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TWENTY-FIVE CENTS

No Supreme Court Justice for Ames

By Dave Quinto

Harvard will not have a Supreme Court justice on the panel judging the final round of the Ames Moot Court Competition on Nov. 19. Ames's chief justice this year will be Judge Henry Friendly (HLS '24) of the First Circuit Court of Appeals.

Serving with Judge Friendly will be Judge Patricia Wald of the District of Columbia Circuit and Judge Nathaniel Jones of the Sixth Circuit. Wald has previously served as an assistant attorney general

with the Justice Department and has been active in public interest work in the District of Columbia. Jones served as the general counsel to the National Association for the Advancement of Colored People prior to his appointment to the bench.

Janet Sanders, 3L, who, along with Otho Kerr, 3L, is in charge of administering the Ames Competition for the Board of Student Advisers, stated that she first learned there would be no justice for Ames "a few weeks ago — near the beginning of school." She added

that she does not "think there was any unhappiness at all, especially in light of the fact that Judge Friendly is coming."

Sanders and Kerr believe that former Dean Sacks and Dean Vorenberg began trying to line up the Ames panelists "last winter." By last spring, rumors began circulating among the Ames final round participants that there was to be no justice.

Kerr said the BSA is "not sure who was invited or how many were invited" to judge Ames before the three appellate judges accepted offers. When asked whether anyone from the Supreme Court had been contacted, Dean Vorenberg replied: "I'm not going to discuss people I've asked. I think it would be highly inappropriate."

Vorenberg could not recall when the last time the Ames competition, begun in 1912, was without a Supreme Court justice. Neither his office nor the BSA keep such records, and the RECORD's records go back only to the late 1940's.

Break in Tradition

The last year in recent memory when Ames was without a justice was 1964, when Justice Goldberg's plane was unable to land in Boston due to a snowstorm. Goldberg was forced to land in Portland, Maine where he rented a car to race to Cambridge. He arrived just as the panel began deliberating. Fortunately HLS had been able to prevail upon Bailey Aldrich, '32, then chief judge for the First Circuit, to

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Photo by John Morris

Ramon Murguia, 1L (right) serves up the hot fudge while Jim Allison, 2L, drops his jaw in anticipation. Behind Allison is Gary Hnath, 2L. In the center rear, scooping out the pralines and cream, is Mandy Lowell, President of the Dorm Council which organized the sundaes-for-\$1 event in the Hark on Wednesday.

Students Wait for Dorm Repairs

By Louis J. Hoffman

Complaints from students in Law School dormitories and their resident assistants have led to administrative efforts to avoid delays in requested repairs. RAs voiced their complaints at a meeting last week with Paul Upson, financial officer and director of business operations for the Law School. Upson said he relayed some specific complaints to Harvard University Building and Grounds Department (B&G).

The problems complained of ranged from faulty wiring in Wyeth Hall which caused blown fuses, to unreasonable delays in replacing venetian blinds in dorm rooms.

Many of the problems recently have been solved as a result of Law School complaints.

Why Delays?

Why do delays happen? Upson blames the repair procedure the Law School must use. He explained that all work must be done by B&G, and some problems are assigned low priorities (see accompanying example). Priority rankings, Upson said, are based on "judgment, what they [B&G] want to do, and who screams the loudest." B&G's backlog of work orders causes delays.

Nor are the delays limited to any

specific sort of problem. "Some egregious examples exist in all of the trades," Upson said. Non-emergency items appear to be particularly delayed because they usually get low priority. For example, Upson said that B&G was currently replacing wallpaper in Hastings Hall; the repair was requested on June 19. RA Bud Gilbert, 2L, mentioned light bulbs in the Dane Hall laundry room that were not replaced for three weeks. Finally, a resourceful RA called in an emergency request after working hours and the job was done in 10 minutes, according to Gilbert. "Delays occur quite sporadically," he said.

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Light Bulbs—A Worst Case Scenario

B&G maintenance procedures can lead, in the worst case, to some hefty delays in simple repairs. For example, suppose Student A, a Graduate Center resident, has a light which he can't switch on one day. He goes to his RA, named B, who advises him, correctly, that the janitor is not required to install light bulbs above six feet from the floor. B has A fill out a Law School repair form. The next day, B submits the form to person C in the Law School Dormitory Office.

C passes it to the Facility Operations Office, headed by George Cook. A surveyor in this office, D, often checks the room (visit 1) to determine what the problem is. In most cases, D is not allowed to fix the problem because of Harvard's contracts with the repairmen's unions. D is responsible for filling out a B&G repair form, so he tries to make sure that a repairman qualified to fix the problem is sent by B&G.

In this case, though, D assumes the problem is the fluorescent light bulb and fills out the form accordingly. This form is entered into the B&G com-

puter by E, a B&G clerk, and assigned a number and a priority. Now a work order can be made out when the turn comes for a job with this priority.

The work order is given to F, a B&G "lamper," who is qualified only to replace bulbs. F replaces the bulb (visit 2), but the light still does not light. He sends the order back, and a new B&G order is given to an electrician, G, who checks out the fixture (visit 3) and finds that a new "ballast" (starter) is required. Another, final visit (number 4) may be required if G does not happen to carry ballasts with him that fit the fixture.

One Month Delay

Because of this process, it is not inconceivable that four visits requiring action by seven people on three work forms will be necessary. How long can this process take? According to Cook, since lights are not classified as a priority item, five to 10 working days may be needed before the process begins by B&G, and another week may be needed for the final three visits. Added to the time taken

by the student, RA and surveyor, it may be nearly a month before the light is fixed, according to Cook.

Sometimes the problem can be fixed within a week, but, Cook said, "There is so much paperwork and wasted time that delays are common."

Finally, Cook noted that human error is always possible. People can lose the forms or transcribe the information incorrectly, or B&G can "solve" the wrong problems. "We get 200 calls per week," Cook said. "If there isn't a follow-up call, we assume the problem is solved."

What can students do? Some janitors will install bulbs for students because they recognize that the delay problem exists. Some RAs also can fix minor problems. If the order is entered, however, students should not hesitate to make follow-up calls to Cook's office (5-5521) if the work is not done in a reasonable amount of time. The night emergency crews at B&G control center (5-5560) reportedly provide faster service in many cases.

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While B & G Wades Through Backlog

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On occasion sympathetic RAs or janitors fix problems that aren't solved quickly by B&G. "I keep a box of tools in my room because it's faster," Gilbert explained, "but it's not an RA's responsibility. We're not paid to be electricians and carpenters." B&G also sends men on door-to-door rounds at the Law School to repair some problems that are readily apparent on inspection.

School Toleration

Mandy Lowell, a 3L RA, agreed that the "main problem is working through B&G." But, she added, "The Law School puts up with B&G inefficiency." A mix-up in Hastings which resulted in about \$100 of charges for "fixing" the wrong problems in adjacent rooms was paid by the Law School without complaint, according to the RAs, because the School viewed it as too petty to risk bad relations with B&G.

Gilbert said that the RAs discussed alternatives such as rent-withholding and a "student repair service," in which the Law School would directly employ needy students to make minor repairs quickly. Upson agreed that the School "probably could hire someone cheaper, but it's against University agreements with the unions." The Law School must pay for B&G services but is not allowed to hire outside contractors except through B&G, and even then only for a job that B&G itself does not do normally. "Contractors usually are cheaper and faster — when we can get them," Upson stated.

Embargoing Kitchens

One set of problems the RAs complained about is not being fixed. Repairs to kitchens are being "embargoed" by Upson's office because of an ongoing administrative debate over whether or not they will be kept at all. Upson cites cleanliness problems and a fear that the kitchens "undermine the Hark" as reasons for the debate. Gilbert said

that ovens in both Dane Hall kitchens are still broken, as is one freezer unit. Another freezer was fixed by Gilbert and his tool-box. Lowell, also president of the Dorm Council, claimed that the administration has not sought student input on this question.

One bright spot in the repairs

picture is provided by George Cook, facility operations officer. He believes that the delays may be getting shorter. Several others agree. But, Cook warned, it may be that the school year is too young to have any extreme problems develop.

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Air Causes Heat Problems



J.M.

By John Morris

"My room was so cold I used my refrigerator to heat it up!"

