

HARVARD LAW RECORD

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25 CENTS

Shots Exchanged During Everett Street Chase

By Michael Medina

Cambridge Police exchanged gunfire with a fleeing car thief in an alley-way behind the Harvard-owned apartment complex Terry Terrace on Everett St., startling residents, many of them HLS students, and shattering a window in a house on adjoining Wendell Street. The incident, which took place Jan. 27, was the climactic conclusion to a chase which led to the arrest of the alleged thief.

Witnesses told the RECORD that the Cambridge Police reported at the scene that they had been chasing a reported stolen car when the car turned up Everett St. from Massachusetts Ave. The suspect abandoned the car on Jarvis St., (the short street from Everett to the HLS parking structure) reportedly ramming a police cruiser in the process, and fled on foot up the alley which separates Terry
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O'Connor to Judge Ames Final

U.S. Supreme Court Justice Sandra Day O'Connor will sit as Chief Justice of the Ames Moot Court for the final round this November, Dean Vorenberg told the RECORD Tuesday night. O'Connor accepted the School's invitation several weeks ago, Vorenberg said. She will hear the arguments on Monday, Nov. 22.

Vorenberg said he wants the justice to spend a day or two at the Law School. "Our hope is that she'll come early enough that there can be formal and informal meetings with faculty and students," he said.

The announcement of the chief justice's identity is usually not made this early in the year, but Vorenberg said that efforts to find a judge with the time to sit are usually underway now. Sometimes arrangements are not made final until much later, especially when a judge is not able to make an early commitment. Vorenberg added that he is now trying to fill the other two seats on the bench.

"We are very pleased that [Justice O'Connor] will come this early in her tenure on the Court. A number of students and faculty members expressed the hope that she would be willing to sit on the Ames Court," Vorenberg concluded.

In a related story, the Board of Student Advisors has announced the names of the judges who will preside at the semi-final round of the Ames Competition this spring.

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HLS's Private Pow Wows

By Mary Tarduno

Have you ever heard of the Superior Court of the Pow Wow? Believe it or not, the Pow Wow is one of the Law School's oldest and most prestigious organizations, at least in terms of past membership. While changing its activities and purposes with the times, the Pow Wow has been active since its inception in 1870.

According to the Court's "clerk," Angus West, 3L, the Pow Wow is not a secret society, although some people who have joined in recent years "got the impression that it was a secret society." He refused, however, to grant the RECORD access to the Pow Wow's records for fear of breaching the trust and confidentiality of Pow Wow members. The RECORD pieced together the organization's history from an interview with West and from Pow Wow records the paper obtained from Illinois.

Back in the 1860s and 1870s, no

formal Ames competition or other oral arguments existed at HLS. Instead, "bright young law students," such as James Barr Ames, gathered spontaneously to discuss the law. The Pow Wow was created by some of those students, Ames included, to formalize the meetings and give students practice in arguing points of law.

Once formed, the Pow Wow became very serious business for its members. An 1882 constitution mandated that Pow Wow "sessions shall be devoted exclusively to the argument of points of law." Attendance at meetings and arguments was mandatory, with fines exacted from absent or tardy members. Most stringent, however, is Article XII of the 1882 constitution: "No wines or spirituous liquors of any kind shall ever be allowed at any of the sessions of the Court."

In its early years, the Pow Wow consisted of three courts. Eight men

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Next Year's Schedule Should Be Better

By John Morris

The faculty voted last week to approve a teaching program for next year which should result in fewer scheduling problems for students choosing courses. The program, a list of courses assigned to each faculty member each term, shows a better distribution of the second-year basic course offerings and other popular courses in each term, making it easier for students to make up their schedules.

The most important improvement over this year's schedule will come in the second-year basic courses. This fall there will be two sections of Constitutional Law and two of Corporations. (See table.) This year only one Con Law section and one Corps section was offered in the fall and each was greatly oversubscribed. Prof. Tribe's fall Con Law section was eventually enlarged to 250 to accommodate students who had not been able to work out acceptable schedules. Tribe will teach two sections next year, one in each term. Profs. Kaufman and Parker will each teach a section also. There will be three Tax

sections, one in the fall and two in the spring, as there was this year, and the usual two sections of Accounting will be offered in the fall.

Popular Courses to Conflict

The attention that is being paid to the distribution of major courses will not guarantee students the schedule of their choice, however. Some professors' sections are so popular that the School schedules them so as to conflict with other popular sections, forcing students to order their priorities. Some of this year's problems were the result of too few conflicts. None of the three most oversubscribed fall courses conflicted with each other, and so the registrar had to cut students from courses on the basis of the preferences filed during pre-registration in the spring. With no conflicts, there were long waiting lists for the popular courses and students who wanted to change their schedules when they returned to school in September found themselves closed out of courses with only one fall-term section.

As the 1982-83 time schedule is

being drawn up, Registrar Sue Robinson and Dean of Students Mary Upton will likely make two or three of the popular sections conflict. "If you think of the class being about 500 and you want about 175 in a class, you [want to] conflict about three of them. . . . Tribe, Warren and Clark — something like that," Upton said.

With a better distribution of the core and other major courses, students should not be without choices. "There should always be a reasonable option if something is conflicting," she said.

Some Courses Not Offered

At present, no Copyright or Patent Law course is scheduled. These courses have not been offered every year in recent years, but both Associate Dean Lance Liebman and Dean Vorenberg were hopeful that a visiting professor could be found who would teach one or both of the courses next year. Both Profs. Kaplan and Miller are highly qualified to teach Copyright, Vorenberg said, and each has taught it in the past, but they are both needed to teach Civil Procedure next year.

Patent law is somewhat of a problem, Vorenberg said, because, taught at one level, it is extremely specialized. "We've generally had good experience with regular faculty reaching out to pick up new courses when we need it," he said, but he pointed out that Patent Law can be so specialized that it may be better left to firms to teach. "We can't pretend we teach every detailed area of the law — and we shouldn't try to," he said.

Also missing in the schedule at the moment is Wills and Trusts, once a mainstay of the second-year curriculum.

SECOND YEAR BASIC COURSES 1982-83

(Units in parentheses)

	Fall	Spring
Accounting	Vagts (1) Herwitz (2)	
Constitutional Law	Tribe (5) Kaufman (4)	Tribe (5) Parker (5)
Corporations (4)	Clark * Vagts	Brudney
Taxation (4)	Warren	Edley Andrews

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Visitors Round Out List

Several well known visitors will teach courses that are regularly taught. One of the best known is Prof. Patrick Atiyah of Oxford who will teach Torts and Advanced

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Some Courses Missing

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Contracts, both areas in which he has specialized. Prof. Geoffrey Hazard of Yale is scheduled to teach Evidence and Legal Profession. Vorenberg said that Hazard, who has served as a reporter for the rewriting of the Code of Professional Responsibility, will also help in the development of the proposed Program on the Legal Profession. Michael Boudin, a partner at Covington and Burling in Washington, D.C., will teach Evidence and Antitrust.

Difficult Process of Scheduling

The long process of developing the list of assignments began in October this year, somewhat earlier than last year. Before any

Each 1L section will have one of its fall core courses in a small section. Two sections will have Contracts classes of fewer than 50; one section will have Civil Procedure classes of that size; and one section will have Criminal Law in sections of 75 or so.

