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Tuition to Increase By 18% to \$6900

By Michael Medina

An increase in HLS tuition from \$5,850 to \$6,900 and a new financial aid policy which requires students to take more of their aid in loans may result in significantly greater financial burdens for HLS graduates.

Despite these changes, and pending federal legislation that may eliminate federal loans for graduate students (see *Record* March 12, p. 3), HLS Dean James Vorenberg

said "no one need be in doubt that if they need and qualify for financial assistance next year we will assure that it will be available." Vorenberg could not make such assurances for the following year, however, although he said he was "optimistic" about the prospects.

The new tuition figures were announced in the proposed HLS budget for 1982-83 released by Vorenberg Monday (see box, page 14). The largest increases in expenses were in the areas of faculty salaries and

alumni fund-raising expenses, while the overall allotment to financial aid decreased due to the new funding formulas.

Previously, students were required to take their first \$2300 in loans and the remainder half loan and half grant. Students now would be required to take the first \$6700 in loans. Harvard University has promised to cover the loan monies eliminated if the proposed federal legislation passes, but HLS must cover the interest payments on these loans, payments which Vorenberg estimated at \$600,000. Money to cover this expense was generated by cutting the allotment for grants significantly.

Legal Aid Keeps Quotas

By Erich Merrill

Should the affirmative action policies of a student organization determine who gets into a course theoretically open to all students? Does the faculty have the power to tell the Legal Aid Bureau that it cannot adopt quotas which might keep otherwise qualified students out of Introduction to Advocacy? According to LAB President Terry Freiberg, 2L, and Prof. Lance Liebman, both the Bureau and the faculty members are doing all they can to avoid getting the answers to those questions and avoid a showdown between the two groups, as the Bureau struggles to find an acceptable affirmative action policy.

These questions were raised when the Bureau voted on March 1 to adopt an affirmative action plan which was to last for five years. The plan essentially continued a similar five-year plan which the

Bureau had adopted in 1977, and which expired this year.

Both plans affected the choice of applicants for membership in the Bureau. Each year applicants enter a lottery to determine who may join, according to Freiberg. Both plans allowed the Bureau to "ensure" that the percentages of minorities and women in the group of students chosen for membership exceeded specified minimums by accepting applicants from those categories even if they were not chosen in the lottery. In the 1977 plan, the minimum was 20% for minorities; the required percentage for women declined from 39% in 1977 to 33% in 1981. The March 1 plan required that until 1987, 20% of those accepted would be minorities, and 33% would be women.

The March 1 plan also provided that the percentages of minorities and women to be admitted would

Low Income Protection

"Most students have the opportunity to earn enough to pay off loans in the first few years of employment," said Vorenberg. "This will offset any discouraging effect the new loan requirements may have. What's really important to communicate, though, is that if they do choose to follow a low-paying career, we will help them get out from under the burden of their educational loans."

The help Vorenberg refers to is the HLS Low Income Protection Plan. This plan provides students with lower than normal repayment schedules if their income is below a certain level, and after five years provides a loan forgiveness program that can waive repayment of up to 50% of the loan monies borrowed while at HLS. This year the

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Students Lobby Against Death Penalty

By Joyce Tichy

"If we're trying to teach that killing is wrong, the death penalty isn't the way to accomplish that goal." So says Tim Kaine, 2L, who with Leto Copeley, 2L, is organizing HLS students to lobby against re-institution of the death penalty in Massachusetts.

According to Kaine, the issue has received widespread political attention since the Massachusetts Supreme Judicial Court's ruling in *Suffolk District Court v. Watson* in Oct., 1980. The court there held that capital punishment is a violation of the Massachusetts state constitution's prohibition against cruel and unusual punishment because its implementation has been arbitrary and because it violates current standards of decency. However, the state's legislature and Governor King have moved to nullify the court's holding by amending the state constitution to provide expressly for the death penalty as a sentencing option.

The Massachusetts legislature has already gone part way in carrying out this effort. Under Massachusetts law, the legislature must vote in two successive terms to submit a constitutional amendment to the public. After its second vote, the state's citizens must vote on the issue through a general referendum. The legislature voted in favor of the referendum last term, and will likely cast its second vote by mid-May.

Kaine and Copeley, like students at other Massachusetts law schools, are working to prevent the legislature from voting in favor of the referendum a second time. They are coordinating their fellow stu-

dents' activities under the aegis of the Massachusetts Campaign Against Restoration of the Death Penalty, an organization formed in May of 1981 after a conference on the death penalty was held at the Law School.

Harvard students' support has taken a number of forms in recent months. Kaine lists several re-



Adam Eisgrau

Tim Kaine, 2L

search projects that students have done on relevant issues, such as the brutalizing effect of the death penalty on the criminal justice system, the arbitrary aspect of the punishment and the relative social costs of death sentencing versus life imprisonment.

A second major effort by law students was the petition drive at the end of February. In three days, students collected 700 signatures for a petition requesting the state's legislature not to submit the death penalty referendum to the public.

Students are also doing phone bank work, raising \$700 per week to help the Campaign finance its lobbying efforts.

Should the legislature vote for the referendum in May, Kaine expects that the Campaign will concentrate its efforts on educating the state's citizens about the negative ramifications of re-instituting the death penalty. The referendum would come before the public in November, when ballots are cast in the upcoming gubernatorial election.

Kaine hopes that more law students will become involved in the lobbying effort, since he sees the matter as both a legal and a moral issue. He points to the death penalty's sorry history in Massachusetts, which has encompassed the results of witch trials and the Sacco-Vanzetti case. While all judicial decisions contain the possibility of error, he emphasizes, none other is both so arbitrary and so irrevocable as the decision to impose the death penalty.

BAR EXAMS AREN'T LIKE LAW SCHOOL EXAMS

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

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Two 3Ls Get Public Interest Fellowships

By Andrea Hartman

Harvard law students James O'Neal, 3L, and Jessica Lefevre, 3L, were awarded a Harvard Fellowship in Public Interest Law this week. Recipient O'Neal will work as in-house counsel at the Greater Harlem Comprehensive Guidance Center. Lefevre will be at the International Indian Treaty Council. Both jobs are in New York City.

This is the first year that the fellowship has been granted. More than 125 graduating students have pledged 1% of their first years' earnings, creating a fund of over \$25,000 which will be split by the two fellowship recipients.

"Absolutely Inspiring"

The committee in charge of awarding the fellowship received 10 applications. They included plans for working with the National Resources Defense Counsel in Washington, D.C. on water quality issues; organizing a self-help eviction clinic in Madison, Wisconsin; cooperating with the Legal Aid Association to provide legal services in San Antonio, Texas; and working in the Legal Department of the United Farm Workers.

"The applicants were all creative and committed and their applications were absolutely inspiring," said Joan Ruttenberg, 3L, a member of the committee. "The choice was extremely difficult and we would have liked to have funded nearly all the proposals if we could have."

O'Neal, who begins his fellowship in September, will be the first lawyer to work at the Greater Harlem Comprehensive Guidance Center. "My call in going to Harlem emanates from my Christian commitment to serve the needy and the poor," said O'Neal.

