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TWENTY CENTS

HLS Recognition Sought by Gay Rights Group

By J. Ezra Merkin

A student-organized Committee on Gay Legal Issues will seek formal recognition from the Law School this week. A founding group of 25 students, 17 male and 8 female, have adopted a constitution, selected a faculty advisor, and notified Assistant Dean Stephen Young of their intention to gain standing as an HLS approved organization.

According to spokesman Jose Gomez, 2L, the primary objective of the committee is to participate actively, through legal assistance, in litigation and legislative activities that seek to achieve equal status under the law for homosexuals.

"We are not a social club," said Gomez. "We are a group of gay and non-gay students very concerned about the growing national attack on the civil rights of gay people. We are organizing in order to provide legal assistance to gay legal defense groups, particularly on issues and causes around the Boston area."

The Committee says it is not particularly troubled by the treatment of gay students at HLS. Members of the founding group emphasize that theirs is not an organization of gay students but a vehicle whereby concerned students can devote their attention to perceived violations of civil rights.

Briggs Initiative

One area of concern frequently cited is the proposed amendment to the California constitution on the ballot this November. Known as

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Betsy Zeldin: Portrait of the artist as a young woman.

3L Finds Artistic Inspiration Where Others See Only Law

By Beckey Wesley

Another rejection letter. What can you do besides hurl it angrily into the nearest wastebasket or add it to your Despair File? It would not occur to most of us to turn our rejection letters into part of a collage on the theme of law school life, but that is what third-year law student Betsy Zeldin did with hers, to the delighted discovery of those who visit the art display in the Langdell mezzanine.

Zeldin feels that too many law students turn all their often frustrated energies right back into their textbooks and end up living, breathing, and talking law school. Her alternative is to use her law

school experience as motivation and material for another important interest in her life — art. How does she have time for both? "The key to law school is being organized," is her answer. "I've found that wanting to have time to paint makes me study more efficiently." And on the other hand, "the intellectual stimulation of legal study makes me a more creative painter." For Zeldin, who reads her law assignments on her bed and paints at her desk, the rather unusual combination of being a law student and an artist has provided a full, stimulating lifestyle.

Zeldin began painting seven years ago. While an undergraduate

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Sporting Students Stay in Shape

By Emily Bresler

Whoever first said that brains and brawn do not mix might well have been observing students at a lecture in Langdell North. Although three years at Harvard Law School are fraught with mental gymnastics, the "typical" student body illustrates little corresponding concern for physical exercise. The stereotypical law student views mental and physical conditioning as incompatible; if he can tear himself away from his books on a Sunday he is more apt to be watching a football game on television than participating in one.

However, a significant portion of this year's law school student body seems intent on dispelling that image. Increased interest in the intramural sports program is one indication that law students are taking advantage of the opportunity for purely unacademic enjoyment and exercising something other than their cerebella.

Intramural Sports

The intramural football program features three leagues this year. According to Andy Friedman, 2L, this year's football commissioner, approximately 250 law students participate in regularly scheduled games each Sunday behind Harvard Stadium. Seven teams play in the highly competitive A league, 16 teams participate in the semi-



skilled B league, and six teams comprise the "just-for-fun" C league. One C league team is all female while two others are coed. Following the regular season the A and B leagues will each have semi-final and playoff games within their respective leagues.

Similarly, the intramural volleyball program reported a big boost in participation this year. A total of 30 teams compete in two leagues, with games scheduled Monday through Thursday evenings at Hemenway Gym. According to Colleen Kelly, 2L, who headed last year's program, the increase in student participation is "significant"; approximately 35 per cent more people are involved this year than last year. Brian Holman, 2L, this year's commissioner, said the regular season will last until late October with playoffs to follow.

In addition to the sports now in progress, the intramural basketball program will be organized soon, with rosters for this year's season due today. Twila Foster, 2L, the 1978-79 commissioner said that the basketball season will run from

late October until March, with a break for finals in December and January. Intramural softball is scheduled for the spring.

Diversity Stressed

Students offer a variety of reasons for participating in intramural athletics. Most students feel they need some exercise, especially since they are less likely to encounter spontaneous athletic activities at law school than they did as undergraduates. In addition, many of those questioned like the idea of a pre-arranged excuse to avoid studying. Other students point to a desire to compete effectively for something other than grades. Andy Friedman feels that "the desire to get internal satisfaction from succeeding in a competitive sports situation" is a significant factor. "It's an easy way to turn ability into achievement and that's unusual here at the Law School."

Several students had more personalized reasons for their participation. Joan Polacheck, 2L, ex-

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Faculty Blasts Ban on Dirty Words

By Dave Quinto

The Supreme Court's decision in *F.C.C. v. Pacifica Foundation* has found few admirers among the law school faculty. A New York radio station played a George Carlin monologue satirizing society's attitude toward the seven words he claimed could not be said over the airwaves. (The Court noted the words, 98S.Ct. 3026, at 3041: "shit," "piss," "fuck," "cunt," "cocksucker," "motherfucker," and "tits.") By a 5-4 vote the Court proved him right, finding that the Federal Communications Commission had acted properly in sanctioning the station for playing it at an hour when children were likely to be in the listening audience. Justice John Paul Stevens, writing for the majority, argued "indecent" language need not have prurient appeal and is distinct from "obscene" as defined in *Miller v. California*, and that speech that might otherwise be protected by the First Amendment can be regulated when broadcast.

Professors Alan Dershowitz and Milton Katz are concerned that the decision did not establish a limiting principle. According to Dershowitz, "if you take the illogic to its reasonable conclusion, the result would be massive censorship of an unprincipled nature because everybody wants protection from something. I, for one, would not want my children to hear the fire and brimstone evangelical sermons on Sunday mornings." Katz felt the Court should have found the statute on which the F.C.C. relied for its authority unconstitutional because of its overbreadth and failure to define the limits of impermissible language narrowly.

Time-Slotting OK

Dershowitz believes that time-slotting of broadcasts to restrict certain programs to times when children are not likely to be in the viewing audience is reasonable, but he feels that only things which clearly do damage should be so re-

stricted. He cited "movies which portray violence in a way subject to imitation" as an example, and criticized as "silly" the Court's assumption that the only broadcast intrusion into the home which the law should recognize is "dirty words." He states that there is no culture in our country where those words are not heard: "If one does

"If you take the illogic to its reasonable conclusion, the result would be a massive censorship of an unprincipled nature because everybody wants protection from something."

not hear them in the home, one hears them elsewhere."

Prof. Paul Freund stated that "limited as it is to viewing audience and time of day, it's not a major issue," but Dershowitz, Katz, and HLS faculty member Anthony Lewis all feel that the decision will have a serious chilling effect on the broadcast industry. Katz feels this is so because the Court's decision does not prevent the F.C.C. from widening the class of speech found "obscene, indecent, or profane" in the future and because the standards found important to the relevant community are not defined. *New York Times* columnist Lewis explains that "people in the broadcasting industry are so afraid of their own shadows that it might have a chilling effect."

Lewis would have preferred the F.C.C. and the Supreme Court never to have addressed the particular case. The Court, he believes, seems to have found a new basis for justifying differential treatment of the broadcast industry within the communications media by holding that "the broadcast media have established a uniquely pervasive presence in the

lives of all Americans" because the audience is constantly tuning in and out and cannot be expected to hear prior warnings as to program content. The Court found a further danger in broadcasting's unique accessibility to children.

Brennan Dissent

Justice William Brennan, writing in dissent, argued that the majority opinion misconceived the nature of the privacy interests involved when an individual voluntarily chooses to admit radio communications into his home and ignored the constitutionally protected interests of both those who wish to transmit and those who desire to receive broadcasts that many might find offensive. He argued that "the ability of government, consonant with the Constitution, to shut off discourse solely to protect others from hearing it is . . . dependent upon a showing that substantial privacy interests are being invaded in an essentially intolerable manner."

Brennan also criticized the majority for expressing the "idea that the content of a message and its potential impact on any who might receive it can be divorced from the words that are the vehicle for its expression." Dershowitz and Professor Richard Parker find the idea of content neutrality "impossible." Dershowitz says that McLuhan and Shakespeare have made it clear that the choice of words affects meaning. "Don't bother me," and "fuck off" have different meanings, Dershowitz added.

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Paul Freund, Constitutional Expert:

By Michael Smith

Not much has changed since 1939. His door is still open to students. His eloquence is undiminished. He still looks like the pictures in the Yearbook. But there is a subtle difference. The desk that used to be brimming with things to be done is now overflowing. Paul Freund has not slowed down since his retirement several years ago.

