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TWENTY-FIVE CENTS

Somerville Bar Review Team Wins Ames Honors

By Jorie Roberts

Can an international oil cartel be sued for price fixing? This and other questions were argued last Wednesday night at the final round of the BSA-sponsored Ames Moot Court Competition.

James Sultan, of the Somerville Bar Review Team, was declared Best Oralist; the SBR team was given the award for the best overall performance. In a rare judicial deadlock, the Best Brief Award was declared by the three-judge panel to be an absolute tie between the SBR team and the Marshall Club team.

Sultan's fellow oralist on the SBR team was Eric Cromartie; Elise Bloustein, Jorge Del Calvo y Gonzales, Peter Goodman, and Leo Orenstein were on the brief. Marcia Rimai and Robert Kantner were the oralists for the Marshall Club team, with Mark Carroll, John Eickemeyer, Richard Swanson, and Sylvester Turner on the brief.

The panel, headed by Justice Potter Stewart of the United States Supreme Court, also included Judge Phyllis Kravitch of the Fifth Circuit Court of Appeals and Judge Louis Pollack of the U.S. District Court for the Eastern District of Pennsylvania. Pollak, a former dean of both the Yale and University of Pennsylvania Law Schools, was a classmate of Justice Stewart at Yale Law School.

The argument took place before an enthusiastic audience in the James Barr Ames Courtroom in Austin Hall. The room was filled to
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Photo By Newton White

The victorious SBR team doffs its veneer of respectability. L. to R.: Jorge Del Calvo y Gonzalez, James Sultan, Peter Goodman, Elise Bloustein, Eric Cromartie, Leo Orenstein.

3Ls Spend Year at Boalt

By Tom Heywood

Not sure you can endure three consecutive Cambridge winters? Can't find the courses you want among those offered to third-year students here at Harvard? Want to try something different as a 3L? Why not consider spending your third year at Boalt Law School in Berkeley, California, as a participant in the Harvard-Berkeley exchange program?

Five 3Ls this year are doing just that — Mary Beth Herald, Geoffrey Faust, Joel Bergsma, Deborah Schmedemann, and Sam Paschall. The third group of

Harvard Law students to spend their final year at Boalt Law School, these five students have taken leave of the ivy-covered halls of HLS and taken up residence in Northern California. And without exception, these 3Ls are happy with their decision to spend their final year of law school on the West Coast.

Tapping and Twiddling

Individual motivations for participating in the program vary, but some explanations of

(Continued on Page 6)

Appalachian Students Form Group

By Howard Zaharoff

"It is the purpose of this organization to increase awareness in the legal community of the social, economic and legal problems confronting Appalachia." So begins the Charter of the Harvard Appalachian Law Association.

To foster its purpose, HALA plans a four-point program of sponsoring lectures on Appalachian legal issues, encouraging and funding research on these issues, recruiting more Appalachian students for HLS, and placing HLS graduates in Appalachia.

Though none of these activities has formally begun, HALA has started a weekly coffeehouse to spur interest in the organization and attract new members. (Currently the organization has 23 charter and roughly 15 active members.)

Appalachia, a region of the U.S. noted for its widespread poverty, includes all of West Virginia and parts of 12 other states. The idea for an organization devoted to addressing its problems was born last May in the mind of Larry Austin, a 3L from Princeton, West Virginia, and the founder and acting President of HALA.

One major source of Appalachia's problems, says Austin, is that "a disproportionate amount of land belongs to outside interests: coal mining, timber, chemical, and extraction industries. Appalachia has a significant percentage of their land and plants, but not their profits."

Shortage of Professionals

HALA however will focus on the problem of the shortage of professionals in Appalachia. Austin pro-

vides an example: "In Beckley, West Virginia, the miners became wealthy. They tried to stuff their first millions into condominiums and other investments, but found themselves cheated. They felt it was a conspiracy of the establishment against them. I don't. I think it was a failure of the system to deliver services: professional legal, real estate, and investment-counselling services."

The medical care provided in the region is inadequate as well. In part, this is a simple matter of numbers. "West Virginia has a population of doctors on the order of one-fifth the national average. The legal profession is in the same situation, and I suspect it's similar in other states in the region."

Failure of Attitude

In addition to this lack of services, there is what Austin calls a "failure of attitude." Austin bemoans his fellow Appalachians' "unwillingness to study the rules of the system." He returns home frequently "to coach fellow West Virginians on how to take LSATs and to encourage them to apply to schools like Harvard."

Austin's concern for Appalachia, its people, and its problems, is shared by fellow members of HALA. Debbie Adams, a 1L from Union, Kentucky, claims that most inhabitants of Appalachia have only three choices: "The mines, farms that can't grow anything, or welfare." She explains that she joined HALA "out of a sense of responsibility. And guilt. It comes from leaving behind poverty and ignorance."

There is a lighter side to her involvement with HALA, however. "It's a chance to meet people from

the area. At Harvard, it seems everyone is from New York or Boston."

Tim Matthews, a 2L from Bell County (next to Harlan County), Kentucky, believes there is a definite need for HALA, because "the problems of Appalachia are underemphasized and underacknowledged." The problems he sees include poverty and "an inbred sense of futility." These in turn have made drinking and fighting serious problems both in the mountains and in the cities (such as Cincinnati, where Appalachians settle "in ghettos").

Another problem he sees is the educational system. Though "some of the city schools are pretty good, at least by Kentucky standards, in the mountains and rural areas the schools are pathetic."

Focusing Attention

Matthews believes HALA could have an impact on such problems. "This school represents the brightest collection of minds in the country. These are the people who will be in positions of power and influence. If some attention can be focused on these problems now, they're more likely in later years to want to do something about them"

Whether Matthews's or his fellow members' hopes for HALA come true depends, at least in the short run, on HALA's ability to keep old members and attract new ones. Its bylaws provide that "this organization shall be declared defunct, at the end of the 1979-1980 academic year unless twenty members sign a petition for renewal." With only 15 active members, some of whom graduate this year, HALA must move quickly to organize its programs and get more people involved.



Happy Thanksgiving
from
The RECORD

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Shavell Plots New Career Direction

By James L. Coster

When Prof. Steven Shavell was asked to summarize his background, he responded, "I came to Harvard to teach mathematical economics, never dreamed I would become interested in the law, and have since become a convert."

Shavell, a visiting professor at the Law School this fall, is teaching Economics and Public Policy. He has been on the economics faculty of Harvard College for six years.

"My interest in law began about three-and-a-half years ago," Shavell explained. An unexpected encounter with a Letter to the Editor in a newspaper sparked him to explore a new academic question.

"The author of the letter was concerned about the effect of the availability of malpractice liability insurance coverage on physician behavior. After making the familiar point that the purchase of liability insurance might reduce a physician's incentive to avoid negligence, he speculated that it might be in the public interest to place limits on the amount of liability coverage physicians could buy." Shavell's search for some kind of answer to this question has already involved him in several years of research.

New Question

"I asked myself, 'On what arguments might this be a valid claim?' In trying to answer the question, I was forced to consider much broader questions about tort law. And thinking about these ques-

