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TWENTY-FIVE CENTS



Dean Albert M. Sacks

HLVB

AALS Chooses Sacks for National Presidency

By Jorie Roberts

Dean Albert M. Sacks has been named President-Elect of the Association of American Law Schools. Sacks, who was informed of his selection by the AALS's House of Representatives on Saturday, Jan. 5, will serve as President-Elect for the calendar year 1980 and as President in 1981.

As President-Elect and as President, Sacks will serve on the Executive Committee of the AALS, which meets quarterly to "administer the standards and policies of the organization, such as responding to complaints of violations of

academic freedom and rendering accreditation decisions."

Sacks, who has been involved in "very little outside activity" as dean, agreed to accept the nomination because he hopes to make a "meaningful contribution" to the reconciliation of emerging differences regarding the purpose of legal education. "Certain agencies and informal groups within the legal profession are urging that law schools be required to teach particular subjects or in a particular way," according to Sacks. He believes that "law school faculties rather naturally react to such

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LSDAS Causes Admission Snarl at Law Schools

By Dan McNeill

The recent and sudden release of thousands of Law School Data Assembly Service (LSDAS) reports, previously delayed as a result of a snafu with the Law School Admissions Service (LSAS) computers this past autumn, has forced HLS Admissions Office personnel into a hearty quick-step.

The Office is currently one and one half months behind schedule. Normally it begins receiving LSDAS reports from the October Law School Admissions Test in early November, and admits around 100 applicants by the end of December. This year it got its first trickle of LSDAS reports on December 21, and will admit its first applicant in a week or two.

"The extent to which we can catch up remains to be seen," says Admissions Director Molly Geraghty. "In past years our goal has been to respond to virtually everyone by the end of March, but I don't know if we can make that this year."

"In any case, we're going to stick to our guns about making good decisions. We would much rather be deliberate and give everyone a full hearing, than be hostage to the situation. It's not a problem where we'll say, 'Oh, let's panic!'"

The delay stemmed from a jerky transition from one set of data pro-

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'Supraman' Lands on Pound Next Month

By Michael Smith

The Harvard Law School Drama Society begins rehearsals of "Supraman — the Parody" on January 27th. "Supraman," the latest in the series of annual Law School musicals, was written by Tom Mullen, 2L, and Jack Balkin, 2L.

This annual extravaganza is directed by Tom Hamerlinck, 2L, veteran of several Law School productions.

The cast of 32 was selected in November, following auditions that tested dancing, singing and acting. Most of the cast and production crew are from the Law School, although there are also participants from the Divinity, Design, and Business Schools, Harvard College, M.I.T., Lesley College, and the "real world."

The leads, Supraman and Lois Lien, are played by 1Ls Greg Martin and Sonya Winner. 3Ls Peter Lawson Jones and Theresa Lauzon are cast as the villains, Luthor Lexis and Lucretia. Jones and Lauzon should be familiar to Law School audiences, having both appeared in "Paradise Remanded" last spring.

These are not the only familiar faces. Warren Hutchinson, 2L, Bruce Teeter, 3L, Chuck Allen, 1L, Andy Baxter, 2L, and Andy Davis, 2L, will be returning from last fall's production of "Something L's," along with outsiders Nancy Allen, Susan Horrow, and Phil Stump.

The music for "Supraman" has been composed by HLS alums Geoff Menin, Barry Cohen, and Terry Leahy; law students Balkin, Allen, and Judd Friedman, 2L; and Harvard College student Paul Shore. The lyrics were written by Balkin, Leahy, and Friedman; 2Ls

Ed Himmelfarb and Gail Ballou; and local musician Barry Levy.

"Supraman" is scheduled to open February 28th and will run for two weeks. Before then, the Drama Society is looking for people to assist in the technical areas. Carl Oppedahl, 2L, one of the producers, indicated that there will be oppor-

tunities for students who are interested in set construction, lighting, props and costuming. Students will also be needed to sell ads and usher. Oppedahl noted that interested students should contact him or his co-producers, 2L Brian Ochs and 3L Patrice Davis.



LSDAS Reports Arrive Late, Swamping HLS Admissions

(Continued from Page 1)

cessing equipment to another. This year, Educational Testing Service decided to replace its LSAS computers, which are eight or nine years old, with a swifter, more streamlined system. But since LSAS must maintain a data backlog of five years, it was necessary for the new machines to have access to the memory of the old. Gremlins crept into the attempted hookup, and it took engineers much of the fall to extirpate them. ETS, however, has not notified its clients of the delay.

Harvard, because of its size and admissions strategy, will probably suffer most from the snarl. Seven thousand applications arrive here every year, and therefore the Admissions Office likes to start work on them early in the year. In addition, the Office pursues an aggressive admissions policy. "We want to get the best people we can, and I think that if you hear from Harvard first, you tend to go there," says Geraghty. "My reputation as the Bear Bryant of law school admissions isn't quite fair, but it's almost fair."

Because of the current demands on the Admissions Committee, cer-

tain professors are reacting less cheerfully to the situation. Nobody is accepted to HLS without a minimum of two persons reading his or her application, and one of them must be one of the three professors on the committee, Professors Charles Fried, C. Clyde Ferguson, and Lance Liebman.

"Of course it's an inconvenience to have work which is usually spread out over five months bunched together in a much shorter time; it's a pain in the neck," said Admissions Committee Chairman Fried. However, he hastens to add that it is "much more unpleasant for the applicants."

"Harvard, because of its size and admissions strategy, will probably suffer most from the snarl."

Fried is "very, very unhappy with the computer people" and has "been on the phone to them sometimes more than once a day." In the meantime, he has had "more reading late at night."

Even though applicants may sweat and professors may swear, Geraghty remains optimistic that the situation will be brought under control. "Last year the GAPSFAS [a financial aid application service] was about two months late and everyone caught up," Geraghty shrugs. "I don't think our yield will collapse if we're sending out admissions in April." ❧

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Ad Board Tightens Up Hardship Policy

By Jorie Roberts

Only ten students will be granted permission to spend next year at another law school and still earn their HLS degrees under the new spouse and spouse-like hardship program announced by the Administrative Board in December. Previously, there was no limit on the number of such leaves the Ad Board could grant.

According to Assistant Dean Stephen Bernardi, a member of the Administrative Board, the policy change reflects "concern on the part of the board with the growing number of applications for such leaves." Last year, approximately 25 students requested, and nearly all were granted, permission to spend a year at another law school to be with a spouse, fiancé, or other spouse-like person. Of the nearly two dozen granted permission to

transfer this year, only about half actually did.

In addition, the board acted on applications for the Berkeley exchange program and for other hardship situations.

Prof. Frank E. A. Sander, Chairman of the Ad Board, explained that when a large number of HLS students are enrolled at other institutions, "there are problems of predictability in determining how many students will actually end up here, problems in supervising programs in absentia, such as third-year papers, and problems incurred by the registrar in collecting grades at the year's end." Bernardi commented that "substantially" fewer people transfer into HLS than transfer out.

The Ad Board will use a set of flexible considerations in determining who gets to leave, such as alternatives available, distances

involved, children involved, and a general assessment of each situation. Bernardi explained, "The question of whether alternative solutions are available and have been explored will become relevant. For example, would the problem go away if one person takes a year off?"

He continued: "If only one of two students could be accepted, and one wants to go to the West Coast and the other to New Haven, the preference would probably be for the West Coast applicant because the alternative of commuting would not be available."

There is an informal policy, according to Sander, that a student attend the "best school in the area if he or she can get in."

The status of the relationship involved "wasn't contemplated as a factor in the decision," according to Bernardi.

In evaluating the program, Sander explained that "(i)t may not be the most ideal program, but it represents a compromise between those who feel there should be no hardship program except perhaps for married people" and the perceived desire of some students to spend a year elsewhere. Sander believes, however, that "if people get the message that they are now expected to be here for three years, but that some flexibility will be provided for some students, then it might just work out that only ten or so apply each year."

For transfers for next year, the deadline is Feb. 1. So far, only "a few" students have applied, according to the registrar's office.



Legal Services Institute: A Year of Helping the Poor

By Dan Hershman

This week the Legal Services Institute, the community law services center in Jamaica Plain sponsored by HLS and Northeastern Law, began accepting applications from 2Ls interested in participating in the full-time program next year. Sixteen positions are open.

Detailed application materials describe the Institute — which will provide 28 credits — as a "school as well as an operating legal services office" with coursework dealing almost exclusively with doctrinal, policy, professional, and practice issues involved in neighborhood law practice for poor people in Jamaica Plain and surrounding neighborhoods.

