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TWENTY-FIVE CENTS

Placement Overhaul Unveiled

By Erich Merrill

The Placement Committee decided on Nov. 9 to recommend sweeping changes in the placement process, including evening interviews, a four-week interview period beginning in mid-October, fly-outs during an extended Christmas break, and slight changes in present policies on dress and grades. The proposals will be implemented next year if the faculty approves them.

Interviewing At Night

The proposals were outlined in a memo distributed to the Placement Committee by Chairman Abram Chayes. The memo will serve as a rough draft, and after Committee members have had a chance to recommend minor changes, it will be incorporated into the Committee's final report, said June Thompson, director of placement and member of the Committee. According to Ann Boardley, 1L and member of the Committee, the report will be presented to the faculty at its meeting next Wednesday, Nov. 18.

The first change suggested in the Chayes memo is a switch to afternoon and evening interviews; currently interviews are held in the morning and afternoon. Interviews would be scheduled from 1 p.m. to 9 p.m. to "eliminate most of the

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Law Review to Consider New Membership Formula

By John Morris

A committee formed by the *Law Review* to write a new affirmative action plan has proposed that a spring writing competition and candidates' personal statements be used in choosing new *Review* members. The recommendations will be discussed and voted on by *Review* members on Wednesday, Nov. 18.

The committee has been reconsidering and reformulating the affirmative action plan proposed by the *Review* last March. The complicated new plan will likely end the standoff reached by the *Review* and the faculty last spring after several months of intense debate of the March proposal.

Storm of Criticism

The *Review* encountered a storm of criticism in February when it voted to take only the top four students (instead of five) from each 1L section on the basis of grades alone and to set aside the fifth slot for the highest ranking minority or woman in the top 30 of the class. Two weeks later, the *Review* adopted a substitute plan which would have admitted 16 students on the basis of grades and an equal number via the writing competition, leaving eight slots to be filled on the basis of a combination of writing competition performance, grades and personal statements. After the faculty strongly opposed that plan,

the *Review* voted to put off implementing any plan for a year. The latest proposal, if adopted, would put the ball back in the faculty's court.

New Formula

The proposals put forward this week would see 16 members admitted on the basis of a writing competition and 16 admitted on the basis of grades. Currently, 20 are selected by each means. As the writing competition would be held in the spring, there could be an overlap in these two groups. To the extent that the overlap left the total number of new members below 28, additional members would be chosen from the writing competition applicants to bring the number up to 28.

Beyond those selected through these traditional tests alone, an unspecified number would be chosen by a membership committee of the *Review* from among students who submitted their transcripts or writing competition entries along with personal statements. The transcripts and writing competition entries would be considered separately, but each in conjunction with the personal statements. The personal statements submitted with students' applications to the Law School would suffice, or students could submit additional statements.

(Continued on Page 4)

60 Minutes With Andy Rooney—Without

By Louis J. Hoffman

"I don't like to speak," Andy Rooney began, but the thrice-weekly columnist and full-time humorist continued his speech anyway. Rooney, who is best known for his short comments on the hit CBS series *60 Minutes*, spoke to more than 300 people at the Law School last Thursday under the aegis of the Law School Forum.

No Fooling

The subject of Rooney's talk was "The Great American Preference for Not Telling the Truth." Rooney believes that Americans have a limitless ability to fool themselves. Citizens who go to church Sunday morning, tired because they saw a dirty movie Saturday night, fool themselves, according to Rooney. Television viewers fool themselves: "We complain about T.V. quality and make the worst shows most popular — with one notable exception," Rooney commented.

In using numerous examples ranging from astrology to big business, Rooney tells his audience, "I offend people. If I don't by the end of my talk, ask questions, and I'll offend you then."

Something to Say

The newsman has a lively, humorous style, but he views himself as a serious journalist with something to say. "People expect me to be funnier than I feel — you set out to say something, and if it's funny, that's O.K. But with the shape of the world now it's hard to be funny."

He can be serious. Why do we fool ourselves? Rooney believes that if we have our destiny in our own hands, we have no one to blame. So we sometimes do the right things for the wrong reasons, and then we can't blame ourselves.

We fool ourselves in serious ways, according to Rooney. On big government, he comments:

— "We fool ourselves about big

government. If we wanted to reduce it, we could, and I'm not sure we're about to do it."

— "The job freeze in Civil Service is government fooling. . . . The new way to get rich is to get a govern-



A.E.

Andy Rooney

ment contract. Private hiring by the government is increasing while Civil Service cuts back."

— "I thought we should sell the AWACS to the Eskimos. They have lots of unemployment. Of course they can't pay us. But we could loan them the money, and they could pay us off with the interest from the new tax-free bank accounts. . . . I read that the ozone layer is thinning, and the glaciers are moving an eighth of an inch per decade from the heat. The Eskimos can use the planes to see if it increases to a half inch."

A Laugh a Minute

Rooney has views on big business also:

— "Big business claims to hate big government, . . . but they like trade restrictions on Japanese imports."

— "If Chrysler hates big government, I'd like my billion dollars back."

— "I've got an idea for Detroit which would get them out of trouble: make a better car."

Rooney is humorous. He says he

wants to go into a gas station, order one gallon of gasoline for the price of 135.9 cents, pay \$1.36 and ask for change. He's bothered by overpackaging in advertising, such as in toothpaste. He says, "Advertisers go overboard with packaging — not that I want to buy my toothpaste loose." He's bothered by banks. "One bank offered \$10,000 for bringing in a toaster." He did a film parody (which wasn't run) on *60 Minutes'* self-investigation show. He took a camera into Mike Wallace's office and said, "Mike, you were born in Boston, educated in Michigan, and now work in New York. What are you running from?" He claims to have pictures of being forcibly ejected from the office by an assistant producer. "It's all on film," he claims.

Complaining A Lot

Rooney complains a lot also.

— "I'm bothered by advertising. . . . We're selling things better than we're making them."

— "I'm tired of bad writing. . . . I have great faith in written words, even as used by lawyers sometimes. People don't write because they are afraid to commit themselves. It's difficult, because you've got to know what you're talking about."

— "I'm tired of lawyers who are more interested in their fee than in justice. Or doctors who care more about their fee than my health."

— "People are too concerned with making money and not concerned

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Commercials

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enough with making something. Making money is too easy."

— On the Moral Majority: "I think it's really disgraceful."

Is there anything he isn't tired of and which doesn't bother him, a member of the audience asks. "I'm not tired of life, and you people don't bother me," he admits.

Defending Journalism

Rooney did spend a lot of time defending journalism, especially investigative and television reporting. "Honest is the 'thing to be' in journalism," Rooney says, and the standards in his profession are high. Network journalism is especially effective because it "knows where its next \$10 million is coming from."

But journalists shouldn't be famous. "It's uncomfortable. I should give a course in being famous. There's good money in it, and it isn't very hard. If I'm famous, they're getting to the bottom of famous." Despite the protestations, Rooney is famous. But the audience seemed to find him witty besides, and the Rooney style kept right on churning out serious words of advice and good ideas in between all of the jokes.



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ILS Sponsors Oxfam Fast

By Gabe Shawn Varges

Students at HLS will again have an opportunity to help tackle the world hunger problem. The Harvard International Law Society has announced that it will sponsor the annual OXFAM fast which last year netted some \$1800 for the world's neediest.

Ben Davis, Herb Thornhill and Lloyd Randolph, all 2Ls, are coordinating the effort and are optimistic that HLS students will support it. "Others should stand with us in support of OXFAM," said Thornhill, "because the [world hunger] problem is far from solved. In the course of one hour, 1680 people in the world will die because they can't get enough food to eat."

Symbolic Donation

Tables will be set up in the Hark, Austin, and Pound on Nov. 16-19, and students will be able to donate the amount they would spend on food on Nov. 19, the official date of the fast.

"Greater contributions are of course welcome," noted Davis, "but more important is that students become aware, by the symbolic donation of a day's worth of food, of the extent of the world hunger problem." Davis emphasized that the program's contribution is both monetary and educational.

OXFAM is one of the most important international non-governmental organizations in the food relief field. Begun in England in 1942, the organization now has established fund-raising bodies in five countries and reaches three continents with its relief programs.

Most recently, OXFAM has been

involved in the rising refugee problem in Central America. According to the organization, some 70,000 refugees from El Salvador alone have fled to Honduras in the past year and are living under desperate conditions. OXFAM has pledged \$250,000 in aid to the Salvadoran refugees, and is currently seeking contributions for that purpose. Other areas being helped include Somalia, Cambodia, and various areas in Asia, Africa and Latin America.

Long-Term Relief

While the short-term efforts of OXFAM focus on relieving immediate hunger, the organization also provides emergency medical aid and is becoming increasingly involved in projects for long-term relief. Revival of pastoral lands, reforestation, and educational programs in agriculture and animal husbandry are activities which the organization recognizes as essential for preventing stifling dependency by the food recipients.

Thornhill added that besides the humanitarian reasons for helping the hungry, there are other reasons as well. "By ignoring or avoiding the hunger problem, we may be creating greater problems for ourselves. If an area lacks food, this means that it also can't provide other basic goods and services for its people," he said. Thornhill concluded: "The result is that the victims of hunger and poverty either die or move where there is opportunity. Thus, by overlooking the problem now, we may contribute to genocide or overcrowding in 'Northern' nations."