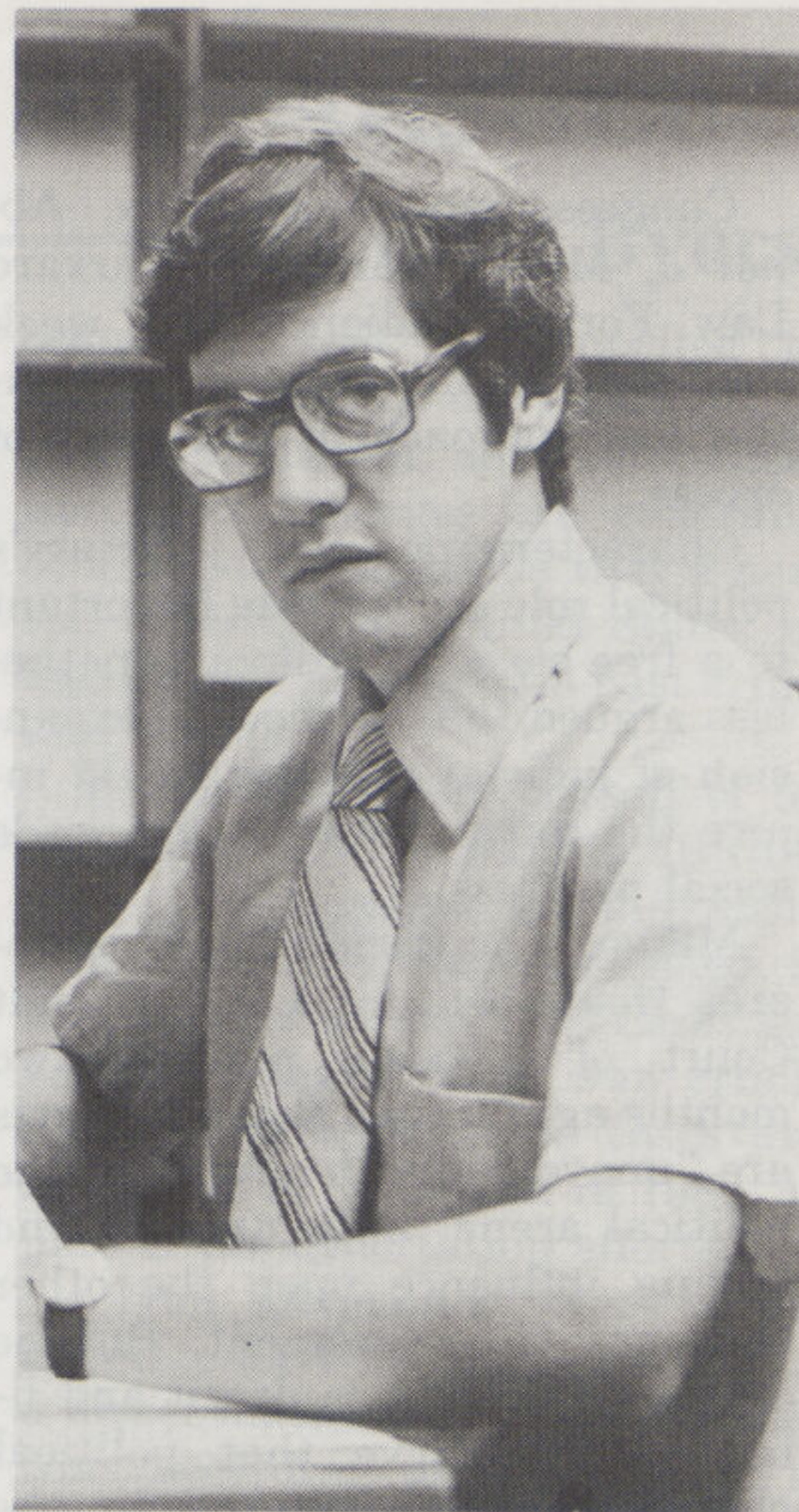
tions ultimately led me to decide to change my focus of interest from economics to law — or rather to so-called 'Law and Economics.'"

Originally from Washington, D.C., Shavell spent five years in Japan and four years in Korea, because "my father was with A.I.D." After graduating from the University of Michigan, where he majored in mathematics and economics, he spent two years with the Public Health Service at the Center for Disease Control in Atlanta. Then he returned to academia as a graduate student in economics at MIT, where he earned his Ph.D. While there, Shavell taught at Boston College, later moving to Harvard.

"I'm an enthusiastic instrumentalist, but not a dogmatic one."

Shavell's enthusiasm for making a career change was also due in part to the present state of legal scholarship. "Questions concerning what constitutes an appropriate approach to analysis of law are the subject of major debate at present. I'm an enthusiastic instrumentalist, but not a dogmatic one. I certainly recognize moralist arguments."

The development of economic approaches to law will pose difficult new questions for Shavell and others in the field. Shavell summed up his plans and the significance of



By N.W.

Prof. Steven Shavell

his new direction:

"I will probably be here or at the Economics Department next fall unless I get an outstanding offer elsewhere. The change I made in career interests was major. About the only greater change I can think of would have been to become a Hare Krishna in the Square."



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Mikva Reflects on Judges, Politics

By Bennett Murphy

Congressman-turned-Judge Abner J. Mikva warned a Harvard Law Forum audience last week that judicial involvement in politics has approached "the point of excess."

Characterizing the judiciary's political role as "terribly important to a free society," Mikva nonetheless argued that unchecked expansion of judicial purview would injure the court system and impede social progress.

Mikva, who traded his Chicago-area House seat for a D.C. Circuit Court of Appeals position two months ago, argued that the courts are "unavoidably involved" in the political arena, influenced by and having influence upon the other branches of government. But he cautioned that "it is deceit and illusion" to believe that political change can be achieved in the courts alone.

'Unrelenting Demands'

The intensification of political activity in the courts has been prompted not by increased activism on the part of judges, according to Mikva, but by the "unrelenting demands" for judicial intervention by activist litigants from the entire spectrum of American politics. "The notion that judges are marching joyfully into the fray is simply incorrect," he said.

The judge drew from his experience as a clerk to Supreme Court Justice Sherman Minton and from his subsequent career as a lawyer and legislator to support his point that the involvement of the judiciary in the political domain is not "a phenomenon of the seventies." He recalled a 1952 luncheon with Justice Felix Frankfurter at which high court clerks sought an explanation for the Court's delay in resolving the historic *Brown* case. Frankfurter, puzzled by the clerks' queries, matter-of-factly stated at the time that the Court "wouldn't want to bring down such an opinion in an election year." Mikva, reflect-



Hon. Abner Mikva

N.W.

ing in retrospect, said he had been naive to believe that the political climate should at no time constrain the judiciary.

Just as it has always been influenced by the political process, he maintained, the judiciary has always extended its influence over matters of a political nature. But the courts, he said, "come by politics through the back door" and "cannot act without the other branches of government." Mikva noted that at the time of the *Brown* decision the Supreme Court's coercive apparatus consisted of a single federal marshal who was "getting on in years."

Gowned Crusaders

A further limitation on the independence of the judiciary is the courts' inability to mobilize a public constituency, Mikva said. He asked his audience to imagine the slogans that might appear in a judicial election: "Vote for Arthur Garrity — Bring Boston into the 20th Century" or "A vote for Blackmun is a vote for *Roe v. Wade*." Instead, Mikva described the courts as constrained by their need for the cooperation of the other branches of government.

But the authority of the courts has been abused, Mikva claimed, in

the increasing body of cases in which "individual relief masquerades an effort to achieve an end that is at best poorly served by court action." While acknowledging that "in certain situations, the courts can serve as a catalyst for social change," he maintained that the institutional limits on judicial authority make the courts ineffective arenas in which to achieve lasting reform.

Mikva contrasted the impact of the 1965 *Griswold* decision, in which the courts struck down a Connecticut statute prohibiting the use of contraceptives by married couples, to the impact of *Roe v. Wade*, the landmark abortion ruling handed down in 1973. Prior to *Griswold* little progress had been made to change state contraceptive laws through legislative reform. But the *Griswold* opinion "changed the legislators' perception of public morality." Since 1972, the unrestricted use of contraceptives "has not been an issue."

The *Roe* ruling, however, preempted grass roots reform efforts that had neared or attained success in at least two states, Illinois and New York. Pro-abortion activists "let up on lobbying" while the Court's decision increasingly served as a "cause celebre" for opponents. The pursuit of abortion law reform in the courts created a strong political opposition, Mikva eagerly pointed out, and may prove to have been ultimately self-defeating. "Nearly every bill in Congress now carries an abortion

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Hunting Nazis: Revenge and Justice

By Fritz Byers

They've turned Dachau into a museum. True, over the gates at the entrance, in German, is the simple dedication — "To Honor the Dead To Warn the Living." But after that, it's all shop-brass schlock culture, plastic flowers, and greeting cards, to send from a place that still stands as the central symbol of our greatest shared horror, — the Holocaust.

But it's like that for everyone, who lives in the wake of Hitler, thirty-five years after the end of the war, that legacy compels people throughout the world to spend whole lives hunting Nazis, moved by a spectre of evil incarnate, a vision too horrible for some of us even to comprehend.



D.N.J.

Martin Mendelsohn

Central, and most famous among these, is Simon Wiesenthal, whose Vienna Documentation Center has served for years as the focus of the global pursuit of living Nazi war criminals. Earlier this month, the New York Times magazine devoted space to Serge and Beate Klarsfeld — a Jew and a German who have spent the last 12 years of their lives compiling dossiers on, and occasionally actually confronting Nazis who since 1945, have managed to live undetected, or, worse, tolerated.

Martin Mendelsohn hasn't spent his life as part of this international montage of Nazi prosecution, but since 1977 he has stood at the center of the United States Government's contribution to it. In that year, Congress created by charter what is now known as the Office of Special Investigation (OSI) within the Department of Justice. Mendelsohn is the director of that office.

He spoke at the Law School on Nov. 7 about the scope of his work, its future and its frustrations in a talk sponsored jointly by the Jewish Law Students Association and the Harvard Government Attorney's Project.

OSI is charged with investigating allegations that persons guilty of Nazi war crimes are currently living in the United States, in many cases as naturalized citizens. Under immigration law, such persons are subject to denaturalization and/or deportation.

No Criminal Charges

Since the underlying war crimes were neither committed against the United States, nor committed on United States soil, no criminal charge can be levied. Con-

sequently, OSI is compelled to focus its inquiry on violations of the immigration and naturalization laws. Charges are generally confined to allegations that a person entered the United States illegally and/or concealed past criminal activity.

