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Faculty Serves Socrates With Grains of Salt

"Why" is the concept that trails the students home after class; "Why" surfaces in their minds as they read cases alone, and as examinations approach, "Why" nags at their sleep. In Professor Byse's control, "Why" is the essence of legal reasoning, the force that pushes a class from understanding of law as particular rules applied to particular facts to a glimpse of an entire social order."

—Joel Seligman, from *"The High Citadel: The Influence of Harvard Law School,"* to be published in May by Houghton-Mifflin.

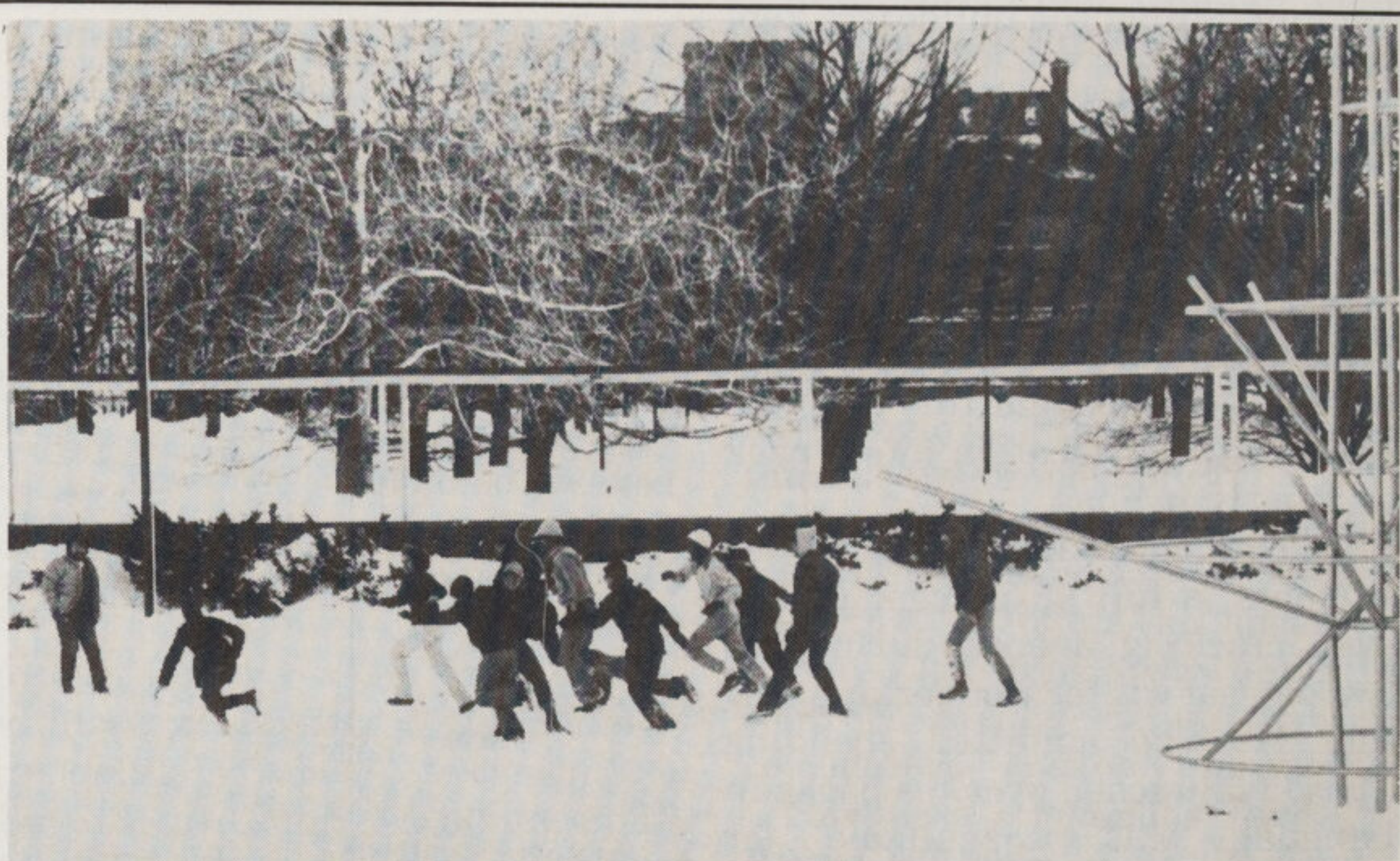
By Tammy Jacobs

Ask a handful of Harvard Law professors, separately, what they think of the Socratic method, and the first thing most will do is ask you a question: "What do you mean by 'Socratic method'?"

Once the issue at hand has been loosely described as a combination of the case method, of hypotheticals, and of mandatory question-and-answer student participation in class, you'll get a wide range of opinions.

The professors generally agree that, in the right hands, what's termed the Socratic method can be a highly effective way of teaching first-year students. Most seem to feel the way the method is cur-

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The field in front of Harkness Commons became a stadium for snow football last week after the Great Blizzard. To find out how HLS survived the worst blizzard in recorded history, turn to related stories on pages 2 and 4.

Ostracized Radical Gets Law Review Affiliation

By Bill Ross

The *Harvard Law Review* has voted to grant affiliate membership to a former law student whom it rejected for political reasons during the McCarthy era, according to Mike Peterson, *Law Review* president.

The publication's March issue will announce the *Review's* "conclusion that the rejection was unjustified and our expression of regret," Peterson said.

Although Jonathan W. Lubell, '54, earned grades that qualified him for *Review* membership, the *Review* rejected him in 1953 after he invoked the Fifth Amendment during questioning by a congressional panel investigating "subversion and education." Lubell and his twin brother, David G. Lubell, '54, also were expelled from the *LAW RECORD* and the Legal Aid Bureau following the panel's probe of their undergraduate political activities at Cornell. Both organizations officially apologized in 1969 for their actions in 1953.

According to David Lubell, he and his brother organized pro-communist rallies and petition drives while in college. "I was a student radical in the late '40's and early '50's, which was not as popular then as it later became," Jonathan Lubell said.

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Blizzard Break Brings Bellyflops

By Ken Gormley

It was the first time since 1938 that the doors of Harvard Law School had been frozen shut. The worst Massachusetts snowstorm, the old-timers insisted, in at least a century. Bulldozers plowed frantically through the night in an effort to salvage classes. But the snow kept on falling; the bulldozers kept on plowing.

And the best part was that nobody cared. Both students and faculty — experiencing the traditional mid-year boredom that has driven some to climb walls, brood over the *National Enquirer*, or worse — pounced on this opportunity for a free vacation like a pack of hungry hyenas.

In a random sampling of 50 law students, a full 98 percent denied even cracking a book during the two days of winter wonderland (the sole 1L who admitted spending Tuesday hunched over his books in Langdell was unavailable for comment. He is currently recovering in the infirmary after being found unconscious in his dorm room, with a *West's Digest* shoved down his throat).

Like a bunch of high security prisoners who had just skirted the walls of Sing Sing, the students of HLS swarmed aimlessly around campus, almost dumbfounded at the prospect of having a whole day to spend as they pleased, with no heavy Property assignments shackled to their debilitated bodies. Here are just a few of the ways they celebrated their unexpected freedom.

Leaping

For some reason, spending half a year cuddled up with law texts creates a powerful urge to leap out windows and off roof-tops. So it was no wonder that, with the appearance of four-foot snowdrifts, there

was a mad migration to the highest peaks of Cambridge.

The eight-foot-high roofs connecting Holmes and Story Halls became headquarters for kamikaze activities as students catapulted themselves through the air and disappeared into the white mounds below. (At least until the snow

*He was found
unconscious in his dorm
room with a West's Digest
shoved down his throat.*

worked itself into a thick crust of ice . . . when the heavier divers began bouncing off with dull thuds). They flipped. They flopped. Hurling themselves through space with the greatest of ease.

As one snow-covered figure commented, after gracefully executing a loud belly-flopper, "This might be crazy, but I'll tell you what. . . ." He packed a hefty snowball and hurled it at one of the windows of Langdell. "Those people in there are even crazier."

Guzzling

It looked bad for a while. Snowplows had only just started to carve a path to the package-stores. It might be days before the valuable stockpiles of Knickerbocker and Seagrams could be liberated. It looked very bad, indeed.

But in a remarkable display of foresight, emergency supplies magically appeared from their secret storage places, in almost every room within a two mile radius of the Law School. Bulletins were posted, declaring impromptu parties. Late afternoon: students were crammed into the Hark, slurping down scotch-and-snows. Early evening: they were getting "blown

away" drinking hurricanes. 9 p.m.: Harvard Law School could truly be pronounced a disaster area.

