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TWENTY-FIVE CENTS

Admissions Office Business Is 'Booming'

By Steve Friedland

Just as everything else seems to be increasing these days, so too is the number of applicants to HLS. According to Molly Geraghty, an effervescent graduate of HLS and the director of admissions, last year's figure of 6,965 applications is expected to be topped this year by 200 to 300.

This result is somewhat of a surprise, says Geraghty. "Last year, there was a ten percent overall drop in the number of people taking the LSAT, and we went down four percent in applications. There

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Presidential Campaigning Is Lagging at Law School

By Laura Taylor

The Massachusetts Presidential primary is just around the corner — scheduled for Tuesday, March 4. Campaign activity at HLS, however, has been surprisingly low-key.

Republican candidates Anderson and Bush seem to have fielded the most effective campaign organizations in the Law School. Campaign activity in support of Bush has been directed mainly at the Cambridge area, with activity at Harvard only incidental to the major effort.

Big Anderson Push

Anderson campaign workers at

the Law School have made a big push to get law students involved in the campaign, mainly in advance work for the February 26 New Hampshire primary.

Mark Adler, 2L, who has done a great deal of work on the Anderson campaign both at HLS and in Watertown, says that the HLS Anderson organization has managed to recruit several volunteers in each of the past few weekends to do leafletting and canvassing in New Hampshire.

Adler, along with Allen Rothman, 2L, have also been working as co-coordinators for the Anderson campaign in Watertown.

Rothman reports that he and Adler have been successful in recruiting HLS students to conduct canvassing operations in Watertown, and is hopeful that the canvassing will be completed before next Tuesday's primary.

Unique Difficulties

Rothman notes that campaign work outside the Harvard area presents unique difficulties. "Law students," he stated, "tend to be better informed, and just have to be forced into action." The "general voter," on the other hand is usually either "misinformed or uninformed:" thus the campaign worker must both inform the voter of the issues and convince the voter to support his or her candidate.

Adler, along with William Saturley, 3L, has also represented Anderson at political functions in the Boston area. Adler, who has spoken

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Photo by David N. Johnson

Pinball wizards compete in the first SBR invitational pinball tournament held Feb. 14 in the Harkness game room. The Marshall Club was victorious.

Afghanistan Discussion Fills Austin North

By Philip Kimbrough and
Laura Taylor

The Harvard International Law Society presented a panel discussion, "Soviet Objectives After Afghanistan: Expansion or Coexistence?" on the evening of Feb. 20. Over 250 people attended the discussion, which was held in Austin North.

The panel comprised Professors Richard Pipes of Harvard's History department, Marshall Goldman, Associate Director of Russian Research at Harvard, and Stanley Hoffmann, Director of Harvard's Center for European Studies.

Marsha Goodman, 3L, vice president of ILS, stated that "in a period of instinctive angry reaction to Soviet actions we thought that it would be important for students to hear different interpretations of Soviet objectives by people with prior experience in the field."

Soviet Moves Offensive

Professor Pipes, the evening's first speaker, characterized the Soviet movements in Afghanistan as "offensive," and stated that the Soviets moved into Afghanistan for strategic purposes. The strategic importance of an area to the Soviet Union, according to Pipes, can be measured by the amount of foreign aid given to a country by the Soviet Union; Afghanistan, said Pipes, has received large amounts of Soviet aid in the past, along with Morocco and South Yemen.

According to Pipes, the overall Soviet objective is to separate Western Europe and Japan from close relations with the United States. Pipes feels that the Soviets have pursued this objective for many years by attempting to gain

control of the natural resources, especially oil, on which these areas depend.

With control of Afghanistan, according to Pipes, the Soviets have cut the range of their bombers to the Straits of Hormuz by 50%, giving them a potential for control of the transport of the major proportion of oil from the Middle East.

Pipes noted, however, that the Soviets have been present in Afghanistan in significant numbers since December of 1978. The current American reaction, said Pipes, is not an overreaction; it should, however, have come earlier.

Pipes' prognosis for future Soviet action is quite pessimistic; he feels that the Soviet Union now has, and will continue to have for at least the next five years, a significant military advantage over the United States. Citing German actions before World Wars I and II, Pipes theorized that most wars have been started by countries with military advantages, and that there will be a potential for a military crisis as long as the Soviets continue to hold an advantage and fear losing it.

Police Activity

Professor Goldman, the second speaker, gave a primarily economic analysis of the Soviet moves. He said that the Soviets moved into Afghanistan, not for strategic reasons, but as a police activity. The Soviet Union, according to Goldman, saw the Afghanistan move as a low-cost operation, and that it would not have been carried out had the Soviets anticipated the current world reaction.

Goldman compared the Soviet situation in Afghanistan with the American intervention in Viet-

nam. Both, said Goldman, were thought of as minor operations, but became major issues when attention was focused on them.

Goldman sees the Afghanistan intervention as a large drain on the Soviet economy, but says that the Soviets feel that they must remain in Afghanistan to maintain their honor in the face of Western pressure.

Of the American retaliatory measures, Goldman feels that the Olympic boycott is the most potentially effective. The Soviets have invested a great deal of time and effort in preparation for the Olympics; Goldman compared the Olympic situation with a debutante ball to which no one, or only the wrong people, came. Goldman also feels that the SALT negotiations should be continued, so that the situation will not be escalated.

Hoffmann, the final speaker, said that, in contrast to Professor Pipes, he would characterize the present state of U.S./Soviet relations not as "Apocalypse Now," but rather "Purgatory Forever." He said that competition between the United States and the Soviet Union is inevitable.

Hoffmann feels that the American reaction to the Soviet intervention is valuable in that it will make the Soviet Union, which is basically cautious in planning its moves, careful about any more interventions. The Soviets originally perceived Afghanistan as a low-risk move, according to Hoffmann; the American reaction makes a future succession of Afghanistans much less likely.