It wasn't quite that cold, but Mark Wooster, 1L, summed up the feelings of many residents of the Grad Center dorms who have suffered through several weeks without adequate heat.

There were two reasons for the chilly temperatures. First, the University tries not to turn any heat on before Oct. 1. Dan Campbell, a superintendent with the University's Engineering Division said there was no hard and fast rule and that some years the heat is turned on sooner, but this year they stuck to the Oct. 1 target.

This year, though, even once the heat was turned on, it did not make its way to the Grad Center dorms at the Law School because the central steam heating system housed in Richards Hall is being rebuilt.

(Hastings and Wyeth Halls have their own heating plants and so are not affected.) Air had built up in the pipes over the summer months and impeded the flow of water and steam. Ordinarily the air would be removed by air expellers in the pipes, but these were removed because they will not be needed with the new equipment being installed in Richards. In the meantime, the air kept the heat from flowing smoothly.

Campbell said the new expansion tank which keeps the pipes under pressure would be installed by Tuesday evening and that heat would then be on its way to the dorms. Asked why the work was done so late in the fall, Campbell said, "I don't know why it's being done now." Other Building and Grounds officials either could not be reached or had not heard of the problems.

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Edley: Juggling Academic and Political

By Gretchen Rule

Christopher Edley, one of the newly-appointed assistant professors, comes to HLS with a record of achievement that belies his age. In the short six years since he entered the fray, he has already proven more than adept at juggling academic and political careers.

After graduating from Swarthmore in 1973 with a B.S. in math and economics, Edley entered the J.D. and M.P.P. programs at HLS and the Kennedy School, respectively. In the spring of 1975, he got a call from a college classmate urging him to help with Jimmy Carter's election campaign. Edley worked on the New England campaign in the summer of 1975, but dropped it when other interests, including work on the *Law Review*, demanded more and more of his time. The same friend called back after the Democratic National Convention in 1976 to entice Edley to return to Carter's bandwagon — this time as Deputy National Campaign Coordinator for the Carter-Mondale campaign.

Once in a Lifetime

"It was a job at a pretty high level in the campaign," Edley commented, "and since it looked like he [Carter] was going to win, it seemed like a once in a lifetime opportunity — to work at a high level in a successful presidential campaign. I'm not like some people . . . there's this class of people who are campaign buffs, who move from one campaign to another. I'm not that sort of person — which made it all the more attractive." He continued, "I felt that working in a campaign was something I ought to do at some point in my life, given my general interest in policy and politics. I thought that if I postponed it I'd be unlikely to find as good an opportunity and also unlikely to find a point in my career where it would be as easy to drop things and go. . . ."

Although he did resign from the *Law Review* when he accepted the

position, Edley didn't necessarily want to make his four year joint degree program even longer. "At first I had hoped to be able to simply register for classes and then come back after the general election in November and catch up and take exams and not lose any time. I thought there was probably a 50-



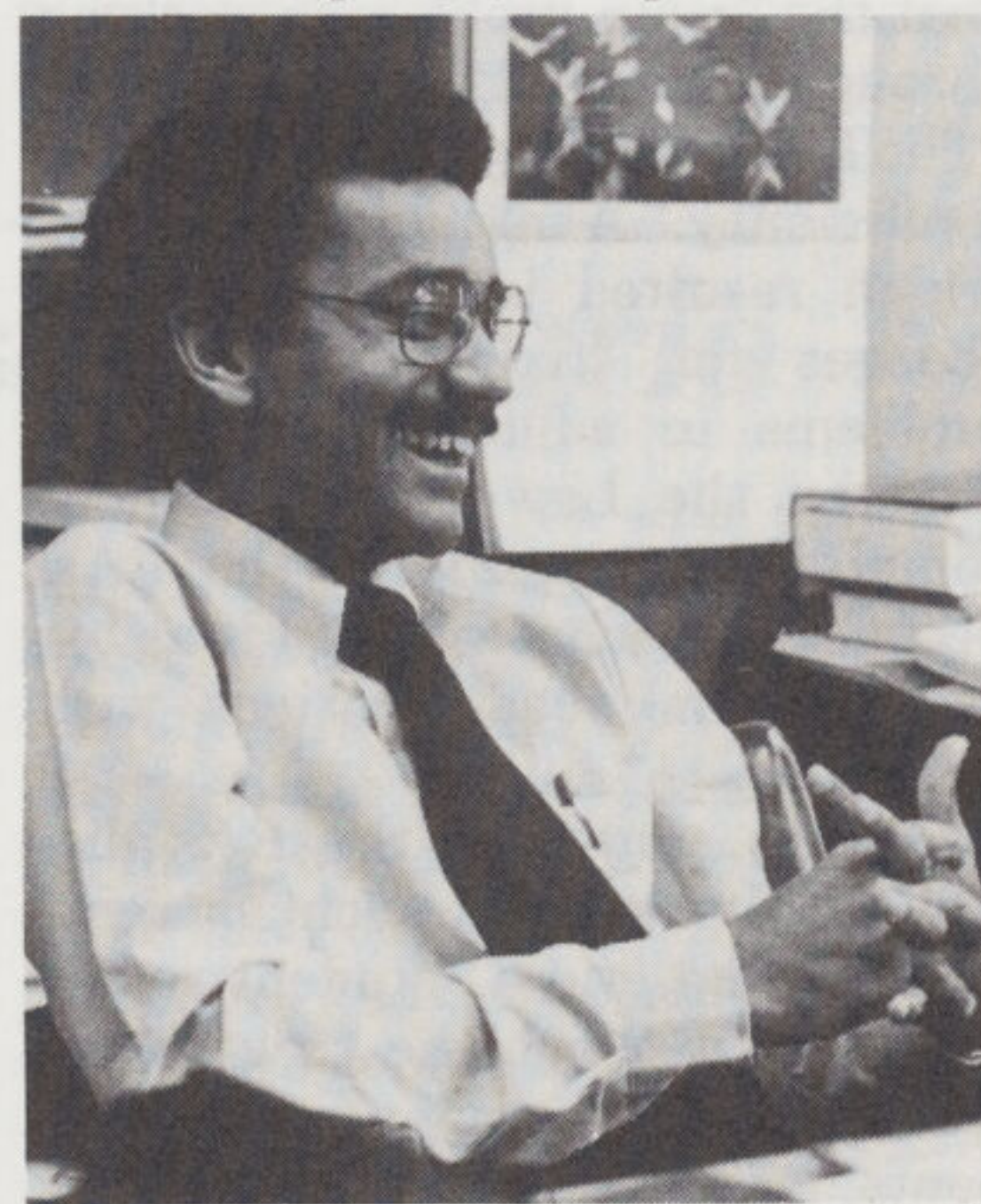
50 chance that I would be able to get away with that. But when my picture appeared in *Time* magazine while I was in Atlanta, several people on the Administrative Board [of the Law School] seemed to feel that it was okay to be in Cambridge cutting classes but not okay to be in Atlanta cutting classes and so they cancelled my registration. So I ended up losing a semester, which was a calculated gamble on my part." Edley admitted that if he had to do it over, he "would do it the same way". But when asked if he recommended the method to others considering similar action, he replied, "No comment. . . . Of course, I'm on a different side of that issue now."

Edley returned to Cambridge and classes in January of 1977 to complete his degrees. In the spring of 1978 he returned to the Carter camp, this time as Assistant Director of the White House Domestic Policy Staff. In the fall of 1979 he took the position of Special Assistant to HEW Secretary Pat Harris. He returned to the White House in the summer of 1980 as an Associ-

ate Assistant to the President in the Office of the White House Chief of Staff, a position he held until Reagan's inauguration this past January. Edley then returned to the Kennedy School as a research fellow at the Institute of Politics and an instructor in public policy. He was appointed assistant professor at HLS on June 1.

All Work, No Play?

