



Harvard Law Record

America's Oldest Law School Newspaper

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APRIL 11, 1986

25 CENTS

HLS Alumni Plan Centennial Celebration

By Michael Reilly

Although the Law School has been producing certificates with the words "juris doctor" on them since 1817, HLS alumni did not form an association until 1886. This fall, the Harvard Law School Association, having more than 30,000 members in locations all over the globe, will celebrate its centennial with a gala series of events on Sept. 3-7. The anniversary of the club's formation coincides with the 350th anniversary of the founding of Harvard University, and the events of both celebrations are being coordinated so that participants can attend as many of the dinners, speeches and symposia as they are able. For the Alumni Association, this will be but the first of many events that will occur throughout the 1986-87 year.

"The Centennial will provide an occasion for us to take stock," said Law School Dean James Vorenberg '51. "It will give us a chance to celebrate our alumni and our history, and to reflect upon the changes in the profession and the law school's role for the future."

The highlight of the activities planned for the September celebrations will be the Oliver Wendell Holmes Lecture delivered on Sept. 5 by Supreme Court Justice William Brennan Jr. '31. Later that evening, Harvard President Derek Bok '54 and Supreme Court Justice Harry Blackmun '32 will address guests at a banquet in Memorial Hall. In addition to these major events, a symposium led by current and former faculty members will be offered to those attending the

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File Photo

Supreme Court Justice William Brennan will speak at the Alumni Association's 100th anniversary celebration in September.

Atheist Activist Addresses Forum

By Michael Sturm

Dr. Madalyn Murray O'Hair, the self-proclaimed most articulate and recognized atheist in the United States, confronted an HLS Forum audience last week with an impassioned attack on religion and political orthodoxy.

O'Hair has been a leader in the American atheist movement since her victory in the 1963 case *Murray v. Curlett*, which removed Bible reading and prayer from public schools. She has written a number of books concerning atheism while continuing to litigate issues relating

to the separation of church and state.

She has also worked actively for peace organizations, unions, and feminism. She has practiced as an attorney for the Department of Health, Education, and Welfare.

O'Hair began her address by announcing that Massachusetts still has a blasphemy statute and that her purpose was to break the law. She then proceeded to do so as frequently as possible during her hour-long speech. O'Hair attacked what she called the fundamental element of Judeo-Christian doctrine, which

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Students Study To Fund Legal Services

Imagine every Harvard law student receiving \$5 for each night of studying. Better yet, think of all that money going to the benefit of those who cannot afford legal services.

Although students may not have the chance to accumulate such wealth during their three-year law school careers, they will have the chance to "earn" money for studying between April 14th and 16th by taking part in the Student Bar Association's (SBA) Study-a-thon. All proceeds will be donated to the Greater Boston Legal Services (GBLS).

"We tried to think of something that would least burden people's lives," remarked Deirdre Roney, an SBA Board member, whose organization collected \$700 for GBLS from a party at Boston's Metro last fall. "With studying as the marathon event, the environment is right for everyone — faculty as well as students — to participate in raising money for a worthy cause."

Like traditional "dance-a-thons" or "walk-a-thons," pledge sheets will be available to all law students after April 3, Notes Roney: "If every student simply received a \$1 pledge for participation, we would raise a substantial amount of money."

To encourage the solicitation of pledges, the SBA will offer prizes to those individuals collecting the most money. First prize is a \$50 gift certificate for Herrell's Ice Cream. Other prizes include a dinner for two at a Boston restaurant.

On April 14–16, participating students will keep track of hours spent studying.

The SBA will also provide tables outside the Langdell and ILS libraries, so that students may sign in and out, thereby keeping track of their library hours. Plaques will be distributed, reading "I am studying for SBA."

On April 16, the last day of the Study-a-thon, at a "celebrity" party held at the Pub, all study-a-thoners will get their first beer free.

"Some students may feel uncomfortable about getting paid to

study," comments Roney, "but these students should keep in mind that the money will benefit an extremely serious and important cause."

After the SBA's Metro bash in the fall, students delivered a \$700 check to the GBLS. "They were incredibly grateful," noted Roney, describing the organization's response. "They need encouragement at a time when they are feeling threatened by budget cuts. It's important for the organization to know that the community is behind their work."

Lawyer Discusses Film Rights

By Bruce Kelly and
Marla Becker

In a speech and question-and-answer session on Thursday, April 3, Michael Rudell, of the New York City firm of Franklin, Weinrib, Rudell & Vassallo, provided a Pound Hall audience with a glimpse into the world of television and movie production law. Rudell is also the author of *Behind the Scenes: Practical Entertainment Law*.

The seminar covered "The Acquisition of Rights in Stories and Events for Motion Picture and Television Production." It was the first of a two-part series on lawyers in film making, jointly sponsored by the Committee for Sports and Entertainment Law and Boston University Law School's Communications and Entertainment Law Society.

Rudell used two examples to illustrate the complexities of acquiring rights: first, a soon-to-be-published novel, and second, the real-life story of a man who had once been a promising basketball player and now, at age 37, had returned to college and was starting on the basketball team.

Rudell said the first step for a producer is obtaining an option agreement with the owner of the story rights. Thus, he said, when representing a producer "you negotiate the whole agreement up front."

He admitted that negotiating an option can be frustrating. "Much of the work [on the contract] may have been done, but you don't have a deal yet."

As Rudell explained, a producer wants the right to make a motion picture to exhibit throughout the entire universe. Producers also want exclusive rights to make sequels, re-makes, and pilots for TV series and TV movies. Authors such as James Michener and Howard Fast get as much as \$1 million to have their books made into movies, and can get up to \$1500 for each half-hour episode of a TV sitcom based on their books.

Rudell explained that in setting a payment price, both sides try to ensure that if there's a "bonanza," they will share in it. For example,

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Forum, Professor Challenge State Department

By Hillary Richard

The HLS Forum last month filed suit against the U.S. State Department over the government's refusal to let a representative of the Palestine Liberation Organization come to HLS for a debate later this month. The Forum moved for a preliminary injunction on Wednesday, April 2.

At issue is the State Department's refusal to grant Zehdi Terzi, the PLO's delegate to the United Nations, a visa to travel from New York to Cambridge to debate HLS Professor Alan Dershowitz on Middle East issues. The Forum is the named plaintiff, but both Dershowitz and Brad Roth, 2L, are joining the suit as co-plaintiffs.

Dershowitz has said the government is trying to abridge Terzi's ability to speak freely.

