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25 CENTS

1L Shelton Dies in Apartment

David Shelton, 1L of Section II, was found dead in his Symphony Rd. apartment in Boston Tuesday evening. The cause of death was not immediately apparent and at press time Wednesday evening the state Medical Examiner had not completed an autopsy.

Boston Police said they responded to a call at 5:50 P.M. Tuesday from someone concerned about Shelton's whereabouts. When police arrived at the apartment building, a neighbor told them Shelton had not been seen since Saturday. The police found his body after forcing their way into the apartment.

All of Section II's spring term professors, Prof. Frank Michelman and Dean of Students Mary Upton were present Wednesday morning when Dean Vorenberg announced Shelton's death to his classmates. The Section's classes were cancelled for the morning. It was later announced that the Back Bench pub would be closed for the evening.

Students who knew Shelton said he was truly remarkable. Larry Lustberg, 2L, who was one of Shelton's Ames advisers said he was "incredibly energetic." Lustberg said that Shelton did well in school, devoted a tre-

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Erich Merrill

Harvard policeman confronts John Sweeney, suspect in recent Ames Hall thefts.

Suspect Apprehended After Ames Hall Thefts

By Erich Merrill

Harvard Law students seized an opportunity to participate in the criminal justice system when they spotted, chased, and caught a man who had stolen money from an open dorm room. The students held John S. Sweeney until police arrived to arrest him.

Dale Cendali, 1L, and Shelley Rice, 2L, spotted the thief. Cendali returned to her room Wednesday evening, March 3, to find Sweeney, 24, emerging from it. "I asked, 'Who are you?'" said Cendali. "He said he was a student, and mumbled, 'Oh, is that your room?' as if he was accidentally on the wrong floor. I asked him what his name was, and he said Scott something, which turned out later not to be his real name."

Cendali's room stands at the inside corner of Ames and Holmes Halls; just across the corridor from her room is a glass door through which one enters the hall from a flight of stairs. Rice was sitting in her own room with the door open, and could see the stairs and the glass door as she talked on the phone. Rice saw Sweeney look in through the closed door, but thought nothing of it until she heard Cendali arguing with Sweeney a few minutes later. "I went out into the hall to see what was going on, and then realized that what he had been doing was looking into Dale's room."

While Cendali questioned Sweeney, he backed around the corner and started walking down Holmes Hall. Cendali went back to her

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SFF Wins — But Craps Table Loses

By Brad Hudson

Student Funded Fellowships will soon receive a hefty boost — thanks to the recent success of the Dorm Council's Casino Night. According to Dorm Council Treasurer Arnold Lehman, 2L, while one or two bills may be outstanding, the Council expects to donate \$1300 to SFF.

But SFF was not alone in making a profit at Casino Night. Several bettors were able to take advantage of some mistakes made by operators at the craps table, partially contributing to the table's \$300 loss. One student told the RECORD that by taking advantage of these mistakes he was able to win \$50 in 30 minutes. He also noticed three or four other people doing "just as well."

Student complaints about the table's operation led Dorm Council member David Horn, 2L, to propose an investigation into the in-

cident at the Dorm Council's March 1 meeting. Horn said that because the craps table had been the source of problems both this year and in the past, he wanted to "set up a committee to study the problem."

Complexity and Inexperience

Council member Mike Solow, 1L, headed the operation of the craps table. According to Solow, the mistakes occurred despite his efforts to avoid problems in the table's operation. Solow knew that the craps table lost money at last year's Casino Night — mostly due to the complexity of the game and the relative inexperience of the game's operators. As a result, he tried to reduce some of the confusion inherent in craps by eliminating "come/don't come" bets, the most complicated bets from the house's point of view. The "come/don't come" spaces on the table were instead

used to place the simpler "pass/don't pass" bets.

But despite this change, Solow said, two problems remained. First, the operators occasionally neglected to remove bets at the proper time. In this way, those bets gained an "extra" chance to win.

Second, bettors were allowed to place "don't pass" bets after the dice roller's first roll. Such betting shifted the odds from favoring the house to favoring the bettor. Solow indicated that this problem was greater at one end of the table than the other. While he could vouch only for the half of the evening that he was on duty at the table, Solow felt that this problem occurred only from midnight until 12:30.

Some Mistakes "Inevitable"

Solow said that, given the game's complexity and the fact that it was run by students who were not experienced at running gaming tables, some mistakes in removing the bets were inevitable. He felt that the second mistake was compounded because the person rolling the dice went on a 25 minute "roll" at the same time the improper bets were being placed. The dice-roller's success drew a large crowd, and the excitement added to the confusion over the improper betting.

After considerable discussion over Horn's proposal to investigate the incident, the Council voted not to pursue the matter further. Council President Kent Markus, 1L, explained why he thought an investigative committee was unnecessary. He said that the Council felt that it understood the problem's cause: the game's complexity and lack of experienced operators. Any further investigation could only serve as a "witch hunt" — an effort simply to place blame. Markus felt that the time and efforts of Council members could be used in more productive ways. He added that in the future the Council should either start to train the operators earlier or simply go outside the school to hire experienced operators.

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Secretary Killed in Accident

A 24-year-old HLS secretary and her fiance were killed in a head-on automobile collision in Weymouth on Feb. 28. Mary Handy and her fiance William Spears, 23, were pronounced dead on arrival at South Shore Hospital in Weymouth.

Their car, driven by Spears, was struck head-on about 9 p.m. Sunday after the driver of the other vehicle, Walter Dunn, 30, lost control of his car and swerved into the opposite lane. Dunn and his passenger, Michael Birch, 22, are in fair condition at South Shore Hospital. Dunn has been charged with two counts of vehicular manslaughter and driving to endanger.

Handy's funeral was held Thursday, March 6, in Our Lady of the Annunciation Cathedral in West Roxbury, where she and Spears were to be married on May 8.

Handy had worked in the graduate program admissions

office since late August. Graduate programs Director of Admissions Gail Kuekan, Handy's supervisor, said she was shocked by the news of Handy's death. Kuekan was told of the accident on Monday morning by another employee who had heard a report on the radio while driving to work. "I just couldn't absorb what they were saying," said Kuekan. "I asked, 'What are you talking about?'"

Handy's fellow employees seemed uncomfortable discussing the incident. "It's such a very personal loss," commented Kuekan. "It seems like it just happened. Talking about it among ourselves is one thing. Discussing it with strangers is, well, you know. . . ." Handy's colleagues described her as a very well-liked, eager, and efficient member of the staff. "She will be very missed," concluded Kuekan.



M.D.M.

New Loan Policies Squeeze Students

By Louis J. Hoffman

Law students may feel that their financial future is assured, but that is for the long run. The shorter-term outlook may not be as cheery. The Reagan Administration has proposed abolishing the Federally Insured Student Loan (FISL) program in its entirety for all graduate and professional students. Of all the proposed educational changes, this one will have the greatest effect on HLS students. This year, \$6.8 million was loaned to HLS students through FISL.

The current FISL program allows the student to borrow up to \$5000 (minus fees) per year, if the student is independent (with low income), if his or her family earns less than \$30,000, or if the family passes a needs test. These loans are federally insured, so no collateral is necessary, and the federal government pays the interest while students are in school. Repayment can continue for 10 years, beginning 10 months after graduation.

Market-Rate Interest

If the Reagan proposal passes Congress, loans may be available at near-market interest rates, according to Marion Ruiz, director of financial aid at the Law School. These loans would be granted and assured by either the U.S. Government (through its Auxillary Loan Program) or Harvard, but no interest subsidy is likely from either source. Therefore, the rate would be about 14%. Non-financial aid students would be required to pay interest installments while in school. The installment on each \$5000 loan would be \$175 a quarter. Students on financial aid could omit these payments, and Harvard would pay the accrued interest while they were in school. Total payments would be substantially higher under the new proposal (see box).

The problem is worsened by the other budget crisis, that of HLS. In order to conserve and spread aid funds, the Law School has decided to increase the percentage of need

which will be met by loans (at 14% if the Reagan budget passes). Presently, the school grants half of the excess need over \$2300 and loans the rest. Next year, the grant will be for only half of the excess need above \$6600. A financial aid student will be required to repay more loans next year, even if need remains the same (see box).

