Then what would I wear?"

"Don't worry," Fenno comforted her. "You'll be invited."

"And my dancing?"

"No problem. That's why only 3L's are invited. After three years nobody remembers how to dance, so our law school training will be crucial. We'll just all mill around and think on our feet."

Letters to the Editor of the RECORD

Reader Troubled By Turkeys, Not Holdings

To the Editor:

I don't know about you, but I'm sick and tired of these guys who start off their classroom comments with "Professor Smith, there's something about the *Brown* case that troubles me . . ." or "I was bothered by the court's holding that . . ."

Frankly, I have never lost any sleep worrying about the Third Circuit's position on Rule 19 necessary parties. I've never shed a tear over a New York Court of Appeals' choice of law in a conflicts case. And I could care less whether the Supreme Court is moving in the direction of expanding (or contracting) traditional notions of standing for parties who seek judicial review of administrative action.

So let this be a warning. The next one of you turkeys who says something like "the decision of the court in *Jones* really worries me . . ." is going to get it and get it good. Understand?

I really mean this. Honest.

Richard W. Anda, 3L
Cambridge, Mass.

Cryptic Law: More Than Meets the Eye?

To the Editor:

Something funny's going on in *Cryptic Law*. Last week's coded message began "Bemy val frank" — officially translated as "Milk and honey" but with an obvious secondary message, "Be my valentine, Frank."

What I want to know is this: who is Frank?

"Wondering", '76
Short Hills, N. J.

Fine Moroccan Dining
Sunday Brunch
Liquor Served



Ahmed's
96 Winthrop St.
Harvard Sq.
Cambridge
547-9351

CLASSICAL GUITAR
TUES. EVES. By JOHN JERVIS

Chagrin-ed Reader Vents His Spleen

To the Editor:

I just want to say that I have enjoyed my subscription to the RECORD for many, many years. Up until your issue of February 11, 1977, I was under the impression that your publication aspired to be a family newspaper. Imagine my chagrin when I opened your last number to page 15. Land sakes! A story about the courtroom admissibility of . . . of . . . a defendant's *privates*!

We used to deposit past issues of the RECORD on the table in the reception area down at the firm's offices along with the *U. S. News and World Report* and other reputable journals. It provided our clients with a wholesome, albeit not particularly interesting, way to kill a few minutes while cooling their heels. But now? Well, I just don't see how we can continue to display such obscene guttersnipe.

In fact, I don't even dare take the RECORD home with me, for fear my 14-year-old son will examine it when my back is turned. Martha (that's my wife) and I have already had to cancel little T. F., Junior's (that's our 14-year-old son) subscription to *Sports Illustrated* (bathing-suit models) and *National Geographic* (topless native girls).

It is with the utmost regret that I ask you to cancel my subscription. Any further copies of the RECORD that I can get my hands on will end up in the septic tank, where they belong.

T. F. Johnboat, '44
Chagrin Falls, Ohio

Cryptic Law

The following excerpt from a recent opinion is in "judicial code." Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

"Xijmf ju jt usvf uibu pomz xpnfo dbo cfdpnf
qsfhobou, ju epft opu gpmmpx uibu fwfsz
mfhjtmbujwf dmbttjgdbujpo dpodfsojoh
qsfhobodz jt b tfy-cbtfe dmbttjgdbujpo . . .
Xijmf [uif hspvq pg qsfhobou xpnfo] jt
fydmvtjwfmz gfnbm, uif [hspvq pg
opoqsfhobou qfstpot] jodmveft nfnfst pg
cpui tfyft."

(Solution on Page 16)

SPORTS QUIZ

- On March 2, 1962, Philadelphia's Wilt Chamberlain set an NBA record by scoring 100 points against the New York Knicks.
 - Where was the game played?
 - Which New York centers tried to guard Chamberlain?
 - What four other NBA records did Chamberlain establish in that game?
- Which major-league baseball player exceeded 150 RBI in seven different seasons?
- The NBA player with the most personal fouls last year had 356.
 - Name the player.
 - Only one NBA player has ever had more fouls in a season. Name him.
- Name the major leaguer who in the same season hit 42 homers, drove in 152 runs and batted .401.
- Which is the only college football team ever to win the Cotton Bowl two years in a row?
- Which team won the American Basketball Association championship last season?
- What is the nickname of the Tufts athletic teams?