The motion was filed in the District Court of Massachusetts before Judge Walter Jay Skinner. The Forum is represented by Civil Liberties Union of Massachusetts attorney John Reinstein and by Scott Lewis '74 of the Boston firm of

Palmer & Dodge. Both organizations are donating their services on a *pro bono* basis.

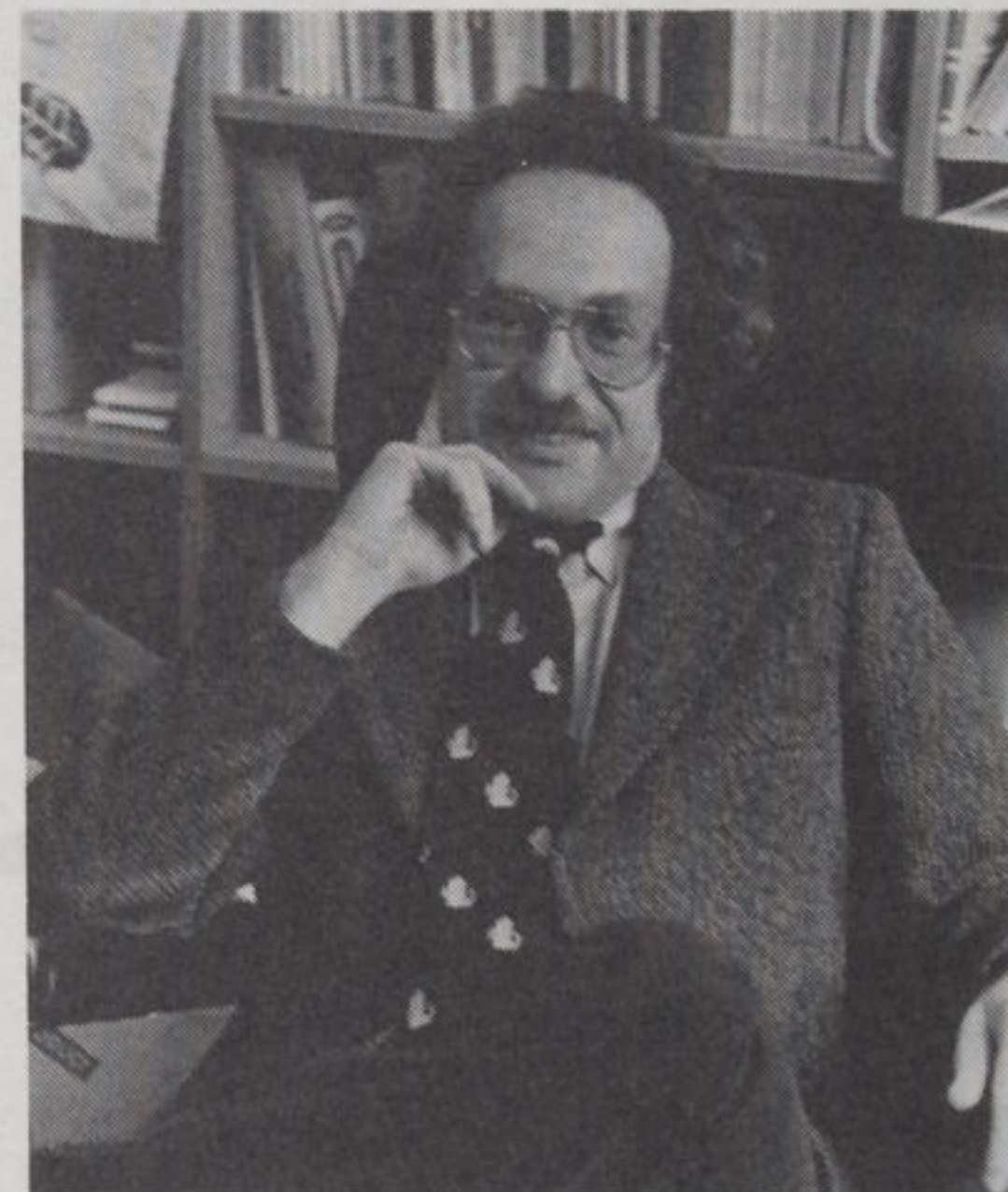
As both the Forum and the State Department agree that no issues of material fact exist, both are filing for summary judgment. The State Department acknowledges that Terzi is permitted to travel freely to attend non-political events, and that he may speak on political issues within a 25-mile radius of New York City's Columbus Circle.

No Inherent Problems

The State Department also admitted during oral argument that although Terzi's travel is restricted for security reasons, there were no security problems inherent in Terzi's travelling to Cambridge.

The State Department will file its papers on April 11. The Forum's final answer is due on April 14. It is uncertain, however, when the court will make its decision. The Forum has scheduled April 28 as the tentative date for the Terzi/Dershowitz event, which was originally slated for last October but

which was cancelled when the government refused to let Terzi come to HLS.



HLS Yearbook

Prof. Dershowitz and the HLS Forum have filed suit against the State Dept.

**Next
Record:
April 25**

Professors Try Integrating Corporate Instruction

By Julia Loewy

This spring, in addition to the two experimental sections in the first year class, Professors Robert Clark, Hal Scott, and Alvin Warren are teaching three elective courses for upperclass students in an integrated term.

The 10-unit course called Corporate Finance and Taxation, combines Corporate Finance, taught by Clark, the secured transactions portion of Commercial Transactions, taught by Scott, and Corporate Taxation, taught by Warren. The class, which one student called "Capitalism 101A," meets 10 hours a week, Wednesday through Friday, usually with all three professors. Because the courses always meet together and because the subject matter is more closely related, the integrated term is more integrated

than the experimental sections.

Although the lectures are presented individually, the other professors do make comments. The professors and many of the students believed this interaction was one of the greatest benefits of an integrated term.

Warren said that the three professors have "taken courses apart and reassembled the pieces so that each aspect of a problem is talked about in the same portion of the course." Although the overall organization of the course is a major integration, the concepts and themes of each discipline are preserved.

"It would be a mistake to over-integrate. Integration for integration's sake is undesirable." But he said integration relieves the professors from having "to reinvent the wheel each time with introductory

materials."

Scott said he believes corporate finance lies between the other two subjects and interrelates to both. Although he felt it is difficult to tie corporate taxation and secured

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Hastings Hall Will Undergo Renovations

By Robyn Roth



Sal Casente

Renovations will begin on Hastings Hall in the spring of 1987.