Back-breaking Work

Asked if the course assignments could in the future be made public in time for students to use them in choosing spring term courses, both Vorenberg and Liebman said it was not feasible.

"It's moderately back-breaking to get it done by the first week of February," the Dean said. He also said that an earlier list would not be as useful because too many

FACULTY MEMBERS ON LEAVE 1982-83

Fall

Areeda
Donahue
Field
Fisher
Frug
Heymann
Nesson
Scott
Steiner

Spring

Bator
Berman
Countryman
Ohlin
Weinreb
Westfall

Both Terms

Dershowitz
Kennedy
Michelman
Stewart
Unger
Wolfman

planning can begin, faculty leaves of absence must be settled. (See table.) Then Dean Vorenberg and Associate Deans Liebman and Frank Michelman discuss with faculty members which courses they would like to teach. That information is used along with the planners' knowledge of the demand for various courses. Gradually the schedule can be sketched out as the planners talk again with individual faculty members about the courses.

Finally the schedule is prepared and put before the entire faculty for approval, as it was last week. Only after it is approved are the courses blocked into time slots in the week. That is being done now.

things would be unknown. "The earlier you do it, the more you limit yourself," he said.

Vorenberg did say that he plans to hold open meetings in April to discuss the teaching program for 1983-84 and that the student response given there should be very helpful in planning.

Liebman said it would be very difficult to issue the lists any earlier because faculty leaves of absence are often not finalized until around Christmas. He also noted that the College does not issue its catalog until September of each year. (Departments generally post tentative schedules much earlier in the year, however.)

Shots Fired on Everett St.

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Terrace from neighboring 11 Everett St.

HLS student Glen Cuccinello, whose apartment is directly over the alley, reported that about 12:30 that evening he heard the sounds of screeching tires and then footsteps running down the alley. "With this neighborhood, I didn't think twice about it" said Cuccinello. "Then I heard someone yell something like 'Stop or I'll put a bullet in your brain!' and three gunshots. That made me pay attention."

Police Return Fire

The suspect reportedly turned and fired at pursuing police as he fled up the alleyway. One officer returned fire twice, one bullet embedding in a snowbank further up the alley, but the other striking and shattering the window of a house directly behind the alleyway. The suspect was apprehended immediately following this exchange of shots.

"I can definitely tell you that everyone in Terry Terrace was spooked by it" said Cuccinello. "We didn't know if the guy was going to climb up the fire escape and take hostages or what. It did make for an exciting Wednesday night though. Kind of broke up the old law school routine. It was definitely better than studying contracts — seeing crime law in action!"

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Some Grades to Be Released Tuesday

By Erich Merrill

After a meeting with Deans Vorenberg and Upton, Registrar Sue Robinson said this week that some grades for 2Ls and 3Ls will be distributed next Tuesday, Feb. 16, if the computer which prints the grades does not break down as it did during a test run.

When several professors missed the Feb. 2 deadline, some students were told by the registrar's office that grades would not be distributed until the week of March 8, with winter term grades included in the reports. Annie Bombard, as-

sistant to the registrar, said professors who had turned in their grades on time were pressuring the registrar to release grades, as were students who did not want to wait until March.

Long Process

Distribution of grades is the last step of a long process which begins when professors submit a list of grades to the registrar. The deadline for grade submission this year was Feb. 2 for professors not teaching winter term courses, said Annie Bombard, and Feb. 23 for those who had

winter term commitments.

After professors turn in the grades, some members of the registrar's staff enter them in a computer which is used to print the sheets given to students. Others record the grades on transcripts. Before any grades are released, each student's transcript and grade report are proofread to make sure they agree with the submitted grades and with each other, said Bombard. She added that the job takes much longer if all grades are not submitted on time, because proofreading may then have to be done several times for each student's transcript, as new grades are added.

Robinson said another problem was that a new computer system being used to print grades this year "blew a fuse" during a test run, and she was not certain the problem had been solved.

Tuesday Release

Nonetheless, Vorenberg, Upton and Robinson decided they would aim for a release next Tuesday. "Some professors haven't turned in their grades yet, but many of the courses people are worried about, like Commercial Transactions and Securities Regulation, will be distributed."

Grades not submitted in time to be handed out will be distributed at some later time, according to Bombard. "I wouldn't be at all surprised if we had two, even three, distributions," she said.

Bombard also said that last year's distribution of 2L and 3L grades in early February was "a fluke." She claimed that in prior years those grades had not been distributed until March.

Robinson, who was appointed registrar this year, said she was not sure about past distribution dates at the Law School. "Usually Arts and Sciences [Harvard undergraduates] get their grades around Valentine's Day. I think you may get a Valentine's Day gift next Tuesday."

A message to Harvard and Radcliffe students regarding nominations for Coop Board of Directors

If you, as a Coop member and a degree candidate, are interested in serving as a student director of the Harvard Cooperative Society for the next academic year, you should obtain an application from the General Manager's office in the Harvard Square Store. Completed applications must be returned to that office by Wednesday, February 17, 1982 for consideration by the Nominating Committee of the Stockholders of the Harvard Cooperative Society.

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Dorm Council Brings Monte Carlo to Pound

By Gretchen Rule

Looking for a way to double (or lose?) those few dollars left over after buying this term's texts? Looking for a chance to dance the night away without leaving the campus? Looking for an excuse to dress up without being accused of going to an interview? Then the Dorm Council's Casino Night is what you're looking for! This year's gala will be held on Friday, Feb. 19 from 7:30 p.m. to 12:30 a.m. in the Ropes-Gray Room of Pound Hall, and promises to be worth every cent of the \$2.50 admission fee.

The usual array of gaming tables, including roulette and craps, will be there, as well as a variety of wheel, dice and card games. Music for your dancing and listening pleasure will be provided by the Little Big Band, a group whose diverse repertoire includes dixieland and disco, according to Michelle Kleinman, 2L, the event's coordinator. And, of course, there will be two bars set up to vend champagne, beer and soda to those who work up a thirst dancing and gambling.

Two Changes

This year's event differs from those of past years in two impor-

tant respects. There will be no trips or gift certificates given out as door prizes, nor indeed will there be any door prizes at all. Dorm Council President Mandy Lowell, 3L, said the prizes, especially the trips, were an "unjustified expense." She explained that even the gift certificates, which were often donated or obtained at reduced rates, did not give a "fair return on the amount of effort" needed to procure them. "This way there will be more money for the charity," she claimed.

Both Lowell and Kleinman hope this prediction will come true and that the absence of door prizes will not stop people from attending, largely because of the second important difference: the change in beneficiary of the evening's proceeds. This year's profits will go to Student Funded Fellowships rather than, as in past years, to Los Ninos, an organization that services children's orphanages in Tijuana. "It's closer to home," said Kleinman in explanation of the change. "We think that it's a better idea — that the students will feel a closer relationship to it."

And Its All Legal

Participants need not fear the long arm of the law during the evening, as the plans for the event

have been cleared with the Cambridge City Council. Kleinman explained that a call was put in to the Attorney General's office to determine whether the planned gambling would violate any state laws. The response outlined a fairly simple procedure: an application must be filed with and approved by the city council before the event, and certain forms must be filed afterwards as well. "But there were no problems at all," said Kleinman, "because it's all for charity and it will be completely run by a student organization." (The business that supplies the equipment, Randolph-based Mini-Vegas Rentals, has nothing to do with the equipment's actual operation.)

