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TWENTY CENTS



Kidnappers Pinch Dean Sacks' Photo

By Tammy Jacobs

The Law School has been the scene of a dastardly kidnapping. Even now, members of the self-styled Harvard Law School Liberation Army (HL-SLA) are holding the official portrait of Dean Albert M. Sacks captive, awaiting response to certain demands.

However, the RECORD has been in contact with the kidnappers, and can assure the public that the portrait is safe and well cared for. At one point, the kidnappers allegedly placed the portrait on the phone with the RECORD, having it answer by tapping its frame once for yes, twice for no.

Through this so-called conversation, the portrait assured the RECORD that it was unharmed, but that it missed its spot on the Pound Building wall. The conversation was terminated when the portrait tapped, erratically, several times in answer to one question.

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Faculty Committee Reviews Curriculum

By Dan Hershman

The Committee on Educational Planning and Development will "undertake a comprehensive review of the existing educational programs of the School, with major emphasis on curricular programs," according to Dean Albert M. Sacks.

Sacks hopes the Committee will propose revisions for the Law School's educational needs over the next five to ten years. Sacks has requested that the Committee deliver a report or reports within two years, but otherwise the Dean has given the Committee free reign over its activities.

Chaired by Prof. Frank Michelman, the Committee now consists

of eight faculty members: Victor Brudney, Robert Clark, Douglas Ginsburg, Duncan Kennedy, Charles Nesson, David Shapiro, James Vorenberg, and Michelman. Student members are to be picked shortly, according to Michelman.

Last week Michelman issued a memo and placed a notice in the *Adviser* that the Committee seeks advice and suggestions for its agenda from faculty, staff and students. Michelman sees the Committee's task as a "global assignment."

"The Dean's charge is potentially very broad. A lot of careful thought and discussion is required," he said. Michelman speculated that the

Committee may meet about four times this semester.

Michelman noted the great deal of work the Committee faces in analyzing reports from past studies of HLS, ranging from the 1960's Committee on Planning and Development, which recommended better aid programs and the construction of the Pound and Faculty Office Buildings to the curriculum study in 1959 to Prof. Lon Fuller's study in 1948.

Besides reading reports from the past, Michelman hopes the Committee will gather information from the present in open forums and through communication with

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Hell in Langdell—Close to Home

By Tammy Jacobs

Local Talent

A lot can change between a dress rehearsal and an opening night. A lot will have to have changed, if the Law School show is to live up to its potential.

Potential there is, however, and even the unpolished version of "Paradise Remanded or Replevin Can Wait" seen at the dress rehearsal Tuesday night had enough charm and humor to guarantee the Drama Society success during the show's eight-day run.

Given that the Law School Show is part of the HLS experience, and that this one is worth going to at least once, this review should serve as a road map to what to look for — and what to look away from.

This year's show makes for a pleasant evening, with a well-conceived script, an enthusiastic and competent cast, and an array of songs to please the most diversified of tastes. There are all the usual jokes about law school life; and, as usual, some fall flat. But the direct hits are plentiful, and that's what counts.

The script, the communal effort of a large group of students, is a classic story of a 1L who sells his soul to the devil and travels to Hell to get it back. This year's theme that Hell is "a lot like Langdell" is a more believable fantasy than last year's "Cambridge is not so far from Camelot;" and the story line provides the right amount of glue for the series of songs and sketches. High points are the scenes dealing with interviewing, and a too close-to-life Faculty Awards banquet, where the faculty meets to honor itself.

The show's structure provides a setting for the not-inconsiderable talents of a fairly large group of people, with enough major roles to go around. Besides the lead, Quincy Faust, there are the female lead as well as the Seven Deadly Sins (oops — Eight Deadly Sins — "Duplicity finally made partner."). Best of all, there are built-in roles for Prof. Arthur Miller, Visiting Prof. Irving Younger and Asst. Dean Mary Upton. Upton was not present at dress rehearsal; but Younger and Miller were scene stealers in what might be called type-cast roles as, respectively, a game show host and Satan Himself. (Those who liked a black-haired Miller as the Travolta character in his Erie Day show will love the red-haired, horned Prince of Darkness). There are also roles for two other faculty members — different each night.

Last year, on dress rehearsal night, the director quit. This year, the director was playing the lead role, and was expected to stay in that role for the first four nights of the show. Director Peter Jones, 2L, a stand-in for ailing lead Frank Bowman, 3L, is solid as the ambitious (read: Nurd) Faust; but the last-minute switch hadn't left him time to polish his performance.

Andrea Davis, 1L, as Faust's girlfriend, does an acceptable job of a bad part — her role as an anthropologist studying the "primitive" social structure at HLS lacked subtlety, to say the least. However, her singing in a Second Act "woman-scorned" ballad — simple and sincere — provided just the right touch.

Next to the Younger and Miller roles, the scene-stealing was done by the Sins. All eight were more than competent, but special notice should be paid to Robert Emerson, 1L, as pajama-clad, narcoleptic Sloth; and special notice *will* be paid to 2L Terry Lauzon, whose role as Lust provides her with some of the most substantial lines and certainly the least substantial costume.

The supporting cast was, for the most part, strong. Dan Waters, 3L, made a perfect salesman of a Mephistopheles; Ted Rogers, 3L, and Tom Hamerlinck, 1L, showed versatility in a variety of roles. Carl Oppedahl, 1L, did a creditable Detlev Vagts, Tom Seoh, 1L, was an appropriately-spacy Roberto Unger, as well as in incredibly fluid dancer, and Marla Williams will stop the show in her cameo, well-lit role as The Computer. On the other hand, someone should tell Tom Brisco that, while he LOOKS like Arthur Miller, there's a difference between Brooklyn and Britain; and Brisco just doesn't have the accent.

Passing Fancy

The mainstay of the show is its music, although there can be too much of a good thing, what with 18-plus musical numbers. The Areeda-Byse-Wolfman trio, warbling "we don't know the meaning of the word 'pass,'" is a high point, as are "The 20-Minute Quartet," the "Law Review Song", "Cerebral Supermen" and "Callbacks." Unfortunately for the good singers, good lyrics and good music, the orchestra wasn't up to the job — at least not at dress rehearsal, when some of the musicians were sight-reading. Its raggedness was the sorest spot of the evening.

Broadway it's not, but, as Arthur Satan says of students who have sold their souls for HLS, most of the audience will "have exactly what they bargained for." And, at \$3 or \$3.50 a head, it's worth it to seek out "Replevin."



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Ames Teams Square Off in Semifinals

By Emily Bresler

Third year students who spend time in the library these days generally have a good excuse — third year papers. First year students who are found in Langdell have a fair excuse . . . paranoia. But what possible justification can be given by a 2L?

Twenty-four 2L's have another reason for frequenting Langdell this month; they are members of the four semi-final teams in this year's Upper Round Ames competition. The competition began last fall with 16 teams. The winners of the semi-final round will compete in the final argument next fall.

In the semi-final round, the four teams are divided randomly into two pairs, and each pair briefs and argues a different case. The round began in early February when the records were issued and will culminate in oral arguments before Spring Break.

The first case, *United States v. Paul McNamara*, will be argued by the Marshall Club and the Learned Hand Club teams on Tuesday, March 20. The judges will be Malcolm Wilkey of the United States Court of Appeals, District of Columbia Circuit, Prentice Marshall of the United States District Court of Chicago, and Ruth Abrams of the Supreme Judicial Court of Massachusetts.