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Walter Hastings Hall, the oldest dormitory at HLS, is scheduled to undergo extensive exterior repairs and renovation in the spring and summer of 1987, at an estimated cost of between \$800,000 and \$1,000,000.

The necessity of the renovations has become apparent to HLS officials as rainwater has leaked into various rooms over the years, according to Paul Upson, associate dean for finance and operations. A study of the Hastings Hall exterior conducted in 1984 by the construction and consulting firm A. M. Fогarty and Associates revealed that the building, though structurally sound, suffers from substantial exterior deterioration. According to the study, Hastings has had masonry and roof repairs in the past, but various cracks in the building have only been subject to haphazard patching over the years.

After the study was conducted, the areas of the building which were found to leak water were temporarily patched. As a result, there have been no reports by residents of water leaking into their rooms this year, Upson said. The more extensive renovations will include repairing the exterior of the roof, repainting the bricks, and cleaning the building of chemicals which have accumulated on the building's exterior, corroding the stone and leading to much of the cracking which has allowed rainwater to leak into the building.

Students living in Hastings Hall next year can expect the renovation to begin in April, and might suffer such inconveniences as excessive noise and dust, noted Upson. However, as with the Austin Hall renovation, every effort will be made to accommodate student schedules, such as ceasing construction during finals. No student will be required to move out of his or her room. Moreover, though individual students may have construction near their rooms at any given time, it would not be continuous. "The most

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Lincoln's Inn Holds Benefit

By Tegan M. Flynn

On Saturday, April 5, the Lincoln's Inn Society of HLS co-sponsored a party with the Rums of Puerto Rico corporation, the proceeds of which will be donated to the Emergency Shelter for the Homeless of Cambridge.

Rafael Gonzalez Caloni, 1L, co-chairperson of the Board of Governors of the Society, said they contacted the Rums of Puerto Rico's offices in Boston about arranging a party at the Inn. "They said they'd sponsor [it] if we had a charity," Gonzalez said. The members of the Board of Governors thought that it was a good idea, according to Gonzalez but thought "let's give it to something that's in the community." Julia Loewy, 1L, member of the Board of Governors, explained, "We wanted to do something charitable and particularly wanted to do something in the community."

The Rums of Puerto Rico provided Lincoln's Inn with rum, cups, stirrers, and napkins along with party-favors including hats, tee-shirts, ties, and posters — all free of charge. With this, they recommended to the Inn the types and amounts of mixers to purchase and provided them with drink recipes to follow, according to Loewy.

The approximately 100 Inn members were provided with invitations to give to their friends. Party-goers were asked to make a donation at the door for the shelters. Gonzalez noted that "most people" donated. The Inn raised \$350 over the course of the evening.

This was the first charitable function the Inn has sponsored in the recent past. Gonzalez noted that there was a "possibility [for the Inn] to do more" in the future. Loewy noted, "I'd like to see us do more around the community."



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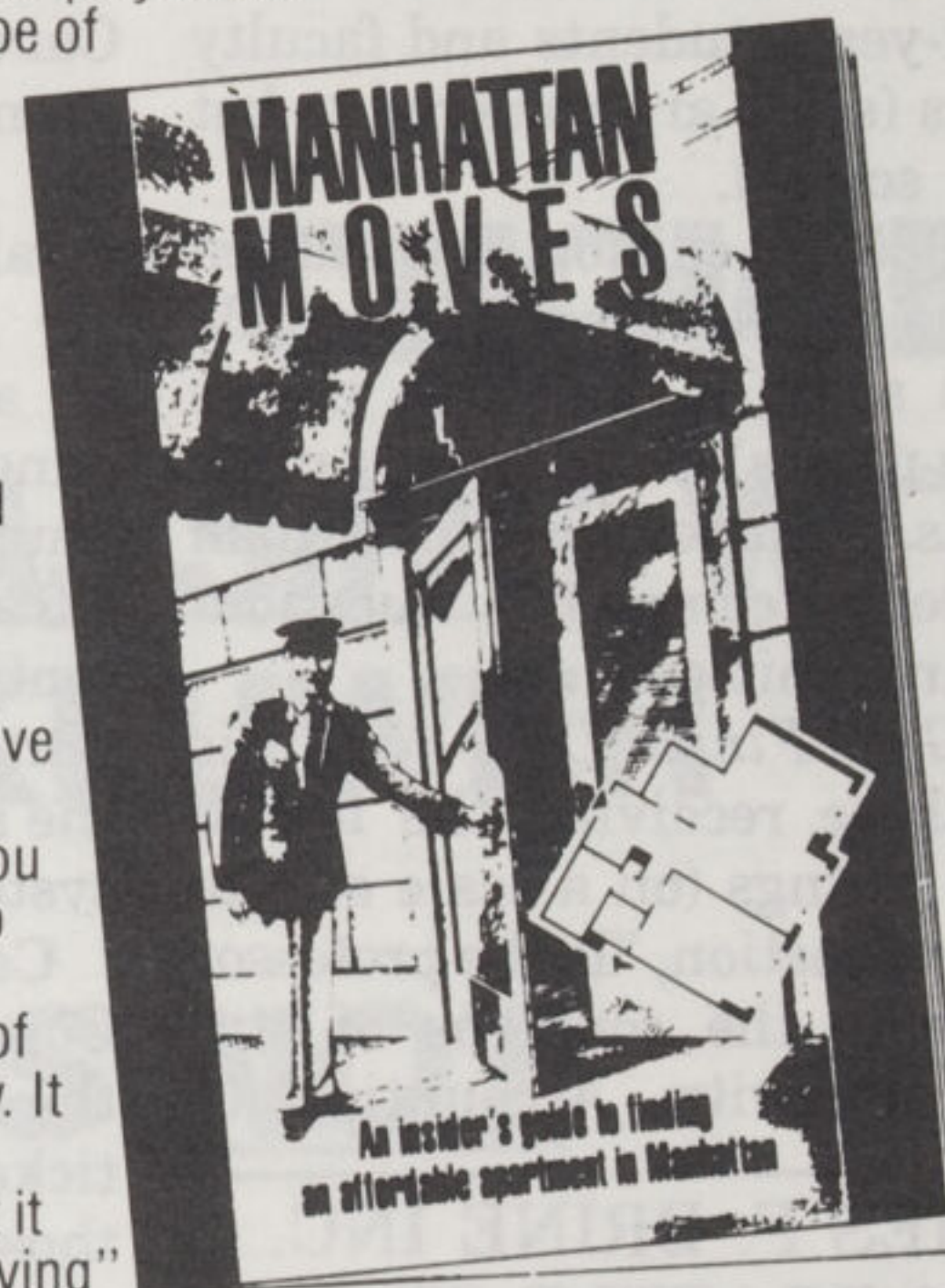
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For Better Or Worse: Profs. Grades Are In

By Bruce R. Kelly

As Opening Day approaches, baseball fans pour over compilations of the previous year's statistics, seeking information about past accomplishments and trying to anticipate future performances.