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Review Revives Affirmative Action Plan

(Continued from Page 1)

A new route to *Review* membership is also provided in the proposals. Up to eight students could write their way on during their second year by submitting notes accepted by the *Review* for publication. This is similar to the procedure used by the *Yale Law Journal* in choosing members.

In addition, the eight positions allotted to students completing their second year would be retained. Up to four would be chosen on the basis of their cumulative grade point average; another four would be asked to join on the basis of their second year grades.

Spring Writing Competition

The committee majority's proposed spring writing competition would still take place in two rounds. (One proposal before the membership would reduce it to one round.) The committee would have the first round take place the weekend before spring break, with the second taking place the week following first year exams.

Review President Mark Helm, 3L, who chaired the committee,

said there were two reasons for the shift to the spring. "Some people we've talked to have said it might increase participation of women and minorities," he said. "People sometimes commit themselves to other things and we would like to attract them earlier." Some people have suggested that minority and female participation might be higher before spring grades came out, he said. "Some people say the longer they stay at Harvard, the more demoralized they'll be," he explained.

Aid to Production

The rescheduling would also aid in the *Review's* production, some members have told the RECORD. With a full staff in August, the November issue could be produced more easily, they said. Helm said it would be desirable to have everyone join at once. "It wouldn't increase the visible difference between the ways people get on," he said.

Helm said he didn't think taking a week out of the summer was impractical, noting that Chicago, Wisconsin and Georgetown already

hold their writing competitions during the summer. Results of a survey distributed to all 2Ls about their preferences will be compiled by the meeting and will help members decide, he said.

Options To Be Discussed

Helm stressed that the proposals are only those of the committee's majority and that there are a number of other views which will be discussed. And in his memo accompanying the majority proposal, Helm stated that the vote was only 6-4. "It will stimulate discussion and focus debate at the meeting," Helm said of the committee's proposal. He said that some members still oppose any affirmative action plan while others would rather see all selection done on the basis of a Yale-like plan with applicants submitting notes for publication.

The *Review* has already sent the committee's proposals to the faculty committee, chaired by Prof. Detlev Vagts, which was charged with making recommendations to the faculty regarding the *Review's* plans. A meeting with Vagts's committee was scheduled for later this week.

"It's Very Complicated"

From the faculty's point of view, the new plan may be more acceptable. "Tentatively, it's more acceptable in some ways, but it's very complicated in its administrative implications," Vagts said. "I'm not sure I've gotten to the bottom of it." He expressed concern that, by holding the second round of the writing competition in the summer, the *Review* might have even fewer people write.

After the *Review's* vote next week, the Vagts committee will make recommendations to the entire faculty. The faculty will probably discuss a response before Christmas.



E.M.

Dry autumn leaves dance, then get a second chance to float to the ground as a Buildings and Grounds worker blows them into a pile.

A Lesson in the Management of Conflict

By Louis J. Hoffman

Not often do a husband and wife get the opportunity to teach together, but one couple connected with the Law School is doing just that. Abram and Antonia Chayes are teaching a course on the legal framework of strategic weapons decision-making.

Not only is the course taught jointly, but it also is jointly listed with the Law School and the Kennedy School of Government. Thirty-two students, about two-thirds of them from the Law School, are enrolled in the course.

Personal Touches

The Chayeses do allow some personal touches in their conversations about the course. When HLS Prof. Abram Chayes commented on the constraints on negotiations provided by international law, Mrs. Chayes interjected, "That is, if you

believe that international law is law."

"Now come on, dear, you do too."

"Well, I like to tease."

The Chayeses are largely restrained in class, doing most of their arguing about the organization and development outside of class. There are real differences in their approaches, though. Mrs. Chayes, who just left government employ as undersecretary of the Air Force, is an ardent "hawk," while Mr. Chayes, who has taught for 22 years at more liberally-inclined HLS, is a "dove."

Good Communications

Their differences "do make it lively," Mrs. Chayes said. "I thought it would be amusing, but the class is more theoretical." Both thought there would be more conflict, but the simulation technique reduces professorial participation, and "we communicate well," Mrs. Chayes

pointed out. "After all, we think very much alike." Mr. Chayes chimed in, "Well, we've been married a while." Over 30 years, in fact.

The course is divided into three parts, each completed by a student-run simulation. The first part is a critique of the legal method of analysis, capped by a simulation of a meeting of the Standing U.S.-Soviet Committee on Weapons concerning the MX missile in the context of the SALT agreement. The second segment of the course includes a discussion of the doctrine of rational analysis of decision-making and a simulation of a National Security Committee on Weapons Choices meeting. Finally, the course explores the role of Congress and the public in the decision-making process. The final simulation is of a Congressional committee hearing.

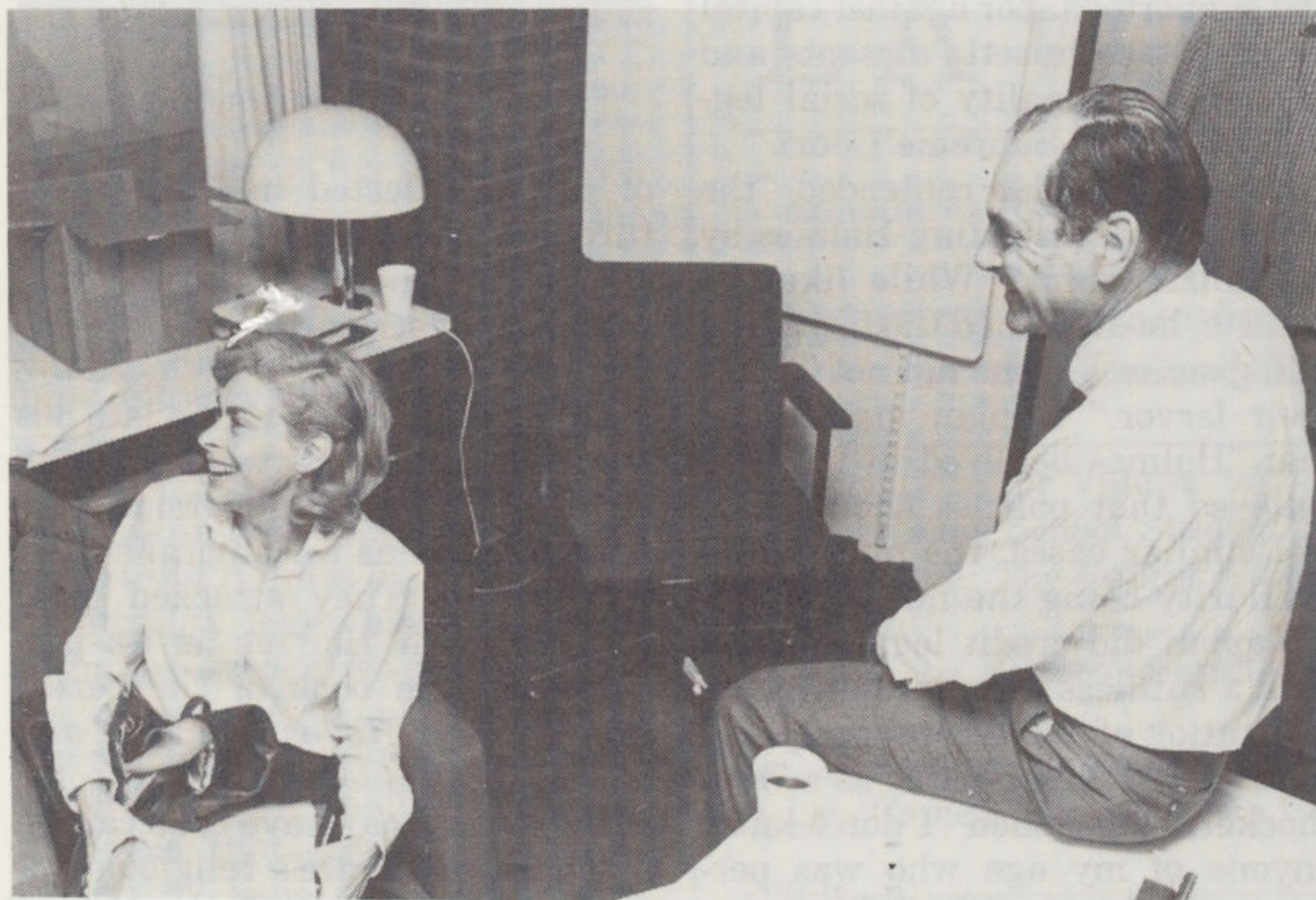
Problem Structures

Despite the timely topics, it is not a current affairs course, the Chayeses emphasize. The simulations are based on current topics, but they demonstrate points which are "much more durable." They develop a problem structure, the Chayeses believe.

Both Chayeses have taught jointly before, he at HLS and she at the Air Force Academy. Both have used the simulation technique as well. Still, Mr. Chayes sometimes dominates the course presentation because he has greater teaching experience, according to his wife.

Despite their different approaches, the course is going well, both believe. "We complement each other; we don't present two alternative views," Mr. Chayes said.

As they left the interview to meet their class, the two continued the discussion about simulation techniques and their upcoming lesson plans, the give-and-take never ceasing for a moment.



Mrs. Antonia & Prof. Abram Chayes

J.M.