Weren't these reputedly serious scholars worried about the prospect of waking up the next day with hangovers, and not being able to study? "Study," blurbed Joel Pelz, 1L, as he helped himself to another Schlitz at a spontaneous bash in the basement of Wyeth. "I'll be lucky if I can see tomorrow."

Relaxing

A large number of interviewees reported spending a nice, relaxing two days at home. Writing letters. Or catching up on some reading. "I just lay around and read *Playgirl* magazine," said one woman law student (who preferred not to be identified, for fear her phone number might be scratched onto bathroom stalls around campus). "It was great. . . . I'd leaf through a few pages, then take a little nap. But in a way it was kind of sad. All I could dream about was law school."

And it wasn't just the students at HLS who were settling back for a little rest and relaxation. Dean Albert M. Sacks, although busy directing the effort to keep the Law School on its feet, still had time to spend part of the two days working quietly at home.

"Everyone gets a special feeling about being in the middle of a blizzard," he said. "There was four or five feet of snow between the house and the road. Neither my wife nor I could physically handle it. So we had to sit back and wait to be liberated."

Professor Clark Byse, rumor had it, spent Tuesday and Wednesday pacing a groove into his office floor, cursing Mother Nature. But he had nothing but good things to say about the break. "It was wonderful. Tuesday morning I got twice as much work done as usual. Then I went home and shovelled away the rest of the afternoon."

As for Wednesday, said Byse, he was lucky classes were cancelled. "I was all pooped out by then."

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Is There Any Hope for Harkness?

By Terry Keeney

A committee of faculty, students and administrators has been appointed by Dean Albert M. Sacks to recommend changes in the food service operation at Harkness Commons. The committee has been given the task of proposing a long-range solution to the Hark which has produced deficits up to almost \$100,000 in 1976.

The committee is debating a wide range of options, from either limiting or expanding service to

cated to the Law School, the rest to the Graduate School of Arts and Sciences. The Law School has passed this added cost on to students in the form of higher tuition and room rent.

The members of the committee are: Oldman; Vice Dean William Bruce, who oversees Harkness Commons; Russell Simpson, assistant dean and director of financial aid; Faye Bennett, director of Law School functions; Robert Kaufman, associate dean for finance and ad-



Many of the Hark's problems stem from lack of student patronage.

contracting with a catering firm to manage the Hark to eliminating food service entirely.

Prof. Oliver Oldman, chairman of the committee, noted that Sacks gave the committee a wide mandate. "The dean's concern was that simultaneously there is an enormous deficit and an enormous volume of complaints about the Hark," said Oldman. He noted that the committee would be successful in its task if it could at least hold the deficit constant while making inroads in relieving complaints.

There is one option Sacks reportedly has ruled out: students will not be required to purchase a meal contract or meal coupons. "The only thing we can't consider is mandatory eating at the Hark," Oldman said.

Although students may not be forced to eat at the Hark, students are already forced to pick up the tab for the Hark's deficit. Three-fourths of the Hark's deficit is allo-

minated in the faculty of Arts and Sciences; Thomas Warrick, 2L, vice-president of the Dorm Council; and Mary Lu Bilek, section III representative to the Law School Council.

Lack of Customers

The financial problems of the Hark stem from its lack of use. In a study conducted by the Graduate School of Arts and Sciences, a total of 1,033 persons were recorded eating at the Hark on December 7, 1977. Of that total 758, or 73 percent, were law school students.

The committee perceives many causes for the poor use of the Hark. Oldman believes that the Hark suffers from a "PR" problem. Too many students refuse to eat at the Hark without at least trying the food, Oldman said. "I do think a lot of people have been turned off from the Hark for the wrong reasons," he argued.

The two students members on the committee cite cost as the main deterrent for student patronage. Warrick and Bilek argue that the food is overpriced, especially in comparison to food in local restaurants and meal contracts from college years.

Both Bruce and Oldman noted that local restaurants may charge much less for meals due to much lower labor costs. Bruce noted that comparison with meal plans at undergraduate institutions may be unfair. Students are more aware of food costs than they were as undergraduates and some colleges in other regions of the country can obtain food more cheaply.

Oldman is concerned that the cost of the meal contract is too high and that it offers no incentive. "There's got to be a way of getting contract arrangements that are considerably cheaper," he said.

Harkness Commons and the Pound Building, which is used to house Law School functions such as reunions and the Ames Finals, are currently staffed by the Harvard University Food Services. In past years, Marriott Corporation and Stouffers have contracted to provide food service. Among possible solutions considered by the committee is a return to a contract with a private catering firm.

A Catered Affair?

Oldman reported that Marriott had been contacted about providing such service again, but recently declined to bid on the venture. The Committee is still investigating other private caterers to invite bids on the Hark.

One disadvantage with a private caterer is that Law School functions, currently supervised by Faye Bennett, may suffer. Oldman noted that the current management has provided very good service for special functions, while Bennett reported some problems dealing with private caterers in the past.

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Sacks Explains Decision to Hold Class

By J. Ezra Merkin

There is a calm center in every storm, and the blizzard that attacked New England last week and forced HLS to close for the first time in a generation was no exception. The eye of the storm was at the administration center of the school, which calmly reopened for classes last Thursday and Friday after having closed down entirely on Tuesday and Wednesday, in the face of emergency conditions.

The decision to close for the first two days was made by President Derek Bok in consultation with all departments of the University. In a statement distributed to all students earlier this week, Dean Albert M. Sacks explained that "all schools and faculties, including the Law School, concurred in that decision. This closing was unprecedented in modern times." On Tuesday afternoon the HLS Registrar, Mary Upton, called every faculty member teaching this semester to determine the number of teachers who could either walk or take the subway to classes if school were reopened. She called the professors again on Wednesday afternoon, when the University Counsel, Daniel Steiner, checked with a high official in Gov. Michael Dukakis's office and determined that holding classes for residents and walk-ins was perfectly in accordance with the governor's emergency proclamation. This opinion was relayed to Associate Dean Robert Keeton, who was in his Langdell office. He, in turn, got in touch with Dean Sacks, at his home in Belmont. Late Wednesday afternoon the Dean decided to open classes on Thursday for residents and walk-ins.

The Dean's Explanation

In an interview, the Dean explained his decision. "To open was to provide activities that in no way interfered with the cleanup campaign. Going through the streets was what students were doing

One high official attributed the decision to open to "the basic analness of this place."

anyway. Holding classes was not going to add to pedestrian traffic.

"Our second concern was with those people who could not walk in. Our best guess was that a one-hour walk covered a very high percentage of students and faculty. A small group could not make it in at all and we thought we could deal fairly with them. Our approach was to tape as many Thursday and Friday classes as we could and ask instructors to meet informally with students after the tapes have been listened to. In this way we felt that



"Sacks" full of snow.

we were affecting as small a group of students as possible, and dealing with that effect as quickly as possible.

"Any decision involved inequities. One group was going to be hit. Had we closed entirely four days, we would have arrived at Washington's Birthday, at Spring Vacation, at Saturday classes. Such make-ups would impose inequities of no lesser magnitude on the entire student body. Once we were certain that we were in compliance with the governor's proc-

lamation, and we had assured ourselves that we were not adding to the clean-up problems, we decided to minimize the impositions and open school."

The decision to open seems to have worked out well, even to those who criticized it last Wednesday. The dean for one believes that "when the University opened on Friday (after having stayed closed on Thursday) they made their choice based largely on our experience." One high official in the Dean's Office, when encountered in the Faculty Office Building last Thursday, attributed the decision to open to the "basic analness of this place. I think of the little guy in the Square who obeyed the governor and wonder if we should have stayed closed." The same administration official was in a conciliatory mood this past Monday. "I was very annoyed when classes were not

cancelled last week, and thought we should not break out of step with the rest of the state. I was very surprised and pleased at how well things worked out. Faculty came in and students attended. And we did not hinder the cleanup."

Class Attendance

Upton had no sooner completed her second canvass of the entire teaching faculty, than she had

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Food for Thought: What Ails the Hark?

(Continued from Page 3)

"While there still might be some Pound Building functions that would be catered, they would be very expensive," said Oldman.

Other Proposals

Among other proposals being considered are: replacement of current management, limiting service to fast-food items, such as

sandwiches, soft drinks and beer, as currently provided by the Grill, and expansion of existing service to provide greater variety, such as a salad bar.