At HLS, there occurs a similar ritual of statistical examination each spring. The object of this attention from students and faculty: the annual *Course Evaluation Guide* published by the Board of Student Advisers (BSA).

The *Guide* contains compilations of numerical data and summaries of written comments received from students evaluating law school courses.

The BSA offers its *Guide* primarily to help students select their second and third year courses, but its listings are examined as well by third-year students and faculty members (some are rumored to bet on their scores).

The 1985-86 edition contains assessments of 184 classes. This article presents some of the high points (and low points) found in that mass of reports. (Courses where less than 20 students completed questionnaires are omitted.)

Nice Guys Finish Last — on this list of those receiving the lowest average ratings (on a scale of 1 to 5) for the question, "Is the professor sensitive to the concerns of students?": Herwitz, Accounting (2

credits), 2.9; Brudney, Corporate Finance, 2.9; Herwitz, Accounting (Pass/Fail), 3.0; Mansfield, Evidence, 3.0.

Tops on the Sensitivity item, all averaging 4.9: Fallon, Federal Courts; Minow, Family Law; Dalton/Minow, Family Law and History; Kobrick, Federal Litigation; and in an incredible result, *Kathleen Sullivan with a 4.9 in three classes*: Criminal Law, Federal Litigation, and Local Government Law.

Hot Tips — These classes had the highest scores on the item, "How strongly do you recommend that other students take this course?": Herwitz/Glazer, Business Lawyer,

4.9; Kobrick, Federal Litigation, 4.9; Sullivan, Federal Litigation, 4.9; and at 4.8, Horwitz, Torts; Liebman, Property; Horwitz, American History; Sullivan, Criminal Law.

Low performances on the recommendation question: Mansfield, Evidence, 1.9; Sacks, Civil Procedure, 2.1; Randall Kennedy, Contracts (spring), 2.2; Gertner, Evidence, 2.3; Steiner, Torts, 2.4; Andrews, Taxation, 2.4.

Teach Your Children Well — highest averages on the "Overall effectiveness of the teacher" question: Sullivan, Federal Litigation, 4.9; Herwitz/Glazer, Business Law-
(Continued on Page 13)

Alums Sponsor Nationwide Events

(Continued from Page 1)

Cambridge festivities. Some of these events are: Professor Albert Sacks '48 will discuss challenges to legal education, while Professor Alan Dershowitz will serve on a criminal law panel. Alumni panelists will join faculty members Laurence Tribe '66, Richard Stewart '66 and Archibald Cox '37 to debate contrasting approaches to the interpretation of the Constitution and the allocation of powers in the U.S. system.

Centennial Chairman John F. Cogan Jr. '52 noted that most of the Law School events will require tickets or invitations, particularly those that are expected to attract many guests. Although the academic year will not start until Sept. 8, due to the university-wide celebrations, Cogan said provision will be made so that HLS students in the area can attend some of the events. One possibility for students will be an opportunity to ask questions of Justice Brennan before his delivery of the Holmes Lecture. Cogan said efforts will be made to allow student participation at the symposia as well.

The centennial celebration will be extended over the course of the year beyond the 600 invitees to the Cambridge kick-off to the mem-

bership of the many alumni organizations throughout the nation. Faculty members and distinguished alumni will speak to alumni in a number of cities, including New York, Philadelphia, Houston, Chicago, Atlanta and Cleveland. At the area celebrations, faculty members will address topics that run the gamut, from Professor Duncan Kennedy debating Houston alumni on the subject of Critical Legal Studies to Professor Tribe celebrating the bicentennial of the Constitution in Philadelphia, to Professor Roger Fisher '48 conducting a negotiation workshop in Washington, D.C. The Alumni Association's 100th Anniversary commemorations will culminate in the organization's annual meeting in May 1987.

Looking toward the Association's second century, Cogan stressed the important role of the organization in keeping open the lines of communication between the School and its alumni, "In addition, alumni provide many important services, including the National Scholarship Program, which they founded to help students from outside New England attend the Law School, and the Alumni-1L program, in which Boston area alumni advise first-year students," Cogan concluded.

