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TWENTY-FIVE CENTS



Prof. Archibald Cox D.N.J.

Cox Returning to Capital As Common Cause Head

By Richard B. Bernstein

Prof. Archibald Cox returned to the nation's capital on Feb. 2 to accept election to a two-year term as Chairman of Common Cause, the national citizens' lobby. Cox emphasized, however, that heading the 230,000-member organization will be a part-time office and that he will continue to carry a full, active teaching schedule.

Common Cause was founded by John Gardner in 1970. Its aims, as Cox described them, are "to make

government more open, to encourage citizen participation, and make government more honorable, and to promote government integrity." Cox, a long-time member of Common Cause, became a member of the governing board in 1976.

Common Cause has supported many reforms in government on the national, state, and local levels, among them sunset legislation and public financing of presidential campaigns. In the 1980s the organization will press "to make government more effective so that it faces up to" national problems.

"The challenge," said Cox in a prepared acceptance speech, "is to reshape the machinery of self-government so that the long-run progress of the whole enterprise is the center of attention, so that every citizen knows that he or she can participate and that his or her participation counts, and so that decisions are taken, hard choices are made, and problems are solved."

Two specific goals the organization will pursue in the '80s are the enactment of the Obie-Railsback bill, which seeks to put a cap on contributions which special-interest groups can make to election campaigns, and the adoption of a plan for public financing of election campaigns of senators and representatives similar to that enacted in 1974 for presidential campaigns.

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HLS Mourns Passing of Mr. Justice Douglas

Retired U.S. Supreme Court Justice William O. Douglas died on Jan. 19 in Washington, D.C., at the age of 81. Douglas served longer on the Court than any other Justice in American history — 36 years — and was noted for his controversial views and his strong commitments to individual liberties and the environment.

HLS Prof. Vern Countryman, a former clerk for Justice Douglas and the author and editor of three books about him, described him as "the strongest champion of civil liberties in our time" and noted that "no other Supreme Court Justice worked so staunchly to keep government off the backs of people." Yet Douglas, perhaps the most controversial Justice of modern times, had his share of detractors, too. He survived two impeachment attempts (the second, in 1970, was led by then-Rep. Gerald R. Ford) and numerous vitriolic attacks on him for his judicial views, his lifestyle, and his extra-judicial statements on political questions; typical of this criticism is one 3L's recent comment that "William O. Douglas was a loose gun on the deck of the sinking ship of American liberal jurisprudence."

While most people think of Douglas as a champion of civil liberties, he started his legal career as an expert in commercial

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Grade Information, Page 3

Dershowitz Tours Chinese Criminal Courts

By David Quinto

"I almost got into a basketball game in the prison," stated noted defense attorney and HLS Prof. Alan Dershowitz last week. "For the first time in quite a few years I was one of the taller players, but the [Shanghai prison] warden thought I'd get hurt," Dershowitz explained upon his return from the Peoples Republic of China.

Dershowitz found greater success in another court, becoming the first westerner to see a trial conducted under the new criminal code which entered into effect on Jan. 1, 1980. Invited to visit by the Chinese Academy of Social Sciences Institute of Law and financed largely by the Chinese and the Ford Foundation, Dershowitz spent Jan. 6-21 conferring with lawyers in Beijing (Peking), Shanghai, and Guanchow (formerly Canton).

"I met virtually all the criminal lawyers in those cities. There were maybe 100 in all," Dershowitz stated. Also included on his itinerary were talks with law-trained political officials, judges, and other government officials.

"I spent a lot of time talking with lawyers and judges who had spent ten years working on pig farms. There is an effort now to get lawyers involved. The lawyers are very interested in upgrading their role, especially the role of defense counsel. We have to take their efforts seriously," Dershowitz said.

Although he is not sure that the Chinese government will continue to allow lawyers to expand their role in the criminal process, Dershowitz believes that the West should aid the Chinese lawyers in their efforts. Furthermore, he adds,

"there is a group of lawyers interested in establishing ties with Harvard. Some went here prior to independence (1949); some between then and the Cultural Revolution. With Harvard, with western lawyers strengthening the legal profession, I have no doubt that we can be a tremendous help."

whether an attorney should call a witness who the attorney knows intends to perjure himself. However, approaches to juvenile delinquency, rules of evidence, and the right to dissent were also discussed.

Although the new criminal code includes an "exclusionary rule"



Prof. Alan Dershowitz with the warden of Shanghai Prison during his recent visit to the People's Republic of China.

Criminal Code Considered

"The criminal code is a very thin document. There is an on-going process of revision," Dershowitz continued. The Chinese were particularly eager to discuss the proper role of defense counsel, focusing on questions such as whether counsel should argue for his client's innocence knowing that the client is in fact guilty and

which excludes coerced confessions, it does not, in Dershowitz' view, exclude the fruits of the poisonous tree. A delegation of Chinese lawyers called upon Dershowitz in his hotel to discuss whether evidence obtained as a result of a coerced confession should be excluded, and left persuaded that it should be. They added that there is strong feeling among the Chinese bar that criminal attorneys should provide "vigorous representation, vigorous defense," Dershowitz said.

Burden of Proof

The corruption trial which Dershowitz witnessed was "what I expected. Most of the time was de-

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Anti-Draft Activists Gather on Campus

By Dan Hershman

A group began last Friday to organize a Harvard Law School chapter of the Committee Against Registration and the Draft, in protests against the Carter Administration's anticipated call tomorrow for the registration of draft-age men, and possibly women.

Of the 25 law students attending the session, approximately 1/3 were female. Jeff Smith, 1L, a spokesman for the group, said the Committee grew out of discussions in Section I of the first year class. This week, the group began collecting signatures from students opposing registration.

At the meeting last Friday, discussion focused on the Committee's proposed activities and purposes. Information distribution was stressed as a crucial function of the group. Smith asked, "Are the media and the government telling the truth about military situa-

tions? There are no reporters in Afghanistan. We don't know enough." Several at the meeting agreed that to convince others that registration and the draft could lead the U.S. into unnecessary combat, they would need to know the facts.

Goal Discussion

The group questioned whether resistance per se — or peace — should be the overall goal. Smith warned that failure to register is currently a felony carrying a \$10,000 fine and five-year prison term. Alliances with individuals holding divergent philosophies such as libertarians and the self-interested were also considered. Smith's belief is that the Committee should be part of a Harvard Law Coalition for Peace, which he is also seeking to form.

Petition circulation, which began this week, appeared to be well-received by students. The Commit-

tee also hopes to launch a letter and postcard writing campaign, designed to reach students' political representatives and hometown newspapers. No demonstrations are planned for HLS, Smith said, although he encouraged students to attend the Feb. 2 Government Center rally, and the anticipated rally tomorrow at Boston Common. He praised the Jan. 30 Yard rally.

"Crowds can get through to dense legislators," Smith said. Students might also vote in a presidential primary for Edward Kennedy or John Anderson, registration opponents, Smith said, "but we're not proposing everyone become one-issue voters."