Kleinman stated that people are encouraged to wear "something dressier than jeans" but that the emphasis will be on showing up and having a good time. "Hopefully people will just come, since it's for SFF," she said. "It should be lots of fun."



Corrections & Clarification

The penultimate paragraph of the RECORD's story on Chinese lawyer Ma Ronjie (v. 73, n. 10, Jan. 22, 1982, p. 7) was altered when it was edited and was incorrect as printed. Ma drew laughter, not applause (as the printed version of the story read), when he related Chief Justice Burger's remark to him that "the fundamental aspect of the American judiciary is its independence from the executive and legislative branches of government" because Ma's audience had, only days before, read press reports of Burger's frequent contacts with President Nixon.

It has come to our attention that

the note accompanying the letter from Nancy Wiegers and Peter Hosinski to Dean Vorenberg which appeared on p. 11 of the same issue may not have been clear: It was the authors who sent a copy of their letter to the RECORD.

We were also caught printing a bit of predictive journalism in the story about the opening of The Back Bench. We were assured when the issue went to press that Dean Vorenberg had been invited to open the pub by cutting a red ribbon, and that he had accepted the invitation, but he was unable to attend the grand opening.



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Pow Wow — A Tradition of Socializing,

(Continued from Page 1)

from the first year class constituted the Superior Court. The Court met 16 times during the winter, with each student arguing four cases. The two student counsel for each case argued before the other members of the Superior Court, who sat as justices, and before a 2L chief justice.

Each argument ran about two hours, after which the justices deliberated on the merits of the case and then individually reported their opinions to counsel as to what the law should be. Briefs submitted for the arguments are available in the manuscript room of the library and represent, according to West, "a prodigious volume of work."

Upon graduating from the Superior Court, students entered the

Supreme Court as 2Ls. Twice a term each served as Superior Court chief justice, and twice each argued before the Supreme Court, where a 3L chief justice presided. 3Ls were members of a Court of Appeals, which occasionally heard appeals from judgments of the lower courts.

Infrequent Outsiders

New members of the Superior Court were elected by Pow Wow members at the beginning of each school year. According to a 1936 club history in the Pow Wow records, the quality of the membership was a source of great pride:

"And so in the Golden Age of the Law School, when the

Case System entered the scene, having already been informally introduced in the law clubs, the Pow-Wow flourished. It was the club, and like unto it there was no other. Talking with old graduates convinces one that it was the greatest of honors to be a member. Most years the membership consisted of the cream of the promising material from Harvard and Yale, in varying proportions, with an outsider thrown in once in a while."

Pow Wow's reputation as "the" organization persisted despite the relatively large number of clubs that sprang up after Pow Wow's founding. According to an article

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Pow Wow's Extravaganzas: Feasts

The Superior Court of Pow Wow's taste for taste can be savored in the following helpings from secret annual summations:

1967: "We joined with the Kent Club (Ed. note: an Ames club) to give our first annual Commemoration Ball at the Harvard Club on Good Friday. Several small and glittering dinner parties were given privately beforehand. The ball was subtly elegant. . . . We saw fit to offer the office of supervisorship to Professors Nesson and Chayes. The latter endeared himself to the membership at a party he and Mr. Nesson gave by repeatedly and loudly asking Lance Liebman how he could be in a club normally composed of such idiots. Laugh? We thought we'd die. However, Professor Nesson displayed a nature somewhat more eager to please, as . . . he sent printed invitations . . . in which the advertised divertimento was supposed to be a skin-flick. . . . he had accurately divined our tastes. (Ed. note: the promised film never materialized.)

1970: "The Centennial Banquet put past dinners to shame. No expense was spared, from caviar and paté to the finest cigars available. For the first time, ladies joined us for the evening." Profs. Areeda, Bator, Breyer, Chayes, Dawson, Jaffe, (Austin) Scott, Steiner and Sutherland supped on "Shrimp Sutherland, Cream of Mushroom Soup, Relishes au Dawson, Beef Bator, Asparagus Areeda, French Freund Potatoes, Spring Salad Scott, Cheese au Nesson, Fruit and Crackers, Anniversary Cake, Fraises au Chayes, [and] Jaffe Java."

1973: "The only real difficulty facing the Club now seems to be keeping the cost of the Annual Dinner down below that of the Law School's tuition!"

1977: "Another notable event was the champagne and caviar picnic arranged by members Joe (Basile?), Bill Strong and Vern Cassin at the Southeast corner of Austin North during the New York Bar Review Course. I am informed that this display of ease spurred a student investigation

of the Choate and the Pow Wow which culminated in the recent expose published in the RECORD. I am also informed, more importantly, that the caviar was not particularly good, either. . . . Exotic beverages and cigars [at the year-end dinner] proved a dizzying combination for several members, who afterward were transported by their cohorts aloft through the streets of Cambridge. The new President, in a grand symbolic gesture, literally carried out the old. Seventeen Quincy Street (Ed. note: the Harvard University President's Mansion) was glad to see us go."

1978: "As always, Dick & Alice Stewart were first on their block to host a Pow Wow gathering. . . . The usual opening-night confusion — I thought that Alice would provide edibles, she thought I would, a mad dash down the gourmet aisle at Star Market proving the resolution to the dilemma, as everyone happily drank & drank without any food at all. . . . The faculty kindly hosted half of our gath-

Arguing and Imbibing Spirituous Liquors

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in the *Boston Sunday Herald* on
March 22, 1896,

"The founding of [Pow Wow] was followed in quick succession by a number of others. The honor of being elected to the three or four older clubs is greatly esteemed by all students, and earnestly sought after. The leading two clubs are the Pow Wow and Ames-Gray. Students asked to join other clubs always hang off in hopes of being elected to the select two. The best men in the incoming class are grabbed by the two. The members are brought into immediate prominence in the school, and the way is open to them to election to the Law

to Behold

erings, and regularly attended all occasions. In a very large school, the Pow Wow can carve out a warm and personal demesne for its members."

1980: "When I took the helm of this great dinghy, I did so with three goals, beyond that of pure pleasure. I hoped that ... a scholarship fund could be started to aid students who otherwise could not afford to participate. ... Unfortunately, a scholarship fund is still a goal. This is due ... to inflation, and ... to the care with which the members attended to their hedonism at the Final Dinner. It was a sublime evening. We gathered at the Fogg Museum on May Day. After cocktails in Gallery XIX, with the members being entertained by two exceedingly talented and sweet-playing violinists, we retired to one of the most beautiful rooms in all Cambridge, the Naumberg. Before dinner Professor James Q. Wilson spoke to us about 'the fairness of lawyers.' Then the members ate and drank to their hearts content."

D.Q.

Review, which is a greater honor, and which comes a bit later in the course."

Depressed But Not Dead

The twentieth century brought many changes to the Pow Wow. In 1911 the "law clubs," as they were then called, agreed upon an interclub competition, later known as the Ames competition. Reputation aside, Pow Wow did not dominate the competition. Again, according to the 1936 history, "We should expect to find the Pow-Wow at the top [of the Ames competition], but apparently by this time the emphasis laid on the social and the fact that its tradition would not let it slip easily into a formal interclub competition were enough, together with other factors, to prevent this."