Not for everybody, the practice is demanding, the materials further state. "It is not for those who want to spend their time exclusively on complex doctrinal problems, nor for those who never seem to find their way to a law library because personal, human contact takes prior-

ity. The work is also hectic and uneven in its pace."

Though they will receive initially close supervision and continued evaluation, students will take on significant responsibilities, handling their own caseload of ten to twelve routine to moderately difficult cases by the end of the year.

The Institute directors, who include HLS professors Gary Bellow and Jeanne Kettleson, believe the program will only be rewarding to those with a "reasonably sophisticated grounding in (i) the dimensions and nature of poverty in the United States; (ii) the institutional, legal, and bar responses to problems of poverty and inequality; (iii) the special professional problems that arise in this practice; (iv) the nature of the advocacy skills needed; and (v) the relationship of legal advocacy to grassroots organization."

Applications, available from the Registrar, are due Feb. 4. Fellowships may also be available. ❧

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'Brethren' Authors Defend Selves, Book

By Mary Tarduno

"We are convinced we have an accurate portrayal that rises above the standard that daily journalism can achieve," said Bob Woodward, co-author of *The Brethren*, to an overflow crowd in the Kennedy School Forum on Dec. 13. Woodward, co-author Scott Armstrong, and HLS Prof. Charles Nesson participated in a panel discussion covering topics ranging from the book's accuracy and documentation to the impact it may have on the Supreme Court.

The Brethren describes the major events and actors of the Supreme Court from 1969 to 1976. The authors obtained their information from court memos, documents, and extensive interviews with court clerks of that period. Although accounts of events were not obtained directly from the Justices, the authors explained that their background interviews and research allowed them to report events from the Justices' perspective.

Court Impressive

In writing *The Brethren*, Armstrong said, he and Woodward tried to describe the Court and the way its Justices interact. "In many ways we found the Court to be far more worthy of respect than one would have thought based on its opinions. In many ways the Court is much more impressive than other institutions," he added.

Both writers said they gave thought to the impact their work might have on the Court. "The habit in the job of journalism is not to ask that question," said Woodward. "If we sat back and tried to be philosophical, we would not be able to serve our primary role" of providing fair, accurate, and relevant information.

Criticism of *The Brethren* has come from HLS Prof. Paul Freund. In the December 13 issue of the *Boston Globe*, Freund questioned the accuracy of the book and speculated that it might lessen the authority of Supreme Court decisions,

erode lower Court morale and decrease discussion of issues among the Justices. Both Woodward and Armstrong reacted strongly to the criticism.

"The last time I heard [Freund's] argument is when a man named Richard Nixon said 'I know what I mean,'" commented Woodward. He explained that while writing the book, he and Armstrong were able to go back to sources again and again to ask what was intended and meant.

Armstrong had stronger words for his critic. "Is Freund incredibly out of touch with reality, or is he part of the lawyers' cover-up of the Supreme Court?" Armstrong asked. He added that Freund may present the strongest argument for doing the book in the first place: the public is not being told what it needs to know, and the Court has a refined mechanism for limiting what the public does hear to what the Court feels is significant. As

"Is Freund incredibly out of touch with reality, or is he part of the lawyers' cover-up of the Supreme Court?" Armstrong asked.

Woodward described it, there is a willingness to "perpetuate a fairy tale" about the Supreme Court instead of portraying the Justices as humans with passions and emotions, compromising and working out problems.

Standing up to Scrutiny

Nesson, while not finding it "news" that the Justices were human beings, said that he was struck most by how well the institution stood up to scrutiny. "Those who don't read the book will be left with the idea that it's a muck-raking book written by those who brought us Watergate." However, added Nesson, the most shocking point revealed about the Court is that the Chief Justice manipulates writing assignments once in a while.

Nesson, along with many questioners in the Kennedy School au-

dience, asked the authors about their fact-finding techniques and about the public's ability to check the accuracy of *The Brethren*. Nesson, a former Supreme Court clerk, said that while reading the book he was continually surprised at the level of disclosure from the clerks.

Moral Question

"If the clerks who served as sources for [the book] really did breach a confidence, for them at least a moral question is raised," Nesson said. "Not by any sense is this an Ellsberg situation where the greater good justifies the breach."

The authors noted that the clerks were told by the Justices to use their consciences in considering disclosures — that they knew what they could and could not talk about. Woodward and Armstrong also stressed that any account from a clerk was verified with several

other sources to ensure accuracy before it was used in the book.

Woodward acknowledged the public's problem in checking the accuracy of the book since the sources are confidential. "But you have to see what we were wrestling with — the alternative was not to do [the book]." Woodward said that if he and Armstrong had used a direct interview approach rather than a background study, they would have gotten what is already on record about the Supreme Court: "it's a fairy tale, not what is really going on," he commented.

Woodward noted that the information in the book is there for anyone to challenge, and that he and Armstrong have put their "reputations on the line". Although admitting that certain points in the book may turn out to be "not quite right," Woodward also pointed out that "no one directly involved is questioning [the book's] accuracy."



The Enigmatic Supreme Court

By Richard B. Bernstein

Leon Friedman, ed., *The Justices of the United States Supreme Court: Their Lives and Major Opinions. Volume V: The Burger Court 1969-1978*. 510 pp., Chelsea House/Bowker, \$45.00.

Philip B. Kurland and Gerhard Casper, eds., *The Supreme Court Review 1978*. 409 pp., University of Chicago Press, \$30.00.

Bob Woodward and Scott Armstrong, *The Brethren: Inside the Supreme Court*. 467 pp., Simon and Schuster, \$13.95.

For most ordinary Americans, there is only one court — the United States Supreme Court. This is only natural, for unless they are directly affected by the operation of the law, they believe that there is only one kind of law, aside from sensational criminal cases — the so-called “great” constitutional cases which dominate public attention and media coverage, obscuring the rest of America’s vast and complex legal system.

Although lawyers are aware that there is more to the law than the Supreme Court and its controversial cases, they also are fascinated by the Court, its personnel, and its decisions. Indeed, most of the available literature concerning the Court and constitutional law is written for them; it is too abstruse and requires too much familiarity with the law for the general reader to take advantage of it. In this review, we examine two examples of this traditional legal scholarship, as well as — well, we’ll get to that.

Worthy Successor

Since 1960, the University of Chicago’s *Supreme Court Review* has provided us with inclusive, wide-ranging commentary on the Court and its work; the latest volume in this series ably continues the tradition. The current volume is particularly rich in articles dealing with legal history — for

example, Margaret Blanchard on “The Institutional Press and Its First Amendment Privileges,” Michael Les Benedict’s “Preserving Federalism: Reconstruction and the Waite Court,” and a detailed analysis of the famous case of *Munn v. Illinois*. The other essays include studies of trial by jury, double jeopardy, and administrative law issues. While the book’s cost puts it beyond the reach of most readers, it will take its place as a worthy volume in this excellent series.

The Supreme Court Review 1978 is an example of one kind of Supreme Court scholarship; another approach, this one biographical, is illustrated by Leon Friedman’s *The Justices of the Supreme Court*. The first four volumes of this work, originally published in 1969, comprise a set of biographical essays on each Justice supplemented by two or three of his major opinions reprinted in full. The new volume brings the story up to date, with essays discussing recent appointees, extending and supplementing earlier essays on Justices still sitting on the Court, and summarizing the careers of retired and deceased Justices.

Uneven Quality

The new volume reflects both the strengths and weaknesses of its predecessors. For example, its essays vary in quality. The finest are David Shapiro’s analysis of Justice Rehnquist; Burt Neuborne’s study of Justice Powell; and the valedictory essays on Justices Black, Harlan, and Douglas by Gerald Dunne, Norman Dorsen, and Vern Countryman. On the other hand, Michael Pollet’s essay on Justice Blackmun is wooden and often fails to suppress its bias, and Ramsey Clark’s hymn of praise to Thurgood Marshall is worthless as a reasoned

discussion of Marshall’s jurisprudence.

When the first four volumes of this set appeared, most reviewers criticized the decision to include selected opinions. The same criticism can be levelled against the current volume. The reprinted opinions are totally unnecessary; the essays provide extensive quotations from them or discuss them fully, and, in any case, the opinions are available in *U.S. Reports* or the *Supreme Court Reporter*.

Perhaps the publisher would do better to bring out a paperback edition of the biographical essays only, consigning the opinions to the official and unofficial reporters where they belong. Despite the set’s drawbacks and uneven quality, it remains the only collective biography of the Justices of the Supreme Court and the only source of biographical data for certain Justices.

Missing the Point

And now we turn (sigh) to *The Brethren*.