Since coming to the Law School, Edley has joined with Prof. Heyman to "explor[e] the potential for



Photos by John Morris

using institutional case studies similar to the Kennedy School and the Business School cases in the Law School curriculum." Edley also currently conducts a seminar on Federalism and the Poor. In the spring, he will be teaching a four-hour Administrative Law course, with an emphasis on informal rule making and the process of policy formulation, and will be co-teaching, with Prof. Bartholet, a two-hour course on Public Interest Litigation, with a focus on race and poverty issues. While he had intended to teach Constitutional Law next year, Edley will probably teach Tax instead. Will there be an emphasis on policy there? "Eventually", he said. "I don't know if I can get up to speed enough to build it into the basic course. I would hope . . . to do that, but it's too soon to

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Careers

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tell what I'll be able to do next year."

In his "free" time in between looking into case studies and preparing for classes, Edley manages to keep busy with other work. "I guess I don't really have any hobbies," he confessed. "I seem to spend all of my time either sleeping or trying to eat good food or working. . . . I tend to work on eight things at once rather than have hobbies . . . and for the most part I think that's fine, so long as I enjoy what I'm working on. But when I say 'work' I'm defining work broadly. I'm doing an increasing amount of work on the Dukakis campaign [for Massachusetts governor] and I do a fair amount of low-key policy choosing with various state and federal officials — not in a formal capacity as yet. . . . So 'work' is very broadly construed."

Future Ins and Outs

Edley professes to be uncertain about his future. "I don't know yet whether I want to make a career out of being an academic," he stated. "In some ways I'm learning, I'm experimenting, trying to figure out what I want to do. I think it more likely than not that I'll be in and out of government. To some extent it's a question of what I do while I'm 'out', and certainly I would expect the 'out' to be the bulk of the time. I think . . . a university is the most significant place to spend my time, because of my academic temperament and inclinations. It's unfortunate . . . there are lots of times that I wish that I were more inclined to try to get rich."



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Paying Attention to Education

By Mary Tarduno

"It was a stunning experience to realize that so little attention was paid to education," says Martha Minow of her years in law school. Minow, a new HLS assistant professor, says that one reason she has come to Harvard is that the Law School is discussing and examining the problems with legal education.

Minow received her J.D. degree from Yale Law School, where she was Articles and Book Review Editor of the Yale Law Journal. Before that, however, she earned an Ed.M. from the Harvard Graduate School of Education. She went to law school, she explained, because she was interested in social problems and social change, issues for which one needs knowledge of the law to study.

Minow found the differences between her School of Education and law school experiences surprising. At the School of Education, she explained, people focused on social change and discussed the "essentials" of the learning process, such as allocation of power between teachers and students. At law school, however, she found herself in large lectures with students sitting passively or fearfully before a professor at a lectern. While Minow later became acquainted with the history of and justification for the method of teaching used in law school, she also became convinced that law schools have not had to reexamine their teaching functions as much as other schools have had to.

Minow said that she requested that the classes she will teach at HLS be kept small. While she is technically on leave this semester, in the spring she will teach two

small classes — a seminar on children and the law, and a first year elective on law and education.

As the courses she will teach suggest, Minow has a great interest in the relationship between the law and legal institutions, and children. "It is a wonderful vantage point to look at a range of legal problems from. . . . I'm fascinated by the anomalies that cut across the [field]," she explained. As an example, she pointed out the fact that in New York a 13-year-old girl can get an abortion without parental consent but cannot leave school without parental consent.



Photo by John Morris

Minow's concern for children and the law and for social change has led to her involvement in groups studying such issues. This fall she joined a panel studying child and adolescent health care, one of several panels in the newly formed Division on Health Policy and Research centered in the Kennedy School and the Medical School. And while still in law school, she served on the Task Panel on Juvenile Justice for the President's Commission on Mental Health.

Minow also brings to HLS her experiences in clerking. In 1979-80 she was clerk to U.S. Court of Appeals Judge David L. Bazelon, and in 1980-81 she was clerk to Associate Supreme Court Justice Thurgood Marshall. At the Supreme Court, Minow found Justice Marshall to be a "real hero" be-

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Ames Panel Lacks High Court Justice

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replace him.

Goldberg finally succeeded in judging the Ames Competition in 1969, but by that time he had become a former justice. In 1949, the Ames chief justice was also the Chief Justice of the Ohio Supreme Court, Carl Weygandt. In 1948, the deans of the Harvard, Columbia, and Yale Law Schools served as panelists. Thus, the past 34 years have seen 30 Supreme Court justices, an ex-justice, and three "significant others" serve as Ames's chief justice.

Harvard Not Alone

HLS will not be the only major law school without a justice for its moot court final this year. Yale is "still in the process of trying to find a Supreme Court justice" for its Dec. 5 final; Columbia and Michigan are "still trying to make arrangements" to find one for their spring finals. Stanford has received "no word yet" on who will judge its May final. Justice Blackmun declined to judge the University of California's Boalt Law School spring final but Justice O'Connor has not announced her decision to them yet.

At New York University, Dean Redland had to ask Judge Kaufman of the Second Circuit to serve as chief justice for his school's April final as a personal favor after NYU failed to garner anyone on the Supreme Court. The University of Virginia and North Carolina Law Schools do, however, have a commitment from Justice Stevens to judge their finals. Justice Stevens

told the RECORD that he will be judging Michigan's as well.

The RECORD canvassed the Supreme Court and learned that Justices Brennan, Marshall, O'Connor, Powell, and Rehnquist have no plans to judge any moot court competitions this year. Justice Blackmun, an Ames winner himself, refused to respond because the RECORD's request was not in writing, but he told Boalt that he and Powell had decided not to judge any moots this year because "they require just as much preparation as a real case." Chief Justice Burger's chambers refused to answer because they "do not release his calendar for security reasons." And when asked at which schools he would be judging moot competitions this year, Justice White replied: "None at Harvard this year."

How Judges Are Invited

HLS usually allows its Ames chief justice to select the date of the final provided it falls within a three week slot in late November or early December. The initial contact with the potential panelists usually occurs in February or March. Formal invitations are then sent to the justices or judges who have already consented. Vorenberg believes that formal invitations were issued this year around the first of July.

One source familiar with scheduling Supreme Court justices believes that age and infirmity have caused the justices to reduce their moot court workload: "They're getting older — they don't travel," she explained, likening it to a "busman's holiday."

Vorenberg is "delighted" with the Ames panel because "Henry Friendly is generally regarded as one of the most distinguished judges of our time" and will be "marvelous for the School and the Ames Competition" and because having "Judges Wald and Jones who had such interesting and varied careers before and who have already made it clear that they will be outstanding judges is a fine thing for the

School." Vorenberg "can't compare it with former years" but he "can't remember what I regard as a more distinguished panel."

Sanders concurred with Vorenberg's evaluation of the panel, adding "We're really very pleased with the panel and the way I understand it, the teams are pleased as well."

No Comment By Contestants

The Ames contestants have not commented publicly on the absence of a justice for Ames but sources close to the participants say their private reactions have been mixed. Some were said to be "furious" at learning of the news, others "disappointed" because they had told their parents they would be appearing before a Supreme Court justice, still others "delighted because Friendly's better than anyone on the Court."

At issue this year is *McGuire v. Ames*, a case which challenges the constitutionality of a state pre-trial detention statute authorizing the state to hold certain classes of people charged with crimes without bail. A number of Eighth Amendment and procedural due process questions are implicated. Some of the participants stressed that this year's panel is well-qualified to judge *McGuire*. Wald has written on bail reform issues for 20 years, and Friendly is an expert in due process questions.

McGuire is almost identical to *United States v. Edwards* and *Edwards v. United States*, cases whose petitions for *certiorari* have been granted by the Supreme Court (nos. 80-294 and 80-401, respectively). It is unlikely that the choice of the Ames case is related to the absence of a justice, both because Ames panels rule on the quality of the contestants' work, not on the merits of their positions, and because the Ames case was not decided on until June, presumably long after any justices contacted had declined.

The State of Ames will be represented by the Sojourner Truth

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No Justice

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Club and McGuire will be represented by the Lewis Carroll Club (Cf. L. Carroll, *Through the Looking Glass*, 226-27: "'For instance now,' [the Queen] . . . went . . . 'there's the King's Messenger. He's in prison now, being punished: and the trial doesn't even begin till next Wednesday: and of course the crime comes last of all.' 'Suppose he never commits the crime?' said Alice. 'That would be all the better, wouldn't it?' the Queen said. . . ." (Modern Library ed.)).