"What concerns me is that there hasn't been anyone in the management system who has come up with any ideas as to why no one is coming to the Hark," Oldman said. "You and I should not have to worry about this."

Dean Defends Snow Decision; Classes Were Held "Lawfully"

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begun checking attendance figures for the larger classes on Thursday. She reports that "between 65 percent and 75 percent of the students were in class for the big courses on Thursday morning. All the first-year basic classes met. I don't have the impression that students made heroic efforts to get in, but some faculty put themselves out quite a bit. Prof. Frank Michelman walked in from Lexington. Dean Sacks walked in from Belmont. Professor Abram Chayes took the train up from Washington D.C. on Thursday and taught his classes on Friday. I think the attendance figures, although incomplete, indicate that students made an effort. Although I was not one who favored opening the school, I guess it worked. In the end we were very lucky that no one was hit by a plow."

The Dean prefers not to attribute the attendance success to luck. "We were tightly organized. We called and called and everything functioned smoothly. I do not know whether it was luck. Certainly nothing could have happened without the efforts of Mary Upton and those who worked with her and without the work of Anne Lubliner of the Audio-Visual Office. People who complain regard our decision as a form of arrogance. I disagree. When we thought we could do it safely, lawfully, and within the spirit of the enterprise, we opened."

Most Dubious Distinction?

Upton's figures show that Professor William Andrews' Corporate Taxation class was the hardest hit class last week. That class had the

dubious distinction of being the class with the highest registration — 123 — to miss all three scheduled classes.

Student Reaction

While the HLS Administration was telephoning and agonizing over its decision, most students enjoyed their days off. One Hastings resident described his reaction: "I woke up on Tuesday morning and

"In the end we were very lucky that no one was hit by a plow."

found myself living in the country." Another student said, "I thought it was a pretty good deal, at least for the residents at the Law School. A little vacation never hurts. I could have gone to classes from the dormitories on both days. It was hard to get food and hard to get cash, but we all survived."

One enterprising 3L held a party at her house and invited all her guests to help dig her car out. Apparently she was a very good hostess, for after partaking of all the refreshments, the guests dug for over an hour before discovering that the automobile they had liberated was the wrong car.

HLS DORM COUNCIL

TGIF: Friday, Feb. 17 from 4-6 p.m.
in the Hark.

Who Is Responsible?

The Hark suffers from an organizational problem: Few students know who bears ultimate responsibility for its operation. The University Food Services operates the Hark. Rachel Raven manages it. Bruce retains general supervision over its operation.

"It isn't clear who is the really responsible person. Just clarifying responsibility could end up making a lot of difference," Oldman said.

Warrick and Russell Simpson will investigate the Hark's financial situation. One question to be answered is what amount of the deficit is actually caused by the Hark and not by the Pound Building food service operation. They will evaluate the effect of specific expenditures, e.g., the Law School's financing of section parties and daily coffee service, to determine whether they contribute to the Hark deficit.

Warrick and Bilek plan to survey students next week to find out why they do or do not patronize the Hark. "The Hark is just not providing what people want," Warrick said. "We need to find out what people want and then give it to them."

Although the committee is operating under no timetable, some members are hopeful that some changes in service can be instituted this spring and some changes in the fall. Some of the immediate proposals include: initiating short-term contracts of one-week or one month, preparing more special meals, and selling food coupons for particular meals, rather than for dollar amounts.

Taking Socratic Legacy Into Class:

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rently used is not intrinsically terrorizing and most seem to let up on the use of the question-answer technique for their second and third year students.

What's It All About

"I doubt that there's anyone in this school today who teaches the true Socratic method," says Prof. Arthur R. Miller. "I think that certain subjects lend themselves more to an interrogation technique — and I don't mean that in the perjorative sense.

"I don't think I teach the Socratic method," he adds. "I teach the variegated hypothetical."

The Socratic method, says Assistant Prof. Richard D. Parker, "could mean substantial reliance on class participation; or it could just be that you would use a pattern of hypotheticals in such a way as would lead students to examine their own ideas. There are certainly some teachers who rely very heavily on patterned hypotheticals, and their hope is that students will be working things through for themselves. I don't suppose I rely as heavily on class participation as some do, but I think a straight lecture would be terribly boring.

"Also," he adds, "I think students have an awful lot to say. And, I think the feedback is important for the teacher."

"I think at times, it's a good way to teach," says Prof. James Vorenberg, defining the Socratic method as "an attempt to conduct a class through a question-and-answer interchange with students.

"I think it depends on the teacher. Some teachers are more skillful than others at framing the development of material through questions and answers. I think there are a number of ways of dealing with material. One is the back-and-forth (of the Socratic method), another is explanation or exposition, then asking the students to react, so that the students are raising the questions and criticizing the teacher's exposition

— that's something I sometimes try to do. Another way is to have students relating to each other."

Search for Truth

For Prof. Alan M. Dershowitz, the Socratic method, of which he considers himself a vigorous practitioner, "is a search for truth."

"This may sound odd, but I don't think even Socrates practiced the Socratic method. He knew all the answers and used the questions to make points. I'd say I have ten criminal law classes a year where we really move the ball, where I learn something and the students learn something other than what I expected.

"There's another 20 classes where I use the Socratic method to make a point; and I get my students furious at me." In those classes, he says, he takes a controversial stand and plays devil's advocate, to elicit responses. "Students remember those classes," he says.

The other 15 classes in his 45-class term? "The other 15 probably fail — probably just don't work. But 30 out of 45 — that's not bad."

Not the Big Issue

"I don't see the Socratic method as being a thing," says Prof. Duncan M. Kennedy. "There are lots of different ways of doing classroom teaching in which students are asked to recite or respond. I don't think there are too many teachers here who use as their basic method asking question after question of student after student.

"The idea that it's the Socratic method which is the big issue about legal education is just an example of false consciousness," he adds. "It takes what really is a problem of politics and institutional morality and rephrases it as a problem of technique. The real thing to get excited about is teachers mistreating students in class."

Since he isn't a student, he notes, he doesn't know for a fact that students are mistreated in class. Stu-

dents tell him things, he says, which sound like it. Examples? "Some things which are mistreatment are bullying, being rude, deliberately confusing people, making it look like you won the argument when you really lost it, not listening to the person you're talking to, forcing people to say things they don't believe. I try, not very successfully, to avoid those things. Nothing like that has anything to do with the Socratic method."

Can you teach a first year law school class without committing some of that list of sins? "You can try," Kennedy says.

Not Vicious, Just Demanding

Miller doesn't agree that practitioners of the Socratic method mistreat students. Asked if he thinks the method is terroristic, he replies, "I think that's a crock.

"This school lives in a *Paper Chase* image that, if it ever existed, existed much less than people think it did and certainly does not exist today. The most you can say about any member of this faculty is that he or she is demanding. I don't think any of my colleagues are vicious; I think there are a few teachers, and, frankly, I view myself as one, who are demanding in class."

"There's nothing intrinsically terroristic in asking people to think for themselves in the classroom," says Prof. Phillip E. Areeda. "The only terror arises because students sometimes feel uncomfortable if they're less than perfect. Student answers are less than perfect — if they were perfect, they'd have no reason to be here in the first place. So students learn that they don't have all the answers, which should hardly surprise anyone."

"You're in a highly select group that's always done very well, and maybe your egos are a little fragile," says Prof. Clark Byse. "But it's not a bad idea to develop some maturity about it. There's no reason for it to be 'terrorizing' — if it is somewhat tension-producing, I

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Some See Method in the Madness

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don't think that's bad. I think if one is to be a lawyer he or she should be able to verbalize in a variety of situations. It can't be more terrorizing than facing a judge asking probing questions."

Training for Battle

"I do an extensive amount of appellate arguing in front of both state and federal courts," says Dershowitz. "The most vigorous practitioners of the Socratic method at this law school are gentle in comparison with judges I've met. I think that's the main point that students have to understand — we really are training them for the battle and it's tough out there."

"Most professors at this law school are really well-motivated," adds Dershowitz. "And some of those judges out there are vicious."

"I think it's an invaluable tool for teaching litigators," he continues. "It's become fashionable to debunk the Socratic method, but I think most students really do enjoy it. After the first few classes, I use it mostly on a voluntary basis, and if the student doesn't seem to be enjoying it, I move on."