Law Notes

The suggested "bird words" for the "preposterous word dare" this week are "diaper", "urinal", and "Popeye" (with a double payoff if the entire phrase "Popeye the sailor man" is used). Use these words or be creative and make up your own — and report any successful "dares" to "Buddies", in care of the RECORD, 23 Everett St.

* * *

The Harvard Law Forum talk on Indian affairs by Oglala-Sioux leader Russell Means scheduled for Thursday, Feb. 24, has been cancelled.

* * *

This year the National Turkey Federation will offer two \$500 awards to high school students who are involved in a turkey project and choose a "turkey-related" science in their college major.

Law School Show: "Holmes Is Where the Hark Is"

By Sue Gillette

Thirty-three comics, more than half of them law students, will unveil "Holmes Is Where the Hark Is," this year's Law School show, in Mid-March. The cast launches the usual salvos at professors and courses, plus some first-rate satire of everything else that came to mind as 3L's Ivan Orton, Bob Noto and Howard Katz wrote the script.

But Orton, the show's director, promised this week that song and dance will be the hits of the production. "The artistic level is substantially higher" than last year, Orton said, recalling that even *he* was pressed into service to tap dance a year ago.

The basic plot of "Holmes Is Where the Hark Is" revolves around — what else? — crimes, solved and unsolved. Orton ran down the list: murder, blackmail, kidnapping, breaking and entering, indecent exposure, falsifying grades for law review . . .

The action is spiced by musical interludes and dancing led by curvy girls. "Here Comes Holmes," "Bookie Wookie," "King of Deduction," "Learning to Equivocate," "Prison Disco," and "Knee-Jerk Liberal Stomp" are a sampling of show tunes.

Holmes, Frank Bowman, 1L, is on the track of a blackmailer, Moriarty, *alias* Prof. Emanuel Gilbert (pronounced *à la Français*) who's trying to extract the price of silence from her sixth victim on the Law School faculty. But the Karnak Professor of Law, Jack Friedenthal or Lance Liebman, depending upon when you see the show, risks exposure and summons Holmes and Watson. Erik Kitchen, 1L, Holmes' bumbling assistant, helps trace the blackmail scheme to Moriarty and her sidekick, Col. Miranda, Bruce Ryder, 1L.

Moriarty and Holmes are old rivals, as it turns out. Moriarty formerly villainized England

but became a female through a sex change operation and shifted operations to Cambridge.

Further details about the plot, as well as the good jokes, are being withheld by the director. Other characters are Olivia Wendy Holmes, Betsy Zagrans (law spouse); and the four nerds, "classic turkeys," Murry Fogler, 2L, Keith Avery, Diane Williams and Jeanine Widner.

Mary Upton, Mary Upton will play herself. Barney Frank will play Ray Elizabeth. He can't type but you can guess how useful he is to Mary Upton, Mary Upton.

Professors Kennedy, Ely, Bellow, Jerome Cohen and Bator are blackmail victims, "because their names lend themselves to jokes," Orton said. Eight faculty members will make one-night appearances of undisclosed natures.

Production dates are Thurs., March 17, to Sunday, March 20, and Wed., March 23, to Sat., March 26. Tickets are \$2.50 and \$3.00 and will soon be available at the Holyoke Center ticket office and the Receptionist's desk in Langdell.

The cast is working 20 or more hours a week under the direction of Orton, Choreographer Marcy Davis, Musical Director Geoff Menin, 3L, and producers Charlie Janoff, 3L, and Linda Fee, 2L.

Computer

(Continued from Page 6)

specialized collections on federal tax, securities and trade regulations, American Bar Association legal ethics materials and Delaware corporation law materials.

Cohen noted that West Publishing Corp. also has a computer. "It does a different sort of thing," he said. It is a computerized form of the West Key number system, he explained.