The Sojourner Truth Club consists of Louis Bilonis, Nicolas Grabar, Leslie Ann Jones, Steven Levitas, Deval Patrick and Laurence Shtasel. Representing McGuire and Lewis Carroll will be Sarah Fox, Howell Jackson, Andy Loewi, Mary Higgins, Michael Poindexter and Hugh Winokur. Higgins is replacing Tammy Lothan, who helped her club through the semi-finals but who is on a leave of absence. Each team will use its successful semi-final oralists in the final round: Patrick and Shtasel will argue for Sojourner Truth and Loewi and Poindexter will appear for Lewis Carroll.

Guild Response

Janet Varon, 2L, a member of the Interim Steering Committee of the Harvard Law Guild, said the Guild is still undecided as to what will become of its annual Burger Court critique and protest this year. The Guild is "tentatively considering a forum on the role of the circuits" or "some other aspect of the judicial system," she said.

Meanwhile, workmen are busily trying to ready the Ames moot courtroom for this year's historic event. It is being remodeled as an amphitheater but much work apparently remains to be done. Two rooms in the Science Center and one in Austin have been reserved for a live, closed-circuit television hook-up of the debate. ☛

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2Ls Seek to Fill Legal Services Void

By Joyce Tichy

HLS students are responding to funding cutbacks of Boston's community legal services programs. A

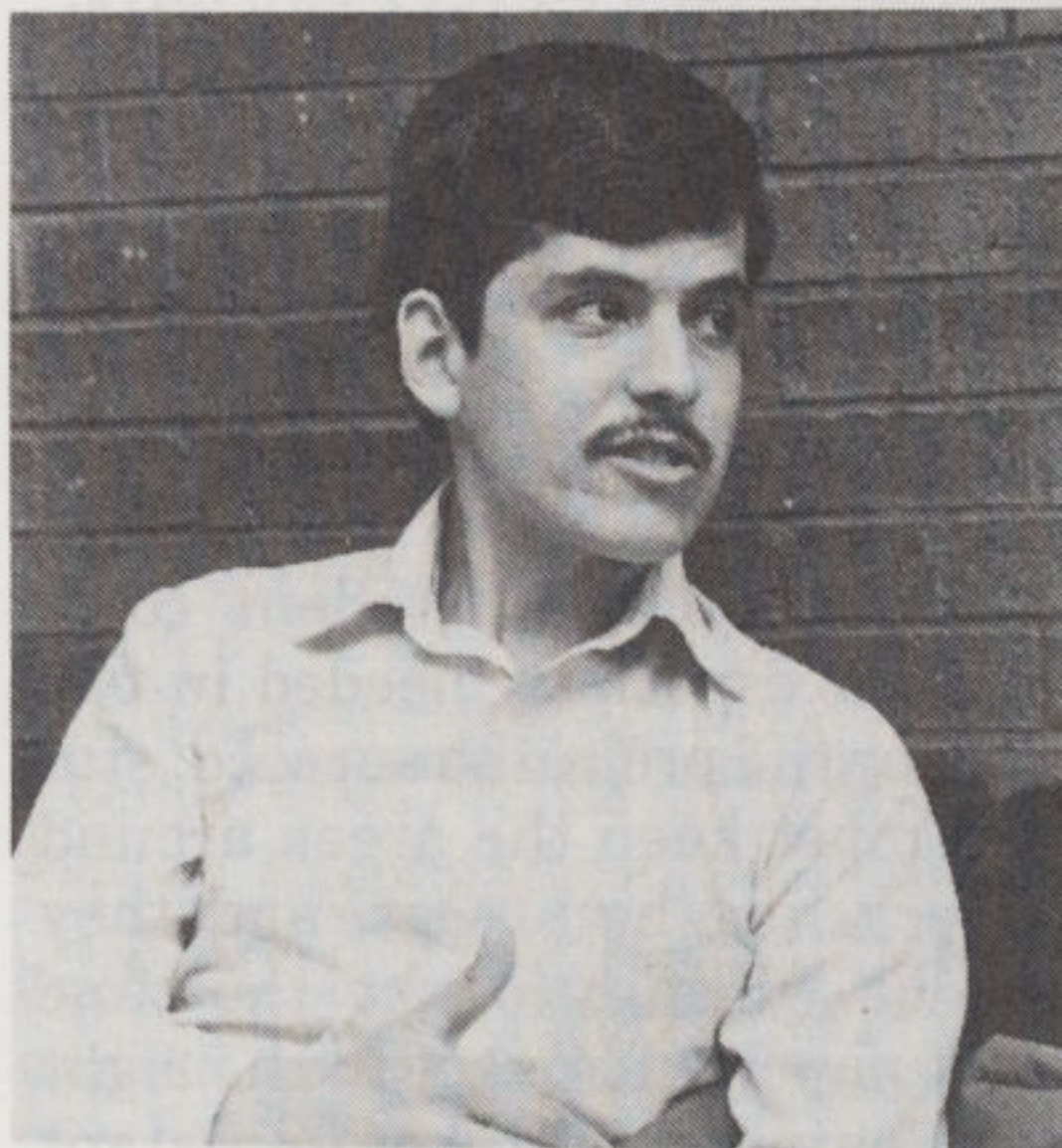


Photo by John Morris

Dan Torres, 2L

new student organization, the Legal Services Project, aims to have student volunteers render services to indigent clients in the Boston area.

Dan Torres, 2L, conceived the idea for the Project last April. He contacted the Greater Boston Legal Services (GBLS) to ascertain whether student volunteers would be useful to that program, and then recruited interested students through questionnaires. This semester, eight students are working in two GBLS offices. Torres is coordinating the work of students in Dorchester, while Bill Gannett, 2L, coordinates students in the South End office.

Community Service

Unlike other Harvard clinical programs, the Project has no real connection with the Law School at this point, beyond the fact that its members are HLS students. The advantage of the Project, and its distinguishing feature, is its direct service to the community. The volunteers give direct support to staff attorneys by doing investigative

research, making trips to government agencies, and performing the work that will leave attorneys free to represent clients more fully.

According to Torres, students are expected to work 15 hours per week for the Legal Services office to which they are assigned. The program is currently limited to 2L and 3L students. They work on a variety of civil cases, such as those concerned with housing, immigration and benefits law. Currently, students are not able to represent clients directly, but GBLS attorneys have pressed that they be allowed to do so. Torres explained that students will first have to obtain certification from the State of Massachusetts if they wish to represent their clients' cases before a judge.

Support for the Project originally came from La Alianza, the Law School's Hispanic law student association. At first, the project was aimed at serving the needs of Hispanic and Haitian clients because their inability to speak English makes them primary victims of reduced legal services funding. The Project has retained this emphasis by having Spanish-speaking students do legal intake work for clients who do not speak English. At the same time, however, the Project has expanded its goal to that of serving the entire Boston indigent community. Torres emphasized that placement is available for any 2L or 3L, whether they speak Spanish or not.

Proving Itself

Other HLS programs, such as the Legal Services Institute, the Legal Aid Bureau and the Introduction to Advocacy Program, have indicated their support for the Project. So far, however, the organization has gotten neither official nor monetary support from the Law School. Torres noted that Fred Sny-

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Students Embark on New "Paper" Chase:

By Erich Merrill

Harvard Law School throws away a lot of paper. This week, students from two law societies started a recycling project which will greatly reduce the amount of paper that is wasted.

The first phase of the project began last Tuesday, when members of the Environmental Law Society (ELS) and the American Indian Law Student Association (AILS) placed boxes for unwanted paper near the Langdell mailboxes.

Only Regular Paper

According to Glenn Morris, 2L, one of two students primarily responsible for the project, the boxes are for any uncoated paper which otherwise might be thrown away. Morris said that slick-surfaced paper cannot be recycled, and should not be placed in the boxes. He also explained that the recycling processes for white and colored paper are different; there is a separate box for each.

A second phase of the recycling project begins this afternoon when newspaper is collected from the dorms for the first time. Boxes were to have been placed near the

mailboxes in each of the graduate center dorms yesterday afternoon. The boxes will be emptied this afternoon, removed, and replaced again next Thursday.