The Center provides counseling and other services to youth and families in the Harlem community. O'Neal plans to counsel students

as to their rights and responsibilities under the law, set up a family mediation program and work as an advocate for children in custody, abuse and delinquency proceedings. He feels that improving conditions in Harlem is extremely important, since he believes that "Harlem represents the soul of black America." Said O'Neal: "This is not something I'm doing alone. There

her the opportunity to begin this work. "In light of the fact that Indian people in several parts of the world are suffering extreme violations of their human rights," said Lefevre, "the decision to grant a fellowship on behalf of the Indian people is a timely and important one."

According to Jon Laramore, 2L, a member of the Fellowship steer-



Erich Merrill

James O'Neal and Jessica Lefevre, 3Ls

are a number of people who have committed themselves to going to Harlem to work with the community residents towards the uplift of the community."

Lefevre, herself part Choctaw Indian, will assist the International Indian Treaty Council in preparing the case of *Oglala Sioux v. U.S.*, which may be heard by the International Court of Justice at the Hague. In that case, the Lakota Sioux seek to retain land in the Black Hills of South Dakota, part of their ancient homeland, which the United States wants to use for uranium strip mining. Lefevre also plans to participate in the Council's work on human rights violations in Central America.

A member of the American Indian Law Students' Assn., Lefevre intends to devote her career to Indian law and politics. She is pleased that the Harvard Fellowship in Public Interest Law will provide

ing committee, funding pledges are still being solicited from third year students. The organization encourages those who have not already been called or who have not yet pledged to pick up forms at the Langdell reception desk. ☛

DICTA
IS
COMING

It will be on newsstands when
you return from spring break.

Doing Good By Stealth

Richard B. Bernstein

Bruce Allen Murphy, *The Brandeis/Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices*. xiii, 473 pgs., Oxford University Press, \$18.95.

Even before this book was published, it was front-page news — unprecedented treatment for a scholarly book from a scholarly publisher. The controversy surrounding *The Brandeis/Frankfurter Connection* has focused on its revelations of forty years of behind-the-scenes attempts by two of the most revered figures in American judicial history, the patron saints of judicial restraint, to influence the course of American politics and diplomacy.

But there is more to this book than scandalous revelations. It is Bruce Allen Murphy's purpose to ask us *why* we should consider these secret extrajudicial activities to be inappropriate or improper. An assistant professor of political science at Pennsylvania State University and an authority on judges' extrajudicial activities, Murphy challenges us in this path-breaking and thoroughly documented study to reexamine our preconceptions of the role of the judiciary in American government and society.

Drawing on extensive archival research, including more than three hundred newly-discovered letters from Brandeis to Frankfurter, and interviews with many key figures, Murphy has given us a richly detailed and fascinating exploration of the lives of two brilliant and resourceful men who cared deeply about their country and their ideals and tried almost unceasingly to keep alive the cause of liberal reform. From World War I to the Nuremberg Trials, from Zionism to war production and tax reform, these justices of the Supreme Court decisively shaped the history of the

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Harvard Law Art Collection

Felix Frankfurter gazes at a bust of Louis Brandeis.

Murphy: What's All the Fuss?

"Did I expect all this?" Bruce Allen Murphy cheerfully savored the interviewer's question. "Of course not!"

"All this" is the front-page publicity and controversy swirling around *The Brandeis/Frankfurter Connection*, Murphy's meticulously documented account of the secret political activities of Justices Louis D. Brandeis and Felix Frankfurter. Murphy, who is an assistant professor of political science at Pennsylvania State University, reflected on his book and the issues it raises in an interview in New York City with the RECORD last Sunday.

"I didn't write this book to expose secrets," Murphy continued, "and

certainly not to tear down Brandeis and Frankfurter. I revered Brandeis and Frankfurter before I began my research, and even now, after it's done and published, I still revere them. I wanted to study extrajudicial activities — what a judge does aside from deciding cases. I want to tell people, 'Change the way you look at the Court — at *any* court.' We have to see the judiciary as part of the entire process of government, to examine judges in their social and governmental context."

"Let's have a debate," Murphy urged. "I want people to read the book and say 'yes or no' — so we can get some discussion of the stan-

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Profs Disagree on Justices' Relationship

By Dave Horn

With reactions ranging from shock and moral criticism to non-chalance and detached analysis, several Harvard professors offered their views this week of the Brandeis-Frankfurter relationship, judicial ethics and the courts' role in American politics.

Law Profs. Vern Countryman, Morton Horowitz, Andrew Kaufman and Richard Parker spoke to the RECORD, as did Harvard sociologist David Riesman, a former Brandeis clerk. None of the professors has read Bruce Allan Murphy's book, *The Brandeis/Frankfurter Connection*, but Countryman and Kaufman have read the 1980 *Michigan Law Review* article co-authored by Murphy. The article and the book state that Justice Brandeis, while on the Supreme Court, paid HLS Prof. Felix Frankfurter to act in support of certain political causes.

"It was a hell of a shock to me," said Countryman. "By what I regard as ethical behavior in a judge, I believe [Brandeis's behavior] was unethical. A judge should not commit himself in advance on a question he may someday have to vote on. The appearance is bad, even if there is no actual effect."

Countryman said he thought Brandeis had "prided himself" in avoiding political activities, and that the revelations about his relationship with Frankfurter "won't help" Brandeis's reputation.

Frankfurter's involvement "surprises me less," said Countryman. Frankfurter advised President

Roosevelt on a wide range of issues and was "the world's greatest busybody." Countryman criticized Frankfurter for "aiding and abetting [Brandeis] in committing an impropriety," but added that he assumed Frankfurter "believed in" the political causes he supported at Brandeis's request.

Countryman, who clerked for Justice William O. Douglas in 1942-43, said he thought no judge should make public statements on political issues. "Too many of them are making speeches and writing articles, where I think they shouldn't." Countryman claimed that Justice Douglas did not make any speeches or write any articles while Countryman was his clerk, and he added that he disapproved of Douglas's later book-writing and speech-making activities.

Parker: "Imprudent"

"I was not shocked, but I was surprised," said Parker. Parker gave two reasons why it was "imprudent" for judges "to involve themselves too much in political controversies." First, he said, they risk having to recuse themselves from some cases. Second, judges create "the appearance of having a personal stake in one side or the other of a very controversial issue." But, Parker added, "it is a mistake to put it on the level of high principle."

Parker said he disagrees with Frankfurter's assertions that the legitimacy of judicial review depends on judicial "insulation." "Judicial review is inherently a political activity. But justices, like other political actors, have to obey rules of prudence in order to be effective."

Parker refrained from criticizing Brandeis and Frankfurter on ethical grounds. "I am reluctant to raise it to the level of a grand piety," he said. "The piety level in the discussion of this general issue has been ridiculously inflated in the past, and I'm partly reacting against that . . . The pretension that judges are neutral in a strict and

important sense is bizarre."

While prudent judges will not become involved on one side of a specific controversy, said Parker, they should feel free to "hold and express views at a general level. . . . They should bring their political positions to bear on the law."

Parker said that Brandeis's arrangement with Frankfurter may have been motivated by a "feeling that as a justice he couldn't get involved in political struggles." Thus, the payments to Frankfurter were a "result of [Brandeis's] blindness to the dimensions of the office he held." Justices are at "the very heart of political struggle," Parker asserted. "If they understood that, they wouldn't need this outlet of giving money to someone."