Mendelsohn heads a staff of 50 including 19 lawyers and 10 full-time investigators. In the short time since OSI was established, it has worked on over 200 cases involving alleged Nazi war criminals. At present, three cases are scheduled to go to trial in 1980, as part of the deportation efforts.

- Ivan Demjanuk, who is believed to have been the operator of a diesel machine at Treblinka and who, according to Mendelsohn, is believed to be "personally responsible for the deaths of hundreds of thousands of Jews," was discovered to be living in Cleveland.

- Serhiye Kowalczyk, alleged to be part of a Nazi police brigade in the Soviet Union, and responsible for the deaths of 5000 Jews in one day, was found living in Philadelphia.

- And Valerian Tripha, who allegedly precipitated a riot in Romania in 1941, was discovered in Detroit, where he is the Archbishop of the Romanian Orthodox Church of North America.

Because of the inability of the U.S. government to file criminal charges against this troika, OSI's work is confined to instigating formal deportation proceedings against them.

Moral Outrage

Against the backdrop of the international pattern of Nazi hunting, which runs on the thin edge of unequivocal moral outrage still available to us in an age when, we are taught, relativity and ambiguity abound, a job such as Mendelsohn's seems at first slight and sadly formal. Mendelsohn is quick

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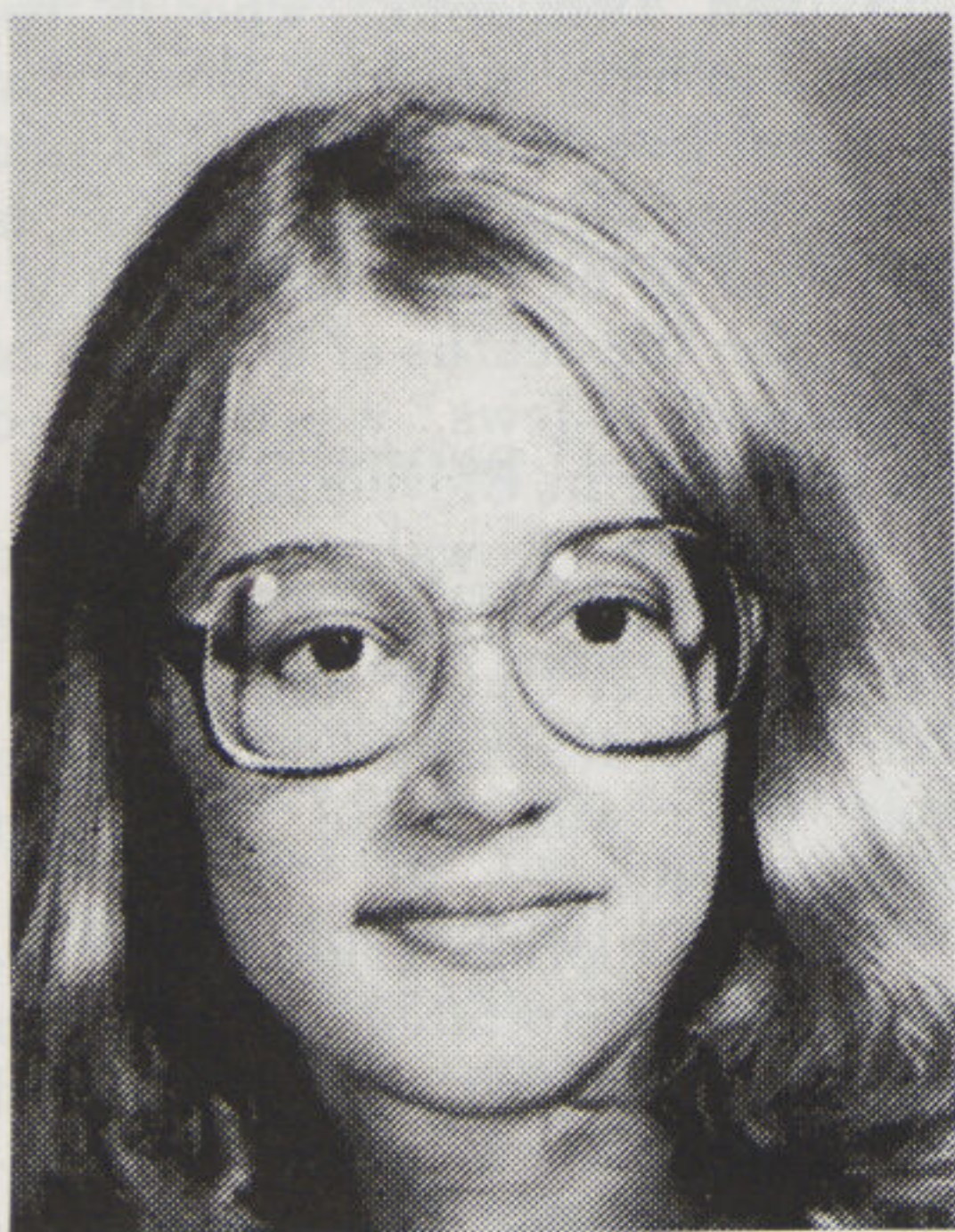
"BETTER BUYS AT BRINE'S"

HLS Students Desire Change of Climate

(Continued from Page 1)

the decision to attend Berkeley are common to all the 3Ls now in California: "I saw a lot of my third-year friends tapping their feet and twiddling their thumbs," explains Faust. "The Berkeley exchange program sounded like a chance to meet new classmates and professors and have an exciting third year. It's sort of like first year all over."

Bergsma, another 3L at Boalt, concurs wholeheartedly: "I had heard from several of my friends at Harvard that third year left a lot to be desired. I had never been to California and figured it was about my last chance to elect a change in scenery, so I applied to the program."



Deborah Schmedemann

And just as the students agree that the hope of doing something different as a 3L played a large part in their decisions to enter the program, they all concede that Berkeley's attractive environment was another motivating factor.

"At this point I'm really happy," confides Mary Beth Herald. "The weather out here is beautiful. It's especially nice when I think back to winters in Cambridge." She adds that, "In addition to the weather, the Berkeley community is very much to my liking."

Faust elaborates: "Since Berkeley is a large state school, it's far



Sam Paschall

easier to get involved in something besides the Law School. There's more involvement with the undergraduates than at Harvard and more to do and see in the surrounding areas. Northern California is beautiful."

"One reason I decided to attend Boalt," comments Herald, "was because of its reputation in the field of public interest law. I am currently working for a public interest law firm in the Bay Area doing work with the California Nuclear Statutes. It's work I enjoy and feel good about."

"Had I stayed at Harvard," she concludes, "I don't think I would have had such an opportunity."

Bergsma went to California with the hope of meeting more people interested in a Pacific practice. "I had hoped to work and travel in Australia and/or Guam upon graduation," explains Bergsma, "and expected Berkeley to be better suited for this purpose. I now have work arranged in both Guam and Australia, though I wouldn't necessarily say the jobs panned out because I came to Berkeley."

"Without a doubt," Bergsma continues, "attending Boalt is helpful in getting a job in the West, just as Harvard is in the East and Midwest."

Overall the students were prepared for what they encountered upon their arrival in Berkeley, but

some of their initial impressions about what the move would entail proved false.

"I thought Boalt students would be more relaxed than Harvard students," notes Faust, "but there is no noticeable difference. Both groups of students are ambitious and hard-working."



Mary Beth Herald

Bergsma was surprised at how much he misses his Harvard friends. "That is probably the major drawback of participating in a program such as this — you give up close contact with good friends."

Herald echoes Bergsma's sentiments: "I would warn anyone contemplating the exchange program that you'll be leaving a good set of old friends and most likely won't be able to re-establish such a group out here as a third-year student."

