

HARVARD LAW RECORD

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TWENTY-FIVE CENTS



Photo by David N. Johnson

HLS marathoners gather prior to race. (Front) The Unknown Runner, Ralph Gants, George Jepsen, Clay Rolader, (Back) Joel Pelz, Chris Davis, Tina Traficanti, Marian Riedy, John Dugan, Charles Johnson. Story, Page 3.

Upton Becoming Students' Dean

By Mary Tarduno

Mary Upton, current assistant dean and registrar, will assume the position of dean of students next year, according to Dean Albert M. Sacks. This change, one of several involved in a reorganization of the HLS administration, was announced formally Thursday in a memo from Dean Sacks to the faculty and staff.

"Steve Young will be giving up his position as Assistant Dean [of Students] along with the administrative responsibilities that go with it," said Sacks. Those responsibilities included dorm administration and work in student affairs, he explained. Young has a research opportunity which may result in his working full time at the Law School or elsewhere in the University next year, Sacks added. During his tenure as assistant dean of students, Young has been engaged half-time in research associate work.

Sacks noted that the creation of a dean of students post does represent an expansion of time devoted to student affairs. The assistant dean of students job, Young's current position, was created in a similar administration reorganization two years ago. Sacks explained that creation of the post was an experiment to see whether an administrator in such a position could improve student life and the relations between the school and students.

"I think the potential [of the

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Location Key for Job-Hunters

By Dave Quinto

In selecting summer clerkships with law firms, HLS students consider geographic location foremost and the perquisites that firms offer least, according to a RECORD survey. Further, the survey showed, a firm's reputation is far more important in determining whether a student will accept an offer than either the quality of its work or the nature of its practice.

The pilot study asked 138 2Ls to respond to a detailed questionnaire; 115 did so. The respondents included 14 students who are splitting the summer between two private law firms; a significant number of others are splitting between one firm and the government, public interest work, or the *Law Review*. The respondents were asked

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Students Rate 'Most Heinous' Visiting Firms

The 115 2L respondents to the RECORD's survey of law firm clerkship selections (see accompanying article) were asked to identify firms which failed to notify them of hiring decisions following on-campus interviews or flybacks. Herewith a partial listing of the firms that "couldn't care less" (CCLs).

Although there were no complaints of merciless treatment by its Chicago headquarters, Baker & McKenzie still earned top national dishonor as the "most heinous" CCL by abusing more interviewees

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Howard and Sheldon Visit the Tropics

Rex Van Middlesworth and Ken Gormley

This is the story of two Harvard 3Ls who recently completed a three week spring break to New Orleans, Mexico City, the Yucatán, St. Croix, Kentucky, Ft. Lauderdale, and Guatemala. It is a sad story about what happens when two students (we will call them Howard and Sheldon, to protect their identities), ignore the study of law and let their minds go to rot.

The first leg of the trip was a visit to Lexington, Kentucky, to visit Howard's kin and see the NCAA midwest regional finals. From the very start, Sheldon and Howard began to pay for their truancy from HLS.

Sheldon's alma mater was upset in the first round of the NCAA playoffs, shattering his hopes of seeing them in Lexington. And, even worse, the jars of peanut butter and jelly in Sheldon's backpack (this was a low budget trip) were shattered in transit, gumming up his *Antitrust Gilbert's* and most of his underwear.

Nonetheless, the weekend with Howard's kin was pleasant and, more importantly, the two of them spent only 37 cents between them. The kinfolk kept them well fed and inebriated all weekend long and even bought them a fresh supply of peanut butter and blackberry jelly (this time in unbreakable containers) to smuggle into Mexico City.

\$4 Hotel

Neither Sheldon nor Howard knew much Spanish. This is a disadvantage in Mexico City. After a couple hours of getting ripped off by cabbies, they finally made it into the big city, where they found



Sheldon is awed by coconut cutter in Barbados.

Photo by Howard

a lovely hotel for \$4. It featured cockroaches the size of tennis shoes and pipes that rattled and clanked with each flush of the common toilet next door.

A few days of fighting off coocarachahs and eating PB&J sandwiches in the Mexico City smog was plenty. Before leaving, guilt from cutting classes drove Sheldon and Howard to make a quick trip to see the original Mexican Constitution (in Spanish of course).

"It makes a lot more sense than ours," observed Sheldon.

"That's because you had Tribe," replied Howard.

Next stop: New Orleans. After wandering around the French Quarter peeking in topless bars and discussing *Paris Adult Theatre v. Slaton*, they learned of a Baptist Mission where many of the French

Quarter derelicts take up residence. They were greeted there by an ex-alcoholic who had apparently found religion, but too late to save the vast majority of his braincells. He informed Sheldon and Howard that they could stay at the mission free, subject to a few rules:

1. Mandatory chapel at 7:30 A.M.
2. A charge of \$2.25 to get back in once you leave the mission.
3. Mandatory chest X-rays the next day.

The boys figured they could sleep through chapel, pay the \$2.50 to go out, and skip town before the X-ray. But Rule #4 was just too much:

4. Nobody may enter the mission under the influence of alcohol.

Sheldon and Howard decided that it would be better to sleep in the gutter than to stay sober in the French Quarter. They stormed out indignantly, muttering something about unconscionability.