A third phase of the project involves the Legal Copy and Distribution Centers. "I know that Legal Copy throws away two big plastic bags full of paper every two days," Morris said. "They throw away an incredible amount of paper." Paper from both places will be collected and recycled.

Neatness Counts

Morris said that student cooperation is especially needed in two areas for the project to succeed: students must keep the areas around the recycling bins neat, and they must be willing to take the time to sort paper and put it in the right bin. Neatness will be important primarily in the dorms, where newspaper is being collected. Morris asks that students keep papers in their rooms until Thursday afternoon when the boxes will be put out. Storage of papers in dorm rooms during the week should prevent the areas near the mailboxes from becoming cluttered with old newspaper during the week. Mor-

ris also noted that it would help if people could keep the newspapers in fairly neat stacks, but "they certainly don't need to bundle them."

Sorting of papers is important when students put paper in the boxes in Langdell, since the colored and white sheets are recycled using different processes. Morris pointed out that in this area, people who are lukewarm about the project could do it more harm than those who don't support it. "If people don't want to recycle, that's one thing. But if everyone who puts papers in the boxes doesn't cooperate [by sorting the colors] it's just going to fail."

Sorting is also important when students are deciding whether or not a particular item should go in the box. "If people start treating these things as garbage cans, that will be a real drag."

A Joint Effort

Morris says the project was conceived last year when members of AILSA noticed the "monumental" waste of paper that goes on at the law school. AILSA decided to do something about the waste, and Morris got in touch with Jay Butler, 2L, to see if the ELS, of which Butler is a member, would be interested in co-sponsoring a recycling project. Butler thought they would be. Morris said that they decided that "when we got back in the fall, we would hit up the appropriate people."

When Morris contacted him, Butler knew that a group of Harvard undergraduates was running a recycling program. Butler asked them if they would extend their pickup to cover the Law School, and they said that they would. "One thing they had that we didn't was access to a B&G [Building and Grounds] truck," said Butler. The undergraduates agreed to begin picking up the paper today.

Morris believes it's particularly appropriate for Indian students to be sponsoring the recycling project, since the principles that motivate

(Continued on Next Page)

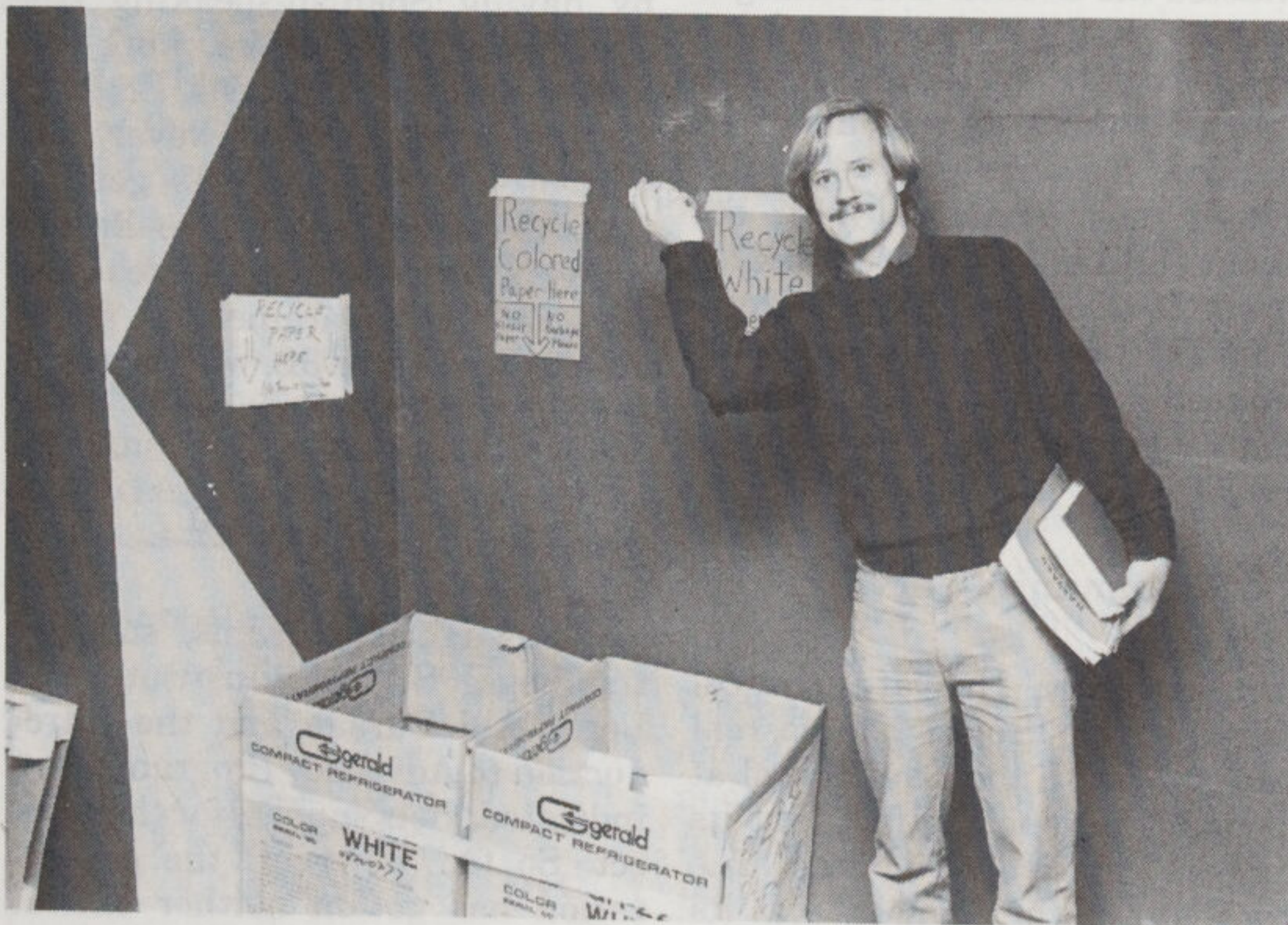


Photo by John Morris

One L Frank Huntington executes a stylish backhand drop shot into the new recycling boxes by the Langdell tunnel mailboxes.

—Recycling of Paper Begins at HLS

(Continued from Previous Page)

people to conserve have been part of Indian culture for a long time. Morris explained, "There's an old Indian proverb which says, 'Whatever befalls the earth, befalls the people of the earth.' We try not to destroy the earth unnecessarily." Morris caught himself, laughed, and went on: "Unnecessarily — what does that mean? If there's something we can do, we should change our lifestyle to keep from damaging our environment."

Mixed Reactions

Morris said that reaction from



E.M.

Glenn Morris, 2L

the administration of the Law School has been very encouraging. Dean of Students Mary Upton and most of the other administration officials whom Morris talked to

were very enthusiastic about the project.

On the other hand, the custodial staff has some reservations about the idea. "They think the whole thing will just be one big mess, and I understand their reservations," Morris said. "Their experience has been that people just don't clean up after themselves. They are particularly worried about the newspaper pick-up in the dorms, but we hope that by having the papers deposited only from Thursday afternoon to Friday, and getting them out on Friday afternoon, we will avoid that problem."

Expansion Possible

If the project is successful, it could be expanded in the future, and as problems arise, procedures can be changed. "Nothing is in cement yet," said Butler. "We're always open to suggestions and ideas for improvement."

One of the ideas for expansion which is being immediately considered is the inclusion of cans in the project. Morris noted that a lot of aluminum gets thrown away at each Friday's TG which could easily be collected. Butler checked with the undergraduates to see if they would take aluminum, but he found that they were only collecting paper. Butler said, "They told us that if we got enough cans, I think 100 pounds, they would make an extra trip and take the cans to a company which recycles them."

Morris and Butler have approached recycling companies who might be interested in buying the paper and aluminum, and they see a possibility of selling the materials to those companies rather than giving it to the undergraduates. Morris asks that anyone with a lot of computer paper to throw away contact him; that paper brings a much higher price, he said.



Legal Services

(Continued from Page 7)

der of the Clinical Support Office indicated that the Project would first have to show itself capable of surviving on a long-term basis. This may prove problematic for the Project, since it lacks funds for transportation or office support.