Michael Borrus, 1L, is heading up a "free university" effort. "Knowledge equals power," he said, and the Committee plans to create a "clearinghouse trying to develop a theoretical underpinning." Borrus said he's accumulated substantial information on foreign policy. "It seems that foreign policy is back in the hands of the hardliners," Borrus said.

Besides generating debate and gathering information, the group also hopes for sponsorship and funding. "If we get a little bit of support at HLS, we'll be encouraged. We can exploit the credibility of the Law School, even without printing everything on HLS stationery," Smith said. He indicated that Visiting Prof. Robert W. Gordon has agreed to be a faculty sponsor.

Concern over the draft is "not nostalgia when it's happening right now. If we don't do it at this law school, nobody's going to do it," Smith continued. "Registration without the draft isn't likely to last long. There's a clear and present danger."

Besides collecting petitions and selling "Stop the Draft" buttons in the Hark, the Committee also seeks financial and time contributions in person or through the Boston Alliance Against Registration and the Draft (BARD), 13 Sellers St., Cambridge, Ma., 02139, 617-354-0008.

Grades on Their Way . . .

The Law School will be presenting its usual Valentine's week gifts to students by beginning to distribute Fall Term grades next week.

According to Asst. Dean and Registrar Mary Upton, grades for 1L Criminal and Torts courses are expected to be out next week, probably on Wednesday or later. Professors were due to turn in first-year grades to the registrar by Feb. 6.

Second and third-year grades will appear piecemeal, with the first batch due out early next week. For those professors who taught a Fall course, but did not teach a Winter Term course, grades were due to Upton on Feb. 4. Those who had a Winter Term course to prepare were given an extra few weeks to grade Fall Term papers. Their deadline is Feb. 26. The deadline for Winter Term grades is March 4.

Procrastinating Profs

Grades are usually distributed

about one week after the registrar's deadlines. However, when professors miss deadlines, Upton must decide whether to hold up the process or to hand out the grades already entered and deliver the rest in a later distribution date.

There are at least three sets of 2L and 3L grades expected to arrive late enough to miss next week's distribution—those in courses taught by Martha Field, Charles Haar and John Mansfield. Depending on how late certain other professors were, Upton said, there might be a few more sets of grades distributed with the "second batch" later in February.

The multi-deadline schedule was set up last year when the Law School first went to 4-1-4 system. Although the schedule devised by Upton's office allows as much time for grading as did the old schedule, there was deadline trouble last year, too.

The registrar has already
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Ames Eager Beavers Pack Stacks

By David N. Johnson

If the library seems even more crowded than usual and crucial volumes are more difficult to locate, the Ames moot court competition may be to blame. Last Friday, case records were distributed to half the 1Ls participating in first-year Ames and to the four surviving second-year Ames teams. The other participating 1Ls receive their records today.

Second-Year Ames

Two cases will be briefed and argued by the four teams which emerged from last fall's qualifying round of second-year Ames.

The first case involves a claim by veterans of the Vietnam War that they were injured as a result of use of herbicides such as "Agent Orange" by the United States military in that conflict. Issues include class certification; compensability of an enhanced risk of future injury from past exposure to the herbicides; and the shaping of a remedy if such compensability is found.

The second case concerns a secondary boycott of a grocery store which was instigated by a farmworkers association. The case raises questions under the First Amendment, and also involves the procedural complexities which surround access to the federal courts.

Both problems are based upon actual, litigated cases. All documents, records, and court opinions from the real cases are off-limits to the Ames participants.

The appellant in each case must file its brief to the court by February 22. Appellees' briefs are due March 3, and appellants' reply briefs one week later. The secondary boycott case will be argued orally during the evening of Tuesday, March 18, and the Agent Orange case will be argued orally during the evening of Thursday, March 20.

The three-judge panels for the two arguments have not yet been named.

Winning teams from the respec-

tive cases will advance to the Ames finals, held in the fall.

Team Membership

The appellant in the secondary boycott case — the grocery store — is represented by a team consisting of Steven Branson, Dan Goodwin, Eric Havian, Bob Morse, Cheryl Noble, and Kathy Sullivan. Representing the appellee farmworkers association in that case are Gail Ballou, David Baca, Bennett Cohen, Thomas Mullen, John Toothman, and Jack Balkin. Both teams are being sponsored by the Marshall Club.

Representing the appellant Vietnam veterans in the Agent Orange case are Kenneth Winer, Anne Simonett, James Dannis, Bill

O'Brian, Hank Shea, and Diane Englander. They have christened themselves the "William O. Douglas Club" as a memorial to the late Supreme Court justice. Counsel for the appellee herbicide manufacturers are Mark Friedlander, Tim Matthews, Joel Africk, Edward Himmelfarb, Patricia Bowman, and Mitch Berg. The latter team is also being sponsored by the Marshall Club.

Selection Procedure Changed

The procedure for selecting the final four teams was a bit different this year from past years. In the past, a team was grouped with approximately three others to argue a particular case. A sort of "round

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Dorm Council 'Casino Night' Boasts Profs, Deans, Prizes

The Dorm Council is hosting a "Casino Night" tonight which it hopes to make an annual Law School event. A cast of celebrities including, but not limited to, Deans Sacks, Upton, and Young, and Profs. Bator, Liebman, and Oldman will operate the 19 gaming tables in the Pound multi-purpose room as "Formation" provides live music.

According to Council President Bonny García, 2L, Casino Night is a "response to a resolution by last year's Dorm Council to do something different to get the total Law School population together." To that end, publicity efforts have "focused on the Law School community," García added.

A grand prize of a trip for two for a week in the Bahamas at the Sheraton British Colonial Hotel will be auctioned off to the highest bidder at the conclusion of the night's merriment; in addition, there will be prizes of dinners-for-two at better Boston restaurants, sporting goods and men's clothing gift certificates, and free T.G. drink passes. All bidding will be done with the chips which, under Massachusetts law, cannot be sold back to the cashier.

The profits will be donated to Los Niños, a charitable organization based in California which provides free breakfasts and lunches to needy children in Tijuana and which has a core of volunteers providing teaching and public hygiene assistance daily, García said. "We were not crazy about giving something to an organization with 25% overhead and advertising. We can have greater impact on the total operation," he said, explaining why Los Niños was chosen. Additionally, several current Dorm Council members have engaged in fund raising for Los Niños in the past.

Los Niños also provides help to orphanages, organizes weekends for college students to interact with the children living in the city dump, and digs trenches for latrines, García added.

Admission is \$3.00 (which includes chips worth \$2.00) or \$1.50 without chips. Council Secretary Mandy Lowell, 1L, is expecting numerous professors to wheel and deal and adds that a Yale glee club may chance an appearance.