"It's really refreshing to see that ideologues of the separation between law and politics could not themselves fully live up to the separation," Parker said. Both Brandeis and Frankfurter "cared intensely about politics" before they were on the Court, according to Parker, and it was "implausible" to expect such men to give up their interest in politics when they became judges.

"What a judge says in an opinion has to be tailored to political situations," Parker added. "I don't think a judge should be utterly candid. Law is a process of persuasion, and you don't always persuade people by laying every single card on the table."

Violates Judicial Restraint

"I was not surprised," said Harvard sociologist Riesman, who clerked for Justice Brandeis in 1935-36. "I saw [Brandeis] as a person who was extensively involved politically and who was as determined to get his way in politics as he was on the Court."

Riesman said he thought that Brandeis and Frankfurter's political activities constituted a "violation of judicial restraint. The hazard was there [that their activities] could have led to conflicts of inter-

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MURPHY TO APPEAR

Bruce Allen Murphy will take part in an HLS Forum symposium, "Ethical Considerations in the Practice of Law," next Monday, March 22, at 8:00 p.m. in Langdell North Middle. William Kunstler, James St. Clair and Roy Cohn will complete the panel, and Prof. Alan Dershowitz will moderate.

Doing Good By Stealth

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United States in hitherto unsuspected ways.

Thanks to the attention which Murphy's book has received in the news media, the history of the two men's covert campaign for reform need only be sketched here. Shortly after his appointment to the Supreme Court in 1916, Brandeis realized that he could not keep his resolution to give up all interest in political activity and yet he could not act openly in support of his beliefs. He decided that the indirect approach was best suited to his position, but this required that he find an agent whom he could trust implicitly. Professor Felix Frankfurter of the Harvard Law School, already a close personal friend, was ideally qualified to become Brandeis's lieutenant. In order to support Frankfurter's efforts, Brandeis established a "joint endeavors account" on which Frankfurter drew, after some insistence by the justice, to defray the cost of his political efforts.

Suggestions for Articles

Brandeis's and Frankfurter's reform efforts took many forms. During World War I and the later phase of the New Deal, Brandeis provided suggestions for measures to further war preparedness and mobilization, to reform the tax laws and foster economic competition, and to protect the rights of labor; Frankfurter mobilized his former students and helped to place them throughout the executive branch, and then the justice and the professor drew on their personal connections throughout the Administration to foster their campaign. Brandeis also peppered Frankfurter with suggestions for law review articles, which Frankfurter then wrote himself or suggested to his students as research topics, and which Brandeis then cited in his conferences with the other justices or quoted in his legal opinions;

Brandeis also suggested ideas for articles in *The New Republic* and other periodicals of general circulation, and at times Frankfurter would either paraphrase Brandeis's letters in those articles or use Brandeis's words without change.

The New Deal was Brandeis's last chance to effect the changes in the laws regulating the American economy that he had fought for both as the "people's attorney" before 1916 and after his appointment to the Court. Tormented by a terrible sense of urgency — he was in his late seventies during the New Deal and turned 80 the year Roosevelt proposed the "court-packing plan" — Brandeis came closer than ever before to open, active lobbying of the Administration. After the Supreme Court declared the National Recovery Act unconstitutional in 1935, provoking the rout of the collectivists from the Roosevelt Administration, Brandeis and Frankfurter worked with Thomas Corcoran and Benjamin V. Cohen, the pre-eminent legislative draftsmen of the Roosevelt years, on virtually every major piece of New Deal legislation. The New Deal also witnessed the near-death of the Brandeis-Frankfurter relationship, thanks to the court-packing plan, which Brandeis bitterly opposed and Frankfurter hesitantly supported, the latter man torn between his loyalty to the justice and his loyalty to the president.

Frankfurter the Lobbyist

Frankfurter himself joined the Court in 1939, and was an even more active lobbyist than was Brandeis — because of their different temperaments and because Frankfurter had no one to turn to as *his* lieutenant. But, during the years after World War II, Frankfurter gradually withdrew from the extrajudicial field in which he had been so vigorous during the war.

In part, this was because he had fewer contacts in the Truman and Eisenhower Administrations, but also because he grew more uncertain about the appropriateness of judges acting off the bench and became more critical of those of his colleagues, such as Justice Douglas, who showed little concern about judicial proprieties (or so Frankfurter believed). As Murphy notes, in these years he became defensive whenever anyone even seemed to accuse him of violating judicial proprieties, and these, too, were the years of his most impassioned statements of his belief in judicial restraint.

Murphy states that his purpose in writing *The Brandeis/Frankfurter Connection* was to ask whether it is appropriate for any judge to take part in political activities such as drafting or lobbying for legislation which could come before the Court, giving advice on foreign policy, or recommending (or opposing) candidates for appointment to the federal bench. Wisely, he does not attempt to provide a definitive answer to these questions — nor does he claim that his book is definitive. He recognizes that, just as he has discovered new material that was unknown to Arthur Schlesinger Jr., William Leuchtenberg or James MacGregor Burns, someday another historian may come across undiscovered papers or documents which will then render Murphy's own book obsolete.

Murphy begins *The Brandeis/Frankfurter Connection* with a discussion of Justice Abe Fortas's resignation under fire in 1969 due to revelations concerning his various extrajudicial activities, including giving foreign policy advice to President Lyndon Johnson and drafting legislation. He quotes Fortas defending himself in testimony before the Senate during hearings on his nomination to succeed Chief

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Author Murphy: What's All the Fuss?

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thing is that this sort of thing is dards that should be applied to this sort of thing. And I hope this debate will take place not only among the experts in the law schools, the graduate schools, the universities, but among average intelligent readers who hear about the book and decide — from curiosity or whatever reason — to pick it up and read it."

Murphy pointed out that very few studies of the Supreme Court consider any aspect of the justices' lives aside from the process of deciding cases. "Everyone I talked to, at law schools, at graduate schools, was interested; they all thought I was doing something new and useful. But there was one source I interviewed in Washington; he asked me what I was doing, and when I told him he said, 'That's not very original or interesting, is it?' He couldn't really appreciate it. The

Book Review

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Justice Earl Warren:

"I don't know how anybody can be a person and not discuss with his friends these days questions about the budget and about the Vietnam war. I'm a person too. I am a Supreme Court Justice, but I talk to people, and people talk to me. I don't see how you can avoid questions like that."

Long after one finishes Murphy's excellent and troubling book, Fortas's plaintive question lingers. Murphy's questions also linger: whether any judge can avoid such questions when even such giants as Brandeis and Frankfurter couldn't avoid them, and whether the nation would be better served if judges did avoid such questions and confined themselves solely to the task of judging.

Richard B. Bernstein, '80, is an associate with the New York law firm of Murray, Hollander, Sullivan & Bass and has written articles for the forthcoming Encyclopedia of the American Constitution. ❧

hardly new to people close to government, people in Washington. But the people *outside* Washington don't know about this kind of thing; it's completely new to them."

