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TWENTY CENTS

Crichton's Coma Previews Before HLS Forum Crowd

By Andrea Brown

"In Thailand, there are four things you must never do: Never sit on a Buddha, pat a Thai on the head, point your foot at anyone with your shoes off, or have your head above that of a Buddha."

Michael Crichton was given these rules to live by in Bangkok by an old Harvard friend ("a whoremonger, a rake"). The last bit of advice must have been difficult for the six-foot, nine-inch tall Crichton, the speaker at last week's Law School Forum. Slightly larger than life-size in more ways than his height, Crichton earned his MD at Harvard Medical School, and has written successful novels on subjects ranging from the biological (*Andromeda Strain*) to the larcenous (*Great Train Robbery*) to the mythical (*Eaters of the Dead*).

He broke into show business by directing, first an ABC Movie of the Week ("they let anyone direct one of those"), then the popular *Westworld*. He has just finished directing *Coma*, for which he wrote the screenplay based on Robin Cook's best-seller.

For one who so remarkably resembles the Renaissance Man, Crichton is charmingly unpretentious. "You law students take your jobs too seriously." He clearly takes little seriously, perhaps the only way to remain sane in Hollywood. ("I know your analyst," commented Dr. Alan Stone. After some discussion, they decided that the analyst

is the kind of bald-headed man who looks like he has silver hair.)

Hurray for Hollywood

How does Crichton feel about Hollywood?

"Those people are *dumb*. For example, they wanted me to cast Steve Lawrence as the lead in *Westworld*. For weeks I was greeted daily with, 'Hey, wouldn't it be a great idea to have Steve Lawrence?' No, I would reply, I didn't think so. Finally, I couldn't stand
(Continued on Page 6)



Michael Crichton goes into Coma before HLS Forum.

Foreign Clients: Legal Practice Differs Slightly

By Terry Keeney

Editor's note: This is the second article in a two-part RECORD series on representation of foreign clients by American law firms.

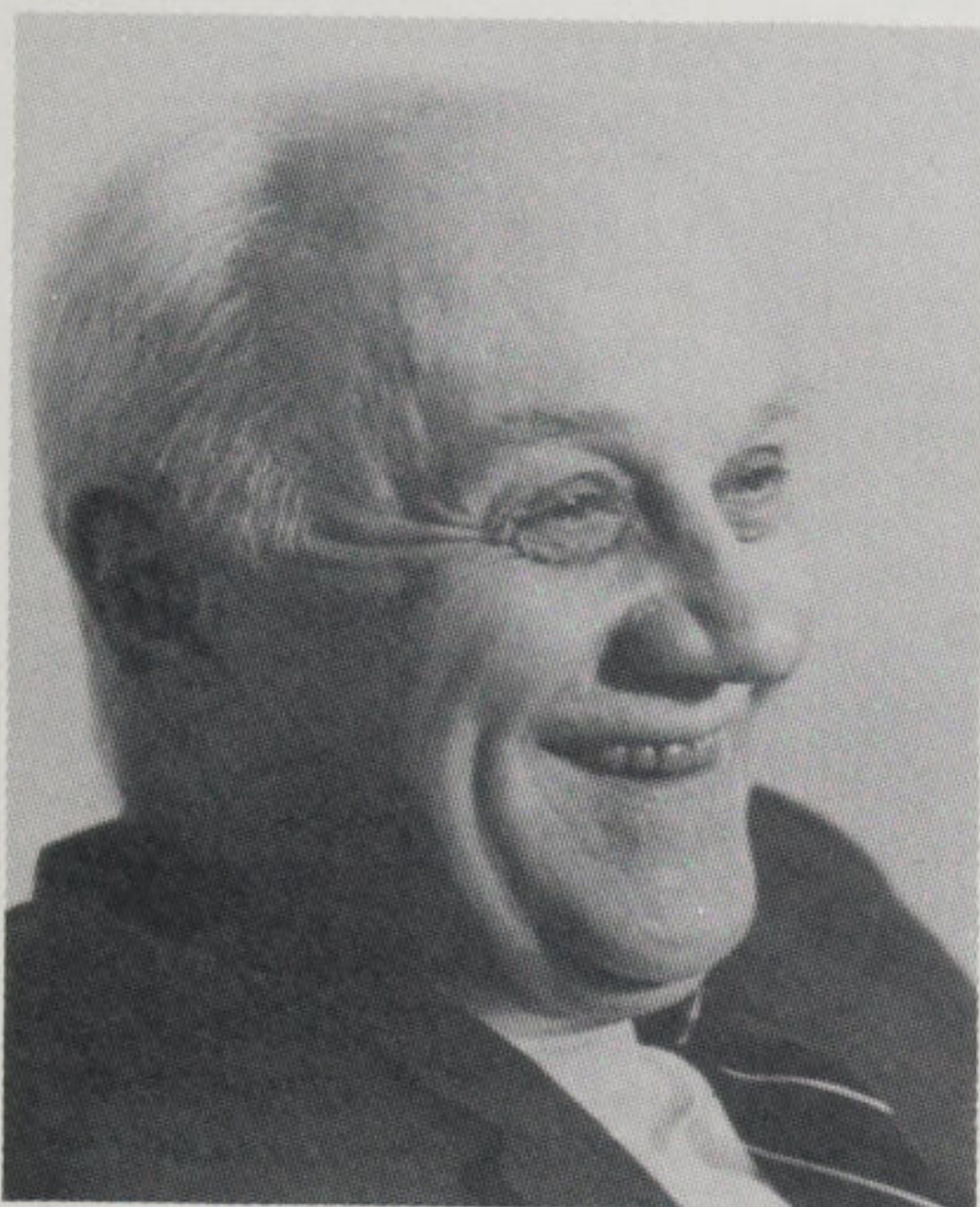
When an American law firm performs any work for a foreign client, it is providing virtually the same type of legal services as it provides American clients. The client may speak a different language and require extensive counsel on the intricacies of American common law in contrast to the civil law of the client's home country. But the firm is still practicing American law and the nature of the legal services provided differs little from those provided American clients.

In 1976, nearly 50 major law firms registered with the Justice Department as agents for foreign principals, ranging from foreign governments to corporations to embassies. Yet even this figure may not adequately indicate the importance of foreign clients to the American legal profession. Under the Foreign Agents Registration Act, lawyers who merely represent foreign principals in courts and administrative proceedings are exempt from the registration requirements.

There is little doubt that foreign clients form a significant part of American law practice. Several large firms have developed departments dealing strictly with
(Continued on Page 5)

Retired Profs Field and Maguire Die

Two distinguished Law School professors emeriti died in the last two weeks. Richard H. Field, 74, died Thursday Jan. 26 at the Maine Medical Center in Portland after a short illness and John MacArthur Maguire, 89, died Saturday Jan. 21 at the Emerson Nursing Home in Concord.



HLSY

Richard H. Field

Prof. Field, a Maine native, graduated from Harvard College in 1926 and from the Law School, where he served on the Law Review, in 1929. Following graduation from the Law School, Field was associated with the Boston Law firm of Bean and McCarthy and later became a partner in the firm. In 1942, he was named New England regional attorney for the Office of Price Administration (OPA) and later served three years as general counsel for the OPA in Washington.

In 1946, Field became professor at the Law School and in 1969 was named Story Professor of Law. He was co-author with Prof. Benjamin

Kaplan of the widely used Field and Kaplan text on civil procedure.

Following his retirement in 1973, Mr. Field returned to Maine, where he practiced law with the Portland firm of Murray, Plumb, and Murray.

Prof. Maguire, a Denver native, received his AB from Colorado College in 1908 and his LLB from Harvard in 1911. Following law school, he was associated with Hale and Frinnell (now Hale and Dorr) in Boston. He served on the War Emergency Board with the Department of Justice from 1917 to 1919, returning to Boston as a partner in Hale and Frinnell.

Maguire joined the Law School faculty in 1923 and established himself as an expert in tax law and evidence. He authored an evidence text, of which the revised edition is still widely used in law schools throughout the nation. In 1950 he was named Royall professor, the nation's oldest endowed law chair.

Maguire was tax consultant to the U.S. Treasury Department in

1938 and 1943 and a legal advisor to the American Association of University Professors. He also served as vice chairman of the Committee on Jurisprudence and Law Reform of the American Bar Association.