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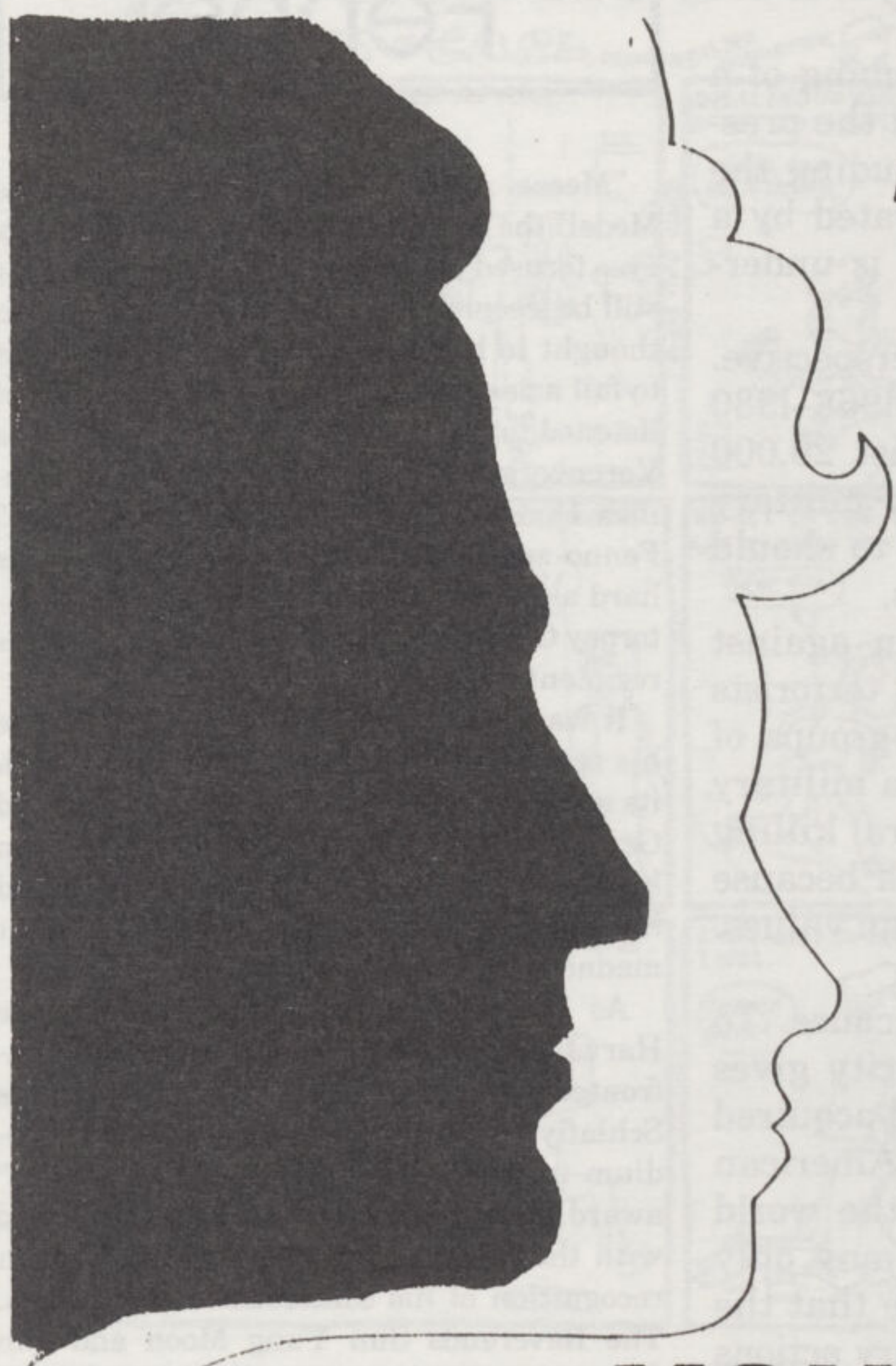
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Don't Get Trigger-Happy

In response to recent terrorist activities, including the bombing of a Berlin discotheque, presidential spokesmen have revealed that the president is studying the possible use of force against Libya, including the use of air strikes and the bombing of civilian targets. Motivated by a sense of outrage and frustration, the desire to use such force is understandable. But it is also misguided.

First, policymakers must keep the terrorism problem in perspective. While tragic, the human toll of terrorism — 3600 dead from 1968–1980 — pales in comparison to the cost of domestic crime (at least 20,000 Americans are murdered every year). Just as the prospect of military intervention to stop domestic crime is a laughable notion, so to should terrorist groups be first countered by normal police measures.

Secondly, military force is a blunt and ineffective weapon against terrorism. B-52 Bombers and XM-1 tanks are of little use against terrorists who are geographically dispersed into small, unidentifiable groups of fanatics. Suicidal lunatics are not deterred by the prospect of a military strike. The only consequence of such a strike would be the collateral killing of innocent civilians. JFK rejected an air strike against Cuba because it would be a "Pearl Harbor in reverse" and contrary to American values. His beliefs remain equally valid today.

Third, military responses, ironically, further the terrorist cause. To regard terrorism as the greatest challenge to American security gives the terrorists their goal — they will have inflicted the fear and acquired the publicity that they seek. Moreover, terrorists can use American military strikes as justification for their own attacks. And the world community may back the terrorists. Military actions, thus, may only accelerate the cycle of violence. In fact, some observers believe that the recent Berlin bombing was a Libyan response to Reagan's military actions in the Gulf of Sidra.

Instead of military intervention, we must beef up security measures and negotiate to redress the underlying grievances that motivate terrorism. At times, the administration has admirably sought negotiation first. In this summer's Beirut hostage crisis, for example, Reagan's relatively measured response was lambasted by right-wingers as "knuckling under." But the hostages came home free. Reagan should not ignore the message of Lebanon. He should ignore those advisors who are asking him to shoot first and ask questions later.

V.T.C.

HARVARD LAW RECORD

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Fenno

"Meese Awarded Distinguished Service Medal" the headline blared, as Fenno's bleary eyes focused on the morning tabloid. "I must still be sleeping . . . a bad nightmare," Fenno thought to himself. It *had* been hard to get to fall asleep last night — at least until he'd listened to tapes of Detlev Vagts and James Vorenberg — popularly known as "the Som-inex Duo." "Maybe it's a different Meese," Fenno speculated. But no such luck — as hard as it was to believe, United States Attorney General Edwin Meese was the award's recipient.

It was generally hard for Fenno to leave his spacious Somerville apartment — with its scenic vista overlooking Rocco's Bar and Grille. Normally, Fenno barely made even his afternoon classes, but today he roused himself before the crack of noon to see what madness had befallen Harvard.

As Fenno sleepily lurched through the Harvard campus, to his chagrin, he confronted a school turned topsy-turvy. Phyllis Schlafly stood proudly on the Radcliffe podium to receive its "distinguished service" award. Joseph Mengele was being bestowed with the Medical School's highest honor in recognition of his contribution to genetics. The Reverends Sun Yung Moon and Jim Jones graciously accepted the Divinity School's kudos at a beautiful garden reception featuring huge vats of kool-ade. Fugitive financier Robert Vesco had apparently slipped back into the country to receive the Business School's award for "Progressive Financial Restructuring Concepts." The School of Public Health was bestowing an award on the president of the R.J. Reynolds tobacco company. James Watt was spotted in the vicinity of the School of Forestry. But most disturbing of all was the Graduate School of Design, the Dean of which droned on in a monotone speech honoring the contributions of Walter Gropius, designer of the Harvard Graduate Center dorms.

Meanwhile, protestors were picketing at each of the various schools, as faculty members at each school were vigorously signing massive stacks of petitions that had been presented to them.

"I can't take it!" Fenno screamed. Then, he realized that he *had* been dreaming and that the scream had awakened him. Fenno turned off the tape that had been so soporific the night before, terminating Vorenberg's reassurances that "rumors of faculty divisiveness are overstated." Then, Fenno saw the morning paper: "Meese given Harvard Award." Fenno rolled over and went back to sleep thinking "gotta stop having these stupid nightmares."

