

HARVARD LAW RECORD

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25 CENTS



Erich Merrill

Scot Johnston, 1L, purchases a brew in the Back Bench while cohorts Bob Hamilton and Lee Christie, 1Ls, lend moral support. See p. 2.

Library Staff Recommends Removal of Secret Records

HLS Librarian Harry S. "Terry" Martin announced on Feb. 12 that the Library senior staff will recommend to the Library Committee that the records of the Superior Court of Pow Wow be returned to the Club. In recent years the library has acted as custodian for the records, keeping them in the manuscript room and allowing access only to members of the Pow Wow Club.

Curator of Manuscripts Erika Chadbourn told the RECORD that she was instructed to care for the Club's records when she assumed her post and that prior to the late 1960s the records were stored elsewhere in the library. Chadbourn and Martin added that the decision to have the library care for the Club's private property was made

by a predecessor of former Librarian Morris Cohen.

Pow Wow Club records state that then President Larry Pressler "put the record books in the Treasure Room of Langdell under Mrs. Chadbourn's care" in 1970 when the Club "decided that the 101 years of records had grown too valuable to float around."

The matter of access to the Club's records was apparently rendered largely meaningless on Feb. 17 when the RECORD donated an unofficial copy of the Club's records for the years 1870-1896 and 1934-1980 to the library. It is believed that no records exist for the 1896-1934 period. The RECORD has asked that the Pow Wow records be made available to all who wish

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Faculty Won't Oppose Review Plan

By Erich Merrill

The faculty voted Wednesday to take no action on the most recent affirmative action plan adopted by the *Law Review*, leaving no obstacles to implementation of the plan. The vote came after more than an hour of discussion of a report submitted by Prof. Detlev Vagts on behalf of a committee charged with making recommendations to the faculty regarding the plan.

Faculty members made it clear that for the most part they were not happy with the new plan. Prof. Louis Loss was among the first to attack the plan, saying it would hurt the very minority members it was meant to help. "Any plan [based on race] is a gratuitous insult to every black student who will make the *Law Review*." Loss pointed out that the members of the *Review* had passed the plan by only a narrow margin and asked that if the faculty approved the plan, "let the record show that I'm against it."

Prof. Paul Bator echoed Loss's concerns, saying the plan made the mistake of mixing "highly subjective, discretionary criteria" with the "anonymous evaluation of public performance" currently embodied in selection based on grades and the writing competition. Bator complained that the two sets of criteria would create a two-tier hierarchy within the *Review* which would "automatically tag with a second-class status any black man or woman who makes the *Review* on their own."

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Pub's Success Spurs Expansion Plans

By Marisa Manley

In response to the success of the new Harkness pub, The Back Bench, the Dorm Council is planning to create a Pub Committee and to expand services.

The Pub Committee will be the Back Bench's ruling board. The deadline for applications was last Tuesday and the Dorm Council, the pub's primary sponsor, plans to have the committee selected and at work by next Tuesday. The Pub Committee will be composed of seven members. The vice-president of the Dorm Council will chair the committee, the other members being chosen from applicants at large. This structure will allow the Dorm Council, which provided most of the funds for the pub, to keep in touch with the pub without dominating it, and without the Dorm Council itself being overwhelmed by an enterprise as time and attention consuming as the pub.

According to the pub's comptroller Bud Gilbert, 2L, the Committee's first item of business will probably be to decide whether to continue the Happy Hours, which have been an experiment for the past two weeks. Then members will think about additions to the pub's services. One strong possibility is a coffee machine to serve fresh-brewed coffee after dākā closes in the evening. A popcorn machine may follow. Also being considered is the sale of sandwiches or other snacks in the evening. However, lack of running water makes any food preparation difficult, so according to Gilbert food service may be longer in coming. The addition of plumbing would be a major expense — estimated at between \$5,000 and \$15,000. Gilbert says that while the administration was leery of committing itself to an untried operation, the Law School will be willing to install plumbing for the Back Bench once the pub proves itself. Even though the pub is doing very well now, Gilbert thinks they may not be able to get running water until this summer. Other more imme-

diately changes being discussed are weekly specials on different foreign beers and the possibility of bringing in live entertainment once a week. The pub is large enough so that tables and chairs could be rearranged to clear a dance floor and this may be done, except on Thursdays.

Packed on Thursdays

Thursday nights are the pub's busiest — usually standing room only with crowds of almost 200 people. Gilbert says the pub-goers are a good mix and not always the same crowd. He estimates that about 85% of the pub's visitors are law students while most of the rest come from the Graduate School.

David Moser, 2L, the pub's manager, says student patronage has been tremendous but adds that persons other than patrons have contributed to the pub's success. John Lojko, manager of the Hark's food service, allows the pub to use dākā's walk-in coolers so beer will not have to be reordered every few

days. Even the Harvard Police help out. They have agreed to lock up the building half an hour later than usual so the pub can stay open until one o'clock.

Moser says the pub is not only a success on its own account, but believes that along with other changes like the dākā snack bar and the relocation of student mailboxes, the Back Bench has helped put life back into Harkness Commons to make it the student center it was designed to be.



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Stretch That Dollar: HLS Shopper's Guide

By Dave Quinto
and Mary Tarduno

Have you ever wondered whether you're really saving money by shopping at the Coop and reaping a rebate every October? From Jan. 13-20, in the first of a series of shopping expeditions, the RECORD perused the prices of health and beauty aids at stores frequented by HLS students to see how the Coop compares.

Stops on the RECORD's trip included CVS Pharmacy in Harvard Square, right next to the Coop; Rix Health & Beauty Aids on Boylston St.; Broadway Market, on Broadway near Memorial Hall; Shepard Pharmacy, on Mass. Ave. north of HLS; Star Market, on Mt. Auburn St. near the Mt. Auburn Cemetery; and the Law School Coop and the Coop in the Square. And, of course, we went to Bence's Pharmacy as well.

The non-sale prices we found in each of the stores are given in the table below. The items, all carried

by the Coop in at least one of its stores, were selected at random. The prices in the table have not been adjusted to reflect tax or the annual Coop rebate.

Suspicious Stores

While all of the stores allowed RECORD shoppers to check prices, some were quite suspicious of our efforts. Bence's was by far the most suspicious. We found out why when we made our own little "market basket" and added it up: Bence's was the most expensive.

In calculating the cost of a market basket, we adjusted the Coop prices to reflect the value of the dividend (we used last year's 9.5% dividend discounted to its present value and adjusted for inflation). The HLS Coop was cheapest, followed, in order, by Rix Pharmacy, the Harvard Square Coop, CVS, Star Market, Broadway Market, Shepard's and Bence's.

Our market basket cost an inflation-fighting \$28.12 at the HLS

Coop, \$28.43 at Rix and \$28.52 at the big Coop. These were the inexpensive places. Star Market and CVS were moderately priced at just over \$30.00. The economy wreckers charged from \$33.91 at Broadway to \$35.64 at Bence's.

The items selected for the market basket were Kleenex (200 2-ply), Bayer Aspirin (100 tablets), Tylenol-Extra Strength (100 tablets), Contac capsules (10), Colgate (7 oz.), Right Guard Aerosol (5 oz.), NyQuil (6 oz.), Normol soft contact lens solution (8 oz.), Band-Aids (30 1" strips), Johnson's Baby Powder (9 oz.), Vicks 44D (3 oz.), Alka Seltzer (36 tablets) and a carton of Marlboro cigarettes.

In an important respect, our survey was misleading. The Coop does not carry house or generic brands. Thus, while the Coop sells name brands for less than any area merchant other than Rix, some products of comparable quality can be purchased more cheaply at CVS, Star Market and others. Also, Osco's

(Continued on Page 9)