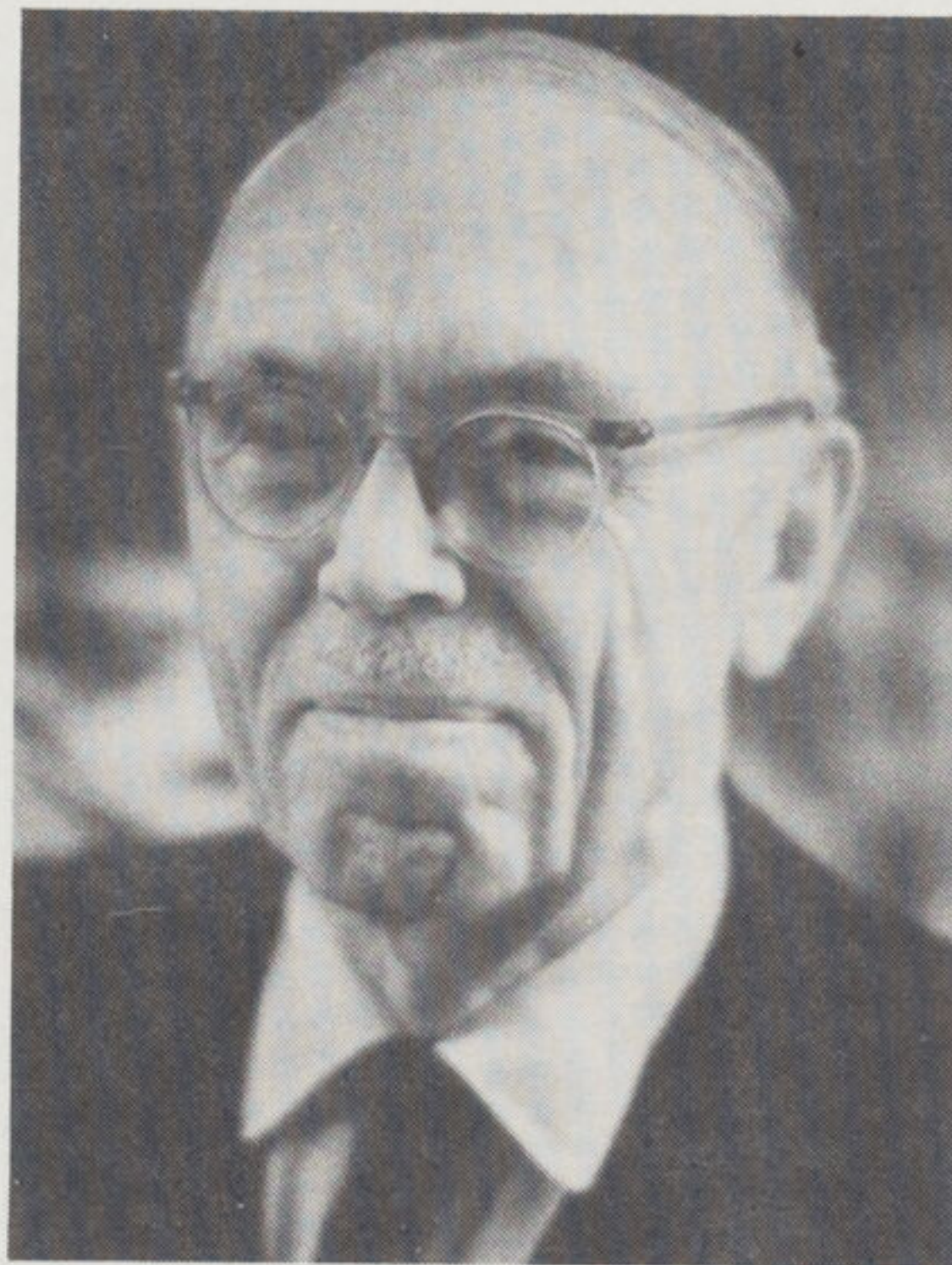


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John M. Maguire

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GOVERNMENT AND PUBLIC AFFAIRS

The *Institute of Politics*, part of the John Fitzgerald Kennedy School of Government, sponsors a number of non-credit, extracurricular student study groups each semester. Each study group is led by a person who has extensive practical experience with the subject of the study group.

This semester's groups cover a wide range of topics including political campaigning, city politics, judicial reform, political journalism, libertarianism, the politics of coal, Eurocommunism, and the multinational corporation.

Study groups are open by application to all Harvard and Radcliffe students and to graduate students throughout the University. Applications and additional information are available at the Institute of Politics, 78 Mount Auburn Street (directly across from Holyoke Center).

The study group application period for spring term is scheduled for February 1-10. Students interested in obtaining practical knowledge about politics and issues of public policy are encouraged to apply for one or more student study groups. There is no charge.

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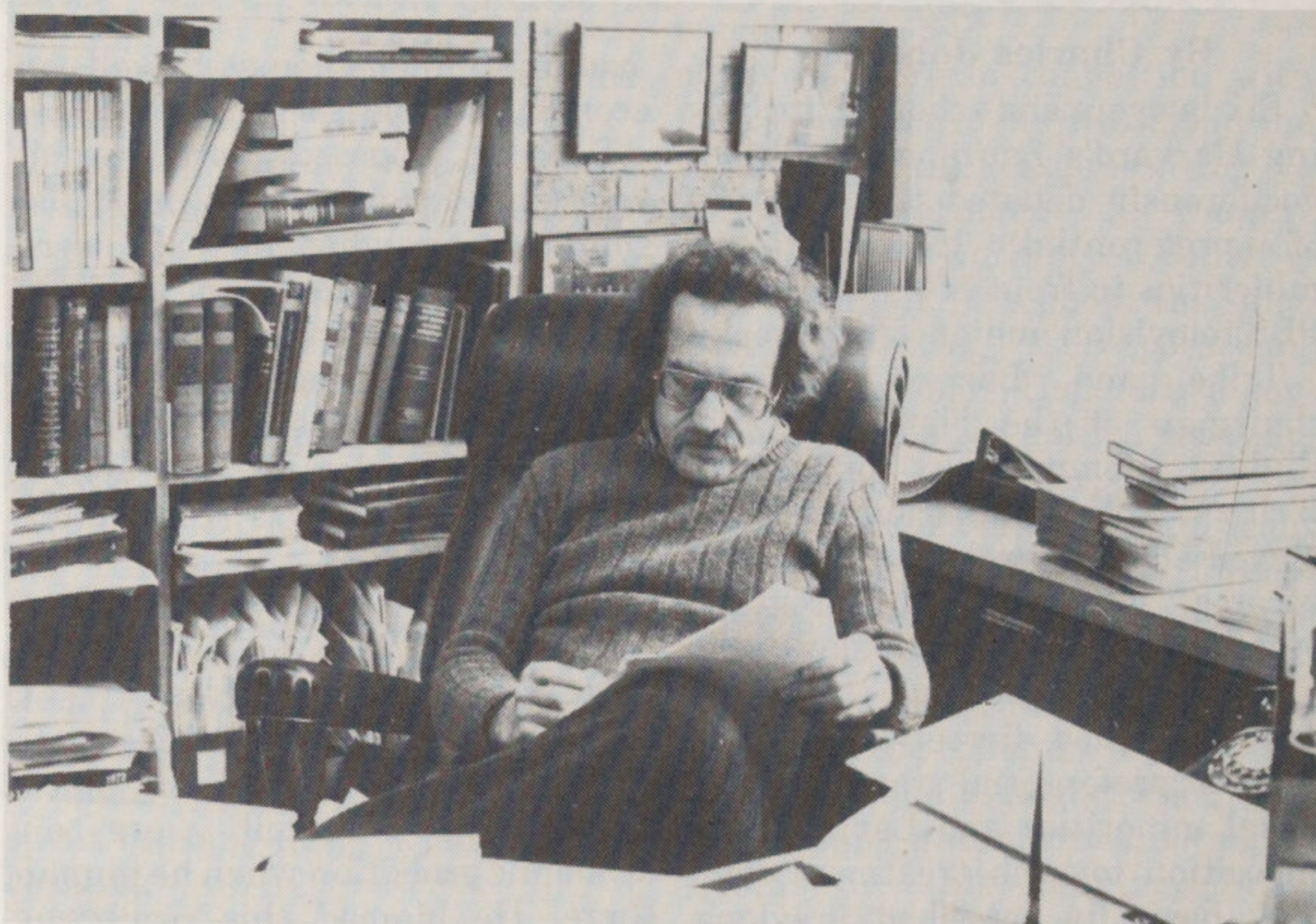
Dershowitz Defends Soviet Dissident

By Howard Zaharoff

What relationship could there be between a Harvard Law professor and an imprisoned Jewish dissident in the Soviet Union?

Anatoly Shcharansky is a 29-year-old chess master and computer expert, who in 1972 applied to emigrate from the USSR. In 1974 his new wife was permitted to leave for Israel; he was not. For the next three years he served as an informal interpreter for American dignitaries meeting with Soviet dissidents. Finally, on March 15, 1977, he was arrested. Though there have been no formal charges, there have been accusations of treason and espionage on behalf of the United States. Shcharansky has been held incommunicado since his arrest, and no one can be certain he is still alive.

Prof. Alan M. Dershowitz is a 39-year-old professor at the Harvard Law School, who was born in Brooklyn in 1938 and came to teach at Harvard in 1964. He is Anatoly Shcharansky's lawyer in the United States, one of a handful of lawyers around the world retained by the Shcharansky family.



Prof. Alan M. Dershowitz hopes to attend the trial of Anatoly Shcharansky.

SS

"I could be there (in Russia) now. I'd like to think that, if I was, there'd be someone here trying to get me out."

Shortly after Shcharansky's arrest, Dershowitz spoke to presidential advisors Robert Lipshutz and Stuart E. Eizenstat, '67, and he can claim some credit for Carter's stand on behalf of Shcharansky. He also acted as Shcharansky's attorney during the Proceedings of the Ad Hoc Commission on Justice for Anatoly Shcharansky, held in Washington, D.C. this past October. Participants included Idaho Sen. Frank Church ('47-'48), black leader Bayard Rustin, and Shcharansky's wife Natalia.

Ongoing Interest

Dershowitz's interest in the problems of Soviet dissidents did not

begin with Shcharansky, but started five years ago when the Jewish Defense League asked for his help. One of its members was accused of murder, following the bombing of impresario Sol Hurok's offices. Hurok had long been a target of JDL protests for bringing Soviet artists to the U.S. at a time

when the Soviet government was persecuting its Jewish minority.

The JDL couldn't find anyone to take the case. Dershowitz accepted, even though he deplored the violent tactics used by the JDL to help Soviet Jewry.

"They said their method was the only way," says Dershowitz, "but I believed there were others." So for the past five years he has been working actively within the legal system to aid Soviet dissidents.

Dershowitz has another explanation for his interest in Soviet "refusedniks" (those denied permission to emigrate). His family comes from Russia, and as he explains, "I could be there now. I'd like to think

that, if I was, there'd be someone here trying to get me out."

Trial Worries

Whether he and the myriad others who are concerned will ultimately be able to get Shcharansky out is a difficult question. Much depends on whether the Soviet Union brings him to trial — it has already postponed the formal indictment — and what charges it brings against him. Originally it seemed he might be prosecuted as a CIA spy, a charge Dershowitz believes is nonsense.

"For two years he was under 24 hour-a-day surveillance," says Dershowitz. "His phone was tapped, his room was bugged. The CIA would never have contacted him."