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Judge Kaplan: Close Encounters of a

By Brad Hudson

The newly refurbished Ames Moot Court Room was filled to overflowing on Tuesday, Nov. 3, to hear HLS Professor Emeritus and former SJC Chief Justice Benjamin Kaplan speak about "An interesting man — an interesting genius — with a heavy dose of elusiveness and self-contradiction."

The subject of Kaplan's address was Justice Oliver Wendell Holmes. The Holmes lectures, provided for in a legacy in Holmes's will, have been an institution at HLS for 40 years but none of the lectures has ever focused on Holmes. To commemorate the 100th anniversary of his publication of *The Common Law*, however, this year's series has been dedicated to him.

"Audacious Idea"

Kaplan's address, entitled "Encounters with Holmes," began with his impressions of *The Common Law*, a series of lectures delivered by Holmes at age 40 at the Lowell Institute. Said Kaplan, "The book propounds an idea audacious and even revolutionary for its time." Holmes rejected the idea that law consisted of eternal essences somehow discovered by judges or principles inferred from the world and applied syllogistically, maintained Kaplan. "Rather it is to be conceived of as a system of organic growth — ever reaching for, but never achieving, full conclusions." Kaplan traced Holmes's attempt to blend history and analysis in obtaining objective standards for all areas of law. The "reasonable man" standard in tort law is one such example.

Holmes also extended this concept into other areas of the law. In criminal law, he focused on the objective behavior, not the suspect's intent. In contract, he focused on consideration as a form — allowing no role for a subjective meeting of minds. He by-passed the role of equity, describing a contractor as

having a choice between performing or paying damages. While Kaplan admitted some spottiness in the execution of *The Common Law*, he also defended it, stating, "It offered a fresh way of looking at law that must have galvanized any reader at the time." It was a "major influence for five decades or more on torts and contracts," Kaplan said.

Kaplan next traced out his own encounter with Holmes — a filial relationship that began when Kaplan attended Columbia Law School in 1930. He described Columbia as an outpost of legal realism at the time — a time when "traditional casebooks were being discarded and, as one grad put it, 'everything mimeographed was good'."

Kaplan explained that the legal realists "claimed inspiration and derivation from Holmes," confiding that "we knew his radical pretensions." After all, said Kaplan, he had supported labor against capital in his Massachusetts dissents and the constitutionality of social legislation in the Supreme Court.

However, Kaplan contended, "the realists were distorting Holmes by radicalizing him." While like the realists, he disdained the use of the syllogism in law, he did not "share their fervor." Kaplan maintained that "Holmes believed in rules — believed that policies should control similar cases, the question of similarity being the nub."

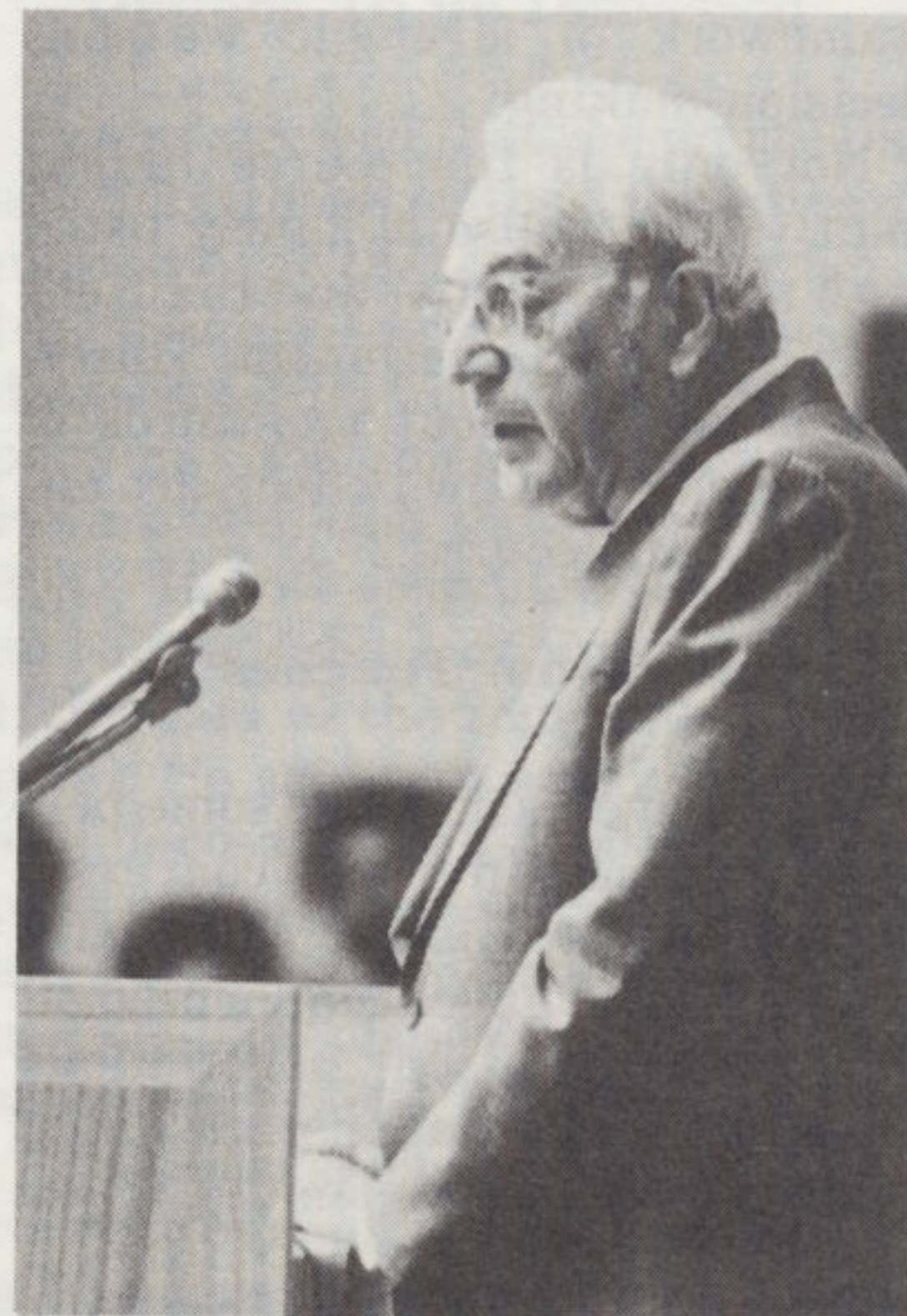
Kaplan did credit legal realism with a ruthless examination of the institution of market, property and contract. He described it as a "real shocker," but added "I don't know anyone of my age who was permanently damaged by it."

Oedipal Trip

However, observed Kaplan, any filial relationship must eventually take an Oedipal trip. Kaplan's began in 1937, with a reexamination of Holmes's writings. The portrait which emerged was one of a bleak, harsh figure, a man who "saw out

this window a Darwinian wild and endless struggle involving groups and classes . . .," a world where "might made right — or nearly so."

Kaplan was put off by Holmes's acceptance of the current balance



A.E.

Prof. Emeritus Benjamin Kaplan

of power reflected in the legislature, his view of legislative welfare as humbug, and his philosophy that morality is a matter of personal taste.

Other individuals in the late 30s and 40s attacked what Kaplan termed Holmes's underside, describing him as an amoralist and totalitarian. They attacked legal realism, with Holmes as its protagonist. One book of the period was entitled *Hobbs, Holmes, and Hitler*. Kaplan observed that some of the attack may have been caused by some of Holmes's religious epigrams, in one of which he referred to God as "the great panjanderer who had not disclosed his plan of campaign, if he had one."

Having traced Holmes's Oedipal journey, Kaplan arrived neither at the exuberance of the early realists, nor at the disdain of Holmes's vitreolic critics. He spoke of hearing the "spectral voice of Holmes answering the jibes of the 40s and

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Legal Kind

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50s" or perhaps being "a fellow who insists on putting the best face on all things despite all encouragement."

Perhaps, Kaplan felt, Holmes's statement that morality is a matter of taste actually represents the difficulty of creating a system of morality acceptable to everyone. Perhaps by claiming "might makes right," he was merely facing a practical realization that those with power ultimately make the rules. Kaplan struck a balance between the literal, extreme readings of Holmes — a balance that allows Kaplan's thoughts to interact with those of Holmes.

"Hints for Judges"

Kaplan concluded his address with a section he labeled "Holmes's Hints for Judges." Citing the case of *Waltham v. American Ax and Tool Co.* as a "negative classic," Kaplan warned the audience to observe Holmes at his worst as well as his best: "He can be short on the facts, uninterested in putting a fair case to either side, cryptic or highly elusive in his reasoning, apt to finesse off points by a mere form of words. . . ."

Whether through his strengths or weaknesses, judges can learn much from Holmes by studying his writings on logic, history, agency of change, prerogative of choice, and use of science, Kaplan said. He found particularly valuable what he termed "can't helps" — beliefs of judges that simply cannot be shaken by logic, facts or persuasion.

Said Kaplan, "It would be condescending on our part to deny him his weaknesses while praising his strengths." He concluded, "To use a Holmesian phrase, 'We move to the measure of his thoughts'."



Ames Moot Court Final Next Fri., Nov. 20, 8 p.m.