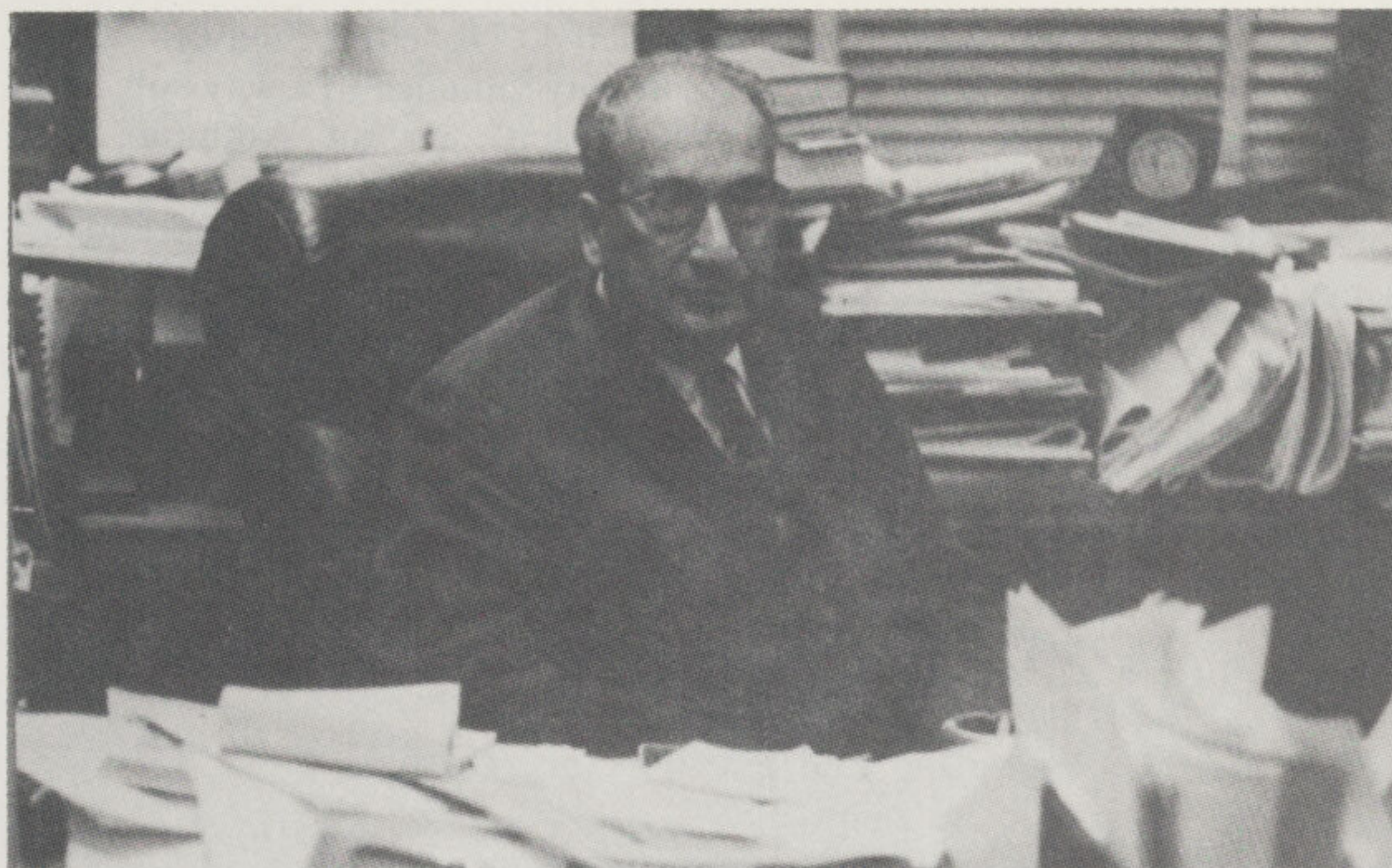
Freund has become a legend at the Law School, having taught here since 1939. After his graduation from Harvard Law School in 1932, he clerked for Justice Louis D. Brandeis, worked for the Treasury Department, the Reconstruction Finance Corporation and the Office of the Solicitor General. While at Harvard Law School, his specialties were constitutional law and constitutional litigation. He also found time to write profusely, including works on the Supreme Court and a constitutional law casebook. In 1976 he assumed emeritus status at the Law School.

Since that time Freund has been able to devote himself to several activities upon which he had been working for many years. One of these is editing a series on the history of the Supreme Court. Three volumes are already out and another two or three volumes are due to go to the printer during this academic year. In addition to the editing, Freund is also responsible for writing the volume that deals with the New Deal period. He says that "until that is done, I can never say I have free time."

Still Lecturing

In addition, Freund is still doing occasional lectures. In November he will be giving the first in a series of lectures at Washington University on equality. The lecture commemorates that school's 125th anniversary (and his graduation from that school with an A.B. fifty years ago).

Freund is still active in many organizations. He has consented to serve on a new commission of the



Professor Emeritus Paul A. Freund

humanities chaired by the president of Stanford University. The commission's task will be to assess the state of the humanities in the United States. He is also active in the Administrative Committee on Experimentation in Law under the Federal Judicial Center. That group is to report on the ethical and legal issues involved in controlled experiments in the justice and correction systems. Another committee upon which Freund serves is the ABA Committee on Youth Education which facilitates the teaching of law in elementary and high schools. And he is active in the American Law Institute and the Massachusetts Historical Society.

Freund has used the period since retirement to spread his interests "beyond the legal profession in its strict confines." He is examining law as a humanistic subject.

Since retiring, Freund has found that the calls on his time have multiplied. "I spend one half my time saying no and find that I have said yes often enough to make me wonder if I can get by on a 24-hour day."

When asked if he missed teaching, Freund replied that he does miss it, but that "I have found compensating attractions." He enjoys "the freedom to be where I please at a given hour of the day, although it is usually in my Langdell office. I did not have to search far to find

compensating pleasures for the loss of blue books to read." Freund finds that the open door policy of faculty offices has been an asset since he retired because it prevents a sense of isolation and obscurity from setting in.

HLS Attractions

Although the winters sometimes make him feel that he should move elsewhere, Freund finds that HLS has numerous attractions for a retired professor. "The practice here of accommodating retired professors who still want to work on the premises makes all of the difference. . . . like the typical lawyer, I feel bound to the best library and personal papers and research materials at hand."

When Freund contemplates his career, the most positive aspect seems to have been his teaching. "I suppose I am not unique in looking back on a misspent life comparing accomplishments with possibilities. There is always solace in the thought that a teacher lives on through his students. Retrospect at least becomes tolerable when I think of students who pass through courses here."

In recent years two events stand out for Freund. The first was being able to give the 1975 Jefferson Lecture under the auspices of the National Endowment for the
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Retirement Didn't Slow Him Down

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Humanities. This was special to Freund because it seemed to him to be a "recognition that law was somehow admitted into the company of the liberal arts." Freund has also enjoyed giving his undergraduate course at Harvard College. "It encouraged me to educate myself more broadly without feeling I was wasting time. It was a pleasure without a sense of sin."

School Atmosphere

In Freund's opinion the quality of the Law School "depends less on mechanical arrangements than it does on temperament and character of the faculty and students." The important thing "is an atmosphere which is breathed in." But he felt that when he "started talking in that old-fashioned way the time surely had come for retirement." Consequently he has very little to do with the administration of the Law School these days.

This atmosphere which Freund finds so important is based on the relationship between law and society. He would be "disappointed if the students were not possessed by the thought that law is a great intellectual experience for the individual and for social history."

He feels that the ties between law and the humanities are vital to an understanding of the real function of law schools. He cites the recent media portrayals of HLS as an example of people not perceiving "the intellectual excitement of the study of law." The "sense of discovery" which exists for law students is missing in the books and films.

Freund also objects to these portrayals on the grounds that they are "outrageously grim." They are "lacking in the wit which is at least an offset to any harshness of the place." He mentions the late Bull Warren, after whom he thinks Professor Kingsfield in "Paper Chase" is modeled. Warren's brutality is present in Kingsfield, but his wit is missing. According to Freund, an example of Warren's wit occurred when dealing with a floundering

first year student. Bull roared: "You are in very shallow water, but you are sinking fast." Freund summarizes the media's impressions of the Law School as "at best caricatures."