Furthermore, in his June 13, 1977, press conference, Carter staunchly denied any relation between Shcharansky and the CIA. Because pressing the espionage charge would be a direct attack on the credibility of the U.S. president, Dershowitz doubts the Soviets will pursue this accusation.

But Shcharansky can still be charged with treason, a capital offense, or with other crimes. If he is, he faces the serious problem of

(Continued on Page 16)

Tribe, Panel Debate Bakke Issues on PBS

By Charles Johnson

Six lawyers and scholars, including Harvard's Laurence H. Tribe, vociferously debated the question of preferential treatment to minorities in front of a nationwide PBS television audience last week.

Tribe and Larry Lavinsky, chairman of the National Civil Rights Commission of B'nai B'rith's Anti-Defamation League, played adversarial roles on "The Advocates," a public affairs program broadcast live last Thursday from Faneuil Hall in Boston.

Both argued fiercely, Tribe in favor of preferential treatment for racial minorities and Lavinsky in opposition to such treatment, but they basically rehashed previous debates on the case of Allan Bakke, a white man who contends he was denied admission to medical school at the University of California at Davis because of his race.

Bakke sued the Regents of the University of California, and his case is now awaiting decision before the U.S. Supreme Court. The Court heard arguments on the case last October, and a decision is expected this spring.

Color Blind Nation

Tribe, professor of constitutional law, spoke in favor of the preferential treatment of minorities in hiring and admissions as a means of alleviating racial inequalities.

"I believe that all of us want to reach a color-blind society, but we can't shut our eyes to the ugly reality," he said.

On the other hand, Lavinsky opposed preferential treatment for minorities, saying that it was racially discriminatory and calling instead for preferential treatment for all disadvantaged people.

Lavinsky and Tribe performed as advocates on the hour-long program, and their roles consisted of examining and cross-examining four witnesses on the issue.

The adversarial context gave rise to heated discussion, and the panelists' tempers often flared, especially during Tribe's cross-

examination of Thomas Sowell, an economics professor at UCLA.

Sowell opposed preferential treatment for minorities in admissions, citing what he said were enormous differences in age and makeup of minority groups. For example, he said Puerto Ricans and Mexican-Americans have an average age of under 20 and added, "The distribution is completely skewed."

Disaster Spelled

He said preferential treatment spells disaster for minorities, noting that 50 per cent of the black students at Cornell were on academic probation when he taught there. He blamed this result on minority quotas in admissions.

Tribe, however, took him to task, asking Sowell, who is black, if he wanted more black doctors and lawyers. Without preferential treatment the number of blacks in law schools would decrease by 50

bered several hundred and consisted largely of students.

Lavinsky also debated excitedly with a witness who favored preferential treatment, Nathaniel R. Jones, general counsel for the NAACP.

Jones' pointed remarks earned him the loudest ovation of the evening after Lavinsky's questioning apparently angered him.

"The simple fact of constitutional law is that a state may move with greater flexibility in correcting constitutional impediments than a court may do," said Jones. The University of California at Davis had a duty to remedy the violation of constitutional rights and admit more minority students, he added.

Countering Segregation

Like the others who favored preferential treatment for minorities, Jones eschewed the use of the term "quotas," instead em-

"I believe that all of us want to reach a color-blind society, but we can't shut our eyes to the ugly reality."

—Laurence Tribe

per cent, Tribe added.

"You can't make someone a lawyer by calling him a lawyer," shouted Sowell.

Instead, he called for giving people meaningful skills, not names and titles. He approved of special programs for minority students at less advanced levels, but not in college admissions.

Tribe then pointed out that standardized tests such as the LSATs and the MCATs were slanted to favor white, middle-class males and asked if special admissions programs could compensate for the tests' bias.

"I would say that life is stacked against them, as well as the tests," Sowell said.

Boos and Hisses

His remarks drew boos and hisses from the audience which num-

phasizing the need to give minorities a chance to overcome the harm of years of segregation.

"If we followed the advice of Mr. Van Alstyne, this country would still have slavery," he said.

William Van Alstyne, professor of constitutional law at Duke, emphasized that preferential treatment for racial minorities discriminated against lower-class whites.

"The people who are displaced are the Allan Bakkes, the sons of postal workers," he said, adding that he considers such preferential treatment programs unconstitutional under the equal protection clause of the Fourteenth Amendment.

Van Alstyne, who has taught at nine law schools, bantered with Tribe during cross-examination,

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Major Firms Counsel Foreigners

(Continued from Page 1)
foreign clients. Others have established branch offices abroad. Some firms have grown up specializing in international practice.

Who's Registered?

Of the nearly 50 law firms registered in 1976 under the Registration Act, most are based in Washington, D.C. The fact is hardly surprising, given that the Act was intended to make public lobbying and other political activities of entities representing foreign clients.

Among the Washington firms registered and their foreign clients are: Arent, Fox, Kintner, Plotkin & Kahn, for a Saskatchewan potash company; Arnold & Porter, for several Swiss clients; Beveridge, Fair-

of Johannesburg, South Africa, and several Algerian clients.

The nature of foreign client representation differs little from representing domestic clients. There are some practical differences, such as language barriers and extended travel. Much of the practice involves explaining U.S. law to foreign clients.

Francis H. Musselman, managing partner of Milbank, Tweed, Hadley & McCloy, the law firm with the most foreign clients registered, noted that over 75 percent of the time spent on foreign clients involves counseling, with the rest spent in some form of judicial proceeding.

"We have less litigation for foreign clients than for domestic clients," said Musselman, pointing

ment of Zaire in connection with Zaire's extensive borrowings in the United States. Representing a foreign government is roughly equivalent to working on behalf of a corporation. "It's about the same as representing a corporation," Musselman said. "Hopefully a government is better able to repay its obligations than a corporation."

But there is one very significant difference in representing foreign clients: representing a foreign principal may entail public disclosure that would never take place for domestic clients. Under the Foreign Agents Registration Act, all persons and entities acting as agents in this country for a foreign-based entity, such as a foreign government or corporation, must register with the Department of Justice.

In 1976, nearly 50 major law firms registered with the Justice Department as agents for foreign principals.

banks & Diamond, for the Republic of Greece; Cleary, Gottlieb, Steen & Hamilton, for a Sydney, Australia firm; Clifford, Warnke, Glass, McIlwain & Finney, for the government of Algeria; Connole & O'Connor, for the Kingdom of Jordan; Covington & Burling, for the Republic of Guinea (since terminated); Daniels, Houlihan & Palmetter, for seven foreign clients, including the Japanese embassy and the Brazilian government; Hogan & Hartson, for the Saudi Arabian government; LeBoeuf, Lamb, Leiby & MacRae, for the Atomic Energy Organization of Iran; and Patton, Boggs & Blow, for Korea Marine Industrial Development Corporation.

Most of the registered law firms not from Washington are New York firms, including: Casey, Lane & Mittendorf, representing the South African Sugar Association; Milbank, Tweed, Hadley & McCloy, for 15 foreign entities, including the governments of Iceland, Mexico and Zaire; and Shearman & Sterling, for ASA Ltd.

out that foreign clients tend to be more cautious than their domestic counterparts.

Musselman cited the work Milbank, Tweed did for the govern-

Confidentiality at Issue

The information required by the Registration Act might amount to a breach of client confidentiality if disclosed about a domestic client. The registration must state the client's name, the activities performed and the compensation paid

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Act Compels Release of U.S. Firm Practice

(Continued from Page 5)

to the law firm for fees and expenses.

At least one law firm, Covington & Burling, has litigated the issue of lawyer-client confidentiality and challenged the legal right of the Justice Department to inspect its files. The case arose in 1975 when the Justice Department sued Covington, under the Registration Act, in Washington, D.C., U.S. District Court to gain custody of its entire file in connection with the firm's client, the government of Guinea.

U.S. District Judge John J. Sirica took the Covington file for inspection *in camera* and later upheld the firm's right to confidentiality for those matters in which

"We've avoided registration because we really don't want to lobby."

Covington acted as attorney, but not those matters for which it was a legitimate consultant.

Several law firms, when contacted for this article, were reluctant to comment for fear of breaching client confidentiality. They stressed that they complied with the Registration Act. But what activities necessitate registration under the Act is not clear.

Non-Lobbying Exempt

The Act exempts lawyers from reporting their representation of foreign clients if engaged "in the legal representation of a disclosed foreign principal before any court of law or any agency of the government of the United States." Yet this exemption is subject to the proviso that, "legal representation does not include attempts to influence or persuade agency personnel

Representing a foreign client may entail public disclosure that would never take place for domestic clients.

or officials other than in the course of established agency proceedings, whether formal or informal."

Thus, any lobbying or other policy-influencing activities call for registration. However, certain grey areas exist in which law firms may or may not be engaging in such activities.

Donald E. DeKieffer, partner at Collier, Shannon, Rill, Edwards & Scott, the Washington law firm that lobbies for South Africa, cited a case in which a legal representation before a government agency might become an activity that requires registration. For example, a firm which represented a foreign client before the International Trade Commission might not have to register. But if the client appealed to the president or the Congress after an adverse determination, the activity would have to be registered.

"At that point the representation takes on a political nature and loses its legal nature," DeKieffer said. He stressed that when in doubt he registers under the Act.

Burden on Firms

The Justice Department generally places the burden of complying

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"At that point the representation takes on a political nature and loses its legal nature."

Crichton's Forum

(Continued from Page 1)

it. I slammed my hand down on a desk and said, 'I hate Steve Lawrence. He makes me want to puke.' 'Oh,' they said, 'we didn't know you felt that way. . . ' You can't just say 'No, thank you' to those people.

"I mean, it's *fabulous* out there — do you know that Columbia is being run by a confessed embezzler?"

Trivial Questions

Crichton seemed to regard the Law School audience as almost as alien a species as the West Coast Beautiful People, and for good reason. How does one seriously answer questions like why the book was set in the winter but the movie relocated to a summer season?