Because of this uncertain future, the Law School is not certifying need or accepting loan application forms. Government action may not come until June, but Ruiz promised that HLS will process applications quickly despite the backlog and keep students up-to-date on the program's status.

Financial aid officers from Harvard's graduate schools have been discussing the possibility of obtain-

ing more funds from the University. Their view, says Mrs. Ruiz, is that the College has the larger share of the endowment and will also be hurt less since the undergraduate loan program will not be eliminated. However persuasive these arguments may be, the graduate schools have no access to general endowment funds, and the amount of University support is still under debate.

Campus Reaction

Some alternative plans are being proposed. Senator Kennedy's office and the ABA's section on Education and Admission to the Bar are both working on plans to compete with the President's. As a result of
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A Typical (Astounding) Increase

A few examples will demonstrate how the proposed Reagan budget and the Law School's financial aid plans will increase loan repayment costs next year.

A student with \$10,000 financial need, for instance, would have obtained a grant of \$3850 this year. Next year, the grant will amount to only \$1700, less than half as much. Further, the remaining loan will be \$8300 at 14%, rather than \$6150 at 7%.

A student borrowing \$5000 yearly for three years at 7% under FISL terms (see article) would pay \$15,000 principal and \$5900 interest over 10 years in monthly installments of \$174.16. A student borrowing the same amounts under FISL terms and repayment plan but at 14% would pay \$12,950 interest in monthly installments of \$232.89. This represents a 33.7% increase in monthly payments, the increase financial aid students will face beginning next year.

The monthly payment will be even higher for such students because the size of the loans will be larger. For example, the student with \$10,000 need each year

would pay \$386.60 monthly, rather than \$214.22, an 80.5% increase. The size of the loan is 35% higher than before in this case. Total payments increase from \$25,700 to \$46,400, as interest cost rises from \$7250 to \$21,500 and principal rises from \$18,450 to \$24,900.

A non-financial aid student wishing to borrow \$5000 yearly will probably have to pay interest while in school. The monthly payments would be \$58.33 the first year, \$116.67 as a 2L, and \$175.00 until 10 months after graduation. Then monthly installments would continue at \$232.89 for 10 years. If this student can convince a bank to allow the interest to accrue until 10 months after graduation, he or she would not be required to pay interest while in school, but payments would rise to \$335.82 a month for 10 years, 92.8% higher than the FISL loans. Total payments would run to \$40,300, of which \$15,000 would be principal and \$25,300 interest.

L.J.H.

HLS to Pilot Project on Legal Profession

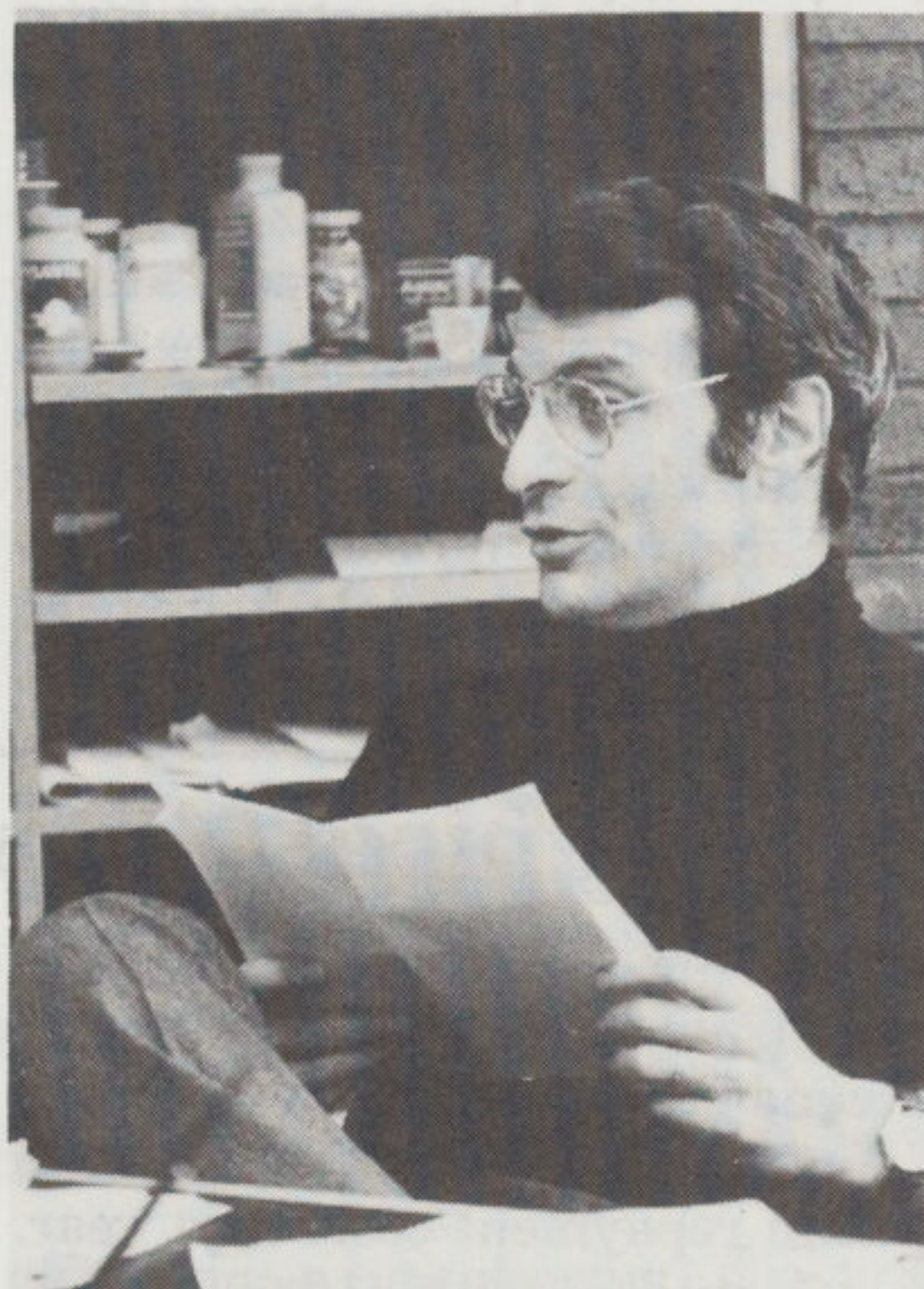
By Mark Pogue

Harvard Law School has received a \$100,000 grant from the Sloan Foundation in order to initiate a major program aimed at examining the roles of lawyers and legal institutions in the United States. Titled "The Program on the Legal Profession," the project outlines an ambitious plan in which law students, instructors and practitioners from across the country will collaborate on a variety of academic activities over a period of many years. As part of the Program, HLS's mandatory Professional Responsibility course will be expanded next year to include a number of new sections complete with biweekly group lectures and optional clinical placements.

The Program on the Legal Profession is an outgrowth of a Michelman Subcommittee Report presented to the faculty last year. After the faculty voted to support the proposal, Dean Vorenberg appointed Prof. Phil Heymann to chair a 12-member committee charged with designing the Program and getting it off the ground. Heymann's committee submitted a 21-

page "Request for First-Stage Support" to the Sloan Foundation in January and received the start-up grant on Feb. 10.

"The role of lawyers in the United States, the needs that are met and unmet, the effect of 'legalization' of relationships, the failures of courts and related institutions have been handled generally without either concentrated and sustained



Erich Merrill

Prof. Philip Heymann

attention or a general integrating plan or program of attention," states the application. "We hope [the Program] may result in a major contribution not only to Harvard Law School and to the direction of legal education throughout the country and over the years, but also to the role the legal profession and the legal system play in this country."

"Other institutions and organizations are well ahead of us in the study of the profession," said Heymann. "But the area has received so little attention overall that Harvard is in a position to make a major contribution, one that may affect the profession itself." Dean Vorenberg, a strong backer of the Program, shares Heymann's feelings about the project's importance. "My hope is that we can develop a program that will be of aid to the profession and our educational program here, and will make a difference in the way legal services are furnished in this country. This is one of the more important and promising new efforts on the horizon."

Embarking on a project with such

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School Sends Eight to Supreme Court

By Dave Quinto

Although the justices will not make their selections known "until late summer," according to a Supreme Court spokesman, the RECORD has learned that the Supreme Court will have eight clerks from HLS next year.