When asked about the drawbacks of Boalt, Herald related that,

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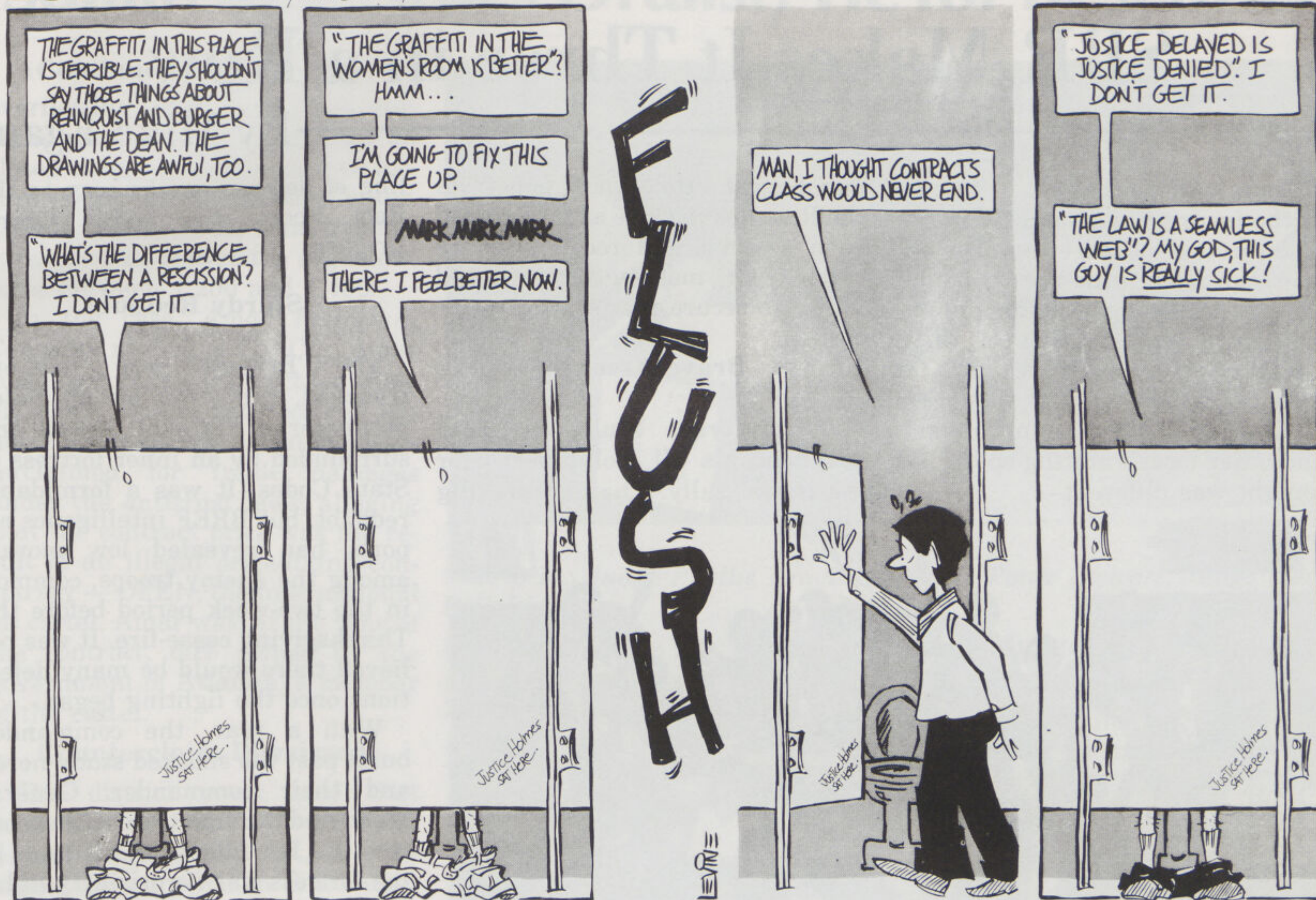
ARE YOU the Harvard Law student who helped me find my way to 1 Longfellow Place near Faneuil Hall on Friday, October 26 about 6:00 p.m.? Please contact me:

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BY KELLY AND LEVINE



Berkeley Beckons HLS 3Ls

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"There aren't as many amenities as at Harvard. There's no free coffee in the morning and no individual advisor for every student."

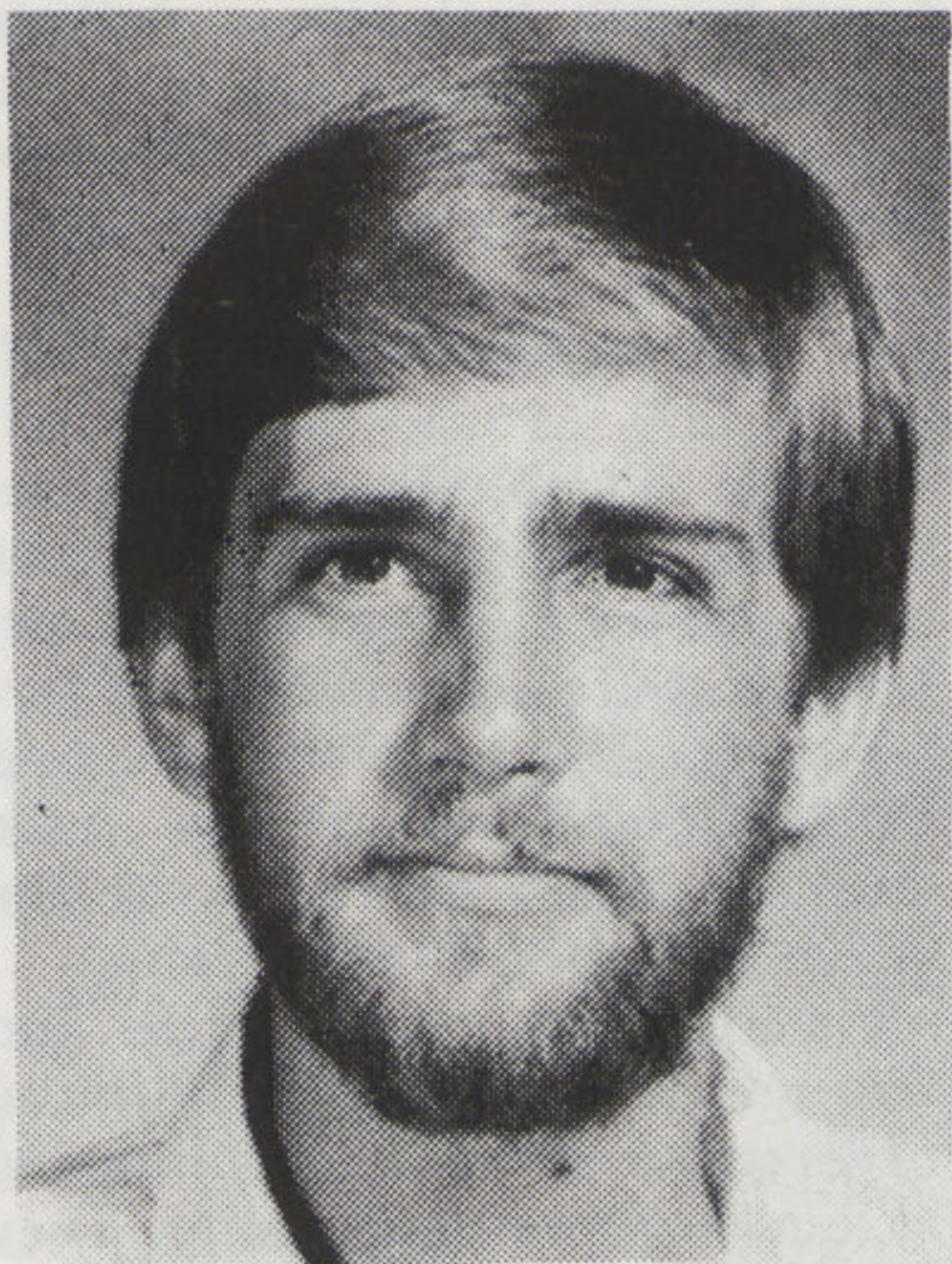
"In addition," she noted, "there

are only two journals and not nearly as many clubs or social activities among the law students."

The Harvard-Berkeley exchange program is under the direction of Assistant Deans Stephen Bernardi and Mary Upton.

The program was initiated three years ago, as an experiment, partly because faculty members' own experience was that exchange between law schools was a good idea.

For the past three years somewhere between nine and 13 students have applied to the program. Despite the fact that the first two years were characterized by difficulty in getting Harvard students to follow through — only three of the several students accepted each year ended up going to Berkeley — it looks as though the program is now firmly underway. And if student satisfaction is any indication, the exchange should continue to thrive in the upcoming years.



Joel Bergsma

Hunting Nazis: Moral Outrage

(Continued from Page 5)

to acknowledge the limits of the job. But he's equally quick to point out how central it is to the overall pursuit of justice against Nazi war criminals.

So long as Nazi war criminals remain in the United States, they will likely go untried and the cloud of unredressed tragedy will linger in the minds of all those dedicated to the prosecution of all known living Nazis. So Mendelsohn focuses his own sense of justice on the accumulation of evidence from all over the world to support criminal charges, which in turn can be used to show that a given person "lacks good moral character," the clause of the statute OSI has chosen to justify their deportation efforts.

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SBR Makes It Three in a Row

—By Mike Egan

There was uneasiness in the air as the insurgents assembled in the underground passageway. The officers mingled with the men and women, steadying them for the impending invasion. Most of these troops were grizzled veterans of Somerville Bar Review takeovers of Georgie's, the Ground Round, and other local watering spots, but tonight was different.

members at a time would penetrate the Root Room. Once a foothold had been secured and reconnaissance carried out, massive forces would follow to secure the position.

Brave Assault

A few brave souls, dedicated backbenchers all, volunteered for the initial sally. The encouraging

line of defense on the way to the Root Room: the feared Carrel Brigade.