(Crichton pauses disbelievingly.) "We would have *loved* shooting the movie in the winter" — I'll bet — "but it happened to be summer when we were ready to begin. David Lean can wait until the season suits him, but I don't have his clout."

Coma Top-Notch

If Crichton seemed unremittently flippant about everything else, he takes his work very seriously, and it shows. By talking faster than the eye can follow, Forum President Linda Gray Fee, 3L, convinced Crichton to show *Coma*, which had not yet been viewed even by critics, to the Law School audience. The film is a top-notch thriller, with the suspense of a good detective story coupled with the novelty of the villains' methods and goals. The hospital setting of the movie provides ample material for the brilliant visuals which raise this movie above a simple whodunit — or, more accurately, who done what, and how, and why.

Several scenes deserve particular mention. In one gruesome sequence, a killer chases Genevieve Bujold into the Anatomy Lab, the room where medical students dis-

(Continued on Next Page)

Crichton Hypes *Coma* at Forum

(Continued from Page 6)

sect cadavers. The killer must peer under each sheet at bodies in various stages of disassembly in his attempt to locate the hiding Bujold. The revolted expression on his face mirrors that of the audience, which is spared, but imagines, the sight. The bloodless denouement, which occurs in a cadaver cold-storage, is one of the most macabre in recent film history.

Human Marionettes

Another visually striking scene takes place in an experimental institution which has developed an efficient and economical method of sustaining irreparably comatose patients. The patients are connected to complete support systems and monitored by computer. The patients are hung horizontally by wires dropped from the ceiling and attached to their ankles, wrists, torsos, and heads to eliminate bedsores.

This scene required a certain amount of re-shooting, for both moral and technical reasons. For example, in deference to the movie's PG rating, the patients' genitals are chastely covered. However, they wear nothing else, and the camera grazes a woman's bare breast several times. Now, granted it is a breast which has suffered brain-death. The distinction is not immediately apparent — at least not to the networks, according to Crichton.

"After we shot the scene, wardrobe people ran up and down the rows putting bras on the women, and we re-shot the scene for television."

Nor was that the only problem created: "After the actors were in place, someone had to go along the aisles and steady them all; they would be swinging wildly. Without fail, just as we got ready to start filming, someone would reach up to scratch his nose, and start swinging all over again."

Elements of Success

Dr. Cook, the author of *Coma*, was asked by an ambitious student what the single most important part of a successful book is. Cook, who candidly admits having isolated the ingredients of a best-seller by studying successful novels of the past ten years, had clearly done his research carefully: "Sales."

Judged by that criterion, Crichton is highly successful as both novelist and director. He also seems satisfied with himself, apparently one of those fortunate people who like what they do for a living. When a student asked how he handles the pressures of not practicing medicine, he replied:

"Have you been talking to my mother? She's the only pressure I have to cope with."

A Message to Harvard Law Students

About Nominations for the Coop Board of Directors

If you, as a Coop member and a degree candidate, are interested in serving as a student director of the Harvard Cooperative Society for the next academic year, you should submit your name for consideration by the Nominating Committee of the Stockholders of the Harvard Cooperative Society by Friday, Feb. 17, 1978.

Names should be presented at the General Manager's Office as soon as possible.

**the
Coop**
HARVARD SQUARE

Fear and Loathing at Ames Time

—by Tammy Jacobs

We held out for as long as we could. But it was a losing battle, and this last attack seems to have beaten even the most determined.

We were different. Determined not to take this business too seriously, we spent the first semester of our first year trying to disprove all the horrible myths about law school. We succeeded, for the most part. While others pored over Prosser, we partied. Nobody ever declined the invitation to come out for a beer on a weekday.

Oh, we did our homework, but as unobtrusively as possible — none of us ever admitted spending any actual time reading cases. And we did take an occasional afternoon to work on a Legal Methods project, which probably came closest of all to crippling our defenses against what was to come.

But the Legal Methods papers got done, we managed to stagger into morning classes somehow, and it all more or less came together during the long days and nights before finals. Most of us even felt confident enough after exams to pay our second term bills.

"Hell," we said. "This isn't so bad. We partied all last term and managed to make it — we can keep on doing the same."

But the Forces of Evil gathered for the kill, the shadows loomed larger as January slipped by, and suddenly, the innocence was gone.

The Ultimate Weapon, of course, was the cold reality of, as one erstwhile party-goer put it, "having to spend the entire weekend Amesing."

A few tried to hold out. "It's not graded," they'd remind their partners. "I'm just in it to learn what there is to be learned, and not to let you down too badly." But a day later, they'd find each other in the stacks, trying to trace the Mystery Words in the West Digest system.

Admittedly, there have been some heroic efforts, most notably

on the part of the only Scots-Irish team doing the Jewish Law Students alternative. The team is on the Jewish side of the Jews v. Nazis question, and, on the recent snow-bound weekend, one member persuaded the other, with the slick talking that is his forte, that the library was closed — or, in the alternative, should be closed — due to snow. They spent the afternoon, along with half a dozen other alleged future leaders of the American Bar, playing snow football.

*A few tried to hold out
... but a day later they'd
find each other in the
stacks trying to trace the
Mystery Words in the
West Digest.*

But the Illinois court came down on the side of the Nazis, and the usual smiles on the faces of the intrepid duo have faded. "We'll have to punt," groaned one. "Means more work. Lots more work." "Yeah,"

agreed the other, who had been spotted in the library, frowning over what looked like a Constitutional Law casebook (and he's not taking Constitutional Law this term).

Another member, only months ago known for leading the singing of certain Jerry Jeff Walker songs at midnight in the Square, came up to a group of normal-looking colleagues and asked for information on sulphur dioxide emissions. What was worse, he got an answer, a highly-technical quickie treatise having something to do with "scrubbers" and sulphuric acid gop. Apparently the Indians don't like the gop.

Some have a system — classes in the morning and early afternoon, then Ames 'til the library closes, then preparation for the next morning's classes. Leaves out eating and sleeping and reading the paper, but, after all, it's only until March.

Others cheer themselves by gloating over their friends who are doing alternatives. "Masochists," they say, with an attempt at a devil-may-care grin — an attempt

(Continued on Page 13)



"Some have a system—classes in the morning and early afternoon, then Ames 'til the library closes."

Jessup Judges Jessup; Indepesh Wins

By Howard Zaharoff

It was a hard fought battle, but in the end the Republic of Indepesh emerged victorious over the Federal Union of Balistan . . . right on the Law School campus, no less.

The battle was the 1977-78 Harvard Finals of the Philip C. Jessup International Law Moot Court Competition, held Jan. 26 in the Ames Courtroom. The three judges for the event, constituting an ad hoc International Court of Justice, were: Richard R. Baxter, Professor of International Law; Herbert Hansell, Legal Advisor to the State Department; and Philip C. Jessup himself, former professor of international law at Columbia, former U.S. representative to the UN Security Council and General Assembly, and former member of the *real* International Court of Justice at The Hague.

The four finalists had advanced through three gruelling preliminary rounds. Representing the mythical Republic of Indepesh were Dolly Lo and David Gruenstein. Defending the equally mythical land of Balistan were Ralph Steinhardt and Milton Spaulding.

Unlike other first-year moot court competitions, the Jessup Competition has a regional, national, and even an international component. The Regionals, spon-



Agents of respondent Balistan, Ralph Steinhardt and Milton Spaulding.

sored by The New England School of Law, will be held in Boston on March 3 and 4.

Lo and Steinhardt were the first and second speakers, respectively. They and three other 1L's, Jeffrey Blum, David Gruenstein, and Joel Trachtman will represent Harvard in the Regional tournament.

Last year's Harvard Jessup team went 4-0 at the Regionals, but they lost in points and did not advance to the nationals.

This year's topic involved the protection of human rights in armed conflicts. Applicant Indepesh is a small agricultural nation

which joined the Federal Union of Balistan after World War II. Respondent Balistan is an industrialized country with minimal respect for human rights. The legal case involves the treatment each side accorded the other's civilians and combatants during Indepesh's war of independence.