This is the kind of book that tends to bring out the worst in reviewers. Some — like Alden Whitman of the *Boston Globe* and John Leonard of the *New York Times* — were so entranced by the book’s juicy anecdotes that they ignored the serious questions of its accuracy, credibility, and documentation. Others, such as Prof. Martin Shapiro (writing for the *Wall Street Journal*), couldn’t get beyond knee-jerk attacks on the book’s breach of the Court’s tradition of confidentiality. And then there was Renata Adler, whose review for the *New York Times Book Review* did little more than flaunt her modest legal knowledge and blow the book’s occasional errors out of proportion.

(Continued on Page 12)

The Colored Path to Success

By Rocco Roccinnini

The yellow brick road wound around a bend and snaked into the distance. Rocco, a lonely dot on the great road, skipped merrily down the cobblestones. "One, two, three, four, don't got crim law no more," he hummed.

Rocco glanced back at the big entrance gate to the Road Hahvahhhd. People were climbing all over each other, clamoring to get in. Higher and higher they jumped, trying to catch the big pellet which would give them peace, love, and understanding, and entrance to the Road Hahvahhhd. Rocco remembered the time when it was he who was on the outside, and how the road had looked so tantalizing. He sighed and kept on skipping.

Three grim-looking individuals whizzed by. Rocco wondered why no one rested, himself included. After all, they were within the confines of the Road Hahvahhhd, where the sun always shines, and employment trees need very little water. Where, as the commonly known rhyme states, "Option fruit abounded, and good-life fields surrounded." Still, Rocco skipped on. The blessed gates were not too far away.

He passed travelers of lesser roads and smiled inwardly as he watched them furiously struggle to take the lead on their smaller, less

glamorous paths. How few of them will make it to the important gates, thought Rocco. "Oh well," he muttered chauvinistically, "should've taken Kaplan's."

His thoughts returned quickly to the task at hand — reaching the important gates — as the "Gate of Good Grades and Other Noteworthy Achievements" loomed majestically up ahead. Rocco yearned to pick a couple of "A's" off the trees there, if any were still available. He salivated at the thought of all the options that he'd have open to him at the Greenbook Option Trading Store if he showed up with a couple of them there "A's."

Further down the road, Rocco could make out the silhouette of Cherry Gate, which provided the travelers with summer clerkships as well as permanent corporate law jobs. If you were lucky — had good grades or a winning smile — you didn't receive a mere ordinary cherry — a plain old job — but a pitless one. Only quality law firms were pitless. And if you were really smashing, you might leave with a plum, such as the deep purple variety imported from Cravathioia.

Then there was the Cheesecake Gate, way over yonder. If you graduated from the great walk with distinction, you received a rich luscious paper cheesecake,

made from the same paper the distinction was printed on. Suitable for cheesecake framing, too.

Rocco was making good progress when he suddenly stopped. This startled and appalled those behind him and they hastily squeezed by, hoping not to lose precious time in the commotion. The thought had occurred to him: "This walking like a madman is foolishness! I know that ignoring the amenities of the great road, in the haste to reach those gates, is truly to my detriment. It's more productive to watch the flowers grow, listen to Beethoven, and enjoy the rays of the sun as I stroll along. Do I really need to sacrifice all of my awareness, my personality, for cherries and paper cheesecake? Or should I recognize the error of my ways, and explore the bountiful pleasures of the Great Road Hahvahhhd?"

Rocco pondered these thoughts for a few moments. Then, in his best Steve Martin imitation, he said 'Naaaaah,' adding, "yo! here I come, y'all. Put that cheesecake on ice." Soon, a lonely dot moving at great speed disappeared around a bend as the setting sun made the yellow brick road gleam like gold. "One, two, three, four, don't got crim law no more" was all that could be heard. ❦

SPORTS QUIZ

This week's Sports Quiz deals with sports events occurring in 1979. Please tell what each of the groupings involved in each question had in common during the past year.

1. University of Illinois, Hillsdale College, Virginia State University and Georgia Tech.
2. New York Rangers, Baltimore Orioles, Washington Bullets and Dallas Cowboys.
3. Detroit Lions, Colorado Rockies, New Orleans Jazz and Toronto Blue Jays.
4. University of Arkansas, Lamar University, University of Detroit and University of Pennsylvania.
5. Jorge Orta, Skip Lockwood, Dave Goltz and Al Hrabosky.

(Answers on Page 11)

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Justice Fires Nazi Hunter; Organization Decries Move

By Jorie Roberts

The Harvard Jewish Law Students Association has sent telegrams to President Jimmy Carter, Attorney General Benjamin Civiletti, Assistant Attorney General and former HLS Prof. Philip Heymann, and Speaker of the House Tip O'Neill (D-Mass.), protesting the "reassignment" of Martin Mendelsohn from his post at deputy director of the Office of Special Investigation (OSI) in the Justice Department to an as-yet undetermined position.

Allen Wieder, president of the HJLSA, said that the organization is "concerned" about the change's impact on the perceptions of other governments towards the United States' commitment to finding and deporting Nazi war criminals. Neider added that the HJLSA was "incensed about the treatment of Mendelsohn," who has been with the office since its inception in 1977.

Mendelsohn's "reassignment" and replacement by Allan A. Ryan, Jr., an attorney from the Solicitor General's office, was officially announced by Heymann on Saturday, Jan. 5, two days after the HJLSA telegrams were sent. According to Wieder, the organization heard rumors on Thursday that Mendelsohn was to be replaced, and hoped to affect the decision by quick response.

The telegram commenced with a statement that the HJLSA had learned of the pending replacement and then stated: "As law students, concerned students, and Jews, we have closely monitored the progress of the OSI since its predecessor unit was established within the Immigration Service in 1977. What has been accomplished to date is largely a reflection of Mr. Mendelsohn's skill, stamina, and professionalism."

The telegram emphasized Mendelsohn's specific contributions to the search for former Nazis in the United States, such as improved working relationships with foreign



Martin Mendelsohn D.N.J.

law enforcement officials, and concluded by emphasizing the HJLSA's outrage at the OSI's loss of Mendelsohn.

Ed Sanders — "in essence the White House's liaison to the Jewish Community" — has notified the HJLSA that the White House will respond to the points raised in the telegram.

Wieder stressed that the HJLSA does not really know why Mendelsohn was replaced. "Mr. Heymann said that there was a personality conflict between Mendelsohn and Walter Rockler, director of the Office, but then went on to state that Rockler would be leaving in March."

A second HJLSA spokesman also feels that the full story has not yet come from the Justice Department, but that Mendelsohn's reassignment represents the United States' lack of commitment to seeking out Nazi war criminals.

Ryan, Mendelsohn's replacement, handled one Nazi case while in the Solicitor General's office, according to Wieder. "We hope he keeps up Mendelsohn's active investigations."

Martin Mendelsohn spoke at HLS on Nov. 7 about the work of the Office of Special Investigation. Fritz Byers' column on Mendelsohn's talk was printed in the Nov. 20 issue of THE RECORD (Vol. 69, No. 8).

Coffeehouse at Hark Benefits Cambodians

By Dan McNeill

A Dec. 6 concert in the Harkness collected some \$250 for starving Cambodians, according to Ben Bailey, 3L, who conceived the event. "It was the week before finals, so the crowd wasn't huge," Bailey said, "but I figure that over the course of the evening 120 people were in and out."

These patrons found the main room of Harkness suffused with a coffeehouse atmosphere. They relaxed around tables in the darkness while up front, in the spotlight, HLS folk singers Scott Brister and Phil Stump, Mike Frederickson, John McCann, and Greg Greenway and Doug Wray spun forth ballads.

Thirsty concert-goers could buy beer, and the Somerville Bar Review manned the taps nobly. "We co-sponsored it because we'd be going out drinking anyway, and it was a good chance to raise some money at the same time," said SBR's Rex van Middlesworth. But this high-minded gesture, coming so soon after the club's sponsorship of the winning team in Ames, may have done damage to its roustabout reputation. "We're concerned about that," van Middlesworth admitted. "Our covert operations department should be coming up with something soon to re-establish our image."

Bailey came up with the idea after the week of the nation-wide Oxfam fast. He knew that Larry Austin, of the Harvard Appalachian Law Association, had been putting on coffeehouses with folk singers, and felt Austin would be amenable to and instrumental in executing the scheme. He then called van Middlesworth and Mark Warner of SBR, and found them willing to participate, too.

"It was a good show and I wish more people had been there," Bailey said. "Those who didn't come missed a good time."

HLS Graduate Programs Add Diversity

By Jim Coster

A Japanese graduate student wrote in a return letter to the admissions committee: "I am very happy to be coming to Harvard because I have just seen 'Love Story' and am looking forward to a romantic stay."

The largest number of graduate students here are in the LL.M. program. There are 105 in total, of these 15 are American and the remainder are from Canada and abroad.