Sturdy Redoubt

The Brigade was well-entrenched, protected by an outer perimeter of Regional Digests and surrounded by an inner fortress of State Codes. It was a formidable redoubt, but BREF intelligence reports had revealed low morale among the enemy troops, common in the two-week period before the Thanksgiving cease-fire. It was believed there would be many defections once the fighting began.

With a roar, the commandos burst past the shocked study nerds and their commander, General West, and through the double doors into the Root Room. Resistance in the fortress was surprisingly light. Two of the enemy beat it for the door and made a narrow escape, leaving pages of Corporate Taxation outlines strewn behind.

The troops cautiously approached an AWOL B-Schooler dressed in full combat gear (button-down Oxford, khakis, and topsiders) and reading *Forbes* magazine. But as he looked up, a wide smile split his face, and the forces happily took him in as their own. A loudly snoring body in the opposite corner was assumed to be friendly.

Victory

Psssh! Psssh! Psssh! The resounding staccato of opening beer cans split the quiet of the night air. Rock 'n' Roll ricocheted off the portraits of Thomas Jefferson and Guido Panteleoni. People were streaming into the room as the smoke of battle filled the air.

As expected, enemy forces had thrown off the tyrannical shackles of *res ipsa loquitur* and were racing to join the forces of liberation. They

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Photo by David N. Johnson

"Root Room Review," Vol. 3

Tonight's mission would strike deep into the heart of HLS, and, if successful, would rattle the very foundations of this venerable institution. The designated target — the Elihu Root Room, was located in enemy territory, the Langdell Reading Room.

Much more depended on this operation than was at first apparent; the SBR had twice before penetrated to their target in daring annual forays which took the enemy completely by surprise. As veterans reminisced, green recruits wondered if they would succeed in perpetuating the proud SBR tradition.

The generals huddled in conference to plot their strategy. The decision was made: rather than risking everything in a frontal assault, BREF (Bar Review Expeditionary Force) would infiltrate. A few

words of their fellow G.I.'s resounded through the tunnel as the commandos loaded their packs with Budweiser, ice and portable stereos. Feeling confident, they began the long climb up to the fourth floor of Langdell.

All seemed quiet as the troops filed past the guard post a few at a time. Enemy units were everywhere, hunched over their books with an intensity that turned the stomachs of the advancing militia. Only two weeks before, they had survived the atrocities inflicted by the Scorpion Bowls at the Hong Kong, but this was too much.

Pulling themselves together, the fearless guerrillas sidestepped a large concentration of troops at the Circulation Desk. Pressing on, the commandos successfully eluded the menacing guns of the Mass. alcove. But looming ahead was the last

Sultan Best Ames Oralist, Tie for Best Brief

(Continued from Page 1)

overflowing, and many more students watched the proceedings on closed-circuit television in two lecture rooms in the Science Center. Ushers estimated the total number of people who viewed the argument to be between 1,200 and 1,400.

In the case, *Amar Petroleum Company v. Fenton Oil Co.*, Amar sued Fenton on a contract for crude oil which Fenton had received but not fully paid for. Fenton counterclaimed for treble damages under the antitrust laws, alleging that the contract price was the result of an illegal price-fixing conspiracy — OPEN, the international oil cartel. Amar was, at the time of the contract, 60% owned by the government of Atlantis, a member of the cartel.

Counterclaim Dismissed

The district court held that Amar's conduct was a *per se* violation of the Sherman Act, but dismissed the counterclaim. Since Amar was an instrumentality of a foreign government, its conduct was protected by the Foreign Sovereign Immunities Act; the "Act of State" doctrine was also applied to bar the counterclaim. The court of appeals summarily affirmed the dismissal, and the Supreme Court granted certiorari. Before argument, however, Congress passed the Clinton Amendment, a statute which purported to remove the Supreme Court's jurisdiction to hear the case. Thus, there were four issues before the Court: the validity of the Clinton Amendment, the applicability of the Foreign Sovereign Immunities Act to Amar; the applicability of the "Act of State" doctrine to the case; and the anti-trust claim itself.

The SBR team represented petitioner Fenton Oil; the Marshall Club team represented Amar Petroleum, the respondent.

Opening the argument for Fenton, Eric Cromartie sought to persuade the judges that the Clinton Amendment was an unconstitutional usurpation of the Supreme Court's power, and that Amar's



Photo by Newton White

L. to R.: Judge Phyllis Kravitch, Justice Potter Stewart, Judge Louis Pollak.

conduct fit within the "commercial activity" exception to the Foreign Sovereign Immunities Act. The panel frequently cut in with probing, wide-ranging questions, a practice they continued throughout the argument.

James Sultan followed, arguing that the Sherman Act applied to Amar's activities, and that the "act of state" doctrine did not bar Fenton's counterclaim; in addition, he dealt with the related issues raised by the Foreign Sovereign Immunities Act.

Marshall Club Argues

Robert Kantner led off for Amar. His argument focused on the Clinton Amendment, and the complex issues of Congressional authority to restrict the jurisdiction of the Supreme Court. Kantner spent most of his time dealing with questions from the judges, who seemed dubious of Congressional power to take a case away from the Court after cert had been granted.

Marcia Rimai concluded the argument proper, eloquently presenting her claim that Amar's pricing policy, dictated by the oil cartel, was essentially political in nature, and was therefore conduct protected under the Foreign Sovereign Immunities Act.

Sultan then waived his rebuttal time, but responded to a few questions from the panel.

Judges Deliberate

Justice Stewart and Judges Pollock and Kravitch deliberated for 25 minutes before returning with their decisions for Sultan, both

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SBR Triumphs In Third Move On Root Room

(Continued from Previous Page)

had nothing to lose but their Charges. Back up troops reported a steady stream of enemy refugees clogging the stairway leading down from the Reading Room. Under enemy placards admonishing, "Quiet please!" the joyous BREF forces partied on.

The takeover soon developed a gala atmosphere. Photographs were taken, and rations were distributed. Cries of "On to the Dean's Office!" and "Studying is hell!" filled the air. The officers quickly lost control over the wild-eyed infantry.

By midnight, the once-proud force was in such sad shape that it meekly succumbed to an order from a solitary individual (U.N. peacekeeping force?) to clear the library. They retired quickly and quietly down the stairs, arm-in-arm with their wounded comrades.

There IS Life at Law School

It is fitting that the RECORD editorial this week honor the members both of the victorious Somerville Bar Review team and the Marshall Team, who demonstrated their prodigious abilities as scholars and advocates in this year's Ames Competition.

It is not unusual for Ames participants to do well, to allow, for once each year, students, faculty, and administration to unite in pride and admiration. What is unusual is the spirit that was brought to Ames this year by the SBR participants, and a reminder that seriousness and studiousness can be tempered with a sense of fun, without a drop in quality: that students — even Harvard Law Students — can be people as well as academicians.

The joy with which the SBR team tackled the most technically difficult case in years, and the grace with which the Marshall team accepted the uniquely lighthearted nature of the competition and pre-argument publicity, speaks well of both groups. The involvement of the rest of the student body — SBR is said to be the largest Law School organization — was marked with similar high spirits.

And the results were something to be proud of: one longtime observer of Ames arguments noted that the quality of this year's advocacy was "higher than average."

It all seems to be part of a heightened community spirit that has, somehow, against all odds, snuck into the Law School this year — a spirit that offers breaks from legal studies by such traditions as the Root Room Review (see story, Page 8), as well as newer non-legal entertainment endeavors like the Appalachian Law Associations' coffee houses (see story, Page 2), the expanded Drama Society presence, now with three offerings, and the plans for a literary magazine (see story, Page 16).

This spirit also shows in more serious ways. Students responded to appeals and donated money and time generously to Oxfam's Cambodia's relief drive. The Appalachian group is concerned with the public interest as well as coffee. Students are involving themselves in political campaigns.

The administration is also working to make the school a more cohesive place, in small but important ways like posting information boards near the mailboxes, and more significant ways like proposing that the Hark be turned into a community hub.

It's important and gratifying to see students, faculty, and administrators starting to break down the image of HLS as a place where people only study law.

Fenno

At a lone table in a far off corner of the Hark, a dejected 2L sat by himself, staring at his empty plate.

"What's bothering you?" inquired Fenno.

"Interviewing season is just about over, and I still don't have a job offer from a firm that I like. The only firm that gave me an offer represents militant Christian anti-homosexual activists, and I couldn't work for them because my grandfather was a pacifist gay rabbi."

"Yea, I guess you couldn't work for them," agreed Fenno.

"And no one else wants to hire me, even though I don't have any other ethical constraints."

"I've even updated my resume to include my Somerville Bar Review membership. That way, prospective employers will associate me with the winning Ames team."

"I can't think of anything else to do. Those firms just don't like me. (pause) Do you think it's my beard?"

The 2L, after all, did have a full beard and mustache, plus a rather longish head of hair.

"In theory," Fenno replied, "your hair should not be a factor in a hiring decision."

"I guess not," agreed the 2L. "I mean, Duncan Kennedy was hired, and he doesn't even wash his hair."