The 1981 Ames Final Round Moot Court Competition will be held on Thursday, Nov. 19, 1981 at 8 p.m. in the Ames Courtroom in Austin Hall. This mock argument, set in the Supreme Court of the United States, involves the constitutionality of a state's pretrial detention statute which authorizes the holding of a certain class of criminal defendants without bail. The case, *Lou McGuire, Appellant v. State of Ames, Appellee*, will be argued before the Hon. Henry J. Friendly

(Second Circuit), who will serve as chief justice, the Hon. Nathaniel M. Jones (Sixth Circuit) and the Hon. Patricia Wald (D.C. Circuit). The argument may be viewed on video monitors in Lecture Rooms "C" and "D" of the Science Center and in Austin North. A short reception will follow the argument. The case record, the appellant's brief and the appellee's brief may be obtained in advance in the Board of Student Advisers Office in Langdell Hall.



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Atiyah Lectures on Holmes as Theorist

By Joyce Tichy

Oliver Wendell Holmes was a major figure in the English legal world during his lifetime. In the fields of torts, criminal law and contract law, the ideas embodied in Holmes's work *The Common Law* were each in some way influential to his English contemporaries. In each of these fields, however, Holmes's ideas lost much of their influence after being tested by the English legal system. This was the essence of the second Oliver Wendell Holmes lecture given by

Prof. Patrick Atiyah of Oxford University presented on Nov. 4, in the Ames Courtroom. The lecture was entitled "The Legacy of Holmes Through English Eyes."

Objective Standards

Holmes's ideas had the least influence in the area of criminal law. Holmes objected to the doctrine that a person's intent to do a moral wrong should be necessary to a finding of criminal liability. He disliked the notion that legal liability should rest on moral princi-

ples, and instead supported the idea that legal liability should be determined by purely objective standards of conduct. According to Atiyah, Holmes's point of view may have appeared to have influenced English criminal law more than it actually did. It is true that in Holmes's time the English did not require a showing of actual intent to prove criminal liability. The English did not, however, take this approach because they considered intent irrelevant. Rather, they

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Vetter: Holmes as Patron Saint of Legal

By Erich Merrill

Jan Vetter, professor of law at the University of California, gave the last of three Holmes lectures last Thursday, Nov. 5. Vetter spoke on "The Evolution of Holmes," commenting on the popularity of Holmes's jurisprudence and on the ideas which affected the development of that jurisprudence.

In the first part of his speech, Vetter traced the growth and decline of Holmes's reputation as a jurist. Fifty years ago Holmes was widely respected, Vetter said, but more recent critics have found Holmes to be "savage, harsh, cruel, a life-long pessimist." Though Vetter felt that view was "forcefully stated," he said that Holmes was in fact deeply conservative. A substantial portion of the lecture was therefore devoted to explaining why Holmes is often thought of as "the patron saint of liberal reform."

Vetter felt that Holmes was "abducted" by liberals in the early twentieth century for three reasons. First, Holmes was a reliable spokesman for judicial restraint in reviewing liberal legislation. Liberals also liked Holmes's views on the clear and present danger standard in the

area of free speech. Finally, Holmes's philosophy of legal reasoning appealed to liberals in the 1930s (Holmes seemed a realist to the realists and a positivist to the positivists, Vetter suggested).

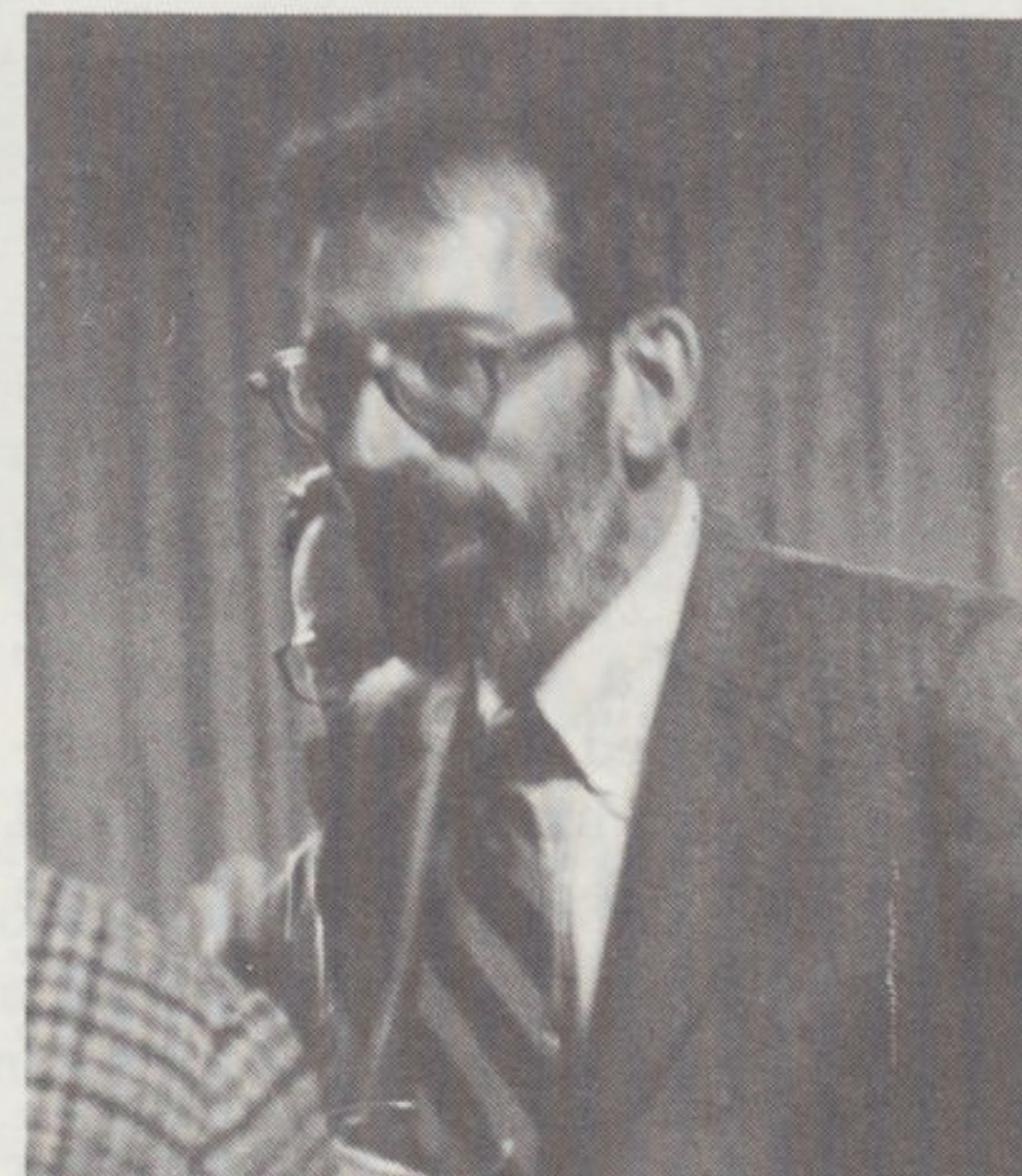
Vetter devoted the next part of his lecture to explaining why Holmes didn't maintain his popularity with liberal legal scholars. Holmes was instrumental in "the subversion of an untenable orthodoxy. He gave not much help in an attempted reconstruction," asserted Vetter.

Heroes and Battles

"Heroes require battles," he continued. When Holmes was a dissenting member of the court, he was highly visible to the liberals as a crusader. Once other justices followed Holmes's views so as to create a majority, however, he fell from the public eye.

The growth of the civil rights movement also hurt Holmes, who was essentially opposed to the aims of the movement. His reputation changed from that of a civil libertarian to that of a justice insensitive to civil liberties.

Vetter pointed out that even while liberals were praising Holmes's views on judicial review, free speech and legal rea-



E.M.

Prof. Jan Vetter

soning, Holmes kept some very conservative ideas. He disliked redistributive programs, feeling that a proper role for the government was limited to enforcing contract and tort rights. "Socialism he considered drool," said Vetter.

Expansions in the spectrum of legal theory also account for the decline of Holmes's popularity. Holmes used to fill the spectrum, Vetter suggested, while today he is only a small part. In tort, for instance, Holmes's theory that blameworthy injurers should pay has been supplemented with the idea that large potential injurers should be required to distribute their benefits through the mech-

—“Brilliant But Unacceptable” Ideas

(Continued from Previous Page)

simply considered it too hard to prove. In later years, Holmes's objective standard of liability was rejected in English criminal jurisprudence.

Looking to Liability

In the field of torts, Holmes's theory was that the law should be approached by analyzing the tortfeasor's liability rather than the injured party's harm. Holmes felt, unlike the scholar Addison, that

Reform

anism of strict liability. In contrast, Holmes's individualist view is being crowded by the notion that contract is a proper instrument for regulation and control.

In the last part of his lecture, Vetter spoke about ideas that had affected Holmes's work. Foremost among these was evolution. Langdell had said that the test of a body of law was internal consistency. Holmes rejected this idea, using evolutionary concepts to say that the law responded to external forces.

Ordinary Man Supreme

Vetter said that Holmes saw the supreme power in a community to be the ordinary man because it was this person who determined the standard of conduct for contract and tort. In the 1930s, Holmes refrained from striking down certain liberal legislation because he saw in such legislation the desires of the average person.