The American LL.M. program is for those interested in teaching law. It was decided about 3 years ago that emphasis should be placed on developing higher standards in learning the mechanics of teaching law. Professors Jerome Cohen and Fred Snyder were instrumental in suggesting more intense requirements and in structuring the curriculum. Prior to this change, it was felt that the LL.M. had become merely a 4th year of law school with no specific focus.

The S.J.D. program includes 20 individuals, about 1/3 of which are in their first year of residence. All but 1 of the S.J.D. candidates are prior LL.M. graduates.

Under the category of Special Students, there are 15 students enrolled for various reasons, from taking one class in a specific area, to research work, or for academic requirements at other institutions.

There are 35 visiting scholars primarily here for research. They are mostly professors of law from all over the world. About 1/4 are from the United States. Almost all members of this group have distinguished themselves previously in areas such as scholarship and government service.

About 20 students are enrolled in The International Tax Program, a 1 year non-degree program. Most of the students in this program are from "underdeveloped" countries and are lawyers or economists.

The graduate programs at HLS are primarily oriented towards attracting foreign applicants. There are several reasons why the pres-

ence of students from other lands for a year or two of study at Harvard might be advantageous both to the foreign student and the American students in the J.D. program.

In regards to the foreign students, coming to HLS gives them a chance to experience a different legal system, both in the classroom and out, reflected David Smith, dean of graduate students. Their stay here, although brief, may help them to more fully understand American culture and governmental policies. There is a course entitled "Introduction to American Law" that helps explain the background and basis of the United States legal system; however, the majority of classes the foreign students take are from the regular J.D. curriculum. According to Smith, the graduate student committee believes that the mixture of students in these classes will help to enlighten those from abroad, and foster cooperation and understanding in the American students.

"Coming to HLS gives foreign students a chance to experience a different legal system, both in the classroom and out . . .

Their stay here, although brief, may help them to more fully understand American culture . . ."

Selecting foreign applicants for admission is in some ways more difficult than admission decisions in other departments of the University, according to Smith.

Generally there are from 400 to 450 applications for 85 positions. As Smith notes, "We seek academic excellence first, we then look for geographical distribution. The political ramifications have never been an issue to the committee." The students chosen are a very exceptional group. Almost all of them are high ranking individuals from their own country. Many are high officials in government, judges, law school lecturers, and some are younger recent law school grads. Among alumni are many distinctive graduates, such as the current

Foreign Minister of Indonesia, the Liberian and Singapore ambassadors to the United States, the Attorney General of Botswana, and one of the Supreme Court Justices of Nigeria.

The graduate committee tries to help the students adjust to their new environment. There are social events scheduled such as dances and outings and there are occasional colloquia related to individual interests such as a recent class entitled "Islamic legal studies."

As with any educational department, there are problems in the graduate area. David Smith notes: "The LL.M. paper requirement shares some of the same problems as the J.D. paper. This can be related to the students or the faculty member (concerning supervision). There may not be enough "bridging" of the students between their legal experience and that of the U.S. system. It would be nice to have more cooperative seminars. We should do more to emphasize

the writing aspects in the LL.M. and S.J.D. programs."

The overall performance of the graduate programs has been successful, notes Smith. "Some of this success can be attributed to the size. By maintaining an enrollment of around 100, students develop a sense of identity. They do not just get lost in the J.D. crowd."

The requirement of 16 credits has been difficult for some students. But as Smith explains, "We try to minimize their problems whenever we can. Above all, we want to give the students some time to reflect on their experience here. We want them to be able to share some of the richness Harvard has to offer."



Bator Discusses Law and the Arts

By David N. Johnson

The law relating to the visual arts is a "smorgasbord field of discrete problems," according to Prof. Paul Bator, who spoke on "Law, Lawyers and the Visual Arts" at a recent Root Room lecture. Professor Bator's talk was part of the Board of Student Advisors' biweekly Root Room Series.

Bator spoke on seven such discrete areas of concern, beginning with the law governing international trade in art. According to Bator, many nations fear that their "national patrimony" — the artistic legacy which helps define their national identity — will be snatched from them by richer nations willing to purchase that art from its private owners. In order to forestall this, some nations restrict the exportation of works of art. However, says Bator, "in general, the more ambitious the [regulatory] scheme, the less successful it is."

In order to make these export laws enforceable, pressure has been brought to bear on purchasing nations to proscribe the importation of art which has been illegally exported. Present federal law, by comparison, allows legal reclamation only of goods in interstate or foreign commerce which are known by their holders to have been stolen, though many illegally exported works of art are smuggled out by their rightful owners. Also, original title to ancient archaeological artifacts is usually obscure, thus foreclosing proof of theft, much less proof of knowledge of theft on the part of the present holder.

Although the United States has joined a UNESCO convention which encourages its members to forbid importation of illegally exported art, Bator points out that "the subject is not of particular political sex appeal," so domestic political action is slow. A narrowly-drawn federal statute in 1972 did forbid importation of fragments of pre-Columbian

monumental sculptures unless they were legally exported from the nation of origin.

A second area of concern for lawyers dealing with the visual arts is government policy toward those arts. Governments may encourage art through patronage or cash subsidies, and while European nations have done this for many years, the United States has only recently pursued this on a large scale through its National Endowment for the Arts.

Governmental Control

A third area of concern which is closely related to the second is governmental control of arts through censorship on political, moral, or other grounds.

The fourth discrete area of concern is artists' right in a work of art. Copyright law is not the last word here, says Bator, since many artists are indifferent to whether someone wants to copy their work. Instead, these artists are concerned most with whether they can prevent a purchaser of the work from altering it so as to destroy the artist's original conception. The question can arise, for example, whenever a movie is edited for television and the director or producer of the movie feels it has been distorted somehow in the editing.

Various legal theories have been appealed to in the United States to support such an artist's prerogative, with limited success.

Fifth on Bator's list of concerns are the usual problems surrounding trading in commodities such as works of art: framing contracts, procuring insurance, and so on.

The sixth area of concern is the tax problems of artists, dealers, and collectors. "If you have a good sense of humor, there are all sorts of interesting schemes here," says Bator, citing the attempts of some taxpayers to create "works of art" for immediate donation to charitable organizations, often of their own making, in order to claim large tax deductions.

The seventh and final topic dealt with by Bator was the special legal problems of museums. According to Bator, virtually all museum curators have private collections of art, and this creates a potential for conflict of interest or self-dealing when a curator makes purchase or display decisions for his museum. For example, a curator could enhance the value of his own collection simply by putting on display the museum's works by the same artists, since that would enhance the artists' reputations.

Museums are also increasingly pressured to help effectuate social policies such as the "national patrimony" policy or the detection of forgeries. "Museums used to be tight little secret worlds," says Bator, "but now there are all kinds of accountability problems." Museums are also accountable to donors who have attached conditions to their donations of art, such as limitations on how it may be disposed of. These conditions can make the upgrading of a collection through selective sales very difficult.

Career Opportunities

Professor Bator concluded his talk by discussing career opportunities for lawyers in the visual
(Continued on Page 13)

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Let More People Go

Quietly and without fanfare, the Administrative Board has changed its policy towards student transfers so that only ten applicants will be permitted to go to another school for a year to be with a spouse or "spouselike person" and still retain their Harvard degree (see story, page 3).

While members of the Ad Board pay lip service to "flexibility" in allowing the transfers, the sudden shift to a quota system shows a rigidity that is unwarranted by the circumstances.

In the recent past, the Ad Board has allowed itself discretion to grant transfers to as many applicants as seem to have good reasons for the switch and a good place to go.

The reasons given for the change in policy are that the present unknown number of hardship transfers leads to difficulties in supervising third-year papers in absentia, in collecting grades from other schools, and in the registrar's ability to predict student population for the coming year.

The cure does not fit the disease.

If there are problems in predicting student population, a quota on grants for transfers will not solve it. Such a quota does not take into consideration the students who will leave for other reasons, who will transfer here from other schools, who will take time off, who will stay by not using the grant given them.

As for supervising papers and collecting grades, the issues involved there will not be solved by an arbitrary limit on the number of students to be allowed the transfers. Instead, the Ad Board could, perhaps, place an affirmative duty on the transferees to take the steps necessary to make such administrative chores tolerable, in return for the privilege of the transfer.

If the number of transfers are causing some administrative inconveniences, that can be handled within a system that allows the leeway and flexibility which characterized the hardship policy in the first place.

The reasons given for imposing the quota system at this time are unconvincing and smack of a coverup compromise between those who understand the need for that policy and those who would march backwards into a belief that the HLS campus is the only place where one can get quality legal education.

As it stands now, the Ad Board seems to be overreacting to a non-existent problem. We hope the Board will reconsider.