More devastating to the club, and to the school as a whole, was the onset of World War I. No Pow Wow records exist for 1913 to 1933, though the members may have argued among themselves and fielded Ames teams on an informal basis, said West.

Despite the lapse, the club became active again, although changed. Said the 1936 historian: "The club was revived, and its activities continued, and there seems still to have been emphasis on social qualifications for membership. Sons seldom joined any other club than the Pow-Wow of their fathers, though they must have found it quite different. This whole period might well be termed the period of the Post-War Depression."

The historian's guess proved accurate — Pow Wow's heyday in the Ames competition came in the late

'30s, when the group finally fielded a team in the Ames final round but lost that argument.

Pow Wow members participated in the Ames competition until World War II, when the club became dormant for five years and lost several members, including Joseph P. Kennedy, Jr. Activity picked up after the war, however, and in 1951 the Pow Wow again lost in the Ames final round.

Breaking Article XII

According to the records, in the 1950s the Pow Wow increasingly became a social group, although it continued to field Ames teams. Pow Wow members threw more parties and dinners and, as at a 1953 dinner, "large amounts of stimulant was consumed at the faculty club in open violation of the constitution of the Pow Wow." The group also began a speakers program around this time, West said. Most of the guests were Pow Wow graduates working in Washington who had interesting experiences to relate, or were young faculty members.

The records in the 1950s and '60s also indicate that many faculty members attended Pow Wow meetings. According to West, a practice of having a faculty supervisor for the Pow Wow actually began much earlier, and faculty members and other guests had often been invited to hear Pow Wow arguments.

During the '50s and '60s, Pow Wow members continued to be elected from the 1L class by 2L and 3L members. In 1958, the Pow Wow held a party to introduce stu-

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CASINO NIGHT

Come play Roulette, Black Jack and More
Faculty and student dealers

Dance to the music of "The Little Big Band"

February 19 7:30 p.m.-12:30 a.m.

Admission \$2.50

Sponsored by Dorm Council

Proceeds donated to Student Funded Fellowships

Club Drops Ames Arguments in 70's

(Continued from Previous Page) dents to the group and then gave out bids to students it thought qualified for membership. Over 100 1Ls attended the party.

The records don't provide much information about the backgrounds of Pow Wow members during this period. They do show that upon occasion students from undergraduate institutions outside the Ivy League were accepted into Pow Wow. For example, in 1956 "[i]n addition to the traditional representation from Harvard, Princeton, Williams, and Yale, the new class included graduates of North Car-

olina and Williams and Mary." The 1967 class, however, consisted of four Harvard, three Yale and two Princeton 1Ls.

Destroying Elitism?

The Pow Wow was drastically affected by changes in the Ames competition in 1969. Before that time, the Board of Student Advisers (BSA) regulated the Ames competition among the private "law clubs." In 1969, however, the BSA took greater control of the competition, actually choosing the new 1L club members. The Pow Wow

took in 16 new members appointed by the BSA, although Pow Wow's requests for students were by and large granted. Pow Wow records describe the new policy as "a move which in part is aimed at destroying certain vestiges of 'elitism' which the Board perceived among some of the clubs."

As it turned out, 1969 was the last year in which the Pow Wow fielded a formal Ames team; after that, the clubs ceased to play any role in the Ames competition. Thus the Pow Wow, on the occasion of its one hundredth birthday, was

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Armadillos in Search of Women

By Dave Quinto

Harvard Law's newest exclusive club is the Armadillo Club, formed this year by a number of 1Ls. Unlike the Choate and the Superior Court of Pow Wow, the Armadillo Club makes no pretension to pursuing the arts and letters and, like the new Law School pub, appears to be filling a widely felt social lacuna.

"You and I both know the social life [of the Law School] could be improved," said Steve Mayer. "We're just a bunch of guys who want to have fun," he added.

The Club intends to hold one party per month and to invite women from Lesley, Wellesley, Wheaton, Simmons, Smith, Katherine Gibbs, Pine Manor and other area schools to attend. "I'd be lying if I said I did not want more girls than guys [at the parties]," Steve Fulton, the self-styled "Director of Out-of-Town Recruiting," declared.

Fulton added that women from other schools are being invited because there is a "shortage" of HLS women and because Club members would "rather go out with somebody who is not going to sit and talk about law."

The membership list is currently closed at 52 men as the Club decides how to handle its burgeoning

size. Mayer, one of the founding fathers, told the RECORD that the Club hopes to open itself up to all HLS students, including women, and to become something like the Somerville Bar Review.

Because HLS women are not currently eligible for membership, any who show up at an Armadillo party are admitted, Mayer stated. "We'd prefer them to be invited," Van Dyke suggested.

The Club grew out of a party given by the second floors of Holmes and Dane on Dec. 11 at Lincoln's Inn. Witnesses reported the ratio of women to men at that party was between 2-1 and 4-1. Word-of-mouth advertising, often guaranteeing female/male ratios of better than 2-1, quickly helped the nucleus of Mayer, Fulton, Dave Van Dyke, Paul Szurek and Jared Snyder form the Club.

Who's In and Who's Out

Although the Club has as much diversity as the *Law Review* in a typical year, only women and "those people who we thought would not contribute to our having a good time" were excluded, according to Van Dyke. Mayer added that a number of minority men were asked to join but have so far resisted the Club's allure.

Mayer stated that when the Club opens itself up to new members, "HLS women will be considered on the same criteria as men. If any Law School woman would like to join and pay fees, she may do so if she's coming in with her eyes open." The criteria for admitting new members have not been established.

Members who wish to attend a party pay \$5.00 in advance. The parties, to date held at Lincoln's Inn, are characterized by free beer, drinks, soft drinks, music, "and a lot of dancing and enthusiasm," Mayer related. A bank account is being established to keep the profits and a fund-raising barbecue will enrich it, he added. The Club, with just 10 upper-class members, will carry itself over into next year and hopes to become an institution, he continued.

"We took the bull by the horns and organized more of the kind of thing we enjoy. We're making Harvard a more acceptable place. The Club will include blacks, Jews, Moslems, women and reporters for the RECORD," Mayer concluded.

The Club gets its name from a lapel pin worn at the December bash. HLS was viewed as a "rat race" and, by inebriated analogy, the armadillo sported by one of the party-goers was likened to a "thick-skinned rat."

Choate: HLS's Most Secret Society?

By Dave Quinto

"I don't want to be interviewed for the RECORD," said Prof. Loss. "I don't want to talk with the RECORD about it and I don't know why the RECORD is interested in such a trivial thing," added Prof. Bator. "I don't feel comfortable talking about it," replied last year's Consul (President) David Marks in response to inquiries concerning the mysterious Choate Club.

For most, if not all, of its 95-year history at the Law School, the Choate Club has tried to cloak itself in secrecy. Its *raison d'être*, membership selection criteria, membership selection process, and even its motives for maintaining secrecy have changed, but secret and exclusive it remains.