Miller agrees that the method is important for training lawyers. "Law is an extremely verbal profession," he says. "A lot of students have the view that the entirety of a lawyer's life is reading cases and writing instruments. A lot of a lawyer's life is spent talking. And if

you're arguing a case before the Supreme Court, there are more than 160 people in that room; or there are days when you negotiate a contract where there may be 15 high-powered minds working against you.

"So if you're talking about pressure," Miller adds, "I find that curious. I don't see the classroom as being a public Christians-and-lions kind of affair. I view that class as a personal closed learning experience. I view the 145 of us to be engaged in a common venture, and what goes on there is towards that goal. It is not adversary, it is not designed to demean anybody. When you sit around negotiating a contract or arguing before a court, any court, that is a far more humiliating and embarrassing context than what we do in class three times a week. I don't see any value in shielding 145 mature people from a learning process due to some potential sense of embarrassment when they're going to have to do that for 60 years of their lives."

A Honing Process

"One assumes that the virtue of the first-year experience is leading students to deal with legal materials — the materials of the law — on their own," says Areeda. "They'll certainly have to do that in the real world."

The principal benefit of the method, he adds, "is thinking for oneself and the honing and refining

of analytical skills; bringing oneself to the point of not only knowing how to read a case, but learning how to articulate the possible rationales beyond legal rules, how to compare and contrast situations that may on the surface seem to be alike; how to bring to bear public policy arguments."

"What's important is that students develop the capacity to analyze, make judgments and communicate," says Byse. "If I only tell them what I think, the danger is that they'd become interested in what I think rather than what they think. I believe also that discussion among lawyers is very important — to think through things and verbalize them together."

"My approach in the first year is that every one of those cases is something that happened in real life, and presents a problem, and a solution, so let's talk about it."

For Kennedy, the use of the case study method is part of the larger issue. "By structuring first-year classes so that the class is mainly preoccupied with figuring out why cases are rightly decided, students acquire an emotional vested interest in believing that cases ARE rightly decided," he says.

"What is important is not the right answer," says Byse, "it's to get students to exercise judgment. There should be discussion in the first year, so that people are reacting to ideas. I'm much happier when a point is made by a student than when I make it."

Dershowitz agrees that he's happiest when students make the points. "I really enjoy it when a student gets the best of me," he says. "I don't really care how students get involved, as long as there's dialogue."

Combination's Best

"I think it's a better way of teaching than straight lecturing," says Vorenberg. "It's more likely to engage the attention of students than being asked to play a purely passive role."

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A Flight of Fancy from Logan Airport

—By Jay Darby

On a typical weekday in mid-November, there are probably as many Harvard Law students at Logan Airport as there are in Austin Hall. It's kind of strange to enter the airport terminal and see the place crawling with law students; I mean, so many people wave at you that strangers think you play for the Red Sox or something. Maybe you are standing around for your flight, and up walks some guy that sat next to you in Corporations, whose name is either Ralph or Ed. If you saw him in the tunnels you wouldn't glance twice, but out at Logan you are old pals, and the two of you go grab a cup of coffee and talk about — what else? — the impending interviewing trip.

Every year, like migratory fowl, the students of Harvard Law School fly from Logan on interviewing trips, during which they scour the hinterlands for that First Job. These interviewing trips are often funny in a slapstick/cavorting way, though people miss the humor because of the Extreme Seriousness of the underlying purpose, and especially the money involved. The whole law school job scramble is an odd amalgam of frivolity and seriousness, like a 50-yard sack race for extremely valuable cash prizes.

So there I was, last November, booked on a flight to Washington, D.C. for an interview with a large private law firm. Discretion forbids me from using the true name, but a dissident associate actually called it Budge, Grudge, Sludge and Drudge, and this will serve as my fictitious title. Flight 221, the red-eye special, leaves Logan at 8 a.m., and I was up early that particular morning. I donned my basic three-piece suit, which felt strange and *costumey*, if you know what I mean, kind of like I was Clark Kent doing a quick-change number.

I wanted to bring some papers with me, and it's bad form to carry them by hand, because you arrive holding this crumpled ball of paper

with a mustard stain and then go "here's my writing sample." So I scratched around for something to carry it in. I don't have a briefcase, so I eyed my gym bag for a second or two, but it said Adidas on one side and smelled gangrenous, which was not the image that I wished to project. My suitcases were all too large, and I finally settled on the carrying case to my typewriter, which was relatively innocuous except for the Smith-Corona stamp on the handle.

Well, the flight down was not half-bad, considering the circumstances. Part of the meal was edible, and I even had a pretty good conversation going with the guy next to me until he mentioned that he did not know Smith-Corona made briefcases. Pretty soon, the plane landed in Washington, and within half an hour I was seated across a desk from the guy that had interviewed me at school.

Now this guy was a pretty good dude, a young partner type with a sense of humor. We swapped pleasantries for a while, then he said that he would be busy in meetings, but that an associate would escort me around for the day. "Escort" turned out to be a predictably dull Harvard product, and after a few painful stabs at conversation we reached an intuitive agreement to keep the conversation to a minimum. After a tour of the library ("these are the Federal Reporters"), Escort led me down a maze of halls to my first appointment.

The first attorney was middle-aged and dough-faced, ensconced in a hueless cubicle. He immediately came across as the kind of clod that buys paperback books on "assertiveness training" and then tries out his new-found lore on innocent people.

"Well, it's good to have you down here, Joe."

"My, uh, name is Jay," I replied, "It is Joseph, but I go by Jay."

"Jay," he said to himself, getting the terminology straight, as if it were an engine part. "Well, Jay, I see that you got a degree in mathematics. Tell me about that."

Some things on a resume always seem to provoke a question, and this was one of them. I have what amounts to a set answer, which I gave. We went through a sequence of pre-recorded questions and answers of this sort, and then he asked, "Why do you want to be a lawyer?"

"For reasons that you would not understand," was what I wanted to say. But it was going to be a long day and there was plenty of time to be impolite later. Instead I replied, "If England is a nation of shopkeepers, then America is a nation of lawyers."

I had read this pseudo-profundity about an hour earlier in that stupid magazine that the airline puts in the seat pocket, along with the laminated card with the five-step instructions on how to work your parachute. For some reason the little gem had stayed with me, floating in my cranium, and so I kicked it out. Dough-Face was impressed.

"Yes," he responded, "I think that lawyers . . . (blather) (burble) (bore)."

Exactly twenty minutes after I went in, Escort showed up and took me to another office about a mile down the same hallway. It was occupied by a young associate, and after Escort left we drank coffee and shot the proverbial shit. I always save my tough questions for the younger attorneys, who are more sympathetic and candid.

"Is this place as stuffy as it seems?"

"Yeah, it's pretty bad. I like the work; the cases are interesting. But if you get stuck with the wrong partner, then God help you."

The rest of the morning became a jumble of names and faces, all asking the same questions over and

(Continued on Next Page)

Interview

(Continued from Page 8)

over again. For lunch, I went with several attorneys to a club of some sort. The only thing I remember about lunch was feeling conspicuous when I ordered a beer and everyone else ordered V-8 juice.

After lunch came more of the same, a cup of coffee and a new face every twenty minutes. By 3 p.m. I was coming unglued. I was wired from drinking coffee, and I was beginning to jabber the same stuff over and over again, sounding like a mynah bird whose owner fed it what he thought were 30 bird food pellets and which turned out to be his wife's amphetamine diet pills.

It was at this nadir that I got stuck with the lemon of the entire fruit salad. Escort took me to see one of the senior partners, whose name was something God-awful like Wadsworth Kilharrington Bothwell II. He was on the phone, and so Escort and I sat down in his chairs. Presently he was off the phone and he asked, "Which one of you am I interviewing?"

I thought it was a joke and I started to laugh. "Him," said escort, pointing toward me, "I work in finance." My laugh cracked, like spit on dry ice. Could it be? Wadsworth glanced at my resume, then turned to me and said, "Tell me about yourself, Joe."

"Well, ah, to begin with I prefer to be called Jay."

"Jay," said Wadsworth. He pronounced it as if I had asked to be addressed by an exotic and slightly absurd nickname, like "Bonzo" or "Chiparoo." At this point Escort deserted me, for fear that whatever I had was catching. It was me and Wads now, head to head. Wads started.

"Here at Budge, Grudge, we look for a special kind of person. We look for a dynamic person, a smart person, a get-ahead person. We look for a person who is motivated, a self-starter . . ."