	HLS Coop	Square Coop	CVS	Shepard	RIX	Bence	Broadway Market	Star	Osco's
Bayer Aspirin (100)	2.13	2.13	1.99	2.75	1.89	2.77	2.48	2.19	1.87
Tylenol Extra Strength (100)	NA	5.81	4.19	4.19	4.57	5.85	5.81	5.99	5.78
Vicks 44D (3 oz.)	2.27	2.64	2.43	2.43	2.09	2.70	2.64	2.39	2.19
Contac capsules (10)	2.19	2.19	1.89	1.89	1.89	2.39	2.75	2.49	1.89
NyQuil (6 oz.)	2.88	2.88	2.59	2.59	2.67	3.59	3.26	2.89	2.59
No Doz (15)	1.49	1.49	NA	1.63	NA	1.59	1.49	NA	1.75
One-A-Day Vitamins (60)	NA	3.47	2.93	NA	2.92	NA	4.85	2.99	3.59
Alka-Seltzer (36)	1.99	1.99	2.07	2.63	1.89	2.59	2.52	2.19	2.03
Normol Soft Contact Lens Solution (8 oz.)	3.47	3.47	3.39	3.74	2.59	3.89	3.47	NA	3.43
Johnson's Baby Powder (9 oz.)	1.63	1.63	1.59	2.19	1.59	2.19	1.95	1.79	1.63
Colgate Toothpaste (7 oz.)	1.82	1.82	1.59	2.53	1.59	1.98	2.12	1.79	1.59
Prell (11 oz.)	2.59	2.84	2.57	2.89	2.38	NA	NA	2.59	2.58
Right Guard Aerosol (5 oz.)	2.44	2.44	2.47	1.69	2.44	2.98	2.97	2.69	2.33
Mennen Speed Stick Reg. (2.5 oz.)	2.09	2.09	NA	2.28	1.79	NA	2.09	1.79	1.95
Ivory Soap 4.5 oz.	3/99	NA	3/99	.41	NA	NA	3/92	3/87	.87
Ivory Soap 3.5 oz.	4/95	NA	NA	.32	4/99	4/107	4/95	4/93	4/99
Zest 5.5 oz.	NA	3/1.61	.57	NA	.55	NA	.59	NA	.65
Dial Gold 3.5 oz.	.58	NA	.42	.59	NA	NA	3/1.27	NA	3/99
Dial Gold 5 oz.	.50	3/99	.59	.82	NA	.69	3/1.47	4/1.50	NA
Band Aids (30 1" Strips)	1.81	1.81	1.83	2.03	1.83	1.97	1.89	1.63	NA
Kleenex (200 white)	.89	.95	.96	.98	.97	1.19	.87	.69	NA
Kleenex Boutique Prints	.79	.89	NA	.98	.92	NA	.85	.75	.85
Kleenex Pocket Pack	.20	.25	NA	.19	NA	NA	8/1.29	3/1.33	8/1.03
Tide 49 oz.	2.34	NA	2.44	NA	2.19	NA	NA	2.39	2.58
Tide 20 oz.	1.09	1.09	NA	1.29	NA	1.19	1.09	.99	NA
Cigarettes, per pack	.89	.89	.90	.85	.88	.90	.80	.87	NA
Cigarettes, per carton	7.35	7.35	7.35	7.19	6.99	7.40	6.99	7.19	NA

The Stuff (1L) Dreams Are Made Of

Yadin Kaufmann

Many people dream of going to Harvard Law School. But what do they dream about once they get here?

Some first-year students, at least, have been spending the last month or so of nights dreaming neither of next year's white Christmas nor of bathing beauties on distant shores. A not-so-random and surely not inclusive sampling of 1Ls suggests that these nights, they're not even dreaming about making partner in a big New York firm or nailing down that first Congressional seat.

Rather, these fertile imaginations appear to be nocturnally preoccupied with grades — those two (or, for the truly unfortunate, three) letters 548 neophyte men and women of the law are awaiting from the staff of Registrar Sue Robinson (who says she has "been a registrar too long" to still dream about grades.)

Anxiety-Laden Ramblings

Release of first-semester exam grades is likely to close a chapter in what must be an annual compilation of high technology, action-packed, and fun-filled or anxiety-laden midnight ramblings.

One of the most futuristic and innovative of dreams to have made the rounds among the class of 1984 is that of section I's G. David Nied, who suddenly found himself together with his classmates in a huge room with a "giant digital panel." "It had all these flashing digital lights," which spelled out in green liquid crystals against a black background each student's grades next to his or her signature.

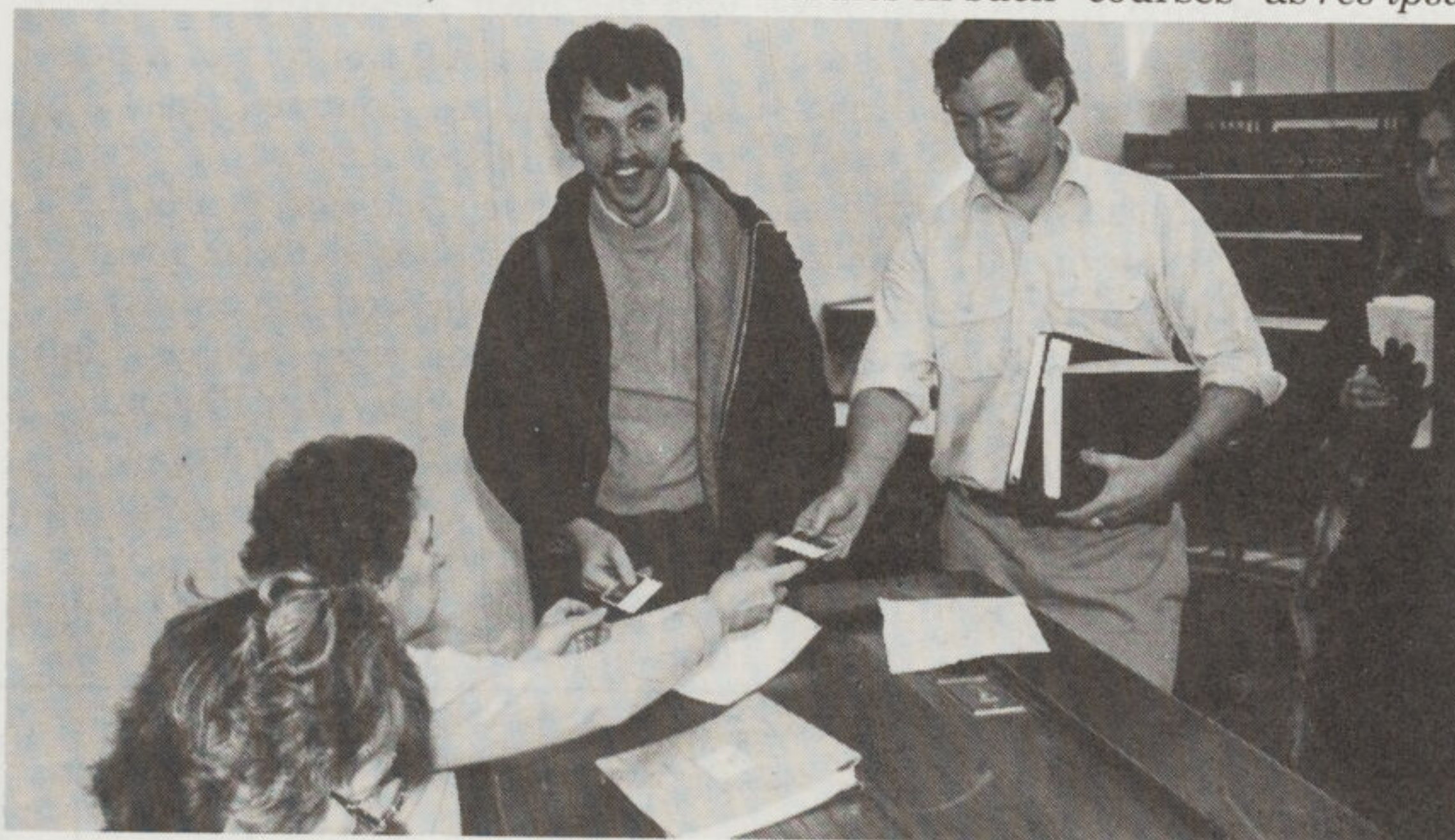
"People were screaming, jumping up and down, crying," according to Nied, their reactions presumably depending on whether the electronic message implied joy or despair.

"One of the bad parts of the dream was that I couldn't find my name," Nied recalled. Students who

might envy Nied's position should probably not count on the Registrar making a similar omission.

Dreaming the Hobbs Act

Inspired, no doubt, by those memorable lyrics of the Partridge Family, another 1L, who prefers not to be identified, is awakened



Erich Merrill

John Palenberg, 3L, receives his grades with a bit of enthusiasm. 1Ls can follow suit on Monday.

in r.e.m. by something that keeps knocking at her brain. Like David Cassidy, she springs up in her bed and screams out the words she dreads. Instead of "I think I love you," however, her motto — more significant for a lawyer, perhaps — is "The Hobbs Act! The Hobbs Act!" This 1L, it seems, has been remembering most nights of the last thirty what she forgot during the three crucial hours of her Criminal Law exam, when she was asked to compose a new federal anti-corruption statute.

"I keep reliving the exam experience," she explains, adding that never before in her academic career had similar dreams visited her. Why now, all of a sudden? Perhaps, says she, because law school "is more nightmarish than everything that happened in college."

A Section II student, shortly after having taken her three exams, went home and opened the grades Harvard had sent. Much to her surprise, she had received eight grades, none of which corresponded exactly to any course she had taken. And, she hopes, none of the grades — four D's and other less-than-stellar results in such "courses" as *res ipsa*

loquitur, will correspond to reality either.

Material Not Covered

Another 1L, who also requested anonymity, told of a dream in which, half-way through his contracts exam, after he had "really aced the first part," he "got to the second part, which was a question on something we hadn't even covered. I realized I didn't have to answer it so I woke up."