Founded in 1887 as a chapter of Phil Delta Phi, a legal fraternity, the Club apparently adopted a near perfect disguise sometime before Austin Wakeman Scott became a member in 1906. Its disguise was to name itself for Rufus Choate, a nineteenth century American jurist. The deception lay in the fact that there was an Ames club whose origins traced to 1834 that had already named *itself* for Rufus Choate. Thus, there were two Choate Clubs: one public, one clandestine, until at least 1968. In fact, a Sept. 1968 issue of the RECORD (v. 47, n. 2) contains letters from the presidents of both clubs!

On April 26, 1968, the *Crimson* exposed the clandestine Choate, reporting that Erwin Griswold had not known of its existence during the first 15 years of his deanship. Scott was quoted as saying that the character of the Club had changed from fraternity ("where students read papers about legal matters at the meetings") to social club by 1909.

The *Crimson* reported that the Club had approximately 15 faculty members in 1968 (including Scott, Derek Bok, and Profs. Dawson, Cox and Areeda; the RECORD has learned that Profs. Bator, Weinreb and Loss are also members) and up to 24 students per class.

Then Consul Norton Tennille explained that because other campus organizations, such as the *Law Review*, practiced invidious discrimination, the Club operated behind a veil of secrecy to protect students (and faculty) not selected for membership from disappointment. Interestingly, the Pow Wow Club's secret records state: "Tennille got much publicity in the Spring when he was revealed as the head of a secret organization that dined with Professors — his response to much of the questioning was rather fitting — It is not nearly as good as the Pow Wow."

According to the *Crimson*, at that time, both faculty and student members were elected by secret ballot of the students. Each year 6 1Ls, 12 2Ls and 6 3Ls were voted for membership from among the students nominated. Among the faculty considered, and rejected, were Prof. Chadbourn and Dean Griswold.

In a Sept. 1968 letter to the RECORD, Prof. Bator explained that the criteria used in selecting faculty members included avoiding "the danger that large numbers of our notoriously voluble faculty will monopolize the discussion periods" and choosing persons regarded as having an "interest in matters outside the law as an outstanding characteristic." Griswold flunked the latter test.

Many of the faculty, including Bok and Weinreb, joined the Choate Club as students. The *Crimson* article found no current evidence of discrimination based on religion or race; the membership has included women since before 1974 and now reflects an academic and racial cross-section of the student body. Marks and Michael Kaufman, HLS '79, told the RECORD.

Current Status

Today, each member of the Choate Club is allowed to invite one or more friends to join. The Club exercises no veto over invitations. Apparently, however, Choate no longer admits students who are members of Pow Wow.

"I invited a large number of the faculty. I tried to invite those who would attend," Marks stated when asked what criteria are currently applied to choosing faculty members. The faculty pay only for the dinners they attend; students pay for their dinners and pay a \$5.00 initiation fee, Marks added.

Dinners are the Choate's only present function. The purpose of the dinners is "to sit down with someone fairly well known in the field of politics, art or sports. We've had Republicans and Democrats, scientists and government officials" as guests, Kaufman said. Once held monthly, the dinners have been reduced to three to five per year and occur, for the most part, in the spring. So far this school year there have been none.

"The guests are not compensated. Our only incentive is to offer the opportunity to get together with a group of people to discuss a book or project they're working on in an off-the-record setting," Marks added. Some of the guests do take advantage of the opportunity to bounce ideas off Club members, he continued. Dinners are held at the Faculty Club or at Eliot House.

Charles Hamilton, Choate consul for 1974-75, told the RECORD that the Club had approximately 24 professors and 40 students as members at that time. Marks stated that from zero to six ("usually about two") professors and an average of 20 students attended Choate's dinners last year.

Marks finds "no harm in telling the general public what goes on" and agreed to talk with the RECORD about Choate's activities after failing to persuade the current consul, who wishes to keep his identity secret, to talk.

Although Choate members contacted by the RECORD averred that they are not "supposed" to reveal the identity of other members (and one suspected Choatie denied membership altogether), there is "no policy" on admitting membership, Kaufman said. In 1968, even

(Continued on Page 13)

Why Secrecy Matters

Why make such a big deal over a few people getting together for an occasional dinner? That is the question we expect some to ask after reading our reports on the Law School's "secret societies." We think a few words on this are in order.

The Law School is as central an institution as one can point to in the American Establishment. Its graduates fill positions which, if they don't all carry great power, are nearly all close to the streams of power, both political and economic. The School's faculty members are appointed to judgeships and government posts; they write editorial pieces for the leading newspapers and they appear on television. What is most remarkable, perhaps, about this institution is that, notwithstanding its deep rooting in the country's power structure, it is increasingly open and more and more of its students now come from outside the traditional centers of society.

The gradual transformation of the School no doubt comes as a disappointment to some who would prefer the days when HLS represented the pinnacle of the meritocratic society and provided the collegiality that comes from identifying with a particular elite. To most of us here now, however, the change is not only welcome, but essential. With this outlook, the discovery of vestiges of the old system is very dismaying. We cannot see what possible purpose could be served by maintaining the cloak of secrecy around these organizations. The claim that they do not wish to hurt the feelings of those excluded does not ring true. One cannot help but think the secrecy helps to promote a kind of exclusive comradery that goes against the grain of the principles of openness and equality to which the School is now committed. The picture of a secret, exclusive network of connections between students and faculty perpetuated at the Law School is offensive to most students with whom we have talked.

The secrecy of the clubs is symptomatic of something else as well: It speaks poorly of the relationship between faculty and students, for we know of no other setting in which faculty members regularly dine with the same small group of students. Such a habit, if more widespread, would make the Law School very different from the students' perspective. We think it is significant — and unfortunate — that faculty members seem most comfortable doing this in secret.



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Fenno

Fenno sipped his tall, cool Madras, put his feet up on the table, and called to the bartender to turn on the large screen TV. The picture was pretty fuzzy, and it did not help matters much that the lighting in the room was much more suited to an interrogation site than to a quiet little pub. So he decided to eschew "Hart to Hart" in favor of making time with the woman who was seated at the next table. Fenno sauntered over.

"Come here often?" he asked in his sexiest voice.

"Beats Contracts," she replied wittily.

Fenno decided to try a different line of conversation. Having ascertained that she was a 1L from her earlier trisyllabic comment, he asked: "So, how did you like your Torts exam?"

"I had *Property* last fall," she sneered, deftly knocking the remainder of her gin and tonic into his lap.

"OK. So she's not my type," thought Fenno. He went back to the bar, ordered another drink (a Sea Breeze this time — he was thinking summer), and resumed his place in front of the TV. Jennifer had been trapped under a modular sofa by a crazed movie star, and Jonathan had narrowly missed creaming an old lady with the Rolls. Fenno couldn't take it. He spotted a woman sitting alone at a table by the window, and decided to join her.

"I think that this new pub is a great idea. The law school motif is especially charming. Particularly the yellow hiliter stirrers. Don't you agree?" Fenno had decided to take the aggressive approach.

"Oh yes." She smiled sweetly. "Now we can play Asteroids, buy a couple of old casebooks, and knock back a Marguerita on the way out. My only regret is that they didn't pick a catchier name," she said.

"What name would you have preferred?" the suave Fenno rejoined, moving ever closer.

"I would have liked 'The Writs' myself," said she. "I spend far too much time in the back bench as it is. Well, at least I won't get called on in here," she laughed. "Provided they turn down the lights."