Stuart Singer, '81, will enter his second year of service for Justice White. Joining him will be Paul Mogin, '80, Ed Schallert, '81, and Larry Tu, '81, in Justice Marshall's chambers; Mark Newell, '81, in Justice Powell's chambers; Dave Ogden, '81, in Justice Blackmun's chambers; Kathy Smalley, '81, in Justice O'Connor's chambers; and Dan Foote, '81, in Chief Justice Burger's chambers.

Thirty-four clerks currently work

for the Court. (Each justice has four, except Justice Rehnquist with three, Justice Stevens with just two, and former Justice Stewart with one.) Seven of the 34 are from HLS. They include Singer, and in Justice Marshall's chambers Steve Glover, '80, and Dave Wilkins, '80; Frank Holleman, '79, and Harold Koh, '80, in Justice Blackmun's chambers; Brian Cartwright, '80, in Justice O'Connor's chambers; and Howard Gutman, '80, who is working for the retired Stewart.

Gutman's story is an interesting one. He applied for a Supreme Court clerkship last year but was turned down. However, when Justice O'Connor took the three clerks Stewart had hired for this year (she added a lawyer from her old firm

as well), Stewart offered the clerkship to Gutman, whom he had interviewed previously. But because Gutman is a civil servant and Stewart has been working largely on private matters this year, Gutman took a turn in O'Connor's chambers from October to the end of January and will return to her chambers in April.

Of the 14 HLS clerks, Gutman is the only one who was not a member of the *Harvard Law Review*. "Given that I do not have that much confidence in the *Law Review* as a system of measuring much, . . . I did not think it was that important, although others did," Gutman said, adding that it is "to Stewart's credit" that he was hired.

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Students Make Affirmative Action Proposals

By Jim Chudy

The Third World Coalition, a group composed of representatives of the five minority student associations at the Law School, plans to present three affirmative action proposals to the faculty. According to Coalition member Nicky Sheats, 3L, the Coalition will propose minority student participation in the admissions process, a more vigorous minority recruitment program and a standing search committee to seek qualified minority scholars for faculty positions.

The current admissions policy does not establish any minority quota or requirements and the proposals would not change that. The Admissions Committee considers racial and ethnic backgrounds in selection, but each candidate is admitted on individual qualifications alone. The Coalition will recommend that a committee from each minority organization be allowed to review applications in the "hold" category. The "hold" category consists of applicants who were not in the first round of acceptances but are accepted as positions open up. This category usually contains a large proportion of minority students. A committee would review "hold" applicants of its respective race or nationality and make recommendations to the Admissions Committee. Alternatively, the committees would review applicants rejected from the "hold" category and resubmit applications which seem to merit a second review.

Minority Recruiting

The second proposal urges a stronger commitment to minority recruitment. The Law School currently provides minority organizations with recruitment trips, but the Coalition would like to see the minority recruitment process beefed up. Along with a commitment to maintain at least the present level of recruiting, the Coalition will propose year-round recruiting, constant contact with colleges with

large minority enrollments, recruitment through professional organizations such as the N.A.A.C.P., contact with minority community members and alumni before recruitment trips, and the creation of a minority staff position to coordinate student recruitment trips and to sit on the Admissions Committee. The thrust of this proposal is to seek out the broadest possible spectrum of minority students and to encourage them to apply to Harvard.

Standing Committee

The final proposal calls for a standing search committee to seek candidates for faculty positions. The Coalition proposes the establishment of a permanent policy to hire at least two minority scholars as visiting professors each year. These visitors should also be given serious consideration for tenure-track positions. The search committee would seek both visitors and permanent faculty.

The Coalition blames the scarcity of minority professors on the insular and exclusive nature of faculty hiring at Harvard. Because most faculty positions here are filled by former law review editors from the top schools, highly qualified members of minority groups are not considered for positions simply because they do not meet these qualifications. Sheats made it clear that the problem is not a lack of qualified people, but the criteria that Harvard uses. Stating that the faculty is not "effectively" looking for minority candidates, Sheats stressed that there must be "institutionalized change in the way the faculty searches for Third World professors." The criteria, he added, must be "different, not lower."

According to Sheats, the Coalition formed four years ago in response to a drop in minority admissions that year. It has remained a loose organization composed of Black Law Students' Assn., La Alianza, Sociedad Inter-Americana, Asian Law Students Assn., and American Indian Law Students'

Assn. members. The current proposals are a response to what the Coalition perceived as a lack of effective contact between minority groups and the administration. The Coalition believed that individual contacts by each minority student organization were not faring as well as a coordinated effort on an affirmative action policy might. This is the Coalition's "first concerted effort to present a coherent set of proposals," according to Sheats.

Andy Char, 3L, another member of the Coalition, said that the proposals represented "what we can reasonably ask of the faculty." But he added that he didn't think the faculty would be "receptive" to such proposals right now, especially after the prolonged flap over the Law Review affirmative action plan. Both Sheats and Char hoped that their proposals would be less controversial. "We're not encroaching on their sphere of power," noted Sheats.

Faculty Action

Prof. Andrew Kaufman, chair of the Admissions Committee, said that he had met with the Coalition but that any faculty action would probably be long in coming. The Admissions Committee is tied up with reviewing a record number of applicants for next year's entering class and probably would not be able to consider the proposals for quite a while. He added that "student participation on committees — or nonparticipation on certain committees — is done through faculty vote." That vote would probably be forthcoming only after committee consideration. Kaufman was not sure which faculty committee would ultimately be given responsibility for its consideration.

The proposals were given support by all five minority student organizations on campus, and in a rare move, the Law School Council voted 10-0 to support the proposals. Sheats said that the Coalition would also seek the support of other student groups at the Law School.

Harvard Investment Plans Spark Protest

By Marisa Manley

On Thursday, March 4 the Advisory Committee on Shareholder Responsibility listened to over 30 persons from the Harvard community, including 12 from the Law School, express their views on whether the University should hold securities in banks that lend money to South Africa.

The ACSR is the body officially designated to advise the Harvard Corporation on questions of social responsibility encountered by the University as an investor. The Committee is composed of four students representing the College and various graduate schools, four faculty members, four alumni and two non-voting members. The issue confronting the Harvard Corporation, the ACSR and the Harvard community is whether divestment should be automatic when a loan to South Africa is involved, or whether each proposed South African loan should be reviewed to determine whether a humanitarian purpose makes the loan acceptable. On March 11 the ACSR will vote on the divestment issue and make its recommendation to the Harvard Corporation.

Recent Divestments Controversial

Since 1978 it has been the policy of the Corporation to divest itself automatically of its holdings in any bank which made a loan to South Africa. According to Frederick Smith, 1L, the Law School's current ACSR representative, the rationale of this policy was that the humanitarian purpose of a particular loan could not redeem it because the aggregate effect of such loans would be to support the South African government.

The automatic divestment policy was drafted by the ACSR and has thus far been the basis for two recommendations that the University divest. Several years ago the Committee recommended divestment and the University sold Morgan Guaranty securities because Mor-

gan refused to disclose whether it was making loans to South Africa. Last year the ACSR again recommended divestment, this time because of Citibank's involvement in a loan to South Africa. According to Smith, Harvard then divested itself of approximately \$51 million in Citibank securities.

Last Spring's divestment provoked strong, negative reactions from alumni. Following this reaction, Hugh Calkins, a member of the Harvard Corporation who frequently acts as a liaison between the Corporation's Board and the ACSR, suggested that the University's divestment policy be changed. According to Smith, Calkins suggested that proposed loans to South Africa should be reviewed on a case-by-case basis.

Ken Propp, 3L, then serving on the ACSR as the Law School's representative, drafted the proposed policy which is the current subject of debate. Smith believes that in response to Calkins's call for ad hoc review, Propp tried to draft criteria so rigorous that no loan could pass. The proposed policy would require that any loan approved would not "promote or enhance racial segregation," that it would work to the "specific, direct benefit of non-white South Africans in the areas of health, education, housing and other basic human needs," and that the project to which the loan is pledged be "strictly monitored to insure the objective of the loan is met."

ACSR a Paper Tiger?

Whether the ACSR will recommend adoption of the proposed policy is uncertain. Acting unilaterally, the Harvard Corporation has suspended the automatic divestment policy for an indefinite length of time. At its next meeting the ACSR will consider the views expressed at the open forum of March 4 and then advise the Corporation as to the ACSR recommendation.