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Fenno

"Five down, one to go," said the elated 3L.

"Five what?" asked the 2L.

"Semesters," Fenno explained to the 2L. To the 3L he added, "I assume you're not including the January term in your calculation."

"Of course not. I'm only taking *Random Thoughts on the Welfare State* with Liebman."

"Sounds okay," said the 2L, "but I found a better, more practical course: *Sexual Relations Problems in Legal Practice* with Stone."

"I don't have it so easy," added another 2L. "I'm taking *Antirest* with Breyer. Three hours per day, seven days per week; even Saturdays and Sundays. Plus two finals per person."

"Don't complain," said a bleary-eyed 1L who had just finished his first set of exams. "I just went through the worse Christmas vacation of my life."

"Me too," empathized the first 2L. "The food on the plane to Acapulco was terrible."

"And the aftermath of exams is even worse than the study period was," continued the 1L, oblivious to the suntanned 2L's comment. "All I do is worry about not making A's."

"There is more to life than making A's," advised Fenno.

"Well, maybe," replied the 1L, "but at this point, not much. I have to get A's."

"Why?"

"So I can get a good job."

"You can do that without A's. After all, look at me," chuckled Fenno.

"But I've always made A's, ever since first grade when my grandmother gave me fifty cents for each A I got."

"That has little bearing on today."

"Oh yes it does. In junior high, she upped the amount to two dollars for every A. In high school it was five dollars, and in college, ten. I've practically financed my higher education on my A's."

"Oh," said Fenno, "so grades translate directly into money for you."

"Yes, and now that I'm in law school, my grandmother said she'd give me one hundred dollars for every A, so I really have to make them now."

"That's quite some grandmother you have. She's lucky to have the resources to provide the incentive for such an achievement-oriented grandson."

"She is lucky," said the 1L. "She has little more than her survivor's benefits to live on, yet she manages just fine."

"Oh, I see," commented Fenno. "And you're sure you want to make those A's?"



Letters to the Editor of the RECORD

Cardinal Sins

To the Editor:

Before I came to Harvard Law School, I did not believe in capital punishment. Events over the examination period have convinced me that my absolute opposition to the death penalty has been entirely too simplistic. I believe there should be provision for drawing and quartering the following people:

1. Law students who pop their gum in the library.
2. Law students who slurp their coffee, and follow each slurp with a loud gulp.
3. Law students who cannot open a crackly chocolate bar wrapper (in the library) in less than 10 seconds.
4. Law students who study in the library with a case of the sniffles, but without something to blow into.

Nervous.

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.

Not From HLS

To the Editor:

I enjoyed the article in your November 20, 1979 issue about Harvard Law School Literary Magazine.

The article mentions Wallace Stevens, a lawyer who became "one of the greatest poets of the century . . .". Mr. Stevens practiced insurance law in Hartford, Connecticut throughout his life.

One might infer from reading the article that Mr. Stevens graduated from H.L.S. That was not the case. Mr. Stevens was a graduate of New York Law School.

William L. Bruce
Acting Dean
New York Law School

CORRECTIONS

The RECORD staff tries its best, but we still make plenty of mistakes. To set the RECORD straight, Louis M. Pollak (P-O-L-L-A-K) was the third judge at the Ames final, as reported in the Nov. 20 issue. Ben Littauer took Arthur Miller's photo in the Dec. 7 edition. That settles things for now.