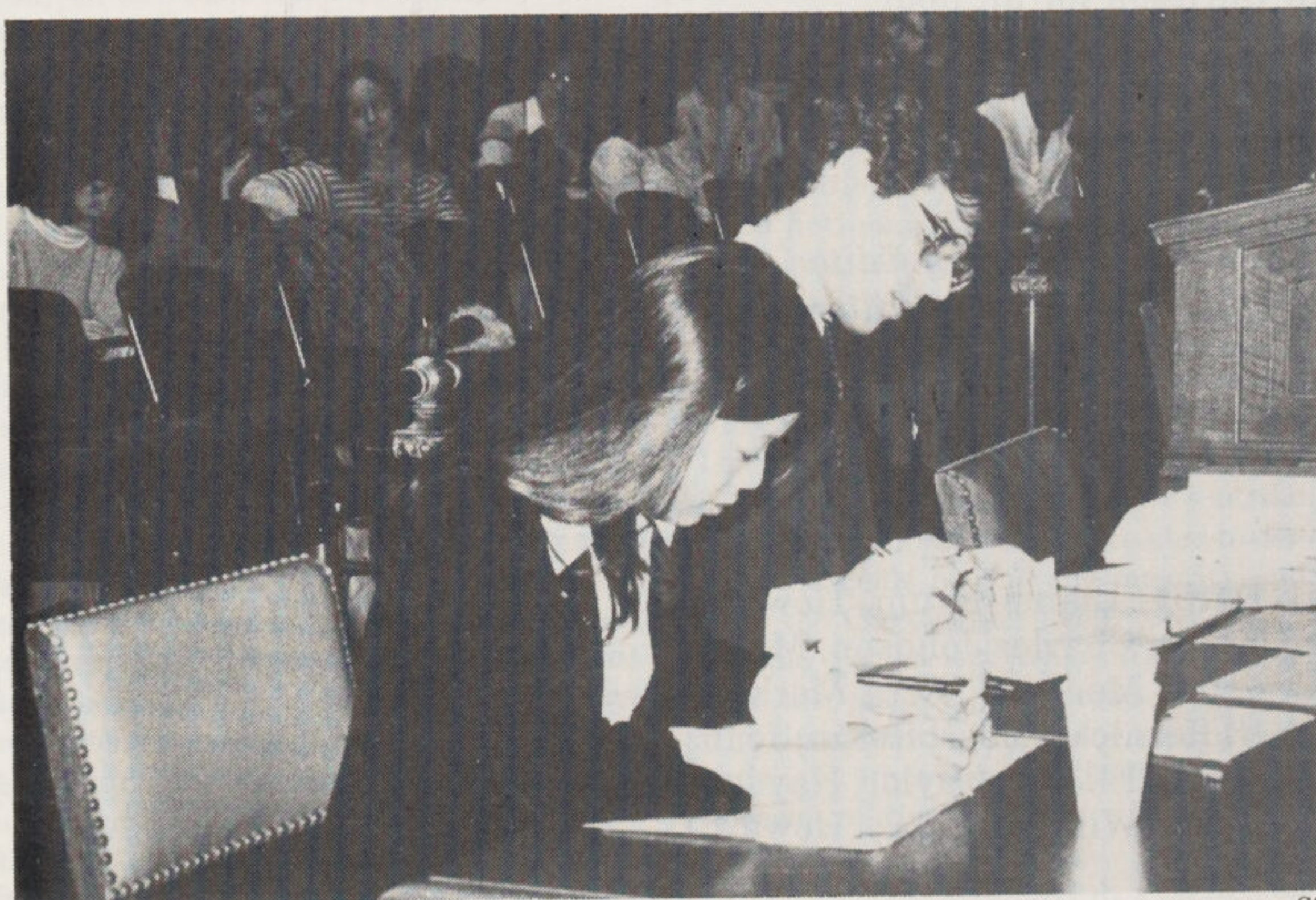
Law Notes

The Joseph Hill Associates, an organization aimed at giving students an opportunity to work for and with government on state and local levels, has announced two openings in its spring clinical project program.

The first project entails work for Boston City Council Member Tierney, involving both research and preparation for litigation. Tierney has requested an indefinite number of students to assist his office on a range of projects.

The second position involves aiding JHA in preparing a report for the Massachusetts State Legislature's commission to reform the automobile excise tax. The report will summarize previous attempts at reform and present deficiencies, and will make recommendations concerning the new bill. Participants will be involved in field research and will deal with commissioners, legislators and staffs.

Students involved in the spring clinical projects are expected to give 4 to 10 hours per week as necessary. Interviews for these slots can be arranged on Tuesday, Wednesday and Thursday afternoons from 1 to 4 at the JHA office, Langdell 194.



Agents of applicant Indepesh, Dolly Lo and David Gruenstein.

Groundhogs — 1; Lawyers — 0

Every so often the New York *Times* runs a nature editorial, coming out in favor of spring, fall, birds, bees, or some equally controversial subject. Most of the time this drivel is so inane that even the Sierra Club wouldn't print it on the back of one of its calendars. If the *Times* occasionally deviates from its run-of-the-mill editorials, so can the RECORD.

Groundhog Day springs readily to our minds as a subject of biting relevance. No other rodent has a day of its very own (with the debatable exception of the Easter Bunny). Why the groundhog deserves such good fortune is mildly fascinating, albeit almost unanswerable.

Be that as it may, the Groundhog and the legend of his/her day are an integral part of American culture. Never does a February 2 go by without hundreds of newspapers splashing across their front pages pictures of George the Groundhog grinning toothily at his shadow.

We realize that our perspective of what is significant differs somewhat from that of the broader society. Yet, from our narrow view, it does seem unfortunate that nearly every American knows of and celebrates Groundhog Day, while only a comparative handful are aware of Law Day (to say nothing of how many celebrate it). The bad publicity which lawyers have received in the wake of Watergate is not the reason — Law Day ranked somewhere below National Morticians Week even before "criminal lawyer" became a redundancy.

Possibly the problem is nothing more than an unimaginative publicity agent. For starters, Law Day could adopt a legend. As an example, we might spread the word that if a *Harvard Law Review* editor crawls out of the Langdell library stack on Law Day and sees his shadow, the Supreme Court will bring back economic substantive due process in the next three months.

A Height Report

The RECORD notes with certain apprehension the fact that the last two speakers of the Harvard Law Forum, John Kenneth Galbraith and Michael Crichton, stand 6'7" and 6'9" respectively.

The RECORD has nothing against tall people. Some of the most significant achievements in American history (the slam dunk, for example) have been made by tall people. Nevertheless, if the Forum continues to insist on increasingly taller speakers, we fear they will soon run out of available attractions.

Besides, who wants to listen to Tom Burleson for an hour?

HARVARD LAW RECORD

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Fenno

It appeared to be just another February afternoon at the Law School. Sequestered in their offices, professors, under tremendous time pressure from the Administration, were busily making out first semester grades. Later, when there was time, perhaps the exams themselves could be read.

In contrast to this cavalier, devil-may-care attitude among the faculty, the library was a hive of activity and thought. Hundreds of students filled all the available chairs, and others hung from the half-empty bookshelves. They were writing moot court briefs, and did not seem pleased.

"What does it remind you of, Fenno?" asked a 3L. "It reminds me of rush hour on the red line."

"There's a similarity, to be sure," Fenno responded, "but look closely at those faces. See that mixture of resignation and anguish? That hopeless sense of impending and enduring boredom? In short, except for the large number of open books, this could be Langdell South just before the start of Surrey's tax class."

"Let's look around," the 3L said.

"Check," Fenno replied as he began to walk. "If you stand around too long in the library this time of year someone will likely try to Shepardize you."

"That almost happened to me in a bus once," the 3L recalled.

Soon the two came upon a table on which books were stacked, not for quick reference, but in simulation of a fortress. A short flagpole had been erected on the table from which a flag bearing the legend, "Ames Semifinalists" hung limply. On top of the table a woman was looking through a pair of field glasses at her team's opponents and was jotting down notes.

"Heavy troop concentration around the Federal Supplement, huh?" Fenno enquired.

Concealing her notes quickly, the woman spun around and met Fenno's best cool stare.

"Identify yourself!" she demanded.

Unable to comply, Fenno moved on.

"Look," said the 3L, pointing at a display case, "I haven't seen *this* one before."

Fenno slammed his fist on the glass and the 1L's who were sitting on top of the case went skittering off. Inside the case, large letters proudly declared, "1968-1978: A Decade of Great Multiliths".

Fenno's eyes misted over as he surveyed the scene and recalled many fond moments that the rambling, disorganized, expensive, and inconvenient early multiliths had caused. He wiped his eyes and looked again at the swarming masses before him in the library with a new sense of perspective.

"Maybe I've been wrong . . ." The sentence trailed off. "No way," Fenno concluded at last, and walked out.

Letters to the Editor of the RECORD

Court Accountability

To the Editor:

Larry Zelenak's review of *Government by Judiciary* by Raoul Berger was read by me with great interest because of my acquaintance with a similar work.

Some years ago, Louis B. Boudin, an uncle of Leonard Boudin who has lectured at the Law School, wrote a two volume work also named *Government by Judiciary* published in the 1930's.

Louis B. Boudin's work was written at a time when the Supreme Court was destroying some of the social advances of the New Deal. Boudin raised a larger, more fundamental issue which Mr. Zelenak ignores perhaps because it is not mentioned in the Berger book.

Zelenak questions "whether the steps taken toward social justice are not worth the cost to society of the debasement of the Constitution." He seems to feel that the ends (social justice) justify the means.

But Boudin had a more solid basis for criticizing the Court. He felt that government should be responsible to the people; and that the Court, strict constructionists or liberal constructionists, was accountable to no one.

I wonder, was Mr. Berger aware of Louis B. Boudin's work?

M. L. Rein, '33
Gulfport, Florida

Democracy is Truth

To the Editor:

I was shocked and dismayed after reading Larry Zelenak's review of Raoul Berger's book, *Government by the Judiciary*. Mr. Zelenak implied that the truth about the framer's intentions concerning the interpretation of the 14th amendment and about possible abuses of power by the Supreme Court should be repressed. The justification of such repression is that the revelation of the truth might have undesirable consequences. The undesirable consequences which Mr. Zelenak fears include those political developments which might weaken the Supreme Court and cast aspersion upon its past and future decisions.

Mr. Zelenak's attitude with regard to informing the public of the truth is similar to that taken by the CIA. Whenever someone decides to reveal what many Americans consider to be CIA abuses, the CIA tries to put a lid on the information. The CIA, along with its most ardent supporters, believes that all of the actions it undertakes are necessary and that it must maintain its strength and freedom of action. The CIA would like to be able to censure any revelations which might lead to political responses

resulting in a reduction in the CIA's freedom and power.

Mr. Zelenak's and the CIA's arguments originate at different positions on the political spectrum. Both are equally dangerous. Both advocate withholding information from the populace.

Information is essential if democracy is not to be a sham. Repressing the truth so that people act upon fallacious beliefs lends itself to totalitarianism. Such repression leads to a state in which the people's actions, including their electoral activities, are manipulated by those who control the flow of information. The populace can only act upon the information provided by those in possession of knowledge. To ask for the selective provision of information is to undermine democracy.

Mr. Zelenak's disapproval of what he sees to be the potential consequences of *Government by the Judiciary* upon the Supreme Court and its decisions is not a legitimate basis for criticizing the book. The truth value of what is being said, not a partisan evaluation of possible political consequences of the revelation of the truth, provides a measure of its societal value. Democracy thrives on truth, not on elitist paternalism.

Neil Lubarsky, 1L
Cambridge, Mass.