Lexis v. West?

Cohen said that for the time being, LEXIS seemed more useful for the Law School than the West computer. "But I don't see the world as just needing one computer," Cohen said. "The two computers complement one another." The Law School might eventually want to consider using the West computer, he said.

Access to LEXIS will be available only from 9 a.m. to 2 p.m. and 5 p.m. to 11:30 p.m. Monday to Friday; from 10 a.m. to 5:30 p.m. Saturdays; and from 2 p.m. to 11:30 p.m. Sundays and holidays. Cohen explained that the computer will not be available during afternoon hours on weekdays because those are the peak hours of use by law firms.

Apartment insurance, in a low-cost package.

Our single, low-cost coverage protects all your personal property, including credit cards. And not just in your apartment, but world-wide.

W. T. Phelan & Co.

Insurance Agency, Inc.

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

NERD COMIX

starring
Herb
Garnish



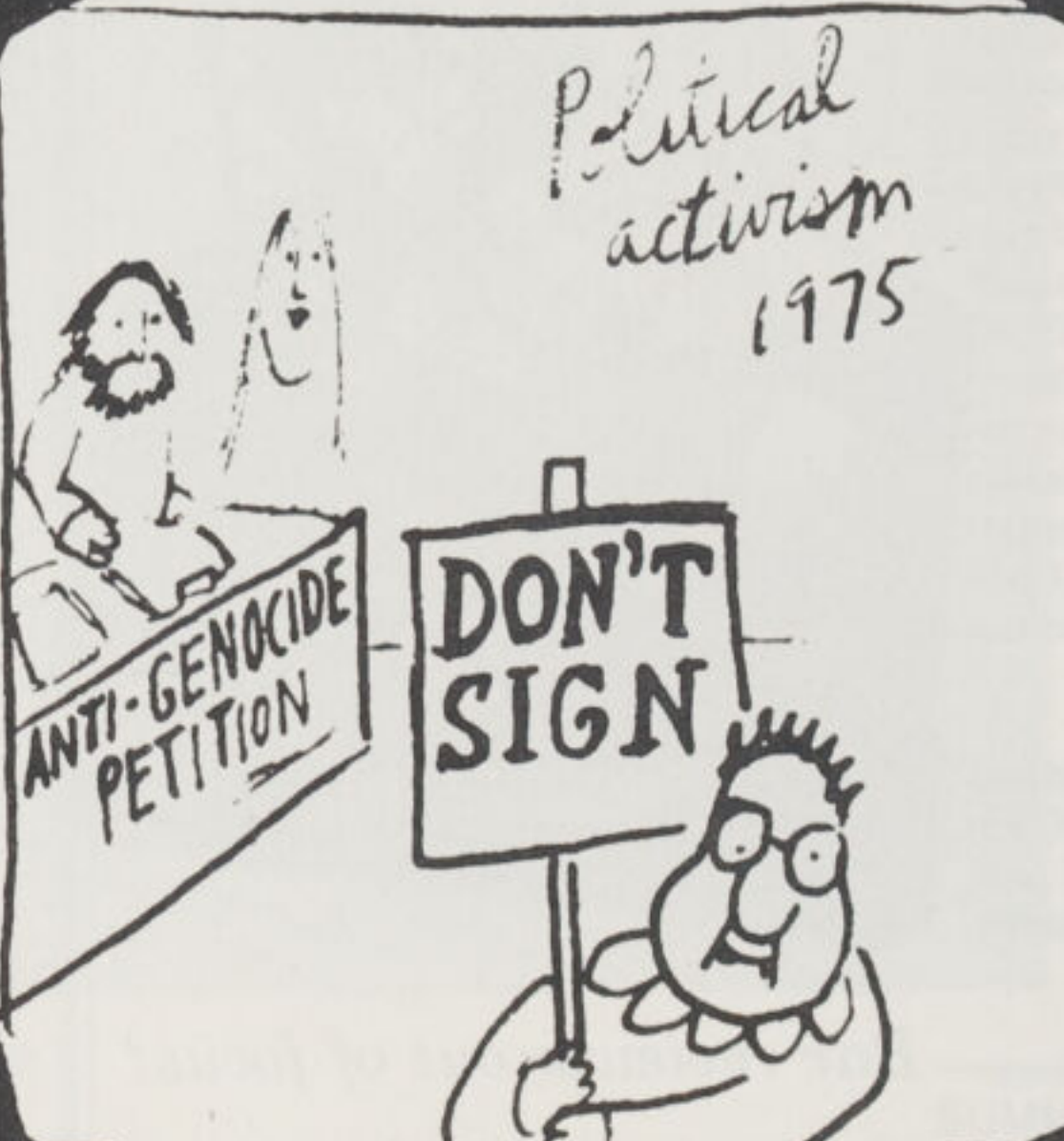
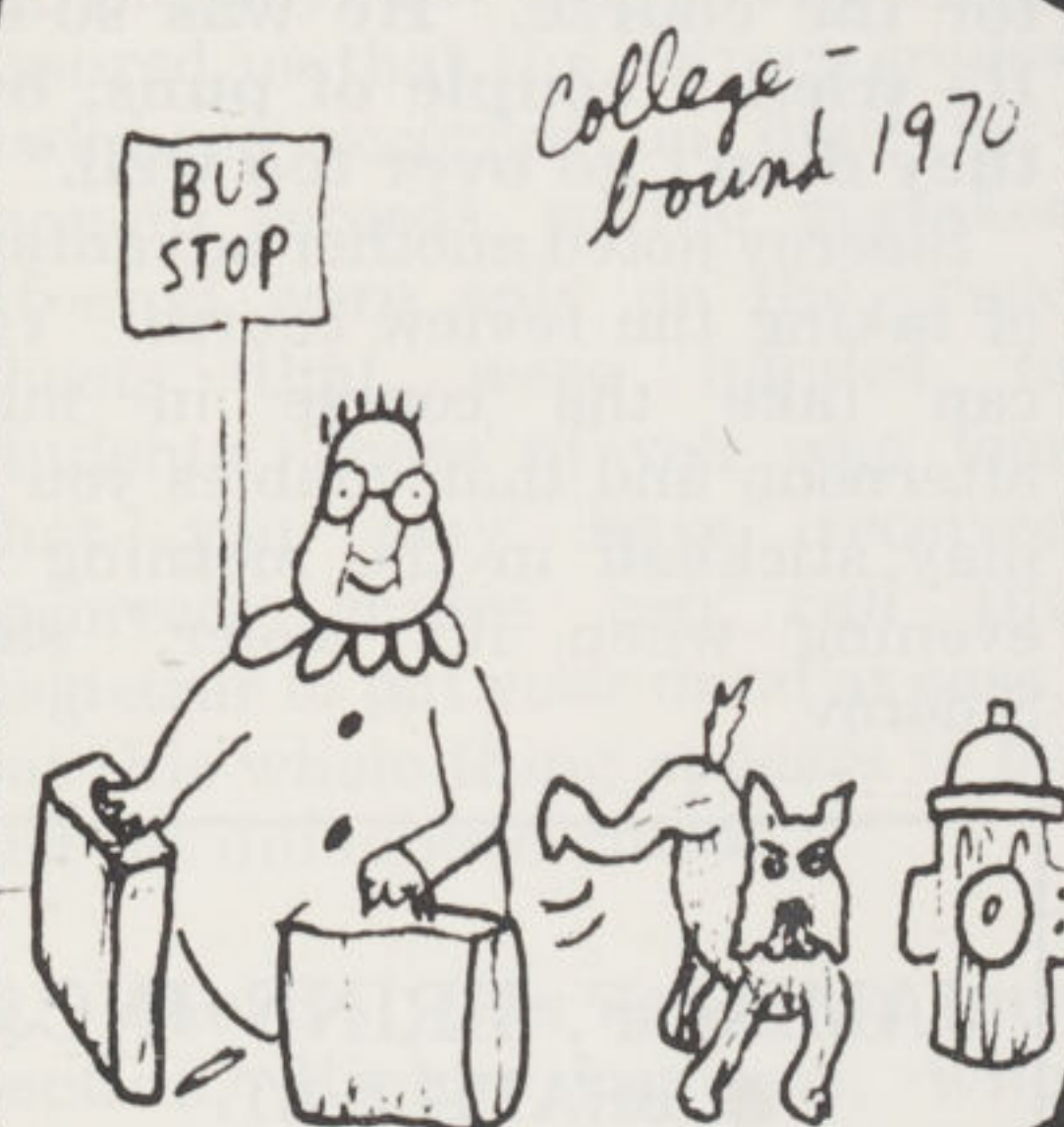
The Garnish family album...