A 1L last year is reported to have had a somewhat different variant of the exam and grade dreams. He supposedly dreamed that he had been summonsed to the registrar's office where he was told that there was some good news and some bad news. The good news was that he had received two A+'s. The bad news was that, for national secu-

1L Dreams

rity reasons, they would appear on his transcript as B- 's and he could never tell anyone about this. He is reported to have winked at the registrar's staff at the table when he picked up his grades.

Exam Dreams are Typical Anxiety Dreams

The phenomenon of taking a final in a course which one never took, or for which one never did any reading, or in which the questions are written in Greek, is typical of exam anxiety dreams, according to Prof. Alan Stone, M.D.

"The fact that people are dreaming about grades is indicative of how important they are to them," said Stone, who teaches Psychoanalytic Theory and Legal Assumptions, in addition to his 1L elective, Theories of Violence. Stone hypothesized that at Harvard, where students continue to emphasize grades, dreams about grades may take the place of the more common "performance dreams" about actually taking a test or, for professors, going somewhere to give a class without "the slightest idea of the subject of a class or where it's going to be given." The foregoing and other examples, however, suggest that Harvard students have their share of dreams about performance, as well as about grades.

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Erich Merrill

1Ls Perry Apelbaum, Charles Booth, Sheryl Silver, David Ruth, Steve Kaufman, and David Sorkin sport a variety of robes.

1Ls Don Non-Judicial Robes

By Michael Medina

The first annual Ames/Holmes 3rd floor bathrobe competition drew about 15 entrants last Sunday to a party on the third floor of Ames. The hard fought contest drew hopeful bathrobe beauties from as far away as Ames 2nd floor, and from such exotic places as Holmes 2nd floor.

Contest participants and judges Perry Apelbaum and Charles Booth, 1Ls, said they organized the event as a way to alleviate the law school drudgery and promote more interaction between law school men and women. "We figured if you let the men and women see each other in their pajamas there'd be much more interaction," said Booth.

The victorious contestants, their categories, and their prizes (all magazines) were: Donna Mazza-

ferro, sexiest, *Playgirl* magazine; David Ruth, most athletic male, *Sports Illustrated*; Sheryl Silver, most athletic female, *Diet and Exercise*; David Sorkin, Fredericks of Hollywood award, *Playboy*; Christoph Kleiner and Aké Kjellson (two-way tie), Foreign category, one half of an Israeli newspaper; Arnold Lehman, Oscar Madison award, Hulk comic book; Jeff Ehrlich, most colorful, *Cosmopolitan*; "The Pink Panther" (stuffed), Alan Klein inconspicuous inanimate object award, *Fling* magazine (awarded to runner-up Alan Klein); Ellen Acevedo, tourist, *Boston* magazine; an un-named prude who wished to remain anonymous, the most prudish award, *Loving* magazine; and Dale Cendali, judges arbitrary and capricious category, *National Enquirer*.

Judges Apelbaum and Booth laughed off charges of conflict of interest because they were entered in the contest. "It's all arbitrary and capricious anyway," stated Booth. "Besides," added Apelbaum, "We're the most respected anyway!"



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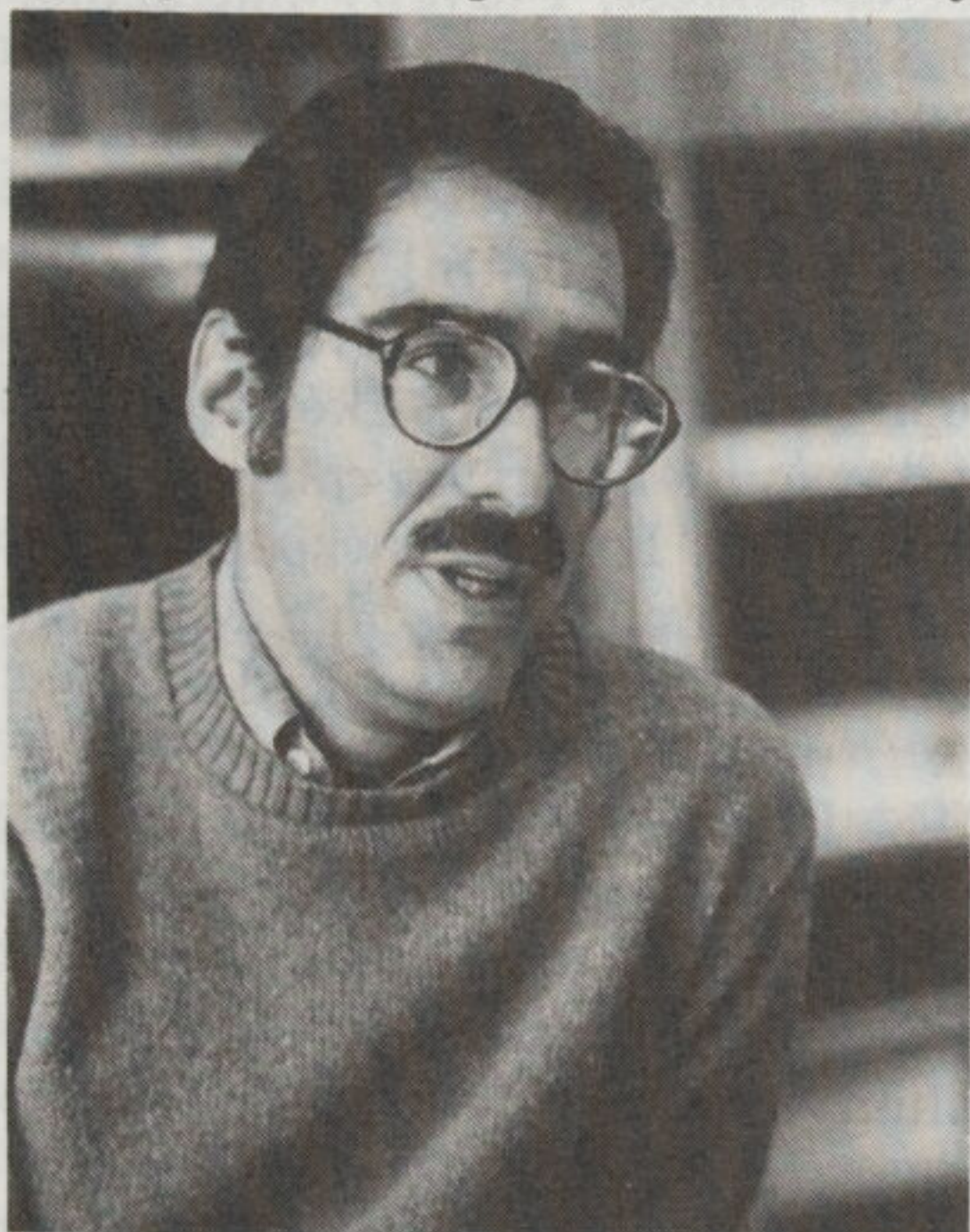
Next RECORDS:
Feb. 26, Mar. 12

Deans Chart School's Academic Course

By Marisa Manley

The basic direction of the Law School has been the topic of conversation for Profs. Lance Liebman and Frank Michelman during their tenures as associate deans. In particular, primary considerations since their appointment last July include projects dealing with curriculum and teaching assignments.

As associate dean, Michelman has continued as head of the Committee on Educational Planning and Development. For nearly three years this student-faculty committee has probed the Law School's curriculum in an effort to design a better system of legal education. According to Michelman the committee will complete its work this spring with a report to the faculty



John Morris

Prof. Frank Michelman

and recommendations for reform. If these recommendations are approved by the faculty, Michelman expects follow-up work to demand at least part of his time as associate dean.

Michelman said his work load has become heavier since he became associate dean, but added that many faculty members contribute to the Law School's governance by working on committees and thus have duties in addition to their teaching loads.

While Michelman has continued to shepherd his Committee, Liebman has spent a good portion of

this academic year reforming the process by which the teaching program is formed. Each year the skills and interests of 60 different faculty members must be matched with the needs and interests of 1500 peripatetic students. Dissatisfaction with the current process exists because it allows little opportunity for comment and revision.

Under the current system, assembly of the teaching program for any given academic year begins the prior September. Faculty interests are polled in the fall, and then the Dean's Office, usually in the person of an associate dean, spends several months compiling a teaching program. This program is then presented to the faculty as a complete package in February. This is just in time to prepare pre-registration materials, but too late for revision.

Changes Upcoming

Under the new system which takes effect this Spring, preparation of the teaching program will begin six months earlier. This March or April, preparation for the 1983-84 academic year will begin with an open meeting for students and faculty where suggestions for the teaching program can be heard. Under this method there will still be time to incorporate the comments in the plan before it is put into action.

Liebman's work as associate dean has involved him in three other major issues as well: increasing the number of small sections used in first-year classes, increasing the resources available for the mandatory Legal Profession course and revising and strengthening the clinical program in the face of federal government funding cutbacks for legal services.