David Quinto

A Brave Critique of South African Law

C. Clyde Ferguson

John Dugard, *Human Rights and the South African Legal Order*. Princeton University Press, 470 pp. + xix pp. \$27.50, cloth; \$12.50, paper.

Prof. John Dugard has pronounced a massive judgment on the justice, legality, and morality of the South African legal order. In all respects, that order is found to be wanting. Such a judgment, however, could have been reached by any number of commentators outside South Africa. Prof. Dugard is a white South African and the mere pronouncement of his opinion represents an act of high personal courage.

While the costs of harsh negative judgments on South Africa's legal system by outsiders are limited to such matters as denials of visas and surveillance while in South Africa, Prof. Dugard was and is in a different position: he is at home. That he knew the risk he was taking in publishing this book is clear from his biting commentary on the contempt proceedings against his colleague, Prof. Van Niekirk, who suggested merely that little credence be given to testimony of witnesses who had been detained pursuant to the Terrorism Act; Prof. Van Niekirk was convicted of contempt. If such a test of contempt by obstruction of justice were to be applied in the United States, fully one half of the Harvard Law faculty and a larger percentage of the student body would repose in jail. Prof. Dugard deserves accolades for courage.

John Dugard addresses three major issues: the South African legal order and modern conceptions of human rights; the effect of South African conceptions of parliamentary sovereignty upon realization of individual human rights; and the consequences that flow from a positivist jurisprudential conception of law as regards the recognition of basic human rights and individual liberties.

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Prof. C. Clyde Ferguson

Bill of Rights

Prof. Dugard's conception of the substantive standards of "modern human rights" against which he measures the legal order of South Africa is easily grasped:

"The time is ripe for South African civil libertarians positively to assert their demands for a Bill of Rights and negatively to measure their losses by the new standards of liberty of the world community, rather than by the limited, and largely procedural standards of Dicey."

Thus does Dugard confront a fundamental issue in the very conception of human rights. Do individual rights and freedoms derive from procedural limitations upon governmental power? Or do these rights and freedoms derive from grant by the sovereign or some even higher power? (One is again reminded of the formula by which Harvard J.D.s receive their degrees: "... you are qualified to shape and apply those wise restraints which make men free ..."). Prof. Dugard apparently

answers "Yes" to the second question; while he rejects the narrow Dicey "procedural limitation" view of human rights, he nonetheless endorses Prof. Matthews' view that a South African cornerstone of human rights would be the adoption of an American-style Bill of Rights. Even though *in form* our Bill of Rights *in origin* rests precisely upon procedural limitations upon governmental power, it is recognized that the Bill protects substantive rights of people. Philosophical issues apart, it is clear that the point of Prof. Dugard's argument is to entrench a conception of human rights — entrenched beyond the reach of the parliament of South Africa.

Parliamentary Tyranny

The devil in South Africa, according to Prof. Dugard, is parliamentary supremacy:

"In Britain the principle of parliamentary supremacy is qualified by the doctrine of the Rule of Law. According to this doctrine certain legal values, notably equality before the law and freedom from arbitrary governmental action, are part of the fabric of the British Constitution, and as such should be, and are generally respected by Parliament. In South Africa critics of the National Party Government have frequently invoked the Rule of Law in support of their efforts to restrain the excesses of parliamentary supremacy. But the government has generally rejected these pleas and prefers to accept the British principle of parliamentary supremacy unencumbered by the British doctrine of the Rule of Law."

Prof. Dugard seems to suggest that what South Africa needs is a good dose of judicial review — perhaps as is known in the U.S.

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Dershowitz Tours Chinese Criminal Courts

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voted to arguments in favor of mitigation of punishment. Guilt is pretty much taken for granted," he said.

Dershowitz felt "no assurance that only the guilty are brought to trial." Although there may be institutional devices to screen out the innocent before trial, "if the powers that be want to bring someone to trial, they can," he continued. Furthermore, "there are no due process safeguards such as we have here" and there is "tremendous pressure on the defendant to admit guilt." Convicts are "ineligible for parole or mitigation of penalties until they have admitted their guilt." However, he adds, the code downplays the importance of admissions and puts more emphasis on other forms of evidence.

Rock Bottom Rates

The new code also does not provide for a bail system, although defendants are increasingly being released in the custody of the defense attorney to assist in gathering evidence for their defense. Dershowitz recommended that the Chinese try

to establish the presumption of innocence. He also argued strenuously that plea-bargaining, currently unknown in China, should not be permitted.

Currently, the accused in China are allowed to hire defense counsel if they so desire. An indigent can also request counsel and the court will arrange for the bar association to provide help. The government will then pay the attorney the going rate for the work.

Dershowitz spoke with one at-

"One attorney bills by the hour. For a two-day trial she receives roughly \$15."

torney who bills by the hour. For a two-day trial she receives roughly \$15. "It's not a high status profession," Dershowitz intoned. In contrast, it should be noted that Dershowitz' guide was earning \$35 per month.

He also spent "a lot of time talking about the policy of capital punishment. The debate is about whether to restrict its use — it's now used extensively," he said. "I picked up something from them," he added, citing a mandatory 2-year stay of execution during which the Chinese allow the convict to demonstrate his rehabilitation. Dershowitz finds "some virtues" in the express rehabilitation provision. He notes, of course, that the prison system is "inextricably intertwined with the political system," with every prison having a "commissar."

Dershowitz intended to visit China during his sabbatical for another reason: he is currently writing two books, including one on human rights. He was not able to do the research he wanted to do while in China and is now resolved to largely library research in trying to reach "conceptualizations of single standards" of human rights by analyzing data and gathering written information.

Wall Posters Threatened

An ardent advocate of freedom of speech, Dershowitz decries the imminent demise of the "big character wall posters," currently restricted to a new "Democracy Wall" located in the Beijing suburbs. "Right now they're in a regressive situation," he stated. "Wall posters are the only form of dissent allowed; they're not allowed in the Soviet Union." However, Dershowitz did not note any *samizdat* literature, as is found in the Soviet Union.

While in China, Dershowitz visited with HLS Prof. Jerome Cohen and with Steve Orlins ('76) who works with Cohen in Coudert Brothers' Beijing office. The City of Beijing invited Cohen to spend time there giving lectures on American international tax law.

"Do You Know Cohen?"

At one meeting with Chinese lawyers, Dershowitz was asked whether he knew Harvard Professor Cohen. After responding in the affirmative, Dershowitz was asked to convey the best wishes of one of the Chinese lawyers to him at Harvard. The Chinese lawyer was not aware that Cohen had been in town for months. "It's very departmentalized," Dershowitz said. "The Chinese take seriously who the host organization is. That organization is responsible for all of the guest's activities. As a result, it's very hard to meet everybody."

Cohen is helping China develop its economic ties with the West; Dershowitz' role is to help the Chinese bar strengthen China's criminal and civil liberties concerns. He was the first westerner brought in in that capacity. "They wanted somebody with extensive practical experience, experience in the U.S. and other countries," he added. Dershowitz has also been involved in criminal codification in this country.