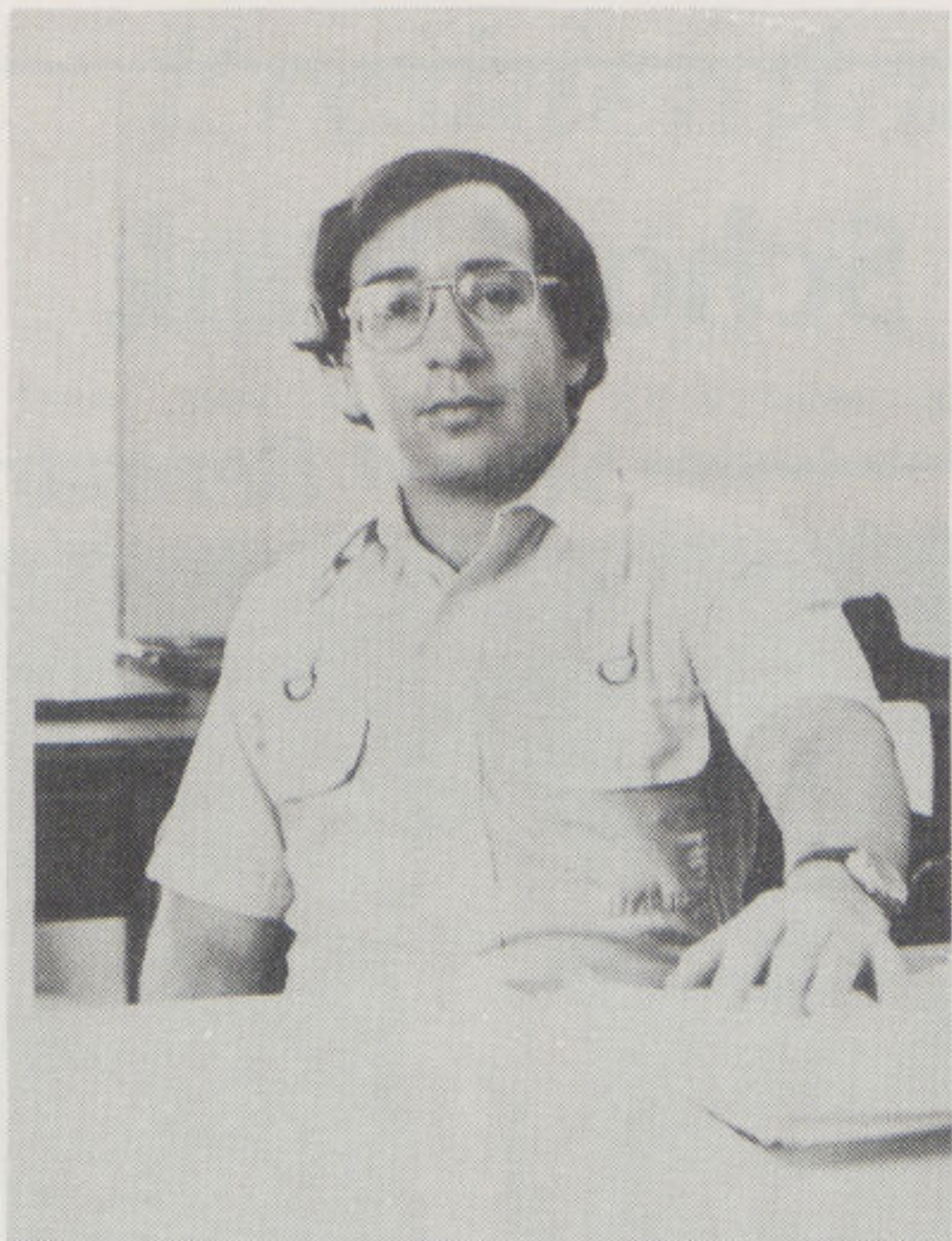
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D.N.J.

Stuart Singer, 2L

Harvard Law Review Names Singer President

By Steve Friedland

On Feb. 23, Stuart Singer, 2L, was elected president of the *Harvard Law Review*. The Florida native and Northwestern University graduate succeeds Brian Cartwright, 3L.

Second and third year editors chose Singer in a meeting lasting nine hours. The eight candidates were whittled down until, just prior to dinner, Singer received a majority of the entire membership's vote,

as required by the *Review's* constitution. Although 2L members are already assuming control of the journal, their primary responsibility will be editing Volume 94 of the *Review*, to be published in the 1980-1981 academic year.

The other masthead positions on the *Review*, some of which often go to runners-up in the presidential race, have also been filled. Edwin Schallert and Louis Kaplow will serve as managing editors; Mark Newell will become treasurer; and Alan Tenenbaum and Roy Englert will become executive editors.

Roughly 80 second and third year students will serve as editors along with the new officers. Selection of these individuals is based on either first year grades, second year grades, or a writing competition for 2Ls held annually in September.

Singer already appears to be hard at work assuming the responsibilities of the presidency. As one 2L aptly noted, "It's that time of year again for an orderly succession at Gannett House."

✽

R. A. Selection Process On With Applications Way Up

By Mike Egan

The selection process for 1980-81 resident assistants (R.A.s) for the Law School dormitories commenced this week, a process made all the more difficult this year by an unusually high number of applicants. Thirty-nine first and second year students will battle for the responsibilities and financial rewards accompanying the 11 positions.

Assistant Dean Stephen Young is extremely pleased by the large pool, and attributes the increase to a growing recognition among students of the importance and prestige of the R.A. job.

The screening procedure balances comments from students and administration. Each hopeful who files an application form is interviewed by three persons: Regina Markey, the administrative R.A. for 1979-80, Catherine de Macedo Soares, administrative assistant of the Housing Office, and a member of the executive committee of the Dorm Council. Each interviewer rates the applicant on a scale from one to ten, based on answers to numerous specific questions. Current R.A.s and former Dorm Council officers are asked to file brief

written comments on any applicant with whom they are personally familiar.

Based on this analysis, the interviewers select the top 16 applicants for interviews with Young. With the recommendations of the students in mind, Young makes the final cut to 11.

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Forum Schedules McHenry

By Dan Hershman

Donald McHenry, U.S. ambassador to the United Nations, will speak in the Ames Courtroom next Thursday, March 6 at 7:30 p.m. as the Law School Forum presents its fifth program of the academic year. Forum president Rob Lewinson, 3L, hopes McHenry will attract a sizeable audience based on his public visibility and recognition in the Iran and Afghanistan crises.

"We're looking for people with something interesting to say," Lewinson said, explaining how the student-run Forum chooses speakers for its programs. "The best people are coming this semester," he said. The schedule includes *Globe*

columnist and author Ellen Goodman on March 11, presidential advisor Stuart Eizenstadt in mid-March, Chicago Mayor Jane Byrne in early April, Atlanta sportsman and TV tycoon Ted Turner on April 15, and Solicitor General Wade McCree on April 25.

Forum operates on a limited budget, with 150 season ticketholders (at \$12 each) providing much of the funding. There is "absolutely no honorarium" for speakers, Lewinson said, but Forum does pay for guests' airfare, hotel accommodations, and meals. Other expenses include advertising and a flat \$105 microphone fee to Buildings and Grounds whenever the Ames Court-

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Accidents Will Happen: Law School Punk

Stuart Berman

The Langdell tunnels, it is fair to say, probably lack the squalor, energy, and danger of London south of the Thames and Manhattan south of Washington Square, twin cradles of rock's cresting New Wave. The Ropes-Gray Room, as David Byrne might say, "ain't no Mudd Club, no CBGB's." And no Law School professor, despite the fantasies of some students, has ever been greeted with a stream of insults and a gob of spit after having the temerity to call on a Mr. Rotten, Mr. Vicious or Mr. Ramone. Nonetheless, the utterly implausible notion of a New Wave-Law School fusion, once a distant speck on the horizon but now taking shape with the release of Elvis Costello's "I Stand Accused," arrived in Cambridge on Feb. 16 with the funky but chic debut of Quiet Life.