Vetter ended his lecture by saying that one of Holmes's ideas still appeals to jurists today: that legal change was not random, but could be moved in the direction people wanted it to move in. "That Promethean idea warms and burns with us still."



duties or grounds for liability came before rights regarding harm suffered. Holmes therefore reclassified the nature of torts on the basis of liability rather than harm. This shift in emphasis had much influence in England as well as in the United States. Likewise, Holmes's emphasis on the "reasonable man's" standard of conduct, a standard to be determined without analyzing the tortfeasor's morals, was very influential in English law. However, as Atiyah emphasized, not all of these ideas were new to the English. So Holmes may be accorded some, but not all, of the credit for familiarizing English lawyers with the varying standards of reasonableness.

Atiyah further put Holmes's influence on tort law into perspective by noting that today the nature of the plaintiff's rights have once again assumed prominence. Because of the rise of no-fault insurance, employer's liability and other compensation schemes, the nature of the plaintiff's claims are becoming more important than the defendant's liability.

Brilliant But Unacceptable

Finally, in the area of contracts, Atiyah characterized Holmes's ideas as brilliant, but unacceptable to the English legal system. Holmes rejected the idea that moral responsibility plays a part in assuring the performance of contracts. Holmes proposed that entering into a contract was not binding; it simply left open the choice to perform or pay. Atiyah explained that English lawyers have never accepted the idea that the moral aspect of contractual obligations does not exist and suggested that Holmes's framework mutes the important differences between contracts requiring specific performance and "contracts in the alternative." Thus, whereas Holmes's ideas may have played a small part in English criminal law, and whereas they were quite influential in tort law, in contract law Holmes's ideas were simply rejected as inapplicable.

In conclusion, Atiyah compared Holmes the judge with the English judges of the twentieth century, suggesting that his influence may have diminished in England because he was a man of a different mold. Holmes's realism, his emphasis on pure logic, and his reliance on objective facts rather than moral criteria are dissimilar to the attitudes of English judges. Unlike Holmes, an English judge would not wish people to see the law as a man-made theory. Rather, he would feel that in order to be ef-



E.M.

Prof. Patrick Atiyah

fective the law should retain the mystique that comes with the assumption that it contains the key to absolute justice arising from common attitudes of right and wrong.

While Atiyah acknowledged that this concept is a form of elitism, he concluded his talk with the suggestion that Holmes's emphasis on realism rather than the English judges' "declaratory theory of law" could only work if all people were as rational as Holmes was. Since they are not, Atiyah said, the English legal world's de-emphasis of Holmes's philosophies cannot be considered blameworthy. ❧

Re-examining Merit

The proposal now before the *Law Review* is a great improvement over last year's plans. Not only does it draw back from the quotas proposed last year but, more significantly, it reflects a more thorough consideration by the *Review's* editors of the criteria used in selecting members. We think that that consideration was overdue and we think the plan that resulted is more sensible than the present system, despite its complexity. What's more, affirmative action makes much more sense in a system which acknowledges a wider range of talents to be relevant to selection than it does as an ad hoc adjustment to the present system.

Organizations considering affirmative action plans are forced to re-examine the means by which they select members. Institutions which would otherwise accept existing criteria of merit are forced to rethink their assumptions, to broaden their notions of what is valuable.

This seems to be the process which has led to the proposals put forward this week. Allowing up to eight positions to be granted on the basis of notes submitted for publication shows a recognition by the committee that some talents which are valuable to the *Review* may not be relected through performance in the writing competition or through grades. There is no reason to think this will cause any decline in the quality of the *Review* staff. On the contrary, it will broaden the *Review's* pool of talents.

Consideration of the obstacles a student has overcome seems more consistent in this setting, with three primary means of selecting members — grades (in both first and second year), the writing competition and the notes — than it did under the schemes put forward last year. The positions they reserved for disadvantaged applicants seemed out of place in a system centered solely on grades and the writing competition. The new proposal, while it does not specify the number of editors to be chosen using personal statements, appears to reduce their number from the eight proposed in the March plan. The de-emphasis of those positions within an enlarged set of selection procedures yields a plan which is much more coherent than the plans of last spring.

Moving the writing competition to the spring is not clearly workable, and some restructuring of that part of the plan may be necessary. The faculty will very likely resist the new plan, even though the explicitly compensatory parts of the plan are weakened. But regardless of what the *Review* finally votes for and how the faculty responds, there is little chance of the *Review's* selection processes remaining as rigid as they have been. That is undoubtedly a step in the right direction.



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Fenno

Fenno was very excited. He'd won a bet with his friend Wendell. Fenno had just picked up a copy of the *Adviser*, which announced that Dean Vorenberg would give a news conference the following day. Wendell had bet Fenno \$10 that the statue of John Harvard in the Yard would hold a news conference before Vorenberg did.

The Multi-purpose Room was very crowded. Fenno approached a cameraman and asked if he was from the Evening News. "No," the cameraman replied, "I'm from 'That's Incredible!' That's Cathy Lee Crosby over there in the red sequined jumpsuit."

The news conference started. To keep himself awake, Fenno counted the lights in the ceiling and inspected the wall behind the speaker. Fenno looked again — he couldn't believe his eyes, but he could have sworn there were tiny nylon lines attached to Vorenberg's arms, head, and legs. Fenno nudged a sleeping professor and indicated the nylon strings questioningly.

"Oh, those? Everyone knows what *those* are. Al Sacks is behind the wall, as usual. He's been pulling Vorenberg's strings for years now. And Griswold pulls *his*." The elderly professor dozed off again.

"That's incredible," Fenno whispered.

"Did someone say 'That's Incredible!'?" Cathy Lee Crosby asked, moving toward Fenno.

"Shut up," Fenno said, turning back toward the old man. "You mean Vorenberg is just a marionette?" Crosby listened quietly.

"Yeah — neither Ervin nor Al really wanted to let go of the place, so they put in people whom they could control. Vorenberg was the clear choice this time. Al's pretty new at this stuff, though. He's made Vorenberg play 'Silent Jim' because he hasn't quite figured out how to synchronize the mouth movements with the ventriloquism," the professor replied.

"That is incredible!" Crosby leapt up onto the stage, yanked on the strings, and Al Sacks tumbled through the flimsy wall.

"I *did* have to get caught at this the week before the new computer was in," Sacks muttered. "I *told* Ervin to wait 'til we had Jim fixed up like me. You have to admit that this is a pretty primitive system," Sacks asserted. "I always have to leave my phone off the hook when I pretend to be in California. With the Orange IV, though, we can wire Vorenberg so that I can control him from a remote terminal."

Crosby flashed her pearlies for the camera: "Tune in in two weeks for something *really* incredible — The Bionic Dean!" She bowed gracefully.

"Will wonders never cease?" Fenno thought. He went off to the Hark for a couple of games of Space Invaders.



Letters to the Editor of the RECORD

Debate Heats Up Again

To the Editor and All First-Year Students:

As you may now know, the Affirmative Action Committee of the *Harvard Law Review* has just reported out a plan that, if passed, would vitally affect the interest of some of you. The plan would reserve up to 10% of the available spots on next year's staff for "historically underrepresented" groups in the student body. This 10% would be chosen by a "Membership Committee," who would operate under a directive to strive for proportional representation of black, Mexican-American and other minorities who, in the *Review's* judgment, have had to overcome social disadvantages. The plan does require that the "personal statement" of personal or societal obstacles overcome by the applicant be weighed against his or her grades and/or performance on the writing competition. But as long as the Committee's judgment that an accepted applicant can "adequately" perform *Review* work is not arbitrary, the Committee would have unfettered discretion to select any applicant.

This year the President of the *Review* has announced that the final vote on the plan will take place just nine days after the Affirmative Action Committee finally settled on a concrete plan. This haste deprives the *Review* of any realistic opportunity to poll the first-year class regarding this plan and minimizes prior public discussion of the proposal.

Last Monday, I suggested to the *Review's* president, a supporter of affirmative action, that since, after months of abstract discussion with various groups, the Affirmative Action Committee finally had specified a plan, this would be a propitious opportunity to solicit student opinion. I proposed a postponement of the final vote to allow students and the community at large to absorb the features of this specific plan. He responded that since the Affirmative Action Committee had held a discussion, announced in the *Adviser* as an open meeting, with the Law School Council, "... we have done quite a bit to enable first-year students to comment generally on our own efforts." He added, "We confronted [the Council] with most all of the salient elements contained in [the present] plan. . . . Had we presented them with this particular plan, I am confident that the reaction would have been little different: most would have preferred us to maintain the status quo, and a few would have furrowed their brows and said that there *must* be a better way to get diversity. I do not characterize their remarks in this way to belittle them. . . . I am only rebutting your assumption that by presenting 1Ls

with this particular plan, we would get some new kind of input."

In discussions with other *Review* editors supporting the plan, I have continually brought up the issue of the Law School community's right to an opportunity to comment prior to our final vote. In summary, their responses have been: 1) that the self-serving opinions of 1Ls are irrelevant to our objective and that 1Ls do not know what the *Review* is all about, and 2) since we are sure that the student body generally opposes affirmative action regarding *Review* membership, no purpose would be served by gauging the precise extent of opposition to this particular plan. One of the top officers of the *Review* even said, "I don't give a shit if 100% of the 1Ls are against the plan. We

simply have to have a plan."

I urge all first-year students (and any others) who are concerned about and wish to comment on our plan to come over to Gannett House, 2nd floor, between now and this coming Wednesday. If you wish the vote to be postponed, please make those views known immediately.