SCHEDULE
10-11 Breakfast
11-12 Spanking
12-1 Law Cassettes
1-2 Nap
2-3 Spanking
3-4 Moot Court
4-5 Forced Feeding
5-6 Potty Training
6 Bedtime

Age 2



Daddy & Herb 1960
Camp Felix Frankfurter



Professional Dry Cleaning
and Shirt Laundry
at

**Rite-Way
CLEANERS**

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



**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

Rule 23

The Boston University Law Forum will present a symposium entitled "The Derivative and the Class Action — Boon or Blight?" on Thursday, Feb. 24, at 8:00 p.m. in Law Alumni Auditorium.

Panelists of the Forum will be the Honorable Bailey Aldrich, U. S. Court of Appeals, First Circuit; Robert L. Clare, Jr., of Shearman & Sterling, New York; Prof. Robert B. Kent, Boston University Law School; and Abraham Pomerantz of Pomerantz, Levy, Haudek & Block, New York. Moderator will be Prof. Robert Liberman.

On May 1, 1970, Pomerantz stated "... for all its delicate problems — the class action has tended to right the imbalance of the cruel days of caveat emptor." Clare, taking a diametrically opposite view, has stated that "the effect of the derivative and class action as it has developed in the United States essentially destroys the concept of the lawyer-client relationship."

In anticipation of the symposium Pomerantz has announced that he is "prepared to do battle with that Protector of the Malefactors of Great Wealth, my friend, Bob Clare." Clare in turn indicated a willingness to "put my head into the loaded cannon."

Clare and Pomerantz will give brief talks about derivative and class action after which the participants will discuss these topics and answer questions from the floor. Admission will be \$1.00.

Limited parking will be available at the 700 Commonwealth Avenue Garage and at the Bay State Road Parking Lot.

DON'T BE COY

The *Record* still has an opening for a business manager. The position pays well, and involves the usual mundane chores of keeping a corporation on an even financial keel. Much of the work involves only the maintenance of already-established ties with the *Record's* regular advertisers. If you are interested, get in touch with Steve Davidson (876-0253) for more information.

Bar Changes Debated

(Continued from Page 9)

"Many of the states set a passing rate before the exam starts," he said. He noted that the passing rate in many states remains largely constant. "No law of averages would permit that to happen," he concluded.

This observer noted that many of the problems encountered by students in preparing for the bar are really the fault of the state bar examiners who administer the exam. "There is a great need for a total revamping of the bar exam system in this country," he said. "How 200 multiple-choice questions can

problem-oriented approach. Ideally the would-be lawyer would be given a problem and told to solve it using a book of cases, statutes and law review articles.

"I think that would test things I'm interested in testing better than the old bar exam," Friedenthal said.

Jack D. Siderov, '76, noted other side benefits of taking the bar review. "Where else can you learn about the law to the tune of 'Help, Help Me Rhonda,'" he said, referring to one instructor in the D.C. BRI course who used to be a Top 40 disc jockey.

"Many of the states set a passing rate before the exam starts," he said.



Bar reviews: out of focus? SJ

decide who will become a lawyer is beyond me."

He favors eliminating the bar exam entirely and allowing any graduate from any accredited law school to be admitted to the bar. But, he noted, some law schools don't deserve accreditation.

"Too many universities are using their law schools for financial benefit," he charged. He cited Suffolk Law School: "It's being used to support a university."