Although each is currently in charge of a project that may reform aspects of the Law School's academic or administrative structure, Liebman and Michelman both say that the job of an associate dean is primarily to coordinate and oversee the process of change — not

singlehandedly to instigate change. According to Liebman, reform is initiated primarily through the faculty and student-faculty com-



J.M.

Prof. Lance Liebman

mittees upon which the Law School has long relied.

Besides the major projects each has taken on, Liebman and Michelman consult with and advise the Dean on all matters of academic importance, "whenever two heads, or three, might be better than one." According to Dean Vorenberg the role of associate dean is not highly structured. It differs from the role of assistant dean in the Law School's administrative structure because each of the several assistant deans is in charge of one specific area, placement, admissions or student affairs for example, while the associate deans are charged with broad oversight of academic programming and standards.

Associate deans serve as a vital link between faculty and administration. They continue in their primary role as educators — teaching and doing research — even while they serve as administrators. This is a tradition which sets the Law School apart both from other parts of the University and from other law schools. Vorenberg believes this aspect of the associate dean's position gives the role a special character which has been a source of strength for the Law School.



Hemenway Facilities Frigid and Flawed

By Gabe Shawn Varges

With the HLS intramural basketball season in full swing, Hemenway Gym, site of the games, is beset with problems. Athletes are complaining about the lack of adequate padding on the walls, dusty floors, and insufficient heating.

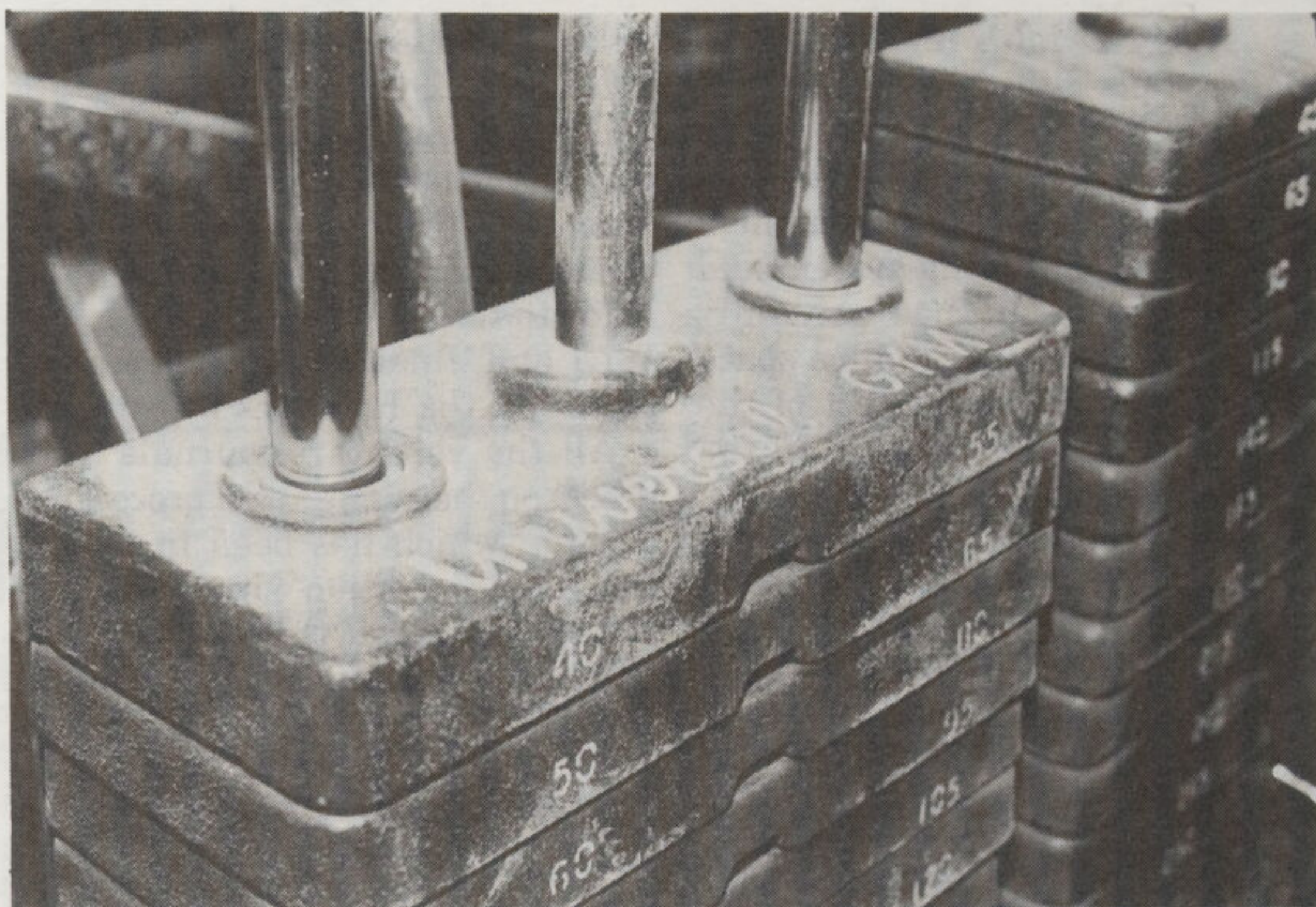
"It was like playing outdoors — absolutely polar," observed a 1L after a recent game during which members of both teams complained hotly about the chill. "It was so cold," noted another student, "that neither team wanted to play skins."

No Nets

While the Hemenway temperature problem is new, complaints about missing nets for side baskets (the nets were provided just this past week), wall padding, and floor maintenance have arisen several times in the past.

An exhaustive RECORD investigation of HLS athletics in 1979 (v. 69, n. 5, Oct. 26, 1979) revealed a number of safety hazards in the gym. A follow-up investigation by the RECORD last year (v. 71, n. 3, Oct. 3, 1980) found some improvement but concluded that squash courts aside, the Hemenway facilities were still neglected by the University.

Assistant Dean Russell Simpson, a member of the University's Ath-



Adam Eisgrau

Dust gathers on the weights of Hemenway's Universal gym.

letic Costs Sharing Committee, said that he has received some current complaints and acted upon them. "I contacted the maintenance people and got some assurances that services would be improved," he stated. He added that he has been in touch with former Dorm Council President Mandy Lowell, 3L, through whom complaints have also been funneled.

Lowell is now writing a memorandum for Simpson to transmit to Athletic Director Jack Reardon. Reardon could not be reached for comment on the continuing prob-

lems.

Last year several proposals for providing better athletic facilities for HLS students were considered by the Law School administration, including the purchase of Hemenway from the University. Due to Dean Sacks's resignation, all proposals are now shelved. Thus, law students will continue to slip, slide and shiver on the basketball courts or will dash madly to make the 9:00 to 9:02 A.M. squash court sign-up.



Story Ideas?

Many of the stories in the RECORD spring from ideas suggested by readers. If you think of an event which should be covered, give us a call at 495-4418 or leave a note in John Morris's 2L mailbox.

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"BETTER BUYS AT BRINE'S"

Be It Ever So Humble, School's Journals

By Erich Merrill

A Jan. 27 move of Law School journals to new offices in the basement of Hastings has given them a new word processing system and business staff, but has generally reduced the amount of office space and privacy. A major effect of the move is to associate closely all the "voluntary" journals, along with the Law School's Publications Office headed by Linda Beyer.

The *Civil Rights-Civil Liberties Law Review* (CR-CL), the *Environ-*

will soon house a soda pop machine for thirsty editors, who expect to work into the wee hours as their publication deadlines draw near.

A trip through a second hall closely resembling a steam tunnel leads to the quarters of CR-CL and WLJ and, finally, to the north entrance of the Hastings basement.

All the voluntary journals have access to the Wang word processing system, which has been in use by the administration since October. Beyer said that the *Law Review* has had a good experience with its

"about 40" students how to edit using the system. "Anne is great — she's very patient and capable, and she seems to really enjoy working with us," remarked Tiane Sommer, an editor who has already "logged" many hours at the terminals.

Beyer said that she hopes to speed up article preparation by using the telecommunication feature. That feature allows the Wang system to transmit a finished article over telephone lines directly into the computer of the company that prints the journals, eliminating the need for typesetting. Beyer has taken on responsibility for negotiating the printing of the five voluntary journals.

Access to the word processing system is only one change which accompanies the journals' move to Hastings. Another is consolidation of paid staff support. Beyer explained that each journal except WLJ previously had its own staff member, whose job was primarily to type articles from manuscripts submitted by students and to file journal business records. Those four have been replaced by Beyer's staff, which will serve all five journals.

Reactions to the move varied widely. Beyer said that she felt it was a little too early to tell what the final feeling about the new offices would be. "They're just getting used to being here. Last week [the week of Feb. 1] there was still too much furniture out of place for anyone to feel like they had a new home. But it's my notion that it will be good for all the journals to be in one place so they can communicate more with each other. [In the old offices,] they were all coming to me at different times with similar questions."