Freund's discontent with the media presentations does not extend to his impression of current students. Overall he finds them to be very similar to those he taught

will have to be made in the future to counteract the misconceptions about the roles of courts in today's society. "What is required, in the face of a clear need, is for some agency to hear complaints and vindicate rights — an invention of new instrumentalities comparable to the invention of new administrative agencies in the late nineteenth century in this country." It will be

He would be "disappointed if the students were not possessed by the thought that law is a great intellectual experience for the individual and for social history."

at HLS for forty years. He has found a remarkable consistency of spirit in the student body over the years. But there are two periods during which Freund feels there was a difference in the spirit of students. The first of these periods was the 1950's when the students seemed to be characterized by a lack of commitment and "political apathy." The second exception was the late 60's when there "was a markedly different spirit."

Divine Discontent

Despite the overall consistency, Freund finds that "Today's students have a deeper sense of divine discontent." "I don't believe they are stand-patters. They appreciate now, as they did not in the late 60's, there is no instant Stonehenge in political reform."

Freund predicts that there will be problems facing the new generation of attorneys. He feels that they will find that the courts are only "a stopgap." To them will fall the task of changing the pattern of dispute resolution. "I think we have come to rely too much on courts — too much in the sense that for complicated issues like budget priorities the courts are not adapted to making the most satisfactory decisions."

Freund feels some major changes

"a real challenge for the oncoming generations of lawyers."



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NYU Bars Anti-Gay Recruiting Bias

By J. Ezra Merkin

New York University Law School has banned on-campus recruitment by the United States military because of Army policies which discriminate against homosexuals. NYU Law School and Yale Law School have both passed resolutions in recent months prohibiting discrimination on the basis of "sexual orientation" in on-campus interviewing and hiring.

Jose Gomez, 2L, head of the HLS Committee on Gay Legal Issues, has announced his group's intention to persuade HLS and the Placement Office to adopt a similar resolution.

To date, the Army, Navy, and Air Force are the only recruiters to have been denied use of the NYU placement facilities because of discrimination against homosexuals.

In April, 1977 the NYU Senate adopted a resolution amending the university non-discrimination provision to include "sex, sexual orientation, marital or parental status, age, or handicap." According to Michael Magness, placement director at NYU Law School, lobbying efforts by the Lesbian and Gay Law Students organization were started the following fall to bar the military, which recruits at NYU for its general counsel offices, from interviewing on-campus. When the NYU Senate construed its resolution narrowly, to pertain only to university relations with teachers and students, a law school committee endorsed the policy as the attitude to be taken by the placement office toward recruiters and employers.

While the resolution was under consideration by the law faculty, Magness wrote the military branches about their policies concerning homosexuals.

Army Explanation

Major Harvey Kaplan of the Army's Advocate General Corps replied in a statement that "the

Army does have a policy that would preclude the hiring of law students on the basis of sexual orientation. Should an individual be admitted who is later found to be either a homosexual or a lesbian, Army pol-

"Sexual orientation does not affect one's ability as a lawyer. . . . We are saying that gay lawyers are not intellectually inferior — and most of all, that they are not untrustworthy."

icy would require the separation of that person from the services."

Magness said that this explicit statement resulted in the decision not to invite the military services to interview at NYU in 1978.

Magness has observed some confusion on the part of the military. He noted that "the military, for some gays, is a paradise. The military know what's going on — but they don't know what to do about it. The talk is all up front. The General Counsel of the Navy (a civilian office) has asked us, informally, to ignore the statement by the Judge Advocate General's Office and permit them to interview, under a guarantee that they would not discriminate, but we decided not to permit them on-campus. The policy of the military is that they do discriminate."

Grants in Trouble

There is some concern at NYU that the ban on Army recruitment at the law school could jeopardize some of the university's federal grants. Certain defense contracts and research funds are provided on condition that the military be per-

mitted to recruit on the school's premises. Magness says that "this just doesn't affect NYU that much. We take the position that the university is not the law school, and that the statute refers to a ban on recruiting at the entire university."

At Yale Law School a student claimed that he was denied an offer by a private employer who discriminated against homosexuals. A proposal was sponsored at Yale by the Law School Gay Alliance and it triggered intense debate among students and faculty. In contrast to NYU, whose resolution was approved with only four dissenting faculty votes, the Yale faculty circulated numerous memos and debated the issue in two faculty meetings. The resolution was finally approved in a full-dress faculty poll that is usually reserved for tenure decisions.

Opponents

Prominent opponents of the proposal on the Yale faculty included former Undersecretary of State Eugene Rostow, former Solicitor General Robert Bork, and constitutional law scholar Charles Black. Objections were raised to what was regarded as ratification of homosexuality by the Yale faculty. Faculty members pointed out that homosexuality is a crime in many states and claimed that legislation by Yale had no real meaning. Opponents also thought the resolution to be administratively difficult, particularly with respect to private employers. Nonetheless, in mid-summer the resolution was approved and over 1000 interviewers were notified of the new policy.

"Sexual orientation does not affect one's ability as a lawyer," says Magness. "I think we took the right stand. We are saying that gay lawyers are not intellectually inferior — and most of all, that they are not untrustworthy."

Gay Legal Issues: A Significant Battlefield

(Continued from Page 1)

the Briggs initiative, the amendment would require local school boards to dismiss any teacher who tended "to encourage, promote, or dispose schoolchildren toward private or public homosexual activity or conduct." The committee sees this as requiring the firing of any teacher who, inside or outside the classroom, advocates or defends rights for gay people. If the amendment passes, the committee will be prepared to join the challenge to its validity under the federal constitution.

The administration has suggested to the group that they join one of the existing student organizations and function as one of their subcommittees. "We disapproved," says Gomez, "because we consider gay rights to be no less significant a battlefield than, say, Chicano rights. We plan to devote all our energy to protecting the civil rights of gay people. The growing national attack on those rights is a threat to the fundamental rights of everyone, yet the legal community is conspicuously silent on this issue."

The Committee sees natural allies among other student organizations, particularly the other civil liberties groups. One member justified the formation of the new organization, *however*, by pointing out that "nothing has ever appeared in the Civil Rights-Civil Liberties Law Review on the gay issue. The constitutional issue is of sufficient magnitude to warrant an independent committee."

The Committee plans to aid current projects which are creating reference libraries in all areas of homosexuality and the law. Prominent among these is discrimination against homosexuals by the military. Gomez worked on one case of a homosexual who was dishonorably discharged from the Army and denied any veterans benefits. Limitations on exercise of First Amendment rights, discrimination in housing and public accommodation, occupational licensing discrimination, custody and

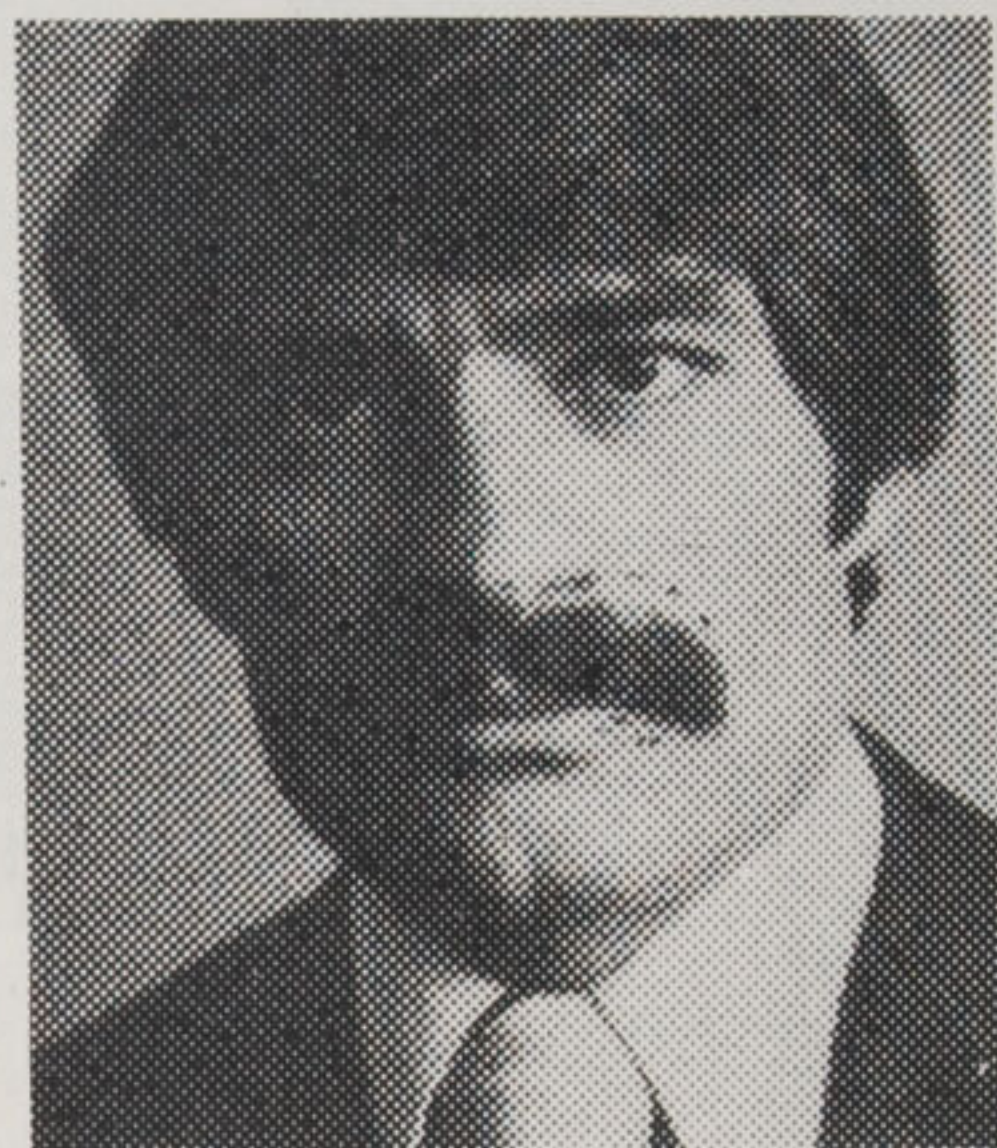
visitation rights of gay parents, and challenge of the sodomy laws are other areas of specific interest and planned Committee activity.