The omens were grim. For one thing, while The Clash perform before flags of the world, and Costello in a haze of harsh colored light, no band worth a footnote in Trouser Press had ever performed before a "Veritas" banner. No band had endured as its opening act a nostalgic skit by a briefly reunited Law School section — last year's Section IV. Certainly no New Wave band had ever played before an audience where button-downs, turtlenecks and penny loafers so overwhelmingly outnumbered skinny ties, torn jeans and Ramones t-shirts.

No matter. Quiet Life, the five-month-old brainchild of eight law students and colleagues from the "straight" world, came prepared with all the necessities: only three rehearsals, a gloriously murky sound mix, an inspired prop of a live television set, three demented lead singers, a good batch of material, and lots of random craziness.

The lights didn't help things get started. They could either be on for the whole room, illuminating band and dancers alike, or everything could be dark. The band chose



Photo by Bill Yonan

Singers Juliana Jensen, Ed Ferguson and Anne Strassner strain for those high notes during Quiet Life's debut, Feb. 16.

darkness — except for lights from the TV and the bar at the back of the room. Without an emcee's introduction they launched into their set as preppies fled in fear. After Blondie's "Hanging on the Telephone," Juliana Jensen and Anne Strassner, 2Ls, nattily attired in the best Marilyn Monroe-suburban hairdresser fashion synthesis (i.e., red and leopard-skin tights, respectively), took lead vocals here but surrendered to the madly hippity-hopping Ed Ferguson, 2L, on the Kinks' "Tired of Waiting." It was hard to tell whether the singers matched the musicians in competence, but visually they lurched in the best London '76 style, delivering a tight sampler of Talking Heads, Blondie, X-Ray Specs, Donna Summer, and a 78 r.p.m. punk version of "Night Fever." The encores were the Stone's "Honky Tonk Women" and, in appropriately out-of-tune screeching form, Neil Young's "Cinnamon Girl."

Founder Allen Rothman, 2L, on drums, and bassist Jeff Smith, 1L,

kept the rhythm section simple and solid, although the latter strutted his stuff on "Psycho Killer," while guitarist Bob Melvin (a MIT senior), clarinetist Steve Branson, 2L, saxophonist Daniel Rubinstein (a Harvard College junior) switched off on leads over Jon Birkhahn's rhythm guitar. Keyboardist Stewart Landers was absent because of his sister's marriage that night, but Branson's fills effectively compensated. The pogoing dancers thought it was just fine too.

"Hot Stuff?" Sure. The bands at the Rat and the Paradise lead the Boston New Wave parade, of course, but they preach to the converted. Quiet Life ventured where no rocker had dared go before, and hey hey my my, pulled it off.

Allen Rothman credits Philip Areeda, Bryan Ferry, and the Boston phone book with inspiration for the band's name. Quiet Life was chosen — as the deadline for sub-

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Presidential Campaigning Lags at HLS

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in Medford, Arlington, and Brookline, said that the audiences at those gatherings were composed of "very conservative Republicans . . . who [had] already made up their minds." On one of those occasions, recalls Adler, a member of the audience, after condemning Anderson as a "terrible liberal," finished his comments with a remark that "people from Harvard and MIT are all nitwits anyway."

Rothman estimates that between 15 and 20 people from HLS have worked on the Anderson campaign "at one time or another." David Grace, 2L, added that the Anderson workers at HLS have a mailing list of "over 50" names of people who have indicated some degree of support for Anderson. Grace also feels that "Anderson enjoys more evident support [at HLS] than anyone else I've seen."

Rothman, who says that he is supporting Anderson because he feels that Anderson "is the best candidate running," cited a large number of voter registration changes in the Boston area to "Independent" as an indication of a great deal of support for Anderson. Rothman characterized the switchovers as an "important development which has been largely unnoticed by the polls," and said that the changed registrations "represent a hidden army largely on our side, that might surprise a few people next Tuesday."

David Grace cited Anderson's "willingness to tell people what he believes in an honest way," and "willingness to stick his neck out on issues he believes in" as the reasons for his support of Anderson.

Bush Effort

Thomas Christina, 3L, is directing the Bush campaign effort for ten Cambridge precincts (there are 11 electoral wards in Cambridge, with five precincts each). A ten person Cambridge Committee for Bush, according to Christina, oversees the Bush effort here.

Christina says that the Bush

campaign is "not student oriented," that the universities in the Boston area simply provide election workers to canvass the local electorate.

"Working at Harvard just isn't cost-effective," asserts Christina, because many Harvard students are not registered to vote in New England. No campaign efforts are planned for the Harvard area in the time remaining before the primary; Christina plans to concentrate on door-to-door canvassing in Cambridge. There is a possibility, however, that Bush may speak at the Kennedy School on the night of March 3.

Patricia Early, 3L, reports that she and Christina held an organizational meeting for the entire university on Feb. 13, which was

election.

Reagan is Bush's strongest opponent at this point, Christina thinks. He predicted on Feb. 24 that there is a "pretty good chance that Reagan would nose [Bush] out" in the New Hampshire primary on the 26th, but that the margin would be very small.

HLS More Conservative

Activity in the Democratic camp at HLS seems generally to have been less successful than the Republican efforts. Jackie Ackerman, 3L, who heads the HLS Kennedy organization, says that this is because "the Law School is more conservative than society in general," and that "people have been afraid