Fenno was smitten. He decided to go for it. "I've got 13 years' worth of empty notebooks back in Ames, from all my favorite courses. Yours, too. Would you like to see them?" (Of course, it was all the same notebook, but she needn't know that till later.)

"Certainly," she replied.

Fenno left a very generous tip, and thought, "I'm gonna like this place."



Letters to the Editor of the RECORD

Dressing the Part

To the Editor:

There goes the forty-ninth *Law Review* proposal. Time and drafts have not helped many of the *Review* editors to perceive the fundamental issues behind all the fanfare and controversy. Both supporters and critics of the various plans often describe the issue as one of affirmative action. Harvard Law School and the *Review* editors are faced, however, with some larger questions: What is the goal of this HLS publication, and what qualities of its employees support that goal? More fundamentally, what is the significance of this school's concept of "quality"?

I am proud of Mark Helm's confidence that "we know for sure the very top people get onto the *Review*." Of course "prestige" is in bed with that confidence, in his view.

The President ignores the probability that prestige is something created and conferred — not simply uncovered in its natural state. In the past the *Review*'s prestige has been based on its innovative articles and professional contributions. Courts don't double-check the status of the newest admission plan before citing a journal.

Even with his support of affirmative action, Mr. Helm refuses to question the basic criteria of admission to the *Review*. I will not ignore his accomplishments or sour-grape his achievements. But since brains are not a zero-sum game, I expect the same consideration. More tragic around here than Mr. Helm's view is that many of us almost nod our heads in approval, forgetting those first twenty years when we were considered smart.

Helm adds that a voluntary submission of first-year grades would cause only a minor "effect on the quality of the *Review* staff." That he believes such an effect to be quantifiable indicates to me that the whole notion of *Review* affirmative action is a condescending hand-out whereby "measurably" inferior contributions would be tolerated for the sake of some higher good. *Quod licet Jovi non licet bovi*? Are those who "wrote onto" the *Review* similarly tolerated?

Another fundamental error behind all the controversy is the assumption that all students care about the plans or the *Review*. In the past I have heard *Review* members indicate that minority students do not participate in the September writing competition because they are discouraged by summer grades. What a disgusting assumption. Could it be that some minority members have found other — forgive the heresy — activities that they consider worthwhile? For those of us who *do* care what action the *Review* ultimately takes, I ask the *Review* to quit toying with us week-by-week as if

the editors' judgments of our worth really matter.

It is time for Mr. Helm and his partners and associates to address the basic question behind notions of "quality" and progress. Such notions are the real problem here — not just the narrow though important issue of minority representation. The notions should be dealt with. Yes, I end the sentence with a proposition: Just because the doctor says you're important doesn't mean you have to dress the part.

Alan Childress, 3L

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.

Letters must be typed and received by 6:00 P.M. the Tuesday before each issue. We prefer letters of no more than 700 words.

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Club Head Says Pow Wow Is No Secret

(Continued from Page 8)

left wondering about its future. The 1970 records state: "Next year the clubs will cease to play any part whatever in the Ames Competition, and no one dares predict what else the faculty may do to impair the life of the Clubs. Hopefully Pow Wow will be able to continue, as a purely social club if nothing else. In the event the Club does not continue, it will be remembered that a proper celebration was held on the occasion of the one hundredth birthday — a celebration of the kind seldom seen at Harvard Law School."

A Secret Society?

The Pow Wow has survived as a social club — its members go to dinners and parties, discuss current events and politics, socialize with faculty members, and listen to speakers. In 1973, the group became a secret society; members no longer spoke openly about membership or about club activities. Pow Wow records refer to a secrecy policy, and discuss briefly RECORD stories on other "secret societies." In one report, however, a Pow Wow clerk deplores such secrecy: "... I have become increasingly uncom-

fortable with [Pow Wow's] 'secret' status in the law school community. ... This is not a final club (Ed. note: finals clubs are elitist Harvard College clubs such as the Porcellian) and it should not be a secret society. Those who belong (students and faculty alike) enjoy the gatherings for what they are. People should be (and are) asked to join because [we] think they will enjoy meeting and talking in this particular format. To see the group as having much significance beyond these pleasant associations is, I think, to indulge in a bit of il-

(Continued on Next Page)

Pow Wow's Famous Figures

The Superior Court of Pow Wow has boasted more than its share of the High and Mighty as members.

James Barr Ames, HLS 1872, founded the Club and eventually became Dean of the Law School. Ezra Ripley Thayer succeeded him as Dean. Edward Henry "Bull" Warren became one of the Law School's most distinguished faculty and Abbott Lawrence Lowell rose to President of Harvard University. John Henry Wigmore later wrote about evidence.

1937 records list Pow Wow alumnus Louis Dembitz Brandeis with the notation "Washington, D.C., Jud." Billings Hand dropped his first name while a Club member in favor of his middle name, "Learned." His cousin Augustus Hand preceded him in the Club by two years.

Prestigious Partners

Elihu Root, Jr. and Arthur Atwood Ballantine formed the partnership of Root, Ballantine (now Dewey, Ballantine, Bushby, Palmer & Wood) after having been contemporaneous members of the Club. Edward Burnham Burling founded Covington & Burling; later his son Edward

Burling, Jr. joined Pow Wow as well. Morris Hadley and Harrison Tweed got together to form Milbank, Tweed, Hadley & McCloy. Richard Walden Hale began Hale & Dorr. Theodore Crolus is employed by who else? — Pierson, Semmes, Crolus & Finley.

Leverett Saltonstall and Robert Alphonso (Pow Wow spells this name "Alfonso") Taft served on one side of the Hill; Hamilton Fish, Jr. (who did not graduate) served on the other. Harold Joseph Laski was a notable failure. Although he became a respected political scientist, he also failed to graduate and later became an influential Marxist in the British Labour Party.

"Captain" Caspar Weinberger was a Pow Wow leader on the eve of WW II; Joseph P. Kennedy, Jr. left the Club and School to go to war. Edward Finch Cox married Tricia, went to work for Cravath, Swaine & Moore, and became a success. Larry L. Pressler was elected to the Senate from South Dakota, declined an Abscam bribe, but was unsuccessful in his 1980 presidential effort.

Pow Wow records also list dozens of names such as Cabot, Lowell, Peabody, Byrne, Biddle, Chapin, Blair, Hale, Mumford,

Putnam, Swain, etc.

Faculty Participants

Abram Chayes joined the Club as a student in 1946; student Lance Liebman was very active in the mid-1960s; student Todd Rakoff was "unable to attend" the year-end banquet in 1974. Professors active in the Club over the past few decades have included Mark DeWolf Howe, W. Barton Leach, Robert R. Bowie, Robert Amory, Jr., Ernest J. Brown, Paul A. Freund, David F. Cavers, Austin Wakeman Scott, Harold Berman, David R. Herwitz, Zechariah Chafee, Jr., Roger Fisher, Robert Braucher, Richard H. Field, Paul Bator, Donald T. Trautman, Robert E. Keeton (now Judge), Stephen Breyer (now Judge), Abram Chayes, Lance Liebman, Charles Nesson, Phillip Areeda, John Dawson, Richard B. Stewart, Milton Katz, Arthur Sutherland, Henry Steiner, Louis Jaffe and Irving Younger.