The second case, captioned *George Brown v. Commonwealth of Massachusetts*, pits the Luther Martin Society team against the Somerville Bar Review team. The case will be heard on Thursday, March 22nd before Paul H. Roney of the United States Court of Appeals for the Fifth Circuit, Frank C. Newman of the Supreme Court of California, and Elizabeth W. Pine of the New York State Supreme Court.

Quality, Not Merits

According to Mike O'Brien, 2L, the Board of Student Advisers member in charge of Upper Round Ames, both arguments will be held in the Ames Courtroom in Austin

Hall at 8 p.m., and will be open to the public. O'Brien stressed that the teams will be judged on the quality of the arguments and not on the merits.

CIA Book

United States v. Paul McNamara involves a former CIA agent who published a book describing agency activities and alleged illegal activities of a fellow agent. The Supreme Court has granted certiorari to decide whether an agent's first amendment rights are violated by secrecy agreements which require agents to submit all writings concerning the CIA for pre-publication review. Other issues include the extent to which courts may review CIA classification of documents and the fiduciary duties of an agent of the United States once employment is terminated. The Marshall Club will represent appellant, the United States, and the Learned Hand Club will appear for appellee McNamara.

The case of *George Brown v. Commonwealth of Massachusetts* involves issues of equal protection and freedom of religion. Appellant Brown was denied access to his adoption records when he failed to demonstrate "good cause" as required by a Massachusetts statute. Brown must find his natural parents and convince them to join the religious congregation to which Brown belongs in order to fulfill the religion's requirements for salvation. The Massachusetts Supreme Judicial Court held the statute constitutional on the grounds that it protected several state interests including the natural parents' right to privacy and encouraged people to place children for adoption through the state system. The Luther Martin Society will represent appellant Brown and the Somerville Bar Review team will argue for the Commonwealth of Massachusetts.

Varied Parties

The teams entered in the semi-final round are as varied as the

parties they represent. The Marshall Club team has Marcia Rimai and Richard Swanson as oralists, and Mark Carroll, John Erikmeyer, Robert Kantner and Sylvester Turner assisted on the briefs. The team formed because all the members, who were good friends from Section 3, enjoyed their summer work experiences with litigation. Since they had among them several Marshall Club members the team qualified for Marshall Club sponsorship. The sponsorship provides \$100 to the team to defray xeroxing and videotaping costs. Swanson admitted that Ames was "more work than we bargained for" but quickly added that despite the tensions associated with time pressures, the teammates were "still good friends, so far."

The Learned Hand Club consists of oralists Frank Cross and Lyle Jeffrey Pash, and members Nicholas Finke, Kimberly McDaniel, Walter Schindler and Linda Sutton. Team Captain Schindler said that "Ames was the only thing I ever really wanted to do in law school." Since he didn't have a pre-determined group, Schindler's team was put together hastily before the competition last fall. Both oralists on the team were college debaters and members of the Learned Hand Club, traditionally the Ames Club for former debaters. Schindler admits there was some initial friction about being called the Learned Hand Club. But then the team members heard that Hand, when turning down a spot on the Harvard Law Review, said, "I didn't come to law school to edit a magazine." Says Schindler, "Since then we all refuse to be called anything BUT the Learned Hand Club."

A Good Experience

Luther Martin was a prominent lawyer in the late 18th and early 19th centuries. He attended the Constitutional Convention, but refused on principle to sign the Con-

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Hark Cuts Coupons To Clip Costs

By Mike Smith

The Graduate Dining Center at Harkness Commons will not be closing. And students won't be forced to buy coupons, whether they live in the dormitories or not. But there won't be any coupons sold, either.

The most immediate change instituted by the Harkness Dining Committee terminated the coupon discount feature that had been offered since last year. The last day to obtain coupons was March 8 but coupons will be honored until year's end.

The Dormitory Council responded to the Hark Committee's curtailment of coupon books by passing two resolutions during its regular meeting on Monday. The first one registered Dorm Council dismay with the action of the Hark Committee in ending sales of food coupons to students, adding that the assumptions of the Hark Committee upon which this action is based are not in accord with reality.

The second resolution provided "that the Executive Committee [of the Dorm Council] strongly urges the Hark Committee to reconsider its recent action in discontinuing charge sales and sale of coupon books as of March 9; and further, that if the Hark Committee refuses to rescind said action, Dorm Council will purchase one hundred coupon books to be resold to students at \$20.00 per book through the Game Room, starting April 1." This resolution only passed on by a one vote margin. Phil Umphres, Dorm Council president, indicated that this resolution had been passed on the assumption that any unused coupon books which had been purchased by the Dorm Council could be returned for a refund at the end of the year.

Umphres indicated that they may not be able to carry through with their second resolution. The Hark may not be willing to sell such a large number of books to one group. In addition, there is some fear that the Dorm Council may

not be allowed to return any unused books. If that is the case, the Dorm Council has not any plan of action established as a formal alternative.

The coupon purchase plan did not lead to an increase in the amount of food purchased by students at the Hark, according to Professor Oliver Oldman, Chairman of the Harkness Dining Committee. He indicated that the committee decided that it would be better to have the prices speak for themselves, rather than have a concealed discount that operated through the coupon system. It is the committee's hope that this change will lead to more meals being "fully paid for and not subsidized." Oldman indicated that the committee had anticipated a run on the coupons when it was announced that they would no longer be sold.

More Limited Menus

The Hark may also cut back its breakfast service if this is found to save labor costs. Students are not utilizing the current extensive menu at breakfast and if it is possible to save money by eliminating some of the expensive help at breakfast, the committee would like to do so, Oldman said.

Oldman also indicated that the committee has discussed cutting back on the number of menu choices offered, if that will save money. For example, the Hark might emphasize the salad bar and grill at lunch time and offer one hot entree instead of the current three or four. The committee is not sure how much money this would save, but Oldman indicated that the extensive menu is a habit which developed over time and that no one had examined it to see whether it is necessary to attract business. Oldman says he doubts that such a reduction will upset the customers.

The committee may also use this spring to experiment with other combinations of meals and service to see what works best. Currently, the committee is developing op-

tions for implementation next fall. These will probably cover an agreement on a set of meals and services for the next academic year and a procedure for instituting long range plans. Oldman hopes that the recommendations can go to Dean Albert M. Sacks in the next few weeks.

Cost Allocation

Oldman explained that certain facts have not been completely clear during the course of the discussion about the future of the Hark. The cafeteria in the Pound Building and the Harkness Dining facilities are run by the same group of people. They do not become consolidated for accounting purposes. Each operation is separately accounted and the point of the accounting system currently used is to allocate costs to the facility which incurred them. This interrelationship had been an early concern of the committee.

Catering operations at the Law School are also run separately. The aim of the catering has been either to break even or to make a small profit. It is also accounted separately.

The dining facilities in the Hark do not bear the entire financial burden of the Harkness Commons building. The building is maintained as a separate account and its costs are allocated to the various users of the building. Oldman said that "an honest attempt is made to not put all of the burden of the Hark building on those who eat there."