"But on the other hand," continued the 2L, "the result of the Ames argument seems to indicate that the way to win in this post-sixties world is to shear yourself of your hirsute image. And besides, my job and my future are at stake. I might as well change my style."

Fenno yawned. The 2L was putting more effort into figuring out the merits of cutting his hair than he had put into any of his classes this semester.

"Well, if you're interested," said the 2L to Fenno, "my most coveted interview is this afternoon and, in preparation for it, I've decided to pay a visit to the barber."

The 2L took off.

Fenno was amused when, later that day, he spotted the 2L, now looking more like Archie Cox than Frank Zappa, waiting nervously outside the door of an interview room. Fenno was even more amused when he saw that the interviewer who greeted the 2L sported a full beard and mustache, plus a rather longish head of hair.

The 2L, who was not amused, bought a Groucho Marx mustache for his next interview.

HARVARD LAW RECORD

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Letters to the Editor of the RECORD

Testing Recall

To the Editor:

I believe that the shooting episode conducted in the course on Evidence was originated by Dr. Hugo Munsterberg who taught psychology at the University at around the turn of the century.

The Evidence professor was quite correct in suggesting that the better test would have been to distribute a questionnaire in order to demonstrate how disinterested witnesses can differ in their description of an event.

The next test would be to treat such questionnaire as a deposition and distribute a second questionnaire at the end of the term in order to demonstrate how the passage of time affects recall and observation and how that disparity can be used for purposes of cross examination.

Jerome Wenig '48
Great Neck, New York

Is This For Real?

To the Editor:

I happened to be visiting this fine city of Cambridge and I picked up a copy of this newspaper of yours at the local drug store. You wrote an article about something called the Community Association. I'm not real sure what that is but I can tell you I didn't like the article. Your newspaper makes it sound like the only "cosmopolitan" people are Yankees and that people from the South and the West are just dumb hicks.

Well, it ain't so.

Tom D. Still
Flippin, Arkansas

Unfair Headline

To the Editor:

In your October 19 issue your headline in page 1 "Younger . . . Denounces HLS on Turnabout" is very unfair to Professor Younger and HLS. Based on the facts set forth in the article, I find that Prof. Younger may have denounced living in Cambridge but he did not denounce HLS. You owe Prof. Younger and HLS an apology for such distortion. You damage your credibility with such misleading headlines. We have a right to expect a higher standard from future members of the Bar.

Leonard H. Moché, '57
New York, New York

Defends Yonkers

To the Editor:

I read with interest your article on Professor Younger's return to Cornell Law School. I grew up in Yonkers, New York, and graduated from Harvard Law School. Anyone who could compare living in Cambridge to living in Yonkers has demonstrated a lack of credibility on almost any subject.

J. Gordon Arkin, '70
Orlando, Florida

Birds and Bees

To the Editor:

Judge Younger's suggestion that Cambridge is too much like Yonkers may be correct. Not knowing Yonkers I suspect all will be made whole, and balance restored by the introduction of birds and bees to the Cambridge area. That and the introduction of a subsidiary course on the development of Claude Lorrain and his effect on fox hunting in Ireland by 19th century postmen will restore the naturalness long since lost.

George M. St. Peter, '35
Fond du Lac, Wisconsin

The RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and especially on subjects which have appeared in the RECORD. Write today and speak your mind to the students, alumni and faculty of the Law School.

Cryptic Law

For torts buffs:

"Fekptlpyy [bkr] pt kllxtoktjx . . . kl k
jpwjqr fxwyzwdktjx iphxt um lcx oxytektl
[bcxt] k czwrx, bcpjb bkr izpti lcwzqil k
oktjpti fxwyzwdktjx pddxopklxem pt ywztl
zy lcx fekptlpyy bkr rpllpti, bkr . . . jkqrxo
lz ukjs lzbkwor lcx fekptlpyy, kto bcpex pt
lcpr rplqklpzt lcx czwrx xhkjqklxo cpr uzb-
xer ptlz cxw ekf . . . pt.yqee hpxb zy vdktm
fxzfex, . . . kee zy bczd ekqicxo kl lcx
zjjqwwxtjx."

(Solution on Page 16)

Mikva Urges Court Restraint

(Continued from Page 4)

rider," the judge lamented, "and nearly half the debate in Congress is on abortion."

Mikva predicted that no matter which way the courts eventually resolve Sen. Barry Goldwater's action to nullify the Carter Administration's cancellation of the Taiwan defense treaties, "the result has to be bad." The case should never have been brought, he argued, since the judiciary's intervention in a conflict between the other two branches of the "fragile system" of government "is dangerous stuff." The Goldwater case illustrated Mikva's point that activist litigants come forth from the right as well as from the left whenever a movement is stalled elsewhere in government. "The battle would have been fought in the Senate, had Goldwater been able to get enough votes," he said.

Mikva advised the future activist attorneys present to "look to your quiver before you go hunting." He asserted that "there is no relationship between the egregiousness of a wrong and the courts' ability to enforce what is right." He urged his audience to remember that "the real levers" are to be found "in city councils and grubby places where politicians hang out, where larger numbers must be convinced and where logic and rationality are not always the rule." In a democracy, Mikva asserted, success in these forums is "a necessity for any revolution, especially a peaceful one."



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Medieval Crime, Jaworski's "Memoir"

By Doug Cox and Richard B. Bernstein

Barbara A. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Harvard University Press, \$20).

The sole valid approach to medieval social history may well be statistical analysis; more traditional historical methods, by emphasizing comparatively isolated events, often threaten to degenerate into anecdote. Professor Hanawalt bases her account of crime in fourteenth-century English communities on statistics, yet the result is not historical enlightenment but rather a book characterized by uncritical acceptance of her statistical sources, forced reasoning, and conclusions which violate common sense.

Her statistical base is too small and, given the nature of medieval criminal records and the accidents inherent in the preservation of historical documents, too random for the overprecise inferences she seeks to draw. Although she is careful to qualify her observations, she cannot be taken seriously when, for example, a seven-percent discrepancy between the reported number of crimes between brothers in one county and that in another is her basis for broad conclusions as to the impact of certain English customs of inheritance. Similarly, after arguing that criminals more frequently victimized wealthy peasants than poor ones, she concludes that this is evidence of class antagonisms, rather than of the criminals' simple desire to steal where they were likely to find the greatest number of goods worth stealing.

The book is not, of course, without its virtues. Professor Hanawalt provides a good brief description of the formal organization of the criminal justice system, and in her introduction and appendices discusses the limitations on her statistics which she ignores in the body of the book. Her analysis of the Robin Hood legend in medieval lit-

erature is charming if simple-minded. The terse contemporary accounts of crimes which she includes give a better sense of the period than abstracted analysis ever could, and are often bizarre in their understatement and thus refreshing reading. The book might be worth a fleet perusal on a long winter afternoon although, as A. A. Milne counseled, "if the sun is shining and you can do anything else, I should strongly advise you to do it."—D.C.

* * * * *

Leon Jaworski with Mickey Herskowitz, *Confession and Avoidance: A Memoir* (Anchor Press/Doubleday, \$10.95).

There is an old cliché which says that books reflect the personalities of their authors. After reading Leon Jaworski's new "memoir," I hope and pray that it's not true.

Confession and Avoidance is perhaps the most inconsequential book of 1979. It is disjointed, superficial, complacent, and so badly written that it is an embarrassment to readers. Even the publisher must have recognized the book's lack of worth and significance; their jacket blurbs concentrate on Jaworski himself, without even the faintest word of praise for the book.

The title of Jaworski's book is at first glance exciting, promising scandalous revelations; actually, "confession and avoidance" is an old term from the stale, musty world of common-law pleading with hardly any of the romantic overtones the average reader might see in it. In a strange way, the book lives up to the real meaning of the title, for Jaworski is content to tell us stories about cases he handled and clients he knew, from a poor black defendant charged with murder to President Lyndon Johnson. Nowhere in these stories does Jaworski forthrightly take on

any of the major issues he mentions — not capital punishment, nor executive privilege, nor the Korean bribery scandals.

The chapter on Koreagate is the most glaring example of what's wrong with this book. It is the longest chapter, but huge blocks of it are merely unnecessarily long extracts from the testimony taken by the House committee investigating the machinations of Tongsun Park, and one would learn more from back issues of *The New York Times* than from this account.

When Jaworski's first book was published, it was acclaimed as the dullest book ever written about Watergate. Compared to this one, it was *War and Peace*. *Confession and Avoidance's* failure is especially incomprehensible because Jaworski employed a ghost writer to help him with it; *The Right and the Power* was a one-man job. — R.B.B.



SPORTS QUIZ

Note: This week's Sports Quiz deals with famous sports announcers, past and present.