Professors active in the Club since it became "secret" include Paul Bator, Phillip Areeda, Richard Stewart, Paul Freund, John Dawson, Robert Keeton, Milton Katz, Daniel Reznick and Irving Younger.

✽

D.Q.

But Won't Release Club Records, Names

(Continued from Previous Page)

lusion and perhaps even a touch of silliness. . . . The Ames Clubs are gone; the law school and this club are fully co-educational; and we all come from a variety of schools and backgrounds. It is our diversity which we now share in common, and that is really all that counts."

A Group of Friends

According to West, the Pow Wow today "is strictly a group of friends who get together to have a good time." He compared Pow Wow to both the Somerville Bar Review and Lincoln's Inn: "We don't go to Father's Six and drink beer and watch football games. We talk about politics and law. We like to talk and not have football be the focus of conversation." He added that Pow Wow is like "Lincoln's Inn without a building."

The process by which Pow Wow selects its members has also changed. Today's members are free to invite any of their friends to Pow Wow functions. New members, then, are friends of old members. West stressed the value of such a small social group to Pow Wow's members, given that the Law School is "such an impersonal place."

West also said that the Pow Wow is not a secret society. However, he stated that some of the members had the "misimpression" the organization was secret, and that when he joined Pow Wow "I myself was somewhat under the impression that it was secret." The Pow Wow, West explained, "has been historically and will continue to be recognized as a public organization."

In speaking with other past and present members of the Pow Wow, the RECORD found that some considered the society secret. For instance, last year's clerk, Peter Ericksen, '81 denied membership. A current member said the usual response to the question "Are you a member of the Pow Wow?" is "no." Most members professed not to know much about the club and referred the RECORD to other members who similarly professed a lack

of knowledge.

West stated that he was "furious" that a secrecy policy or misimpression had ever developed among members. However, he also felt that since the Pow Wow is a private organization, there are limits on how much it has to advertise. He refused to release the group's records because he felt that releasing the names of current members would breach a trust and confidence, especially with respect to those members who joined thinking it secret. He likewise refused to divulge the names of faculty members who associate frequently with the Pow Wow or the speakers

who appear before it. With respect to the speakers, West felt that release of names would prevent them from speaking freely before the Pow Wow on controversial issues. "All speakers speak off the record. . . . It's as if you had someone in your home. You would want them to feel a sense of trust and confidentiality."

Regardless of the nature of the Pow Wow today, it does exist and is in its 112th year. Its past reflects the history of the Law School; whether the organization will become as open as it once was or will become a totally secret social club remains to be seen. ❧

Choate: A Secret Society

(Continued from Page 9)

member professors refused to admit membership.

The Club, in 1974, revealed its guests as Archibald Cox, Lewis Mumford, Judge Wyzanski, McGeorge Bundy, David Reisman, Robert Lowell, Edmund Land, C. Day Lewis and Archibald McLeish. Today the identity of its guests is kept secret.

Kaufman, who declined to say which office he had held, speculated that the Club's current fascination with secrecy may be traceable to its having "nothing to brag about." Marks added that although the Club has yet to do anything this year, it is not in trouble. It is proceeding at its "regular pace," he said.

In 1968, a RECORD editorial levelled two principal criticisms at the Club: that it is secret and that it provides a select group of students

a chance for substantial faculty contact.

Philip Burling, Choate consul during 1968-69, wrote that the editorial may have "accomplished what the Choate should have done itself, and I feel sure that secrecy is no longer any part of the club." He was wrong.

Both student and faculty members debunk the notion that there is unequal access to the faculty. Marks states that few professors now attend the dinners and that conversations there revolve around the guests' activities. Prof. Loss bemoans the fact that students seldom invite professors to lunch and indicates that he misses the days when Ames clubs invited the faculty to dine with them. Prof. Bator says that some members of the faculty are too shy to meet students other than through clubs and adds that he is willing to join other organizations. ❧

TO: MEMBERS OF THE BENCH AND BAR INTERESTED IN CONTINUING LEGAL EDUCATION

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Highly varied group of participants: included in the 1981 Program were men and women of all ages from every state and 30 foreign countries. In addition, the Federal Judicial Center is supporting the attendance of approximately 70 Circuit and District judges to the Program.

For further information, please write the Program Office, Pound Hall 205, Harvard Law School, Cambridge, Ma. 02138, or call (617) 495-3187.

Great Moments in the Law

Two accounts of fires in the Reno-Lake Tahoe area, each published Aug. 11, 1981:

Homes endangered by the fire include those of Attorney General Richard Bryan, Manchester Union Leader Publisher William Loeb and several millionaire ranchers and developers and wealthy attorneys.

-East Bay Today (Oakland Tribune)

The structures threatened by the fire had included List's family ranch and the homes of Nevada Attorney General Richard Bryan, Manchester, N.H. Union Leader Publisher William Loeb and several millionaire ranchers, developers and social parasites.

-San Francisco Chronicle

Some ideas about law and legal doctrine related to other ideas about politics and personality.

-The course description for Prof. Unger's winter term Jurisprudence course

From the Courtroom of U.S. District Judge John L. Kane, Jr. in Denver:

Attorney: Your honor, if you do that you will be unleashing a can of worms.

Kane: Well, I certainly don't want to do that.

Attorney: I knew you'd see it my way.

Kane: The prospect is stupefying.

Attorney: Yes. Yes!

Kane: How would I ever leash them again?

Attorney: I beg your pardon?

-Rocky Mountain News — 21 Jan. 21, 1982

The RECORD welcomes readers' contributions to Great Moments. ☺

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Sports Quiz

NOTE: This week's Sports Quiz hits close to home as it deals with athletes who have last names the same as various common household appliances.

1. A star guard with the University of Virginia who helped lead the Cavaliers to an NIT championship, this man is now getting his professional career off to a great start with the Portland Trailblazers. Who is this athlete?
2. A well-known contender for the heavyweight title over the past five years, this big puncher from central Ohio has recently run into a tough opponent in the Internal Revenue Service. Who is this man with the conspicuously shaved head?
3. One of the great female tennis players in the history of the sport, this native of Holland remains active on the professional circuit as an outstanding doubles player. Who is this woman?
4. Having started his career with the New York Giants, this man went on to be a star defensive lineman for the Los Angeles Rams before being forced into retirement prior to the just completed season. Who is this man who is now an analyst for CBS Sports?
5. After toiling for the New York Giants during many miserable seasons, this running back missed out on the team's success in 1981 due to a physical problem that put him on the injured reserved list for the entire season. Who is this player?

(Answers on Page 15)

BAR EXAMS AREN'T LIKE LAW SCHOOL EXAMS

Knowing how to analyze complicated essays, confusedly combining several fields of law, and writing coherent, logical and consistent answers thereto, can make the crucial difference in passing the Bar Exam. Why not get the feel of 16 very difficult Bar Exam questions before the Feb. or July, 1982 Bar Exams? Thousands of students, for the past 40 years, have been convinced that the approach-analysis-and style techniques and methods they learned at **THE KASS PROBLEM ANALYSIS CLINICS** were essential to their success on the Bar Exam.