Expensive Yogurt

Oldman indicated that several other issues have come before his committee in regard to the operation of the Hark. One of these has been the issue of the high prices charged for the coffee and yogurt sold. He feels it is crucial that the prices of these items not go beyond the prices offered elsewhere and believes the current prices "seem to

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Profs To Take Hard Look At Curriculum

(Continued from Page 1)

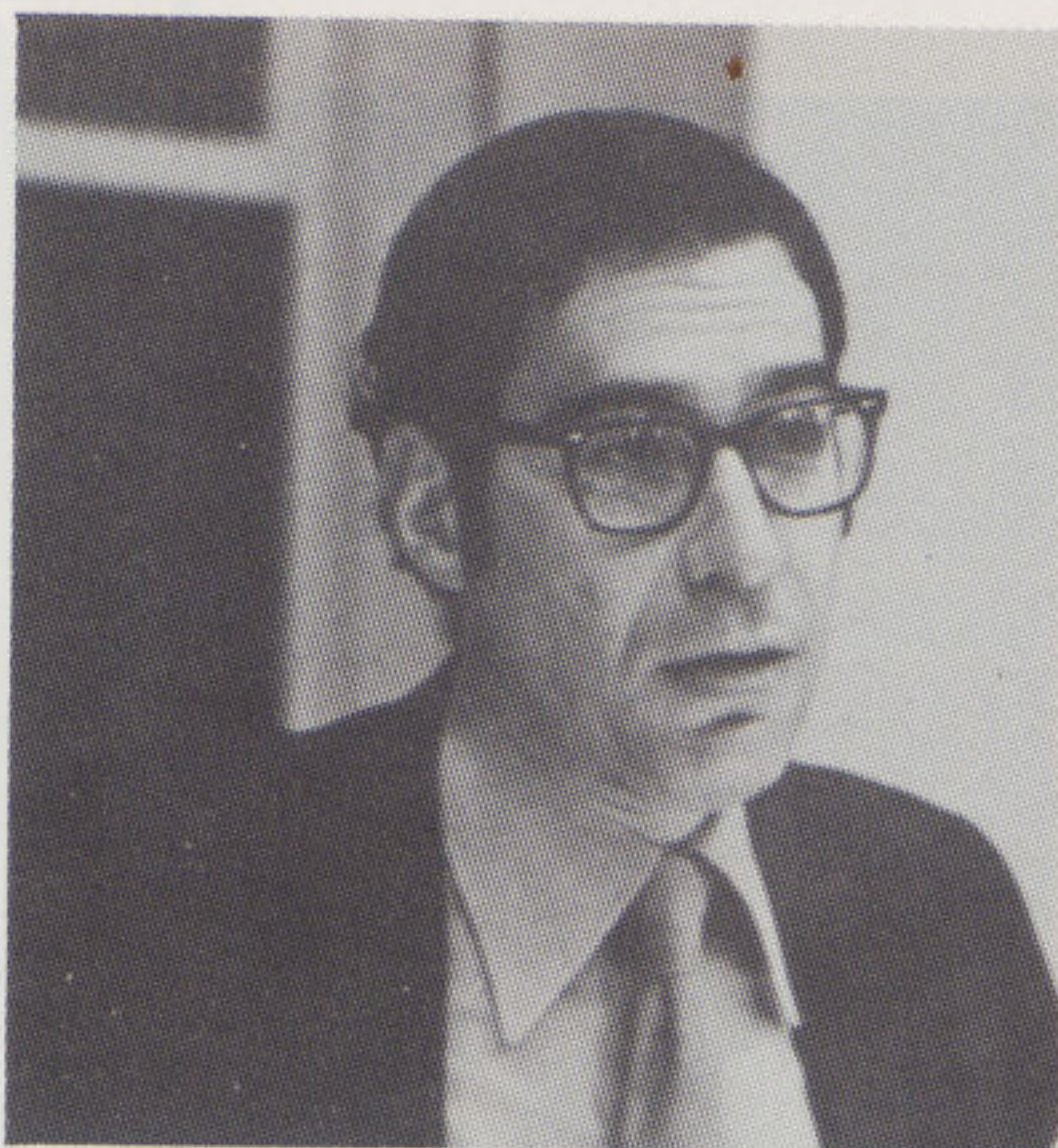
such standing committees as Legal Writing, Clinical Education, and also Legal Education.

Uncertain Agenda

Michelman can't yet say what issues the Committee will tackle. "I don't think I could say anything intelligent about the issues right now. I haven't done enough thinking yet about what our concerns should be. The question of grading is within the charge of the Committee. Clinical instruction is also a significant curricular matter." Michelman emphasizes, "It would be very helpful for the Committee to get ideas and proposals from other people." The Committee hasn't discussed whether its meetings will be open or not, but "I can't imagine what could be top secret about our deliberations," Michelman said.

The consensus of the seven Committee members contacted by the RECORD seemed to be to approach the task as objectively as possible. Prof. David Shapiro said, "I don't have any very exciting pronouncements, no firm agenda on my mind. I have a very open mind on where the Committee should direct its attention." Shapiro feels one matter that might be studied would be the three-year program versus alternatives. "I personally feel the three-year program should be strengthened."

"I think if we knew what the appropriate questions were we'd be further along," Asst. Prof. Douglas Ginsburg said. "I haven't gotten to the stage of thinking out what submissions I will make as a Committee member, but I will very shortly. One topic I would hope would be taken up is the relationship between second and third years. Now they're only distinguishable by students' tendencies. More courses should be part of a progression for which earlier courses are prerequisites. That way, a faculty member would know that students had a core course background."



Professor Frank I. Michelman

Encourage Innovation

Prof. Robert Clark shares Ginsburg's concern for sequencing courses. "Economics, ethical and political philosophy courses might serve as foundations for certain higher level courses." Clark hopes the Committee will receive input from students and graduates for what they think the importance of various courses was for them.

"Are we trying to teach basic legal skills or advance legal reforms more closely related to society's interests?" said Clark. One thing the Committee might attempt is the reexamination of traditional beliefs students and faculty have over which courses students should study.

"Commercial law, tax, corporations might not be good for every law student. We should free up the curriculum and experiment with different courses. Experimentation raises the level of interest among students and faculty," he said. Clark feels the goal of the Committee, which he sees as having a bigger role than responding to specific problems, should be to "encourage innovation and experimentation,

Law Note: The first round of the HLS Dorm Council's Trivia Contest will be held from March 12 to March 14 in the Mallory-Smith Room at 7:45 P.M. The semifinals will follow on the 19th at the same time. The Grand Finale, however, will take place at 8:30 P.M. on Wednesday, March 21, in the Ames Court Room under the gaze of Louis Brandeis.

especially in the first year."

Associate Dean and Prof. James Vorenberg told the RECORD, "I don't have a fixed agenda. I really think the Committee needs to meet to discuss substantive matters. Members ought to do some work before they start sounding off." Vorenberg suggested that members solicit students for the Committee and read various studies of Harvard and other law schools.

Vorenberg noted, "Everyone has areas that worry him or her. It's in our interest to work as openly as possible once we know what we're doing."

Prof. Duncan Kennedy also said he has an open mind toward the Committee, which he feels is needed to look at issues that no other Law School committee has the capacity to study. He recognizes that the task will require a great deal of effort, but his major concern is what he perceives as students' lack of ideas and thoughts on long range planning and the future of legal education. Prof. Victor Brudney told the RECORD by telephone late last week, "I don't have anything to say at this point." The RECORD could not reach Prof. Charles Nesson for comment.

Dean Sacks says he created the Committee "with the hope they will start out with broader goals and seek to identify broader questions." As he stated in his February 12 memo, "The work of the Committee will be difficult, but very important to the Law School."



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Scott Tells A Personal History of HLS

By Jorie Roberts

"A life in the law is a very, very happy kind of life to lead," commented Prof. Austin Wakeman Scott '09 at the first of the BSA — sponsored 1979 Root Room Lectures.