The Committee is trying to convince the Placement Office to amend its nondiscrimination clause to include "sexual preference"

Other Law Schools

Gomez represented the Committee at a Gay Rights Under the Law Symposium in San Francisco last month and discussed plans to contact other Boston-area law schools and form a pool of legal assistants available for work on cases and projects in the area. He has experience in organizing new projects. In the past he has worked for the Farm Worker's Union as an administrative assistant to Caesar Chavez, and as an assistant to the governor of California. Last summer he joined the Gay Rights Advocates, a San Francisco law firm, where he worked on many of the projects that the Committee on Gay Legal Issues plans to initiate in Boston.

Gomez claims that the homosexual faces considerable difficulties in protecting his or her rights, "in part because it is difficult to determine the rights gay people have. The legal profession does not have



Jose Gomez

available for its use any systematic presentation of how the law has responded, or needs to respond, to homosexuals."

So far as HLS is concerned, the Committee is trying to convince the Placement Office to amend its non-discrimination clause to include "sexual preference or orientation." New York University and Yale Law Schools have already adopted such provisions (see story, page 6).

"It's nice to have company, believe me," Michael Magness, placement director at N.Y.U., said recently. "If we have four or five major law schools moving on this issue recruiters will start to get a message. Discrimination against gays is absolutely at the forefront of law school placement problems today."

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Toga, Toga, Toga!

Story Hall may not be the Delta House of HLS, but don't tell these Story residents. They staged their own version of Roman bacchanalia last Saturday complete with grapes, nectar of the gods and the required attire. The RECORD has also learned that a dead horse was seen in Dean Sacks' office.

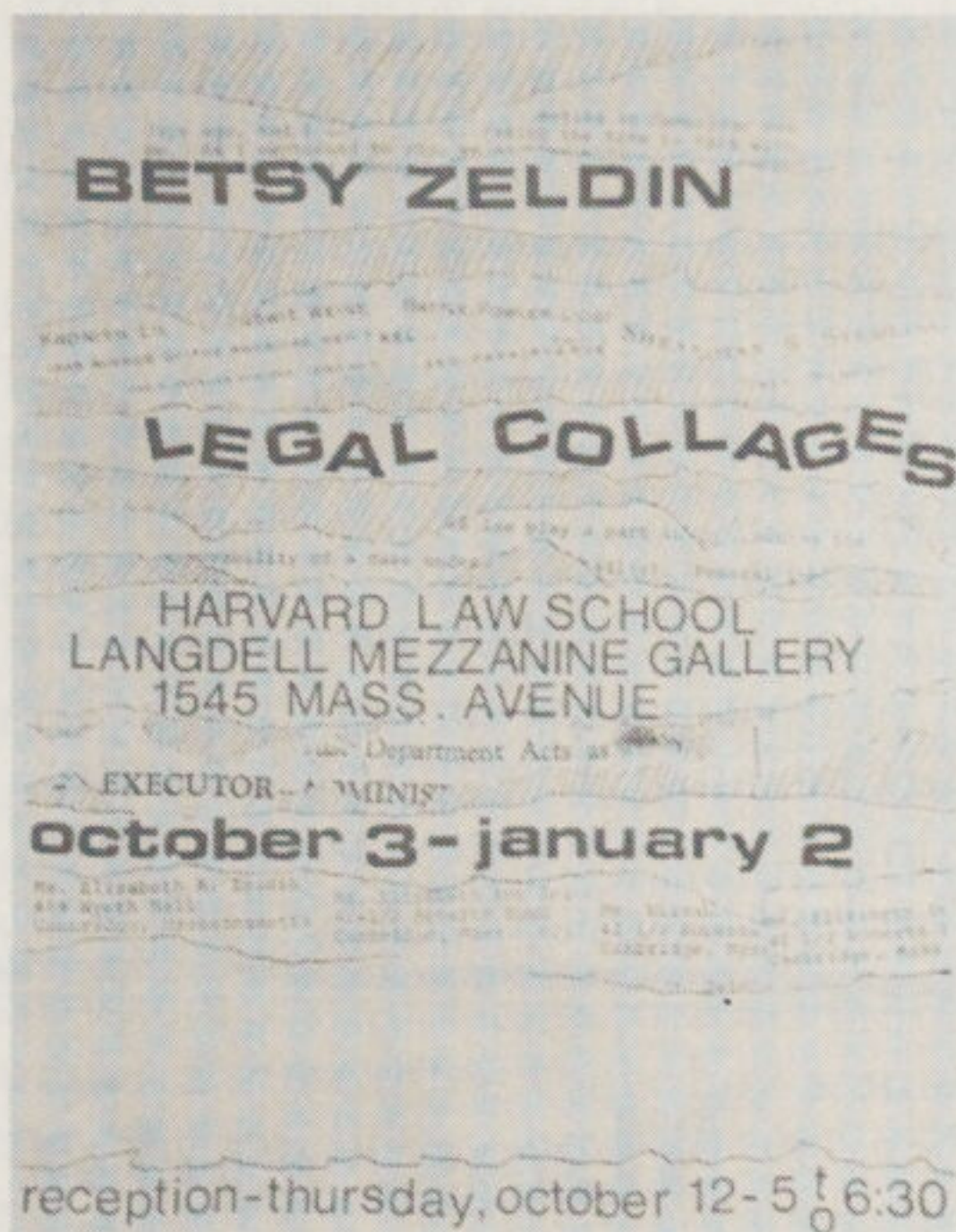
3L Turns Bad News into Fine Art

(Continued from Page 1)

at Brown University she finished the Political Science half of her double major in the middle of her sophomore year and spent the remaining two and a half years studying art. "I'm really not sure when or why I decided to apply to law school, but I was happily surprised when I got into Harvard, especially since LSDAS omits all art credits from applicants' transcripts. I was worried it would look like I had spent most of my college education doing nothing."

Year Off Helped

She took a year off after graduating to make sure she really did want to start law school, and now feels she made the right decision. "After months of working part-time at a mundane job, I knew I couldn't paint at all without something intellectual in my life. I chose to come to Harvard Law School because it offers a lot of advantages — they really do look for diversity



Copyright, 1978, Betsy Zeldin

in admissions, deferrals are available to applicants who need them, and there's a growing emphasis here on the arts. Not many law schools have four art shows every year." She also feels that the prestige of a degree from HLS lends credibility to her desire to blend two interests and happily reports that firm representatives with

whom she has interviewed have been interested and inquisitive about her artistic skills. She does not believe that Harvard Law School forces its graduates into a corporate practice mold. "That's a matter of choice on the student's part."