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Great Moments in the Law

In the June 5, 1985, case of *Sease v. Taylor's Pets Inc.*, 74 Ore. App. 110; 700 P.2d 1054, the Court of Appeals of Oregon made the following statement:

"We ... do not accept the reasoning ... that live animals may not be deemed products because of their mutability. [Oregon Statutes] cover products that are subject to both natural change and intentional alteration. [These statutes, which incorporate section 402A of the Restatement of Torts] provide a defense to the seller or manufacturer that the product is not substantially 'in the condition in which it was sold or leased.' We hold that the live skunk which [plaintiff] purchased was a product within the meaning of ORS 30.900 et seq.

Letters to the Editor of the Record

Open Letter On Meese

An Open Letter to the Harvard University Community:

We, the undersigned members of the Harvard Law School Faculty, believe that there is no justifiable basis for awarding Attorney General Edwin M. Meese, III, a medal for distinguished public service.

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Zipporah Batshaw Wiseman

Meese As Critic

To the Editor:

I was quite upset with last week's RECORD editorial regarding Attorney General Edwin Meese. In the editorial, the RECORD argued that the Kennedy School should not award Mr. Meese a medal for distinguished public service because Mr. Meese's only distinguishing qualities are his financial corruption and his "absurd" views on consti-

tutional issues. I object to the RECORD's characterization of Mr. Meese and strongly advocate that Mr. Meese be awarded the medal.

The question of whether Mr. Meese is financially corrupt was carefully considered by the United States Senate in 1984 and 1985. After intense scrutiny of his entire

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Letters Policy

All letters submitted to the RECORD are read by the RECORD's staff. Many of them appear on our pages, subject only to editorial discretion. We encourage letters on any subject, particularly those subjects which have been covered in the RECORD. Short letters are more likely to be printed.

Letters must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter. All letters submitted become the property of the HARVARD LAW RECORD Corporation.

Texas Professor Attacks S. Ct. Activism

By Vincent Chang

Lino Graglia, a professor at the University of Texas Law School, on April 3 told 60 HLS students at a symposium sponsored by the Federalist Society that he believes that recent Supreme Court jurisprudence has deviated from the intentions of the framers. He detailed his view of how the Court has attempted to wrest control of social policy from legitimately elected representatives.

Graglia pushed the view that the judiciary must not intervene without textual basis to overturn the legislature, as he reiterated the opinions he had set forth in a 1976 book entitled *Disaster by Degree* and in his 1985 *Commentary Magazine* article entitled "How the Constitution Disappeared." Claiming that

"the Supreme Court has become the most important institution of government," Graglia urged the Court to cut back on its sweeping decrees and to instead adhere to the words and the meaning of the Constitution.

Graglia spent much of his speech denouncing a recent statement by Supreme Court Justice Brennan. In that statement, Brennan contended that the Constitution has little determinate meaning and that the intentions of the framers are so difficult to divine that the constitution should be interpreted flexibly to adapt to the changed circumstances of our time. Graglia pointed to what he saw as a logical fallacy in Brennan's argument: "If the legislative intent is as difficult to determine as Brennan says, if the written law

is unknowable or irrelevant, judges have no basis for declaring laws unconstitutional. You can't invalidate laws on some other basis." Moreover, Graglia noted that Brennan's loose standards for statutory interpretation would overturn long-settled common law principles for interpretation and would interject the judge's personal beliefs for the beliefs of the framers.

Graglia also took issue with Brennan's perception of the Constitution. "The Constitution of Brennan's vision is one of great and overarching principles . . ." Graglia, on the contrary saw the Constitution as "not providing any protection for human rights, but for commercial ones." Graglia pointed to the provisions for slavery, including the three-fifths clause, as indicating that the constitution was meant to serve "limited and mundane commercial purposes — it provides judicial activism little to work with."

Deciding Social Policy

Graglia contended that in general state and federal legislators have little occasion, desire, or need to violate the constitution." Since few blatantly unconstitutional laws are passed, Graglia saw the real issue as being "why should the American people prefer to have social policy issues decided by the Supreme Court, rather than by decentralized political processes?"

Graglia explained that he sees Brennan as having two contradictory rationales for this overriding of the democratic process: first, that "the justices are the true voice of the people" and secondly that "the people are not always to be trusted."

These assertions, Graglia contended, are simply misguided. "Why are judges better reflections of community views?" Graglia asked rhetorically. Graglia also rejected the view that judges should "paternalistically" reject electoral authority in favor of "higher values."

"The constitution is only an oration to human dignity if the American people accept it."
(Continued on Page 16)

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Attorney Discusses Entertainment Law

(Continued from Page 2)

the owner of rights in a novel may get a bonus of \$1000 for every week the book is on the best-seller list. He cautioned that where such contingent bonuses are involved you must get a "cap" on the total of payments. To illustrate the hazards of failing to take this precaution, he offered a "true story":

HBO had an "output deal" with Columbia Pictures that they would put up one-third of the cost of each picture in return for the right to broadcast the film. Columbia was worried that under this agreement they would not receive enough for a blockbuster movie. So, explained Rudell, "HBO said, 'don't worry, we'll give you x dollars for each unit of sales.'"

Well, said Rudell, along came a movie called "Ghostbusters" and HBO had to pay an additional \$33 million license fee, as compared with an ordinary fee of \$3 million. "A slight discrepancy," said Rudell, "because nobody put on a cap."

On a different topic, Rudell noted that a producer seeking to exploit a true event, has three options: to obtain the right to the story; to fictionalize it; and, make a documentary, relying on First Amendment rights for protection. He emphasized that each approach had problems.

Rudell stated that producers had been scared off from fictionalizing stories by a 1979 or 1980 California decision where a psychologist, whose practice included "nude, marathon sessions" successfully sued a writer who attended his session and wrote

a fictionalized account of them.

The problem with the documentary approach, said Rudell, was that celebrities portrayed in a "docu-drama" could still sue based on violations of their rights of privacy and publicity. He cited how a threatened suit by Elizabeth Taylor had prompted ABC to drop plans for a docu-drama based on her life.

To give his audience a feel for how money works in the movie business, Rudell represented a quantitative example. In this example, a film which grossed \$40 million and cost only \$15 million to make turned out to have a computed net 'profit' of "two million dollars in the hole." Rudell explained that distribution fees, distribution expenses and costs of production can eat up to 100% of profits. The moral of the story: in seeking percentage bonuses, don't take percentages based on "net profits."

Integrated Term Is A Success

(Continued from Page 3)

transactions together substantively there are ties on a transactional level.

According to Michael Christian, 2L, "What's important is they're discovering the points where the crossover is conceptual. Doctrine overlays economic reality one way in one field, a different way in another, but the ways of dealing with economic reality and theory are sometimes similar."