He suddenly stopped talking and

Fenno

It was 4:45 on Wednesday by the time Fenno had finally waded his way through the unplowed snow to the Faculty Office Building. Once inside, he brushed himself off vigorously until it was only the few pounds of snow in his underwear which gave any indication whatsoever that he had not been indoors all day.

Fenno climbed the stairs and walked into the Dean's Office without knocking; he was expected.

"Fenno! Glad you could make it," said the Dean in his hoarse baritone. "We never like to make decisions of questionable legal or ethical propriety without student input. Have a seat."

Fenno sat down with a squish. In another corner of the office, the Secretary of the Law School, who had arrived a moment before, was removing the saran wrap with which he had protected his Yves Saint Laurent imported silk tie.

"As you know," the Dean began, "the Governor's emergency order prohibits the Law School from doing anything which might encourage the use of automobiles while the snow emergency is in effect. We

looked at me intently, presumably to see if I was exhibiting any of these characteristics.

I stopped scratching and sat up straight.

"We have had success thus far," he continued, "at finding the kind of people we need. We are able to . . ."

THUD!! I had been playing with my shoe, wiggling it back and forth to stay awake, when it suddenly slipped off and hit the parquet floor with this incredible resounding sound. I cannot convey in words how loud the noise was; or how quiet the room became immediately afterwards.

We finally started talking again, but the rest of the interview was perfunctory, like the last quarter of a lopsided football game. Afterwards, Escort picked me up and led me back to a major access road to the elevators. On the way, I stopped in the reception area to pick up my stuff.

"Your typewriter is in the other closet," said the receptionist, helpfully.

I left the office, chuckling to myself.

have already been closed for two days, a move unprecedented since the Great Disaster of 1938."

"What happened in 1938?" asked the Secretary.

"Casner joined the faculty," Fenno pointed out.

"And compared to that," snapped the Dean, "this is summer in Malibu." He spun around and pointed to the snow which had drifted against the window. "That can't be more than three feet, tops."

"But Dean, we're on the second floor," noted the Secretary with accuracy.

"Hmm. Even if we are—" the Dean said, conceding nothing, "and I'm not conceding anything—it doesn't help us solve the problem which is at hand."

"And what might that be?" asked Fenno.

"How can we keep the Law School open and at the same time keep from getting thrown in the slammer?"

"We can't just *ignore* the emergency order," said the Secretary. "But we could *interpret* it."

"Not bad, Steve, not bad at all. What do you think, Fenno?"

"You could *comply* with the order."

There was silence for a moment. "Well that's a dumb idea," announced the Dean.

"I guess so," Fenno admitted. "You can't very well comply with the order unless you understand it."

"That's it!" exclaimed the Dean, slapping his hand down on the desk and flipping an ashtray off like a tiddly wink. Fenno reached for the ashtray.

"Nevermind," the Dean interrupted, "I'll have one of the Associate Deans pick it up later."

"Did you just figure something out?" the Secretary asked.

"Right. We can *understand* the order to allow us to stay open. That way, we can avoid taking a position on the merits and *still* show the world that ol' HLS can't be pushed around by anyone."

"And don't forget," said the Secretary, "we can understand the letter *and* the spirit of the order. Is there anything more?"

"I didn't even think there was that much," said the Dean.

"But Dean," the Secretary interrupted, "do you think students will be able to take classes seriously while the entire Law School looks like a half-melted dish of vanilla ice cream?"

"Nothing to worry about there," Fenno said. "They won't take classes any less seriously than they usually do."

"Good. Then it's settled. Fenno, if you'd like, I'll add your name at the bottom of the memo which will be sent out."

"Thanks just the same," Fenno said, rising to his feet, "but I'm sure people will be able to tell I had a hand in it by just reading it."

The Right Decision

The University's students, faculty, administration and staff carried on admirably last week during the century's worst blizzard. Without taking unnecessary risks, the Law School refused to allow a mere storm to disrupt our activities.

We support the decision of the Law School to resume classes. The Law School was able to open earlier than most local institutions because so many of its students and faculty live on or near campus. Nevertheless, even many of those who live far away from here found a way to reach Harvard. We admire the spirit of students and faculty and staff who trudged, miles in some cases, through heavy snow drifts to attend to their responsibilities. None of this contravened Gov. Michael Dukakis' emergency orders, since we know of no one who drove a car to class or blocked the streets so as to impede the progress of emergency vehicles. Of course, we don't believe that any of the many students and staff members who would have faced genuine hardship in coming to the Law School those days should have done so.

Resuming classes before the streets were clear might have placed an unfair disadvantage on those students who genuinely were unable to attend class. But the Law School administration eliminated this problem by taping classes held on Thursday and Friday. We furthermore appreciate the administration's recognition that dismissing classes on Thursday and Friday would force the Law School to hold classes later, on Saturdays or during holidays — schedules that might conflict with religious services and vacation plans. It also was indicative of the administration's sensitivity to student needs that it re-opened the Hark at the earliest possible time — only four meals were missed.

It would have been easy for the administration simply to have closed the Law School for a week, thereby subjecting students to lassitude and depression during a time that would have broken the daily

routine yet would not have been a vacation. Instead, the administration, with the cooperation of students, faculty, and staff chose to make the best of a most unusual situation.

Last week, a banner headline in the Boston Globe proclaimed that the city was "unbowed". We don't know much about the city, but certainly the Law School was unbowed. Members of the Law School community — staff, students, and faculty alike — proved that they are hardy folk who would not cower at home in seclusion during the aftermath of a blizzard.

25 Years Later

(The following editorial appeared in the February 18, 1969 Law RECORD. We are reprinting it in connection with the story on page one regarding the Lubell incident as it accords with the views of the current RECORD editors).

As readers of this page will recognize, the role of The RECORD in the general ostracism of Messrs. Lubell in 1953 was not a proud one. Although the newspaper apparently summoned sufficient courage by the autumn of 1953 to praise President Pusey's defense of Professor Mark DeWolfe Howe's espousal of civil disobedience, it seems that the RECORD was unable to withstand the pressures which resulted in its disowning the Lubells.

Needless to say, all this rings strange in the ears of the present editors, for a decade and a half later the tune of the times is different. Instead of being satisfied with saying that we'd have behaved differently from our predecessors if we had been confronted with the decisions they faced, we'd rather hope that we and our successors can be counted on to cope with equally momentous questions with greater strength of character than was shown in 1953.

HARVARD LAW RECORD

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Letters to the Editor of the RECORD

An Act of the Dean

To the Editor:

The following letter of protest was written to Dean Sacks following his announcement, less than twenty-four hours after the blizzard ended, that the Law School would re-open for "resident" students and staff on Thursday, February 9, 1978. At the time of this announcement, the state of emergency declared by Governor Dukakis (pursuant to 1950 Mass. Acts, ch. 639) was still in full force and effect, as it continued to be in the following days.

Dean F. Hanley, '79
Waltham, Mass.

Dear Dean Sacks:

I have just learned, to my astonishment and dismay, that the Law School will be in session for "residents" tomorrow, but that "non-residents" are not obligated to attend. Meanwhile, the College, which I presume has a much greater proportion of resident students, is to be closed for the third consecutive day.

I trust it has not escaped your notice that the worst blizzard of this century was visited upon Massachusetts within the past forty-eight hours; that Governor Dukakis has proclaimed a state of emergency and has closed schools and banks; that the National Guard has been mobilized; and that the U.S. Army is helping to clear snow in three states. It is temporarily illegal to operate a motor vehicle on the roads, except in case of emergency or the provision of essential services. Even if it were permissible to drive, it would hardly be possible in many areas that are not yet plowed. It happens that I do not own a car, but many "non-resident" students do. It is quite irresponsible, in my opinion, for the Law School effectively to encourage those students to travel on the streets at a time when snow removal is likely to be seriously hampered.

You will also have noted that the MBTA, in order to comply with the Governor's wishes, is not operating any buses or commuter trains tomorrow. Because I normally rely on the bus, the decision to open the Law School leaves me with the rather unfortunate alternatives of walking four miles to school, or of missing classes that I am not "obligated" to attend, but that I surely will be held responsible for when examinations occur. Worse, I am being deprived of the tuition I have paid for the privilege of attending those classes which this decision makes it virtually impossible for me, and others like me, to attend.

It might, I realize, be answered that my objections are exaggerated. What, after all, is at stake except missing a few classes? First, the choice of missing classes ought to be up to me, not imposed on me.