Zeldin plans to build a career out of both law and art. She hopes at first to work in a large litigation practice firm in New York where she can get the broadest possible background in general practice. Money is also a motivation, she freely admits, because "it's a rare thing for an artist to have the means for things like a nice studio and the freedom of output that comes with a good living." Eventually she would like to establish a practice to represent artists. "There's a real need — some firms have entertainment law departments but they tend to cater to rich, successful clients rather than to the ordinary artist with day-to-day legal problems." She envisions something along the lines of an In-

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Fellowships Promote Overseas Study

By Jorie Roberts

Want to study the beer industry in Germany or sharks in Australian waters? While many students eagerly look forward to working as lawyers after graduation from Harvard Law School, each year a small number of graduates choose instead to travel, study, and develop projects overseas under the auspices of one of several fellowships provided by Harvard University, by national fellowship organizations, or by foreign countries.

"I had a marvelous time with my Sheldon," comments Prof. Henry Steiner on his 13-month experience in Europe and the mid-East after finishing at HLS. Established in 1909, the Sheldon Fund is one of three travelling fellowships awarded Harvard students for study and/or travel abroad, each totalling \$5,650.

According to the terms of the residuary bequest of Amey Richmond Sheldon, in memory of her husband Frederick, the income of the Sheldon Fund is "to be applied to the further education of students of promise and standing in the University by providing them with facilities for further education by travel after graduation or by establishing travelling scholarships." Every holder of a Sheldon Fellowship must be a member of the University when appointed and must hold a Harvard degree, or be a candidate for a degree, in the year of selection. Graduate students may enroll at universities in the United States or abroad, for purposes of formal study or research, or they may engage in travel, or they may combine travel and study.

The Sinclair Kennedy Fund, established in 1949, is similar to the Sheldon Fund in that it allows graduate recipients to travel and live outside the United States. It is only available to graduate students, does not require a prior Harvard degree, and was "created in the belief that an opportunity to observe and to compare, to seek meanings and reasons, may enlarge the understanding of the

traveller and, through him, be of general value."

The Knox Memorial Travelling Fellowships, dating from 1946, are also available to graduates of Harvard College or to students who have completed at least one year of study at a Harvard graduate or professional school. The Knox permits recipients to study and travel in the United Kingdom, Australia, New Zealand, or Canada, "because

assistant dean for International Legal Studies, "The Law School used to get four Knox and two Sheldons each year." However, the number of awards has decreased in the face of inflation, so that now the Law School generally receives only one of each award. Candidates for each award must submit applications to Assistant Dean Frederick Snyder by Nov. 20 for the Sheldon and Nov. 30 for the Knox, and

"... cooperation between the British Commonwealth and the U.S. is essential to world peace."

of the firm belief . . . that cooperation between the British Commonwealth and the United States is an essential to international peace," as expressed by Annie Reed Knox in memory of her husband Col. Frank Knox, Secretary of the Navy, 1940-1944, and 1936 Republican vice-presidential candidate.

Travel in India

Last year four law students applied for a Knox fellowship. Only one student, Henry Dinger, received a Knox, which he is using to study complex litigation in the courts of the United Kingdom. In addition, eight HLS students applied for Sheldon Fellowships. Again, only one law student, Margaret Montoya, received an award. She is presently travelling in India, Nigeria, and China studying the allocation of educational resources for minority populations.

According to David Smith, the

then interview with an Ad Hoc Law School Committee composed of Deans Smith and Snyder and Profs. Arthur Taylor Von Mehren and Detlev Vagts before their applications are forwarded to the University.

At least four HLS professors are former recipients of Sheldon Fellowships: Henry Steiner, Charles Haar, Charles Nesson, and Detlev Vagts. Steiner used his award to study court procedures in Hamburg, Germany. "Although I was learning about the German adversary system, of course I knew nothing about our own, having just gotten out of law school," he said. Later Steiner worked with a Parisian lawyer while auditing courses at the Faculté des Lettres, traveled through Southeast Europe and the Middle East, and completed his year abroad by attending a conference in Austria.

(Continued on Page 14)

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Viewing With Alarm

The Supreme Court knows indecency when it hears it, as it proved this summer when it upheld the F.C.C.'s sanctioning of a radio station for broadcasting a George Carlin speech which included the now-famous seven dirty words.

While the Court limited its holding to the specific circumstances of the language of the Carlin monologue and the time it was broadcast (daytime — solicitude for the ears of small children surfaces touchingly in the Court's opinion), we worry about the precedent that is set once a concept so vague as "indecent" is allowed as a limiting factor on First Amendment freedoms.

Who is to say when indecency will, in the Court's ears, become not the use of words like "fuck" and "piss," but instead the use of words advocating social reform or political protest?

The Court, quoting Justice Sutherland's statement that "a nuisance may be merely a right thing in the wrong place — like a pig in the parlor instead of the barnyard" goes on to "simply hold that when the (F.C.C.) finds that a pig has entered the parlor, the exercise of its regulatory power does not depend on proof that the pig is obscene."

The pig in this parlor is not the words themselves, but the idea that such words may be squelched because several elderly men find them "indecent."

Pointing With Pride

The emergence of toga parties at staid old Harvard Law School is a puzzling phenomenon. Students here are supposed to be too busy learning and loving the law to have time for such apparent frivolity. The frivolous nature of the togas is only apparent, however. In fact, the parties are deeply connected with the learning and the loving of the law.

Many students who have never studied Latin report that after a few minutes wearing a toga they have no difficulty understanding such Latin terms as habeas corpus, ultra vires, sua sponte, and even the dread res ipsa loquitur. Some students find themselves suddenly able to pronounce the words properly. They suggest that a number of HLS professors might do well to don togas in the hopes of improving their Latin pronunciation.

We realize that many feel a toga is out of place in a progressive twentieth-century law school. We feel, however that a proper appreciation for the glory that was Greece and the grandeur that was Rome is fully compatible with an education designed to deal with the problems of today and tomorrow.

Thus, in answer to the question, "Toga or not Toga?" we respond with a resounding "Toga!"

HARVARD LAW RECORD

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Fenno

"You've got to help me, Fenno," the 1L pleaded. "The cold weather's here, and you know what that makes me think of."

"Santa Claus?" Fenno offered. "Or hockey season?"

"You've got to be kidding," said the 1L. "Exams. The whole first-year class is on the verge of panic."

Fenno looked at his watch. "But you've got almost three months to worry. Why start now?"

"Because the practice exam is just a few weeks off and I haven't even begun to outline any of my courses. That's why."

Fenno smiled. "Put your mind at ease," he said. "Practice exams don't mean a thing. Why, Alan Dershowitz almost failed his first practice exam, and look how he turned out."

Fenno's smile turned into a concerned frown. "I suppose you're right. Maybe we should talk about exam-taking methods."

"The way I understand it," the 1L began, "is that I should outline each course and then get some old exams and —"

"Hold it," Fenno interrupted. "Who have you been listening to? Your professors?"

"No," the 1L answered. "Just a 2L friend of mine."

"Even worse," said Fenno. "Now the first thing you have to learn is that content means nothing."

"It's style that counts?" the 1L asked.

"No, style doesn't mean much either," Fenno said. "But good handwriting helps."

The 1L looked puzzled. "Handwriting?"

"Sure," said Fenno. "Lots of profs grade on the basis of handwriting. And lots of others grade on the basis of length. So writing fast will be a big asset."

The 1L began to furiously copy Fenno's words into his notebook.

"My favorite grading method is the one applied by Torts profs. All the exams are thrown into the air. Those that land in the wastebasket are C's, those that land on the floor are B's, those that land on the desk are A's, and those that stick to the ceiling are A+'s."

"So bringing something sticky into the exam is a must," the 1L said.

"You're beginning to catch on," Fenno smiled. "Heavy pieces of the type of tape that's sticky on both sides seems to work well. And it gives the added advantage of increasing your exam's weight, in case you have a professor who grades on that basis."

"This is great, Fenno," the 1L said. "But what if I get someone who actually reads the exams?"

Fenno began to laugh. "You think anyone would actually read 150 bluebooks full of a 1L's thoughts?"

Space Blues: Notes from the Library

by Robert C. Berring

Astute habitués of the North sub-basement of the Langdell stacks have noticed a sign explaining certain sets that have been removed, just as others have noted grim-eyed men glancing covetously at the walls on the south ends of the stacks. What does it all mean?