1. A long-time boxing announcer, this man is best remembered for calling the shots on the televised Friday Night Fight back in the 1950's and early 1960's. Who is he?
2. Nicknamed the "Old Announcer", this man was best known for being the voice of Notre Dame football on the Mutual Radio Network until he passed away in 1974. Who is he?
3. Known as the "Voice of the Indianapolis 500", this man carried this Memorial Day classic to millions of listeners before committing suicide in 1976. Who is he?
4. The first important hockey announcer, this man was the original voice of "Hockey Night in Canada" telecasts originating out of Toronto. His son has since replaced him. Who is he?
5. A former Dodger shortstop and ex-St. Louis Cardinal pitcher teamed up in the early 1960's to broadcast the baseball "Game of the Week". Who are these two famous players and announcers?

(Answers on Page 16)

HARVARD LAW RECORD

Panel, Students Blast Burger Court

By Laura Taylor

On Tuesday, November 13, the BLSA, CR-CL Law Review, WLA, and several other Law School student organizations presented a symposium entitled "Critical Perspectives on the Burger Court." About 150 students attended the talks in Langdell North.

HLS Visiting Prof Charles Lawrence, the evening's first speaker, discussed the implications and ramifications of the *Bakke* decision, noting that the Court's decision in the case ignored institutionalized discrimination against minorities in primary and secondary education.

Harvey Silverglate, a Boston attorney who has worked as a public defender, examined the Court's record in the areas of privileges and immunities. In allowing police searches of newspaper offices and, by implication, attorneys' offices, Silverglate said, the Court has consistently "ridden roughshod" over the First and Sixth Amendment guarantees of freedom and immunities for the press and for lawyers. The ability of members of Congress to inform their constituents has also been threatened by this Court, he said.

The one area in which the Court has consistently upheld privileges, according to Silverglate, is that of judicial privilege; he noted a New Jersey case in which a judge was held immune from civil suit for ordering the sterilization of a minor

without a hearing or the benefit of counsel for the child.

Nancy Gertner, a Boston attorney, addressed the issue of the Burger Court and women's rights. While the 1973 abortion decision, *Roe v. Wade*, seemed to be a guarantee of the right of women in the United States to abortion on demand, subsequent decisions have allowed public hospitals to refuse to perform abortions and authorized denial of public funds for abortions for poor women. Therefore, she concluded, the effect of *Roe v. Wade* has been merely to prevent the criminalization of abortion, rather than to create a right to obtain an abortion.

The evening's final speaker was Winston Kendall, who heads the Massachusetts chapter of the National Conference of Black Lawyers; Kendall spoke on the Court's treatment of police misconduct cases.

Kendall maintained that the Court has refused to take action in clear instances of institutionalized

police misconduct. The clearest example of this trend, according to Kendall, is *Rizzo v. Goode*, in which the Court acknowledged the existence of police brutality in Philadelphia, but refused to take action against the police department because, they hold, the complainants — including the Black Panthers and the Young Lords — did not have an adequate stake in the outcome.

The result of the Court's inaction, he continued, has been the reinforcement of police attitudes that they have a free rein in ethnic and lower-class areas, and that they only have to "behave themselves" in affluent white areas.

Kendall concluded on a hopeful note. The courts, he said, will not correct police abuse and discrimination. He told the audience that it is up to the legal profession to develop alternative means of dealing with oppression and protecting the rights of all members of society, and that this can be done.

✽

The Nazi Hunt Continues

(Continued from Page 7)

The sense of procedural limitation is not the only frustration attendant on Mendelsohn's job. More crucial, and more tragic, is the sense that "time is against us," that what Simon Wiesenthal calls the "biological equation" will lead to the natural deaths of all remain-

ing Nazis before they can be brought to trial. That central truth informs Mendelsohn's work and provides the muted sense of urgency that seems to fuel his remarkable dedication.

It is perhaps this tragic sense of the inexorability of time and fate that has led to the striking level of cooperation that unifies the international search for Nazis.

"We have received great cooperation from London," Mendelsohn said, "and are in contact with the Federal Republic of Germany, Poland, Yugoslavia, Romania and the Soviet Union."

Indeed, a conference in Washington D.C. in mid-October between Attorney General Benjamin Civiletti and Lev Smirnov, chairperson of the Soviet Supreme Court (who once prosecuted war criminals in Japan) led to a "firm and explicit" commitment from the Soviet government for full

(Continued on Next Page)

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Ames Final Round: Skill and Pomp

(Continued from Page 9)

briefs, and the SBR petitioners. Justice Stewart first announced the winners and then, after heavy applause, commented that the panel had had great difficulty in deciding between Sultan and Rimai for best oralist honors.

Judge Pollock then presented his views on the competition, remark-

ing: "It has been an extraordinary pleasure, as well as a privilege, to serve on the panel this evening. The level of the written and the oral arguments presented here gladdens the professional ear and the professional eye." Pollock then mentioned that, while the judges had a narrow judgment between Sultan and Rimai for best oralist,

the level of argumentation presented by Kantner and Cromartie was "very, very high."

Pollock was also amused by the applause in the court room: "It is a gratifying reaffirmation of the support which the judiciary has."

Next, Judge Kravitch commented on how much she enjoyed serving on the Ames Bench. "This has been a very exciting evening for me. I've been waiting a long time to come to Harvard Law School. I was advised, when I was applying to law school in 1941, that Harvard did not admit women." She laughed: "In my case — it's better late than never."

Kravitch also found the briefs and arguments to be of very high quality, demonstrating an "understanding of complicated issues." Kravitch concluded with the wish that "every brief and oral argument I review on the 5th Circuit would be of such high quality as here."

Justice Stewart then took the floor for the closing comments. "It's nice to come into a court room with applause, and also," he chuckled, "where I get promoted."

❧

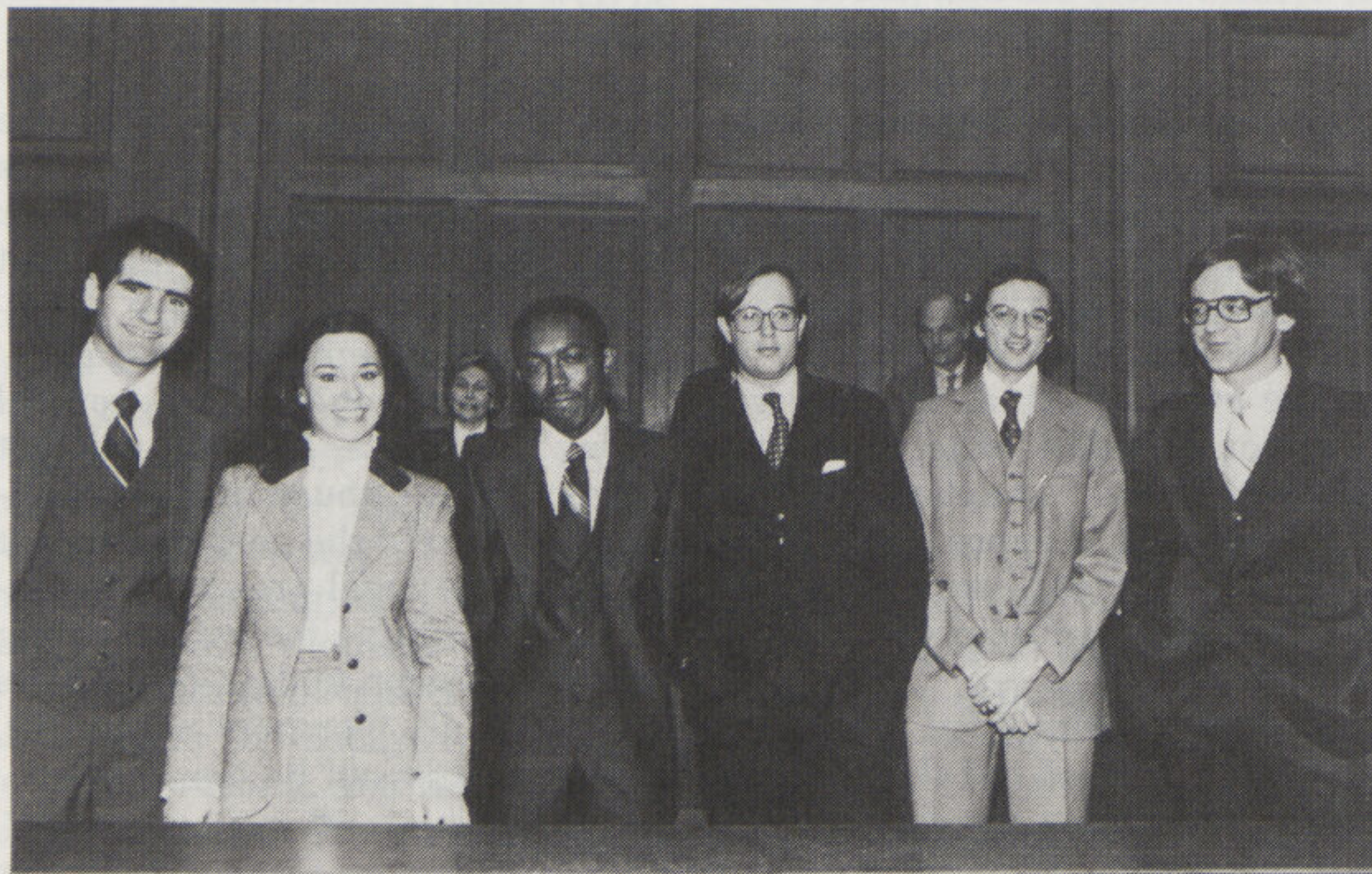


Photo by Newton White

L. to R.: Mark Carroll, Marcia Rimai, Sylvester Turner, Richard Swanson, John Eickemeyer, and Robert Kantner of the Marshall Club.