Unless you act *now*, you will lend credence to the beliefs of many *Review* editors that 1) you do not care whether the *Review* has an affirmative action plan, 2) you are too result-oriented to distinguish between plans, and 3) our vote is not really any of your business.

Jim Baker, 2L
Editor, Harvard Law Review



The RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and especially on subjects which have appeared in the RECORD.

Koby Antupit

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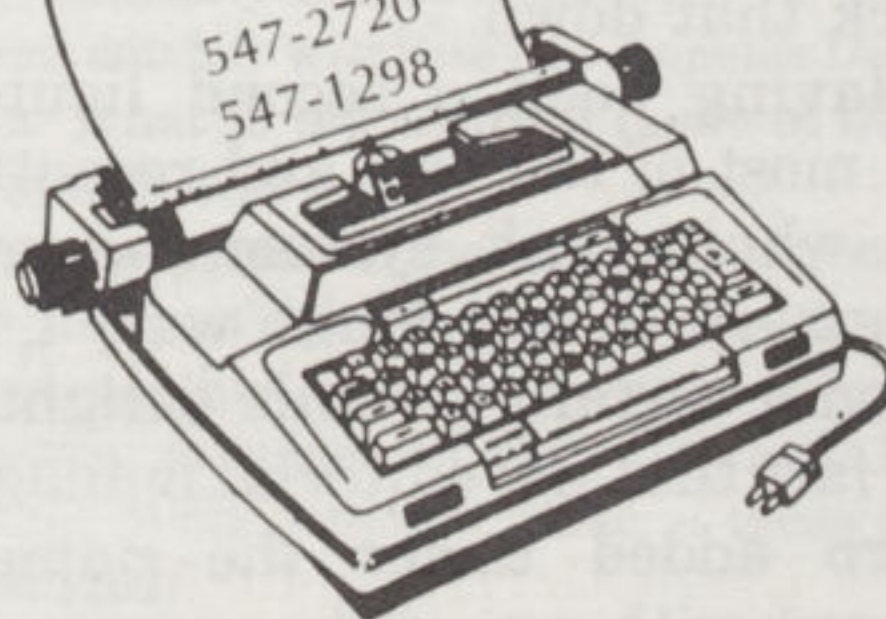
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A Brief History of the RECORD

The RECORD celebrates its 35th anniversary this year and we thought the best way to commemorate this event is to print a letter written 10 years ago by one of the RECORD's founders, Charles Porter.
— Ed.

I'm using part of this quiet Thanksgiving morning in my office to keep a pledge I made to myself to impart to you several historical facts about the launching of the RECORD a quarter of a century ago.

Usually I don't look that far back. The present and the future have me too engrossed, but as the first President I can't resist offering you these random recollections for the RECORD, the archives or your wastebasket as your editorial judgment may determine:

Having a newspaper at the Law School and calling it the HARVARD LAW SCHOOL RECORD was my idea.

Sweet, Hellmuth and I, *a.k.a.* the founders of the RECORD, found a ready and highly resourceful ally in Reginald Heber Smith, '14, long-time treasurer and prime mover of the Harvard Law School Association. The RECORD's financial feasibility then, and likely now, rested on alumni subscription money from Association dues. What Reg Smith envisaged with respect to the RECORD's role in enlisting wide alumni interest and support was very soon realized. Griswold's skepticism changed to firm if not enthusiastic support.

We intentionally put "School" in the paper's name to negate any narrowly legal nature of the publication. Our format was as big as the *New York Times*. I like the present name and size better.¹ Because we were the first such newspaper, we've always been the "oldest", but when I saw that puffy

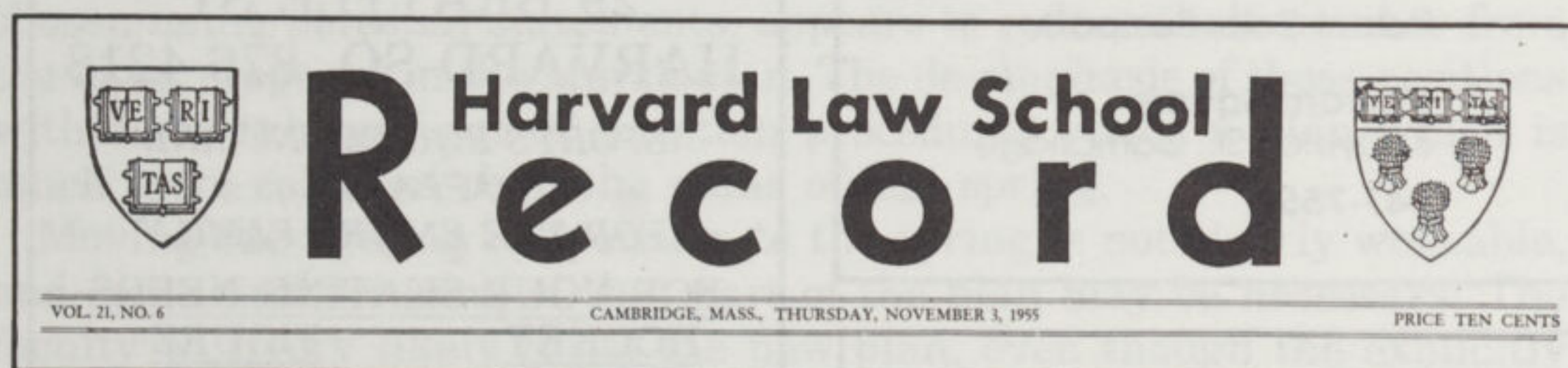
Charlie Sweet, had been a major in the Marines and my business manager, Paul Hellmuth, had been a lieutenant-colonel in the Air Force.³

In one of the early issues I wrote a piece about the new Dean, Erwin Griswold. I thought I was objective about this rough-cut diamond. His mother wrote me from Ohio to thank me for my words, commenting that, in spite of what I said, she could see I liked him. Which was true. Objectivity, at least in those days, thy name was Griswold. I really don't know about the Erwin Griswold who is [was] solicitor-general of the United States. When I read about mass arrests in Washington, D.C., engineered by Attorney-General Mitchell and publicly defended by my former Dean, I can't help wondering and sorrowing a little.

Charlie Sweet is a trial judge in a court of common pleas in Washington, Pa. Paul Hellmuth succeeded Reg, after years in Reg's firm, Hale and Dorr of Boston, as managing partner and has accrued numerous business, professional and public service honors such as the chairmanship of the Notre Dame Board of Regents. Like most HLS people, they were and are good men.

Reg Smith, who died in 1966, was the father of legal services for the poor in the United States, top expert on law office organization and lawyer extraordinary. He lured me back to Boston in 1948 from a Ninth Circuit clerkship in San Francisco, and he made me assistant to him in his capacity as Director of the American Bar Association Survey of the Legal Profession. I finally began practicing law in Eugene, my home town, in 1951 and was elected to Congress in 1956 and again in 1958. It finally dawned on enough of the voters in 1960 that I meant what I said about doing everything I could, however little, for peace, so they retired me. You'll have to con-

(Continued on Next Page)



The RECORD's banner in 1955

It was conceived early in 1946 when I was in my second year after having taken off four years following my first year to help win World War II. For purposes of bronze-plaque placing, you should know that the thought came to me while I was pondering the impersonality and separateness of HLS students, faculty and alumni just prior to dropping off to sleep in our bedroom at 19A Shaler Lane.

My classmates, Charles Sweet '42 ('46) and Paul Hellmuth '43 ('47) liked the idea and agreed to help. James Landis '24, then Dean, approved of it, then turned over the deanship to Erwin Griswold '28, one of the two negative votes in the faculty meeting. The other was Lon Fuller.

Paine, Benjamin Franklin and Joseph Pulitzer.²

Our first offices were on the third floor of Austin Hall. Our invaluable and most understanding secretary, Selma Pressman, a recent Radcliffe graduate, was our only paid employee. I'm pretty sure she married an HLS man but I'm not sure he ever worked on the staff. Some other historian will have to track that down.

Having been a second lieutenant most of the war and resenting the whole rank system, however necessary it no doubt was, I savored a certain juvenile delight in the fact that my editorial manager, blurb added under the name I winced with age and compensated by identifying myself with Tom

(Continued from Previous Page)

sult my memoirs for a fuller self-serving statement.

The RECORD sparked law school newspapers at Columbia and then Virginia. Do they still exist? I don't know. Their founders, Albert P. Blaustein, now a professor at Rutgers Law School (Camden) and Edgar Allan Jones, now a professor at the UCLA law school, respectively became good friends of mine. Al and I worked together on the Survey of the Legal Profession projects and even wrote a book summarizing the Survey's findings, *The American Lawyer*, Univ. of Chicago Press, 1956.

Maybe my being a seven-year plan student, one of the first two with Roland Shaine, '44, '47, had something to do with my starting the RECORD. That meant I entered after my junior year at Harvard College and studied both liberal and legal subjects in the final two years — which were rather compressed. I also took off a term to investigate the courts in Cincinnati under Murray Seashengood, '04 as arranged by Roscoe Pound.

Is a paper like the RECORD peculiar to Harvard Law School?⁴ Does it reflect the wider awareness of our students and their persistent urge to make the law work at all levels for social and economic justice, intertwined with "legal" justice? Does it continue to appeal and to serve because it makes its readers more aware of their duties and opportunities as citizens in a nation held together, God knows it seems tenuously at times, by respect for law instead of force or the threat of force? I'd answer all these questions yes.