"The food was great. There were banquets all the time," Dershowitz reminisced.

Cryptic Law

Somnambulism?

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xrwe owerqububf ri rgw ybxkw qbs buwxw
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purg q pinqb qbs bir jhip ur . . . , waow-
xuqkkt pgwb rgw oqeruwa pwew bir
akwwoubf rifwrgwe.

(Solution on Page 16)

Fall Term Grade Wait Nears Conclusion

(Continued from Page 3)

notified, by personal letter, those few students who received failing grades in courses for which Upton has reports. She will continue to send out letters as she gets word of failing grades.

Where to Go

Notices on bulletin boards the

morning of grade distribution will direct students to classrooms where Law School staff members will exchange grades for a look at the student's bursar's card number.

Although grade distribution usually goes quickly and smoothly, Upton said that grades will be available late in the afternoon of distribution and thereafter in the Registrar's Office, for those who

want a more private pick-up place.

Upton said the Law School imposes no mandatory grading curve on professors. "We compile confidential statistics about the curves, but for guideline purposes only," she said. She declined to comment on rumors regarding the grade distribution, saying, "Without looking it up, I don't even know."



A message to Harvard and Radcliffe students regarding nominations for Coop Board of Directors

If you, as a Coop member and a degree candidate, are interested in serving as a student director of the Harvard Cooperative Society for the next academic year, you should obtain an application from the General Manager's office in the Harvard Square Store. Completed applications must be returned to that office by Friday, February 15, 1980 for consideration by the Nominating Committee of the Stockholders of the Harvard Cooperative Society.



SPORTS QUIZ

NOTE: This week's Sports Quiz deals with fathers and sons who have both participated and excelled in a professional sport.

Questions:

1. This man holds more National Hockey League records than any other player while having not one, but two sons play with him on the same NHL team. Name the player and his two sons.
2. This father was a star running back in the National Football League and later served as a television announcer. His son was one of the first American-born players to star in the North American Soccer League. Who are they?
3. This father was one of the greatest base stealers in the history of major league baseball while his son, after a great career at Arizona State University, went on to play for the Texas Rangers. Who are these family members?
4. The catcher during the Yankees' glory years, his son plays wide receiver for a National Football League squad. Name this father-son combination.
5. Probably the greatest driver in NASCAR history, having won more races than anyone else in history, this father's son has just begun his career on the oval roadway. Who are these family members?

(Answers on Page 16)

DORM COUNCIL presents CASINO NIGHT

For Needy Children

Live Band, Dancing, Cash Bar
and Cards dealt by HLS faculty
and staff.

WIN A WEEK FOR TWO IN THE BAHAMAS!

Friday, February 8th
Ropes-Gray Rm, Pound
8:30 PM - Coat & tie
Donation: \$3.00, or
\$1.50 without chips

'Kramer' an Education for Lawyers . . .

Terry Keeney and Gina Markey

"Kramer vs. Kramer" just might win the Academy Award as the Best Picture of the year. It also might qualify for the somewhat more dubious honor of being the best picture of the year for lawyers.

Perhaps it's not surprising that a movie titled like a squib in a standard family law casebook should go over so well with lawyers and law students. What is surprising, is that the film says a lot about the way many of us wish lawyers and other professionals would conduct their personal lives.

Anyone who has read a newspaper (or seen the front covers of *Time* or *Newsweek* magazines) in the last several months must know the story of "Kramer vs. Kramer": Ted Kramer, a young and ambitious advertising executive (Dustin Hoffman), finds himself assuming the traditional roles of both father and mother to his six-year-old son Billy (Justin Henry), after his wife Joanna (Meryl Streep) walks out on them in search of an identity and a career free from the traditional role of mother. When Joanna returns abruptly after 18 months with a new career and a new life, she demands custody of Billy, thus setting up the confrontation which gives the film its legalistic title.

Ted, Madison Avenue executive, could have been Ted, Wall Street associate. The career pressures facing Ted are those confronting lawyers and other professionals every day: excessively long hours, pressures of meeting client deadlines, and sacrifices of personal life when work intervenes. The image of Ted Kramer working late into the night on the big new account resembles that of an associate wading through drafts of a brief for his firm's biggest client. And Ted's being told that he is fired for spending too much time "mothering" Billy is not unlike an associate's being told that partnership is not



Ted (Dustin Hoffman) and Joanna (Meryl Streep) confront each other without their lawyers in "Kramer vs. Kramer."

in the cards for him.

The choice confronting Ted in this film confronts many professional men and women: how to balance the competing pressures of career and family? Ted chooses the road less travelled and makes the rare choice that Billy, teachers' meetings and teaching his son to ride a bicycle would take priority over pursuing a career, meeting with clients and designing advertisements. How sad that men seem to make such choices only in the movies. And how unfortunate that when people like Ted Kramer choose to spend time with family, rather than at work, the career often suffers.

Distressing as it is to find that so few Ted Kramers exist in real life, it is at least as disturbing to discover so many domestic relations lawyers of the ilk of those hired by Ted and Joanna. The courtroom scenes were largely realistic and point to the fact that domestic relations practice is among the most unpleasant types of lawyering.

But the portrayals of the two

lawyers were unrealistic in several respects. As vicious as his cross-examinations were, Joanna Kramer's lawyer may have been unrealistically gentle on Ted. That any domestic relations lawyer worth his salt could allow a father in a custody case to step off the witness stand without dragging out every minute detail of midnight liaisons with an office co-worker strains credibility.

The depiction of a lawyer who could charge \$15,000 up front and then allow his client to concede vital points voluntarily on direct examination and incorrectly advise him that his son would be called as a witness on appeal is a sad picture of the legal profession.

But "Kramer vs. Kramer" is not all bad news for lawyers. Perhaps the most important thing this film says to lawyers is that the legal system does not always work very well. Sometimes though, there are means outside the system that somehow allow a little bit of justice to be done.



. . . But Profs See Inaccuracies in Film

By Mary Tarduno

Impassioned pleas from two parents fighting for custody of their child filled the courtroom, broken only by the harsh cross-examinations of the lawyers and the calls of a friend of the mother not to destroy the beautiful relationship between her son and her ex-husband. The courtroom scenes of "Kramer vs. Kramer" pulled at the audience's heartstrings, just as the lawyer's statement that his services would cost the father \$15,000 evoked gasps.

But what about the aspects of custody battles left out of the movie? And more importantly, how valid was Kramer's implication that courts still favor mothers in custody suits? As shown in the deluge of magazine and newspaper articles about Kramer, lawyers are less than enthusiastic about the movie's accuracy.

"In most custody fights today, the mother will get custody — just look at the statistics," said visiting Prof. Linda Silberman, who is teaching a course in Family Law. However, the statistics also show that more and more men are going to court contesting custody and are being aided by state statutes and court decisions. Twenty states have enacted statutes equalizing parental rights to custody, and the "tender years" presumption that the mother is the preferable custodian for young children has been rejected in even more states by statute or court decision.