Friedenthal favors replacing the current bar exam with a

Siderov also noted that Harvard Professor Laurence Tribe was among the guest lecturers for the course. "He was so-so. He tried a couple of puns, but they didn't go over too well."

Siderov noted another advantage of taking the review course. "You can take the course in mid-afternoon and that enables you to play stickball in the morning or evening when it's cooler," said Siderov.

JAMES F. BRINE INC.
29 BRATTLE ST.
HARVARD SQ. 876-4218

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

- Baseball • Soccer • Rugby
- Track • Swimming • Tennis



Rule 26

RECORD readers with questions under Rule 26 of the Federal Rules of Civil Procedure (Discovery) are encouraged to bring them to the RECORD office, turn them in to your neighborhood RECORD reporter, or leave them at Law School newsstands selling the RECORD.

Q. What's the truth, if any, in the rumor that some of the *Torts* grades distributed to section III 1L's were incorrect?

A. There is a rumor that a communication foul-up occurred somewhere between the bluebook and the computer print-out, with the result that about 25 of Professor Keeton's *Torts* students received incorrect grades on Tuesday. The Registrar's Office assured us that the correct grades had been recorded on their permanent records, so the mistakes (if any) were only on the grade sheets that were handed to students. Those of you who fear that you may have received incorrect grades can call the Registrar to put your mind at ease, but this whole thing appears to be just an unfounded rumor.

Q. There's this guy in my section, Richie Lazarus, who says that he knows you, and that you will put his name in the RECORD whenever he wants. Is that true?

A. No. But *you* just did.

Q. Who was that woman I saw you with in the Root Room last Tuesday?

A. That was no woman, that was a *bat*! Yes, a real-live bat was on the loose in the Root Room for several days earlier this week, and was still at large at press time.



Unidentified 3L at last Saturday's Wheeler Room bash.

DG

HOFSTRA LAW SCHOOL

*Summer
Program
1977*

FOR FURTHER
INFORMATION:
HOFSTRA SCHOOL OF LAW
(516) 560-3636

**HOFSTRA
UNIVERSITY**
HEMPSTEAD, NEW YORK 11550

SUMMER SESSION I

May 25 - July 5

NAME OF COURSE	NUMBER CREDITS	FACULTY
Legal Ethics	1	Dean Monroe Freedman
Conflict of Laws	3	Prof. Aaron Twerski
Evidence	4	Prof. Abraham Ordovery
Family Law	3	Prof. John Gregory
Individual Income Tax	4	Prof. Stuart Filler
Legal Issues in Public Education	3	Prof. John Gregory
Real Estate Transactions	3	Prof. Herman Hillman
Remedies	3	Prof. Malachy Mahon
Secured Transactions	3	Prof. Malachy Mahon
Commercial Paper	3	Prof. Alan Resnick
Criminal Procedure I	3	Prof. Leon Friedman
Land Use Planning	3	Prof. Ronald Silverman
Business Organizations	4	Prof. Jan Deutsch Prof. of Law, Yale Law School
Constitutional Law I	3	Prof. Jan Deutsch
Legal Responsibility and the Corporation (seminar)	3	Prof. Jan Deutsch

SUMMER SESSION II

July 7 - August 15

NAME OF COURSE	NUMBER CREDITS	FACULTY
Products Liability	3	Prof. Aaron Twerski
Labor Law	3	Prof. Eric Schmertz
Advanced Procedure	3	Prof. Eric Lane
Debtor - Creditor	3	Prof. Alan Resnick
Entertainment Law	3	Prof. Joseph Bianco
Seminar in Trial Advocacy	3	Prof. Lawrence Kessler
Constitutional Law II	3	Prof. Arthur Bonfield Prof. of Law, University of Iowa College of Law
Wills, Trusts and Estates	4	Prof. John Sciallo, Prof. of Law, Duquesne University School of Law



Free Press Threatened

(Continued from Page 8)

some new legislation, some new Supreme Court justices and some new prosecutors who begin to have a new sense of perspective about the whole thing."