Justice without Law

To the Editor:

Mr. Zelenak's review of Prof. Berger's *Government by Judiciary* thoughtfully raises issues that many would rather see ignored or suppressed.

However, to accuse Prof. Berger of begging the question because Prof. Berger rejects the thesis that the end of social justice justified an unconstitutional means is even a more basic begging of the question.

Mr. Zelenak seems to seriously entertain the proposition that to achieve a "just society" an anti-majoritarian "warping" of the Constitution is perhaps worth the price. He also implies that the duty of a legal scholar may be less to the truth than to suppressing the truth if that truth conflicts with the social goals of the "just society."

Left unstated are the ultimate goals of this "just society" and the identity of the self-anointed *illuminati* who are able to discern these goals beyond the majority and beyond the Constitution itself.

Is it the "just society" where trains run on time or the "just society" where school buses run on time? Or where only one kind of book is shunned rather than another? In the end it may not matter once justice by intuition replaces justice under law.

Michael J. Polelle, '63
Chicago, Illinois

Extraordinary Dentist

To the Editor:

One of the more difficult aspects of practicing law in the Pacific Northwest is the inability to spend more than five minutes with a law book, preferring instead to look out the window at Mt. Rainier. Cal LePygian must have been doing more mountain gazing than reading when he consulted 83 ALR 2d 7 for the "Dentist, patient grabbing hold of testicles of" annotation referred to in his letter to the RECORD published December 2, 1977.

Had he looked closely, he would have found, in note 6 on pages 54-55 under New York, the case of *Wolfe v. Feldman* (1936), 158 Misc. 656, 286 NYS 118. The same case is footnoted in Prosser (p. 215, n. 94) as "the extraordinary case of the unfortunate dentist."

The facts, as recited by Justice Wendel, are as follows:

... Anesthetic gas was administered and when plaintiff regained consciousness she felt pain in the little finger of her right hand. She telephoned the defendant about it later that day and went to see him the following morning. At that time defendant identified her as the woman "who yesterday went under gas and caught hold of my leg and I had to use all my strength to get the hand off."*** Defendant's story is that plaintiff was strapped to the operating chair; that a short time later, after plaintiff was in the excitement stage of nitrous oxide anesthesia and as he moved closer to the chair to adjust the suction aspirator, plaintiff... clutched his testicle with a painful grip, which required the use of great force to release. ... The following day an x-ray of the finger showed ... a fracture.

Despite several ambiguities (what is the role of the mysterious "suction aspirator", why was the dentist moving closer to the chair to adjust it and how could the dentist have confused his leg with his testicles (unless this case should be referred to as the "unfortunate case of the extraordinary dentist") the plaintiff emerged victorious.

Ivan Orton, '77
Seattle, Washington

P.S. The case is also cross-referenced in ALR under the heading "Subpoena".

TGIF: Friday, Feb. 3 from 4-6 p.m.
in the Hark.

"PAPER CHASE"

Friday Feb. 3 and Saturday, Feb. 4
at 8:00 p.m. and 10:00 p.m. in the
Harkness Commons Dining Hall.
Admission: \$1.00 or \$.75 with
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Letters to the Editor of the RECORD

Pardon the Pardon

To the Editor:

The legal folk-lore of the time, continually repeated, is that the pardon of former President Nixon prevented the entire story of various crimes from becoming public. I suggest that the opposite is the correct analysis. If he had been indicted and tried, he could have taken the Fifth and little would have been learned from his testimony. The pardon has eliminated the protective wall of the Fifth, with the result that he could be required to testify more freely in any proceeding where his testimony might be desired.

John S. Dole '21
New York, New York

A Poor Winner

To the Editor:

What a Milquetoast review of the Turov book, *One L*. Instead of giving old alumni the insight into the deficiencies of HLS the article was entirely devoted to everyone getting off the hook for possible lawsuits, defamation; similarity of characters to real, live professors. Courageously, the Socratic method was criticized — presumably because the gutsy author and reviewer feel the Statute of Limitations might well exonerate them for telling it like it is. Such an incident proves what most realists know — Harvard men know everything but what it's all about. A Harvard man can recite the exact number on his boat ticket and still miss the boat. Regard the Washington monstrosities concocted by HLS men in the past 35 years without whom tedious forms, bureaucracies, *et al.* would not overburden a beleaguered public. An HLS dean who wrote SEC and IRS forms — then neglected to file IRS for 4 years. The Richardsons, Coxes, Kissingers and scores of adoring HLS stooges — what a mess.

When HLS boasts of its famous trial lawyers instead of spoon-fed profs and Shangri-la jurists it will be a school of the people — not the profs. (Finished in upper half of class — went to class half the time — have litigated much of my life vs. HLS lawyers successfully as a client, so please, no "sour-grapes" accusation). It's just my supreme disgust with the hypocrisy and cover-up, I-didn't-do-it philosophy of a panty-waist school that actually believes it's close to heaven.

How many professors could make a living downtown? Sorry the book review didn't lay it on the line — perhaps the author did but was silenced by others and besides he wants to be graduated.

Anyway, happy holidays. I'm sure things at Harvard will continue and everyone will be extremely contented with himself (herself).

Burton B. Jerrel '34
Laguna Hills, California

Laying on of Hands

To the Editor:

Monsieur Cal Le Pygian of Seattle (letter, Dec. 2, 1977) may be beautiful, but at legal research he's an ass.

The bald fact is that competent inquiry into drilling encounters would reveal the case of *Wolfe v. Feldman*, 158 Misc. 656, 286 N.Y.S. 118 (1936), cited in 83 A.L.R. 2d 7, at pp. 40, 72-3, and 174-5. During the excitement stage of nitrous oxide anesthesia, the lady patient clutched the dentist's testicles with a painful grip, requiring him to use great force to release it (i.e. her grip) and resulting in her fractured finger. *Held*, for plaintiff. To the defense that he couldn't fasten the restraining straps so as to prevent some motion of the patient's wrist, the court's attitude was that hands near the face was all that was necessary and to keep the rest of the body out of danger. Clearly, felt the court, he should have been a more strapping dentist.

Charles W. Page '55
Hartford Conn.

The Last Circle

To the Editor:

Now that there has been a novel concerning the anguish of three years at Harvard Law School and another on the hellish first year. I think that the time has come for the definitive work which I plan to write soon under the title: "One Day in the Life of Ivan Dennison at the Harvard Law School."

I intend starting working on it as soon as I can line up some editorial [sic] assistance from that Russian fellow who lives in Vermont. I am of course prepared to do some research on the book by spending another day at the Harvard Law School, provided that some editor or movie producer is willing to pay my expenses between Paris and Cambridge and to give me an advance of \$100,000 for the publication rights. I would be ideal to play the title role in the movie version of the book, because I have a naturally anguished look about me. If any of your readers are interested in financing this book, I am at their disposal. Although I usually sign my letters "An anguished graduate", you can use my real name this time.

A. J. Kevorkian, '53
Paris

Compendium of Nerd

To the Editor:

I quite agree with Mr. Rohr's sentiments concerning the last April 1 issue, and particularly with his views on Herb Garnish and Scott Patterson's comic talents.
[Ed: Rohr's letter was as follows.]

Dear Folks:

Your issue of April 1, 1977, was probably the best April Fool's issue in the past nine years (the length of my association with HLS). I thank you for it. A particular favorite of mine, both in the April 1 issue and generally, is "Nerd Comix," to which I invariably turn first upon receiving the RECORD. Scott Patterson's utterly realistic protagonist, Herb Garnish, must surely be placed among the greatest characters in twentieth-century comic literature, alongside such perennial favorites as the Fabulous Furry Freak Brothers and "The Fox and the Crow." Why not take greater advantage of Mr. Patterson's talents? I think the RECORD should be transformed entirely into an expanded version of "Nerd Comix," with a much-expanded sports quiz, and with stories about school "news" placed on the inside covers (in lieu of Charles Atlas and White Cloverine Brand Salve ads), to the extent space allows. Give it some thought. Otherwise, keep up the good work!

Marc Rohr, '71
Fort Lauderdale, Fla.

[Ed: Returning to the letter above:]

May I make another suggestion? Publish the collected "Nerd Comix" first episode to last, as a sort of pamphlet. Lots of your readers (myself included) will buy them. Indeed I would suppose that almost every graduate will buy at least one for him or herself, and those who have friends will also buy them as gifts.

J. Speed Carroll, '62
London

Wrong Nerd There

To the Editor:

I think I've been receiving the wrong version of "Son of Nerd Comix" down here. Please send me the funny edition instead. Thank you.

Herb Garnish '77
Clerk of the Court of No Appeals
Eastern District of Hell

Faculty Applicant?

To the Editor:

Re the January 27 editorial opposing mandatory faculty retirement. I was wondering if I could teach a seminar on Soviet law after I finish making the yogurt commercials.

Shirali Muslimov (Age 172)
Azerbaijan, USSR

HARVARD LAW RECORD

Tribe on PBS

(Continued from Page 4)

but he was firm in advocating complete color-blindness — no preferential treatment for either whites or blacks.

Nothing is better designed to promote racism against minority children, he said, than for white children to be told they cannot receive opportunities because of their race.

Pernicious Situation

In addition, he believes preferential admissions programs in law schools damage the credibility of their black graduates. The public is advised that they are less competent students and therefore believe they are less competent graduates, he said, adding that this creates a pernicious situation which hampers the employment opportunities of white and black students.

"I think color-blindness makes sense for the future," said Joseph Rauh '35, a prominent civil rights lawyer and the first witness. "But color-blindness now means a refusal to remedy the effects of discrimination in the past."

He said programs favoring minorities should not be vindictive but a remedy to wipe out the effects of past discrimination.

(Continued on Page 15)

Law Notes

CELEBRATION 25 T-SHIRTS: Those distinctive Celebration 25 T-Shirts are now on sale again in the Celebration 25 Office (basement of Hastings Hall, north entrance) starting February 9, at 2 p.m., and weekdays, 12-2 p.m. thereafter.