No to Law School

"I wanted to go to law school," Murphy recalled, "until my junior year, when I decided that I wanted to teach. I thought I had a talent for explaining things to people. I don't know how to play tennis, but I know I could explain it to someone who doesn't know how to play, and then I'd play that person and I'd get the pants beat off me. I thought about whether I'd want to teach law, but I figured I'd have greater impact on the undergraduates headed to law school than on law students."

When asked what influence the Brandeis-Frankfurter relationship had on HLS, Murphy said, "Well, I don't really know very much about the history of legal education, but I can say this. After Frankfurter graduated from City College, he applied to two New York law schools, and withdrew from each one. Then, he applied to Columbia, but thanks to his poor health, he decided to go to Harvard and get away from New York City. How different would events have been had he gone to Columbia? Well, you know the rest. Frankfurter revered the Law School; he loved the place. Of course, he and Brandeis were both from Harvard, and they were part of a long tradition. But they did change the way governmental agencies are staffed. They looked first to their law school students and proteges, and thus they probably helped to make Harvard what it has become — the center for resources, scholarly and personnel, that it is today. And they probably helped future Brandeises and Frankfurters coming from Harvard get to where *they* are today."

Murphy then went on to discuss his experience at HLS while researching his book. "The library's resources here are just tremendous, and the people there are great. Erika Chadbourn is the best ar-

chival librarian I have ever met; she became my co-researcher. She took a personal interest, and referred me to all sorts of things I never knew existed in the collections. Also, she's among the most charming people I've ever met. Others here also helped a lot. Paul Freund was extremely generous. All of the former law clerks were very helpful. You have the best and the brightest there — they acted the way you'd expect them to behave."

Budget Cuts

When asked about the Reagan Administration's cuts in funding historical research, Murphy shook his head sadly. "I am horrified at the efforts to cut back. It doesn't just mean that the cataloguing of some papers or some other scholarly work is delayed or put off. It means you'll *never* get some things. Without grants, without the Erika Chadbourns of the world, this book just couldn't have been done. These people are the ones who give you the leads, who direct you to resources, who make historical research possible.

"Scholarship is very expensive. This book cost, roughly, \$15,000 or \$20,000 to write — research costs, travel costs, photocopies, all sorts of expenses. Unfortunately, scholarship has a very low priority in this country. But now, with the cutbacks, without the grants, the assistance of scholars in the field — because this is a collective enterprise — projects like this one just aren't 'do-able' without all that. Of course, if it means a choice between some papers not getting catalogued and some people going hungry, I wouldn't choose the papers first. I guess we just have to restructure our priorities.

"That's why I'm also somewhat embarrassed about all the fuss over the book. I'm only one of a number of people, all of whom are doing equally valuable studies. To go back to your first question, in terms of whether I'm grateful for the personal glory — no. I'll stand by the book."

❧

R.B.B.

Bevins Steps Down as Head of Fund

By Brad Hudson

The Harvard Law School Fund, an important source of the School's income, will soon be headed by a new director — only the second in its 32-year existence. Wesley Bevins, '48, director since the Fund's creation in 1950, will step down as director of the Fund and the



Erich Merrill

HLS Fund head Wes Bevins, '48

Alumni Center. HLS Dean James Vorenberg announced that Bevins has requested that he be "relieved of the day-to-day running of these operations and instead work on some special fund-raising projects for the School."

During Bevins's tenure as director, the Fund raised close to \$35 million. According to Vorenberg, "That funding has been crucial in our operations, independence, financial aid and ability to take on new innovations in educational policy." Vorenberg stressed Bevins's role in the fund's success: "He's done an absolutely amazing job in a low-key, effective way."

The Fund was created in response to the need to provide dormitories and dining facilities at the Law School. In 1949, a capital fund was organized; this fund helped to construct the HLS Grad Center dorms and Harkness Commons. When that original drive was completed in 1950, the School realized

that it needed a continuing source of funds, especially in the area of student financial aid.

In response to this continuing need, then Dean Erwin Griswold appointed Bevins as director of the newly-created Harvard Law School Fund. The Fund's purpose was to organize annual fund raising to meet some of the Law School's needs.

Students Benefit

While most HLS students benefit in some way from the Fund, many are unaware of the importance of its role in the School's operation. "The students are the great beneficiaries of the Fund," observed Vorenberg, "but it tends to operate outside the School." Some students will benefit directly from the \$600,000 in scholarship aid and \$900,000 in student loan funds that the Fund seeks to raise this year. The organizers hope to deliver another \$400,000 to clinical legal programs, such as the Trial Advocacy Workshops, and \$900,000 to the library. The Fund is also supporting special projects, including energy conservation and modernization of heating systems, conversion of Baker House into an Alumni Center, and installation of an elevator for the handicapped in Austin Hall.

In this, its 32nd Annual Giving Year, the Fund hopes to receive a total of \$3.6 million in donations. The success of this effort depends on much more than the efforts of any individual. "Of course," said Vorenberg, "Wes would be the first to point out that the dedicated efforts of thousands of alumni volunteers have made possible the success of the fund. The core of the drive has been an organization of enthusiastic alumni who have done the fund raising," he added.

Vorenberg has appointed a search committee composed of Prof. Louis Loss (chairman), John F. Cogan, Jr., '52, the current Fund chairman and Donald W. Mitchell, '71, vice chairman of the Fund for the classes of the '70's to review potential candidates. Bevins will con-

tinue to serve as director until the selection is made. After that, said Vorenberg, "we haven't worked out the details — but he will continue to help on planning for the fund drive and work on special projects."

Certainly, Bevins's contribution has been substantial. Added Vorenberg: "He's entitled to a great debt of gratitude."



Semi-Final Ames Dates Set

The 1982 Semi-Final Round of the Ames Moot Court Competition will take place on March 23 & 24 at 8 P.M. in the Ames Courtroom, Austin Hall.

Divine Light Institute Inc. v. U.S., dealing with whether the United States should grant tax exempt status to allegedly racially discriminatory schools, will be argued on Tuesday. The Hon. Francis D. Murnaghan, Jr. (4th Cir.), the Hon. Jon Newman (2d Cir.) and the Hon. Rya W. Zobel (D. Mass.) will judge the presentation.

The second case, *Excelsior International Enterprises, Inc. v. Cosby*, addresses the issue of whether a U.S. subsidiary of a Japanese trading company should abide by Title VII standards precluding employment discrimination on the basis of race or sex. Judges for this argument will be the Hon. Alvin B. Rubin (5th Cir.), the Hon. Norma Shapiro (E.D. Penn.) and the Hon. Paul J. Liacos (Mass. S.J.C.).

Printed records and briefs for both cases are now available at the BSA office, Langdell 252.



Join The Record

VITA Gets Needy Through Tax Blues

By Gabe Shawn Varges

Building on a program that earned them a commendation last year from the IRS, over 100 Harvard Law School students are again working in and around the Cambridge community to help low-income, non-English speaking, illiterate, handicapped and elderly citizens prepare their tax returns.

The program, sponsored by the Law School Council under the general auspices of the IRS's VITA Program (Volunteer Income Tax Assistance), has become the biggest such program at any law school in the nation. By the time the program ends on April 15th, more than 1000 individuals are expected to have been assisted — an increase of over 40% from last year.