How the Corporation reacts to the ACSR recommendation will not only decide the policy on South African loans, but, according to

Smith, will say much about the role of the ACSR — whether it is just a fig leaf for the Corporation or a body with power to affect the University's investment policy. Smith said that since the ACSR's inception the Corporation has followed about 75% of the Committee's recommendations about how to vote on shareholder resolutions and proxy issues. "And," said Smith, "if the Corporation does not go along, it sometimes abstains — but this is probably the biggest test faced by the ACSR."

More Than Divestment

The issue of the ACSR's status does not end with a decision on the South African loan question because the ACSR is not just a committee on divestment, though that is a label it has acquired in this controversy. The ACSR advises the Corporation on all shareholder resolutions and proxies that raise issues of social responsibility. Smith believes other particularly sensitive issues will be before the Committee soon: questions about the role of unions, about the degradation of the environment and about nuclear power. "We will also need to decide how to treat our investments in corporations that deal with other oppressive regimes." "And," said Smith, "we should be considering whether the ACSR should be active as well as reactive. Maybe the University should be formulating shareholder resolutions and getting other Universities to unite in support."

Smith summed up his view of the broad importance of the ACSR and issues of shareholder responsibility by saying, "The Administration in D.C. says the private sector can do a lot. That cuts several ways — shareholder activism can be the way to make an important political statement."



**Join the
RECORD**

Jessup Team Takes Regional Honors

By Dave Quinto

Harvard's all-1L team of Penny Merliss, David Ruth, David Kolker, Elsie Crum, and Eliot Spitzer finished as second runners-up in last weekend's Regional Jessup International Moot Court Competition. Suffolk Law took top honors with Boston College gaining the first runner-up award.

"Traditionally the team gets together and decides whether to put in a big push," Kolker said, explaining that this year's HLS team decided against making an all-out effort. He added that the participants, who did Jessup in lieu of participating in the first-year Ames Competition, "put in a bit more

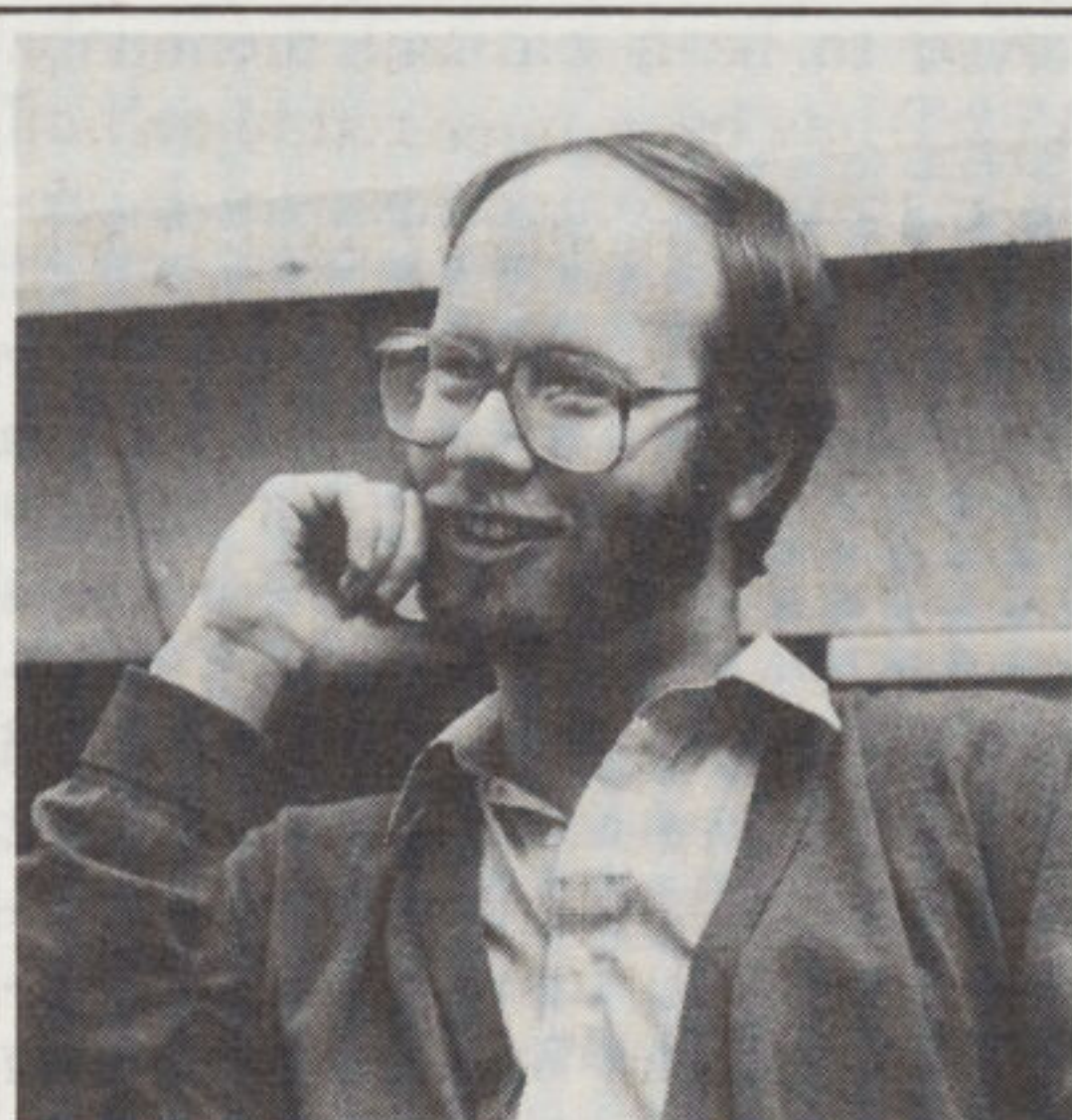
work" than Ames contestants. Spitzer disagreed, saying, "I don't think we made it more work."

The team submitted two memorials (briefs), for which it won second runner-up, and had four oralists. Ruth and Spitzer argued for the applicants; Kolker and Crum for the respondents. Merliss, who was not an oralist, was chosen team captain. The five team members were chosen from among the four two-person teams (which also included Sula Fiszman, Jennifer Scott and Melford Walker) that survived the preliminary round at Harvard.

"It was not case-oriented. It was more theoretical," than Ames, Spitzer commented. Kolker added

that "lots of support was available" to assist the team, none of whom had yet been able to take an International Law course here, had they wanted to compete wholeheartedly in the regional competition.

Kolker and Spitzer agreed that their experience was worthwhile, especially because of the greater opportunity to argue orally. Kolker thought, however, that the competitive aspect was over-emphasized at the introductory meeting for the Harvard Jessup Competition last fall. "It turned some of our stomachs," he said.



Erich Merrill

Jim Feldman, 2L, newly elected Harvard Law Review President.

New Heads for HLR, CR-CL

The *Law Review* elected Jim Feldman, 2L, as President for the 1982-83 year. Seth Chandler, 2L, was appointed Managing Editor and Connie Evans, 2L, was appointed Treasurer. Wallace Lightsey and Mark Merley, 2Ls, were appointed Executive Editors.

At the Civil Rights-Civil Liberties Law Review, Jean Sternlight was elected Editor-in-Chief.

New Loan Policy

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the ABA's decision to make a counter-proposal, the HLS chapter of the Student Bar Association (an ABA division) was told to cancel participation in a planned nationwide protest against Graduate loan cuts, scheduled for March 3, according to Art Katz, 3L, Law Student Division Liaison to Harvard's SBA. The protest would have included a table in the Hark to promote a letter-writing campaign urging Congress to modify the budget proposals. Mrs. Ruiz said she feared that the Reagan budget loan proposals would pass if students do not make objections of this sort. She especially worried that those students who will be hurt the worst will remain silent. "Middle class students will feel the biggest crunch," she said. Those who do not get a large amount of financial aid nor come from the financial elite take out most of the FISL loans.