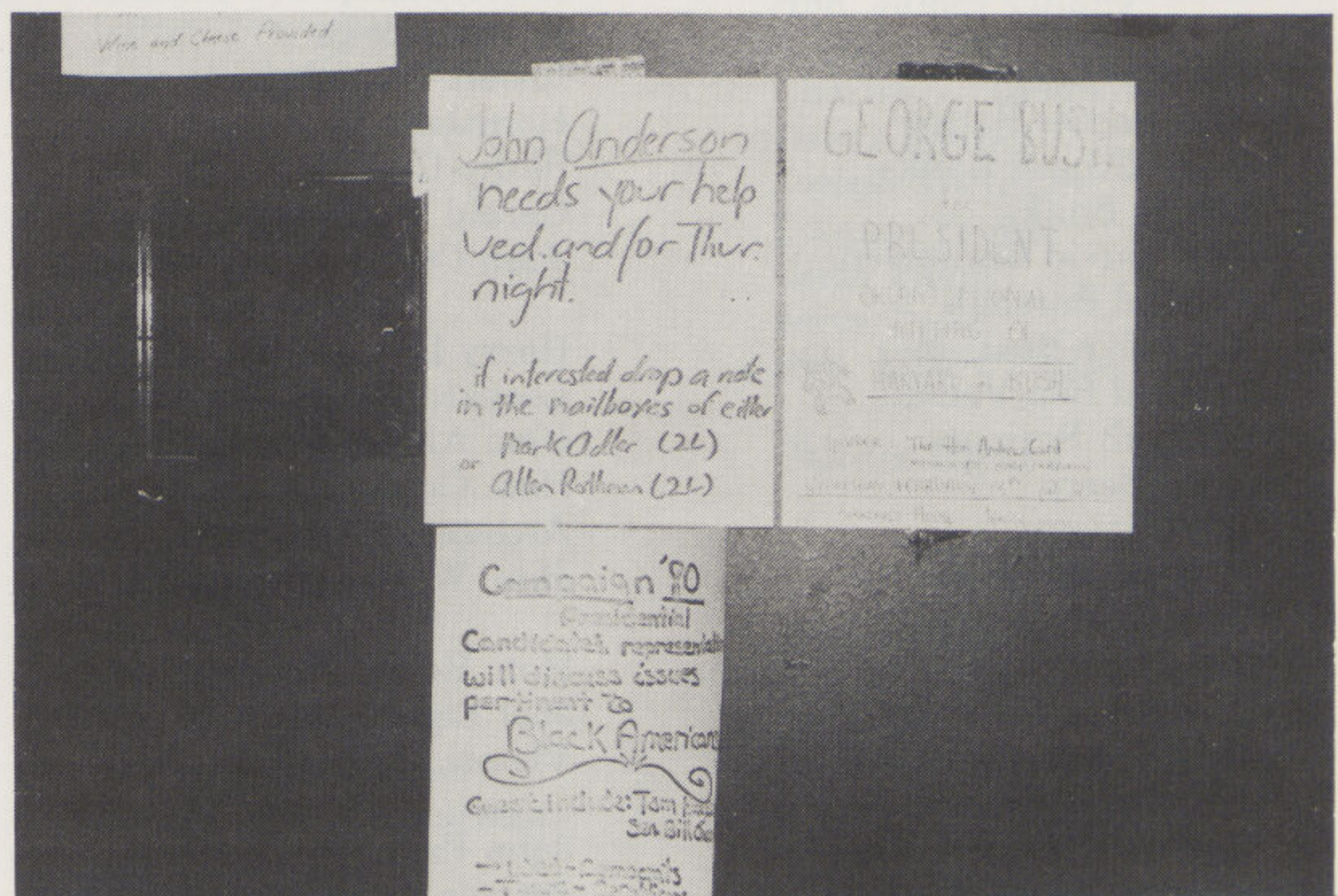


Photo by Laura Taylor

A flurry of recruitment signs woos tunnel denizens to the fame and glory of Presidential campaigning.

attended by approximately 40 people. Early says that she supports Bush because "he's had more well-rounded experience than the others, and has fewer strikes against him."

Christina sees Bush as the "most electable of the Republican choices," and cites Bush's "clean record and administrative experience" as reasons for his support of the candidate. Bush also, according to Christina, has "the best chance of beating Carter" in a November

to express their support of Kennedy."

Ackerman reports that "things are pretty much in limbo" and that there is not much interest in the Kennedy campaign at this point among HLS students. She says, however, that there are probably "fragmented" efforts going on within HLS.

Ackerman found that students were interested in supporting Kennedy in the fall, but have since

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We who have been responsible for running the Trial Advocacy Workshop this year would like to express our thanks and appreciation to those of you who so generously volunteered your time and talents and, by doing so, made this year's Workshops a grand success.

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Presidential Campaigning Lags at HLS

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"backed down and were quiet about whom they were supporting or picked a safer candidate."

One such "safer" candidate, according to Ackerman, is John Anderson. Law students support Anderson, she says, "because he doesn't have a chance of getting elected."

Ackerman maintains, however, that the "main reason why Kennedy has not gotten as much support" around HLS as the Republican candidates is the fact that Kennedy has been unable to debate President Carter. "The interest in Democrats would be far greater if the Democrats debated like the Republicans can," says Ackerman.

The result of Carter's failure to debate, says Ackerman, has been a

campaign based on personalities, rather than issues, one which has not found much support among law students because "Law School people are more interested in issues than personalities."

No Chance for Brown

Jeremy Paul, 2L, a former coordinator of the HLS Kennedy effort, cites other reasons for switching his support from the Kennedy campaign. Paul says that he originally felt that Kennedy would be "hot stuff," because in "everything I'd read in Law School and college there had always been a Kennedy bill at the forefront of the issues." Paul found, however, that "after seeing Kennedy and his [campaign] actions," he became "turned

off" to Kennedy "because he doesn't strike me as very smart or very honest."

Paul is now working on the Brown campaign, though he concedes that Brown probably "doesn't have a chance." Paul feels that Brown is the "most intelligent of the candidates," and has the "best positions on all the issues, except the balanced budget and gun control."

Carter Most Electable

David K. Smith, 3L, who describes himself as an "enthusiastic supporter of President Carter," reports that "support of Carter at HLS is pretty weak, because Carter is not the type of person people at the Law School identify with."

"Of the Democratic contenders," Smith maintains, "Carter is the only electable one." Smith notes that Democrats must be "very careful" in choosing a Presidential nominee, since the next President "will be appointing two Supreme Court justices." Says Smith: "I don't want to leave that in the hands of some conservative Republican."

BOOK REVIEW

Brandeis Bio Disappoints

Richard B. Bernstein

Allon Gal, *Brandeis of Boston*. Harvard University Press, xi + 271 pp., \$16.50.

Winston Churchill once ordered a waiter to take away a pudding because "it has no theme." Unfortunately, the same is true of Allon Gal's new study of Louis D. Brandeis. Gal complains that despite the many biographies and interpretive works dealing with Brandeis, he "remains an enigmatic figure." While he may be right about this — and I'm not convinced that he is right — Gal's book doesn't dispel the enigma either.

Brandeis of Boston ostensibly covers Brandeis's pre-Court career, but the reader who knows nothing of Brandeis's life and times will rapidly become lost in a shower of facts which are not tied together, chapters which do not fit together, and generalizations which are both unsupported and unedifying. Gal seems to believe that he can uncover the social roots of Brandeis's progressivism by merely listing the people whom Brandeis knew, read, or might have known or read. He

uses terms such as "Mugwump" and "Progressive" without any effort to define them, although defining these terms has been a controversial historical exercise of long standing. In the end, the reader is left floundering in a sea of facts without any recognizable landmarks.

The one way in which Gal's book might be of value is in its account of Brandeis's views of Judaism and of his relations with the Jewish community in Boston and the United States. If the reader has the patience to disentangle this thread from the shapeless morass of the rest of the book, he or she will learn something new. But the book is not really worth the battle for the general reader seeking an introduction to Brandeis. *Brandeis of Boston* is merely a confusing, irritating supplement to the standard biography by Alpheus Thomas Mason; if you don't know anything about Brandeis, start with Mason and leave Gal for some other time.