It means that Law Library is seeking a solution for its problems of overcrowding. The current collection of 1,300,000 volumes is far and away the best academic law library collection in the country, and we are far and away out of places to put it. Five remote storage sites have been used to soak up overflow and now *they* are overflowing. It seems madness, but we have in basement storage thousands of volumes other law libraries would be showcasing in a rare book room. Though there are still pockets of empty shelving, on a percentage basis we are well past fail-safe. What is to be done?

Short of storming the palace, there are alternatives, and two of them are being explored. The first is the cause of the sets in the North sub-basement. The library is currently involved in a pilot project of converting low-use hard copy books into microfilm. The pilot project takes administrative material in seven areas from thirteen states, converts it to film for our collection, and offers it for sale to other libraries. This should allow us to save space, retain the information, and possibly make back our

investment. If the pilot works we'll move on to bigger and better things, with projections running as high as 300,000 volumes eligible for conversion.

The second project concerns Langdell South Middle. Those grim-eyed figures in the first paragraph are architects who are planning to interfloor the Langdell South Middle classroom and turn it into two levels of additional stack space. The same project also will renovate several floors below the classroom that are currently very low quality storage space. They will be reshelfed, relighted, and climate controlled. The whole project should provide a gain of over 100,000 in volume capacity. Perhaps more important, the new stacks will be climate controlled to preserve the fragile paper and bindings of the rare materials. There will also be renovation of Level 1 on the south end, with a new microform area and carrels. It sounds like nirvana — just knock on wood and hold out until September, 1980.

(Editor's note: Robert C. Berring is Associate Librarian at Langdell Library.)

SPORTS QUIZ

1. Only one Ivy League player is a member of the top five career record holders for major collegiate football. Name the player, team and record.
2. Despite Harvard's poor showing at football this year, there have been better years for the Crimson gridgers. How many Harvard football players have made the Collegiate Hall of Fame? Name the last player from Harvard to be so honored and his year of graduation.
3. Three of the top five career scorers in the NFL were still playing in 1977. Who are they and what do they share with the all-time scoring leader?
4. Now that the World Series is over, most of the players can forget the errors and missed opportunities that could have turned it around. Some players, those who set records, won't be able to use the veil of obscurity to cover their errors. Who holds the record for the most strikeouts in a series and what team did he play for?
5. Napoleon Lajoie has starred in Dawson and Harvey's casebook for first year contracts for many years. His record in baseball is equally illustrious. What record does he hold that has never been broken?

(Answers on Page 15)

Cryptic Law

This week's selection is dedicated to those of you who think you are perfectly safe as you sit there reading this:

Nfsshxkt, ophjh vgn g tmfs rmzzmolmx
gxs xmln mdhjphgs gxs nlzftogxhmfnt elon
mb wtgnohj gxs shejln ehugx om bgtt bjmx
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lxnogxogxhmfntk . . . ek g nlq pfxsjhs wmfxs
nohhj bgttlxlxu opjmfup oph rhltlxu
lzzhslgohtk mdhj . . . phj wmnolmx . . . gxs
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yxmrylxu pnj fxrmxnrlmf, btgoohxlxu oph
rpglj gxs wtglxolbb om oph btmmj . . . fxshj
ngls nohhj.

(Answers on Page 16)

OCTOBER 20, 1978

Law Into Art? Student Shows It's Possible

(Continued from Page 8)

Intellectual Property Center where artists, musicians, actors, writers, and dancers can get legal help with copyright, housing, tax, and other difficulties. She explains, "it would take a big investment of time and resources to establish such a practice because the clientele in general can't pay much for the help they need."

Artists' Problems

One example of a present artists' problem concerns eviction by landlords (with city authority backing) of artists who have in recent years centered around the Greenwich Village and Soho areas in Manhattan. Because of commercial zoning, artists who are evicted from their homes and studios in lofts there are defenseless against financial ruin resulting from loss of improvements and "fixture fees" of several thousand dollars. Zeldin gained some experience with this sort of problem in the course of pro bono work last summer with Volunteer Lawyers for the Arts, an umbrella legal aid organization in New York.

Zeldin's chances for success as an artist look bright in light of several opportunities for recognition which she has recently attained. While at Brown she sold several large commissioned pieces to an area bank; she won the purchase prize last year with a collage submitted in competition for West Publishing Company's commemoration of the 100th anniversary of the American Bar Association. Last year she also participated in an Alumni Artists' Show at Brown and she was asked to do the current Langdell display. And Zeldin may contribute work for a Show for Artists with Dual Careers in New York next year.

Zeldin's favorite media are collage, watercolor, and charcoal, preferably in large dimensions when she has the space.



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Pro Bono Work Attracts Large Following

By Mark Nadel

Some students complain that the interviewing season at Harvard Law School suppresses the idealism of students who entered the Law School hoping to serve the public interest, and transforms them into self-serving corporate lawyers.

But interviewers for public interest firms and government agencies say they are pleased with both the quantity and quality of Harvard applicants, despite the big-firm mentality that seems to prevail here.

"Students get sucked up into interviewing for big firms," explained Hal Lieberman of Central Massachusetts Legal Services. "Everyone else is doing it, you decide to at least work for a summer to try it, then you think, well, maybe a year or two. There is a lot of peer pressure."

Still, Lieberman is not disappointed with the quality of students whom he has interviewed here: "People who are smart are a dime a dozen." The same feeling was shared by Bill Mason of the Tennessee Valley Authority, who was "totally satisfied" with T.V.A.'s treatment by the Placement Office. Asked if he felt that public interest firms were given second class treatment, he observed that he was "so satisfied it never occurred to me." In fact, according to Colleen McMahon of the New York firm of Paul, Weiss, Rifkind, Wharton, and Garrison "the Placement Office clearly treats the public interest firms better than us."

No Cocktail Parties

It might be said that public interest groups suffer because of the lower salaries that they must offer, but Paul Frye of DNA-People's Legal Service felt that his only disadvantage was that funding for many legal services does not include money for recruiting. Ten months ago when he first came here to recruit he had to pay his

own way. He thought that the Placement Office was very helpful, and he did not feel hurt because he could not throw cocktail parties like those given by some of the top firms: "People who wanted that wouldn't be interested in me."

Although the public interest groups felt that the students they interviewed were top quality, they recognized that most of the top students here go to prestigious, high-paying firms.

"Students get sucked up into interviewing for big firms. Everyone else is doing it, you decide to at least work for a summer to try it . . ."

"The people you have here are generally conservative rule followers," noted Frye. He suggested that this might be changed "by changing the admissions policy to take into account more than GPA and Ivy League background."

"Harvard could also expand its clinical program," he remarked, after remembering that one of the students that he interviewed "was 49th on the waiting list for the Legal Aid Bureau."

Pro Bono Work

Many private firms contribute to the public interest with pro bono work. "No other New York firm is as active in pro bono work as Paul, Weiss," stated Steven Rosenfeld. "You are actively encouraged to spend up to 15 percent of your time on pro bono work," continued McMahon. She said she came to the firm to learn "how to be a super lawyer," and felt that many top law students go to New York firms for an apprenticeship. From there many go into public interest fields. She noted with pride that, "of 33 lawyers in the criminal division of the U.S. Attorney's office, about 20 percent are from Paul, Weiss."

Intellectual Demands

Daniel Rezneck of the Washington, D.C. firm of Arnold & Porter indicated that his firm also has a 15 percent rule. He was not at all surprised that 80 percent of Harvard's graduates go to private firms because 80 percent of the jobs are there. "Money does not seem to be a factor, now, right out of law school," he stated. Both private and public work are equally intellectually demanding and so he felt that students might choose private firms because of the diversity they allow by encouraging private and pro bono alternatives.

Cocktail parties or expensive frills do not seem to be significant factors to attracting students, he felt, for "some of our best people are those who come walking in off the street."

Mason noted that the TVA can afford to fly down recruits and give them \$36 per diem expenses plus a free lunch (although "nobody gets any dinner").

Lieberman of Central Massachusetts Legal Services feels that most pro bono efforts of private firms are of little value, because of the inefficiency of part-time help in areas possibly unrelated to one's expertise. "Mostly it assuages peoples' consciences," he opined.