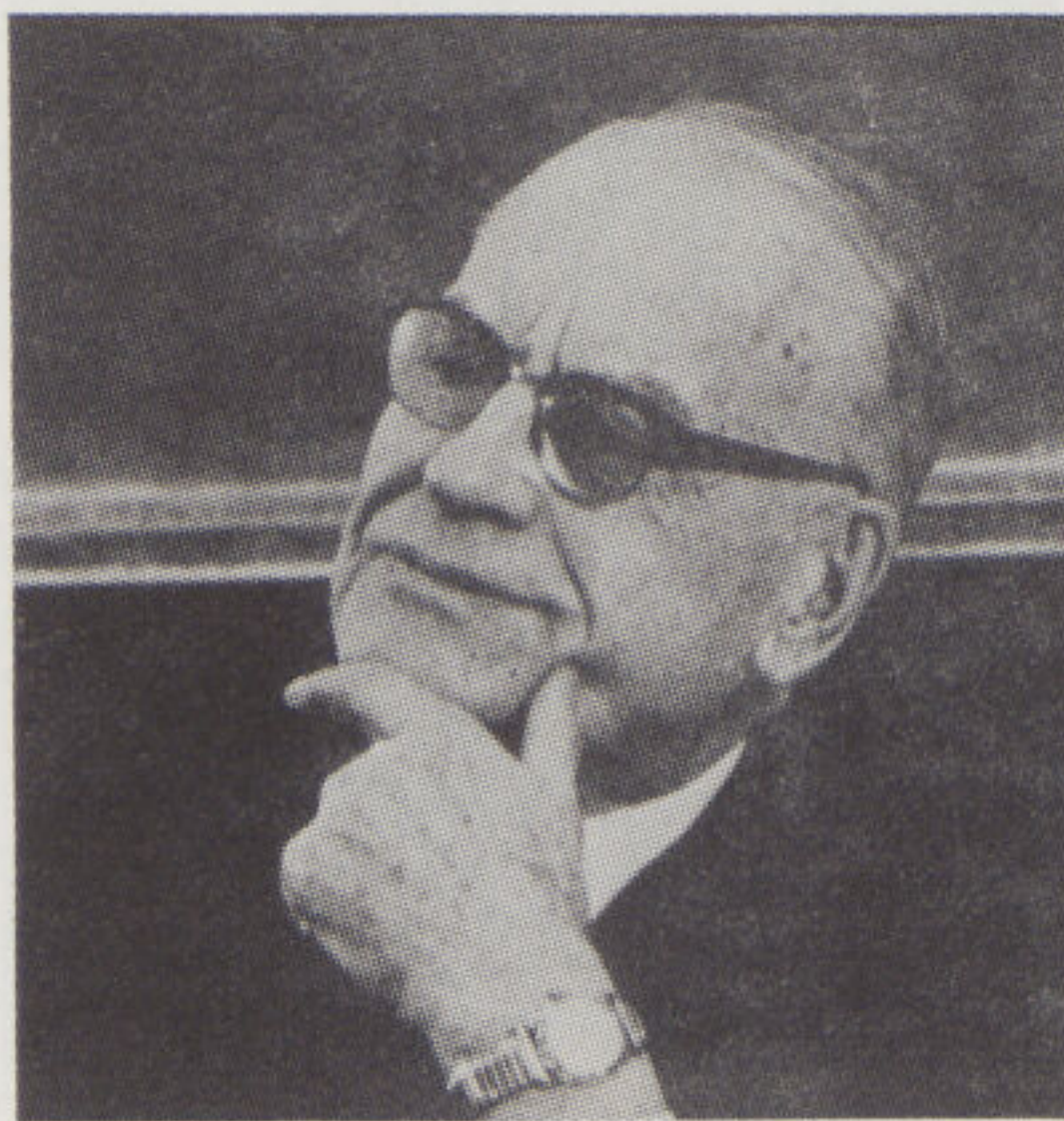
After telling the large audience, "I suppose you people know more about the Law School today than I do, but you might like to hear about the School's early years," Scott discussed the Law School's history through five periods. In his talk, Scott focused on the years from the Law School's founding in 1817 until Scott's appointment to the faculty in 1910 — "Since then it's not history — that's my time."

In Scott's words, "the 'False Dawn' began in 1815, when money was provided by the Royal Prefecture to provide undergraduates with lectures on the law." Two years later — in 1817 — a separate law school was established, with Prof. Asahel Stearns and Prof. Isaac Parker as the only two instructors at the new school.

However, the 'False Dawn' did not develop too well, since at that time students were still used to studying in law offices — not in law schools — in order to become lawyers. "The numbers during those years ranged from 1 to 12 students," Scott noted. "When they were down to 1 student — if he'd dropped out, I don't know where we would be now." Yet Scott did point out that Stearns attempted to establish "little moot courts and things" in the fledgling institution.

Bright Morning

The next period in Scott's schema — The 'Bright Morning' — dates from Prof. Joseph Story's permanent arrival at HLS in 1829 until his death in 1845. Scott states, "The Law School's development went very well then. Story had a national reputation. In addition to his professions as a Supreme Court Justice and a law professor, Story still had time to write 12 law books. The School's enrollment went up to



Professor Austin Wakeman Scott

140 students at one time, from all over the country." Scott went on to point out that Story first introduced the Socratic method at HLS — "he put cases to the students, not just lectures."

One student at HLS during the final years of the 'Bright Morning' was Rutherford B. Hayes, later President of the United States whom Scott quotes as writing home in his first year, "Judge Story enjoys himself with a flow of spirits equal to a schoolboy in the holidays" and later, "I enjoy myself here remarkably well. All having the same general objective in view, and there being no motives for division of any kind, all are willing to see others succeed in making rapid progress and to give aid when needed."

By the time Story died in 1845, HLS had become "a national law school." In the third period, the 'Fair Afternoon,' three professors, Joel Parker, Theophiles Parson, and Emery Washburn, carried on the standard of providing a higher caliber legal education. Scott concludes, "Those three fellows carried on the tradition of the Law School begun by Story, graduating good men like Oliver Wendell Holmes, John Chipman Gray, and John Fiske." Adding a light note, Scott read from a letter written by John Fiske to his fiancée during his first year. "I'm perfectly enraptured and carried away with Blackstone; I get so engrossed in it that I can hardly bear to leave it and go to bed."

New Dawn

Finally, Scott highlighted the 'New Dawn' period, which lasted throughout the presidency of Charles W. Eliot, ending in 1910. Scott related, "The first thing that Eliot did was look to the graduate schools, since he felt that it was especially important that the country's leading university set an example." Scott went on to state, "As to the Medical School, Eliot found that the training there was grossly inadequate, but as to the Law School, he found that the 'whole tone and atmosphere of the place are most stimulating and wholesome.'" Eliot felt the Law School needed reforms, though, so to HLS he brought an obscure lawyer from New York whom he had known at Harvard — Christopher Columbus Langdell.

After his arrival in 1870, Scott relates, Langdell increased the Law School faculty to the large number of 5, including such notables as James Barr Ames and John Chipman Gray. Scott stated, "Langdell introduced the case system, but used it in a chronological arrangement; Ames used the case system too, but instead would place two opposite cases together for the students to distinguish. He was a very great teacher, I think."

Ames's Replacement

Scott then described his arrival on the Law School faculty in 1910. Following Ames' death shortly after Scott's graduation, Scott was requested by the Dean to return to the Law School and take over Ames's duties, initially on a temporary basis. "I commuted from New York (Winthrop and Stimpson) that year — I'd just graduated and knew how Ames had taught." Scott then laughed, "I was a little brash when I was young — I remember writing to the Dean that I would be very happy to come if I could practice law to such extent as, in my opinion, would be in the best interests of the School."