Sports Answers

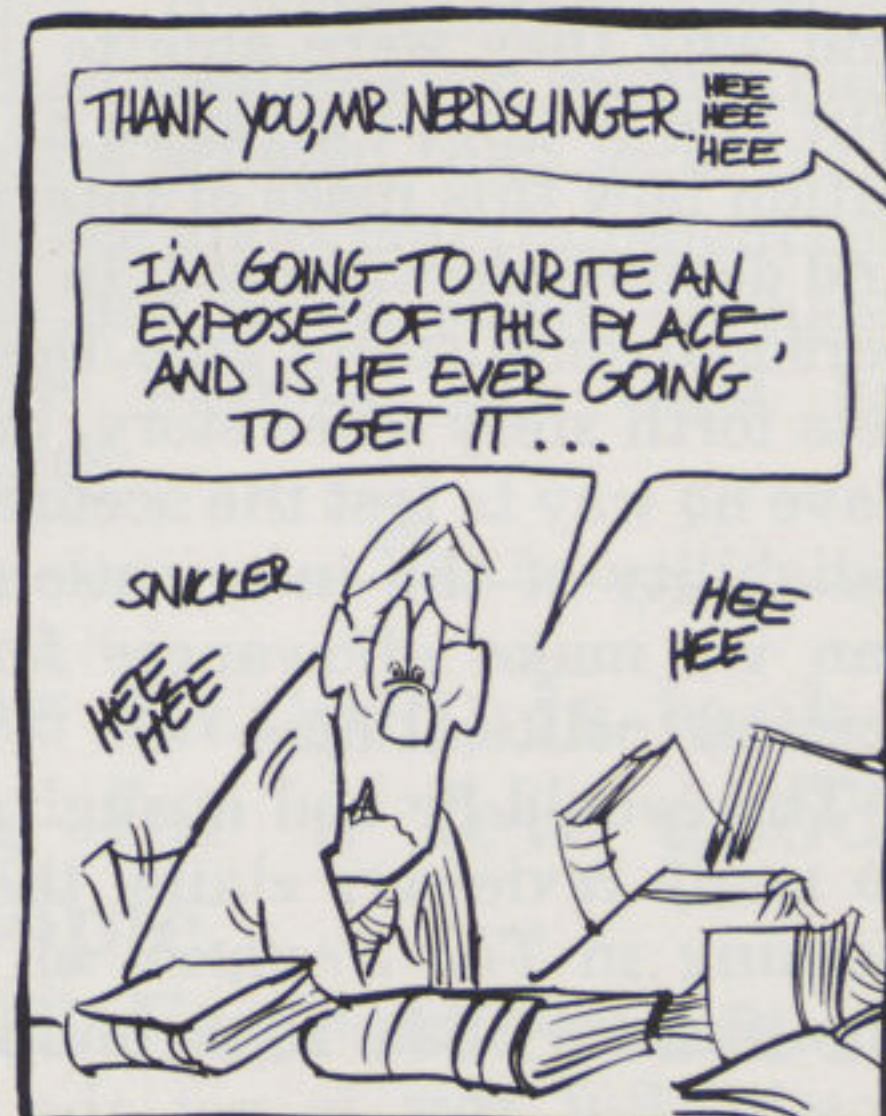
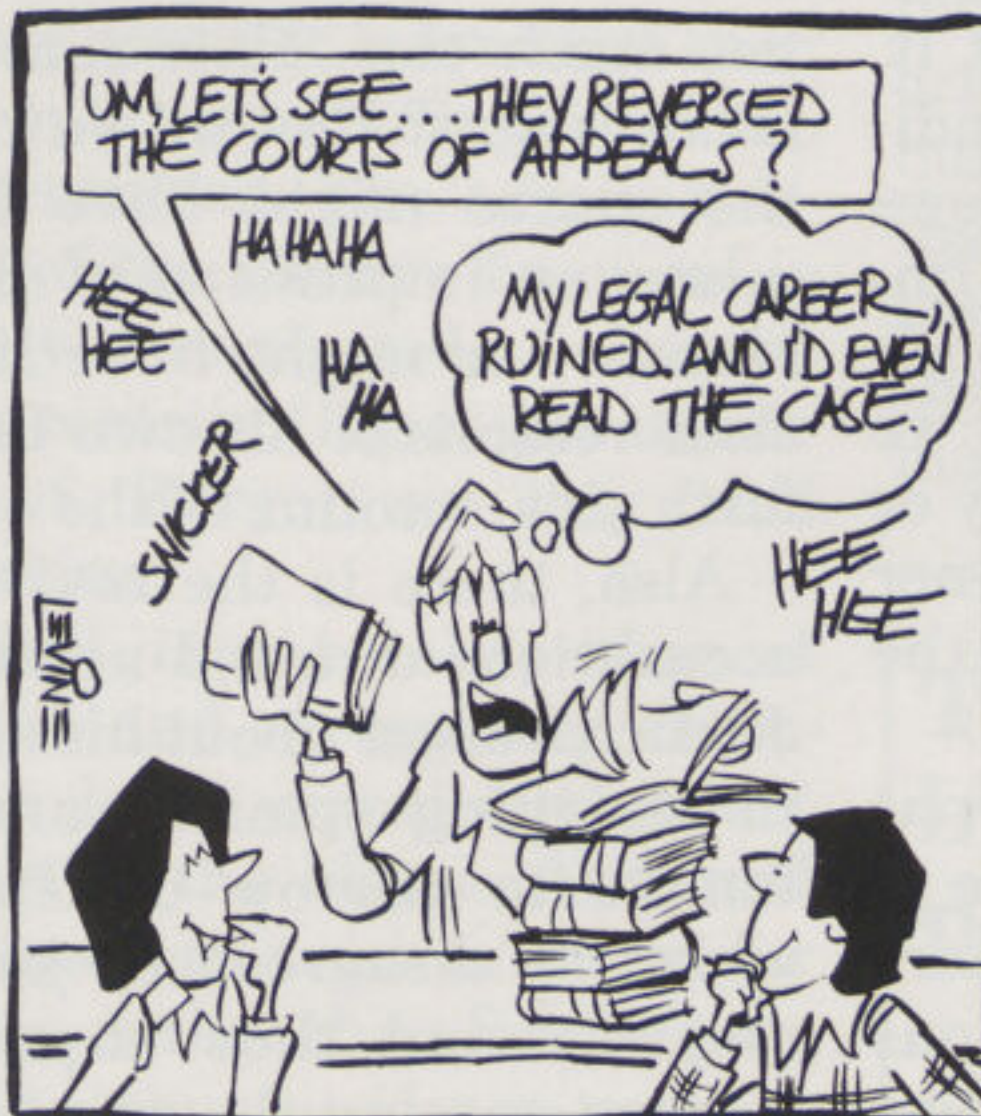
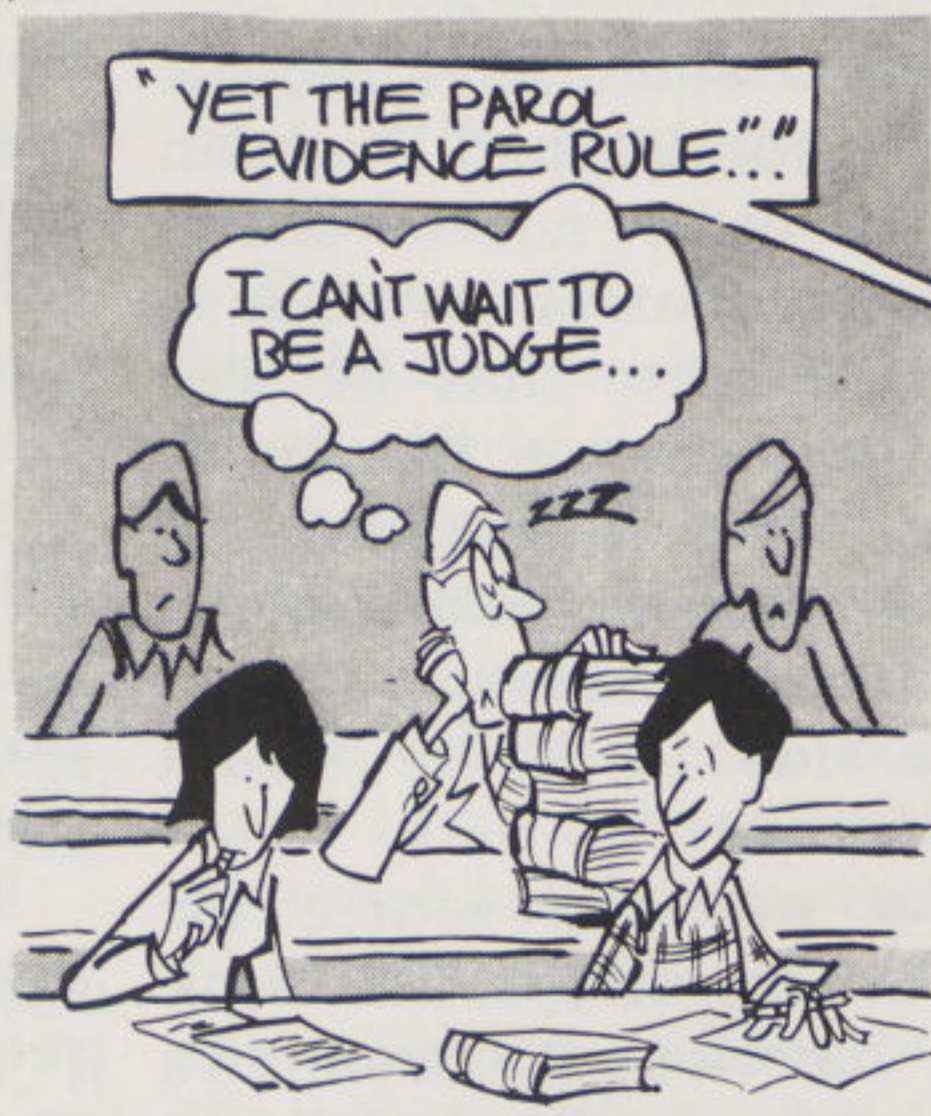
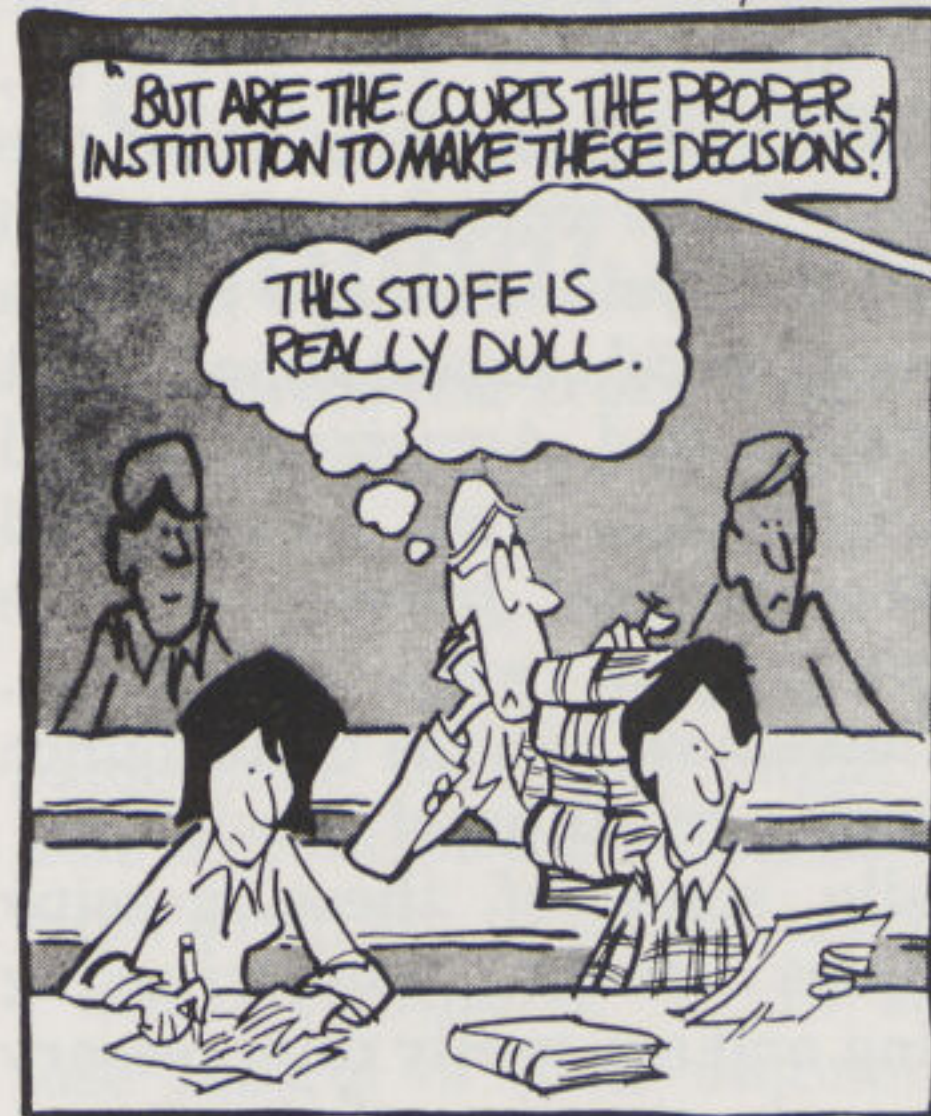
- from Kansas City.)
1. Each of these schools fired their head football coaches following the 1979 college football season.
 2. Each of these teams lost in the championship finals of their respective leagues (Rangers to Montreal in the NHL, Orioles to Pittsburgh in baseball, Bulls to Seattle in the NBA and Cowboys to Pittsburgh in the NFL.)
 3. Each of these teams had the dubious honor of posting the worst regular season record for their respective leagues in 1979.
 4. Each of these schools participated in the NCAA national basketball tournament which was won by Michigan State.
 5. Each of these baseball players declared their free agency following the 1979 baseball season and signed with new teams (Orta with Cleveland from Chicago, Lockwood with Boston from Milwaukee, Goltz with Los Angeles from Minnesota and Hrabosky with Atlanta from Kansas City.)