Cryptic Law

"Fowl Play"

Qoowkkqbr qaawera rgqr rgw xinnuaauib
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HARVARD LAW RECORD

'Tithe' Campaign to Begin Next Week

By Ken Blohm

The 1980 pledge campaign of the Equal Justice Foundation (EJF) is scheduled to begin next week according to this year's campaign organizer, Kathy Holden, 2L. The organization will be encouraging 3Ls to pledge one percent of their post-graduation income for one year to support the public interest group's efforts to improve citizen access to justice.

EJF is now just over two years old. Among its founders were Ralph Nader '58, Ramsey Clark, and Harvard's Public Service Placement Director, Doug Phelps. Phelps also served as the organization's national director during its first year. The group was formed in response to what was perceived as an inadequate legal system. Its founders believed that under-represented persons are systematically excluded from governmental decision-making forums by procedural, representational, and organizational barriers.

Commenting on the purpose of EJF, its current national director, Susan Kellock, stated: "While the struggle of the '60s focused on ensuring important substantive rights for the public, the '70s have shown that if the legal system will not open its doors, a strong position on the merits is not enough. Now, in the '80s, it is time to break down the doors so our merits can once again be heard."

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Liberalizing Standing

At the national level the Foundation has undertaken such projects as liberalizing the requirements of standing to sue, easing restrictions on class action suits, and awarding attorneys' fees for successful litigation. Members of Boston-area EJF chapters are involved in drafting legislation to create a government consumer advocate and are lobbying and testifying on behalf of proposals to reform Massachusetts' small claims court procedures. Other local projects are planned.

Currently there are EJF chapters at 30 law schools in the coun-

try with a combined membership of over 400. The organization is governed by an 11 person Board of Directors, two of whom are Harvard 3Ls Howard Learner and Paul Rosenberg. Thus far, the major priority of the Foundation has been to expand its membership so that it can become firmly established as a major public interest group.

Last year, about five per cent of the 3L class pledged one per cent of their income for one year. As this year's campaign organizer, Holden is hoping to match the 10 per cent pledging commitment achieved by EJF chapters at Boston College

(Continued on Page 14)

CONCERT REVIEW

Rock 'n' Roll Law School

(Continued from Page 4)

missions to the *Adviser* neared—after the phone book's best contribution, "Milton of Newton," proved too clumsy.

"We like the way it sounds," Rothman says.

The band made its first appearance last year, with a somewhat different lineup that included a "woman bass player who subsequently fled the country," according to Rothman. The current lineup, which has a catalog of about 25 songs, took shape in October. Songs were chosen by a pseudo-democratic process that the drummer terms "pork barrel song selection." He admits, "It's hard to identify a coherent link between the songs," but says danceability is important.

But, like any true artist, this band's leader likes to wax philosophical about his group's purpose:

"In playing rock, we're dealing with excess — excess beat, excess energy, excess noise. This activity of indulging in excess provides a release to band members and audience. In general, Harvard Law School is governed by a rule of reason. It's in this contest of emotional blandness that the message has its

effect."

On the other hand, "We certainly don't want to blow up the school. We just want to humanize it."

Juliana Jensen shares some of this missionary zeal. "Punk is really a vital movement. . . . I don't believe in spectator sports. I think they're what's ruining America. The great thing about punk is that everybody can play." A former choir singer, Jensen claims that she "wasn't very good" but says her training in dancing has proved useful.

She adds the distinctly noticeable, comment-provoking garb she and Anne sported at the concert was chosen last summer and is "now more of historical interest than punk style."

What does it all mean? "Being a punk at Harvard Law School is like being a Martian on Venus," she says. "It's sort of nice. It's like exploring."

But, alas, Jensen says, "We're all very serious students." So sadly, in the end, maybe The Clash don't have anything to worry about after all. But with a little luck the band will emerge from the stacks for at least one more appearance this term, Rothman says.



And The Winner Is . . .

Because we could not agree on a favorite in either party's primary race next week, the editors decided to let the HLS student body do the endorsing. An unscientific survey taken on the eve of the New Hampshire primary found a narrow Carter lead over Senator Kennedy among law students voting in the Massachusetts Democratic primary. In the Republican count the stunning result was the total absence of support for that party's front-runner, Ronald Reagan. A larger sampling might have turned up a Reaganite or two, but they are very hard to find on campus.

HLS students planning to vote in the GOP race had a different front-runner in mind. They put Congressman John Anderson at the top of their list and gave him a two-to-one lead over his closest rival, former Ambassador George Bush. To help Mr. Reagan find his constituency on campus, the RECORD hereby invites him to our offices this Saturday night to debate any *two* candidates of his choice.

Anderson's rating soared to 71 percent when Republicans voting in other primaries were polled. We find this proportion easy to explain. He alone among his party's candidates declines to rattle the national sabre. He is the only GOP candidate to propose a detailed and aggressive energy program. His courageous performance before the New Hampshire firearms fraternity was endearing. "I can't even remember voting for a Republican," one respondent's unsolicited comment went, "but I'd vote for John Anderson."

A solid base of support on the HLS campus won't give Anderson a source of campaign funds and few law students seem ready to volunteer hours as freely as opinions. We don't think the straw poll results imply that Anderson has the "mo," but if we had to name *THE* Law School candidate, this articulate Illinoisian would get the title.

Among Law School Democrats who plan to vote in later primaries there was a three-way dead heat between Carter, Kennedy, and "undecided." HLS Democrats hedge their bets on Justice Department jobs. Some pundits might find it meaningful that the Senator can't find a mandate in his Harvard backyard. But we really can't project his chances on the basis of such a biased sample of the electorate. There's nothing typical about a group whose common notion of letting loose is typing after eleven o'clock.



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Fenno

Fenno was miserable. He sat in the backbench, huddled in his parka, flannel shirt, and thermal underwear, watching dully as the 1Ls below fought off sleep by watching each other trying to stay awake or by proofreading their Ames briefs. The professor droned on, but Fenno couldn't hear him, and didn't really care. It didn't matter. Nothing mattered.

Fenno had the flu. He'd laughed off all the warnings his friends had given him. "Don't stay here, Fenno," they'd pleaded. "Take a week off and go to Acapulco or Tahiti. You've earned a rest. Don't risk the flu — it's not worth it." But, he reflected sourly, he'd decided to stay. And for what? "Because the RECORD wanted you to be witty about Ames," he reminded himself bitterly. "You should have known. You can't be witty about Ames. No one can be witty about the same thing each year, every year. It defies common sense.

"Two teams get together, roll up stapled typewritten pages, and hit each other over the heads with them while three bored judges realize sadistic fantasies. That's not witty — that's the Gong Show," Fenno groused. Fenno realized that he had no one to blame for his predicament but himself.