Diane Lund, HLS lecturer in Family Law and partner in the Boston firm of Healy Lund & Fiske, has seen a significant shift toward consideration of both parents as potential custodians in the local courts in which she practices. "When the father has been seeking custody, judges have had open minds and have considered what both parents can offer," she commented.

The courts have a tendency to try to maintain the status quo. For example, if the mother was the

primary caretaker of the child before the divorce, the courts have tended to award custody to her, explained Lund. However, the same standard has applied to fathers. In the cases she has seen in which fathers have won custody, Lund said, the fathers were primarily responsible for caring for the child before the divorce.

Both Silberman and Lund agree that gaps existed in the movie's presentation of the trial: There was no testimony by psychologists or psychiatrists, and no one saw the child. In most states, said Silberman, an interview with the child is required. The fact that the trial was in Manhattan makes the omission even more obvious, she said, given the number of social workers and doctors in the New York City Court System.

One criticism noted by Silberman was the omission of discussion of the option of joint custody. "Joint custody might not have worked if [they] hated each other," she said, "but the lawyers didn't raise the point" in the movie. Silberman said that the movie would have been more credible and realistic if this and other points had been discussed and hammered out.

"Joint custody doesn't necessarily mean that the parents share physical custody" of the child, explained Silberman. "It is just a more elaborate form of custody with visitation rights. The idea is that decisions are made jointly by parents."

Lund placed less emphasis on the joint custody option. She said that most people are not opposed to sharing major decision-making, particularly with regard to financial matters. "One had the feeling that in [Kramer] joint custody wouldn't have satisfied [the parents]. Both wanted physical custody," commended Lund. In reality, the question of custody becomes almost symbolic, she said, but it does make it easier for the parent to deal with the outside world if he or she has custody.

A few states have a presumption

of joint custody — for it to be dismissed, a party must show joint custody will not work in the given situation, said Silberman. However, criticisms of the option abound.

"Joint custody may be the worst of both worlds because it may lead to competition for the child's love" by each of the parents giving the child what she wants, said Prof. David Westfall, who also teaches Family Law. "If the parents are willing to work together, much is to be said for [joint custody]."

"No one from the time of King Solomon down has found the right way to adjudicate child custody suits," said Silberman. "It's a terribly heart-wrenching situation."

The movie certainly portrayed that facet accurately. But one point might have hit audiences even more squarely: what about that \$15,000 legal fee?

According to Lund, the figure is accurate for a full custody fight. "What they put on in court didn't look like a full blown custody battle," she added.

✽

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Mr. Justice Douglas

William O. Douglas declined to exit gracefully from the Supreme Court life after his debilitating stroke in 1975. But then again, grace was never a strong point of his personality or his writing for the Court. Douglas never hesitated to antagonize when there was good reason for it; while his eyesight waned and his concentration span shortened, he answered those who challenged his ability to vote with a substitute means for deciding the issues: he would just watch which way the Chief Justice moved, and "vote the other way."

But, as usual, there was a principle behind his stubborn adherence to an untenable position. Douglas wanted his successor to be appointed by a Democrat, to ensure that there would be a voice on the Court that would rise in defense of the rights of the disadvantaged and the powerless. His error was to believe that any President could find an appointee who could begin to match his drive, his dedication to the public good, and his unwillingness to compromise on fundamental issues of human rights.

Leadership Shakeup

The women of the South relinquish official control of the RECORD to the men of the North with the commencement of Volume 70. Jorie Roberts, 3L, of Florence, Al., who succeeded Tammy Jacobs, 3L, of Thomaston, Ga., in September, yields the editorship to Dan Hershman, a 2L from Cheltenham, Pa. Roberts plans to remain as a consultant on international affairs.

Hershman, like Reggie Jackson, is a graduate of Cheltenham High School. He is also an alumnus of Muhlenberg College and possibly the only heterochromatic at the Law School.

Stuart Berman and Bennett Murphy, both 1Ls, succeed Hershman as managing editors. Berman is a Cornell alumnus and a devoted follower of Dr. Hunter S. Thompson, while Murphy, an Amherst graduate, embraces the political philosophy of the UK's Elvis Costello. Both are struggling to enjoy the perquisites of high office at the RECORD while keeping up with first year lifestyle.



HARVARD LAW RECORD

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Fenno

Fenno looked distastefully at the cup of tepid, greenish-brown HLS coffee. "No way," he muttered as he poured the coffee into a nearby wastebasket and dropped the cup in after it. He stretched out gratefully on a couch in the Austin lounge and gazed up at the ceiling.

At first, Fenno reflected, he had resisted the urge to sign up for a course. He never had registered before. But Jurisprudence seemed intriguing, and Roberto Unger seemed as different from the usual run of Law School professor as one could find. He had no TV series, no huge treatises or casebooks to his credit, no consulting fees, none of the usual trappings of a Law School faculty member. What settled it for Fenno was the knowledge that Unger never read any of the memos circulated to the faculty. "He has a sense of perspective," Fenno thought with satisfaction.

Fenno loved the course — he always had loved space travel. "These are the voyages of the star ship *Mangabeira*," he murmured. "Its mission: to go beyond rule formalism without surrendering to either a technocratic policy science or the exegesis of an imaginary moral consensus. To boldly go where no mind has gone before." He closed his eyes. . . .

Fenno looked around him in astonishment; he was on the bridge of a starship, gazing at a slight, bespectacled figure in Star Fleet Command uniform.

"It has been an interesting and successful voyage, Mr. Fenno," Captain Unger said. "We hope you will continue with us, although if you wish we can have you back in Cambridge in four days."

"No, Captain, thank you all the same, but my mission in Cambridge is completed," Fenno answered, and was surprised to realize how good it felt to say it.

"Any orders, Captain?"

"Take her out," Captain Unger replied. "Out there, beyond the predicament of contemporary legal thought."

"Fenno, Fenno!" Fenno rubbed his eyes.

"I'll have you know that you ruined the nicest dream I've had in months," he snapped. "What is it?"

"Oh, Fenno, you've got to help me."

"I've put all that behind me, lady; I was about to chuck this place and go vagabonding through the cosmos. It had better be important."

"Fenno, it's my husband. He studies all the time, reads outside reading, law review articles, every case in full, outlines all his courses. He barely has time to eat and sleep, and if he remembers my name, I'm Indira Gandhi."

"But all 1Ls do that," Fenno pointed out.

"You don't understand, Fenno," she wept. "He's a 3L."

Fenno sighed. "All right," he said wearily. "Tell me about it."



HARVARD LAW RECORD

Letters to the Editor of the RECORD

A Tribute to Story

To the Editor:

"Displaying HLS History: Joseph Story" (Jan. 11, 1980) includes the quotation: "Nadelmann considers him (Story) to be the symbolic father of the Harvard Law School and feels that HLS has not yet given him the honor he deserves". No claim to originality can be made.