Cryptic Law returns Feb. 8

BUTTNOSE

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BY KELLY & LEVINE



'Brethren' Entertaining But Superficial;

(Continued from Page 5)

By now, you're probably sick and tired of hearing about *The Brethren*, and so am I. The book has become lost in a wave of drooling news stories dutifully rehashing the book's "revelations," and all these stories follow the same pattern. Even the reviewers tend to treat *The Brethren* more as a news story than as a book. Thus, this review is something of an experiment.

Of course, the problem is that this book is a news event. When one of the nation's best investigative reporters focuses on an institution whose decision-making process traditionally has been shrouded in secrecy, the result is inevitably news.

How did Bob Woodward and Scott Armstrong penetrate the "veil of secrecy"? Almost every reviewer and commentator has had a crack at pontificating on the hemorrhage of leaks from Justices, Court employees, and former law clerks. George Will may have summed it up best. He suggests that the leaks were the result of a rising spirit among the clerks of irreverence and disdain for the Court's traditions, a breakdown in the Justices' relationships with each other, and a climate of total revelation spurred on by an aggressive press.

"Trust Me" Journalism

All well and good; we know, roughly, where Woodward and Armstrong got their information and why they were able to get it. But *The Brethren* gives us no indication how this mass of interviews and documents was used. In an impersonal, omniscient tone, the book sets forth story after story, but we have no way to test the accuracy or reliability of the information, nor can we make allowances for the sources' political bias.

This would be bad enough if, as so many reviewers claim, there is nothing in *The Brethren* of more significance than some malicious gossip. But this is not the case.

There are several instances in *The Brethren* of Justices' behavior which, if true, are deeply disturbing morally. For example, there is the notorious case of *Moore v. Illinois*. According to the book, Justice Brennan believed that Moore's conviction for murder should be overruled and that Moore deserved a new trial, but he allegedly refused to switch sides from Blackmun's majority opinion denying Moore a new trial to Marshall's



Chief Justice Burger

dissent (which would have become the majority opinion had Brennan switched) in order not to offend Blackmun. Brennan believed, or so says *The Brethren*, that he was managing to persuade Blackmun to become more independent of Chief Justice Burger, and that his switching from Blackmun's side to Marshall's side in *Moore* would undo this trend.

But who was the source (or sources) for this story? The book vaguely mentions "Brennan's clerk" and "Marshall's clerk," but not much else. How can we trust this account? How do we know that the source might have formed a mistaken impression of Brennan's reasons, or might have had malicious reasons of his own for putting forth this account of the case?

Also, there is the revival of the accusations directed against Chief Justice Burger about his sloppiness in assigning opinions and his attempts to narrow decisions with which he disagreed by joining the majority and thus acquiring the power to assign the opinion. We've

heard this before, but only on the level of gossip and rumor. While *The Brethren* purports to list case after case in which Burger allegedly misused his assignment power, we are no closer to proof of these allegations than before.

We just don't know who might have had an axe to grind or a mistaken view of events. Here the book's protection of its sources works against itself, because we have no way to balance the sources against each other, to take account of bias or ignorance. While the Brennan and Burger stories recounted above are some of the more serious allegations in *The Brethren*, the book abounds with examples of this "trust me" journalism — for example, the book's "mind reading" of Burger despite the authors' admission that he "declined to assist us in any way."

Is It Necessary?

Though there are, as noted above, serious problems within the Court depicted in *The Brethren*, most of its material is more of the order of "local color" stories than serious analysis. Perhaps because the reviewers' expectations that Woodward and Armstrong would drag skeletons from closets and exhume bodies buried in the Court's garden went unfulfilled, they have now decided to denounce the book's retailing of gossip.

While some of these gossipy anecdotes make embarrassing reading and are really unnecessary to an understanding of the Court, they do give the reader a sense of the extraordinary pressures — of legal craftsmanship; of professional scrutiny; of the difficulty nine intelligent, strong-willed men must face in dealing with each other; of the importance of the Court's decisions for the nation — the Justices must live with in the course of their terms on the Court. We are not surprised when we read of the burdens of the Presidency; this is a cliché of American politics. It is something new, however, for most

(Continued on Next Page)

Accuracy, Credibility Open Questions

(Continued from Previous Page)
readers to learn of the sometimes hellish lot of the Supreme Court Justice.

The only thing kept confidential by the Justices is their *process* of deciding cases; their final decisions are always published, and they often set forth in exhaustive detail the facts and legal support for the Court's reasoning. Further, Justices are less and less reticent about dissenting from majority opinions; thus, the end product is a full debate over the legal issues in each case.

Therefore, the Court is not like the Nixon Administration, where public pronouncements and confidential acts were at logger-heads, and whose fall gave rise to the reportorial techniques later used in *The Brethren*. For this reason, I share the concern expressed by some reviewers as to the appropriateness of the "Deep Throat" method of reporting being applied to the Court. There just doesn't seem to be any purpose or reason

Sacks Assumes National Duties

(Continued from Page 1)

suggestions with concern over a potential loss of academic freedom, feeling that they ought to be responsive to public needs but at the same time that they ought to be able to control the response of the legal program to public needs."

Sacks continued, "If law schools lose control of their autonomy, it will mean a loss of academic freedom and an impairment of the quality of legal education." He concluded, "I feel that I can contribute to the solution of these important problems that are developing."

Sacks' HLS-based predecessors to the position include former Dean Erwin Griswold in 1958, Prof. Warren Seavey in 1947, and Prof. Edmund M. Morgan in 1940. However, only one other former president is currently at HLS: Austin Wakeman Scott steered the AALS in 1928.



for using methods that toppled a corrupt President to expose the inner workings of an institution that somehow manages to do its job fairly well and whose occasional lapses are nowhere near as serious or appalling as those of the Watergate malefactors.

"Here the book's protection of its sources works against itself, because we have no way to balance the sources against each other, to take account of bias or ignorance."

Communication Gap

Traditionally, books on the Supreme Court have been written by and for the experts; they rarely find favor with the general reading public. Thus, it was especially surprising when *The Brethren* jumped to the top of the nationwide nonfiction best seller lists the week it was published.

Because *The Brethren* is probably the first book on the Court that most non-lawyers will read, they may develop distorted impressions of the Court and its work (unlike lawyers and historians, most of whom will find the book's disclosures to be not really significant). The book emphasizes controversial, headline-grabbing cases — such as the abortion, school busing, and Watergate tapes decisions; thus, the reader does not learn that such cases form a very small part of the Court's workload. The administrative side of the Court's business is completely neglected, thereby probably contributing to the unfair picture of Burger as lazy and slow-working.

The fault is not solely that of Woodward and Armstrong, however; the legal community must share part of the blame. As I said earlier, lawyers tend to write for each other, rather than for the general public; thus, it is not surpris-

ing that non-lawyers have almost no understanding of the legal system and its apex, the Supreme Court. In the areas of astronomy, biology, and medicine, Carl Sagan and Lewis Thomas have written clear, graceful, and intelligent books for the average reader and enabled him or her to share some of the excitement and fascination of science. We need authors, both professionals and interested writers, who will take upon themselves the task of closing the communication gap and making law intelligible to non-lawyers. Until such books are written, we will have to put up with entertaining, superficial, and deeply flawed books like *The Brethren* and the misconceptions they will generate.



Law and Art: A Smorgasbord

(Continued from Page 9)

arts. "The art field [for lawyers] is what an economist would call a very thin market," he said. "There isn't a 'career path' in this field — you just sort of 'ooze' into such a position through connections, luck and such."

On the other hand, there are legal aid organizations for artists in many cities, and these have a steady need for lawyers. Also, "if you see [this field] as the larger universe of arts and entertainment, that is a slightly different picture." However, entertainment-oriented positions can require more business acumen than legal training, since many entertainment contracts are based solely on handshakes without any legal formalities.



The RECORD is looking for a few good people.

23 Everett Street

The Gentle Art of Interviewing

By Ken Gormley

Interviewing has become a complex and sacred rite. And why not? A law review editor with a triple-A-plus average isn't worth a damn if he or she resembles (visibly or olfactorily) the garbage-picker on the Boston Common. In today's highly visible legal practice, one must be able to relate.

Thus, each year hundreds of students at HLS religiously go through the requisite metamorphosis. They transform themselves from bland or barbaric law students into well manicured and polite-looking interviewees. The Brooks Brothers cravat is knotted, just so, around the white buttoned-down shirt. The grey tweed skirt flaps crisply around at mid-calf length. There is no trace of lint.