Fenno fumbled frantically for yet another handkerchief, but it was too late. His sneeze rocked the lecture hall and jolted five 1Ls out of their seats and into the aisles. The professor, who had not noticed the explosion, tripped over one 1L and sprawled in the aisle at Fenno's feet.

"Please, get up," Fenno said with as much graciousness as he could muster. "Adulation makes me feel uncomfortable."

"Ah, Mr. Fenno," the professor wheezed unctuously as he brushed off his clothes. "We don't see you here very often, do we?" He bared his teeth in a smile picked up from summer-stock revivals of *Peter and the Wolf*. "To what do we owe the honor of this unexpected visit?"

"To the damned flu," Fenno replied venomously. "This is the only place where I figured I could get some sleep."

The professor blushed, and Fenno immediately felt sorry for him. "Look, I'm sorry," he said, "but this flu has got me to the point where I'd bite anyone's head off — even John Anderson's. Go on with your lecture; you won't even know I'm here. I promise I'll be good, and I won't snore — honest."

"All right, Mr. Fenno," the professor said gratefully, and resumed his lecture. Fenno smiled down benevolently on the class as he heard the old familiar phrases — consideration, "in a sense," *seisin*, "it seems to me."

"Ah, nirvana," he murmured as he fell asleep. "At last."



Letters to the Editor of the RECORD

It's A Good Movie

To the Editor:

I doubt that anyone cares much about what I thought of the movie version of *Gideon's Trumpet*, but I must have given Mr. Dratel [Review, February 15] a quite wrong impression. During our brief telephone conversation I did remark that I thought the book had been stylized to make it more interesting visually (as of course it had to be), and that is a characterization that implies some reshaping. However, I do *not* feel that the movie is in any serious way out of accord with either the book or the events.

In fact, Mr. Dratel's first question was whether the movie was the way I remembered it, and I answered that it was, qualifying my answer with the wisecrack that I did remember talking occasionally. I also said, as I believe, that I thought the casting of John Houseman as Earl Warren was quite wrong. In summary, however, I indicated that I thought it was a good movie—though I need hardly caution that I may be more interested in the movie's subject than most viewers are likely to be.

John Hart Ely
Professor
Harvard Law School

Join In Critique

To the Editor:

It was most disturbing to see an article in a student newspaper taking broad swipes at the anti-draft movement ["Off the Record: Stop (Protesting) the Draft," February 15, 1980]. Politics is not merely an intellectual exercise in which it is clever to point out that homosexuals should also be drafted or that registration is not yet conscription. The fact is that Carter is determinedly building a war hysteria, and is using events in Iran and Afghanistan to overcome the "Vietnam Syndrome," the common attitude of revulsion towards war and rejection of United States interference in the affairs of other countries. The draft is an essential part of his policies of global dominance and militarism, policies which could lead to world destruction. Making the draft impossible makes us all a little safer.

A close look at this anti-draft movement, or at the last one, shows that it has two strains. One is a policy of individual resistance motivated by many possible concerns. The other is a substantive moral and political critique of the duplicity and the dangers of United States foreign policy. The RECORD ought to contribute to that critique.

Daniel Goodwin, 2L
Cambridge, Massachusetts

Rejecting The Draft

To the Editor:

This is to express my dissatisfaction with Richard Bernstein's and Kay Thomas' recent article in favor of the draft (2/15/80).

The article first expresses the view that the volunteer army and the draft are equally violative of civil liberties. On that rationale, there is no difference between my polite request that you print this letter and my threat to burn down 23 Everett Street if you refuse. The draft is clearly involuntary servitude; the volunteer army is not.

Next we come to the well-known "equity" argument. As the authors put it, the state immorally "imposes" the option of earning a living in the military, as opposed to other capacities (including welfare), on the poor. Those who join must necessarily perceive the military as their best opportunity. But conscription would have the effect of either barring these people from that opportunity (a conscripted force can afford to be more selective), or at least lowering their wages (cost savings is one of the conservatives' main pro-conscription arguments). In any case, it is clear that conscription will not benefit poor volunteers. So much for "equity."

Bernstein and Thomas also suggest that it is somehow wrong that students, with obvious self-interest, are opposed to the draft. To the contrary, I find it quite healthy that students are looking out for their interests, for they have the most at stake in this debate. Labeling draft opponents as "selfish" is an easy smear tactic that distracts us from the real issues.

The authors' final proposal — a system of universal conscription (universal slavery?) — is a monstrosity. Not satisfied with a draft that is limited to the manpower required for protection of vital U.S. interests abroad, the authors propose to draft everyone, regardless of military need or ability to serve. Naturally, the authors fail to appreciate the full force of their logic. If "everyone" means *everyone*, why stop at 18-20 year olds? Since the draft would no longer have a military orientation, there would be no need for such archaic age limitations. We could force people to work for (Harvard educated) government planners for their entire lives!

At root, the problem with Bernstein and Thomas' position is that it has no regard for personal dignity and autonomy. As such, it fails to meet the most elementary ethical standards and must be rejected.

Stop the draft!

Robert Case, 3L
Cambridge, Massachusetts

Kaye Thomas and Richard Bernstein reply:

We are happy that our article on the draft provoked some thought on the subject. But we fear we may have been misunderstood, or that some of these responses may provoke misunderstandings. We offer two clarifications.

First, we never expressed support for President Carter's military posture. In fact, we're as disturbed as everyone else is. We are concerned that draft protestors may have elevated the clearly subordinate question, who should fight in our next war, over the primary and compelling one, whether we should go to war. By neglecting the issues where the hawks are most vulnerable, peace advocated may have played into their hands.

Second, we would vigorously oppose a draft similar to the one we recently had. Certain deferments, especially the student deferment, produced gross inequities. These deferments are absent from President Carter's proposal.

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.

SPORTS QUIZ

NOTE: This week's Sports Quiz deals with famous persons who currently own a professional sports franchise.

1. This man's fame came originally from his singing cowboy songs in the movies but his baseball team did not start making music until it won the American League's Western Division this past year. Who is this owner?
2. Even while he was in jail for two years after being convicted on fraud charges, this man maintained his ownership of the NHL's Toronto Maple Leafs, as he still does. Who is he?
3. This famous Washington, D.C. lawyer owns both a National Football League team as well as a major league baseball team. Who is this man and what teams does he control?
4. Perhaps the most innovative owner ever in baseball, this man is known for such things as using a midget for a pinch-hitter and having an "Anti-Disco" night which turned into a riot and forced his team to forfeit. Who is this man and what team does he own?
5. After the death of her husband, this woman inherited control of a team which made it to the Super Bowl this year. Who is this woman and what team does she own?

(Answers on Page 16)

U.N. Envoy McHenry to Appear at Forum

(Continued from Page 3)

room is used. Recently, Forum has found itself with a "mid-year cash-flow problem," and is exploring the possibility of receiving loans from the administration and Dorm Council in order to meet current obligations. "The Forum is not going under," Lewinson said in response to recent rumors. Financial problems can be traced to two sources, he said. "During the fall of 1978 we did not do a good job of selling season tickets. Only 100 were sold and the price had been lowered from the year before . . . We took an unexpected bath on [Roots author] Alex Haley."