More Than Forms

"There is no doubt that the need is there," said Bud Gilbert, 2L, who along with Fred Haber, 2L, and Eric Lindblom, 1L, co-chairs the program. Gilbert and other volunteers in the program noted that the general condition of the economy and the social service cuts being made at every level have tended to make low-income taxpayers particularly nervous about the whole tax filing process. The HLS volunteers are trained to deal

with the special needs of these citizens and assist them to cope with the system.

"Oh, it's certainly much more than filling out the forms," explained Gilbert. "As we noted last year, much of what we do involves reassuring people, giving them support and pointing out to them benefits of which they are often unaware."

No Other Place To Turn

Besides the moral support and tax advice, the HLS volunteers provide direct financial assistance to needy residents. Their services are totally free and thus save a family of two wage earners as much as \$50, the price they would have to pay a commercial tax preparation service. Since the IRS and the State of Massachusetts have discontinued their own free tax assistance programs this year, the services of the HLS program are proving even more vital. "Some of the people I have had to help," said John Cleary, a 1L volunteer, "would have had no other place to turn to."

Student volunteers in the program are trained in both federal and state tax returns. To be able to participate, they must complete an IRS course and pass an exam to earn IRS certification. Asked whether students need to have had tax in law school, one volunteer

said that while helpful, it was not necessary. "The IRS training course is solid and prepares the volunteer to deal with the problems of the average- and low-income taxpayer much better than most law school tax courses," he added.

The HLS VITA program covers the Cambridge-Somerville area, though some HLS volunteers do work at the IRS main office in the JFK Federal Building in Boston. The Cambridge locations where assistance is offered are the Main, Central Square, Field and North branches of the Cambridge Public Library, the Council on Aging in Inman Street and Memorial Hall on the Harvard campus.



Sports Quiz

NOTE: This week's Sports Quiz is quite appropriate for this educational institution as it deals with athletes or other sports figures who have had problems with the law.

1. A former heavyweight champion of the world, this man has been charged with numerous alcohol-related crimes, most notably driving under the influence. Who is this man?
2. Currently the owner of the Toronto Maple Leafs, this man interviewed prospective head coaches in the early 1970s from his jail cell while serving a sentence for mail fraud. Who is this man?
3. Playing for the Oakland Raiders in the late 1960s and early 1970s, this wide receiver was known as a real speed burner. Who is this man who was later convicted for sale and possession of narcotics?
4. Formerly a guard for the Boston College Eagles, this basketball player was recently sentenced to 10 years in prison for his participation in a point-shaving scandal. Who is this athlete?
5. Unable to make it in the pros after a splendid career as a running back at the University of Michigan, this man ran into legal difficulties, including a conviction for bank robbery. Who is this athlete?

(Answers on Page 15)

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Ethics and the High Court

"It is well for a man to respect his own vocation whatever it is and to think himself bound to uphold it and to claim for it the respect it deserves."

— Charles Dickens

Louis Brandeis and Felix Frankfurter were not bad men. Their behavior must be distinguished from the brand of corruption that leads some public officials to seek to enrich themselves or enhance their power by agreeing to pursue goals contrary to the public interest. The only causes Frankfurter and Brandeis promoted were those in which they believed.

Yet one cannot easily justify a clandestine arrangement in which a Supreme Court justice pays a law school professor to support specific legislative proposals. Brandeis always claimed to believe in judicial restraint, but if judicial restraint means anything it means that judges must distinguish between assessing a statute's political wisdom and judging its constitutionality. By regularly trying to influence the legislative and administrative processes, Brandeis jeopardized his own ability to think critically and independently about the legality of statutes and government actions.

Frankfurter probably sensed this difficulty at first even if Brandeis did not. Apparently Frankfurter felt sheepish about taking money from Brandeis, since he initially returned Brandeis's check and finally accepted it only after Brandeis insisted on it. Frankfurter later grew so comfortable with his stipend that he felt free to ask Brandeis to increase it. He ought to have trusted his first, instinctive reaction.

Finally, even though we criticize the behavior of these two justices, we cannot comfortably condemn them as hypocrites. Both men, after all, devoted their lives to serving the public interest, and both pursued careers in which they almost always argued for what they deeply believed in. How many of us will be able to look back fifty years from now and say the same about ourselves?

One Positive Aspect

No one was pleased to learn of the large increase in tuition planned for next year. There was one positive aspect of the announcement, though, and that was Dean Vorenberg's commendable effort to explain to students the reasons for the increase. His meeting with leaders from student organizations helped persuade them of the necessity of the increase and the students we have talked to found his lengthy memorandum to students informative. We think that all students appreciate the Dean's working to inform them about the budget situation.

HARVARD LAW RECORD

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Fenno

Fenno heard music. There were bright lights everywhere. Directly opposite Fenno was a podium decorated in blue and green, with the Law School crest emblazoned on its front. Suddenly, a voice came over the loudspeaker system: "Welcome to 'Any Which Way You Lose' — the game where law professors vent their frustrations, and students vie for grades in a highly competitive atmosphere! Here to help us this morning are Phyllis Frelich, interpreting in sign language for the non-hearing, and Al Sacks, interpreting for the hard-of-sign-language. And heeere's our host — silent Jim Vorenberg!"

Vorenberg bounded to the podium, a beatific smile on his face. Frelich gestured vigorously, and Sacks said:

"We'd like to welcome today's contestants. Competing for top grades and corporate opportunities are: Fenno, George Ashview Towner ..."

"My friends call me 'Downy Outer,'" interjected the second contestant.

"... and Jill Remus. You know the rules — a correct answer gets you an 'A'; an incorrect one and you fail. Any questions, folks?"

Frelich gestured; Sacks announced: "The first question today comes from Prof. Louise Sloth: 'What was the funniest thing that ever happened to me at the SEC?' Ten seconds, folks."

Fenno inadvertently pressed his buzzer.

"Mr. Fenno!" Sacks shouted. Vorenberg continued to smile.

"Oh — I made a mistake," Fenno hesitated. "Well, I don't know what it was, but I bet it was dirty."

"Fenno gets an 'E' in Sec Reg," Sacks howled. "Better withdraw your resume from the SEC. Anyone else?"

Outer's hand was waving wildly. "I know, I know! Old Jake Griffith said: 'Louise, your slip is showing.' Right in front of the General Counsel. It was a scream!"

"Correct!" shouted Sacks. "Outer leads by an 'A'. Next question: From Prof. Kipper-skipper, 'What is the Narrow Channel Rule?'"

All of the contestants were silent.

"No answers, eh? Got you this time. You'll all see 'E's on your transcripts."

"Wait!" protested Remus. "Admiralty wasn't even offered this year."

"The name of the game is 'Any Which Way You Lose.' Better luck next time," laughed Sacks. "Well, we're all out of time. Be sure to join us next week for more mental gymnastics and legal conundrums."

"Mr. Fenno! Mr. Fenno!" Fenno snapped back to consciousness. "What are the opportunities for forum shopping after *Klaxon*?"

Fenno moaned "Help!" and bolted for the door.



Letters to the Editor of the Record

More Than Minimal Effort

To the Editor:

As members of the team representing Harvard in the New England regional division of the 1982 Jessup moot court competition, we would like to clarify any misunderstanding resulting from your recent coverage of that event.