The shirts are tan with a crimson emblem reading: "Celebration 25 — A Generation of Women at Harvard Law School," in commemoration of the conference of the same title to be held in April. The shirts come in regular tee and French-cut styles, in women's and men's sizes, and now sell for \$4.00 each. (They are sold above cost to support other program components.) Be sure to get yours (and your mother's, brother's, and significant other's) while the supply lasts.

Moot Court Fever Hits

(Continued from Page 8)

that falls flat, when one notes the six volumes of Supreme Court Reporter in their arms.

The problem, to coin a phrase, is the seamless web. If you take any one case, Shepardize it, then take all the cites and Shepardize *them*, you'll eventually hit every case ever recorded. This infinite expansion was present during Legal Methods, but most people ignored it. Now, it's too close to home. Of course, regular Ames has a 20-source cite limit, but that means reading at least 10 times that many sources and picking the good ones — if there are any good ones.

Of course, as Fenno once noted, the cases described in the handout aren't exactly the cases one sees. And, as one student put it, "Do I really have to spend six weeks of

my life defending this *creep*?"

Still, in a perverted sort of way, some of it can be challenging, educational, and (don't anyone hold it against me) even fun. It's hard to believe, but some of us will even develop a fondness for the exercise, to the extent of actually opting to do upper rounds next year.

For the moment, though, we're all walking zombies, muttering things like "may it please the Court" and "gotta be distinguishable, it's just GOTTA be," under our breaths. We spend our spare moments doing light reading in Corpus Juris Secundum, and we growl at people who used to be our friends.

Somehow, it's small comfort to know that we're paying Them to do *this* to Us.

SPORTS QUIZ

1. Who retrieved Hank Aaron's 715th home run ball?
2. The first college football game was decided by the weird score of 6-4. Who were the combatants in this odd premiere?
3. In today's world of inflated sports salaries, \$100,000 may be the price of a good infielder. But in the good old days, what famous foursome comprised the "\$100,000 infield"?
4. When Jack Nicklaus asks for his "spoon", providing he is not at the dinner table, what is he asking for?
5. How many players are there on a polo team?

Cryptic Law

The following excerpt from an early Holmes opinion is in "judicial code." Professor Andrews' corporate tax students should be familiar with this selection. Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

"W oeqi tg sen w lqkgnwv, nqwsquwqcsn
wsi fslywsbci, tn tg nyc gxts ea w vtptsb
nyefbyn wsi dwk pwqk bqcnwvk ts leveq wsi
lesncsn wlleqitsb ne nyc ltqlfdgnwslcg wsi
nyc ntde ts oytly tn tg fgci."

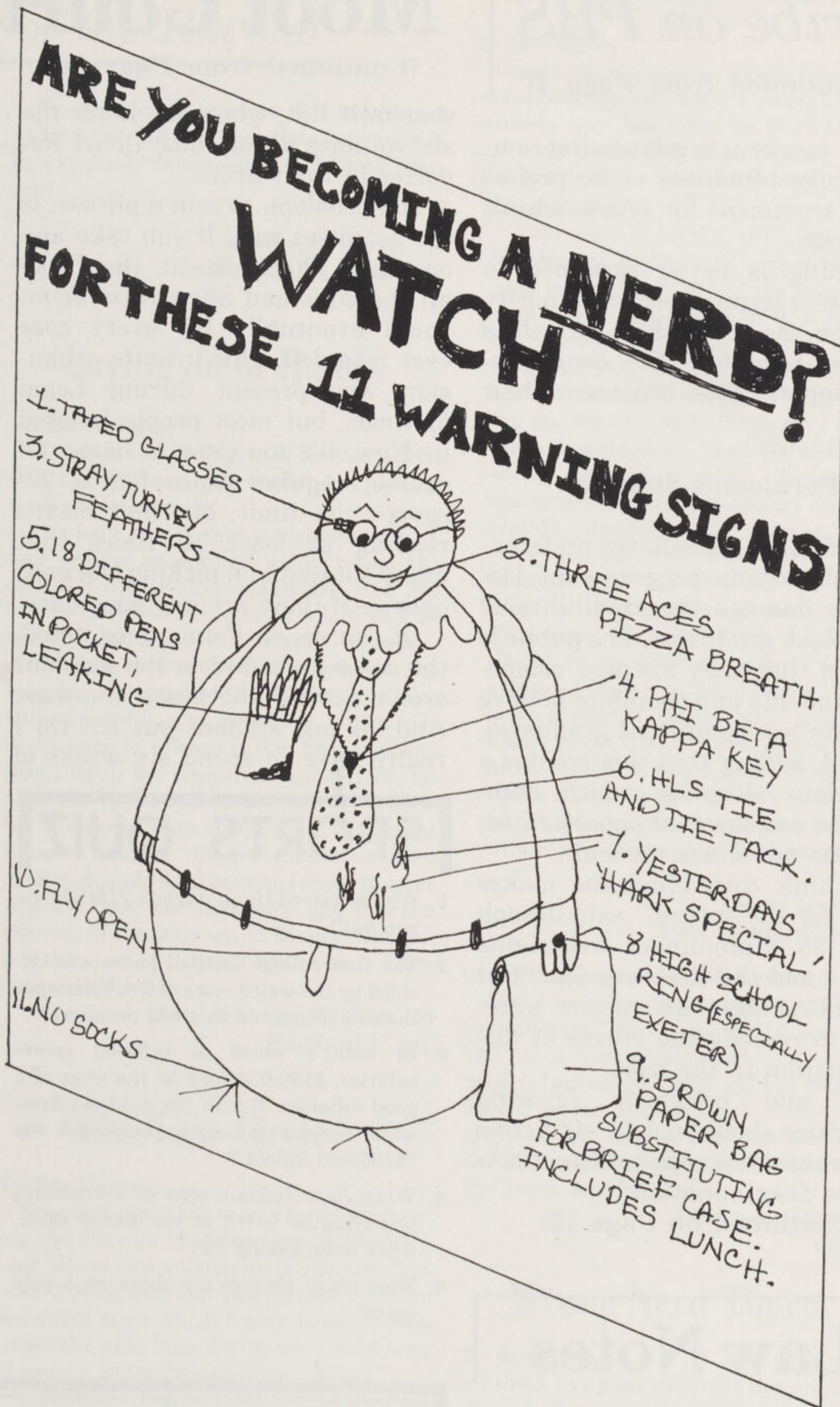
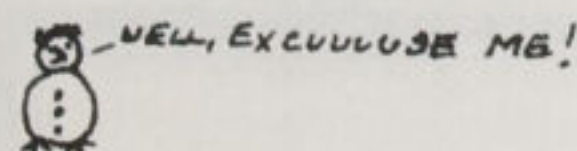
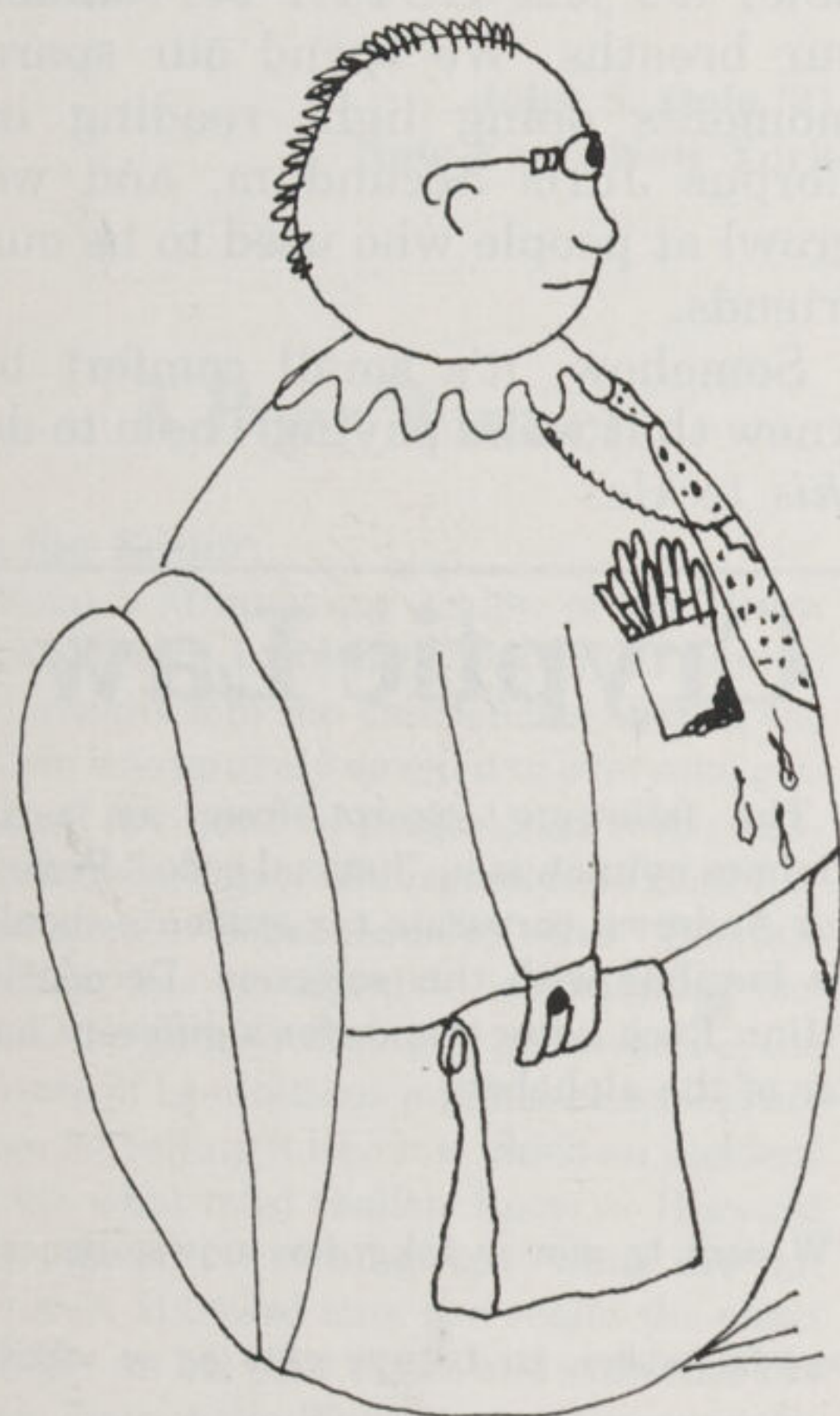
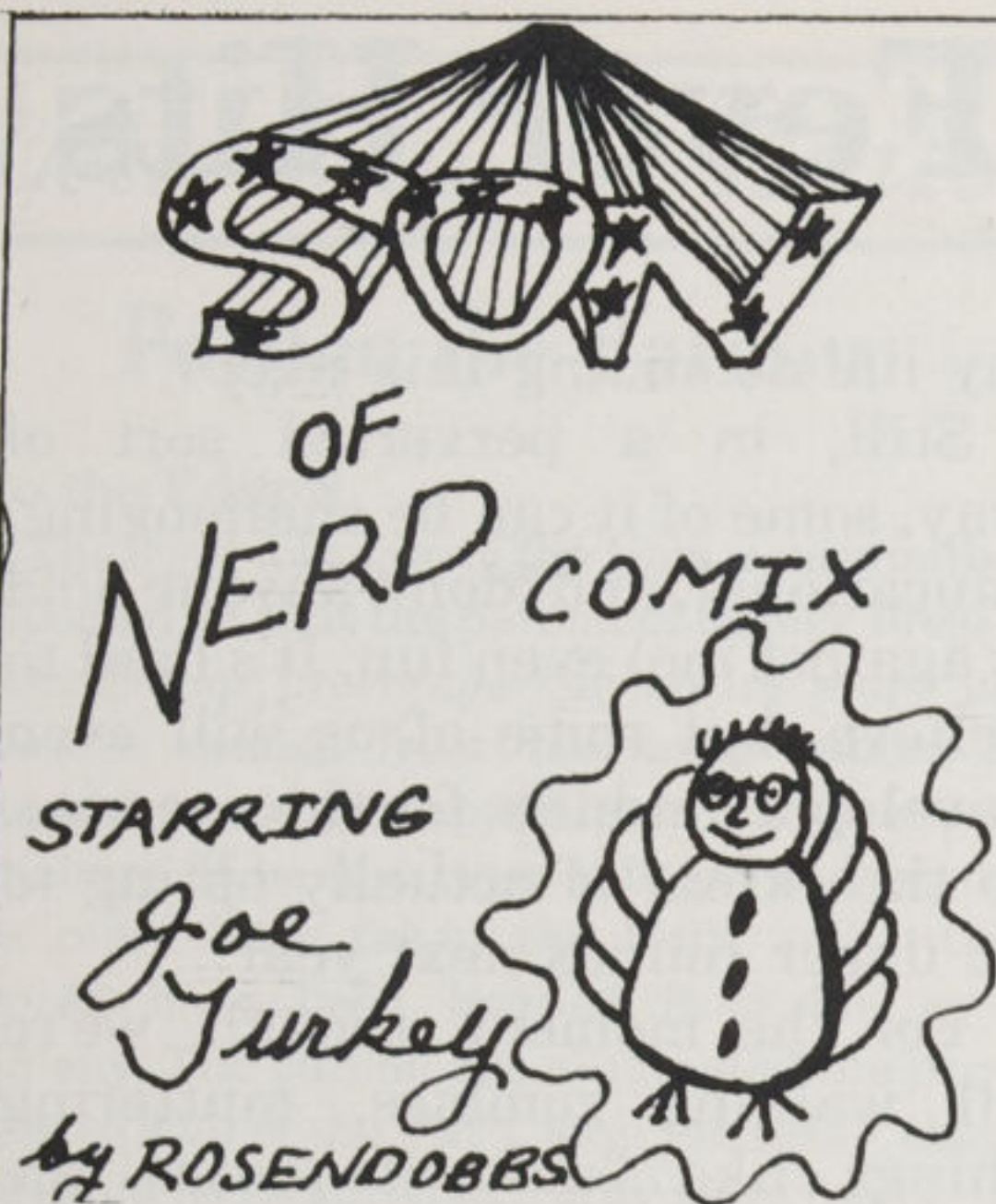
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KNOCKING ON DOORS?