Despite these problems, Torres feels that the Project is already accomplishing one of its major goals: to give students experience in other kinds of work besides corporate law. "Many of the students here, particularly minorities, feel separated from their own backgrounds when they see the only jobs offered to be in law firms," he said. Working with the Project, he added, makes students aware that indigent clients need their services as well.



SPORTS QUIZ

NOTE: Although this week's Sports Quiz is not sick, it is nevertheless a little bit "under the weather" as it deals with athletes whose last names have something to do with a type of weather.

1. Currently a relief pitcher for the Boston Red Sox, this man came to the team prior to this season in a trade with the California Angels. Who is this player?
2. Currently a pitcher for the California Angels, this man is used in both starting and relief appearances. Who is this man?
3. Formerly a wide receiver with the Los Angeles Rams, this man hauled in a number of passes for several seasons

while Roman Gabriel was the Rams' quarterback. Who is this former player?

4. One of the most hated men in the history of professional wrestling, the boos would reach a crescendo level as he approached the ring. Who is this man who was always introduced as "400 pounds of ..."?
5. During the just completed baseball season, this man had the ignominious honor of possessing the highest earned run average throughout most of the season. Who is this member of the Kansas City Royals?

(Answers on Page 14)

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"BETTER BUYS AT BRINE'S"

Nudge a Friend

We applaud the project to recycle paper and cans which started this week, and hope that it will succeed. Anyone who walked through the tunnel under Langdell could see that the project was much needed; it took the initiative of a few concerned students to get it started.

Now that it's been started, the project will succeed only with the support of the rest of the Law School. The effort needed on the part of each person is small: the boxes for recycling paper are only two steps beyond the trash barrels. So go ahead; take the two extra steps. That's a small price to pay for the chance to make the earth a little bit better.

We would urge those who know about the project and support it to go even further by encouraging others to participate. Next time you see friends about to drop the contents of their mailboxes into the trash barrel, nudge them over to the recycling boxes. As they say in the ads, you'll feel good about it.



Gripe of the Week

Snow is softly falling on a cold, wintry evening in Cambridge as a student dashes shivering into the Hark from neighboring Story Hall. "The hard part is over," she thinks, mentally thanking the anonymous person whose idea it was to install the tunnels connecting the Law School buildings. The path to the library in Langdell is clear.

Or is it? There is one final hurdle — the Door to the tunnel from Harkness.

"Will it be locked or not?" the student wonders. The library is open. The Hark is open. But that doesn't seem to mean anything, she knows from past experience. The sign posted at the beginning of the school year said the Door would only be locked when the library was closed, but. . . .

Trembling with anticipation, the student approaches the Door. After two or three yanks, she steels herself to brave the inhuman colds of the fierce Cambridge winter once more.

An unlikely scenario? Not at all. Many students list this Door as their number one pet peeve at Law School. (See RECORD, v. 72, n. 5, April 1, 1981, p. 11.) The door keeps no one out of the tunnels or the Hark, but only makes the path from one to the other include a trip outdoors. If the door is open at times, and locked at others, someone must be locking it. Perhaps this person could spend his time fixing light bulbs in the dorms instead.

Next week . . . the telephone listings of September, or October, or. . . .



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Fenno

Fenno rushed into the Admissions Office, tore the "Help Wanted" notice off the bulletin board, rushed up to the counter and announced, "I'm your man!" The young woman nodded, and Fenno was no longer unemployed. "You can start tomorrow," she said. Fenno was an Admissions Office staffer.

At 9:00 Tuesday morning, Fenno was seated at a metal desk in a tiny windowless room, surrounded by stacks of applications.

"OK Fenno. Follow me," said the supervisor. They walked down a back passageway; the woman then unlocked a large black door marked "No Admittance." Fenno started down the staircase, but the woman grasped his arm and held him back. "We stop here," she said. "Did you bring the files?" Fenno nodded, uncomprehendingly.

The woman took the first set of files and scattered them over the stairs, which were numbered one through ten. "All right," she said, "Burn the ones that fall on numbers one, three, five and eight, gather the rest and bring them back. She left.

Fenno completed his task, and returned to the supervisor.

"Now you will take telephone calls from applicants," she told him. The phone rang, and Fenno went to work at once.

After a while, Fenno began to get bored. He decided to introduce a bit of creativity to the process. The phone rang again.

"Admissions Office," he said brightly, "Fenno speaking."

"My name is Wendell Thayer Hyatt IV. I'm a little confused about the application requirements. What do I have to do?"

"Well first," Fenno mused, "You *have* prepared the 50,000 word essay on the ramifications of the new Reagan tax programs for real estate investment ventures, haven't you?"

"The *what?! . . .*" the applicant sputtered.

"And then, of course, you've remembered to arrange for the 15 faculty evaluations . . ." Fenno continued.

"Wait. I thought you only needed two," the young man interrupted.

"Well, the first requirement of this process is that you must read all of the application materials very carefully. I hope that you won't continue to make these kinds of mistakes," Fenno said imperiously. "Now, you'll also need recommendations from all of your grade school English instructors for placement in the Legal Methods program, and financial statements from all of your living relatives. Got that?"

"Yes," Mr. Hyatt sounded rather dejected. "I guess I've got a lot more work to do."

"It sounds like you have. We look forward to hearing from you," Fenno said cheerily. "Goodbye."

Fenno leaned back in his chair, very pleased with himself. "I think I'm going to like this job." 

Letters to the Editor of the *RECORD*

It's a Crime, But Not That One

To The Editor:

The headline of an article in your September 18 issue reads: "Suspect Nabbed in Record Office Robbery." Yet, the article discloses none of the elements of a common law or statutory "robbery."

We have become accustomed to the incorrect interchangeable use of "robbery" and "burglary" in the daily press. It is shocking however to see the *Harvard Law Record* commit the gaffe of describing a larceny — not even a burglary — as a "robbery."

Generations of our criminal law professors must be whirling in their graves!

Peirce Wood, '36
Melbourne, Fla.

We refuse to divulge our headline writer's Crim grade, or the professor he had. We can say, however, that he went to Yale undergraduate. Please note that the text was correct. — Ed.

And De Bate Goes On

The RECORD received a copy of the following letter to Prof. Vagts, chairman of the committee advising the faculty on the Law Review's affirmative action proposals.

It should be pointed out that the Review does not have access to students' grades; only the names of the top ranking students are forwarded to the Review each year. See Letter to the Editor from Mark Helm, RECORD, v. 72, n. 10, May 8, 1981, p. 11.

The present policy is to forward the names of the top five students in each section to the Review. However, students may elect to withhold their names by filing a form with the Registrar in the spring. Among its proposals last spring, the Michelman Committee recommended that the Registrar forward only the names of those students who had affirmatively requested that they be considered. The proposal was withdrawn until the controversy over the Review's affirmative action plan was resolved, however. —Ed.

Dear Prof. Vagts:

A group of *Harvard Law Review* editors is currently making the rounds of various student organizations at the Law School to explain the controversial affirmative action program adopted, and then postponed, last spring.

Apparently, the *Review* is considering several plans ranging from adding a third tier of affirmative action seats on the *Review* to an "adapted" writing competition

from which all members of the *Review* would be selected. [*Review*] President Mark Helms claims three objectives any ultimately-approved plan must serve: 1) overcome the apparent bias inherent in the Law School's grading and in the writing competition, a bias that has led to [only] one minority member [being] selected in the last two years; 2) increase the diversity of the *Review* to reflect the diversity of the "community"; and 3) increase the diversity of the highest echelons of the legal profession by increasing the diversity of the highest echelons of legal education.

I realize many in the Law School fervently support these objectives and the various affirmative action plans designed to implement their goals. I am in the opposite camp and just as fervently oppose the *Review's* objectives and proposals. But it is not my purpose to argue the merits of either position. The arguments for and against the *Review* implementing some form of affirmative action program are well known, and the members of the *Review* can be presumed to have heard all such arguments, if in fact they had not thought of these proposals themselves.

This controversy is pointless, for the concerns evoked (and addressed) by the *Review's* plans are premised on a misconception of its role in the Law School. If the *Review* did not purport to represent this Law School and its rewards, I would not be embarrassed or angered by its plans for affirmative action, for it would not represent me. The ideas and plans would make an interesting philosophical debate but nothing more because nothing more would be at stake. The controversy only arises when the *Review* is seen as the Law School's device for rewarding students who have excellent grades or writing ability. If the *Review* is viewed as the Law School's mechanism for rewarding students who make the best grades, it represents this law school and its students.