Friday classes dull?
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Areeda Sees IBM and AT&T Dismissals

In January the Justice Department dismissed a suit against IBM which had been in litigation for more than a decade, and on the same day announced it would settle its long-standing suit against AT&T. Although some would question whether these actions signal that the Reagan administration is soft on trust busting, Prof. Phillip Areeda believes these actions are consistent with the past practices of the Department of Justice and with the purposes of the antitrust laws. Areeda, father of the antitrust gospel learned by many HLS students, agreed to discuss the IBM and AT&T antitrust actions with the RECORD.

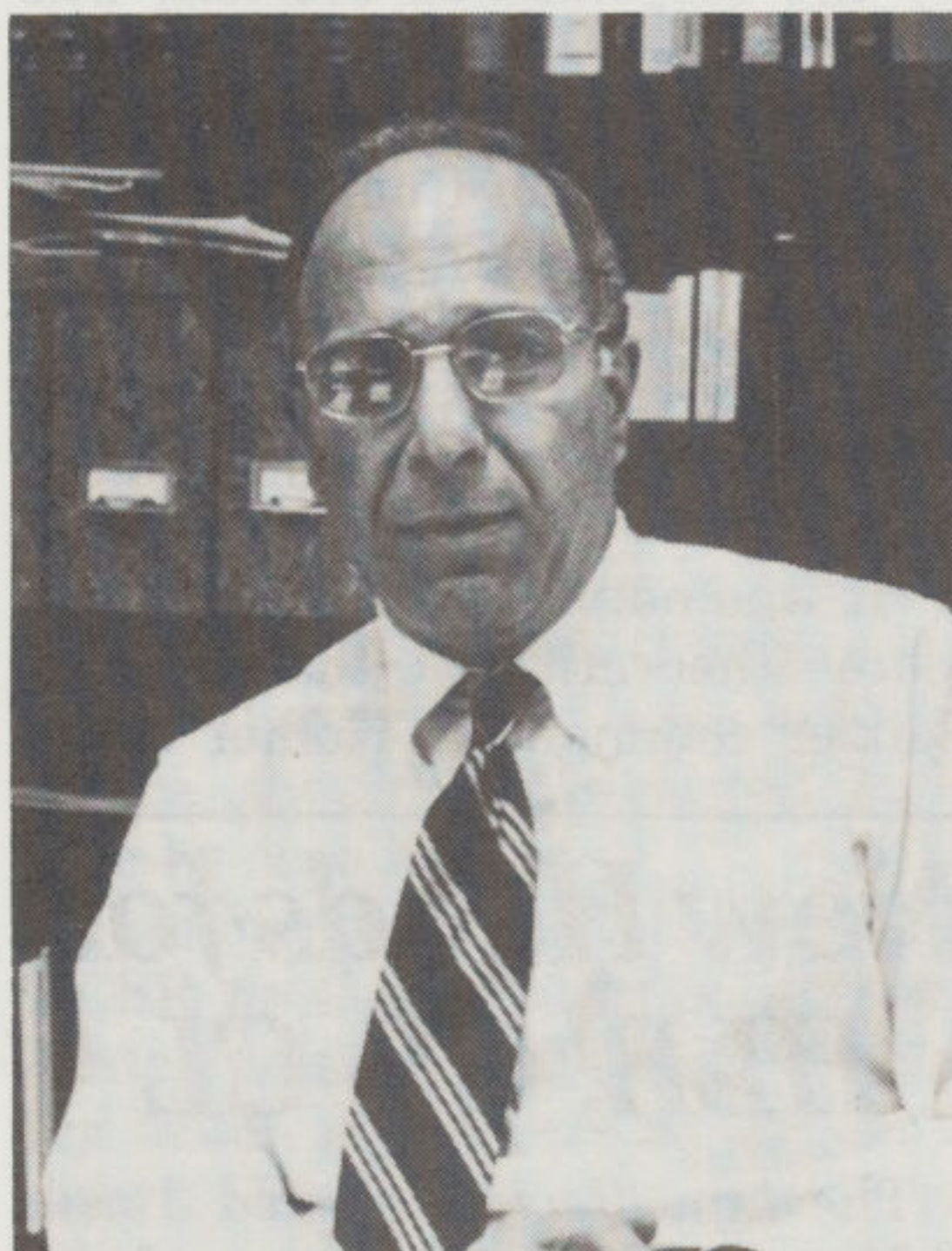
IBM — A Logical Result

According to Areeda, the government's decision to dismiss the antitrust suit against IBM is in keeping with the results of suits brought by private plaintiffs against IBM. IBM has won all the private suits against it which went to litigation. Although Areeda doesn't know the particular facts and evidence upon which the government's case rested, he said that to the extent it paralleled the private cases it was weak and dismissal was a logical move.

"Further," added Areeda, "one must question the restructuring goals of the antitrust laws in fast-moving markets. There are those who say that whatever IBM's market position was in 1967 when the suit was begun, it is different and less today. It is a curiosity of the legal system," said Areeda, "that judges make decisions based on old evidence. In this case, 10 years old but in a fast-moving market, a decade is an eternity."

From Areeda's point of view, the result in the IBM case is consistent with antitrust law but still might be regarded as surprising. Areeda said it took tremendous courage for the Justice Department to dismiss this suit against IBM because an admission by the government that

evidence of improper monopolization by IBM was weak — if monopolization existed at all — was an admission that millions of public and private dollars had been wasted in the prosecution of this suit. Areeda thinks there are many pub-



John Morris

Prof. Phillip Areeda

lic officials whose view of the facts of the case might have been the same as those of William F. Baxter, who heads the Justice Department's Antitrust Division, but who would not have had the guts to dismiss it. "Whether this view of the facts is correct or not," said Areeda, "is a different matter, but admission of institutional error comes hard to government."

AT&T — Logic Extended

From Areeda's point of view, the proposed settlement in the AT&T case is also consistent with current antitrust theory, but is a radical approach to controlling market concentration achieved by vertical integration. According to Areeda, the proposed settlement, which requires AT&T to divest itself of all the local Bell operating companies, will be an extraordinary change. He said it is fashionable in financial circles to say that AT&T is selling off only the less profitable portions of its operations and keeping those with the greatest poten-

tial for growth. "But," said Areeda, "the proposed settlement is clearly a wrench with the past. Until this moment AT&T has spent its entire life consolidating the phone companies and arguing for efficiencies of scale and vertical integration. Those who say AT&T is just doing a 'smart thing' don't do justice to the enormity of the change."

According to Areeda, the theory of the AT&T settlement is that competition in every other aspect of phone service and equipment can occur once the monopoly element has been separated out. With phone service, the wires which go from each house in a city to the local, central exchange are believed to be a natural monopoly. AT&T has been required to sell off its operating companies which provide this service. The theory is that this "spinning off" opens the way for competition in ancillary phone services — the provision of "yellow pages" and variations on "princess phones" — as well as what is transmitted over the wires, which need not be limited to conversation, but may soon include a variety of services as well. Requiring the segregation of the natural monopoly from other aspects of phone service is believed to prevent the monopolist from gaining an unfair advantage in the sale of other services. Such an advantage might arise if AT&T set the prices of telephones lower than its competitors, but could make up the difference by charging higher rates for use of the wires.

Enormous Can of Worms

Areeda pointed out that this is the first time the technique of separating out the monopoly element to control vertical integration has been put into practice. An earlier, similar suit brought against Western Electric was settled without relief for the government. Areeda said that although the current proposed settlement is in line with the most sophisticated, contemporary notions of antitrust theory and pol-

as Extensions of Existing Antitrust Law

icy, working out the details will open an enormous can of worms. "The next question," said Areeda, "is to ask whether the settlement is good public policy. For the answer to that," he said, "50 years from now we will have to ask whether telephone service is better or worse as a result of splitting up AT&T. Of course, by then changes in technology may have made the whole question profoundly irrelevant."

The proposed AT&T settlement is currently before Judge Greene of the D.C. Circuit Court of Appeals, who must hear public comments before deciding whether to accept the settlement submitted to him by the parties. According to Areeda, until the mid-1970s the judicial role in approving consent decrees was practically nil. Courts treated them almost as private contracts between the parties, even though officially they had to be approved by the court. However, under the Tunney Act, passed in 1974, a court can only approve a consent decree it finds to be in the public interest based on government findings and public comment.

Difficult Role

Areeda said this requirement puts judges in a difficult position. "It is easy," he said, "to talk about judges taking an active role, but when it has not been determined through the adversary process that a defendant has violated the antitrust laws it is difficult to see what role a judge can or should play."