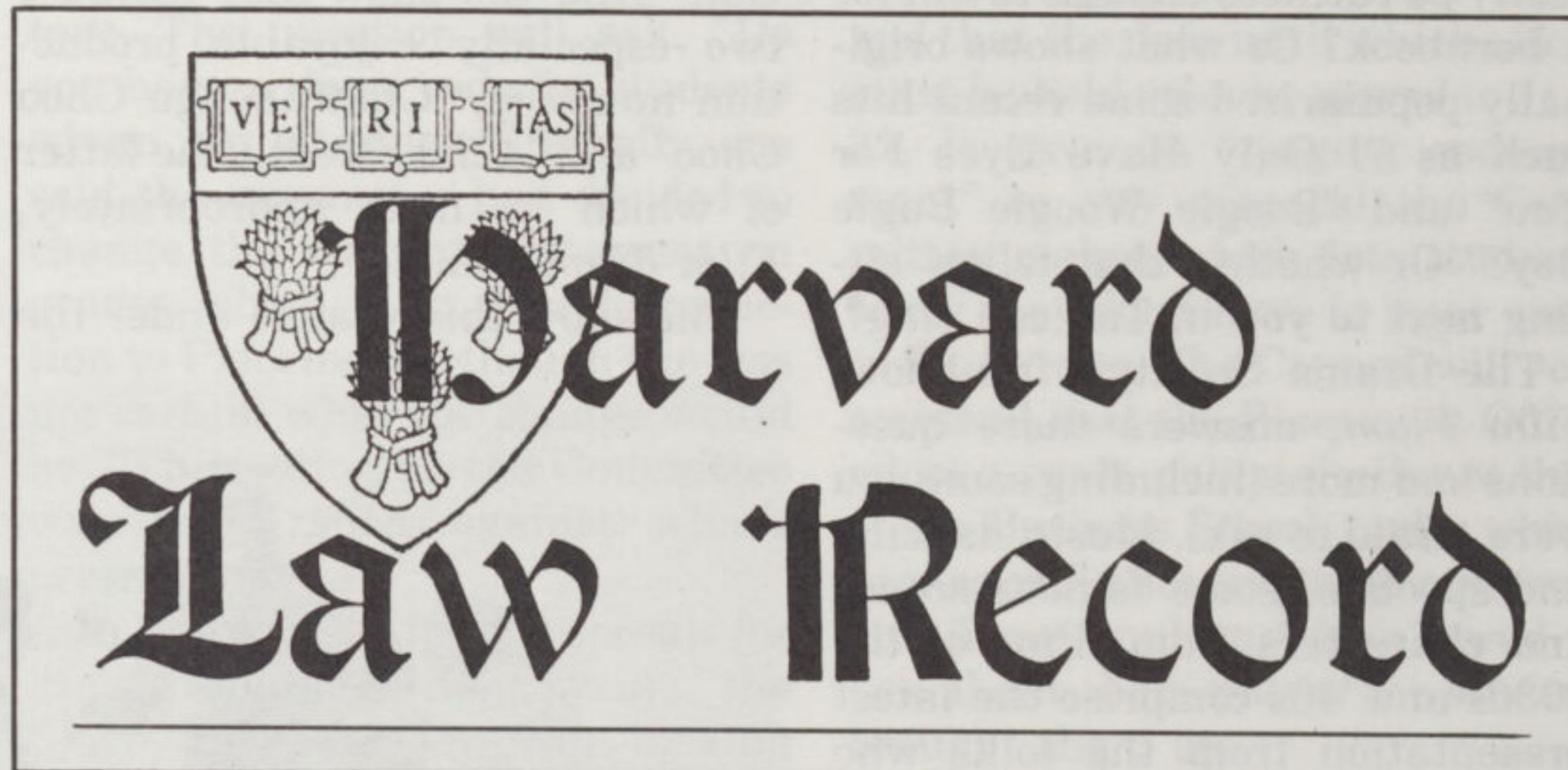
My congratulations and thanks to you and your fellow staff members and your predecessors over the past 25 years for the fine job you are doing and they did in making the RECORD what we hoped it would become. Let's make a date to compare memoirs at the 50th Anniversary in 1996. Meanwhile the RECORD will, I predict, continue to shed light on what Holmes called the passions of our times and more

and more of our graduates will seek and find fulfillment using their School-honed abilities for more than dollar recompense.

Charles O. Porter '44 ('47)
Eugene, Ore.

¹ [The "School" was dropped from the title in Feb. 1956 (v. 22, n. 1).

and returned the motto to the front page. A contemporaneous account in the *Crimson* said that the Columbia paper continued to use the motto as well. The RECORD's files contain an issue of a Columbia paper which was new in 1971, implying that the earlier Columbia publication did not survive. — Ed.]



The 1959 RECORD banner

The paper's format was "downsized" to dimensions slightly smaller than today's in Feb. 1959 with the beginning of volume 28. The current size and the black band masthead were first used in Oct. 1968 (v. 46, n. 6). — Ed.]

² [When the smaller format was adopted in 1959, the motto, "America's Oldest Law School Newspaper" was dropped from the front page and was taken up by Columbia's newspaper. The RECORD's editors complained in an editorial

³ In 1957 I felt the same satisfaction, but for sounder reasons based on the most important constitutional principle, civilian control, when, as a member of Congress, I was treated with deference by three and even four star generals.

⁴ Our in-box currently holds papers from law schools all over the country including, for example: Georgetown, Boston University, Duquesne and Villanova.



SPORTS QUIZ

NOTE: This week's Sports Quiz deals with sports personalities in different sports or broadcasting who share the same name.

1. This athlete is currently the starting quarterback for the Buffalo Bills while his similarly-named counterpart is a veteran catcher with the Los Angeles Dodgers. What is the common name of these two athletes?
2. Currently one of the many young stars on the men's professional tennis circuit, this man has the same name as the well known manager of the Oakland A's. What is the common name of these two athletes?
3. A long-time All-Pro defensive back with the Philadelphia Eagles, this man has

the same name as a Princeton graduate who went on to stardom as a forward for the New York Knicks. What is the common name of these two men?

4. Once the heavyweight champion of the world, this famous boxer shares the same name as a former manager of the New York Mets in the 1970s. What is the common name of these two sports figures?
5. A golfer who threatened to win the PGA Championship last summer, but is really more well known for his rotund figure and outlandish hats, has the same name as the radio announcer for the New York Mets. What is the common name of these two men?

(Answers on Page 16)

Film Flam Fun for Film Fans

Gretchen Rule

Have you ever wondered what happened to Scarlett O'Hara's descendants? Or whether a 1L would *really* be ruthless enough to kill for a hornbook? Or what shows originally popularized some recent hits such as "I Only Have Eyes For You" and "Boogie Woogie Bugle Boy?" Or whether that fellow sitting next to you in Tax can sing?

The Drama Society's fall show, *Film Flam*, answers these questions and more (including some you were afraid to ask). Music, dancing and spoofs of some famous scenes and characters from films of the 1930s and '40s comprise the latest presentation from the folks who always manage to entice talented budding lawyers away from their studies and onto the stage.

A Nice Blend

The show is a nice blend of song and dance and dialogue, with the requisite number of Law School jokes mixed in throughout. (Sometimes it's amazing how the show's writers come up with new jokes year after year. But then, considering what they have to work with, maybe it's not so suprising after all!) Oh yes — they also poke fun at B-School parties, interviewing and, knowingly, at themselves and all of us. Soloist voices are, for the most part, clear and strong and (hooray!) on-key, and the production numbers are well-choreographed. Some of the harmonizing isn't as well-mixed as you might be used to from slick studio recordings, but its close enough that only the true music connoisseurs among us should mind — and even they shouldn't mind much.

Particularly strong solo numbers that you should watch for are "I Only Have Eyes for You," featuring 3L Jonathan Funk, and a poignant "I'm Always Chasing Rainbows," spotlighting 3L Bob Kyle. Ken Hodder, 2L, one of the

stars of last year's spring show, and Nancy Welsh, 3L, deliver a very funny rendition of "For Me and My Gal." And the show also includes two especially enjoyable production numbers, "Chattanooga Choo Choo" and "42nd Street," the latter of which is, most appropriately, *Film Flam's* finale.

The show this year is under the

Bob MacCaulay (trumpet), Don Siegel (drums), Don Braden (saxophone) and Charlie McGovern (guitar).

Those of you not lucky enough to have caught *Film Flam's* opening last night have a few chances left. The Drama Society will be on stage both tonight and tomorrow night, with shows both nights at



J.M.

A scene from Monday's technical rehearsal.

guiding hands of 2L Chris Hewitt, producer; 3L Julie Martinez, acting director; Debbie Farah, choreographer; 2L Carol Halverson, musical director; and 2L Tim Hearn, technical director.