Power Play?

Several journal editors expressed concern about a loss of autonomy accompanying the move. "People are cautious about the fact that they've appointed a joint business manager," said ELR managing ed-



Anne Riley, rear, shows staffers how to edit.

Erich Merrill

mental Law Review (ELR), the *International Law Journal* (ILJ), and the *Journal of Legislation* (JOL) moved from their offices formerly scattered throughout Langdell and Austin Halls into space vacated by the Alumni Association, when that organization moved into the newly renovated Baker House. The *Women's Law Journal* (WLJ) remains in its office at the north end of Hastings basement.

Students who enter the basement of Hastings pass through the Publication Office's reception area before moving through a long hall along which are located the open, loosely partitioned offices of ELR, ILJ and JOL. Also branching from that hall are a library/conference room, partitioned rooms with word processing terminals, a lounge area where journal members can proof-read manuscripts and use a sink, and a few bathrooms. The lounge

DEC word processing system, and that she believes this system will change the way staff members edit journal articles. "At the *Law Review*, the vast majority of members learned quickly to make changes to articles while working on the terminals, rather than first making changes on printed copies."

Some editors point out, however, that the bulk of article and note editing necessarily occurs at a desk, in the library and in authors' hands. At any rate, the new Wang system has four terminals available around the clock to student editors, and two printers — one "high speed" and one "low speed" — for quick copies of successive drafts.

Anne Riley, who manages the word processing system, trains journal members and supervises all phases of document processing. She began giving three-hour training sessions last fall, and has taught

Move into New Hastings Basement Home

itor Larry Kirsch, 3L. "There's concern that we are going to be run, instead of running ourselves." In the past, each journal managed its own subscription lists, chose its own printer, supervised its own budget and generally ran its own office, functions which to varying degrees have now been consolidated and assigned to the Publication Office.

No Privacy

Other journal staffers lamented a severe loss of privacy. ELR, JOL and ILJ have a hall running right through their new offices, and only shoulder-high partitions set the working area off from passers-by. Sommer, 2L, a managing editor of WLJ and an editor at CR-CL, felt this could have a "tremendous chilling effect on free speech within the other journals." Karen Florini, 2L and managing editor of ELR, simply commented, "It would be better if we had a door."

Sommer, Brad Behrman, president of ILJ, and Ira Fishman, a managing editor of CR-CL, felt that the journals are less accessible to students in their Hastings basement location. Behrman noted that "it's really hard for people to drop by, and it takes more effort for them to come see us than it did when we had our office in the Langdell tunnels."

Sunny Side

Journal members had praise for some aspects of the move, especially the word processing system. Kirsch said ELR was "delighted to have word processing. It brings us out of the stone age." Fishman thought the system would be a "big plus in helping to get good galleys sent back to us."

Fishman remarked that communication between members of different journals was increasing as a result of the move — a positive development. Kirsch agreed. "I think it's wonderful. All of a sudden we have a group of people who are the editors and staffs of all the

journals, and that group has never existed before. A lot of good can come from that."

Some members felt that what now are problems with the new offices will fade with time and some planned changes. Behrman said, "In the long run these offices will

be better than we had before, especially if the walls and sound-proofing are put in over the summer, as we have been told they will be." Commented Kirsch, "My final word is that we're all cautiously optimistic."

☛

More for Your Money

(Continued from Page 3)

(located on Mt. Auburn) did not stock enough brand name items to be included in our market basket survey, but for items in common it is much cheaper than Star Market.

Which Coop Is Cheaper?

Even though prices are identical in theory at the two Coops, in fact they are not. The HLS Coop has a slower turnover of merchandise, thus some prices are dated. While in theory the price of merchandise on the shelf is marked up when more expensive merchandise is added, in practice it is not. Thus, the same item is often found selling at two (or more) prices. You can tell the age of the price by the color of the price tag. On the other hand, the big Coop sometimes forgets to tell the little Coop of sales, but this does not offset the little Coop's lower everyday prices.

Shopping at the Coop proved a wild and crazy experience. New prices and old prices at the HLS Coop created anomalies such as Dial Gold 3.5 oz. bars selling for \$.58 while Dial Gold 5.0 oz. bars were offered at \$.50 (or \$.58 if you preferred).

Mixed new and old prices also caused multiple prices for single items at the big Coop. So did "secret sales." We stumbled across a secret sale in the health and beauty aids area. There was absolutely nothing to indicate that a sale was taking place, not even a little sign saying "key buy" or "special offer." Store policy requires the department manager to put a few items

on sale every week; it does not require him to tell customers. Thus, Colgate was offered at \$1.57 as well as \$1.82. Right Guard was offered at \$1.79 (sale price), \$1.95 (cans mispriced in receiving room), \$2.44 (regular price) and \$24.00 (price tag switched).

Avoiding Excess Profits?

Receiving room errors seemed common. We found Smith-Corona fabric typewriter cartridges at \$3.39 and \$3.99 at the big Coop (the HLS Coop priced them uniformly at \$3.99). "Why?" we asked the buyer. "Because we haven't marked up the old cartridges because we didn't want to make excess profits, but I'm sure the sales people would have called it to your attention if you had tried to purchase one of the more expensive ones," he told us. The Coop has since decided the \$3.99 price was a mistake and adjusted the price back to \$3.39.

What are your remedies if you overlook the cheapest item at the Coop or if you find something cheaper elsewhere? Only one: you can return whatever you bought and try again.

We observed other craziness as well. The big Coop was devoting a lot of shelf space to trying to sell its one bar of Dial soap and its one bar of Zest. Identical items could be found in various departments at the big Coop. And HLS students lined up at the little Coop to buy soft drinks for \$.45 even though they are available in Story and in the tunnel near ILS for \$.35 and are sold by the six-pack at Star for an average \$.28. ☛

Examining Your Priorities

Next Monday will be the culmination of the first semester for many 1Ls: Grades will be handed out. No doubt most professors discussed the significance of grades and the exam process before Christmas and have probably repeated sage advice about keeping the whole thing in perspective. We would like to add our voice to the chorus.

Those letters on a sheet of computer paper *are* important. They will determine which avenues of employment will be easiest for you to travel, and they do express a professor's assessment of one's performance on the exam which is obviously significant to students. But few people think that grades are very good indicators of how much law you have learned and the danger at a place like the Law School is in seeing grades as a measure of one's self; we have all been "achievers" and it is easy to find a larger and larger part of our identities resting on academic achievement.

It is too easy to remind people not to think of grades as a measure of their worth as human beings. Some people will inevitably be upset by what they read on those computer sheets. What we can say is this: If you are upset, reflect on what parts of your identity really are important to you. You might be surprised at the answers you give. The right questions asked now could lead to the right decisions later on. ☸

A Real Writing Test

Now that the year-long debate over the *Law Review's* affirmative action policy has reached its conclusion, it is time to comment on the manner in which the various plans have been written.

Twice this year, we at the RECORD have been faced with the unenviable task of deciphering proposals put forward by the *Review*. The plans themselves have not been terribly complicated, but the description of them compares with the Internal Revenue Code in its confusing structure and cross references.

We find some consolation in the fact that we are not alone. Prof. Vagts and his committee have also had to make their way through the proposals, but they apparently despaired of fully capturing the essence of the final plan, saying, "Reading and understanding the plan is not easy. No summary of it can avoid being somewhat misleading and we therefore urge you to struggle through it yourselves."

We think the *Review* should aspire to higher standards of clarity. In order to clarify the new plan and to help recruit new members who can write more clearly, perhaps the assignment for next year's writing competition should be to rewrite the affirmative action plan. ☸

HARVARD LAW RECORD

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PHOTOGRAPHY STAFF: Adam Eisgrau, Erich Merrill, John Morris

Fenno

The saloon was silent as the stranger walked through the double doors, down the steps and up to the bar. He dropped his Stetson on the polished wood and fixed his steely gaze on the barman.

"Sure is quiet tonight, pardner," he said.

"Yup," said the bartender. "You're the only person here." Fenno looked around at the empty Harkness pub. "So what'll it be?"

"Whiskey," answered Fenno. "Straight up."

"Sorry, fella," explained the student, "all we've got is beer and wine."

"That can't be," Fenno insisted. "What's a hombre *sans* his rotgut? And I know you serve booze — someone threw a gin and tonic at me here last week."

"We've got liquor on Fridays from 4:30 to 7:00," answered the 2L smartly. "And Fenno, your hat's getting wet."

Fenno snatched his ten-gallon from a pool of flat beer and started drying it on his buckskins. "Okay, give me a Bud."

The 2L smiled. "What kind?" Fenno groaned. "There's Busch, Natural Light, Michelob, and the original. But they all taste the same."

"What is this? St. Louis? Give me a Michelob in a frosty mug, just like on TV. And step on it, pardner, if you want to see a tip."