Powers Cooperate in Pursuit of Nazis

(Continued from Previous Page) assistance in locating, investigating and deporting suspected war criminals.

Smirnov recently explained the reason behind the Soviet commitment: "Our children and grandchildren must not be allowed to conclude from their history books someday that the guilty were not pursued because of the passage of time."

Mendelsohn will travel to the Soviet Union next month in the hope of bringing back a Soviet citizen to depose. According to Mendelsohn, "the extent of cooperation between the American and Soviet governments is virtually unparalleled. Not since the Nuremberg trials has there been this ongoing method of cooperation."

The reason for this cooperation,

even at a time of escalating tension, is clear. "It's the only issue currently where there is no disagreement between the countries. Nazis are as evil and odious to the United States as they are abhorrent and nasty to the Soviet Union."

In an eloquent and haunting sentence, Mendelsohn concluded "the Soviets suffered far more than we in the war, and they have a more highly developed sense of revenge."

It's important to realize the extent to which revenge motivates all the layers of Nazi obsession in the world. From Thomas Hudson, the central character in Hemingway's great novel *Islands in the Stream*, who volunteers to hunt Nazi submarines off the coast of Cuba to purge a broad and twisted gripe with the evil of the world; to Elie

Wiesel, whose deeply moving account of his return to Auschwitz and other Nazi death camps perfectly captures the shattered sense of having survived; through these literary testaments, and the acts of Wiesenthal, the Klarsfelds and Mendelsohn, there runs the thick thread of revenge, of a monolithic motion toward retribution.

Mendelsohn's presence at the law school, the governmental decision to spend \$25 million per year to support OSI, and, more broadly, the presence in the world of the privately obsessed and the publicly committed Nazi hunters, reflects the insoluble degree to which our drive for justice is blended with a more visceral drive for revenge — and the contradictory nature of our simultaneous embrace of legal formalism and moral passion. ❧

James Sultan: Profile of an Oralist

By Jorie Roberts

"Ultimately, the most important factor in oral advocacy is to be comfortable with one's own personal style," commented James Sultan, selected as this year's best oralist in the Upper Round Ames Moot Court Competition. "I try to be flexible enough to respond to the judges, but strong enough not to be pushed around by them."

Sultan was initially disappointed that his team argued for the petitioner, Fenton Oil Company. "I think it's much more fun to argue and brief responsively. We argued that way last spring. But here we lost the coin flip." Moreover, Sultan felt that on the merits his team argued a losing case, but that "perhaps that helped us, to the extent

were over. "The purpose of the sponsorship by SBR was in part to parody the sponsorship by the traditional clubs which usually sponsor Ames teams, and which take themselves more seriously."

Sultan and Cromartie trained for the arguments through "a number of essentially dry runs," in which the other team members fired questions at the oralists that were "much tougher than those the judges asked, since they knew the case better."

Sultan, along with Goodman and Del Calvo y Gonzalez, got haircuts in preparation for the final round: "We drastically cleaned up our act for the occasion." Although Sultan originally intended not to cut his



D.N.J.

The View from Science Center B: James Sultan speaks as Eric Cromartie listens.

waived rebuttal because there was nothing to rebut." He added, "Justice Stewart, in particular, said it was good psychological strategy since it communicated that we felt our initial argument was untouched."

Sultan has been developing his oral advocacy skills for a number of years. A debater at Brookline High, Sultan received a degree in American History from Yale in 1974. He then spent three years in D.C. as legislative assistant for Rep. Robert Drinan (D-Mass.). Sultan remarks, "For a couple of years it was a hell of a good job, but right now I want to be in the courtroom," since "litigation is the only fun part of law that I can discern after being here for three years."

Sultan has worked during law school for a small Boston litigation firm, Silverglate, Shapiro, & Gertner, and feels he will come back to Boston after clerking for Federal District Judge William Wayne Justice in Texas next year. "I view it sort of like a junior year abroad program," comments Sultan. "I'll get out of my parochial northeast background."

Finally, Sultan stresses the fact that the Moot Court Competition is "very much a team performance, with the oralists acting as the mouthpiece for the whole six. He concludes, laughing: "The other team members work just as hard without the glory of getting up and babbling in front of all the people."



Photo by Newton White

Waiting for the decision: James Sultan and Eric Cromartie.

that the judges appreciated any plausible arguments we made on our side."

Team members Sultan, Peter Goodman, Jorge Del Calvo y Gonzalez, and Eric Cromartie met during their first year. Remembers Sultan, "Peter (Goodman) and I got together and figured out who we were compatible with." Leo Orenstein and Elise Bloustein joined the team after the preliminary rounds

hair, he decided that "it would not be right to jeopardize the team, regardless of my personal preference."

In an unusual move for the Ames Competition, Sultan decided not to rebut his opponents' arguments. Sultan pointed out that he and Cromartie were determined to treat the situation like a real courtroom, and under such circumstances "we would have

HLS Literary Magazine Planned

By Stuart Berman

Ask most Harvard law students to name an HLS student or graduate who has pursued interests in law and literature and they might name the author of *The Paper Chase* — John Jay Osborne. True *artistes* might even name one of the greatest American poets of the century — Wallace Stevens. After that, even they draw a blank.

A handful of HLS students are stepping into the wasteland with an attempt to launch the school's first literary magazine. Heading the effort are Fritz Byers, 2L, and Marcy Shaffer, 3L. Byers explains their motivation: "There's very little art around here at all, and nothing literary, and we thought we'd try to do something to fill the gap."

An optimistic estimate projects a first issue emerging from the presses sometime in January, with one, or perhaps two following by the end of the spring to serve as a "foundation" for a regular publication schedule next year. The as-yet-untitled journal solicits fiction, poetry, essays, cartoons, sketches, photographs and song lyrics from law students and alumni.

'Tender Illusions'

Another organizer, Jeffrey Smith, 1L, sees two purposes for the publication: "We want to produce something good, but we want to give law students an opportunity to write something besides briefs and legal memos, too." He added that "We have this vague notion, perhaps a tender illusion, that people here know how to write."

Byers says he has received prom-

ises of contributions from 10 students, and suspects that considerable talent lies hidden beneath the mass of functional writing that fellow students churn out.

"I know a lot of people who are writers, photographers, artists," he says. He is optimistic that students whose recreational reading consists of *The American Lawyer* will patronize a literary journal, speculating, "There might be an incentive for people to read it if they know someone who did the writing."

"We have this vague notion, perhaps a tender illusion, that people here know how to write."

Smith adds, "I walk down the hallways and see we've got some real 'head cases' here, and head cases are usually associated with great art."

'Insularity and Parochialism'

The journal's organizers have yet to decide whether they will explicitly discourage a legal theme in contributions, but Byers stresses that "there's no requirement that any material be law-related," even the non-fiction essays. More emphatically, Smith asserts, "We're hoping to get something besides 10 mini-'Paper Chases.'"

But a concern with the law still lies in the backs of the minds of the journal's founders. Byers says he views the publication as "an attempt on our part to fill a cultural

vacuum in the law school. The insularity and parochialism of legal education has a destructive effect on anyone concerned with legal writing."

Depending on the nature of contributions from students and alumni, future issues may be expanded to include contributions from other graduate students, he added.

The journal should eventually be self-supporting, with revenue coming from advertising and alumni, but a loan from HLS may be forthcoming to fund the first issue.

Only one rule seems certain right now, at least according to Smith: "No haiku. We all hate haiku."



Sports Answers

1. Don Dunfee.
2. Van Patrick.
3. Bud Collins.
4. Foster Hewitt.
5. Pee Wee Reese and Dizzy Dean.

Solution to "Cryptic Law"

"[Plaintiff] [was] in attendance . . . at a circus performance given by the defendant, [when] a horse, which was going through a dancing performance immediately in front of where the plaintiff was sitting, was . . . caused to back towards the plaintiff, and while in this situation the horse evacuated his bowels into her lap, . . . in full view of many people, . . . all of whom laughed at the occurrence." *Christy Bros. Circus v. Tur-nage*, 144 S.E. 680 (Ga. 1928) (states a cause of action for infliction of emotional distress).

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