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O'Connor to Judge Ames

(Continued from Page 1)

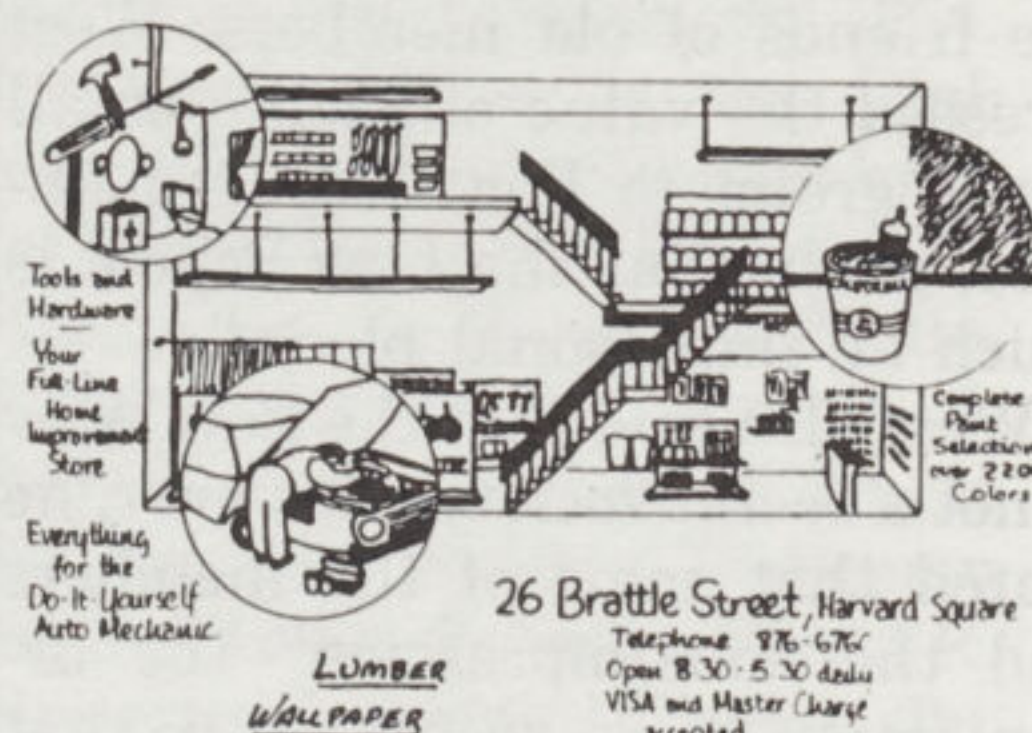
Judging the arguments on the first night, Tuesday, March 23, will be Judges Jon Newman (2d Cir.), Francis Murnaghan (4th Cir.) and Rya W. Zobel (D. Mass.). On the second night, Wednesday, March 24, the panel will consist of Judges Alvin Rubin (5th Cir.), Norma Shapiro (E.D. Penn.) and Paul J. Liaco (Mass. S.J.C.).

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Resurgence: *Racist Violence in America*

Brad Hudson

Recently there has been a resurgence of the Ku Klux Klan, the American Nazi Party and other violent racist groups. If you are concerned about the rising tide of racist violence, come see *Resurgence* — a film about the revival of the KKK and of racist violence in America today.

Last Thursday, over 250 people responded to flyers and posters bearing this message by filling Langdell North Middle to see *Resurgence* and participate in discussion groups following the film. But those simply expecting to see a documentary about Klan violence received both less and more than they bargained for.

Resurgence, sponsored by Balsa, Harvard Law Guild, WLA, AILSA, Alianza and the Graduate School of Education's Black Student Union, was somewhat less than the "one-hour technicolor documentary" advertised in the *Adviser*. Too often it was long on assertion, short on documentation and inferred rather than concluded.

Viewing the Pieces

The film's subjects — workers, union organizers, Klansmen — told various parts of the story, with very little narration linking the parts together. The audience witnessed striking black women describe activities of Klan members in plant management, watched union members organize a protest march, observed union and Klan leaders apparently preparing their groups for a confrontation and then viewed footage of the shooting of five union marchers by Klansmen in Greensboro, North Carolina on November 3, 1979. But *Resurgence* left the audience to put all the pieces together, correctly or not.

The information presented in *Resurgence* was rarely documented. Factual information was dramatically flashed across a com-

puter screen, as if read directly from a police record or newspaper file. The data included widespread reports of Klan violence and killings along with figures numbering Klan membership in the thousands and Klan sympathizers at over 100,000. But the film's makers provided neither sources nor evidence for any of their statistics.

Resurgence also implied conclusions when it could have easily presented missing information. It contained a film clip apparently designed to attract industry to the south. Its narrator proudly described the south's higher worker productivity due to right-to-work laws and low levels of unionism. The clip appeared to have been made by a Chamber of Commerce or industry association, but the makers of *Resurgence* never revealed its source.

But while *Resurgence* may have been less than a documentary, it was far more than just a film condemning extreme racist groups. It delivered a stinging indictment of a society where "people in high places are creating a favorable environment for the Klan."

Resurgence made its most powerful statements when it let members of the KKK and American Nazi Party do the talking. In one scene, families with children wearing t-shirts emblazoned with swastikas or Mickey Mouse yelling "Hey Nigger," attended a KKK-Nazi rally.

The speakers, referring to blacks as "subhumans," proclaimed "Democracy works for a civilized people — it works for the white race." They blamed minorities and unions for creating unemployment that takes away the jobs of whites, and warned of a coming conflict where "the color of your uniform will be the color of your skin."

In the film's most chilling scene, the film cut back and forth between footage of the Greensboro shoot-

ings and later interviews with the Klan members who were shown firing the weapons. "One thing about it," said one Klansman, "we destroyed the goddamned union." Added another: "One white man's life is more important to me than 1,000 niggers."

But the bottom line, as stated by the film, was that the Klan is only a symptom: "To say no to the Klan is to say no to much more." The problem is a society that creates an environment where the Klan can exist and grow. Racism in American society is evidenced by unemployment that pits black against white and attacks the funding of social programs.

Discussing the Picture

According to *Resurgence*, only economic justice can eliminate racism from our society. But the solution it offered to violent racist groups was much more direct and immediate: the Klan has no First Amendment rights and should be outlawed. Judging from their reaction to that statement, many members of the audience agreed.

Muhammed Kenyatta, 1L, one of the event's organizers, discussed the purposes behind the showing of *Resurgence*. First, he observed that HLS students often "look beyond Harvard Law School for social problems." Kenyatta hoped that the audience would begin to see the problems of racism in society in general, and at HLS in particular.

Beyond showing students that racism exists close to home, Ken-

(Continued on Next Page)

Sports Answers

1. Jeff Lamp
2. Ernie Shavers
3. Betty Stove
4. Fred Dryer
5. Larry Heater

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Film Review

Resurgence

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yatta wanted to show students that there is work to be done here and now. He observed that right-wing groups are providing their own solutions to economic and political problems, and that "people will turn to those solutions if the left fails to provide workable solutions."

Much of the audience participated in discussion groups after the film. Perhaps out of these groups will evolve some of the workable solutions sought by the sponsors. Regardless, the event certainly achieved one goal — to get people thinking and talking about solutions to racism. Whatever its flaws, *Resurgence* made its audience take a hard look at society and at themselves.

NATIONAL PROGRAM LOOKS AT PREVENTION OF SECOND HEART ATTACKS

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