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HARVARD SQUARE



Breyer to Become Senate Judiciary Counsel

By Dave Quinto

What could be better than teaching at Harvard Law? Prof. Stephen Breyer thinks he has found an answer: he will serve as the Chief Counsel for the Senate Judiciary Committee for the next one and a half years. "But," he hastens to add, "I'll be back in time to teach a winter term course in 1981."

Breyer was eager to accept the "wide-ranging responsibility" offered him by Sen. Edward Kennedy (D-Mass.), chairman of the Judiciary Committee. "I thought it would be interesting, exciting, and worthwhile," he said, noting that Kennedy will be introducing major legislation in areas of his expertise, such as trucking deregulation and antitrust. Moreover, since he will have just completed a casebook on administrative law and a text on regulation, he is delighted "to get out of the library."

According to Breyer, Senator Kennedy wants to reform the court system by expanding access to it without simultaneously overloading it further. Breyer believes that many people are turning to methods of alternative dispute resolution rather than pursuing their claims through the courts because they lack the rights necessary to be treated fairly and feel cut-off from the courts. A particular interest of Breyer's in this area includes legislation to avoid the effects of the *Illinois Brick* case which limited the right of people to bring suit under the antitrust laws.



Professor Stephen G. Breyer

In addition to aiding Senator Kennedy in addressing the underlying problems of access, the Committee will be busy with criminal justice matters. On its agenda are drafting an FBI Charter, overseeing the Department of Justice, and enacting reforms of the Law Enforcement Assistance Administration (LEAA) and the Criminal Code.

Wide Experience

Breyer will bring with him to Washington considerable political savvy and experience in organizing and advocating, in addition to knowledge of economic regulation and antitrust issues. After clerking for Mr. Justice Goldberg, Breyer worked for the Antitrust Division of Justice for two years. He returned to Washington to assist Professor Cox with the Watergate investigation, and later got to know Senator Kennedy while spending a portion of his 1975 sabbatical year running the Kennedy hearing on

airline deregulation. He believes this background may prove helpful in working for a committee which finds itself with a new chairman and many new members this year.

Breyer was also one of the members of the Judicial Selection Committee for Massachusetts appointed by Kennedy, which last fall provided Kennedy with a list of qualified candidates for the four new seats on the Federal bench allotted to Massachusetts. Kennedy selected HLS Professors Keeton and Nelson from that list. Breyer expects that they will be confirmed before he assumes his duties as Chief Counsel of the Judiciary Committee which include, among other things, investigating the merits of nominees to the Federal Bench.



SPORTS QUIZ

1. One jockey has been the annual leading jockey in money won, more often than any other jockey. Name the jockey and the years he headed the list?
2. Only one current world track and field record currently predates 1960. Name the record and the person who holds that record.
3. Everyone remembers Roger Bannister as the man who broke the four minute barrier for the mile run. Who was the first man to break the four and one half minute barrier for the mile run?
4. James J. Corbett began a new era in boxing. How?
5. The longest standing currently held world swimming record is only three and a half years old. Who are the people who have maintained their positions of prominence this long?

(Answers on Page 12)

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TGIF: Friday, March 9 from 4-6 p.m.
in the Hark.

"The Young and The Innocent"
Saturday, March 10

at 8:00 p.m. and 10:00 p.m. in the
Harkness Commons Dining Hall.

Admission: \$1.00 or \$.50 with
HLSDC Activity Card.

Tithes Support Equal Justice Foundation

By Joshua Dratel

During Medieval times the tithe was a means of making the rich richer and the poor poorer. In 1979, the Equal Justice Foundation is using the tithe to take from the rich(er) in order to improve the access of the poor and the ordinary to the legal system.

The EJF's fundraising approach is founded in the tithing system. The 14-month-old organization, created by several public interest lawyers and 26 law students, has operated on the funds generated by the tithing campaign directed by Public Citizen's Ralph Nader. Over 200 law students and lawyers pledged one percent of their income to EJF during the 1977-78 tithing drive, conducted at 17 law schools.

"The central purpose of EJF is to improve the citizen's access to the justice system and other governmental decision-making processes," explained Kathy Holden, in a written statement. Holden, along with Paul Rosenberg will

coordinate the tithing project at HLS. "The EJF is one effort to fill some large gaps in the area of public interest law. Not only is financial support in this area of the law meager," she added, "It is often unstable due to dependence on temporary or nonrenewable foundation grants."

As a means of clearing the funding hurdle, EJF turned to the age-old concept of thithing, this type of course being of the voluntary, one-year-at-a-time, renewable variety.

While the EJF is currently concentrating on establishing a funding base, it has visions of what it plans to do with its revenues.

"Beyond this need for larger amounts and more stable sources of funding is the very real, very serious problem of access," Holden pointed out. "At present, legal barriers of all types thwart the attempts of various public interest groups to have their day in court."

Holden cited "recent court decisions, greatly restricting the stand-

ing of individual and groups willing to sue, curtailment of some implied causes of action, and requirements of individual notice to class members" as "only a few" of the factors in the current system of justice that limit and frustrate access.

The EJF's thrust will include projects designed to improve the ordinary citizen's access to the system. In its second full year, the EJF is preparing for the election of a governing board of directors to replace the ruling Transition Council.

"Many of the local EJF chapters will be tied to law schools, providing an opportunity for students to become involved in the work relating to access problems," Holden predicted. "A certain number of the members of the board of directors must be 1Ls and 2Ls, ensuring representation of the students' interests in the governance of the group."



Scott: Down Memory Lane

(Continued from Page 6)

Prof. Scott stayed at HLS after his first temporary assignment, and in 1914 he became the youngest full professor in the entire university system. Scott taught until he retired in 1961, during which time he spent one year as Dean of Iowa State Law School, in 1912, and was a professor of Trusts at Oxford University in 1954. He was — and continues to be — a leading scholar in the field of Trusts. Finally, in 1974, a million dollars was donated to HLS to establish a chair in his name, and he is one of only three professors at HLS to have such an honor bestowed upon him.

Certainty vs. Flexibility

Near the end of his talk, Scott discussed one major change during his tenure. "People want both certainty and flexibility in the law,

but in a way the two are inconsistent. In my time certainty was important, and logic was used to reach certainty. Since I became professor, there has been a move towards flexibility."

Finally, Scott reflected on his enjoyment of over 70 years of association with HLS. "When I graduated, I felt I was entering a great profession; I had a great enthusiasm. And if there be a more successful school in the country or the world for a professor, I don't know where it is."

However, to comfort those students whose feelings seem "subdued" in comparison to Scott's remembered enthusiasm about his legal education, Scott offered this solace. As far as his letters home from HLS which have recently been reprinted in the *Adviser* are concerned, "I tore up my letters which I wrote home during the third year — God knows what I said in them!"



Menu Changes Suggested To Reduce Deficit

(Continued from Page 4)

be unreasonable in light of competitive prices." Oldman did indicate that things do cost more in the Hark than at local stores because students are also paying for a place to eat in addition to the price of the food.

The Hark is also seen as "offering a function for its particular community" and Oldman feels that the subsidy provided by the Law School should be used to provide that function rather than subsidizing the meals of just a few.

Oldman indicated that there needs to be "a major rethinking of the uses" of the Hark and that the practical problem "is the transition". The committee would like to minimize the losses incurred in the change-over without giving the "wrong" message that services will be cut back.



Mandate for Change

The Michelman Committee on Educational Planning and Development has started its work in an exemplary fashion, by seeking suggestions as to agenda items from the Law School community. Well, gentlemen, since you asked:

1) The curriculum at the Law School does not reflect the rapid changes occurring in the legal community. With increasing insensitivity, legal education is relegating to the rumble seat status societal needs and issues.