Areeda said that in this or any other similar case the judicial presence can insure that there has not been a sell-out or improper collu-

sion between the parties. The judge, in this supervisory role, can also give affected persons the chance to persuade the court that some great injustice is being done. "Of course," said Areeda, "a court could insert itself and become a third-party negotiator; the parties probably wouldn't object. But I question whether this would be a proper judicial role."

In considering the difficulty facing Judge Greene in passing on the proposed AT&T settlement, Areeda turned to Volume II of the Areeda-Turner Antitrust treatise and quoted Judge Aldrich of the First Circuit who was then sitting as a district court judge. "The court is not settling the case. It is determining whether the settlement achieved is within the reaches of the public interest. Basically I must look at the overall picture not hypercritically nor with a microscope, but with an artist's reducing glass. . . . The decree is to be tested on the basis of the relief provided, on the assumption that the government would have won." *United States v. Gillette*, 406 F. Supp. 713, 716 (D. Mass. 1975).

Epilogue

On March 3, 1982, after Areeda's interview with the RECORD, the Wall Street Journal reported that Judge D. L. Edelstein, who had presided over the IBM suit for 10 years, disclosed in federal district court a potential conflict of interest in the dismissal of the IBM suit. Edelstein reported that William F. Baxter, head of the Justice Department's antitrust division, had once served as a consultant to a law firm rep-

resenting IBM in private antitrust litigation. Baxter responded by saying the consulting incident was "wildly irrelevant." Judge Edelstein has recommended that there be a thorough investigation of Baxter's role in the dismissal of the IBM case.



Sports Quiz

NOTE: This week's Sports Quiz deals with athletes who all have the nickname "Moose."

1. A power hitting first baseman for the New York Yankees during the 1950s and 1960s, this man was one of the main reasons for the team's success during these years. Who is this "Moose"?
2. Currently a member of the Quebec Nordiques, this man is best remembered for his role as a defenseman for the Philadelphia Flyers during their championship years of the mid-1970s. Who is this "Moose"?
3. After having served as athletic director for the University of Notre Dame for a number of years, this man retired last year. Who is this "Moose"?
4. As a member of the Milwaukee Brewers for the past 6 years, this pitcher has been one of the bright spots on an otherwise undistinguished mound corps. Who is this "Moose"?
5. One of the biggest men ever to play professional hockey, this man teamed up with Pierre Pilote during the early 1960s to give the Chicago Black Hawks outstanding defensive protection. Who is this "Moose"? (If you get this question right, consider yourself a trivia expert.)

(Answers on Page 16)

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Where Are Those Grades?

We were pleased when the registrar announced a month ago that the 2L and 3L fall term grades which had been received by her office would be distributed ahead of schedule. It is disappointing to learn now that the remainder of the grades will not be given out for another week because some professors have not yet turned in the grades for their December exams.

The delay in turning in grades is a source of aggravation for faculty and students — faculty members who have worked hard to wade through mountains of bluebooks, and students who are waiting anxiously to find out how well (or poorly) they did. More importantly, though, a three-month lag between exams and the receipt of grades makes the grades nearly meaningless as “feedback” for students. When grades are received long after most students can remember what they wrote on their exams or how they perceived the important issues, the grades cannot give students any guidance as to what is expected of them. They may express a faculty judgment (without any indication of what aspects warranted the appraisal) and they may serve as motivators to maintain some minimal level of studying, but they cannot serve much of any pedagogical function.

The delay in the release of grades is only one symptom of the School's general failure to provide students with meaningful evaluations of their work. Now that the Michelman Committee's proposals to institute in the 1L curriculum a system of evaluation by teaching assistants seems to have been put on the back-burner, the issue of feedback is in danger of being left off the agenda for reform at the Law School. It should not be. Some means of formalizing a better process of evaluation must be explored if the letter-grade system is to be maintained. The current system under which students can make appointments with a professor to go over an exam is not adequate. In the first place, it is workable only if relatively few students take advantage of it. Secondly, if the School is really going to live up to its responsibilities to educate people, a regular procedure must be developed so that students need not go out of their way to obtain the sort of evaluations that are essential if a system of grading is to have any educational rationale at all. Failing such reform, there is no justification for not opting for the alternative system of pass-fail grading, but that is an option the faculty has consistently rejected.



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Fenno

“Fenno, we'd like to talk with you,” said a clean-cut 3L leaning out of an Austin Hall locker.

Fenno stepped through and found himself following the 3L along a dim, ancient corridor. “Call me Toto. That's not my real name,” the 3L confided, “but ever since those articles in the *RECORD* and the *Times*, we've had to double our security efforts.”

“You mean you're in a secret Law School club? Really?” Fenno was thrilled.

Fenno entered the clubhouse and met the rest of the membership committee — Boomer, a Yalie with a firm handshake, and Lassie, the Bow Wow Club's token female.

“We want you in the Bow Wow Club, Fenno,” said Boomer, “but first you have to pass our Obedience Test. We have to be sure you can observe proper decorum in a social encounter with a professor, since we know you've never had one before.”

“You're sitting at a formal dinner with Professor Floss,” Toto began, “when Floss begins an old tale about his New Deal days, one you've heard twenty times before, including twice in the last hour. Do you: (a) politely point out that you've heard the story before and ask him to define *ultra vires* in ten words or less, (b) knock your champagne onto his pâté as a diversion, then quickly change the subject, or (c) let him finish, fake a good laugh, then tell a dirty joke.”

Fenno looked perplexed, so Toto went on to Number Two. “You're at the Annual Bow Wow Chow enjoying a post-prandial Cognac with Professor Haze. Suddenly Haze breaks wind so fiercely that his tails catch fire. Do you: (a) tell the butler to bring the marshmallows, (b) pretend you saw a *RECORD* reporter looking in the window, then run over and throw it open, or (c) let him finish, fake a good laugh, then tell a dirty joke.”

“I'll pick (a) on the first and (b) on the second.”

Toto shook his head glumly. “The answers are (c) and (c). In fact, every answer is (c). At the Bow Wow Club we laugh at anything a professor says or does, act chummy, and supply them with smutty humor. It's a time-honored tradition at all the secret clubs.”

“Isn't that deathly dull?” asked Fenno.

“Sure it is,” Boomer said. “But think of the payoff — a key clerkship after you graduate and an inside track to partnership after that. Merit isn't everything, Fenno, but in your case it'll have to do. Sorry, Fenno, but you've been rejected.”

Fenno headed for the clubhouse door. With a dawning awareness, all the secrecy, code names, and subterfuge became clear. These SOB's aren't elitist, Fenno realized. They're just ashamed of themselves.



Letters to the Editor of the Record

Sen. Pressler Remembers

To the Editor:

As a former assistant editor and business manager of the HARVARD LAW RECORD (1968-71), I thoroughly enjoyed reading Mary Tarduno's article on the Superior Court of the Pow Wow. I think it is an excellent article.

As a member and head of the Pow Wow (1969-71), I was very intrigued. When I was active, I never knew it was meant to be a secret society. In fact, we were very open and invited different professors to speak at our dinners. I think it is a very positive thing for groups of friends and professors to get together in this manner.

Perhaps the Superior Court of the Pow Wow seems a trivial subject but I do hope someone is preserving the records of the club as historical documents. There are many signatures and notes by very famous jurists and legal scholars of the past that should be preserved.

Let me say that I was flattered to be listed among the Famous Figures of Pow Wow as I think many of those included have made great contributions to society.

Sen. Larry Pressler (S.D.), '71
Washington, D.C.

Secret Shenanigans

To the Editor:

The RECORD is to be congratulated on its bold and meticulous expose of the secret and quasi-secret societies at HLS.

These articles are a sobering reminder that there are petty, immature people who want to consider themselves "apart" from their peers and who will even stoop to invent specious distinctions if there are no actual distinctions that may be manipulated to gratify their self-importance. Whether it be a matter of attending the right kind of high school or prep school or college, or belonging to the right fraternity, sorority, eating club, country club, or fraternal society, or the right kind of job, or the right kind of neighborhood in which to live, the noxious and tyrannical power of snobbery seems always to be with us. This sort of nonsense cannot and should not be ignored, but should be met with exposure and derision.