Second, a law school of such prominence as Harvard's has, I believe, some civic responsibilities of leadership. The Governor has requested schools to remain closed because there is a state of real emergency. Only a third of the law school population lives in dormitories, and therefore the decision to open the Law School tomorrow is essentially an inducement to hundreds of "non-resident" students to travel to school. Declaring that school is only in session for "residents" does not change that fact. This meaningless distinction between "residents" and "non-residents" is offensive to reason: school is either in session, or it isn't. I suppose the distinction is made in order to comply with the letter (and I am not sure that it succeeds), not the spirit, of the Governor's request. If so, it is an obnoxious exaltation of form over content, and an example of the abuse of legalistic thinking that too many people believe typifies the Law School. Harvard Law School ought to have set a responsible and civic-minded example for other institutions in Massachusetts when Governor Dukakis asked for our cooperation under manifestly difficult circumstances. Instead, it ignores its responsibility to the community and places an unfair and unnecessary hardship on its non-resident students.

I object to this decision as a serious matter of principle.

Dean F. Hanley, '79

Contra Governor's Order

To the Editor

Please find following a letter I wrote to Dean Sacks criticizing his decision to open the law school to those students who could walk on February 9 and 10 during the state of emergency. Dean Sacks failed to return my call of last Thursday morning, February 9.

Todd R. Stimmel, '79
Boston, Mass.

Dear Dean Sacks,

Since you evidently thought it unnecessary to return my call of Thursday, February 9, I am compelled to write you. I believe your decision to open school to those who could walk was totally irresponsible and in violation of at least the "spirit" of the law.

Your decision posed a dilemma to all students who do not live within a short radius of the school: students could violate the express directive of Governor Dukakis "to keep off the roads except for emergencies" by taking their cars, the MBTA or some other means of transportation to school per your decision; alternatively, students could heed the Governor's directive, thus forfeiting their rights and privileges to attend class.

We pay quite handsomely for our education at The Harvard Law School, and I am quite appalled at your decision which forced me and others similarly situated to miss classes merely because we do not live near the law school. I find your action analogous to an employee losing certain rights at his job because he was unable to get to work during the state of emergency. Thus, your action, as I see it, violated the "letter" of the law as well as the "spirit."

Todd R. Stimmel '79

(Ed. Note: On Tuesday, February 13, Dean Sacks issued a two-page statement in the Law School Adviser explaining his decision to re-open the law school during the snow emergency. We cannot reprint Sacks' statement in full. Because our readers at HLS have read the entire statement already, we are presenting only the following extremely condensed version of Sacks' rebuttal, for the benefit of our alumni readers.)

The decision to close Tuesday was made by President Bok in consultation with all University departments.

We intended to open as soon as possible, so long as attendance was safe and in compliance with the Governor's proclamation, and was reasonably fair and feasible for faculty, students, and staff. This policy was not based on any notion that our function was essential within an emergency context, but rather that we have full courses to teach and that we can ill afford substantial cancellations without make-ups. Daniel Steiner, the University's counsel, checked with the Governor's Office. Holding classes for residents and walk-ins violated neither the letter nor the spirit of the Governor's orders.

A large proportion of students lived at School or close enough so that a walk was not inconvenient, or could walk in with some extra effort and inconvenience. Cancelling four days of classes would require extensive make-ups, most of which could be held only on Saturdays or perhaps in the evenings. Such make-ups would impose equal or greater unfairness and inconvenience (for students with jobs, plans, religious objections, etc.).

A few students have called my office to protest. I understand their frustration, but I am convinced that we were placed in a situation that had to cause hardship to some. A clear, unambiguous opinion from the Governor's Office, plus my own sense that we were causing no difficulty in the clean-up, satisfies me that we made the correct decision.

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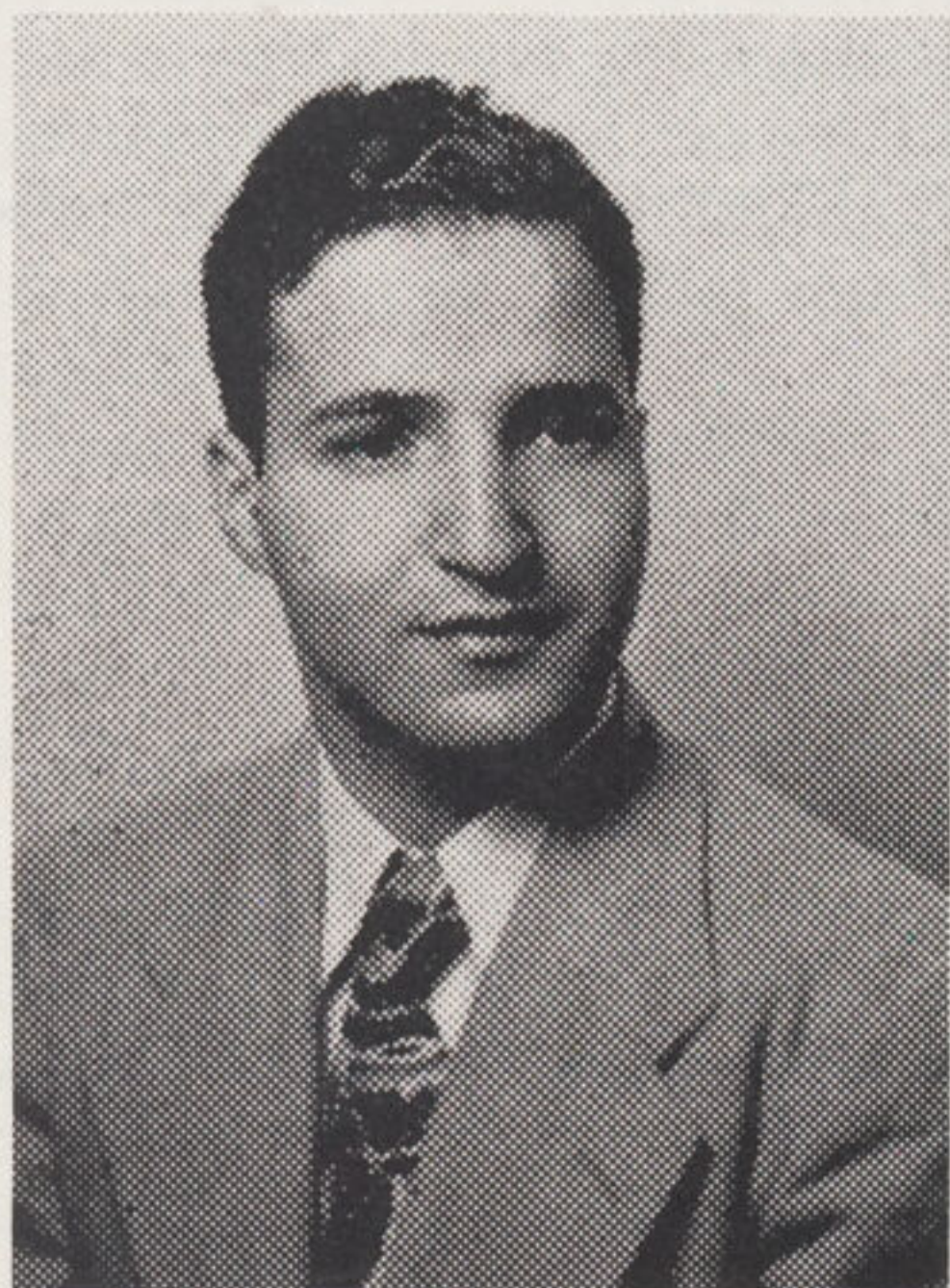
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Review Renounces Lubell Rejection

(Continued from Page 1)

The *Review's* vote to reject Lubell was 16 to eight on a board that included Derek Bok, now Harvard University president, and Andrew Kaufman and Philip E. Areeda, now professors at the Law School. All three have refused to comment on the matter.

Jonathan Lubell recalled that between the time the *Review* received his grades and the time it rejected him for membership, it took the unusual step of sending a delegation to interview him. "A



Jonathan W. Lubell HLSY 1953

major part of the discussion concerned my views on the Korean War," Lubell said. "I don't see any editors today asking prospective members about their view on Vietnam. The incident was indicative of a whole different period of time and of a mentality that seeped down to the *Law Review*."

Lubell suspects that his brother David also was kept off the *Review* for political reasons. "He was academically next in line and it has never been clear just how many openings there were that year."

According to Lubell, the *Law Review's* decision may have inhibited the advancement of his career. He noted that many of the problems he encountered probably would have occurred anyway on account of his political views, but that *Law Review* membership might have helped him overcome the stigma of his leftist views and activities.