Scheduling has always been a problem for Forum. Haley had originally been scheduled for Tuesday, April 17, but because the Holmes lectures were later set for the 17th, Forum moved Haley to April 16, Patriots' Day. Perhaps because of the Marathon and the weather, only 200 people attended. "It

looked rather paltry in the vast expanse of Sanders Theater," Lewinson said. Haley had flown in from California. "We got hurt real bad." Now Forum members think about the cost of airfare "four times as much as we did years before," Lewinson noted.

Scheduling problems the Forum faces include the Law School's calendar. The last speaker, Judge Abner Mikva, spoke on Nov. 6. "The January term is making things very difficult. December is wiped out," Lewinson said. Second and third year students take exams in December, and attend school three and one half weeks of January. One Ls are only in residence for three weeks of January, the first two of which are exam period.

Furthermore, Lewinson felt "it's harder to attract speakers. All the people we invite are busy in their fields and don't need another speaking engagement." Still, the

Harvard-Harvard Law School association is a big advantage Forum appreciates. Lewinson often has speakers tell him, "I never thought I'd get to Harvard." Nonetheless, speakers have cancelled or asked to be rescheduled. John Connally, Benjamin Hooks, Hunter Thompson have backed out; Masters and Johnson decided to go to Europe and requested a date in the spring of '81. Eizenstadt had been set for February.

Nor can Forum compete with the Kennedy School's heavily endowed Arco Forum, which has effectively preempted any opportunity for Forum to get Presidential candidates. The Arco Forum doesn't charge admission and has a full-time paid staff.

Forum solicits speakers involved in "the action." "Cheryl Tiegs has recognition, but she's not the kind for Forum . . . Jane Fonda would be, though she's not the yardstick either," Lewinson said. He characterized Forum as nonpartisan though not apolitical, noting that it welcomed both William Loeb and William Kunstler.

"We cherish our independence in terms of whom we can invite," Lewinson said, indicating that Forum would not want outsiders to call the shots in return for their financial contributions. "If they don't want Hunter Thompson . . ." (Thompson, known for the writing style called "gonzo journalism" and the advocacy of drug use, created "a stir" at a Forum program three years ago.) Any fundraising drive would "have to be very carefully targeted to past members of Forum," Lewinson felt. "Self-financed organizations have a tougher go of it with rising prices," he recognized.

"I just can't imagine this school without a speakers' organization," Lewinson said. "There are enough people of purely legal interest that the Forum needn't provide . . . We serve the College and the community at large, too. I think HLS benefits by our existence and we certainly benefit by its existence . . . We encourage everyone to turn out."

R. A. Selection Process On With Applications Way Up

(Continued from Page 3)

The whole process is not as simple as it might sound. Young cites the many intagibles that must be taken into account, including the nature of the individual dorms.

"Each dorm has a different character that continues from year-to-year despite the turnover," says Young. "Wyeth and Hastings are usually tougher because the layout of the rooms leads to a more individualized style. This creates a different pattern of living and socializing than you would find in the graduate dorms. We have to keep this very much in mind when we select and place R.A.s."

The resident assistant's most obvious service to the roughly 50 students that each supervises is the role of informal counselor (hopefully not counsel). Many first year students find the advice of an upperclassman especially helpful during exams, Ames Court and other

less harried periods of the 1L experience. The administration appreciates the R.A.'s ability to spot persons who may be having particular problems adjusting to school; in such cases, the R.A., of course, tries to handle the information quietly and confidentially before seeking outside help.

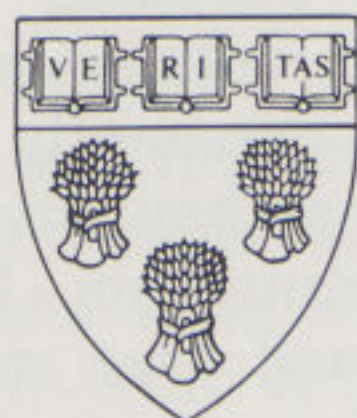
But the functions of the resident assistant extend far beyond his/her role as amateur psychiatrist. In addition, R.A.s enforce dorm regulations, watch after dorm security, organize study breaks and parties, monitor fire drills, and supervise dorm maintenance, to name just a few responsibilities.

These "moms away from home" do not provide their services gratuitously, but they work cheap and are non-union to boot. Each R.A. will receive a \$900 credit towards room rent and \$120 to defray telephone expenses.



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 Statutes and Their Interpretation – Sacks
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The Adversary Process (2 sessions, each 3 hours)
 I. Civil Litigation – Miller
 II. Criminal Litigation – Nesson
 Appellate Advocacy – Cox (2 sessions, each 1½ hours)
 Dispute Resolution: Alternatives to Courts – Sander (1 session, 1½ hours)
 The International Economic Order – Ferguson (1 session, 1½ hours)
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'Tithe' Drive Gets Underway Next Week

(Continued from Page 9)

and Northeastern law schools last year.

Holden plans to distribute a letter to all 3Ls next week explaining the purposes of the Foundation. EJF volunteers then will contact 3Ls personally to answer any questions they might have about the organization. Interested first and second year students may become full members of the Foundation by pledging one per cent of their post graduation income for one year and paying a ten dollar annual fee during their first and second years in law school.

Rare Opportunity

Holden expects a bright future for the Foundation, commenting that she "can foresee the day when EJF will be on par with the ACLU both in size and influence." She believes that those who get involved with the organization during its early stages will have a rare opportunity for immediate involvement in such activities as testifying before Congress. They will also be in a position to shape the Foundation's future.

Holden recognizes that young attorneys might prefer to contribute their time and money to individual projects of their own choice, rather than contribute to a public interest group. It is her view, however, that an organization of attorneys working together can accomplish considerably more than can the same number of lawyers working independently. "Once EJF has gained national recognition, it can make each individual's efforts more effective."

Asked whether it is too much to expect young graduates burdened with school loans to tithe one per cent of their income, Holden commented, "It's a matter of priorities. If people are committed, they'll do it. I don't think one per cent is too much to sacrifice for justice."

☛

LSDAS Snafus Keep Applicants Anxious

(Continued from Page 1)

is also an increasing popularity of business programs. All this adds up to a picture of a decreasing number of applicants." Instead, exclaimed Geraghty, "Business is booming!"

Admissions Strain

The LSDAS computer snafu, which delayed some transcripts and reports for several months, has caused strain on both sides of the admissions process. The Admissions Committee is working seven days a week to get caught up, said Geraghty, and is currently only two to three weeks behind schedule. Many applicants, however, who normally would have heard from HLS much sooner than they did or will, have been kept anxiously waiting. But Geraghty says they shouldn't worry: "We still have plenty of room in the class so that people who've been timely except for LSDAS will have as fair a shake as in any other year."