But surely the *Review*, at least in the eyes of its members, is no such device. Editor Helm claims the *Review's* purpose is to publish a magazine. All members of the *Review* claim the *Review* is an independent student organization. If these claims are accurate, it is wrong to view the *Harvard Law Review* as representing the Law School by rewarding students who have excellent grades and writing ability. Unless the *Review* members (and Law School faculty) claim this rewards function as the purpose of the *Harvard Law Review*, there is no reason for the controversy. If it is an independent student organization, it can do whatever it desires regarding membership procedures. If it is the Law School's reward for top grades, its procedures are subject to scrutiny by all members of the Law School community, particularly the faculty. The *Review's* members have opted for the former role.

However, recognizing the actual function of the *Review* — an independent student organization that publishes a magazine — necessarily implies that the curious practice of giving the *Review* access to student grades be immediately stopped. No other independent student organization and no other journal is given such access. The access itself creates the erroneous conception that the *Review* serves the rewards function that its members do not admit. If the *Review* was denied access to student grades, it could implement any plan it desired, with no reason for interference or argument from me or other students, or the faculty or alumni. Thus, the interests of all are served — the *Review* can do anything it wants, the purpose of the *Review* is made clear, and the need for consensus within the community on the *Review's* proposals evaporates.

This clarification of the *Review's* purpose and standing within the Law School admittedly most satisfies people like me who find the *Review's* machinations on affirmative action hypocritical and embarrassing. But the counter-argument to my opposition must be premised on the *Review* representing the Law School by serving a rewards function, and that is something not even the *Review's* members claim. If the faculty deems the *Review* to serve such a function, it must both be explicit in this regard and take an active role in the discussion of affirmative action on the *Harvard Law Review*. Not to do so would be cowardly and intellectually inadequate — the issue must be made clear.

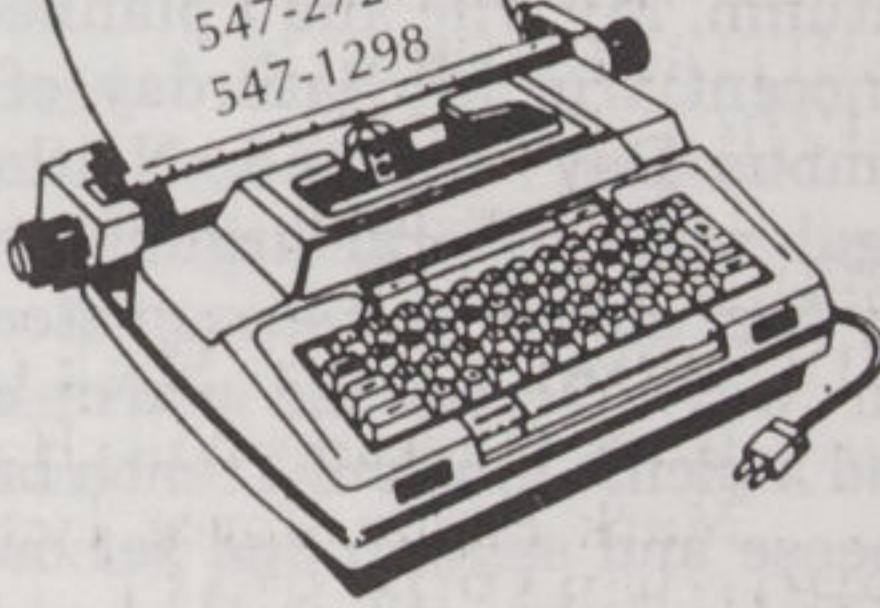
Kenneth Menges, 3L

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Fall Colors 1L's New England View

—Brad Hudson

It must be a conspiracy. The day after I announced my plans to move from Davis, California to Massachusetts, strange things began to happen. I started receiving scarves and gloves as gifts. Friends asked me "Do you know what the word 'humidity' means?" My daily mail became a flood of advertisements for snow gear, rain gear, thermal underwear and umbrellas.

Each day during the summer, I received an anonymous phone call: a soft, sultry voice read me the temperature and humidity in Boston. One night I returned home to find a snow shovel planted squarely in the center of my front door. Impaled on the handle was a threatening \$700 December gas heating bill from a Somerville apartment.

So I was warned about the hot, muggy summers and the cold, snowy winters. Now, I will admit that when I first arrived I twice mistook Langdell North for some sort of Turkish bath and I have sneezing fits when anyone says the word snow. But nobody warned me about the New England autumn.

Oh, I had some hints, probably from plainclothes Easterners doing undercover work in California. They made subtle remarks about "changing leaves" and "four real seasons." After I arrived, my curiosity was aroused further by such oddities as fall foliage bus tours and peak color forecasts on the local television news.

Innocent Trip

I was set up — unsuspectingly lured out into the New England autumn. My wife and I planned an innocent trip for Saturday of Columbus Day weekend. Neither a legal methods oral argument nor my first cold of the season stood in our way. We packed warm coats and a picnic lunch of French bread, cheese and salami, and set out.

We headed north on Highway 93

toward New Hampshire. Within the first 15 minutes I'd almost caused four major accidents. The scenery was so spectacular I kept forgetting to watch the road. I'd never seen such a range of brilliant color: from pale yellow to vivid crimson. I kept poking Janet and shouting, "Look at that tree — did you see that?"

For safety, and to get a better look at the countryside, we left the highway near Manchester to wind our way up toward Laconia. After recovering from my initial euphoria, I tried to see past the foliage and observe the country we were passing through.

We meandered through the gentle hills along twisting, country lanes. From time to time we slowed down to look at the old stone fences lining the road or a small group of weathered gravestones or a house proudly bearing a plaque proclaiming the year of its birth.

Every other house had a yard or garage sale. People had finished up their pre-winter cleaning and were disposing of another year's accumulation of clutter. Bargain hunters carefully inspected the old clothes, tattered books and worn furniture. In many yards, piles of harvested pumpkins hinted of trick-or-treat and Thanksgiving pies.

Restful Resort

We stopped for lunch at Weir's Beach, a small summer resort town on Lake Winnepesaukee. On a typical summer day, the town would have been a busy hubbub of vacationers swimming, sunbathing, boating or exploring the arcade shops. But on this autumn day, the town was silent — not desolate, but simply catching its breath after the rush of summer. A few other people strolled the streets and walked along the beach, perhaps enjoying the quiet and solitude.

Before long I was hopelessly

hooked. I wanted to abandon the car and just walk down a peaceful country road, marveling at the beautiful leaves and breathing the clean, crisp air. I got a crazy urge to drive to Vermont to buy some maple syrup. I concocted 37 schemes to get all of those trees into the back of my Honda wagon and take them home with me. I almost burned my copy of *Keyes v. Lamont College* and rented a cottage beside the lake. New England autumn had claimed another victim.

But as we drove back toward home, I realized that autumn is much more than spectacular scenery. It is a pause — a breather between the dizziness of summer and the dreariness of winter. It gives us an opportunity to clean house, to sort out old thoughts while making preparations for the future. Most of all, it is a quiet, private time to enjoy solitude, a cold, crisp morning, or the simple beauty of an autumn leaf.

So, I will join your conspiracy. I will dutifully spin tales of unbearable summers and bone-chilling winters in my letters to friends and family. But I will keep your New England Autumn to myself. They will have to discover it on their own. ☘

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I.M. Football Teams Kick Off Season

By Benne Hutson

Competition. Law student against law student. Scratching, clawing, always striving to get ahead, to win.

This is Harvard Law School. But where? A typical first year classroom? Hardly. Rather it is, in a glorified sense, the scene each weekend at Soldier's Field as the intramural football leagues swing into action.

According to Intramural Commissioner Pat Fisher, 2L, this year's program has been a great success. "We have 28 teams taking part," said Fisher, "which is a few more than last season since participation by 1Ls is somewhat higher than in previous years."

The squads are spread over three leagues with 14 teams in the competitive league, six in the relaxed-competitive league and eight in the Razzle-Dazzle section.