In addition to the Bicentennial, this is also the sesquicentenary of Story's Inaugural Lecture "Value and Importance of Legal Studies" delivered by Story as Dane Professor of Law on August 25, 1829. Reports disagree on whether, the year before, the Law Department had one student or none. The average number of students had been 6 to 8. The 1849 Report of the Visiting Committee to the Board of Overseers calls Story the Law Department's "truest founder".

In the report, the question of how to honor the contribution made by Story is considered. Story had died in 1845. Creation of a permanent professorship carrying Story's name had been promoted. The Committee felt that more would be proper. As other possibilities, calling the Department "Story Law School", or calling the library and the lecture rooms "Story Hall" were listed. The Report closes: "In dwelling upon the propriety of creating a new and permanent professorship, they do not wish to be understood as expressing a preference for this form of acknowledgement. It may well be a question whether the services of Professor Story — important in every respect — shedding upon the Law School a lasting form and securing to its pecuniary competence, can be commemorated with more appropriate academic honors than by giving his name to that department of the university of which he has been the truest founder. The world, in advance of any formal action by the university, has already placed the Law School in the illumination of his name. It is by the name of Story that this seat of legal education has become known where jurisprudence is cultivated as a science. By his name it has been crowned abroad".

Today the historic contribution made by Story with his "Commentaries on the Conflict of Laws, Foreign and Domestic" stands out in the world. A happy solution could be a link in some way of Story's name with the International Legal Studies Building. In any event, "HLS has not yet given Story the honor he deserves."

Kurt H. Nadelmann
Research Scholar and Member
of the Faculty (Retired)
Harvard Law School

Semester Startup Blues

To the Editor:

Heavy first day reading assignments are a particularly frustrating example of why students feel their interests are often disregarded. While we are trying to sort our way through the complicated bureaucracy of choosing courses, fighting through waiting lists and counting credits, the courses themselves proceed in a vacuum, as if students were automatons who had nothing better to do than to keep up with the reading for all the courses they hope to take plus all the ones they may be forced to take. Students who do attempt to sample different reading lists face the further roadblock that many professors give assignments from xeroxed material available only to those actually signed up for a course.

Because this whole problem begins with the general dissatisfaction with the curriculum which forces students to agonize over course decisions, it is tempting to ignore the little things which aggravate this dissatisfaction. However, when professors begin to complain that students are coming to class unprepared, it is time for students to ask who's causing the problem. Despite its extreme monotony and needless repetition of fact situations, the case method continues unvaried. Despite the strong extracurricular program which most students find more beneficial than classes, reading assignments go undiminished. And, despite the problems caused by oversubscribed courses, professors begin the term with business as usual.

Either the administration should improve the method for course selection to make our lives and the lives of the women who work in the registrar's office more pleasant, or professors should postpone reading assignments until classes are fully underway.

Jeremy Paul, 2L

Censorship and Sexism

To The Editor:

I see from the December 7, 1979 edition of the Harvard Law RECORD that the pervasive sexism I encountered while at Harvard Law School has not disappeared. I find it ironic that the photograph of Prof. Arthur Miller, in a pose and outfit which are demeaning and insulting to women, appeared on the same page as articles concerning the visit of Justice Rose Bird, the WLA conference, and racism in Boston. It appears that whatever limited sensitivity to the struggles of women and minority groups exists at the Law School has not penetrated Prof. Miller's classroom or the RECORD. I am disappointed

that Dean Sacks chose to participate. Adolescent male humour was a common feature of many of the classes I attended; it seems to be a dearly cherished aspect of male dominance and culture.

Amy E. Hirsch, '79
Jacksonville, Florida

A Poor Judge

To the Editor:

You don't have to read Armstrong's book to understand something about his credibility. His suggestion that Paul Freund is "incredibly out of touch with reality" or is "part of the lawyers' cover-up of the Supreme Court" tells you all you need to know about his ability to judge fairly and accurately.

James R. Bridgeland, Jr., '57
Cincinnati, Ohio

An Inspiration to All

To the Editor:

That I am writing this letter at all is a tribute to William O. Douglas; I cannot remember ever having felt quite so compelled to do or say something "in commemoration" of a person at his death. What's more, since I did not always agree with Justice Douglas' jurisprudence, it is also no small commentary on his life that within moments of learning of his passing I found myself reaching almost unconsciously for paper and pen with which to capture the rush of thoughts I felt.

I sometimes thought, rightly or wrongly, that Justice Douglas occasionally allowed his indignation at real, felt injustice to color his ability to properly weigh that delicate balance between protecting the individual against the awesome, sometimes unchecked power of the state, and protecting "society" from the debilitating fear of and effects of crime — a balancing any free society worthy of that description agonizes over.

The watershed today that prompted this letter should provide some glimmerings of an answer to those of us beginning law students who wonder, reluctantly or otherwise, whether what we are doing at HLS is worthwhile in a sense transcending mere "vocational training." That William O. Douglas was a lawyer must in no small measure reassure those who strive to join the ranks of that profession.

Bob Yamin, 1L

HLS Joins Nation Mourning Douglas

(Continued from Page 1)

law and corporate finance and reorganization. Countryman commented, "He'd never been involved in a civil liberties issue in his life before he went to the Court." When a professor at Yale Law School, Douglas was co-author of a series of casebooks that were, in the words of Prof. Louis Loss, "brilliant work and almost revolutionized the teaching of that area of the law."

Douglas's expertise in commercial law led to his directing several studies that led to important amendments and revisions in U.S. bankruptcy law. Ultimately, he was appointed Chairman of the Securities and Exchange Commission by President Franklin D. Roosevelt, who also appointed him to the Court.

Countryman explained Douglas's growing interest in civil liberties on the Court as a result of the Court's growing concern with that area under the leadership of Chief Justice Hughes, whom Douglas admired greatly. "Douglas was always the Court's expert on corporate finance, securities law, and so forth, but he developed this passionate interest in civil liberties, which he saw as essential to the operation of a democratic system."

Prof. Archibald Cox commented, "Douglas's great importance — and it was very great — was as a symbol of a spirit of independence, a rugged individualism in its strongest and best sense. There isn't any more apt word than 'rugged' to describe Douglas. He didn't at times take the time or the care also to develop the intellectual arguments for his positions; he didn't do as well as his intellectual talents equipped him to do. Still, my view is one of deep admiration for his individualism, his independent spirit, for his influence as a symbol and an encouragement to other individualists. He is a symbol of a kind of American we need more of."

Prof. Richard Parker noted, "The legacy of his later years was not one of craftsmanship in legal argument. I think it was one of prov-

ing to those who came after him that legal argument can and must be sensitive to moral, political, and social struggles in our society. One of the things he did was to expand our conception of what a legal argument can be.

"One of the things he did was to expand our conception of what a legal argument can be."