Concerning the admissions process itself, Geraghty commented: "There is no 'cut-off', no automatic 'ins' and 'outs.' There is a more personalized admissions policy here." Assistant Dean Russell A. Simpson — a member of the Admissions Committee, along with Geraghty, Assistant Dean Stephen Bernardi and Professors Liebman, Ferguson and Fried (the chairman) — has written in the *HLS Bulletin*: "Committee decisions involve compromise and persuasion which complicate attempts to analyze the results of those decisions . . . Factors that one Committee emphasized regularly may be weighed sparingly by another Committee (in a different year)." However, Simpson did list some pertinent admissions factors, including: overall undergraduate grade point average, quality of undergraduate institution, selection of courses, trends in academic record, LSAT scores, the applicant's personal statement, and letters or recommendation.

Prof. Lance Liebman asserted that an important question is

whether the person "is really special." Liebman conceded that many interesting and highly qualified people are lost in the process: "There are 200 to 300 places for which a couple of thousand people have a very good claim to be admitted." Yet he does feel that his contribution — reading over 1,000 applications in a four month period — is worthwhile and beneficial, as is the overall process itself.

Although Geraghty scorned the role of political clout in the process, saying that "we see so much of it, it waters us down," she did take pain to emphasize the importance of the essay. "It's the only evidence we have of the applicant's ability to write. And the one most important skill is the ability to write accurate, fluid and persuasive modern prose. That's what lawyers do. Furthermore, there are certain types of essays which are usually not very impressive, Geraghty said. "The most tiresome essays, ones that we see the most, begin: 'Law is indispensable to modern society. . . .'" They have a way of quoting Rawls and DeTocqueville, and are usually bland and general. What students don't realize is that we're not considering admitting DeTocqueville. Also, nine out of ten 'Why I want to be a lawyer' essays are terrible."

What is looked for, stated Geraghty, is "what they're good at; what they think is funny." Geraghty elaborated on the point that individuals count a lot, as well as their numbers. "The country is full of interesting, qualified people who think 'I could never get into Harvard, and if I did, I could never afford it.' But this is a big school that doesn't only take people out of the same cookie cutter. We have a lot more latitude than one might be lead to believe . . . Just numbers won't get you in."

Upon being questioned about the admissions process, student opinion varied. One 2L, a member of the *Harvard Law Review*, felt that too much emphasis is placed on the LSAT: "I raised my LSAT score 50 points and I got in." Jeff Rosen, 1L, stated: "I don't think the current

system is the finest, but I can't think of any better." Stu Goldberg, 1L, only partially agreed: "The traditional admissions process, which works smoothly in handling easy, clear-cut cases, becomes arbitrary and capricious when dealing with the vast majority of the applicants in the middle range. The best, though still imperfect system, would be one where half the class is selected in the traditional way while the other half is chosen randomly from the remaining applicants who are believed by the Admissions Office to be capable of handling the work at HLS."

A rejection from HLS is not necessarily final. "We do reconsider applications — we're not incapable of making mistakes," said Geraghty. Although she clearly understands the importance of an admissions decision, Geraghty abhors the "invidious prestige" of HLS which contributes to students viewing the decision on their application to HLS as one of life and death. She commented: "[Where you go] has all too much to do with getting the first job out of law school. Employers are just as hostage [to this view] as students."

Some students have expressed their consternation about the lack of student participation in the admissions process. Geraghty, commented on the effect of such participation: "I'm not sure whether it's any better or worse. It's not done at HLS for reasons of tradition and confidentiality. There is a feeling that the faculty is uniquely qualified. The responsibility is not delegated."



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Larry Vilardo and Doug Karp

See it. But don't get there late. The Harvard Law School Drama Society has a good one going in *Supraman — the Parody*. But if you miss the rollicking opening number — or any part of the terrific first act — you won't be able to remember the flying start when the pace slows during Act II.

Sent to earth to do battle with the forces of evil, Supraman (Greg Martin) enrolls at Harvard Law School, falls in love with Lois Lien (Sonya Winner), and sets out to bring truth, justice and the American Way to Cambridge.

Trying to foil Supraman's mission are Luther Lexis (Peter Jones) and Natasha (Terry Lauzon), assisted by a variety of Law School professors and a bumbling hench(wo)man (Marla Williams). But Luther's nerdtron bomb is no match for the man of steel, and Supraman saves civilization and Somerville from the clutches of the evil-doers.

The music makes this show. From the romantic ballads to the fast-paced dance numbers, the performances are entertaining. Martin and Winner's duet, "Who Is This (Supra)Man?" is a show stopper. Martin's solo, "Why Can't I?" is superb. And Chuck Allen's "Harkness Commons Blues" is a highly successful effort to put some new notes to an old theme.

But the best of all is the Company. Whether they're truckin' to the "Mass. Avenue Boogie," marvelling at the "Man of Steel," or singing the praises of "The BSA," their song and dance is professional.

The acting may not be as strong



Photo by Lisa M. Poyer

One Ls Greg Martin and Sonya Winner co-star in "Supraman."

as the music, but a number of solid performances are turned in. Peter Murray, as a Law School professor, is more convincing on stage than he is in the classroom. John Hall and Andy Baxter form a dynamic newspaper office duo.

Unfortunately, the show doesn't end after Act I. The second act is redeemed only by "The Faculty

Medley" in which Anastasia Brown, Sue Horrow and Nancy Allen sing of the adventures of "Roberto and Dunko and Mort."

But don't let that stop you from seeing what is for the most part a fine performance. *Supraman — the Parody*, directed by Tom Hamerlinck and produced by Patrice Davis, Brian Ochs and Carl Opedahl, will play tonight through March 2 and March 5-8 at 8:00 p.m. in the Ropes-Gray Auditorium in Pound Hall.

Sports Answers

1. Gene Autry, former movie actor, is the majority stock holder of the California Angels.
2. Harold Ballard who, incidentally, is currently free of any criminal charges at this time.
3. Edward Bennett Williams controls both the NFL's Washington Redskins and baseball's Baltimore Orioles.
4. The team is the Chicago White Sox and the owner is Bill Veeck.
5. Georgia Rosenbloom is at the helm of the Los Angeles Rams.

Solution to "Cryptic Law"

(Ind., 1955).
to sodomy. *Murray v. State*, 143 N.E.2d 290
animal under an English statute pertaining
kind". . . . A duck has been held to be an
term, used in contradistinction to "man-
opinion the term "beast" . . . is a generic
"beast" . . . does not include "fowl". . . . In our
"beast" . . . Appellant contends that the term
statute) . . . because a chicken is not a
crime within the meaning of (the bestiality
the act with which he was charged was not a
Appellant asserts that the commission of

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sunglasses, tanning
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