2) The atmosphere at the Law School is worsening, with student attitudes reflecting increasing frustration, distrust, dislike and rejection of faculty, while the faculty becomes increasingly unapproachable, secretive and distrusting of students.

3) Students have too long been disenfranchised from the decisions which affect their lives at the Law School and thereafter. There is little excuse for a faculty as intelligent as this one to miss the opportunities for student input and advice as to Law School decisions; and a continuing student role in curriculum development should be formalized.

4) Specific student needs in the area of grading, such as pass/fail, should be addressed in the context of a complete review of the curriculum, rather than piecemeal, as band-aid measures.

5) A Law School is only as good as its people. While this may be beyond the Committee's scope, a review of both admissions and hiring procedures should be part of any educational study.

6) The Committee should not hesitate to be imaginative, creative and ambitious. Too many good ideas have been thwarted by the inertia of tradition and bureaucratic politics.

The Michelman Committee's invitation to the community must be met. Students, especially, must not let this rare atmosphere of cooperation fade through apathetic reaction. Each student should send Michelman a letter, explaining concerns and offering recommendations. Speak now or forever hold your peace.

Demand for the Dean

While the RECORD does not normally accede to terrorist pressures, we support Demand No. 5 of the Harvard Law School Liberation Army — "More frequent attendance, by faculty members and Dean Sacks, at the TGIF's." We feel the Dean's presence at today's TG is a small price to pay for the safe return of his likeness by the kidnappers. And so we issue an open appeal to the Dean to attend the TG today, and in the future. Try it, you'll like it.

HARVARD LAW RECORD

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Fenno

Fenno smiled warmly as he faced the small group of 1Ls gathered in the Root Room.

"I'm glad that the BSA has given me this opportunity to be a part of its lecture series," he said. "As most of you probably know, my topic tonight is 'How To Prevent Mid-Semester Doldrums — Before It's Too Late.'"

A few 1Ls began to fidget in their seats.

Let me begin by quoting from Larry Tribe's autobiography *I Can't Wait 'til Tomorrow — 'cause I Get Smarter Every Day*, Fenno continued.

"Tribe writes that 'nine out of every ten 1Ls are stricken by Mid-Semester Doldrums each March and April. Though rarely fatal, the disease has been known to cause exceptionally high levels of boredom, and the intense desire to be somewhere else.'"

A 1L raised her hand. "So how's that different than any other time this year?" she asked.

"Oh it gets a lot worse," said Fenno seriously. "You start to pay attention in Property class and to laugh at Michelman's jokes just to have something to do. Advanced stages of the disease may even cause studying."

The 1L looked worried. "How do I know if I'm coming down with the sickness?" she asked.

"If you attend more than two consecutive Civil Procedure classes," said Fenno, "or if you dream about Professor Ferguson at night, then I'd say that you're in trouble."

"What precautions should we be taking?" the 1L asked.

"If you go to class," noted Fenno, "use the time constructively. Read the newspaper. Write letters. When you daydream, don't do it idly. Give yourself important things to think about — like why this year's NCAA Basketball pairings are more confusing than the UCC."

"Or why Alan Dershowitz's mother didn't spank him more often," offered a 1L.

"Above all," said Fenno, "avoid boredom at all costs. Resist any urge to pay attention to a professor, or to read any book of more than 400 pages."

"I think I've got a bad case already," said a 1L. "Quaere — what should I do?"

"Sounds serious," said Fenno. "You ought to begin your spring break immediately. I understand that the Dominican Republic is lovely this time of year."

"I'm on my way," said the 1L with a smile as he went off to pack his bags.



Letters to the Editor of the RECORD

Tempest in Teapot

To the Editor:

I was extremely confused by the events surrounding the Third World Conference. As do most members of this community, I appreciate freedom of speech and favor non-violent demonstration. I was glad to see the Libyan secretary in attendance, regardless of title. The exchange of ideas, insults, and innuendo was tense and inflammatory, but perhaps cooperation begins with confrontation.

With the hope of learning from constructive confrontation I attended the panel discussion on human rights in the Middle East. The discussion was not a productive exchange. It was a three-part harmony — a sing-song condemnation of Israel — followed by a brief exposition of modern Islamic law. I make no objection to the points of view presented, except that the presentations were repetitious.

I strenuously object to the posture of this Law School and many of its organizations as sponsors of a one-sided and pointless attack of a group which was not represented. The session could have been quite good if an Israeli representative had been present to give the other side of the story.

Perhaps hatred and prejudice are consumptive emotions which force men to strike out at their absent enemies, but I know that all the bitterness in that horrifyingly empty room did not teach me how to live with my brothers and sisters.

The only people affected by the tempest were those who had trapped themselves in the teapot.

Baker Kurrus, 3L
Cambridge, Mass

Editor's note:

Organizers of the Third World Conference had contacted the RECORD with regards to their disappointment at our coverage of the event; but had decided not to write a letter at this late date and to let the issue abate. When we received the above letter, we informed them, in the interests of fairness, without informing them of the identity of the writer. Following is a response.

In Response

To the Editor:

It is very unfortunate that three weeks after a most successful First Annual Third World Conference, you continue to misunderstand the purpose and objectives of that conference. As you must know, if you attended other events, that the conference featured sixteen workshops addressing human rights issues pertaining to Third World peoples, both in the U.S. and abroad. Speakers invited to participate in these workshops were *Third World people* or persons whose

outstanding work benefits the economic, political, and social status of third world people. Thus, we were pleased to have South Americans speak about human rights in South America, Asians speak about the Far East, Africans to speak about Africa et al.

Participants on the Middle East panel were also Third World people. As you are well-aware, Israel is not a member of the Third World. Thus, we saw no purpose in extending an invitation to an Israeli representative. It was not our intention to set up an Arab-Israeli debate. To make such allowances for the Middle East panel would have necessitated inviting a representative from the South African regime to defend South Africa's policies, a representative of Amin's regime to defend Uganda's policies, *ad absurdum*. Such an operation would have required us to double our list of invited guests, which already had exceeded sixty.

Speakers in every panel made their own choices about the subjects of their speeches, and out of respect for the First Amendment, we could not and would not censure them if they chose to speak about the conditions of Third World people.

If you attended the Middle East panel, you know that you were given ample time to challenge the panelists about their views. If you chose not to do so, we cannot be held responsible for your inaction.

To all 300-400 persons who attended the three-day conference with open hearts and minds we must extend our sincere thanks. It is hoped that the important issues presented at the Third World Conference will not be obscured by the confusion and misunderstanding conveyed in your unfortunate letter.

Shirley J. Wilcher, 3L — Chairperson,
Third World Conference Co-ordinating
Committee

A Velvet Glove?

To the Editor:

I have refrained from writing this letter as long as Gutmanly possible. After all,

being a press hound, I assumed the risk, when giving a statement to any paper, of being misquoted and taken totally out of context. Terry Keeney is truly a super person and writer; therefore, the quote was probably inspired by a lack of adequate communication. In addition, I am used to the basic "slack" from my buddies, and perhaps future employers would be impressed with the incredible display of "grindliness" expressed in the quote.

However, in light of the roaring social life at HLS, when a pretty woman at a TGIF associates me with the quote, it is time to respond. Therefore, for the RECORD I am totally in favor of Christmas vacation after exams. In addition, I like my mom, apple pie, Fenno, and weekends.

As a former, and hopefully returning, staff member, I feel it is important to suggest that you make sure all quotes are written *after* speaking with the people being quoted. Finally, I am aware of the editorial comments which usually follow published letters. Please be gentle.