Even if the Pow Wow and Choate organizations have no official policy of secrecy, the apparent belief that such a policy exists prevalent among the membership invites speculation. Are they perhaps concerned

about the reactions of fellow students? Does their need to feel exclusive and special perhaps embarrass them? Or is this desire for secrecy merely a corollary of their supercilious belief that they are better than other HLS students, and what these others don't know about superiority and inferiority won't hurt them?

That HLS professors should countenance these sorts of shenanigans, let alone willingly and eagerly participate in them, is especially disturbing. That University facilities are available to these groups to perpetuate their members' self-important delusions of grandeur is deplorable. That members of these societies brush aside others' reservations about secret and quasi-secret bodies who seem to regard themselves as the elite as "trivial" is exceptionally disingenuous.

The late Justice Felix Frankfurter used to extol the Law School as being a place where the only grounds of distinction were individual talent and merit, independent of social origin or "respectability." The existence of the Choate Club and the Superior Court of Pow Wow belies the HLS commitment to the ideals expressed by Frankfurter. As a rational human being, I am disgusted by these societies and their pretensions. As an alumnus of HLS, I am ashamed. As a former RECORD staffer, I am proud of the RECORD's articles exposing these groups.

Richard B. Bernstein, '80
Brooklyn, N.Y.

Skip's Response

To the Editor:

Without claiming to speak for the Harvard Cooperative Society management, as an employee of the Law School Coop I feel the need to respond to both the tone and substance of Dave Quinto's recent article, "Coop's Marketing is Unimaginative" (v. 74, n. 3, Feb. 26, 1982, pp. 7-8). Mr. Quinto's dissection of the Law School Coop was slick and sarcastic, but devoid of the basic common sense one would expect of a prospective lawyer. The Law School Coop was intended to be neither a scholarly bookstore nor a high-gloss boutique, but rather a general convenience store; its success has always depended on its variety, not on any elitist specialization.

Due to an obvious lack of space, the Coop cannot rival the larger selection of goods to be found at Harvard Square, or other branches. Nevertheless, I feel that our merchandise currently reflects customer interest. The "bizarre" items mentioned by Mr. Quinto have been bought, and are being bought, by Coop patrons. Foreign language dictionaries and sun tan lotion have their

buyers — even in the wintertime, when students often plan to spend the Christmas break in a warmer climate. And yes, Mr. Quinto, there are some unfortunates even within the Harvard Law School community who wear dentures and who have been known to purchase denture cleanser at the Coop.

Regarding the availability of outlines and hi-liters at the Law School Coop: it is very difficult to anticipate the demand for specific outlines (especially since they are not typically "required" as with other texts), and hi-liters are also heavily bought — and hoarded. In the future, the Law School Coop will strive to keep both of these items up to date and in stock, sufficient to demand.

In conclusion, the Coop welcomes thoughtful criticism and suggestions. Mr. Quinto's remarks were only sporadically constructive, insofar as they overlooked the Law School Coop's basic function: to meet the general and diverse needs of the Harvard Law School community.

Skip Davis
Harvard Law School Coop
(Continued on Next Page)

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.

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Letters to the Editor of the Record

(Continued from Previous Page)

No Joke

To the Editor:

The Feb. 26, 1982 RECORD states that the Coop's selection of tennis rackets "seems intended more for people receiving Aid to Families with Dependent Children than persons ready to embark on lucrative careers." I suppose that line was intended to be a helpful hint to Legal Aid Bureau members whose clients need advice on where to get a good buy on a T-3000. After all, given the Reagan budget cuts and Governor King's

war on welfare cheats, there isn't a soul on the dole who can afford downhill skis anymore. Tennis is a relatively new sport for the masses, and Bureau members are probably grateful that they will no longer have to refer out the deluge of questions I imagine they've received for sports equipment. But pray tell: what *clubs* would best suit these budgets?

I assume that the remark referred to was merely an attempt by the authors and editors to inject a touch of levity into an otherwise dry, but probably useful, article. Truly it is better to have these humorous remarks made in public than — letting the imagination run to the bizarre — in a clan-

destine meeting of a clandestine club haunted by elites or elitists. Still, the humor is perverse coming as it does from an organization that does not even purport to represent those whom it — intentionally or not — mocks.

Leslie Griesbach, 2L

A Good Word for Bence's

To the Editor:

Comparison shopping is wonderful. So is the convenience and atmosphere of Bence's Drug Store, a home away from home. A few pennies here and there, yes — a smile, a personal greeting, homey philosophy are priceless to the alienated.

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Maggie Greenblatt
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Odds Favor Casino Patrons

(Continued from Page 2)

Markus, Lehman and Solow all agreed that the craps table's \$300 loss was not entirely attributable to its operation. The dice roller's 25-minute run of the table contributed heavily to the loss. Lehman stressed that, even though all bets in craps favor the house, it is not unusual for a single table to lose money in an evening.

Solow also reacted strongly to students who took advantage of the operators' mistakes. Pointing out that these bettors knew better and took advantage, he said: "They obviously didn't give a damn about Student Funded Fellowships."

Markus also pointed out that people were given an opportunity to donate some of their winnings to SFF as they left the event. Any who wished to salve their consciences certainly had a chance to do so.



Correction

In a story about a new home for the Law School journals, (Feb. 19, p. 8) Brad Behrman was incorrectly identified as the President of the *International Law Journal*. He is the President of the *Journal on Legislation*. The RECORD regrets the error.

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

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COOP NOMINATIONS

In accordance with Article VI, Section 1, of the Bylaws of the Harvard Cooperative Society, as amended, the Stockholders of the Society have nominated the following individuals for election as Student Directors of the Society at the next Annual Meeting of the Stockholders in September, 1982.

IMPORTANT — Members seeking nomination as student directors by petition should obtain petition forms and a detailed statement of the requirements governing petitions from the cashier in any Coop store.

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PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORS

Pursuant to Article VI, Section 2, of the Society's Bylaws, as amended, additional nominations for student directors may be made by petition signed by at least one hundred (100) student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., March 19, 1982. A signature will be invalid unless the student designates his or her membership number and school, and he or she is currently enrolled as a degree candidate in that school.

IF A STUDENT MEMBER SIGNS MORE THAN ONE PETITION, HIS OR HER SIGNATURE ON EACH PETITION WILL BE DISREGARDED.

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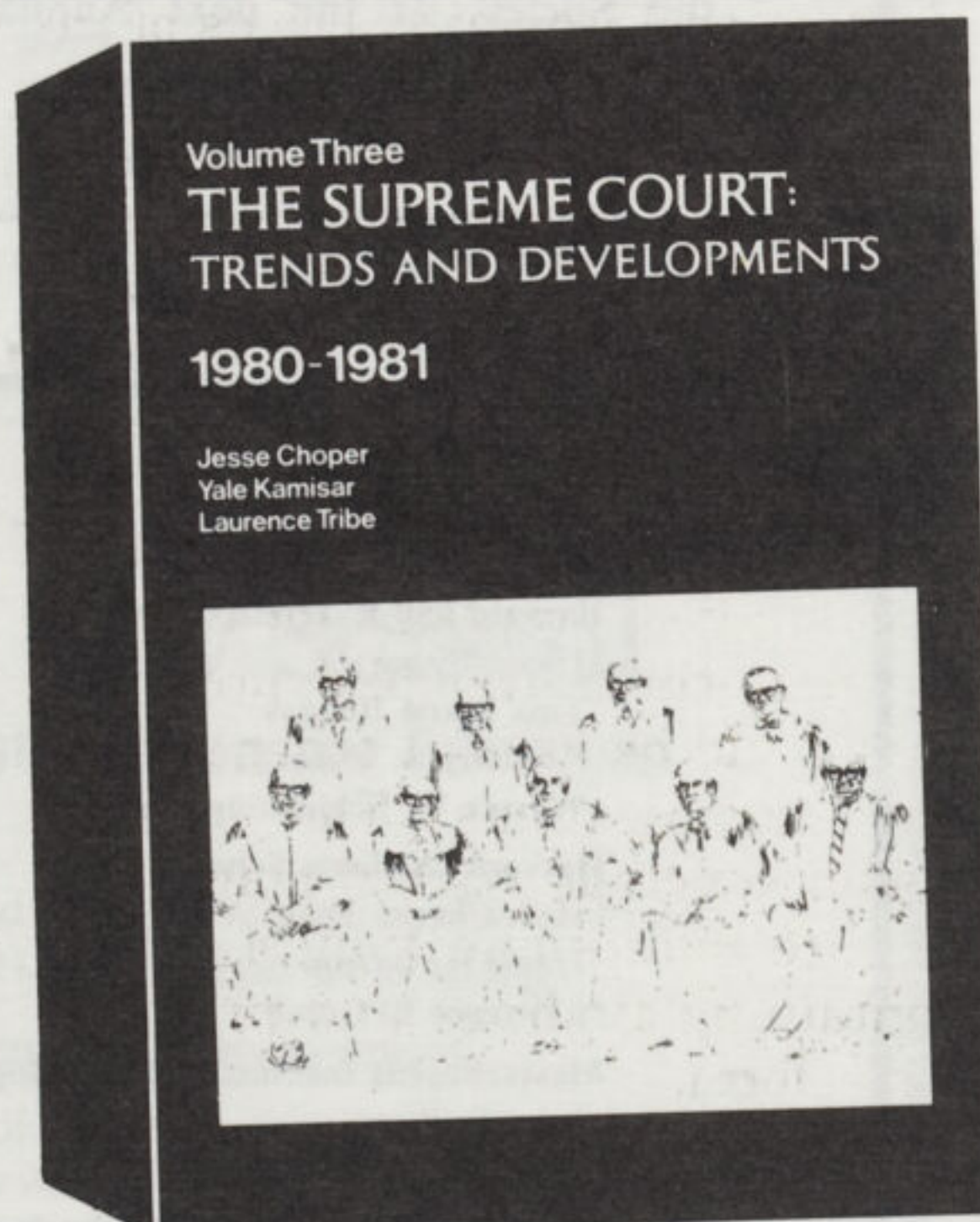
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Legal Profession Project