When the matter finally comes up on appeal, possible points of error will be the venue issue, the exclusion of comparable evidence and the trial court's definitions of "venue" and "to publish or make public."

Krueger explained that defendants sought to prove that *Hustler* magazine was published in Franklin County (Columbus, Ohio) and therefore, there was no jurisdiction in Hamilton County (Cincinnati, Ohio). However, the prosecution prevailed in its contention that *Hustler* Incorporated, the national distributors, and the local wholesalers were all working in conjunction and that "to publish" under the statute does not mean to print but rather to make available to the public.

Fahringer said another possible point on appeal might be the exclusion of comparables.

"We offered in evidence dozens and dozens of magazines that are sold in this community and that are virtually identical to *Hustler*, on the theory that we should be able to prove the contemporary community standard. But all of the evidence was rejected. That left *Hustler* to be judged in a vacuum by a jury that had not had much exposure to the men's magazines that are so widely circulated today," he said.

"As far as the impact of these magazines upon the American

"Prosecutor Leis has had a long-time vendetta against Larry Flynt..."

morality is concerned, the President's Commission on Pornography and Obscenity conclusively established that even the hardest-core pornography does not alter our sexual desire or in any way cause any anti-social conduct."

"This compelling scientific research leads inescapably to the conclusion that sexually explicit material is not harmful to anyone and therefore it should not be prohibited," Fahringer concluded.

Michael Lorge, a third-year stu-

Solution to "Cryptic Law"

"While it is true that only women can become pregnant, it does not follow that every legislative classification concerning pregnancy is a sex-based classification. . . . While the group of pregnant women is exclusively female, the group of non-pregnant persons includes members of both sexes." *Geduldig v. Aiello*, 417 U.S. 484, 496-97, n.20 (1974). The Court used the above analysis to hold that a state-sponsored insurance program providing medical disabilities payments for all temporary disability caused by illness, injury, or disease except pregnancy did not constitute sex discrimination under the Fourteenth Amendment. *Geduldig* has recently been extended to the Title VII area in *General Electric Co. v. Gilbert*, 45 U.S.L.W. 4031 (U.S. Dec. 7, 1976). Given the Court's holding that pregnancy in this instance is not a sex-based classification, query: a male mother?

dent at the University of Cincinnati Law School and a director of the Cincinnati American Civil Liberties Union Chapter, said Prosecutor Simon Leis has had a long-time vendetta against Larry Flynt and against pornography in general, so "the community was conducive to this type of prosecution."

In a statement released last week, the Cincinnati ACLU said, "What has been accomplished is a chilling effect on national publications and writers to be wary that narrow-minded individuals sitting as judges and prosecutors can reach out through non-related laws such as the organized crime laws and silence material they do not approve of."

"As for Cincinnati, what has been accomplished is to make this city the laughing stock of the American legal community, the American publishing community and all those who value the right to read and write freely without the control of their local prosecutor."

Sports Answers

1. a) Hershey, Pa.
- b) Darrell Imhoff, Johnny Green, Willie Nauls and Cleveland Buckner.
- c) 26 field goals made, 63 attempts; 28 free throws made, 32 attempts.
2. Lou Gehrig.
3. a) Charlie Scott, Boston.
- b) Bill Bridges, St. Louis, 366, 1967-68.
4. Rogers Hornsby, St. Louis Cardinals, 1922.
5. Texas, 1969-70.
6. New York Nets.
7. Jumbos.

HLS DORMITORY COUNCIL

TGIF: Friday Feb. 18 and Friday Feb. 25 from 4-6 p.m. in the Hark.

MIXER: Friday Feb. 25, from 8:30 p.m. - 12:30 a.m. in the Hark. Live band. Beer and soda sold. Admission \$1.00 or free with HLSDC card.

"STEELYARD BLUES": Saturday, Feb. 26, 8 and 10 p.m. in the Hark. Admission \$1.00 or 50¢ with HLSDC card.

SECOND CLASS POSTAGE
PAID AT BOSTON, MA.

RETURN ADDRESS:

HARVARD LAW RECORD
HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138