"The cups are plastic," said the bartender as he drew a cascade of foam from the tap. "And the only tip I've heard here was a suggestion to go to Georgie's."

Fenno was exasperated. "This is supposed to get people to use the Hark?"

"Don't worry, Fenno, they will. Phase One was moving the mailboxes. You're standing in Phase Two. But just wait for Phase Four. After spring break they'll start teaching Civil Procedure upstairs. We'll get the whole first-year class in here. Well, at least half."

"What about Phase Three?"

"Already in progress. We're slowly channeling all the heat in the Law School into the Hark. Soon it'll be the only place in the school where you won't need longjohns."

Fenno counted on his fingers. "What about Phase Five?"

"Well, the Law School Coop just isn't enough of a draw. So soon we'll have the Harkness Star Market. You'll never have to leave."

Fenno shuddered at the thought. "Is that all?"

"Hell no, Fenno. Over the summer we're going to re-route Mass. Ave. — straight through the middle."

Fenno shook his head. "I don't understand. This is the administration's first decisive move in years, and all it might accomplish is to get people to pack into a dingy, ill-lit, badly furnished and architecturally forbidding little building that no one can stand. What's the point?"

"Oh, Fenno, don't you see?" the 2L smiled. "Vorenberg needs *something* to do . . ." ☸

Letters to the Editor of the Record

Armadillos Reply

To the Editor:

I fear that writing a letter to acknowledge the RECORD's article on the Armadillos last week [v. 74, n. 1, Feb. 12] will somehow legitimize the article's attempt to stereotype 52 members of the Harvard Law School community. An even greater fear, however, is that if nothing is said, some readers of the RECORD who are unfamiliar with the Armadillos may actually take the article as a serious and accurate description of the club. I am not one of the founders of the club, but as one of the 52 "self-styled" directors in the club, I believe I have a duty to set the RECORD (and its readers) straight.

The Armadillos are a group of friends, and friends of friends, who are dissatisfied with the current social life at the Law School. In an effort to create a more enjoyable social life, the group decided to throw monthly parties. To insure adequate funding for these parties, it was necessary to organize a large membership core. The current 52 members are those people who expressed an interest in helping to organize monthly parties and a willingness to contribute money (\$5/mo.) to help finance the parties. Thus, our terribly "exclusive" group was formed. It must be noted that no member of the Law School community has been excluded from our group. Furthermore, we are quite obviously not the only Law School group who invites guests from other schools in the area to attend our parties.

We take our parties seriously (ask anyone who attended our first party on 2/5). In fact, it was quite flattering for us to receive RECORD coverage after throwing only one party.

Our Policy Regarding Letters

Recently the RECORD has received copies of letters sent to others such as the Dean and the president of the *Law Review*. We have generally printed these, but we much prefer letters addressed to the RECORD and encourage letter writers to address us specifically.

Otherwise, the RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to our 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 and must be signed. We prefer letters of no more than 700 words and frequently return longer letters.

It was not quite so flattering for us, a group of friends who pooled resources in order to throw a party (a relatively common occurrence at most schools) to be painted as exclusive and sexist. Those who know any of the Armadillos personally could easily laugh at the article, even though it was part of a series of serious articles on the secret societies (I'm not sure how we fit into that category) here at the Law School. However, there is always a group of readers who are unfamiliar with the circumstances and characters involved in the article. I hope this letter provides some clarification of the Armadillos and their goals for these readers.

Steve Fulton, 1L

The RECORD stands by its story. Not only is the Club's membership list closed, but the RECORD has talked with persons denied admission and Club leaders have told the RECORD that they prevented some HLS students from joining. The RECORD did not imply that the Club is secret. — Ed.

Is That Really a Difficult Case?

To the Editor:

In the article on Creation and Evolution in the Jan. 22, 1982 [v. 73, n. 10] RECORD, Prof. Dershowitz is quoted as saying that one of two "more difficult" cases would be where a student learned evolution and then wrote an exam saying that he believed the theory of evolution to be incorrect. What is difficult about that case? A student should not have to believe any particular theory he is taught. Any teacher who penalized a student for not believing something taught in school, as long as he understood it, would be encouraging him to conceal his true beliefs, or at worst, lie about them.

David Otis Fuller, Jr., '64
New York, N.Y.

Steer Clear of Creativity

To the Editor:

Much as I admire and respect HLS profs, past and present, I wonder if this creativity business hasn't led them to confuse apples and oranges? Religious beliefs and scientific theories are just that different. The one is based on faith, emotion, mother's milk, etc. The other is empirical, subject to challenge and change at all times. Creativity doesn't belong in a science course as it is basically unscientific. After the teacher has spent the

first half of the session explaining scientific theories, a bell rings, does he then spend the second half telling the kids to put aside all that he has said so that he can expound creativity? What is the source of his information about creativity?

Once there was a man named Wilbur Glen Voliva, for many years mayor and religious leader of Zion, Illinois. He claimed that the Bible taught that the earth was flat and could not be convinced otherwise. Reverse Arkansas [the recent District Court decision in the ACLU suit], and his followers will have the city council require the schools to give equal time to his theory.

Reverse Arkansas, and we find a high school teacher who is an atheist! The legislature must plug that loophole at once, pass a law that all teachers in public schools must be baptized Christians or at least believers of some sort, else out they go.

Freedom of speech is not dead or denied by Arkansas. Private schools can teach anything they want. But tax-supported public schools where attendance is compulsory must steer clear of creativity and all other religious dogma. Let the legislatures or the courts define religious dogma and let it be kept out of the public schools, like the plague.

John W. Munro, '29
Fayetteville, N.Y.

False Analogies

To the Editor:

It is most unfortunate that the women's rights movement and the black civil rights movement have peaked simultaneously since the tendency to make ill-considered analogies from one field to the other seems to be almost irresistible. I refer particularly to the suggestion in the letter of Mr. Hosinski and Ms. Wieger's [RECORD, v. 73, n. 10, Jan. 22, 1982] that education in unisexual schools necessarily puts women in an inferior position.

Although it is certainly true that until recently, women did not have equal opportunities in education at the high school level for work in blue-collar skilled trades, casual examination of the history of higher education in the United States will show the education given women at the women's colleges in such liberal arts subjects as history, economics and use and understanding of the English language, upon which the study of law is founded, was in general substantially superior to that available to them at the co-educational colleges. . . .

Franklin N. Cunningham, '48
Boston, Mass.

(More letters on next page)

Letters to the Editor of the Record

(Continued from Previous Page)

No Secrets

To the Editor:

In response to the articles on private clubs in your latest issue ([v. 74, n. 1] Feb. 12, 1982), I would like to remind students of an alternative. The Marshall Club, founded in 1825, was at first, like the Pow Wow, a forum for student arguments of cases. After the B.S.A. was founded around the turn of the century and took responsibility for Moot Court, the Marshall Club began to sponsor upper-level moot court teams and to place a greater emphasis on social activities. Most recently, Marshall Club teams won the final round of the Ames Competition in 1974, 1979 and 1980.

Unlike the clubs surveyed in your articles, the Marshall Club is open to any law student who chooses to join. The minimal dues — \$25.00 for all three years — enable us to sponsor a variety of social events throughout the year. This year we have subsidized trips to *Dream Girls*, the Celtics, the Boston Repertory Ballet, Steve's Ice Cream and a Harvard football game, among others. Anyone interested in further information should contact one of the officers: Kathryn Sanders and John Palenberg, 3Ls; Cole Brecheen, Tom Dreves and Fred Landau, 2Ls; or Elisa Nunnally and Kaj Ahlburg, 1Ls.

Kathryn E. Sanders, 3L
President

On All Fours

To the Editor:

I was intrigued by Prof. Vagts' reaction to the proposed *Law Review* "affirmative action" plan, reported in the Jan. 22 RECORD [v. 73 n. 10], appearing as it did in the same issue as an article on faculty reaction to the Arkansas creation-science suit. Prof. Vagts opined that the faculty was not "going to rise up on its hind legs and condemn . . . or commend" the plan.

The clear inference is that the faculty of Harvard Law School, a majority of which began their rise to eminence via "merit" law review plans, normally can be found on all fours. This phenomenon adds a novel twist to both the current evolution-creation controversy and the furor over *Review* membership criteria. Questions abound: was merit equated, when our mentors were in law school, with the ability to locomote using both "fore" and "hind" legs? Or is the flow of causality the opposite, with *Review* work in law school responsible for lifetimes of calloused knuckles? I have not seen many women or minority quadrupeds scuttling through the HLS tunnels — is that why they have been historically underrepresented on Law Review? To what extent does

Prof. Vagts' revelation lend credence to the Akron school's theory of devolution?