Many readers may be unaware that Harvard is the only law school in New England to limit intra-school Jessup competition to 1Ls. At several other institutions Jessup is the equivalent of upper-round Ames, and the teams these schools send to the regionals can be impressive indeed. The Harvard team's decision (which was not unanimous) not to make "an all-out effort," as you put it, was not a refusal to take the competition seriously, but a decision to give our first-year course work priority over an extracurricular activity. Even so, we spent many hours preparing our briefs and arguments, and were pleased and proud to find our efforts rewarded by third-place honors. It was a rewarding experience and a fine introduction to international law, and the hours it demanded were well spent.

Based on interviews with only two of the team's five members, your story conveyed the impression that the Harvard team put in minimal effort. This is incorrect and does a disservice not only to the team but to our competitors, judges and sponsors.

Penny Merliss, 1L
David Ruth, 1L
Elsie Crum, 1L

Count Us Out

To the Editor:

We have asked that our names be removed from the W.L.A. membership list. In light of the recent vote to continue to restrict membership to female students, we would no longer like to be associated with the W.L.A. Both of us come from ethnic groups which have been the victims of discrimination. We feel fortunate that we are living in a place and time where this discrimination has not had an effect on us as individuals. Nevertheless, we are particularly sensitive to discrimination and will not be members of any organization we think is discriminatory.

We joined the W.L.A. this fall with knowledge of the membership policy excluding male law students and all members of the nonlaw school community such as spouses and local attorneys. We also knew that there would be a vote on the subject this year and that if we were not members, we could not voice our opinions. Although we remain interested in women's issues, as a

result of the recent vote we feel that it would be hypocritical to remain as members of the W.L.A.

Ellen Acevedo, 1L
Beth Shapiro, 1L

Amnesty's Work

To the Editor:

I am writing to applaud your article in the Dec. 4, 1981 [v. 73, n. 9, p. 4] issue concerning Amnesty International as well as your very positive editorial on the subject. As a member of Amnesty, I feel very strongly about its objectives and the useful role which it serves in the protection of international human rights. Its objectives are clearly the same as those which are at the base of our legal tradition, namely the protection of freedom of expression and the non-violent espousal of political and religious views.

Amnesty especially benefits from the expertise which can be brought to bear in a letter-writing campaign by lawyers or law students. I, myself, first became interested in Amnesty while working extensively on *pro bono* political asylum cases referred to my previous employer, Covington & Burling, by Amnesty International and similar organizations. I became so interested in this work that I joined the English-speaking group of Amnesty upon moving to Europe. I can do no more than echo your sentiments that law students should keep the "paper chase" in perspective and use their legal skills for humanitarian as well as personal goals.

Howard M. Liebman, '77
Brussels, Belgium

Elitists' Choices

To the Editor:

The Harvard Law School Elitist Cinema Society, arbiters of HLS cinematic taste since 1979 and the only elitist organization at the Law School which does not skulk behind closed doors, takes pride in announcing its Fourth Annual HLS-ECS Awards for the best cinematic achievements of 1981:

Best Film: *Atlantic City*
Best Director: Milos Forman, *Ragtime*
Best Actor: Burt Lancaster, *Atlantic City*
Best Actress: Meryl Streep, *The French Lieutenant's Woman*
Best Supporting Actor: Jack Nicholson, *Reds*
Best Supporting Actress: Maureen Stapleton, *Reds*
Best Original Screenplay: Warren Beatty and Trevor Griffiths, *Reds*
Best Adapted Screenplay: Harold Pinter, *The French Lieutenant's Woman*
Best Original Score: Randy Newman,

Ragtime

Best Adapted Score: No award, due to Hollywood's lack of interest.

Best Cinematography: David Watkin, *Chariots of Fire*

Richard Hyde '78, Grand Rapids, Mich.
Michael Psareas '79, New York, N.Y.
Juergen O. Skoppek '79,
Grand Rapids, Mich.
Richard B. Bernstein '80,
New York, N.Y.
John H. Eickemeyer '80, New York, N.Y.
David N. Johnson '80, Kansas City, Mo.
Lawrence B. Friedman, 3L

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.

Next
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Professors Disagree on Justices Relationships

(Continued from Page 5)

est." It is "destructive of constitutional government" for judges to become involved in politics, Riesman maintained. He said that such involvement threatens the courts' legitimacy and creates "cynicism among the general population." Riesman said that judges "should take a more celibate role," and "avoid compromises either in reality or in appearance."

Judicial Restraint

"Both Brandeis and Frankfurter," Riesman added, "were nominal believers in judicial restraint. I am too. I do not believe in judicial activism."

Riesman said he had "very little contact" with Brandeis while working as his clerk. Brandeis would slip opinions under Riesman's office door, and Riesman would return them in the same way along with "my written comments, such as they were." "I never discussed a case with him," Riesman added. Still, Riesman "knew enough of his outlook on life" to know that Brandeis was intensely interested in political events. "He was the Ralph Nader of another time," Riesman said.

Riesman was "very well" acquainted with Frankfurter, whom he met while he was a reporter for the *Harvard Crimson* and Frankfurter was a professor at HLS. Frankfurter, said Riesman, was a man of "many generous impulses" who also had an "infinite capacity for moral indignation."

Asked how he reconciled Frankfurter's expressed belief in judicial isolation with his political activities, Riesman responded, "I do not consider hypocrisy the worst vice." He said the fact that people "don't live by [their advice] doesn't mean they shouldn't give it."

Professor Kaufman said that he could not pass judgment on the ethics of the Brandeis-Frankfurter relationship without knowing all the facts and considering possible motives. But, he said, "there are questions that are properly to be asked

about the conduct portrayed in the book."

"I think it's hard to state a general rule" for proper judicial conduct, said Kaufman. "It's more important to have an attitude. . . . You ought not to do something requiring you to disqualify yourself. It's hard to say that in the abstract justices should only read the newspaper. You just have to be careful."

"Judges operating in the world today," said Kaufman, need "a sense of what's going on." This is different from drafting legislation or giving advisory opinions, he said. "Different judges are going to feel different ways about it." Kaufman believes those different approaches are acceptable "within a spectrum."

Kaufman, who clerked for Justice Frankfurter in 1955-57, also raised questions about the propriety of Frankfurter's behavior. "What kind of impact was there," he wondered, "on the scholarly objectivity of a professor?"

"He was a passionate person," Kaufman continued. "He had strong ideas about things. There was always a tension between the scholarly quality and the passion. That's what made him the kind of person he was."

Frankfurter "had a passion for the underdog," concluded Kaufman. "You sometimes open yourself to criticism when you have that passion."

Professor Morton Horowitz argued that a different ethical norm prevailed in Brandeis's day. "The basic idea in those days was that if your heart was pure, there was no problem" with conflicts of interest.

"Both Frankfurter and Brandeis believed that they were pursuing objects that they perceived to be in the public interest," Horowitz said. "Frankfurter didn't feel Brandeis was buying him as Brandeis's mouthpiece." Likewise, "Brandeis didn't feel he was buying Frankfurter. The lesson of Brandeis's life was that wealth gave him the opportunity to be independent." Brandeis "only became the people's lawyer after he was a millionaire,"

according to Horowitz. Thus, he argued, Brandeis "was giving Frankfurter the economic independence that would enable him to promote the public interest."