Howard Gutman, 2L
Cambridge, Mass.

Editor's note:

We like you Howard, and we like your style. The RECORD needs people who can write about important issues in the world, and impressing pretty women at TG's certainly is important today. We admire your persistence. And you thought we wouldn't be gentle.

An Error-free RECORD

To the Editor:

This note is to correct an error that I have noted several times in the RECORD this year, including last week's issue. When quoting the name *HLS Adviser* you have consistently spelled it incorrectly — this particular newspaper has always used the word Adviser with an "e", not Advisor, with an "o" as you have.

Linda Beyer
Publications Coordinator
Harvard Law School

Editor's note: The editor regrets the error.

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Terrorists Report Dean's Image Unharmful

(Continued from Page 1)

"It's a bit shaken," explained one of the kidnapers, who calls himself Deep Throat, in the hoarse rasp that has become familiar to the RECORD during the ordeal of the last few days.

The dean's portrait was apparently kidnapped from the Pound Building last weekend. Members of the media and the deans's office were given the list of HL-SLA demands early this week. The demands are wide-ranging, but the kidnapers have said they would accept the dean's appearance at today's Dorm Council TGIF as an indication of a good faith effort to cooperate. The terrorists guaranteed the safety of the dean and other administrators, faculty members, and Visiting Committee representatives attending the TGIF.

However, said Deep Throat, if the Administration does not cooperate, the terrorist group will have to consider further action, including perhaps kidnappings of real persons. Asst. Dean Stephen Bernardi and Prof. Andrew Kaufman were listed as possible targets.

The RECORD learned of the kidnapping when a large brown envelope, addressed to the editor, was shoved under this reporter's dorm room door around midnight, Monday night. The envelope contained a ransom note, a list of demands and a picture of the captive likeness.

The list of demands included an ominous preface saying that Sacks portrait "is currently being held captive in a closet in Somerville. Enclosed is an unaltered photograph of the kidnapped dean, shown with Monday's *Globe*—proof positive that he is unharmed. If our demands are met, Dean Sacks will be returned to the Administration, unscathed. But if Administration does not respond to these demands . . . we cannot guarantee that he will ever be returned in one piece!"

The ransom note, in pencil, was written in childish block-print. It announced the kidnapping and promised that those responsible would phone the RECORD "from a phone booth at 9:15 a.m. tomorrow (Tues.) . . ."

The RECORD reporter cut her Tax class Tuesday morning and waited

for the call, fear gripping her normally calm self. Nine-thirty passed, and 10 o'clock. At around 11, nerves on edge, the RECORD went to Pound, to the scene of the crime, hoping against hope that the Dean would be in his accustomed slot; that the envelope was all a horrible joke. But it was not to be. There, in the space where the portrait should have been was blank wall.

The dean, shaking with anxiety (or was it laughter?), confirmed that his Office had received a similar envelope. The dean's staff spent the better part of Tuesday framing a response to the kidnapers; and sources close to the dean stated that Mrs. Sacks was collecting coffee cup lids, in an attempt to meet one of the kidnapers' demands. The RECORD obtained a photograph of a shaken Mrs. Sacks, coffee cup and lid in hand.

The dean's response, when it came, included a counter-demand: that the portrait must be returned "in time to be shown during one of the performances of 'Paradise Remanded,' the Law School Show. If not, said the dean's office, 'I assume that the President will want to appoint a Search Committee.'"

Rasped Deep Throat, who contacted the RECORD at 12:15 Tuesday, and again on Wednesday evening, "You mean he'd go through all the closets in Somerville?"

The Law School Council met in emergency session Wednesday, and

(Continued on Page 14)

Visiting Committee Coming: Plans Luncheon with Students

The Law School Visiting Committee will make its annual appearance today, to spend two days scrutinizing the school in preparation for a report to the Overseers Committee of the University.

The committee includes 42 members, most of them alumni of the Law School. The group will meet with students, faculty, and administration members on a variety of issues in its quest for input and opinions with regard to the operation of the school.

Seeking a unique way of offering student views to the committee, the office of Dean Albert M. Sacks has scheduled a luncheon meeting for committee members and nearly 100 students, 75 of them randomly selected.

Twenty-five randomly-chosen members of each class, and several leaders of student organizations, will dine today with the Visiting Committee at the Sheraton-Commander Hotel. The letter of invitation from the dean's office notes that "no members of the faculty or administration will attend the lunch," which will be presided over by Brent Abel, chairman of the Visiting Committee and a San Francisco attorney.

Besides the lunch with students, Visiting Committee members will join with faculty and administration members in a series of meetings over the next two days.

The committee reports and makes suggestions to the Overseers Committee, of which the visitors are a subgroup. The Visiting Committee itself has power only to make recommendations.

Sports Answers

1. Willie Shoemaker headed the list in 1951, 1953, 1954, and 1958 through 1964.
2. On July 7, 1959 Martin Lauer of West Germany set a record in the 200 meter run at 22.5 seconds.
3. William Chinnery of Britain in 1868.
4. He was the first Marquis of Queensberry Champion and reigned from 1892 to 1897.
5. Rosemarie Gabriel and Ulrike Richter of East Germany both are holders of records that have been standing since June 5, 1976. Gabriel holds the record in the 200 meter butterfly and Richter holds the record in the 100 Backstroke.

HARVARD LAW RECORD

Students Find Ames Worthwhile But Demanding

(Continued from Page 3)

stitution. He represented such notables as Chief Justice Samuel Chase and Aaron Burr. Alas, later in life Luther Martin became an alcoholic, and remains infamous as the lawyer whose oral argument before the Supreme Court was cancelled due to drunkenness (supposedly in the oft-cited case of *Fletcher v. Peck*).

The Somerville Bar Review Club entered the realm of academia this semester by sponsoring an Ames team. The team includes oralists Eric Cromartie and James Sultan and members Elise Bloustein, Jorge Del Calvo, Peter Goodman and Leo Orenstein. The Bar Review will help defray the team's expenses by holding a special fund-raising meeting next Thursday, March 15th at 63 Park Street, Somerville. (Call MAD-KID5 for further information).

Team member Cromartie agreed that Upper Round Ames was "a hell of a lot of work" but explained that "since none of us are really gung ho about going to classes anyway it's easy to drop school-work for a while" and concentrate on Ames.



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COOP NOMINATIONS

In accordance with Article VI, Section 1, of the Bylaws of the Harvard Cooperative Society, as amended, the Stockholders of the Society have nominated the following individuals for election as Student Directors of the Society at the next Annual Meeting of the Stockholders in September, 1979.

IMPORTANT — Members seeking nomination as student directors by petition are urged to obtain a sample form of petition and a more detailed statement of the requirements governing petitions from the cashier in any Coop store.

STUDENT DIRECTORS

Radcliffe College

*Linda E. Berzin	Class of '80
Katherine Hensel	Class of '81

Harvard College

*Karlo F. Duvnjak	Class of '80
Andrew L. Farkas	Class of '82

Harvard Graduate Schools

James (Jay) D. Ahstrom	Class of '80, Law
Thomas E. Berdick	Class of '83, Medicine
Manuel Cordero-Olivencia	Class of '82, Arts & Sciences

Massachusetts Institute of Technology Undergraduates

*William Harper	Class of '80
Daniel S. Shapiro	Class of '81

Massachusetts Institute of Technology Graduate Students

Paul A. Lagace	Aeronautics and Astronautics, '82
David S. Lintz	Sloan School of Management, '82

*Currently members of the Board

PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORS

Pursuant to Article VI, Section 2, of the Society's Bylaws, as amended, additional nominations for student directors may be made by petition signed by at least one hundred (100) student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., March 22, 1979. A signature will be invalid unless the student designates his or her membership number and school, and he or she is currently enrolled as a degree candidate in that school.