(Continued from Page 4)

vast subject matter and lofty goals is no simple task, but Heymann feels it is important to get moving on the Program even if its emphases and directions change as it develops. "New elements of the Program will emerge as we proceed and we will use that knowledge to contemplate possible next steps," he said. "What we have now is just a beginning."

Among the first steps now planned is a one-day conference in May 1982 to which Harvard will invite about 25 leading experts on the legal profession for a working session with the Harvard Program Committee. "This meeting will be primarily for advising the Committee on what the major problems are and how they can be cut up," Heymann said. The discussion will be led by Prof. Roger Fisher.

In collaboration with the American Bar Association, Harvard will host a major symposium on alternative methods of dispute resolution on Oct. 14, 1982, to be chaired by Prof. Frank Sander. The purpose will be to identify issues and then establish an agenda for the intensive study of particular problems uncovered at the symposium. Participants will reconvene periodically to share their findings as work progresses.

Professional Courses

Students will first be affected by the Program next year. Professors Heymann, Bellow, Liebman, Nesson, Sander, Minow and Kaufman all will offer three credit courses on professional responsibility, with perhaps some variation in focus from course to course. Every other week the sections will meet for two-hour group lectures, and a number of clinical placements will be available for an extra two credits. In addition, new elective courses dealing with the profession are in the works. For one, Heymann will offer a seminar entitled "Legal Needs" which will "take seriously the question of what social func-

tions lawyers perform — where we are needed and where we are simply costly."

One of the most intriguing aspects of the Program is its aim to support what Heymann calls "major clusters of activities" in specified areas of the overall field of study. Heymann envisions these clusters as 18-month periods of intense and focused work by students, professors and practitioners from across the country and from different disciplines. Periodically convening at Harvard, participants would initially identify particular issues for study and then would develop analyses, bibliographies, case studies, proposals for change, and sometimes even pilot programs that could be used at other schools and organizations. The clusters would conclude with a major conference and publication of a book containing findings and proposals for reform.

Target Areas

Areas already targeted for treatment in this manner include the delivery of legal services to corporations, to individuals, and to the government. Prof. Abram Chayes has agreed to oversee the cluster on corporate legal services beginning in 1983, and the Law School has already hired several students to help develop case studies such as those used at the Business School. Plans for cluster-study treatment of still other areas of the legal profession are also contemplated.

At this point no one can predict the ultimate size, duration, or form of Harvard's Program on the Legal Profession. Heymann and the others working on the program have no doubt, though, that its work will prove of major importance: "This will be a significant addition to the work of Harvard Law School and a new direction that may have important consequences for legal education throughout the country and for understanding the profession and even for encouraging needed reforms."

One L Mourned

(Continued from Page 1)

mendous amount of time to tenant organizing and drove a cab at night as well. Lustberg, who is executive director of the Legal Aid Bureau, said that Shelton regularly brought interesting tenant cases to the Bureau. Bureau staffers' concern was aroused Tuesday when Shelton did not show up for an important meeting at the Bureau concerning one of the cases he had been involved in.

Both Lustberg and Jack Sabatino, 3L, Shelton's other Ames adviser, said that Shelton's brief, turned in last week was outstanding. "He was brilliant and very dedicated," Sabatino said.

A Section II friend said, "He was a real presence in the section. Not many will forget him soon. I know I won't." Dorm Council President Kent Markus, also a Section II member, said that Shelton's friends hoped to raise money to do something in Shelton's name.

Funeral services will be held in New York on Friday.

J.M.

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Dorm Students Catch, Hold Thief for Police

(Continued from Page 1)

room and discovered that \$17.00 which had been in her wallet was gone. She ran out of her room, caught up with Sweeney, and accused him of taking the money. "He said, 'No, I don't have your money.' I said, 'Yes you do. You've got a ten, a five and two ones.'" The two argued briefly as Sweeney kept walking to the end of Holmes Hall. Finally, Sweeney "pulled out a wad of bills and said, 'Here, take your money.'"

Cendali suddenly realized she should try to catch him. "I lunged at him, and held on to one arm and one leg. He dragged me down the hall. I don't think I was a significant factor in keeping him from leaving."

Jeff Ehrlich, 2L, was one of a number of students who gave chase. "I was breeding chicken in the bathroom, when I heard a commotion in the hall. From the way people were shouting, I could tell it was not just a game, so I looked out the door. Some one yelled, 'Come on! It's a thief!' I joined the chase down the stairs [of Holmes]."

Stop Him!

Steve Mayer, 1L, caught Sweeney. "I was in my room when I heard people running down the stairs yelling 'Stop him!'" Mayer charged out of his room, down the stairs, and out the west end of

Holmes into the courtyard between Ames, Holmes, Story and Shaw Halls. An unidentified bystander saw the crowd chasing Sweeney, and blocked his path. According to Mayer, "He stopped and turned



Steve Mayer and Dale Cendali, 1Ls, helped apprehend the suspect.

around. He looked like he was going to run, so I ran up to him, and sort of grabbed him by the shoulder." Sweeney struggled to get away as the rest of the crowd of pursuers swarmed toward him. Mayer, who is 6' 3" and weighs 210, told Sweeney

to stop struggling. "I told him, 'If you keep struggling, I'm going to have to hurt you real bad.'"

Sweeney was escorted back into Holmes. In a few minutes the police arrived and arrested him.

According to Harvard Police Chief Saul Chafin, Sweeney was charged with larceny, breaking and entering, trespassing, and receiving stolen property. The latter charge was filed after police found a Harvard-issued dormitory key on Sweeney, who is not a Harvard student. Trial is set for April 7.

Mayer said that he had seen Sweeney around the dorms previously. "He's been here for about two weeks. For a while he was sleeping in a room downstairs [in Holmes which has only lounges on the first floor] and using the bathroom facilities up here fairly regularly. Evidently he was trying to find a job while he was here and he just ran out of money."

Sweeney had stopped by Mayer's room on the day of the theft and asked if he could borrow some money. "I had no cash on me at the time. Otherwise I might have lent him something. He said he was hungry, and I'd seen him around."

According to Rice, who was contacted after the arrest about Sweeney's arraignment, Harvard police said that Sweeney had a prior criminal record. Harvard police refused to confirm or deny that fact.

Sweeney's arrest threw some light on a possibly related theft which occurred in Shaw Hall on Feb. 17. A resident of Shaw was taking a shower when someone took his keys, which were lying outside the shower with his towel. The dorm key taken was identical to the one Sweeney used to get into Ames.

A second key theft occurred Monday, March 8, under identical circumstances.

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