The above discussion is no more bizarre than much of the crisis over the *Law Review*'s introspective debacle, easily the most overblown brouhaha to buffet the Law School during my entire visit here. The real puzzle over the *Review*'s plans is why so many persons are treating the issue as one upon which the future of Western civilization depends. The greater part of the school's population will be unaffected by any change; furthermore, the writing competition figures suggest that *Review* membership is not the be-all and end-all of HLS existence for the vast majority of students anyway. With all due respect for my friends on the *Review* and among the faculty, the preoccupation with this matter is troubling as symptomatic of the self-serious elitism that overly pervades this institution.

The dire warnings that the American legal community will collapse if the right decision is not reached, however, are more than simple egocentrism; for they betray an existential self-doubt among those most aggrieved by the threatened changes in the established order. Surely the suggested revisions in membership criteria, affecting only a half-dozen or so slots on the admittedly influential journal, would not be debated with such ferocity were deeper, more terrifying psychological issues not underlying the superficial policy arguments of the participants in the clamor.

The *Law Review* is a victim of the school's own role confusion. The current tinkering with staff selection is fatally flawed for failure to face fundamental conflicts of self-definition. Is the *Harvard Law Review*'s purpose to publish legal scholarship, or to serve as a mechanism for the distribution of "goodies" in the legal community, a reward for those with the "Right Stuff", a labeling device for the convenience of the most prestigious firms, judges, and law school faculties?

If the *Law Review* is primarily a legal journal, then the selection criteria should be those calculated to discover legal journalists, such as demonstrated experience, dedication, ability and open-mindedness to a variety of legal and cultural perspectives. While test-taking skills bear some faint resemblances to those needed for magazine production, a talent for consistently cramming A+ answers into exam books in three-hour bursts is hardly the most reliable indicator of a judicious editor or a meticulous blue-booker. If you were the publisher of the *New York Times* or *Atlantic Monthly*, would you run contests to choose your staff? Similarly, if diversity of editorial viewpoint is the real issue, what is the guarantee that selection by an all-vanilla staff will result in more than a few oreo mix-ins?

No, apparently what is at stake here is the role of the *Law Review* as a distributive mechanism, not its role in the marketplace of ideas. But then why such resistance to an affirmative action plan in full sweep, an open attempt to correct the historical distribution of legal plums among the different groups in our society? Ah, here we face the heart of the beast: the deeper threat, the gut bogeyman in this issue, as in all affirmative action plans, is the undercurrent of suggestion that perhaps all the current plum-holders might not *deserve* those plums. Perhaps people can and should be adjudged by criteria other than an institutional and societal sorting into Alphas, Betas and insignificant others. This is the bone of contention that strikes terror into the souls of those whose notion of self-worth since kindergarten has hinged upon external rewards for acceptable behavior, report cards stuck to the refrigerator door of self-esteem, rather than upon an inner security in worth as human beings *qua* human beings.

Thus, the sound and fury. While legal services for the indigent are gutted and the New Right launches a full-scale assault on the Constitution, we debate and write to the RECORD about a far more pressing issue: the *Law Review*'s affirmative action proposals. Threats to society are distant and abstract when pondered from the cush offices of success — but attacking the "merit" system stabs at immediate personal concepts of self-worth, and the banners of battle are unfurled.

More so than the idea that "you are what you eat", the idea that "you are what you get in Contracts" (or "you are your resume") is hollow. The circularity of making *Law Review* based on examinations graded by those who made law review based on examinations exemplifies a system of pagan faith with theoretical underpinnings less credible than the "creation-science" of recent headlines. If the *Law Review* and Harvard Law School are to be more than seminaries in a system of vague "merit-science", then the fundamentals, not the picayune particulars of operation, must be re-evaluated. Let us evolve.

Jeffrey Paul Smith, 3L



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1L Dreams

(Continued from Page 5)

Freud once observed, "perhaps somewhat optimistically," according to Stone, that people who had exam anxiety dreams did well on exams. "So based on Freud's experience, those students who are dreaming about exams in this way probably can be reassured." Yet Prof. Stone is not, presumably, offering any guarantees.

Dreams about exams, or even about grades, are by no means unique to Harvard students. A first-year friend at Columbia, Susan Elsen, related a dream in which she was somewhat disappointed to receive, on a pink slip, a Civil Procedure grade of -2 out of a possible 576. Accompanying the grade was a helpful suggestion that the student consider alternative careers.

As for the author, who's expecting two grades of his own — I had my first (and only) grade dream of the year the day I decided to write this pseudo-study. Mine doesn't quite classify as a nightmare: one A and one A-. Keep dreaming, kid.

Grades should be available by Monday at the latest. That leaves three more nights. Sweet dreams, folks.

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Removal of Secret Records

(Continued from Page 1)

to see them.

At present the library can give no one access to the official Pow Wow records because they are not its property, Martin said. The library's senior staff has decided to ask the Club to donate its older records provided the Club does not impose "unreasonable" restrictions on access. Martin told the RECORD that Pow Wow Club records maintained in the library, whether Club property or library property, must, at a minimum, be available to HLS's institutional publications.

Martin said he believes the Library Committee will ratify the staff recommendation at its meet-

Great Moments in the Law

If the individual lives longer than his projected life expectancy, he realizes what is called a "mortality gain. . . ." If the taxpayer dies before the time predicted by his projected life expectancy, a mortality loss has occurred.

-Surrey, Warren, McDaniel & Ault,
Federal Income Taxation (1972),
p. 154

[We're sure the taxpayer would agree.]

Mayor Koch should flip a coin to determine Alan Friess' future as a judge. If the result is "heads" the judge should be tossed out on his head. "Tails" should have him thrown out on his tail!

-letter to the *New York Post*, Feb. 2, 1982 regarding the New York City Criminal Court judge who let a convicted defendant toss a coin to determine the length of his jail term.

On June 13, 1968 the mother bore the child, a little girl, out of wedlock. She was then 19 years of age . . .

-*Spence-Chapin Adoption Service v. Polk*, 274 N.E. 2d 431.

Sew What?

In 1872, the Pennsylvania legislature passed a law making a woman's purchase of a sewing machine a crime unless she had her husband's consent. The law was recently repealed.

-*The Tarrytown Letter*, citing the *Philadelphia Inquirer*.

ing on Feb. 24. Prof. Kaufman, one of the three Library Committee faculty members, stated that "the library should not be the custodian of papers for anybody." Kaufman asserted that any restrictions placed on a gift of the official records must be reasonable, though "reasonableness" must take into account the Club's privacy interests.

Pow Wow's president, Angus West, told the RECORD that he would "have to think about" what the Club will do when formally asked to withdraw its records from the library. "I'm only the [Club] head — they're not my personal property," he said of the official records.

Current HLS students active in the Pow Wow Club include West, Steve Givens, Josh Friedman, Roland Hernandez, Nancy-Ann Min, Jay Henderson, Nat Foote, Scott Schoen and Glenn Hutchins.



Sports Quiz

NOTE: This week's Sports Quiz deals with athletes whose last names are the same as a particular type of occupation.

1. The manager of the Baltimore Orioles, this field general has compiled one of the greatest records in the history of the sport. Who is this pugnacious leader?
2. Toiling for the Philadelphia Eagles during many of their unsuccessful years, this man performed both on defense and as a field goal kicker. Who is this athlete?
3. Having begun his professional career with the New York Rangers, this hard-checking right winger has subsequently played for the St. Louis Blues and the Toronto Maple Leafs. Who is this man who currently plays for the Vancouver Canucks?
4. Formerly known as Earl Campbell's blocking back, this man came into his own last year when he was traded by the Houston Oilers to the New York Giants. Who is this man who was instrumental in the Giants' playoff appearance?
5. Known on the tour as "Mr. X", this professional golfer is unique to this week's Sports Quiz as both his first and last name make him eligible. Who is this successful linkster with the cork screw swing?

(Answers on Page 16)

A Collection of Business Lore

John Morris

Milton Moskowitz, Michael Katz & Robert Levering, eds., *Everybody's Business*, Harper & Row, 918pp. \$9.95 (paperback)

Diane Waxer *Frankenstein, Brandnames: Who Owns What*, Facts on File Publications, \$35.00 (hardbound)

Every time I shop at the Star Market on Mt. Auburn, I am puzzled by many things. Why, for instance, do they stack the naval oranges on such a steep slope that they always come cascading down onto the floor when I try to pick mine out? (The answer, I believe, is that they are stacked so as to deter one from rummaging too deeply for the firmest, most thin-skinned oranges.) My sweet tooth being what it is, my most profound questions concern the items in Aisle 3 (cookies, jams): (1) Why would anyone name a cookie "Hydrox?" and (2) How on earth did Fig Newtons come to have their name?

The Answer Was Found

You can imagine my delight, then, when I found the answer to the second question in *Everybody's Business*. Evidently, the machine which simultaneously makes the cookies and stuffs them with preserves was first used by the Kennedy Biscuit Works in Cambridgeport, right here in Cambridge. The company was in the habit of naming its sweets after local towns, and the bar was named the Newton after the suburb. (When figs became the most commonly used preserve, the current name was adopted.) In other words, the world might have known the Fig Saugus, the Fig Scituate or perhaps even the Fig Somerville. (A certain number of Massachusetts town names were no doubt precluded as unpronounceable. Who would know what vowel sounds to make when asking the stock boy where the Fig Wabans are kept?)