Although he and his brother passed the New York bar immediately after they graduated in 1954, they were not admitted to practice until the character committee cleared them in 1958. They also failed to find employment and finally set up their own firm to do legal research for other attorneys. "Starting out on your own was unusual even then," Lubell said. "But there was no viable alternative as law firms felt it was detrimental for them to hire us. The heavy hand of McCarthyism was present for a long while after 1953."

Lubell, who with his brother is

"I'd have been more impressed if the very same persons who had been on the board at the time had confronted their past acts..."

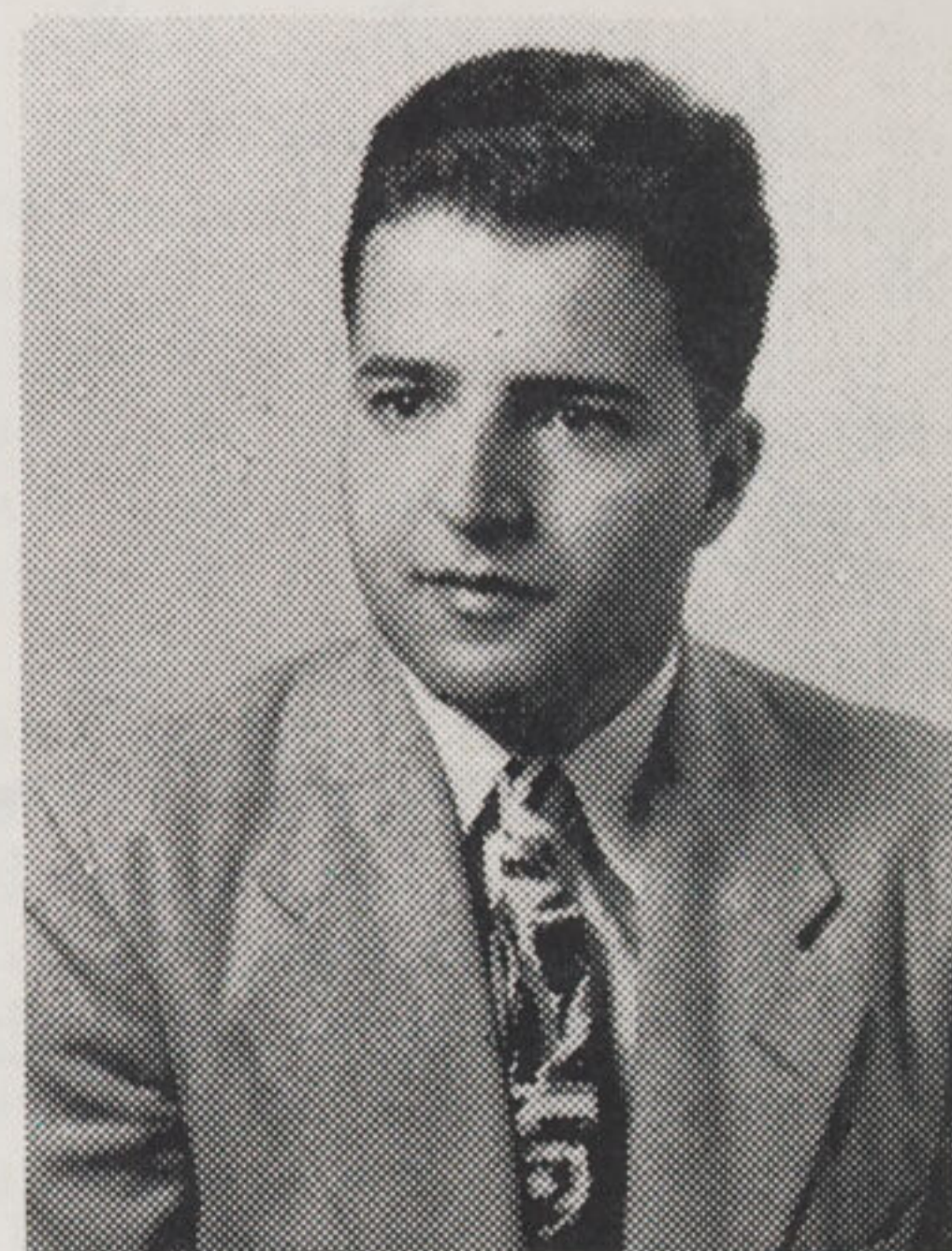
now a partner in the New York firm of Cohn, Glickstein, Lurie, Ostrin and Lubell, said that the *Law Review's* decision "is nice but has no practical value."

But he contended that it has a larger significance. "First, it is important for an institution like the *Law Review* to admit that it made a mistake, although I'd have been more impressed if the very same persons who had been on the board at the time had confronted their past acts," Lubell said. "Second, I am pleased that the *Law Review* is

changing its by-laws so that this would be more difficult to occur in the future."

According to Peterson, the *Review* has passed through the first stage an amendment to its by-laws providing that no person shall be denied *Law Review* membership on the basis of the person's political views or because the person asserted a constitutional right.

Lubell said that while he was not surprised by the *Review's* decision, he was not expecting it. "I don't think the incident should have oc-



David G. Lubell HLSY 1953

curred in the first place and it should have been rectified much earlier," Lubell said.

Peterson said he does not know why the *Review* waited so many years to grant Lubell membership.

"It's a matter that's been under discussion off and on for the past decade," Peterson said. "For various reasons, our class felt more strongly about the injustice and was less concerned about any embarrassment that the action might cause the institution."

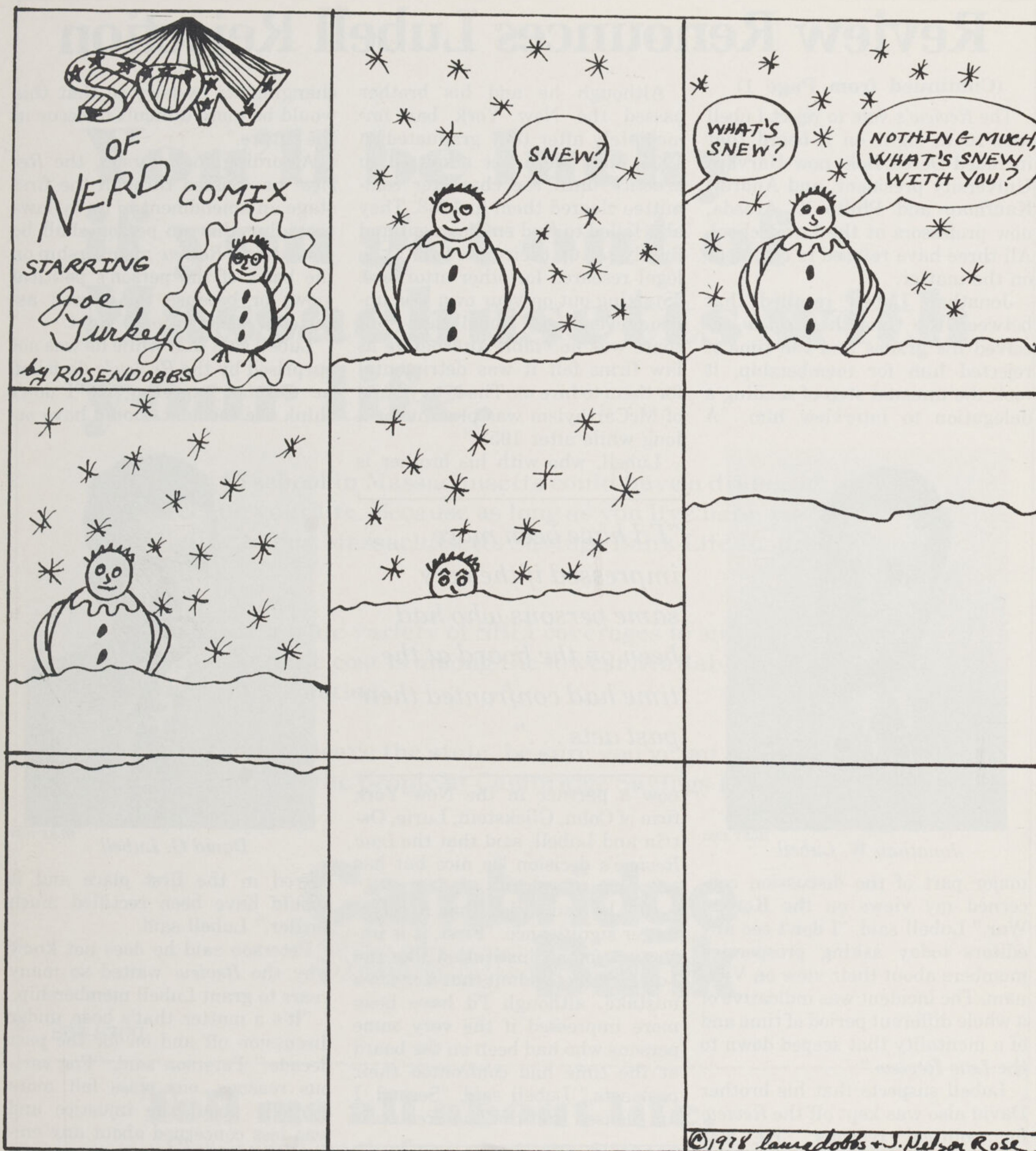
Peterson agreed with Lubell that the decision has little practical meaning. It merely entitles Lubell to attend *Review* banquets, elect Board of Overseers members and receive *Law Review* volumes.