"When I was a law student, in the late 1960s," he continued, "classes, sometimes encouraged by their professors, would chuckle or titter when a Douglas opinion came up for discussion. I think that showed an extraordinarily narrow and provincial notion of what being a lawyer and judge is all about."

Countryman noted, "He was way ahead of his time on the environ-

ment." In at least one instance, he took direct action — saving the C & O Canal near Washington, D.C., in 1954 from an attempt to turn it into a highway. Douglas led nature walks down the length of the canal and challenged those who supported the highway project to join him and see whether they should change their views. In 1971, the canal became part of the National Park system, and in 1977 Congress dedicated the canal to Douglas.

Douglas retired from the Court in November, 1975, after an eleven-month battle to overcome the effects of a stroke. He continued to write and work, however, up until his death; in 1978 he published *The Supreme Court and the Bicentennial*, and he completed work on the second volume of his memoirs, which are now being prepared for publication.

Richard B. Bernstein



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Cox to Head Public Lobby Part-Time

(Continued from Page 1)

Cox noted, "If you speak to any senator or representative, you'd find that all would testify to the respect which Common Cause lobbyists receive and the influence they have on the Hill."

Raising Standards

Cox disagreed with the suggestion that the recent FBI "Abscam" investigation, and the charges of bribery against some members of Congress and state and local officials flowing from it, might encourage public apathy and cynicism, thereby hampering Common Cause's efforts to stimulate public interest and participation in government.

"Watergate, of course, resulted in a rush to join Common Cause," he said, "in order to support an organization that was working to improve the level of honesty, integrity — honor is the word I like — in the conduct of government. Common Cause has pressed, and will continue to press, for all kinds of measures to raise ethical standards."

Cox refrained from commenting on the specific "Abscam" allegations, noting that he did not know the facts of the case. He did address the general issues it raised. "The question is," he said, "are you going to 'cop out' because politicians are subject to human frailty? Or are you going to work to require higher standards, to maintain those safeguards that can be devised, and to insist that Congress investigate fully and impartially when there are serious charges against some of its members?"

"There are no panaceas — no milleniums," said Cox in his acceptance speech. "We can proceed only step-by-step, accepting compromises and then going back for more. We do not know all the answers. But we can begin."



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A Brave Critique of South African Law

(Continued from Page 5)

Dugard accepts that judges make law — in South Africa, in Britain, and in the United States. His problem is to devise means whereby the judges act on a basis other than subconscious preferences — which in South Africa are racist preferences.

"Once there is a clear recognition of the creative powers of the judiciary . . . , it will be easier for judges to be guided by accepted legal values, rather than by subconscious preferences, in their law making task." The accepted legal values to Dugard are those basic political and legal values of modern western society. These values are expressed in the UN's Universal Declaration of Human Rights and the twin Covenants of Human Rights. While questions have been raised as to whether all of the rights recognized in these instruments are truly universal, it is agreed that they do express western conceptions of liberty of the individual. Prof. Dugard joins his countryman Prof. Matthews in urging that these conceptions be entrenched in an American-style Bill of Rights. South Africa opposed both the Universal Declaration and the Human Rights Covenants in the United Nations, and the present government shows no sign of accepting or entrenching the principles of equality and nondiscrimination.

Evil Positivism

Dugard identifies "a primitive legal positivism" as a major impediment to the Bill of Rights movement. He sees legal positivism as an evil conception which explains the acquiescence of the bar in the entrenchment of repression in the South African legal order. The bench would be able to blunt the flood of execrable legislation were it not bound by the stricture of positivist doctrine. His prescription for cure: ". . . the adoption of a realist-cum-value-oriented approach to the judicial process and civil liberty." Dugard's objective is not so much to purify South Afri-

can jurisprudence as it is to broaden the education of lawyers in school, at the bar, and on the bench. He thus repeats and reinforces Arthur Suzman's plea for value-oriented law training. But the question is not the absence of values in the South African legal order. The legal system very much expresses and enforces values: we just abhor the values that are taught and imposed upon that society.

After the National Party victory in 1948, the Afrikaner government set about entrenching racist values in the legal order. Hardly any area of life in the nation was missed by the Group Areas Act, mixed marriage acts, immorality acts, jobs reservation laws, and separation of residence requirements. It is highly improbable that this myriad flow was turned on by a jurisprudential conception of law. It is equally unlikely that the entrenchment of a more humane set of values will result from jurisprudential conversions to legal realism or modernist natural law. In the American experience Mr. Justice Black exemplified the fact that positivism and the quest for human rights were not inconsistent. Prof. Dugard recognizes that the problem in South Africa is the absence of political will to disturb the pres-

ent pattern of power and privilege. The final words of his magnificent book are:

"[B]ut white South Africans, including white lawyers, have shown a deep resistance to change and there is little likelihood of a voluntary surrender of power, power that for the most part is entrenched in the apartheid legal order. It is more likely that a Bill of Rights and antidiscrimination laws, the twentieth century's instruments for the protection and relief of minority groups, will grow in popularity and appeal only as the white population comes to see itself as a political minority."

The great regret is that human rights will come to South Africa on a river of blood which has already begun to flow.



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Ames Eager Beavers Pack Stacks

(Continued from Page 4)

robin" then ensued within that group, each team arguing the appellant's side twice and the appellee's side twice. Selection of the final four teams was made on the basis of won-lost record, with ties being broken through use of numerical scores.

Last fall, one group ended up with only two teams on it, and the Upper Round Ames Committee felt that this would unfairly increase the probability of a 4-0 won-lost record within that group. Therefore, reliance was placed solely on point totals in selecting the final four teams. Some uniformity of judging was imparted to the numerical scoring by use of a correlative descriptive scale.

First-Year Ames

While just twenty-four participants remain in second-year Ames, all 1Ls except those who participated in last fall's Jessup Moot Court competition take part in first-year Ames or Ames "alterna-

tives", the latter being conducted by various Law School organizations.

As is traditional, most first-year Ames teams consist of two people. In addition, thirty-two students chosen at random are participating in an experimental program in which each team consists of four people, two to argue the appellant's side and two to represent appellees. This is the same set-up as is used in

the qualifying round of second-year Ames. The perceived advantage of the experimental system is the constant evaluation by one pair of the other pair's work.

First-year Ames will culminate with oral arguments on March 10-13 for those who received their records last Friday, and on March 17-20 for those who receive their records today.