Everybody's Business is filled with

absorbing trivia such as the fig story and a great deal more. Three hundred seventeen companies are profiled in the book's 900+ pages, divided into industry groups. Along with the corporate descriptions are humorous and informative notes, tables and statistics that spice up the narrative, which is itself written in a lively style.

The profiles are quite detailed and include a corporate history, sometimes running to several pages, and a description of the controlling interests and the management. The company's reputation is assessed from a skeptical (and clearly liberal) point of view and there is a description of any notoriety the company has gained. There are also "hard facts" such as sales and profits figures, industry and Forbes 500 rankings, and lists of the companies' major brands and products. In short, each company is offered in a nutshell.

A tremendous amount of research has gone into this book, but that alone would not make it particularly noteworthy. What does make it stand out is the flair with which it is all compiled, the sense of enthusiasm and fun the editors convey about the material; they are clearly business junkies. I cannot resist relating some of the better tales to be found here.

In the advertising chapter, for instance, we learn that 75% of all jingles on commercials are sung by no more than 30 people, some of whom earn \$200,000 and \$300,000 a year.

Cereals From The Nuthouse

In the article on Kelloggs, I learned that the Kellogg brothers began making cereal for the inmates of an asylum where one of the brothers worked as a doctor. They were Seventh-Day Adventists searching for a vegetarian diet for the patients when they stumbled onto the process for making wheat flakes. The new food was

extremely popular with the patients, and one patient was later to become one of Kellogg's great rivals, C.W. Post. Also in that section is a note about Kellogg's reducing the amount of iron in its Frosted Rice cereal to 10% of the recommended daily allowance after the company discovered that the cereal could be moved with a magnet.

Perhaps my favorite story comes from the pages on Xerox. When Xerox first began advertising its copiers in 1960, its claim that the machines could copy on any kind of paper drew a skeptical letter from a government official who demanded proof. Sol Linowitz, the company's general counsel, asked a company employee if the machine could copy onto a paper bag. When he was told it could, he instructed the employee to copy the official's letter on a bag and send it back without comment. No further complaint was heard.

More Than Anecdotes

There is more to the book than these random notes, however. The heart of the book consists of the profiles and they are a good reference source. If you want to know the history of the Bank of America, Exxon or General Motors, you will find it here. If you want to be refreshed on the development of the Standard Oil monopoly, it is here. And for anyone who has been exposed to the Areeda-Bork outlook on anti-trust law, the Sherman Act may become explicable for the first time when one is reminded that the Rockefellers controlled 95% of the nation's oil refining at one point.

A Critical Eye

In addition to all this information, skimming the book gives one a feel for the way business operates. One can lose track in Cor-

(Continued on Next Page)

Trivia for Business Junkies

porations of what the subject is all about; you won't find that in the Delaware corporations code. This book would be a useful supplement to the course, and it is all the more valuable for being written from the perspective of someone who is fascinated by the workings of the system and yet is critical of much of it.

The editors say at the outset that their aim is "not so much to muck-rake as to discover what is really distinctive about each company." At the same time, they don't hesitate to detail the seedier sides of many companies — their labor practices, the number of their executives who have been indicted and so on — the sort of information you won't find in a Standard & Poor's tearsheet or in the annual report. (Actually one list of accused executives which appears in the book was provided by a corporation. The Fruehauf company printed a list of executives of other major companies who had been indicted or accused of crimes to show that there was precedent for rehiring two of Fruehauf's executives who had been convicted of tax fraud.)

I have read nowhere near the whole of *Everybody's Business*, but it is the sort of book one can keep around for times when one has 10 minutes — or an hour or two — to browse.

Book Of Lists

Brandnames: Who Owns What is intended to fulfill a more limited function than *Everybody's Business*. It consists of lists of companies and the consumer products each markets, either directly or through subsidiaries. Some of this information is included in *Everybody's Business*, but the lists in *Brandnames* are more comprehensive and are more accessible because of two excellent indexes. (I found that the index in *Everybody's Business* did not contain a number of items I know are in the book.)

Just as the purpose of *Brandnames* is more limited, so is its appeal. While it provides brief corporate histories along with basic facts such as Fortune 1000 rankings, sales and profit figures, etc., there is no narrative and certainly none of the color of *Everybody's Business*. What's more, the histories do not include the sorts of information I suspect the audience for this book would want to know. The history of Coors, for instance, makes no reference to its controversial labor policies.

What entertainment one *can* find in *Brandnames* comes from reading the bizarre combinations of products that come from under one corporate umbrella. Take, for example, I.C. Industries, once the Illinois Central Railroad, the line of the City of New Orleans. Today they own Midas Muffler and make Whitman Sampler chocolates. Across the river they call that synergy, I think, and if synergy is the word, there is a great deal of it to be seen in these pages.

Significant Omissions

Of course, the book doesn't set out to tell stories; it is intended as a reference work. Unfortunately, I have found a number of omissions from the product lists which make me question the thoroughness of the research behind the book. For instance, it does not show the Caldor discount stores as a subsidiary

of Jewel Companies. Jewel owns Star Market, where this review began, as well as the Osco drug-store chain, both of which are shown. Star's chief competition in the Boston area is Stop & Shop, which owns the Bradlees discount chain and Medi Mart. The omission of Caldor obscures the parallel structures of these retailing companies.

In a similar way, the omission of Great Western wines from the list of brands sold by Coca Cola is unfortunate, for Coke also owns the Taylor winery which, together with Great Western, claims the lion's share of the market for New York state wines. This is something I would have wanted to learn had I not read it in *Everybody's Business*. I also noted that Airtemp air conditioners were not on the list of Chrysler's products and while Gulf & Western is said to derive a significant portion of its revenues from replacement auto parts, no brands appear on the list.

Some of these shortcomings may be inevitable in such a large work, and they may be corrected in a later edition. In the meantime, the book remains useful as a reference for anyone who, for whatever reason, must know who manufactures a particular consumer product. What's more, it lists who makes Hydrox cookies. (American Brands.) I still do not know why they named them "Hydrox," though.

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Faculty Will Not Oppose Review Plan

(Continued from Page 1)

Bator also felt the fact that the new plan, which he called "an extremely intricately organized document," which allows the *Review* to consider an applicant's race, was inconsistent with the spirit of the Law School community. "I think it is a tremendously valuable feature that decisions within the community are made without regard to race."

Some Praise Plan

Other faculty members attacked the plan because they felt it did not go far enough. Prof. Christopher Edley, noting that the current *Review* selection criteria discriminate against minorities, accused the new plan of "perpetuating those systems by tacking on what is at best a doubtful net positive. At the base of this plan an irrational and unjust system of selection continues."

Prof. Richard Parker complained that the plan allowed the *Review* to consider too much about candidates. He told the faculty that at the *Yale Law Journal*, where editors are selected on the basis of notes they submit, and editors know the identity of people they are considering, students with "fancy backgrounds" tend to be favored for membership. Parker claimed that the same thing happened when secret societies at the Law School

chose students to be new members.

Several faculty members argued in favor of the plan. Prof. Andrew Kaufman said that he felt the new plan was not as much of a change from present selection policy as some of the faculty chose to believe. "Though the new *Review* plan purports to make a change in the merit-based selection process, that change has already been made. The change is reflected in the way the writing competition is administered. In some cases the *Review* has had to go far beyond the desirable standards to maintain parity." Kaufman submitted that the *Review* could either "retain for the members the advantages of being in a merit-based organization," or could serve social policy. "I think that choice has already been made. If this is true, I wish the *Review* would come out and say it, as it takes a lot of sting out of the proposal."

New Plan A Gain

Prof. Duncan Kennedy seemed to feel that any change would be for the better. Describing the current selection method as irrational and unjust, he stated that there was "nothing but pure gain in the idea of a racially integrated student organization."

Prof. Susan Estrich said she felt *Review* members had put a lot of

effort into coming up with a plan which would be reasonable. Noting that *Review* members had consulted faculty and alumni to get their suggestions for a plan, she said, "Given that they've followed the instructions we gave, I join the [Vagt's] Committee's recommendation and think we oughtn't step in on it."

Prof. Abram Chayes offered similar views, calling the plan a compromise which had been reached between *Review* members who held a wide range of feelings about what the plan should contain.

Passed By Wide Margin

Prof. Mortimer Horwitz made a motion that the faculty take no action of the plan. The motion passed by a vote of 34 to 7.

Mark Helm, president of the *Review*, said after the meeting that the faculty's action, or lack thereof, means the way is clear for implementation of the new plan.



Sports Answers

1. Earl Weaver
2. Sam Baker
3. Jerry Butler
4. Rob Carpenter
5. Miller Barber

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