Cast members include 3Ls Jonathan Funk, Otho Kerr, Curt Krechevsky, Bob Kyle, Greg Martin, Julie Martinez, Jack Sabatino and Nancy Welsh; 2Ls Carol Halverson, Ken Hodder, Joe Jacob, Natalie Marron, Mike Meloy, Kelli Murray and Harriett Olson; 1Ls Liz Birnbaum, Sheila Mosmiller, Kip Purcell and Holly Wright; and Halcyon Carroll (H.U. '81) and Suzanne Cloutier (Lesley '82). Music is provided by 2L Paul Kiernan (piano), 2L Jim Anaya (bass), 2L

7:00 and 9:30. As in past fall shows, the Ropes-Gray room will be decked out in cabaret style — for the \$3.00 admission price you get to see the show, and while watching the performers you can order refreshments. For students especially interested in settling down at a table with a few friends and a few drinks before the show, the bar will open at 6:30 both nights.

So follow the Drama Society's lead this weekend. Break away from the books and go share some songs, dance and laughs at *Film Flam*.



Sweeping Placement Changes Revealed

(Continued from Page 1)

potential for direct conflict between class attendance and interviews," the memo says, since the majority of Law School classes are scheduled in the morning. According to the memo, the Committee "canvassed a few lawyers who do the interviewing, and although they evinced no enthusiasm for the change, they were not opposed."

Shortened Season

The Committee will also propose to the faculty that the interview season be compressed into four weeks, and that Saturdays be used for interviewing. The shortened interview period will begin in mid-October, so that the last interviews can be held on the Friday before Thanksgiving.

The Chayes memo lists as one reason for the later, compressed period a desire to reduce "the time period during which placement activity seems to dominate the life of the School. The Committee's impression is that it is this preoccupation with placement rather than direct conflict with classes that is the main source of diversion and distraction from academic work." Moving the beginning of the period back from its present date of Oct. 1 "would provide a period after the students' return to concentrate on classes without the distraction of intensive placement activities."

Christmas Fly-Outs

The Committee will also recommend that two days of the vacation which follows the winter term be moved to the beginning of that term, extending Christmas vacation, according to Boardley. Since the interviewing period would run through Thanksgiving, and students begin to prepare for exams after Thanksgiving, students would take most of their fly-outs during this extended Christmas break.

Having later fly-outs will require firms to keep their offers to students open to a later date.

Therefore, the Committee will recommend that the offer deadline be made the Friday of the first week of winter term, Boardley said.

Boardley also noted that the Committee will ask that the Placement Office add a question to the survey forms sent to law firms for inclusion in the Employer Directory. The question will ask, "Do you have a dress code for students whom you interview?" Finally, she said the committee had decided to change the current statement on grades which is in "An Introduction to Placement," though she was not certain what the change would be. "The feeling on the Committee was very much against what's presently there."

In addition to these proposals for implementation next year, the Chayes memo advocates moving the interview process to the spring within the next few years. The change will not be made next year because the Committee felt that Harvard cannot make such a change alone, and some time will be needed to find at least two other "major schools" who will also be willing to make such a change.

LSC Reacts

After the Placement Committee adjourned its meeting on Monday, Jeff Smith, 3L, presented its proposals to the Law School Council. The Council discussed the proposals and voted on recommendations of its own to present to the faculty on Nov. 18.

The Council felt that the combination of a compressed interview season, Saturday interviews and interviews in the evenings would not be acceptable to students, since it would constitute a huge disruption of students' academic and personal lives. Ken Menges, 3L, expressed doubt that anyone would ever sign up for an evening interview. "You know those blocks you X out for hours you aren't available? Everyone will say, 'Well, I'm busy from 5 to 9,' and X them out." Council president Will Hunter, 2L, felt that "firms would be a lot

quicker to say they'll interview in February than they would to say they'll interview at 9 o'clock at night."

The council supported most of the other proposals of the Committee, however. It will suggest that no fly-outs be allowed after the beginning of the winter term, and that the date until which offers must be held open be moved to Jan. 31. It gave its "ringing endorsement" to any proposal the Committee makes which lets students know they don't have to wear suits to interviews. The Council will recommend that the Placement Office adopt a grade policy similar to that at the Business School, under which grades could not be put on resumes, and firms would not be allowed to ask about them unless the student brought them up.

The Council also addressed the question of 1L placement, and will recommend that if the interview season is moved to the spring semester, 1Ls should be included in the process.



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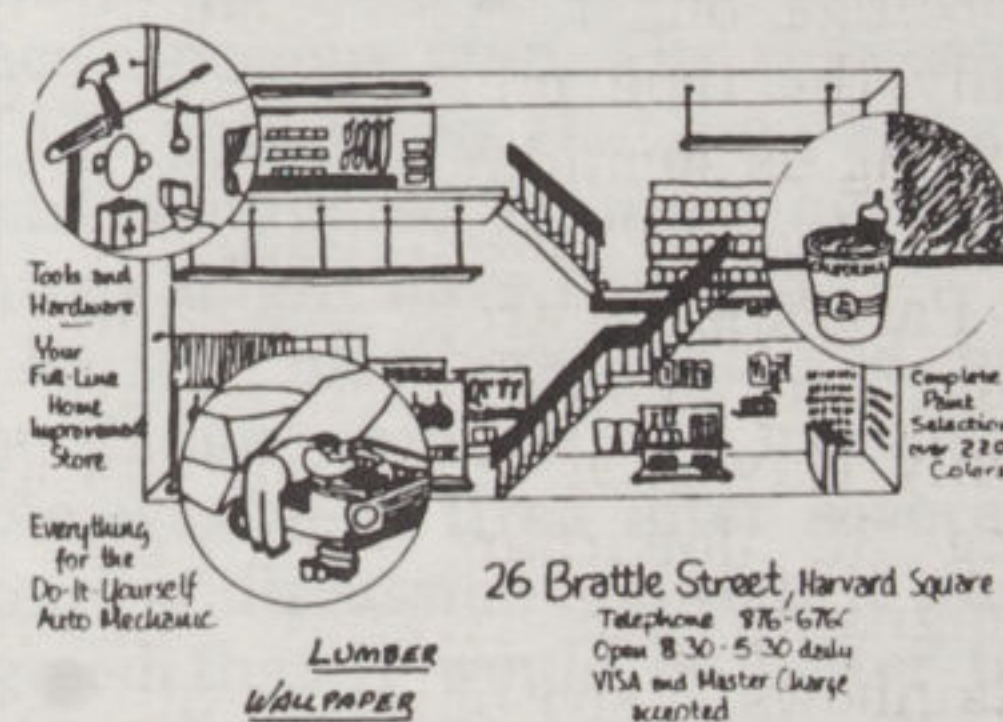
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SBR Fog, Slippery Slope Win IM Titles

By Benne Hutson

In one of the most exciting finals in recent history, the SBR Fog nipped the always powerful Black Plague 15-13 on Sunday to capture this year's intramural competitive football title.

In Razzle-Dazzle League action, the Slippery Slope won its third crown in as many years with a 38-0 shellacking of a thoroughly out-classed opponent.

Second-Half Surge

The Fog, who finished the regular season in third place with a 6-2 record, was paired against the defending champion, the Mean Machine, in the semifinals. Indicative of its undefeated record, the Mean Machine took advantage of a pass interception and a lapse in the Fog's defense to jump to a quick 13-0 lead. This margin held until half-time.

The second half was a different story as the Fog, led by quarterback John Baecher, 3L, came to life. Relying on the strong offensive effort of Jon Cook, 2L, the Fog scored an early touchdown to get back into the game. A few moments later, Baecher hooked up with Ben Preziosi on a pretty scoring toss to tie the score.

The game remained deadlocked until Baecher found Bill Jenkins, 3L, alone in the end zone with just

over five minutes to go. The pass barely cleared the outstretched hands of the hastily retreating Joe Holland, 3L, and settled into Jenkins's hands for the winning score. The Machine, unable to move the ball, ended up on the short end of the 19-13 final score.

Deja Vu

The finals pitted the Fog against the Black Plague. In what seemed a repeat of the semi-finals, the Fog fell behind 13-0 in the first 5 minutes before a crowd of nearly 50 spectators.

Following this, the Fog's defense stiffened, thanks in no small measure to the punting of Greg Martin, 3L. Martin's boots kept the Plague inside their own 20-yard line most of the game. In addition, Martin picked off three Plague aerials on the day.

Just before the half, the Fog scored a touchdown to cut the deficit to seven points. Then, about eight minutes into the second half, another pass from Baecher to Jenkins knotted the score at 13.

Winning Points

Each team's defense then took over, preventing any serious scoring threats. With eight minutes left, the Plague found themselves on offense at their own 10-yard line following another fine kick by Mar-

tin. On the first play from scrimmage, the Plague lost eight yards as Ken Hyatt, 3L, made a fine defensive play.

Finding themselves in the shadow of their own goalpost, the Plague fumbled the next snap from center into the end zone for a safety. The Fog made the two points stand up as the defense stood firm to ensure a 15-13 victory and the intramural title.

The Fog's players were overjoyed with the win. Preziosi noted the importance of the triumph when he commented, "The game was so important to the SBR team that we did not even drink the night before."

As for the Razzle-Dazzle League, the Slippery Slope completed another undefeated season with an easy 38-0 whitewash in the finale. The team, composed completely of 3Ls, has not lost a game in its three years. Under captain Mike Egan's leadership, the squad gave up just 18 points in seven games this season while absolutely dominating the league.



SPORTS ANSWERS

1. Joe Ferguson
2. Billy Martin
3. Bill Bradley
4. Joe Frazier
5. Bob Murphy

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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 issue no. 4. 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.