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Grants Encourage Foreign Studies, Travel, Options

(Continued from Page 9)

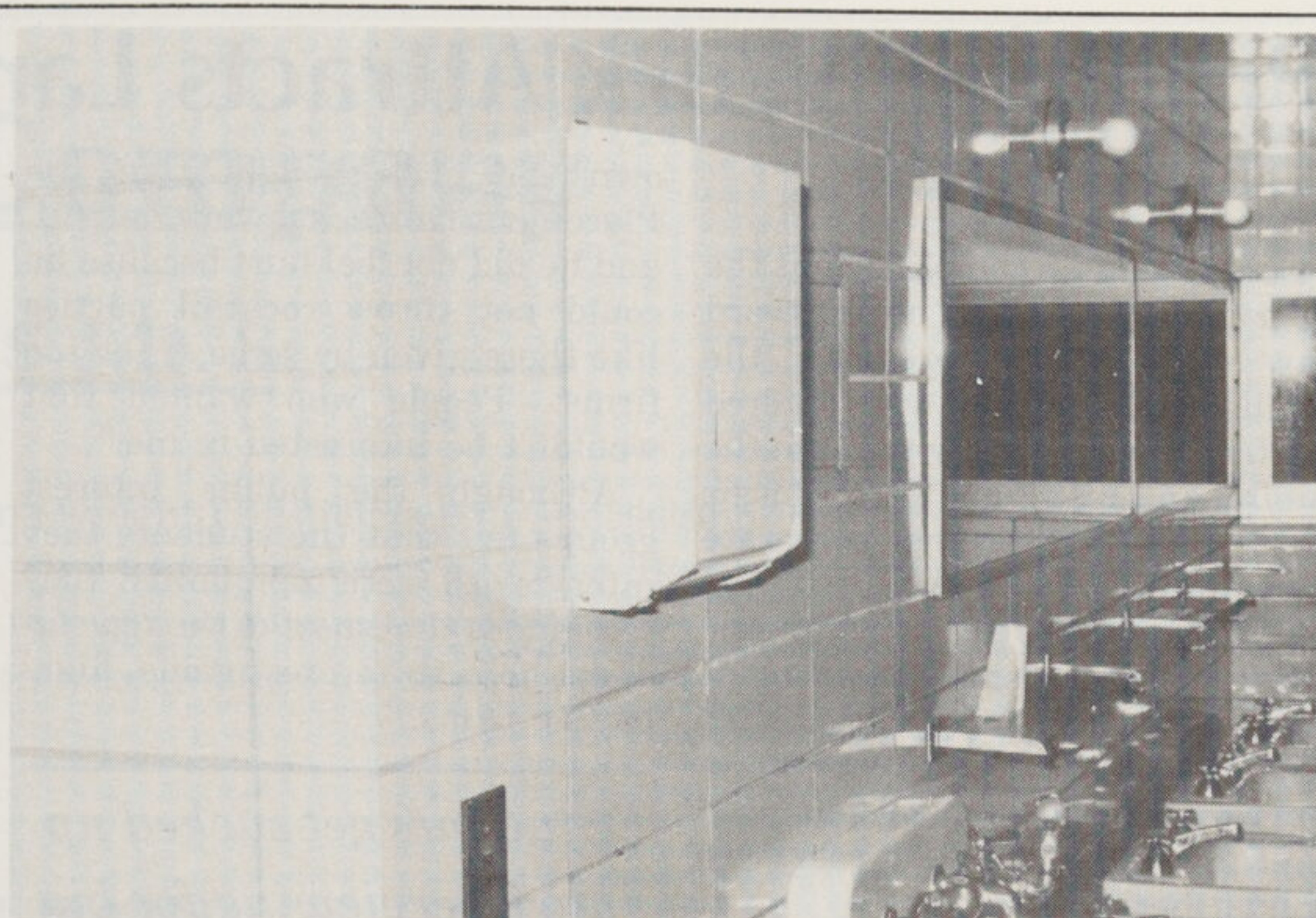
Prof. Charles Haar used his Sheldon fellowship to work at the London County Council and the Ministry of Housing and Planning and to study public administration at the London School of Economics. In addition to providing a break between law school and Wall Street, and allowing Haar to help plan the reconstruction of London in the aftermath of World War II, Haar's fellowship provided the initial impetus for his present speciality in land planning law. Haar published a book on land planning law in England after returning to the United States. "I undertook my Sheldon for a nine-month respite in London, but as it turned out my activities there profoundly shaped the development of my career, largely determining my speciality within the legal field."

The Law School also handles applications for Luce scholarships. The Luce Scholars program, initiated in 1974, permits 15 non-Asian specialists to work and study in Asia. In 1976 Wayne Koonce, a joint MPA-JD candidate, received a Luce scholarship. Ralph Steinhardt, 2L, spent a year in the Philippines on a Luce scholarship before coming to HLS.

Cultural Dimensions

Steinhardt felt his experience was very worthwhile. "The program justifies itself. In the end one would have to be a very insensitive person not to realize the dimensions of the culture. In short, you'd have to be a rock not to have a good time!" Steinhardt said. Although Luce scholarships are open only to non-Asian specialists, "one result of the program is that the participants look desperately for way to return to Asia even though they were presumably non-Asian specialists before the program be

(Continued on Page 15)



After years of pleas by wet-handed dorm residents, the Law School last week broke down and installed these paper towel racks in the Graduate Center bathrooms.

Athletic Interests Vary

(Continued from Page 2)

plained, "My parents always wanted a football player child and since they have three daughters, this is as close as they're going to get. According to my father, being on the first all-female football team here is my most significant achievement at law school."

For those students who enjoy the more traditional Ivy League game of squash, Hemenway Gym features 10 squash courts, two of which can be used for handball and raquetball. In addition, Hemenway has a basketball court, and small gymnastics and weight rooms. The facilities at Hemenway are open to any University student who purchases an athletic participation card.

According to Kit Morris of the Harvard Athletic Department, 886 law students purchased athletic participation cards this year, approximately half of the student body. In addition, 49 members of the law school faculty and 34 law school employees bought participation cards for use during this school year. The cost to law students is \$30, and entitles the student to use

of all University athletic facilities, although most law students prefer Hemenway for its proximity.

Other athletic facilities available to students include the Indoor Track and Tennis Complex and Blodgett Pool, both located at Soldier's Field. The Indoor Athletic Building on Holyoke Street offers a wide range of activities including badminton, basketball, boxing, fencing, judo, karate and table tennis as well as swimming and volleyball.

Athletic Committee

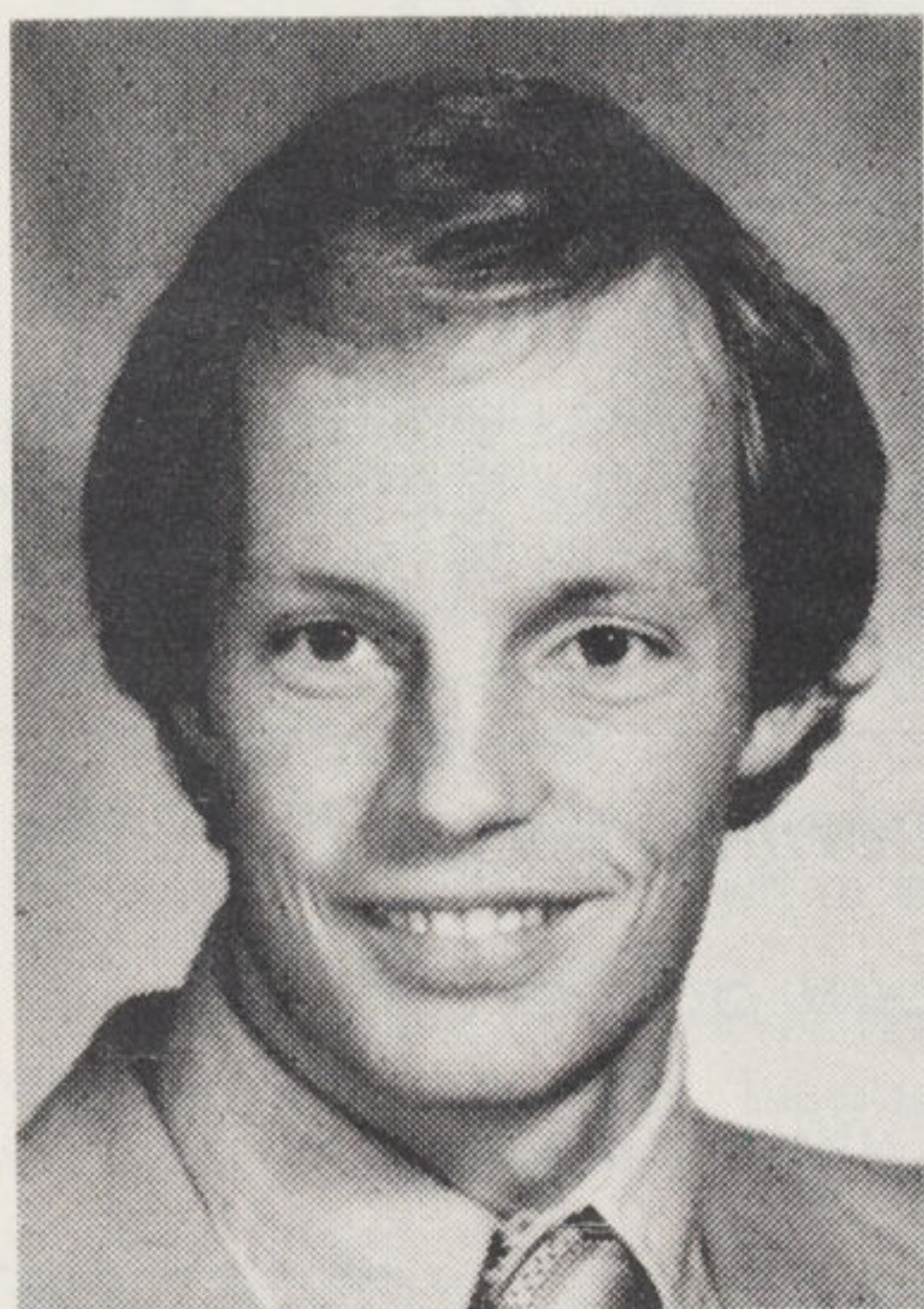
In response to a suggestion from Assistant Dean Steve Young, the Law School Council and the Dormitory Council have recently established a joint committee on athletic programs for law students. The committee, headed by Ray Streinz, 3L, and Baker Kurrus, 3L, will consist of 10 members: two from the Dormitory Council, two from the Law School Council and two members from each law school class. The goal of the committee is to improve the quality and availability of athletic facilities to law students.