Although one student said that he is "o.d.'ed" on corporate law, the overall reaction has been very positive. "It's a fantastic idea," Paul Dwyer, 2L, said. "It's what I plan to do and I love it." Fickenscher said the professors are "some of the best in the school. I just want to hear Scott and Warren sing."

There is a possibility an integrated term will be offered in 1987-88, Clark said it is "an exhausting, exhilarating experience."

"The question is whether this type of collaboration can be sustained over a long period of time," Scott said, noting the increased demand on the professors which results in other courses' not being offered.

"The first concern is the impact on the overall program," he said.



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Students Grade HLS Profs

(Continued from Page 6)

yer, 4.8; Minow, Family Law, 4.8. Five others averaged 4.7.

The lowest averages for teacher effectiveness: Mansfield, Evidence, 2.0; Sacks, Civil Procedure, 2.1; Gertner, Evidence, 2.2; Andrews, Taxation, 2.3; Randall Kennedy, Contracts (spring), 2.3.

Top Dogs — Based on the survey results, selections for the best class in each category, and the best overall professor.

Best of Breed: 1L Required Courses: It's impossible to choose between superlative scores for Liebman's Property and Sullivan's Criminal Law. A close third is Horwitz, Torts.

Best of Breed: 2L, 3L Recommended Courses: Another race almost too close to call, between Tribe's Fall 1985 Constitutional Law class and Tribe's Spring 1986 Constitutional Law class. The fall class gets the vote for its higher "Intellectual Stimulation" rating. Honorable mentions go to: Parker,

Constitutional Law; Clark, Corporations; and newcomer Kaplow, Taxation.

Best of Breed: Electives: To choose among the at least 15 outstanding performances (and that's not counting classes with less than 20 responses) is exceedingly arbitrary. Particularly high scoring are: Herwitz/Glazer, Business Lawyer; Horwitz, American Legal History; Jackson, Commercial Law; Minow, Family Law. My vote goes to Minow's Family Law for almost perfect averages of 4.937 for preparation and responsiveness to students.

Best of Show: Top Performance: considering all classes by one professor, it's a difficult choice. The top prize goes to Professor Sullivan who received outstanding reviews for three classes: Criminal Law, Federal Litigation, and Local Government Law, but a strong case can also be presented for Professors Fallon, Tribe, Jackson, and Horwitz.

Congratulations and best wishes for the next year!!!



Letters to the Editor of the Record

(Continued from Page 9)

financial record, the Senate Judiciary Committee absolved Mr. Meese of any wrongdoing and the full Senate overwhelmingly confirmed his nomination. In light of the Senate's careful scrutiny and ultimate judgment, the RECORD's implication that Mr. Meese is corrupt smacks of holding Meese guilty though clearly proven innocent. The RECORD's standard of "guilty though proven innocent" would seem more dangerous to the democratic ideals it so virulently advocates in its editorial than any actions Mr. Meese has ever taken. The RECORD should be careful in applying this standard because such a standard could require it to publish editorials condemning the Kennedy School if the school later decides to award a medal to either the now-absolved Geraldine Ferraro or the equally-absolved Senator Edward Kennedy.

Mr. Meese's views on constitutional issues can not fairly be termed "absurd." The RECORD's use of the term "absurd" suggests that Mr. Meese's views are both "unusual" and "without basis." First, Mr. Meese's views

cannot be called "unusual" for they are held by many people. His view that both *Miranda* and *Roe* were incorrectly decided is supported by much of the American public, by a number of noted constitutional scholars, and by one of the most distinguished members of the Supreme Court, Justice Rehnquist. Second, Mr. Meese's views cannot be termed "without basis." Many agree with Mr. Meese's view that both the entire line of privacy cases and those cases applying the Bill of Rights to the states are in complete opposition to what the Framers intended. While one can fairly question whether the Framers' intent should be persuasive on constitutional issues in modern America, Mr. Meese's views can not be termed "without basis" when they are strongly supported by the Framers' intent.

I advocate the awarding of a medal to Mr. Meese for one simple reason: he has added life to American legal debate. Mr. Meese is perhaps the most outspoken and controversial Attorney General this nation has ever had.

(Continued on Page 16)

Repairs Planned

(Continued from Page 4)

any student would have to do would be to close his or her window," said Upson.

The renovation was originally scheduled to begin this spring and summer, but was postponed for a number of reasons, Upson said. First, the fact that this year's residents of Hastings were given no advance notice of the plan when they chose their rooms was thought by administrators to be unfair. A memo was included in this year's dormitory lottery information notifying students of the renovation and its possible impact on next year's Hastings residents.

In addition, University officials feared that the work might not be completed in time for Harvard's 350th anniversary celebration next year, thus creating an eyesore during the festivities. Finally, the arrangements for the loan from the University were not completed in time for beginning construction this year.

According to the Cambridge Historical Society's *Old Cambridge Book*, Hastings Hall was constructed in 1888 with the aid of a quarter million dollar bequest by Walter Hastings. It was originally constructed as a graduate student dormitory, and was placed near Austin Hall because it was intended primarily to house law students.



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Graglia Blasts S. Ct. As Anti-democratic

(Continued from Page 10)