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

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Desperados Demand Sacks Attend T.G.

(Continued from Page 12)

issued a statement that, while the Council "heartily supports the specific demands . . . we cannot condone or support overt acts of terrorism." The Council offered to act as mediator, and asked that the Geneva Convention be observed.

Deep Throat noted that the dean's portrait had been on a hunger strike for the first three days "and was now looking better" due to the weight loss.

The RECORD offered to act as mediator also, but was refused. The kidnappers requested only that the demands be publicized, and that the RECORD support one of them on its editorial page.

In the interests of fully informing the Law School community of the details of this unfortunate incident, the following are the kidnappers' demands (in bold face), interposed with the administration's answers:

1) Provide lids for the free coffee that is dispensed in the Pound Building and Austin Hall. Many students have received severe hand burns carrying full cups back to their classes.

Dean's office response: We will provide lids for the free coffee now available to students in Pound and Austin. Because the lids are made from oil, they will be returnable. (See #7 below).

2) No more showings of *Paper Chase* in the Harkness Commons.

Response: The *Paper Chase* will no longer be shown in Harkness Commons, but will be run regularly in the outer lobby of the Dean's Office.

3) More beer must be provided after the last final exam of the year. Last year, many students complained of insufficient suds after the Civil Procedure exam, although there was more than enough beer after the contracts and property exams earlier in the week (when everybody was too sick to drink).

Response: We will eliminate the



A worried Mrs. Delle Sacks holds out a coffee cup and lid in appeal to the desperados who hold her husband's portrait captive.

problem of not providing enough beer after the last exam by eliminating the last exam.

4) Selection for Law Review must not be limited to the five students from each section with the highest grades. To ensure a better cross-section on the Review, it must also include the five students with the lowest grades, and members of the intramural basketball team with the best record.

Response: Students maintaining the lowest grades and members of the intramural basketball team have always been among the Gannett House occupants. They can be found on the fifth floor.

5) More frequent attendance, by faculty members and Dean Sacks, at the TGIF's.

Response: Late Friday afternoons are becoming a part of the Weekend Culture. Therefore, we propose to change TGIF to TGIT (on some weeks TGIW). The Dean and faculty members will flock to these.

6) Implement an "Honor System" grading method. Let us evaluate our own exam and class participation, and assign ourself the grade we believe is appropriate. After all, us stu-

dents (sic) are mature and intelligent individuals.

Response: A student self-grading system is ingenious and should be referred to a Faculty Committee for careful study. I would also refer to the Committee a companion proposal that the grade of "Fail" be abolished and in its place the Dean be given discretion to classify a student "Returnable" and send the student to the Real World (See #7, below).

7) The beer and soda in the Hark should be served in returnable bottles (both for aesthetic and environmental reasons). And why be prejudiced against low-class drinkers? Michelob won't do. We want Pickwick Ale.

Response: Beer and soda in the Hark will be served in returnable bottles as soon as we can locate such bottles. In light of the School's heavy commitment to Returnables (See #s 1 and 6), we will of course have to appoint a new Assistant Dean for Returnables.

8) Liberate Section 5. We know you're holding them captive on the fifth floor of Langdell!

Response: Section five can be found on the fifth floor of Gannett House (See #4).

9) Have a "Role Exchange Day," in which the dean, professors, and staff assume the role of students and janitors; while selected students and groundskeepers take over the teaching and ADMINISTRATIVE duties.

Response: I have consulted with faculty and administrative staff on their willingness to assume the role of students and janitors, and they are agreed provided that "Role Exchange Day" occurs sometime between June 1 and September 1, 1979.



A Rare Chance for a Change

By Robert Reznick

Without question, the biggest problem facing law students at Harvard is boredom. It dominates the consciousness of a frighteningly large proportion of us.

Most classes are very full. Many are very poorly taught. . . . An equal number seem deeply unresponsive to the needs either of the field or of law students.

Yet semester after numbing semester goes by and student objection appears limited to clever anonymous insults on BSA course evaluation forms and vicarious enjoyment of clever anonymous insults in Fenno and the Law School Show.

Certainly no one wants students to be bored. *Docile*, perhaps, but not bored. The Law School, in fact, is constantly at great pains to restructure the curriculum to improve the quality of the educational experience.

But the scope of questions thrown open to debate is far too narrow to permit the solution of the problem. Failure in the classroom runs deeper than moving finals to before Christmas and letting more 1Ls into Federal Litigation.

I have chosen to write about boredom at this time because several factors are now combining to produce an environment in which something at last might be done about the problem.

The Michelman Committee

First, there is the Michelman Committee on Educational Planning and Development. Christened by Dean Sacks at the beginning of the year, it is only now beginning to assemble its agenda. This is a moose of a committee, including Professors Brudney, Clark, Ginsburg, Kennedy, Nesson, Shapiro, Vorenberg, and Michelman (Chairman). Being so large (some students are supposed to be added at some point, too) and having more than its share of heavy hit-

ters, it will probably dominate the face of educational reform for ten years.

The Michelman Committee looks strongly centrist. The smart money is on the minority report. But the Committee and its two-year deliberation cannot and need not be dismissed.

Harvard Law School's most important product is its students, not its image and not the purity of the law.

The cause for hope, if not for celebration, is the presence of Michelman himself as chairman. His open requests for faculty, staff, and student suggestions as to the Committee agenda are not a sham. More than anything else, they represent an open mind. And Michelman is capable of leading the Committee wherever its extraordinarily broad mandate may point.

But for this great promise to be effectuated it must be made clear to the Michelman Committee that no one believes any more that the problems of legal education at Harvard can be solved without a wide-ranging inquiry into areas usually shielded from scrutiny. Reshuffling the same cards one more time just won't do.

One place to start the inquiry is with us, the students. One of the primary things our tuition buys us is each other. No attempt to examine the quality of education can be made without attention to the admissions policy. The type of person Harvard Law School admits has a profound impact on the type of person it graduates.

Appointment and Tenure

Perhaps most important, though, is the secret process of appointment

and tenure. No academic program, however structured, can succeed without quality teachers to staff it. Although this no doubt is a concern to the Law School, the astoundingly uneven quality of teaching here indicates that it is far from the primary concern.

The Law School does seem to have advanced from the days in which a clerkship with Frankfurter or Harlan was a ticket onto the faculty. But there is still in the obvious underevaluation of teaching ability the residue of the same general problem.

That problem is an obsession with institutional self-aggrandizement: Harvard Law School as a great institution that must preserve its greatness, if necessary at the expense of its students. It's called narcissism.

I do not deny the importance of first-rate scholarship. It's just that I also do not deny the importance of first-rate teaching, and I don't see why this Law School can't have both.

Beyond appointments, one reason we don't *have* both is tenure. Forty years of absolute job security is not conducive to giving a 100% effort all the time. So while Assistant Professors can have shadows cast over their tenure possibilities because they don't like footnotes, some tenured professors can make outside commitments that produce travel schedules rivaling the Celtics'. And that's pretty comic.

Irving Younger

A second factor contributing to the possibility of change in the immediate future is a rare outpouring of student concern presently underway on behalf of an improved educational environment. Two letters were sent to the student body earlier this week, one by the Law School Council, protesting the departure of visitor Irving Younger

(Continued on Page 16)