But, in the end, only a few students can stand out in the unmanageable herds which pack the interviewer's suite. Only those who leave a lasting impression will be offered employment at the firms which pay enough to make one salivate. A number of ambitious students at HLS have developed imaginative methods for making sure they will be well remembered by interviewers.

Some students swear by the "off-the-wall" approach. Do something that nobody else in his or her right mind would do at an interview, and some lawyer who is out of his or her mind is bound to be impressed.

For instance, a certain student named Todd was interested in working for a certain Minneapolis firm. He was scheduled for the last interview of the day. As is often the case, a full day of law classes had already worked up a powerful urge within him to get irretrievably drunk. Todd, being weak-willed, picked up a six-pack of Budweiser on the way to the interview and presented it along with his resume. Todd was given an offer shortly after the sixth beer was finished.

"I guess I was taking a big chance," Todd later admitted. "If the guy had preferred Michelob, I might have been in trouble."

Eleanor Appel, Director of the Placement Office, recalls a particularly inventive student a few years back who made himself an excitingly attractive job candidate simply by revising his resume.

With a stroke of the eraser, his grades soared high enough to rival those of Louis Brandeis. And, to look at his self-constructed list of

seen having cocktails in the hotel bar, and the student never returned home that evening. (He received an offer.)

One woman, who knew of the incident, said that she was hardly surprised. "I went to high school with that attorney," she said. "She was always getting in trouble for making-out behind the gym."

The Casual Look

Everybody knows that law students are not by nature clean,

"It should now be obvious that if you want to stand out in the esteem of the interviewer, receive flybacks, \$600-a-week jobs, and dinners of lobster diablo, you must be daring. But there is a fine line between ingenuity and downright obnoxiousness."

personal achievements, one would have been surprised the guy hadn't already been nominated to the Supreme Court.

Unfortunately, the student also envisioned himself as an ex-great football star. On paper he became the former running back from a major college team. One interviewer, who happened to be an avid sports fan from that school, became suspicious when he couldn't remember seeing this student's name on his old football programs.

Not only did the student fail to receive an offer, but when the Law School discovered that he had spruced up the resume which helped gain him admission to HLS in the first place, he was promptly expelled.

The final tale of ingenuity comes from various reliable sources. There was one especially ambitious student last year who, during a meeting with a D.C. firm, disappeared with the woman attorney interviewing him. They were later

well-dressed individuals. Interviewers are not spring chickens. Hiring partners know as well as the next person that law students rummage en masse through Filene's bargain basement in September in order to masquerade as young sophisticates during the fall.

Therefore, some students choose not to participate in the buffoonery of three-piece suits and heavily-starched blouses. Instead, this group prefers the casual approach: "Here I am, buster. If you don't like the looks of my perma-press Brands Mart jeans, I'd rather not work for your firm, you goddamned obnoxious . . ." This honest and fresh approach is often successful.

Peter Goodman, a 3L, showed up at an interview with a San Francisco firm in his everyday attire: ragged black leather jacket, high-topped boots, and pockmarked motorcycle helmet. ("My usual gear.")

According to Goodman, "I
(Continued on Next Page)

Interviewing: How To Win With Weirdness

(Continued from Previous Page) walked in and informed this guy that if my dress made further conversation pointless, he better tell me fast 'cause I didn't want to waste our time."

The interviewer replied that it would not be pointless at all: "I used to ride a cycle myself." They spent an hour exchanging Hell's Angels tales.

One 3L, who demanded strict anonymity, reported that he had showed up at an interview with an Hawaiian firm wearing a red flowered aloha shirt. ("The firm resume said you had to demonstrate substantial ties to Hawaii.") At the end of the interview, this student claims, he produced a slightly squashed pineapple from his briefcase and presented it to the hiring partners.

The most unbelievable part of this story, however, is that the student later declined an offer to work for that firm, instead spending the summer working in a hot and dirty city in Pennsylvania. Asked to explain this seemingly irrational behavior, the student could only admit, "I think I lost my coconuts."

Tactics That Didn't Work

It should now be obvious that if you want to stand out in the esteem of the interviewer, receive flybacks, \$600-a-week jobs, and dinners of lobster diablo, you must be daring. But there is a fine line between ingenuity and downright obnoxiousness. Certain tactics should be scrupulously avoided.

First, be careful what you say at dinner. Hiring partners tend to be squeamish. It is wise to avoid off-color humor until after the main course is digested. One woman recounted the following sequence from Johnny Carson during an interviewing dinner. (She received plenty of dirty looks, but no offer):

Joan Rivers: "You know Johnny, the worst part of growing up was knowing that I was an unwanted child."

Johnny Carson: "Come on, Joan. How could you possibly know that

your parents didn't plan on having you?"

Joan Rivers: "I was born with a coat-hanger in my ear."

Second, watch what you wear. Mark Wessman, 3L, was seated in the Wheeler room, legs properly crossed, doing his best to be a model interviewee. He said the right things, laughed at the right jokes, but still a sour look lingered on the interviewer's face. The lawyer made some feeble excuse to cut the interview short, and brusquely ushered Wessman out the door.

It wasn't until he went home and disappointedly kicked off his shoes that Wessman discovered why he had made such a distasteful impression on the lawyer. Caked onto the bottom of his shoe was a wad of

something later identified as either rotten crab apples or rotten dog droppings. This had been pointed directly at the lawyer's face throughout the aborted meeting. Wessman never even received a rejection letter from the gentleman.

The final lesson to be learned is to be careful of your table manners. Reliable sources tell of a woman last year who was taken to eat by her interviewers to an elegant Chinese restaurant. The main course: Moo-Shi Pork. The student was a naive Anglo. She was not aware that Moo-Shi Pork is rolled inside the thin white pancakes in the nice silver dish.

When the pancakes arrived, the student daintily removed one and wiped her face with it.



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Displaying HLS History: Joseph Story

By Dan McNeill

Only the most reclusive HLS student can have failed to notice the current Joseph Story exhibit. The foxed letters, faded engravings, and rich oils are all over campus, commemorating the 200th birthday of one of the earliest luminaries of the law school.

This bicentennial salute to Story was conceived by Prof. Emeritus Kurt Nadelmann. According to Bernice Loss, director of the law school art collection, Nadelmann (at the moment quite ill) considers him to be the symbolic father of HLS, and feels HLS has not yet given him the honor he deserves. Those who helped midwife the idea were Profs. Arthur von Mehren, Donald Trautman, David Cavers, and Jan Stepan.

In the early 19th century Story jockeyed back and forth from Washington, where he sat on the Supreme Court, to Cambridge, to teach law here. His students apparently revered him, not only for his quick mind and generous nature, but for his elimination of the

deadening "recitation" method of instruction. A proud conservative (Jefferson called him a "Tory" and a party turncoat), Story applied his awesome industry to consolidating American law; we still feel his influence in the field of corporations and bankruptcy.

But despite his single-minded devotion to law, Story first set out to conquer the world with poetry. Like Mansfield, and his idol Blackstone, he failed signally in this muse and, according to his biographer Gerald Dunne, "took up law largely for lack of anything better to do."

The heart of the exhibit lies in and around Langdell Library, an apt location, since Story more or less established the library by donating his own collection to the school.

Failed Poet

On the second floor of Langdell, behind the receptionist's desk, students waiting for the elevator can peruse "The Personal Story," prepared by Morris Cohen, Langdell librarian. Among other delicacies,

this case contains a copy of *The Power of Solitude*, a volume of poetry whose immortality Story strove to prevent by burning every copy he could find.

In the Langdell reading room, behind a bust of the jurist dressed like Caligula, stand "Story the Scholar," by Melinda Golub, assistant librarian for public services, and "Story the Judge," by Virginia Wise, senior reference librarian. "We took his most important opinions," says Wise, "and tried to find some personal view of them, either by him or someone else. In all, it took about three to four days."

At the library entrance, students who pause for a moment can view "Joseph Story: HLS Portraits," prepared by Bernice Loss. These show a man of fair skin, red hair, clear eyes, and wry, somewhat humorous demeanor.

Portions of the exhibit elsewhere on campus include "The Work of Joseph Story: Reaction Abroad," which stands in the ILS lobby and was prepared by Jan Stepan, assistant librarian for foreign and international law, and Kurt Nadelmann. There is also "Joseph Story: Colleagues and Friends," at the entrance to Pound, by Loss.

For more "Storiana," the student can seek out the portrait by William Page in the bridge between Langdell and Griswold, the oil "Young Story" in the Treasure Room, and, of course, the full-length marble sculpture in the Langdell foyer, executed by his son William Wetmore Story.

The exhibit runs through January 31. ❧

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