The Harvard Law RECORD is seeking a new Business Manager to serve throughout the Spring Term, 1978 and next year. *Inter alia*, the position entails selling advertising space, handling accounts payable and receivable, and preparing the annual RECORD budget. Commissions vary, but overall compensation is generous. A sinecure it's not, since what you make is what you do. For more details, contact Charles Cheatham, Editor, at 498-4023.

Solution to "Cryptic Law"

Holmes sought to explain that the word "in- come" may have different meanings depending on the context in which it is used. Sel- dom do Supreme Court justices go to such literary lengths to explain the difficulty that lawyers seem to have in understanding the English language.

"A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used." *Towne v. Eisner*, 245 U.S. 418 (1918) (Holmes, J.). Through this rather odd selection of metaphors, Justice

Tribe on PBS

(Continued from Page 13)

While he urged such opportunities for all disadvantaged people, he said racial minorities especially deserved them. "Minority groups have suffered beyond their economic disadvantages," Rauh said.

"Color-blindness now means a refusal to remedy the effects of discrimination in the past," Rauh stated.

He said he doesn't advocate simple quotas for minority admissions to schools and employment. He called such quotas invidious and instead said qualified minorities should be helped for a temporary period until the effects of past discrimination have been overcome.

Unfair Treatment

"Preferential treatment stands the principle of equal opportunity on its head," Lavinsky said.

He added that second and third generation Americans would be the victims of programs which gave special advantages only to members of non-white minority groups. Such preferential treatment, he said, is illegal, unfair and divisive.

Rauh countered, saying, "With the opposition of wonderful groups like yours, it makes it harder to do it (eliminate unequal opportunities) within a reasonable time."

Lavinsky said attempting to advance individuals on the basis of their race is inherently inequitable and simply a new form of what can only be described as racial discrimination.

But Tribe closed with an evangelistic flourish, saying, "If color is ever to become irrelevant, we cannot ignore its relevance today."

FEBRUARY 3, 1978

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HARVARD LAW RECORD

Sports Answers

4. Nicklaus would be asking for a 3-wood.
5. There are four players on a polo team.

1. Pitcher Tom House.
2. Rutgers played Princeton.
3. 1B — Stuffy McInnis, 2B — Eddie Col-
lins, SS — John Barry, 3B — Home Run
Baker.

U.S. Firms Required To Report Activities, Fees As Foreign Agents

(Continued from Page 6)

with the Act on the registrant law firms, according to Joel S. Lisker, chief of the Department's Registration Unit. Law firms with questions as to registration requirements are expected to contact Lisker's unit. "Most of the firms are quick to come in with questions," said Lisker, noting that retainer agreements are often the source of question.

One Washington, D.C. law firm, specializing in international law, has avoided lobbying and other political activities, thus it did not have to register. William Doub, of Doub, Purcell, Muntzin, and Hansen, said, "To a degree we've avoided registration because we really don't want to lobby."

Milbank, Tweed takes the opposite approach: the firm registers for every foreign client it represents. Yet the firm has a strict policy of not lobbying for foreign or domestic clients, said managing partner Musselman.

"If we represent foreign entities, we're subject to registration," he said. Musselman cited the criminal penalties for violation of the Registration Act. "Why run the risk of an unwitting violation of a criminal statute?"

Musselman noted that Milbank, Tweed's policy regarding registration of all foreign client relationships might explain why the firm

leads all law firms in number of registrations.

Yet even with this large number of foreign clients, Musselman discounted them as "not a large percentage of our practice." He said, "It's not an inconsequential part. We're glad to do it. I think the best thing is that it gives us an added dimension."

He cited the criminal penalties for violation of the Act. "Why run the risk of an unwitting violation of a criminal statute?"

TAX WRITERS WANTED

Contributing Authors wanted to prepare chapter-length segments of treatise on tax deductions to be published by leading publisher.

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Mason J. Sacks
Attorney at Law
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Westgate Station
San Jose, Calif. 95157

Dershowitz

(Continued from Page 3)

finding a lawyer. According to Soviet law, the attorneys involved in such political cases must have a "dopusk", or special KGB certification. So far, says Dershowitz, of the 20 lawyers asked by Shcharansky's mother to represent her son, not one would accept unless Shcharansky pleads guilty. One attorney did offer to represent him, Dershowitz explains, but on account of her offer she was deported.

Optimism Cited

Still, there may be some cause for optimism. As Dershowitz puts it, "We managed to get the Soviet Union to back down," referring to the postponement of Shcharansky's indictment. And in a recent article, columnists Rowland Evans and Robert Novak suggest that the delay in prosecuting Shcharansky may indicate a Kremlin fear that further "semi-blackmail" will only hurt Russo-American relations.

If there is a trial, Dershowitz hopes to go as an observer. The notion of sending observers isn't wholly unprecedented. When in the early 1970's the USSR expressed an interest in the Angela Davis trial, says Dershowitz, then-President Nixon extended an invitation and reserved seats for 35 Soviet observers. They never attended, but if given the chance, Dershowitz will go to the Soviet Union.

Meanwhile, Shcharansky's American lawyer is at work on his client's case, arguing in the Senate caucus room, submitting depositions, and preparing legal briefs to be sent to the Soviet Union. Yet, as he stated before the Commission on Justice for Anatoly Shcharansky, "If Shcharansky's defense case cannot be presented to the Soviet investigators and to Soviet courts, it must be presented in the court of world opinion. . . . All we ask . . . is the fair hearing that has thus far been denied us in the Soviet Union."

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