(Continued on Page 16)

Law School Council Defends Rights

By Joshua Dratel

Why haven't the more than 1600 lawyers-to-be at Harvard Law School who stand ready to defend the rights of people the world over learned to defend their own rights? Baker Kurrus, 3L, president of the Law School Council, states that because "this institution is so awesome, many students don't feel they can challenge it effectively, and that's the wrong attitude."



Baker Kurrus

The Law School Council stands ready to change that attitude and develop student interest in the administrative processes that are vital in determining law school policy. "It's the only thing we've got, and we're trying to get anyone who's interested involved in our projects," continued Kurrus. "It's kind of silly for everyone to gripe and bitch about the state of affairs and then not do anything about it. If things don't suit you, there's no reason to sit back and watch them persist."

The Council has 15 members, five from each class. They, and other students they appoint, represent the student community on various committees which confront all aspects of student life. The Administrative Board and Legal Education Committees are among the most important. "Filling those positions is the best thing we do,"

Kurrus claimed. "I'm awfully pleased with our work on committees. A lot of important things do get done in committee and students help out a lot there."

Student Activism

Kurrus pointed to the adoption of the 4-1-4 schedule as an example of effective student activism. "Students got together, took a position, and lobbied on all fronts," he recalled.

The movement for pass-fail first-year grading failed, though, because those conditions were not met. "That never had a chance to really fly," Kurrus explained. "We didn't have enough time. We got a speedier trial than we needed and didn't have a chance to prepare our case properly."

The grading question will be included in a study of the entire first year curriculum promised by Dean Alfred M. Sacks, but Kurrus believes the issue will not be given

proper attention "in this kind of nameless mixed bag."

"It's up to students to make an issue of it," maintained Bill Chriss, a 2L Council member in charge of the grade-change project. "What

"This institution is so awesome, many students don't feel they can challenge it..."

the Law School Council will do is make sure that Sacks appoints a committee and gets this study underway soon. Otherwise we'll let students know about it."

Chriss, Vice President Earl T. Richardson, and Secretary Jeff Kichaven comprise part of what Kurrus called "a very good, enthusiastic 2L group." First-year members, just recently elected, are still familiarizing themselves with

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HLS Grads Roam Over Globe On Fellowship-Financed Studies

(Continued from Page 14)

gan," he noted. Steinhardt studied land reform and access to legal services in the Philippines, while other participants worked in such varied jobs as urban planning in Singapore and biological research in Tokyo.

The Law School distributes application forms for Fulbright and Marshall scholarships, which are sponsored by the British government, and Rhodes scholarships. As recently as 10 years ago, the Law School generally received three to four Fulbrights a year, but last year no applicant was successful. However, Cleo Thomas, a 1L last year, is presently studying politics, philosophy, and economics at Oxford on a Marshall scholarship he received last year.

Steiner summed up the ultimate value of a fellowship opportunity such as a Sheldon: "It's a year just to spring loose and get lots of dif-

ferent experiences for people who want to explore." ❧

Sports Answers

1. Ed Marinaro of Cornell who is third in rushing yardage with a total of 4,715 yards.
2. There are thirteen Harvard players in the Hall of Fame. The last one was Ben Ticker who graduated from Harvard in 1930.
3. The three men are Fred Cox of Minnesota, Jim Bakken of St. Louis and Jim Turner of Denver. They are 3rd, 4th, and 5th, respectively in all-time scoring. The thing they have in common with the all-time scoring leader, besides age, is that they are all kickers. The all-time scoring leader is George Blanda with 2,002 lifetime points.
4. Ed Mathews from Milwaukee in 1958 and Wayne Garrett from New York in 1973 share the title with a total of eleven strikeouts in seven games.
5. Lajoie had a .422 batting average when he played for Philadelphia in 1901. He also was the home run leader for that season with thirteen.

Student Athletes Mix Sports and Law

(Continued from Page 14)

Streinz cited three specific objectives of the committee. First, the committee will serve to review the adequacy of athletic facilities, specifically those at Hemenway, on an ongoing basis. Specific suggestions for improvements will be made based on personal observation and student inquiries. The matters covered will range from minor repairs to major renovations.

A second objective is to improve the intramural program by improving relations with the undergraduate athletic program. "Law School intramurals currently get the worst times and the worst fields for games," said Streinz, and the committee would like to see this changed.

Finally, a longer range goal is to establish a priority system for use of facilities whereby law students would be guaranteed almost sole use of Hemenway Gym. This would make it easier for law school groups or alumni to donate funds for equipment and the like while making sure that the benefits accrue to law students. The Dorm Council has tried one such experiment in the past; it funded half of the cost of the Hemenway weight room equipment in return for a guarantee that law students could use the room without the normally required athletic card.

According to Streinz, the University is conducting a survey to determine which groups of students use which athletic facilities. The committee may instigate a similar survey among the law stu-

"Law school intramurals currently get the worst times and the worst fields for games . . ."

dents in an effort to convince the University to give the Law School exclusive control over Hemenway. The committee also plans to lobby for a system whereby law students could pay less for the use of

Hemenway gym only. Any law student wishing to work with the committee should leave a note in either Baker Kurrus' or Ray Streinz's Langdell mailboxes.



Council Articulates Concerns

(Continued from Page 15)

the system, but they are proceeding without hesitation.

"Now that I've run and won, I'm glad the energy will be expended where I can do something," offered Marjorie Corman, Section 1's Council representative, after being appointed to the HLS Legal Education Committee.

Student Government

Corman thought serving on the

Council "would be interesting, and being a novice, I might still have the fascination in the field of student government."

Corman decided that the Law School Council

"wasn't Mickey Mouse."

Solution to "Cryptic Law"

Suddenly, there was a loud commotion and noise overhead and simultaneously bits of plaster and debris began to fall from the ceiling onto plaintiff. . . . followed instantaneously by a six hundred pound steer falling through the ceiling immediately over . . . her position . . . and landing upon plaintiff as she sat . . . , knocking her unconscious, flattening the chair and plaintiff to the floor . . . under said steer. Guthrie v. Powell, 290 F.2d 834 (1955)

After deciding that the Council "wasn't Mickey Mouse," Corman viewed it as "a means to figuring out how the Law School is run. It's a vehicle for getting student representation on decision-making bodies, too."

The Council is also involved in the IRS-run Volunteers in Tax Assistance (VITA) program, and is pushing for improved intramural and general athletic facilities.

"I think we articulate the concerns of those smaller groups that care about the way they are treated at HLS," Kurrus commented. "I'm optimistic that we'll be effective. There's a positive feeling among the faculty and administration, particularly Deans Bernardi and Young."

The Council meets Wednesdays, with all interested students welcome, and the place and time are posted on its bulletin board in Langdell.



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