"The decision is largely symbolic," Peterson said. "We hope that it will do as much as possible to remedy a wrong and unjustifiable decision."

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Stating a Case for the Socratic Method

(Continued from Page 7)

"Lecture combined with questions that hopefully lead to debate in the class is the best method," comments Parker. "The question of whether to use patterned hypotheticals turns on two things," he feels. "First, are you good at it? — I don't think I'm particularly good at it; but there are some, especially the more experienced teachers, who are."

"Second, there's a time element — it takes a long time to work through a well-patterned series of hypotheticals in class until the point of self-discovery. One line of hypotheticals might take a half-hour. So the question is whether you want to allocate that much of your time."

"If you're good at it and your goal is to develop those kinds of analytical skills, fine."

Areeda also talks of the time problem. "Yes, the Socratic method is an inefficient way of communicating information," he says. "If that is your object, passing out materials is a more efficient way to do it. But acquiring information is just one part of acquiring a legal education."

Resistance

In upper level classes professors seem to feel that communicating information becomes more important. For that and other reasons, the Socratic method is downplayed as compared to its usage in first-year classes.

"Three years of it — of course not," says Miller. "That would be pedagogically unsound."

"I have a very simplistic view of legal education," he adds. "The only year that counts is the first. Upper levels are playing out the same themes in new contexts; applying the skills learned the first year."

There's also a feeling that 2Ls and 3Ls are far more resistant to the Socratic method type of teaching.

"Second- and third-year students almost refuse to discuss," says

Byse. "And the question is, do you want to have to fight about it or not. More and more students want lectures."

What's in It for Me?

He theorizes about the withdrawal from Socratic discussion. "The grades come out and by and large, students are going to be in the middle of the class — and they've never been in the middle of the class. If they're not mature, that's disappointing. So they say 'what does it get me to do what Byse wants me to do, namely read this case, abstract it, know the facts — I'm going to get my B+ anyway.' I think very many upper-class students view their study that way. I think it's the price we pay for having such an excellent student body."

"Also," says Byse, "I think they feel 'we already know this game — let's get on with it, with what the law's really about.' I think they're cheating themselves — if they're willing to study and discuss it, they have a chance to check themselves against their fellow students and against the professors."

Areeda also sees the upper-class tendency to rebel against mandatory class participation. "One reason is that students to some degree feel they've gotten the benefit of the Socratic technique in the first year and what they prefer in upper-class courses is simply to receive the benefit of the instructor's expertise in the subject matter. Students sometimes regard efforts to involve them in discussion as

simply a replay of the Socratic game of the first year."

Also, he adds, students are more involved in extracurricular activities and in interviewing during their second and third years. "Even conscientious students simply have less time to prepare for class on a day-to-day basis; and efforts at Socratic discussion with students who are not excellently prepared is a waste of everybody's time."

Working for Whom?

"There are," says Parker, "a lot of reasons as to why 2Ls and 3Ls aren't as participative. I don't think it's just resentment of the ways they were taught first year. I wish there were more participation."

"But I think some of the anxious ambition of the first year has dissipated. And I think that students in the second and third year think the teacher is working for them; and they want to get something out of every class. You notice that more and more in class evaluations — they don't want other students to run away with the class."

"And," adds Parker, "I think that in itself is fine. The teachers ARE here to work for the students."

"I'd say my ideal upper-class course," says Areeda, "would have a balanced mixture of 'Socratic' in quotes, discussion, and lecture, where lecture would be used to set the scene."

Says Miller, "In my view, a dash of the Socratic method — and that's in quotes — is a tremendous tool. It utilizes the school's greatest resource — the students."

"I," says Dershowitz, "have no intention of abandoning the Socratic method."

"Maybe I'm kidding myself," says Byse. "Maybe I should just say I'm too old to change."

Sports Answers

1. Hale Irwin shot a 287 to capture the event at Wing Foot in Mamaroneck, New York.
2. Carl Yastrzemski and Mickey Mantle.
3. In what must be regarded as an upset, Josef Walcher captured the title formerly held by Franz Klammer (who finished fifth) last month at Garmisch Partenkirchen.
4. Judge William B. Jones.
5. John Candelaria and Frank Tanana.



HLS provided 150 pints of blood and was the only source of blood for the Red Cross on the Wednesday after the storm.

HLS Students Roll Up Sleeves, Give Blood During Emergency

By Charles Johnson

Several HLS students and the Red Cross last week turned Holmes Hall into a makeshift clinic for an emergency blood drive.

Almost 150 people each donated a pint of blood at the clinic last Wednesday, according to Dave Rocco, a Red Cross official. The Red Cross collected an additional 300 pints at a similar clinic at Quincy House on Wednesday and Thursday.

Robert P. Mollen, 2L, got the clinic started after he heard a radio announcement that the regional Red Cross blood bank was short of blood. He enlisted the help of several residents of Story Hall in setting up and running the blood drive.

"It was a unique situation," said Rocco. "It did so well Wednesday that we went into a second on Thursday (at Quincy House)."

The Red Cross needed the help of the U.S. Army to get the equipment to the Law School; an army truck delivered it Tuesday night in the driving snow.

Rocco said blood supplies were low for the Maine-Massachusetts region, although they had not dropped to critical levels. Still, the shortage was great enough that the Red Cross announced through the media that it needed more donors at its Boston office.

"We try to collect 1300 units of blood per day," said Rocco. "But on Tuesday we collected only 450."

Blood platelets — small disks of blood that cause clotting and thus are often used in transfusions — can be kept only 72 hours, he said, when explaining that the Boston area requires about 1100 units of blood daily.

Mollen called the students' response remarkable, and he commended dormitory residents for their help in setting up the equipment and in running the clinic. Timothy F. Hodgdon, T. Thomas Singer and Ellen T. Taylor, all 3L's, helped with the drive all day.

SPORTS QUIZ

1. What former University of Colorado football star won the U.S. Open Golf Championship in 1974?
2. Who are the last two players to win the triple crown in the American League?
3. Who is the current F.I.S. Men's Downhill Racing World Champion?
4. What current U.S. District Court judge once sat on Knute Rockne's bench at Notre Dame as both a player and a coach?
5. What pitchers led the American and National Leagues in Earned Run Average in 1977?

(Answers on Page 14)

Cryptic Law

The following excerpt from that traditional favorite, the Uniform Commercial Code, is in "judicial code." While Professor Countryman's students, still enraptured with the intricacies of commercial paper, may enjoy this week's selection, the exam-weary students of Professors Kaufman and Scott may not. (Hint: Each letter stands for a different letter of the alphabet.)

"[S]gd ldqd rhfmzstqd ne sgd cqzvdd nm sgd hmrsqldms hr z rteehbhdms zbbdoszmbd. Btrsnlzhkx sgd rhfmzstqd hr vqhssdm udqshbzkx zbqnrr sgd ezbd ne sge hmrsqldms . . . Hs ltrs mns adzq zmx vmqcr hmchbzshmf zm hmsdms sn qdetrd sn gnmnq sgd ahkk; zmc mnsghmf hm sghr oq-nuhrhnm hr hmsdmcdc sn bgzmfd . . . cdbhrhnmr . . . gnkchmf sgzs sgd cqzvdd'r rhfmzstqd zbbnlozmhdc ax sgd vmqcr 'Jhrr lx enns' hr mns zm zbbdoszmbd."

(Solution on Page 14)

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