Football in the competitive league is a fairly serious undertaking with most teams holding organized practices to refine their skills. The high level of play which results on game day is hardly a surprise.

Because of the number of teams involved, the league this year was divided into two divisions with the top two finishers in each division qualifying for the playoffs. Fisher noted that the new split is adding "extra excitement this time for, by the sheer luck of the draw, the four semi-finalists from last year all wound up in the same division."

Currently, standings for the leagues are unavailable. However, the Black Plague, perennial champion in the competitive league, is off to another fast start and appears to be the team to beat.

Jorge Vega, 3L and a member of the 1-3 Buzzards, echoed the sentiments of most of the league when he commented that "on the whole, everything is going smoothly. The only real problem," continued Vega, "is that we're getting our butts kicked."

Originally, there were no plans for a relaxed-competitive league. However, the large turnout as well as sufficient requests prompted the addition. According to Fisher, this league is designed for those who wish to play conventional football but are not as serious about the detailed execution of plays or the final score. In addition, this league boasts one of the few co-ed teams competing in any part of the program.

For the unconventional, there is the Razzle-Dazzle league. In a manner similar to "Ultimate Frisbee," this version of the game involves unlimited passing, forward or backward, from anywhere on the field. The down or possession does not change until there is an incompleteness, an interception or a fumble. Needless to say, the format puts a premium on speed and quick reaction.

Out For a Good Time

Commenting on the play in this league, 1L Javier Hernandez of the as-yet winless Daltons said, "It's pretty relaxed and entertaining with most of the guys out to have a good time. Besides, it's good exercise which isn't the case with studying."

Playing conditions have varied from good to excellent, with the lack of rain serving as a real boon. On days of home varsity football games, some tailgate parties have spread onto the playing field but, according to Fisher, "the students seem to enjoy sharing a beer or two with the fans."

Forfeits, which plagued the football program last year, are down significantly this current season, a fact Fisher attributes to a new policy. "We increased the forfeit fee to \$20 and the large number of forfeits seen last year has not materialized this year," stated Fisher. "Monetary incentive seems to get people out."

One problem which has infected the entire intramural program over

the past few years is the rising incidence of excessive violence. The issue has become so acute that the Administrative Board of the Law School now hears all such cases and levies the appropriate punishment, ranging from probation to expulsion.

As for this year, Fisher said, "Most of the injuries have been self-inflicted muscle pulls or the result of accidental bumpings."

"However, there have been some complaints about teams with alumni members, as these players are not subject to the usual sanctions for violent play, such as review by the Ad Board. This problem will have to be addressed in the future. At present, the loss of a \$10 entrance fee is not much to an associate in Boston pulling down \$60,000 a year."

The intramural program is funded by Dormitory Council. Competition is currently held in four different sports. Commenting on his role as director, Fisher said, "The work is not commensurate with the pay but it is nevertheless worth it. However, in light of all the extra phone calls I get, my roommate may not agree."



SPORTS ANSWERS

5. Rich Gale
4. Gorilla Monsoon
3. Jack Snow
2. Dave Frost
1. Mark Clear

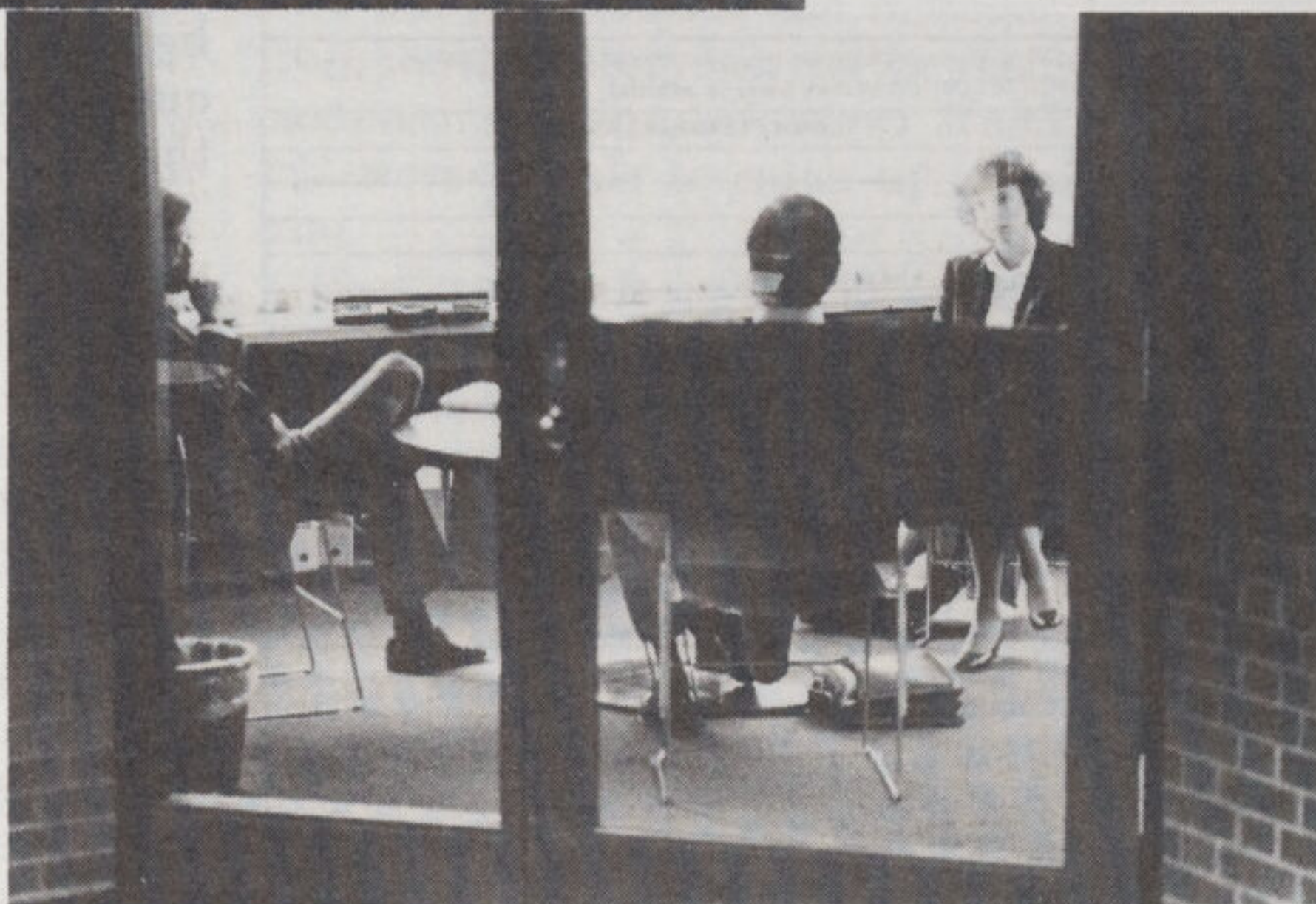
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The season is upon us again. This fall, over 14,000 interviews will be held at the Law School and the average second and third year student will attend 17. Over 1100 employers will visit the campus. Photos by John Morris

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Minow

(Continued from Page 5)

cause of his "courage, persistence, stamina, memory, and vision. . . . The varied experiences he brings into the Court are so unusual, and his presence often requires a certain amount of courage [because he] remind[s] the other members of the Court of sectors of the society of which they may know little."

Bird's Eye View

While clerking with Justice Marshall, Minow was astonished at the birds-eye view of the law she got — and at the fact that the Court was dealing with "children, families, vulnerable people." Minow questions whether the courts are the place to go in these cases: "Limits to the law" is a popular phrase right now, but it is often just a refuge to people who want problems to sit. . . . I'm summoning my courage to address these problems with the view of one not willing to let them sit."

Minow said that she has always wanted to teach, adding, "I certainly want to make this my home." But in teaching she will continue to pursue social change. "That the possible endpoint of scholarly pursuit might be change is simply too exciting for words"; she added, however, that she will seek other forums to achieve change if necessary.

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Class of '81

Due to a broken keypunch machine, the Alumni Office was unable to add the names of members of the Class of '81 to the RECORD's subscription list until this week. Unfortunately, there are not sufficient copies of the first three issues to mail to new graduates and so these readers will receive only seven issues this term.