Horowitz described the change in standards as "a long-term process of the basic shift from the informal ethics of character to formal ethical views." Now, he said, we have "a system of formal ethics in which it is assumed that there's a good chance that people are likely to act to further their own interests. Earlier, it was assumed you could transcend your own interests. . . . 'Gentlemen' would look at the public interest independent of their personal relationships."

"Ethics of Character"

Horowitz said the change from the "ethics of character" to more "formal ethics" corresponded to a change in the structure of society and of society's ruling groups. The old "ethics of character" could only prevail in a "close and intimate society . . . where people know each other fairly well, and where the class that rules regards itself as promoting the public interest." The change to formal ethics occurred as we moved toward "an atomized society," said Horowitz.

Horowitz cited the example of the norm that a judge should recuse himself from cases argued by lawyers with whom the judge has a close relationship or mutual interest. He pointed out that in the past, many justices, such as Shaw, maintained very close relationships with lawyers who frequently argued before the Supreme Court, and the ethics of their behavior was not questioned. More recently, he said, when Ramsey Clark was appointed Attorney General, "everyone just assumed" that Justice Tom Clark, Ramsey Clark's father, had to resign from the Supreme Court.

In "the English ruling class," said Horowitz, "you still see that relatively closed system." There, he said, "there is much more confidence that character will prevail."



Bureau, Faculty Clash on Quota System

(Continued from Page 1)

rise to match the percentages of those groups in the "applicant pool" or in the "last entering Law School class," whenever the latter percentages exceeded the 20% and 33% set forth in the plan.

Plan Surprises Faculty

Liebman indicated that some members of the faculty were surprised by the adoption of the plan, since they had acquiesced in the adoption of the 1977 plan on the assumption that it would not be renewed. "I can't say there was something the faculty as a whole 'thought,' but the notion or assumption was that after five years no further plan would be necessary."

Ever since the 1977 plan was adopted, the number of women on the Bureau has exceeded the required number. In light of this success, Liebman said that he thought most of the faculty wouldn't feel an affirmative action plan for women was necessary any longer.

In meetings with Freiberg and other Bureau members prior to the adoption of the new plan, Liebman and Dean Vorenberg "expressed some concern about retaining the plan for women," according to Larry Lustberg, 2L and Bureau executive director. Lustberg thought the faculty had seen the declining percentage of women in the 1977 plan as an indication that women would be phased out of the plan by 1982. "When we later adopted [the March 1 plan], they saw us as going back on our word. We saw what we were doing as just holding the line."

Freiberg explained that the faculty would not be so concerned about the Bureau's affirmative action plan if the Bureau were an independent student organization. "The big issue here is whether we can apply an affirmative action plan to students to determine which of them can take a course." The course he referred to is ITA, Introduction to Advocacy. Students taking ITA must participate in one of several clinical programs, of which

the Bureau is the most popular. But the Bureau's ITA slots are covered by their affirmative action plan. Thus, the quota system may affect who is taken from the ITA program.



E.M.

Terry Freiberg, 2L, President of the Legal Aid Bureau

After the March 1 plan was adopted, Liebman met with Freiberg again, and suggested that the Bureau adopt a one-year interim plan, shelving the March 1 plan until the faculty and the Bureau can work out a more permanent approach. Freiberg said the interim plan essentially extends the 1977 plan for one year, but provides that applicants chosen outside of the lottery to make up the required quotas will fill only those slots on the Bureau not allocated to ITA.

On Tuesday, Freiberg said he planned to present the interim plan to the Bureau's board, but that he couldn't predict what their reaction might be.

What would happen if the Bureau rejected the interim plan, and the faculty voted not to approve the March 1 plan? Neither Freiberg nor Liebman know, and more significantly, each indicated he did not want to find out. The Bureau

is a student organization, but since its activities are course related and funded by the Law School the faculty may have more power over it than over other student organizations, according to Freiberg. Finding out whether that extra power includes the prerogative to veto the Bureau's plan would require a power struggle which both sides would rather avoid.

Freiberg said the faculty had no objections that he knew of to the inclusion of minorities in the March 1 plan. He said 10% of current Bureau members are minorities, and that the Bureau aims at 20% representation of minorities to bring a "critical mass" to the organization. "Until we reach that critical mass, minorities may feel lost or uncomfortable at the Bureau," explained Freiberg.

Plan Defended

He also explained why the Bureau wanted to continue the plan for women, even though the Bureau has consistently exceeded its quota for them. "Our clientele is both ethnically varied and predominantly female. The presence or absence of minorities and women is very visible to these people when they come into the Bureau office to be interviewed. That presence adds another level of trust to the relationship. Second, an operative affirmative action plan, even if not used, goes together with our present statistical success to make an adequate statement to women in the Law School community." Freiberg also felt an affirmative action plan for women was necessary in light of the fact that other organizations at the Law School "can't integrate women. We're suspicious of our own success, and want to protect against any possible re-trenchment."

Dean Vorenberg said on Tuesday that he has appointed Prof. Lou Sargentich chair of a committee to study the March 1 plan, and to work with Bureau members to find a plan acceptable to both the faculty and LAB.



Tuition to Increase by \$1050 Next Year

(Continued from Page 1)

maximum annual income to qualify for the program was increased from \$16,999 to \$23,999 with more increases planned for subsequent years.

Besides tuition, HLS's two other sources of income are "endowment income" and "annual givings." Endowment income is the income generated from the money given to HLS over the years and invested to help subsidize the expenses of the Law School. This year endowment funds stood at \$51,541,000 and generated an estimated \$3,513,000 in income.

Annual givings are the monies donated to HLS as a result of the annual solicitation of donations from alumni conducted by the

Alumni office. The goal this year is about \$3,600,000, of which about half will go to the endowment fund and half, called "unrestricted," will be used to cover current operating expenses.

Although endowment income has usually covered about 22-24% of the expenses of the Law School, in recent years with increased expenses this has dropped to a low of 18.6%. Vorenberg noted that even though the actual income generated from endowments has increased, core expenses have risen at an even faster rate.

One such expense is faculty wages, which rose 15.9%. "Since the early 70's there has been a rather steady decrease in the actual purchasing power of a faculty

member's salary," commented Simpson. "We need to catch up, and we'll be doing some of that this year and the next." Vorenberg, however, said, "There are people who do not go into teaching because there is not sufficient income in it. There are certainly people on our faculty who are tempted by the inducements of private practice, but I think we compare favorably with the other law schools."

Another sizable increase in the HLS budget is in the Alumni and Fund office item. This increase is to fund additional staffing to allow the creation of a "special gifts" position. This individual would solicit special contributions from particularly successful alumni who have a special interest in HLS and legal education.