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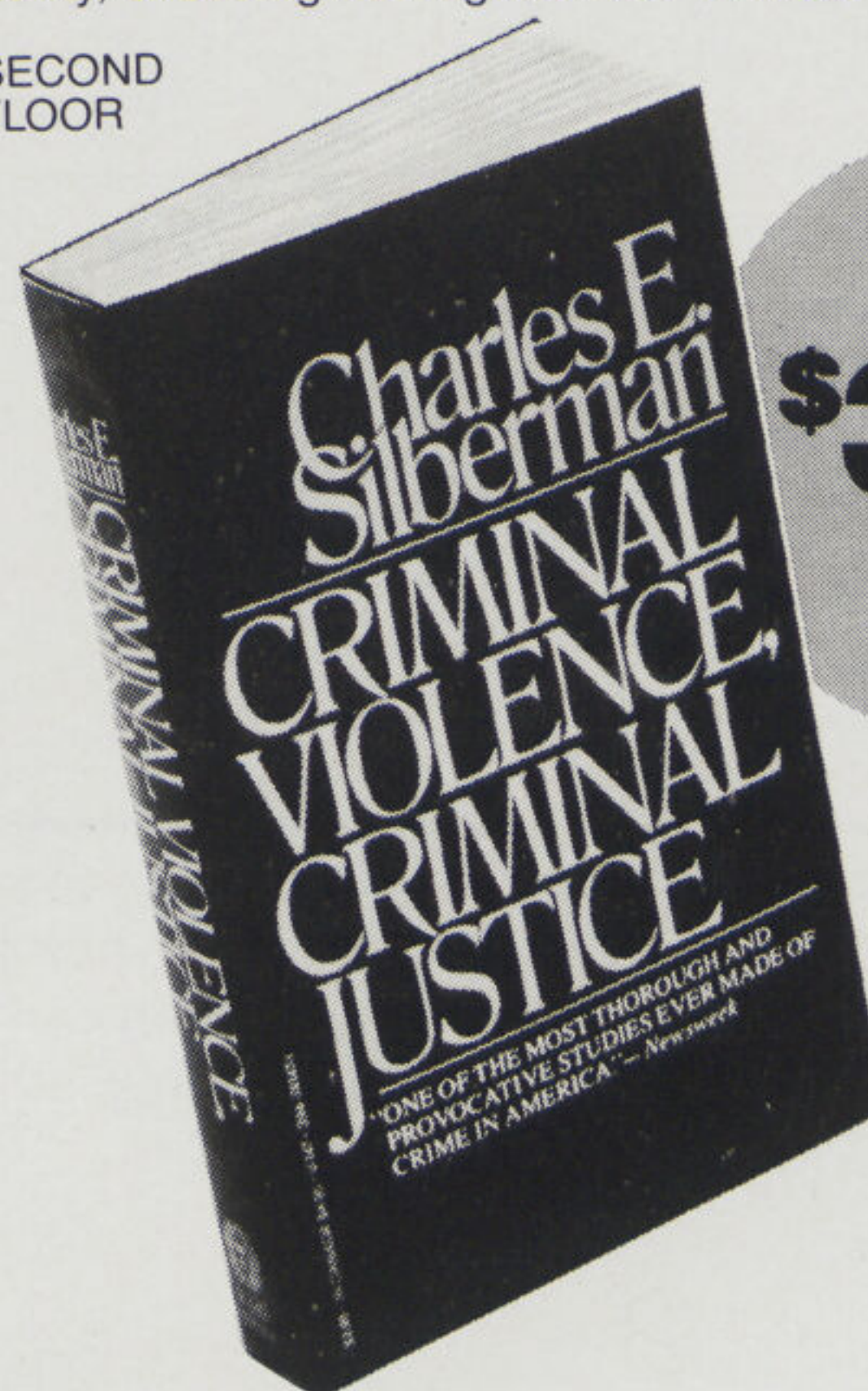
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PAPERBACK

RANDOM
HOUSE

Chez Charlie's

Rusty Russell

Scene One: A woman checks out the hundred-or-so people wedged into booths and at tables to see whether anybody will be leaving the tip anytime soon. A waitress steering a tray loaded with mous-saka and veal cacciatore slams into her. Suddenly each is accusing the other of "trying to kill me."

Scene Two: Frank, a regular, holding down a bar stool and a stogie, drinking what appears to be water from a Michelob glass. In a flash, he is surrounded by seven waitresses wielding two be-candled blocks of cheesecake. They are singing "Happy Birthday." Frank looks surprised.

This little haven of contrasts is Charlie's Beef & Beer House. It is a place where people from the street meet to eat and where, being only a few blocks up Mass. Ave. from HLS, a fair number of the legal

elite dine as well.

In fact, Charlie's has become something of a culinary institution for students not enamored of the Harkness. It is only 350 steps from the Langdell gate and, boasting "fabulous food at miracle prices," is cheaper and more stimulating than the Hark, meal tickets, tax and tip often notwithstanding.

Seeking the last of the \$1.75 dinners, entire sections of 1Ls have converged on this Cambridge watering hole. In the words of a first-year student given to understatement: "It's a good place to eat. Look, for two or three bucks you get a good meal. The Hark? What do you get at the Hark for three bucks? Nothing — or a sandwich."

Change On Your Dollar(s)

Until about three years ago, Charlie's and McDonald's were about the only places where you could get change back on your dollar. Today, it's two dollars, but Charlie's is still just about the only place that will serve a full lunch — like a quarter-chicken surrounded by a mound of rice and peas — for the money. The dinner prices are

higher: tops is roast lamb at \$4.25. But if you're there past eight, they'll dim the lights; past nine, a pitcher of beer is \$1.99.

Then, of course, there is Charlie's fabled ambiance. Everything inside is real, right down to the real plastic fireplace logs that glow red and blue above the mirrors along the walls.

The only thing that isn't real is Charlie. There is no Charlie, according to owner-operator Anastasios Christophilos.

Christophilos, known to all as Stosh, left the small Grecian village of Tripolis in the Peloponnesus 22 years ago. The rest is unabashedly a success story.

Christophilos came to America with \$45 in his pocket. He began as a dishwasher, moved up to short-order cook, then started at Charlie's nine years ago.

Christophilos says he keeps his prices down by "working hard." He says he puts in 15 hours a day seven days a week, which, if you deduct for exaggeration, still leaves a pretty big chunk of work.

Why does Christophilos do it? "Because I don't want to live with the roaches."

Then he is off. His cousin is visiting from Greece.

The chorus of waitresses has left Frank to his own devices and cheesecake (one of the few dishes not made in the kitchen.)

Says one: "Frank's been coming in here for years. But, (and this goes a long way in explaining what kind of a place Charlie's is) if somebody tells us it's his birthday, we'll do it for him too."

Solution to "Cryptic Law"

This is a remarkable trait of character pertaining to the uncle and the niece. They both seem to be very much inclined to have intercourse with one another while asleep. . . . It is a remarkable fact that a man could have intercourse with a woman and not know it . . . , especially when the parties were not sleeping together. *Bales v. State*, — S.W. 517 (Texas, 1898).

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Sports Answers

1. Gordie Howe and his sons Mark and Marty.
2. Kyle Rote, Sr. and his son Kyle, Jr.
3. Maury Wills and his son Bump.
4. Yogi Berra and his son Tim.
5. Richard Petty and his son Lee, Jr.

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