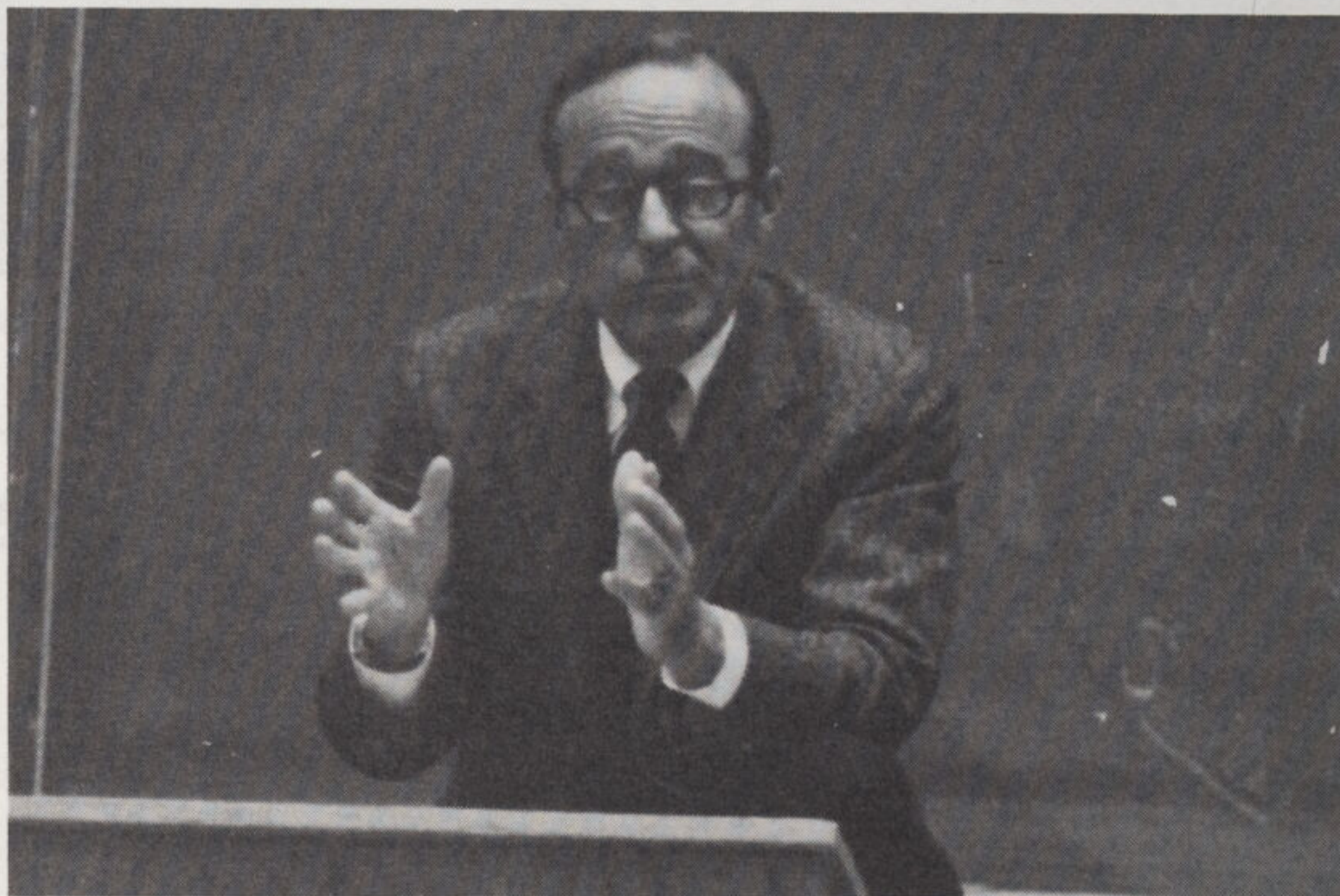
can people made it so.... But Brennan views their beliefs as irrelevant." The authority for constitutional adjudication, Graglia argues, does not stem from a "metaphysical, extra-textual source," but must come from the document itself. "Since most constitutional decisions are merely political in nature, we should rely on the good sense of the people to decide issues, rather than upon the judgment of nine life-tenured judges."

In a free-wheeling question and answer session after the speech, Graglia attacked advocates of judicial intervention, such as Justice Douglas. He noted that Douglas once overturned "hundreds of years of Anglo-American history" when he declared that the illegitimacy/legitimacy classification was a suspect one. "And he did it in six pages," Graglia pointed out. "Brennan would have done it in 60 pages — of humbug." "What authority did he have? He cited King Lear. Edward the Bastard in King Lear says that bastards are O.K."

Graglia also lambasted Justice Black. Black "kept insisting he was just a humble Alabama country boy," Graglia observed. "And I agree with him." Nor did Justice Goldberg escape Graglia's scorn. "It's fun to run a state," Graglia said. "Goldberg couldn't get elected dog-catcher in New York but he got to run the country when he sat next to Brennan."

The whole court, in fact, received Graglia's criticism. Graglia jokingly explained the motivation for the Supreme Court's activism: "To just decide cases is a bummer. You don't make much money. \$80,000 a year when a partner in Wall Street can get a quarter of a million a year."

Most of the question and answer period, however, was devoted to Graglia's substantive beliefs, which came under fire from student questioners. Graglia contended that the Supreme Court should not be a body of "philosopher kings." If nature has given us rights, it has done a very poor job of enforcing them."



Sal Casente

Prof. Lino Graglia advocates judicial restraint.

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Letters to the Editor

(Continued from Page 13)

Long outdone by liberal advocates, the conservative right now has a legal spokesman who has caught the public eye. Conservative ideas which have long been dismissed are now being seriously reconsidered due to Mr. Meese's strong and consistent advocacy. The liberal foundation upon which the American constitutional framework has stood for a quarter century is now being seriously questioned. And the constitutional framework can only be strengthened by the questioning Mr. Meese has caused. Should Mr. Meese's views be deemed correct, his consistent advocacy will have caused us to realize that

the constitutional framework needs to be redone. Should his views be rejected, the present liberal framework will be even stronger for having withstood the attack of a ferocious opponent. For his part in adding life to a debate which can only improve the constitutional basis of our nation, I think Mr. Meese should be awarded a medal.

Ultimately, I suspect the RECORD's disdain for Mr. Meese stems from a fear: a fear that Mr. Meese's questioning of the present constitutional framework could cause the collapse of its liberal foundation. Yet, if the foundation is so weak that it can not survive serious scrutiny, what good is it?

Tony Shelley, 2L

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Atheist Speaks To Students

(Continued from Page 1)

is that death and evil entered the world through the disobedience of Eve, but that death can be overcome through an acceptance of God. "I didn't eat the apple," O'Hair said, adding that religion should not dare to impute Eve's crime to others. Furthermore, she said that "you can't get off the hook by imputing a goodness that will erase the badness." She also stated that prayer is an exercise in futility and self deceit.

O'Hair's wrath fell on the Reagan administration and its supporters. She condemned the "charlatans and knaves" now in power, including among them President Reagan, Attorney General Meese, and Solicitor General Charles Fried, a former HLS professor. O'Hair stated her belief that the nation is moving towards feudalism and that the middle class is being wiped out by conservative policies.

HLS and the Forum audience were not spared from the attack. O'Hair argued that HLS has supported Reagan and his policies, and that acquiescence to their policies is "criminal activity." She repeatedly asked, "Why are you not doing something about it?" and stated that "every person in the nation appears to me to be yellow."

O'Hair concluded by noting the ties between conservative politics, the original intent doctrine of constitutional interpretation, and a time when the position of religion in society was "comfortable" and not open to challenge.

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