CORE INCOME AND EXPENSES (In Thousands of Dollars)

Core Income

	1979-80	1980-81	Est. 1981-82	Projected 1982-83
Tuition	7,836	8,883	10,279	12,215
Endowment	3,043	3,274	3,513	3,759
Use of Annual Giving	1,051	1,300	1,825	1,825
Dorm. & Bldg. Rent	734	907	1,038	1,130
Application Fees	255	247	305	295
Copying	212	233	222	244
Publications	71	100	102	117
Restr. Gifts	119	105	107	100
All Other Income, Transfers & Adjustments	582	799	766	539
Total Income	13,903	15,848	18,157	20,224

Core Expenses

Admin. Dept.	2,092	2,390	2,719	2,909
ILS & EALS Exp. from Endowment	117	114	87	130
Student Organizations	533	596	756	800
Alumni & Fund Office	692	730	809	945
Fac. Instr. & Support	4,934	5,574	6,881	7,976
Library	1,685	1,940	2,180	2,594
Total School Supported				
Financial Aid:	1,503	1,672	1,776	1,515
Administration	111	133	125	135
Low Income Protection	50	50	50	100
J.D. Students grants	1,205	1,300	1,450	520
Grad. Students grants	137	189	151	160
Interest Subsidies & Supp. Grants for J.D. Students	0	0	0	600
Bldg. & Facilities	2,249	2,583	2,856	3,183
Teach. Mat. & Distrib.	190	169	181	183
Total Expenses	13,995	15,768	18,245	20,235
Surplus (Deficit)	(92)	79	(88)	(11)

University Drive

One obstacle Simpson noted is the University's current five-year fund-raising drive. Because many of the Law School's alumni are also alumni of the College, "comity" requires that HLS wait until the University's efforts end, before commencing a major capital fund drive here. "The last major capital drive we had was back in the 60's," he noted. "That's when Pound and Griswold [Halls] were built."

Vorenberg and Simpson both admitted that at first glance the decreased "bottom line" of the financial aid line item of the budget seemed inconsistent with the increased tuition. "I agree, it does look funny," said Vorenberg. Both, however, stressed the ability of the average HLS graduate to absorb the increased loan burden, and the upgraded Low Income Protection Plan which they said would protect those going into lower paying professions.

"My hope is that we will be able to build up the Low Income Protection Plan to keep pace with people's desire to go into low-income

(Continued on Next Page)

Tuition Increase

(Continued from Previous Page) jobs," said Vorenberg. "To me that's a very important part of the whole picture." Simpson also stressed that the current budget takes into account the "worst scenario" which would be the total elimination of federal loans for graduate students. If that did not happen, he said, the HLS Financial Aid Committee would recommend reassessing the financial aid awards in light of the \$600,000 no longer needed to replace the subsidized interest on the federal loans.

Meeting With Students

Vorenberg met with 10 selected student representatives Monday to get their impressions of the budget proposals. He said that although they "grilled him" he thought they did understand the reasons for the changes. They felt concerned, he reported, that students were not aware that the Law School was guaranteeing them financial assistance if federal programs were eliminated.

HLS's budget will go before the Harvard University governing board in early April for its approval. Simpson said that budgets are almost always accepted as submitted, and that should there be any problem the board would send the budget back to HLS for suggested changes rather than changing it themselves.

Vorenberg and Simpson both expressed concern about the spiraling costs of legal education and the availability of Law School financing to students. Simpson commented, "Harvard Law School has, or can get, the resources to have an excellent financial aid program for any one who is admitted here. Most schools, however, don't even have the resources to make the promises we're making about next year. I'm not really worried about HLS . . . I'm worried about the future of graduate education as a whole."

Great Moments in the Law

Man Given 99 Years For Indecent Exposure

DURANT, Okla., March 10 (AP) — An Oklahoma judge, saying he had no choice under the law, has followed a jury's recommendation and sentenced a man convicted of indecent exposure to 99 years in jail.

Jackson Monroe Martin, 44 years old, was arrested Sept. 23 in Durant after a woman said he had exposed himself on her front lawn. The woman said she saw the defendant through her window.

A jury found him guilty and recommended a 99-year sentence because "they just wanted to get him off the streets," Associate Judge John J. Phillips of Bryan County District Court said at the time. Judge Phillips imposed the sentence Monday, saying that under Oklahoma law, "If the jury sentence is to be modified, it will have to be done by the State Court of Criminal Appeals and not the trial court."

The defendant, who has 10 prior felony convictions, said, "Why, even a murderer in this same court got half of that time for killing a man in cold blood. Why make an example out of me?"

-The New York Times



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Anonymous Letter Writer

The RECORD would like to ask the person in the Boston area who sent us an anonymous suggestion for a story topic to contact us. We understand your desire for anonymity, but we need more information. Without it, we cannot pursue your story. Please call John Morris, (547-4369) Erich Merrill, (864-6864) or Brad Hudson, (776-7721).

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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Teams Hit Courts for Basketball Titles

By Benne Hutson

March is basketball tournament time throughout the country and Harvard Law School is no exception. Next week, six intramural titlists will be crowned, culminating one of the most exciting seasons ever.

Playoffs began last night and will run through Tuesday. The co-ed championship will be decided Monday at 11 p.m. The rest of the title games will be held Tuesday evening at Hemenway Gym. Highlighting this championship evening is the A league final, scheduled to tip off at 10 p.m.

Currently on top of the 5-team A league is 2L Mike Campbell's squad, followed by a team captained by Ken Hyatt, 3L. All teams

from this league will take part in the post-season competition.

In B league, the top three teams from each division will vie for the title. In the Red Division, the Right Stuff is in command after an undefeated regular season and is the pre-tourney favorite to take it all. 2L Jeff Stone's team has wrapped up the second spot while the final position is still up for grabs between the squads of Howard Zeprun, 2L, and Jim Attwood, 1L. Both have identical records and split with each other in their regular season meetings. The results of a special elimination game held Tuesday night were not available at press time.

As for the White Division, 1L Steve Fulton's team has taken the top spot with 2L David Lurie's

squad in second. The teams of Juan Saavedra, 3L, and Steve Levitas, 3L, tied for third but since Saavedra won both regular season meetings between the teams, his squad gets the final playoff berth.

The top four teams from both the National and American divisions will take part in the C league playoffs. Early favorites are the division winning teams of Eric Lisman, 3L, and Mark Wooster, 1L.

D league playoffs will feature the top three teams from both the World and Continental divisions. Defending champion Croff hopes to make it two in a row but will receive stiff challenges from the D-Generates and the Weird Turn Pro.

According to I.M. Commissioner Pat Fischer, 2L, "Judy Hall's and Melody Simpson's teams will be the two to watch in this year's women's league playoffs." Both teams have dominated their opposition thus far this year.

Perfect Parity

Competition could not be any more even than in the Co-ed league where all three teams finished the regular season with 4-4 records. "Just like Pete Rozelle, I was trying for parity," said Fischer, "and I got it." The tournament's top seed will be CCNY Women's Softball because of a higher positive point differential than the other teams.

In reviewing the season, Fischer commented, "Except for a few scheduling problems due to a cut-back in gym hours, the season went well. Especially encouraging was the fact that there was almost no violent play, which is a big change from previous seasons. A good class of referees, especially the rookie 1Ls, helped immeasurably."

Playoff schedules are posted throughout the Law School and at Hemenway Gym. All games will be held at Hemenway. All members of the Law School community are encouraged to attend.



Adam Eisgrau

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