Tulane Birthday

It was Howard's birthday, but his spirits were a little drained

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Marathoners Bag HLS, Hit the Road

By David N. Johnson

"I hated law school so much I decided to run," reported Clay Rolader, 3L. "If I didn't run, I'd have to go to Antitrust," echoed Joel Pelz, 3L. The "run" they were referring to is last Monday's Boston Marathon, in which Rolader, Pelz, and at least 13 other HLS students participated. High temperatures and injuries to some HLS veterans kept finishing times well above last year's marks.

Passing up this year's race due to injuries were Russ Daggatt and Bob Zoellick, both 3Ls, who finished last year's Marathon in the remarkable times of two hours and 35 minutes, and two hours and 36 minutes, respectively. Also sidelined were Kevin Young, 2L, and Steve Glover, John Kiernan, and Scott Brister, all 3Ls. Frank Martinez's time of 3:15 in this year's race appears to have led the HLS contingent.

All runners contacted after the race commented on the unusually high temperatures — officially in

the low seventies, but in the eighties at road level (the normal high temperature for April 21 is 60° F). "Everybody's time was slower because of the heat," claimed Rolader, though his time of 3:25, while slower than he had hoped for, was better than in either of his previous two Boston Marathons. Rolader pointed out that winner Bill Rodgers had trained in Florida, while the next nine finishers were all from the southern United States or southern Europe. David Farus, 2L, saw his time soar from 2:52 last year to 3:39 this year, in part because of the heat. Farus also cited his new shoes, the fact that he had not eaten much the day before, and "other things that I'm not really sure of."

Crowd Excites Runners

The training regimen for the HLS runners generally consisted of 50 to 60 miles run each week, in seven to 15 mile doses. "It's such a boring thing to do," lamented 3L

Steve Nock before the race. "I've never been so bored in my life as I am running for two hours. If I had to do it over again, I would have bought one of those radio headsets [to wear during the race]."

But Nock found the ennui completely obliterated by the crowd: "There were an ungodly number of people — no breaks in the people for the entire 26 miles. The crowd's roaring all the time really lifts you up. I must have ducked under 15 to 20 hoses, I ate two oranges, and I drank five cups of water, all provided by the crowd. I never would have finished but for the crowd."

Charles Johnson, 3L, who finished in 3:26, received many comments from the "under 15-year-olds" in the crowd which were elicited by his t-shirt picturing the rock group "The Clash." "One girl shouted, 'The Clash' — a 'new wave' runner — I want him!" said Johnson, "and I almost stopped." Johnson's running companion, Clay Rolader, was wearing a Harvard shirt, which appealed more to the middle-aged set, according to Johnson.

Runners Misinformed

One annoying aspect of the crowd's participation was their tendency to misinform runners as to the distance remaining in the race. "People yelled 'There are only two more miles' for at least the last three miles of the race," reports Marian Riedy, 2L, who along with 2L John Dugan finished in 3:50. "Heartbreak Hill wasn't the worst part of the race," she said, "those last few miles were."

Many of this year's runners hope to return next year, perhaps as official qualifiers. "Next time, I'm going to train in the Virgin Islands where it isn't cold and doesn't snow," vowed Riedy. Given Boston's weather, she may return to the Hub to find a race run in a blinding snowstorm. In fact, a dusting of snow fell Tuesday afternoon, less than 24 hours after Bill Rodgers crossed the finish line.



Copyright Infringement Prompts Suit by Student

By Dan Hershman

David Quinto, 2L, a senior editor at the RECORD, has filed suit against the weekly newspaper *Legal Times of Washington*, its managing editor, and its publishers for infringement of his copyright in an article originally published by the RECORD on Sept. 21, 1979.

The story, "HLS Clerks Get Offers They (Sigh) Can't Refuse," a description of perquisites given several HLS students during their summer employment with law firms, was later published on Oct. 15, 1979 on the back page of the 5,000-subscriber *Legal Times*.

"More than 92 percent (1,307 of 1,417 words)" of Quinto's article was copied verbatim, he alleges, without his permission. Quinto in-

itially wrote to Stephen A. and Lynn S. Glasser, co-publishers of *Legal Times*, notifying them of the alleged infringement. When they failed to respond, he phoned managing editor David C. Beckwith, who directed Quinto to Barry Hager, a law-trained staff member.

Hager allegedly told Quinto *Legal Times* did not owe him a free lance fee "because, as a matter of policy, it did not pay free lance fees for works previously published elsewhere which were reprinted by the *Legal Times of Washington*." Hager allegedly claimed to have attempted to contact the RECORD for its permission prior to publication as a courtesy, but no RECORD staffer was aware of his efforts.

"I tried several times to settle,"

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Alum Cutter Sings Praise of Portrait

An oil portrait of R. Ammi Cutter, '25, former Associate Justice of the Supreme Judicial Court of Massachusetts, was unveiled last Friday, and will soon grace the wall opposite the elevator on the third floor of Langdell.

The portrait, the seventh painting by Cambridge artist Gardner Cox to be incorporated into the HLS legal art collection of nearly 300 works, was presented to the Law School by Cutter's former law clerks, and by his former law firm, Palmer & Dodge.

At the unveiling ceremony, held last Friday in Pound Hall, Cutter praised the Cox likeness, adding that the artist "treated me with restraint."

As the crowd of approximately 200 friends, colleagues, former students and faculty — including Dane Professor of Law Emeritus Austin Wakeman Scott, who taught



Photo by Newton White

R. Ammi Cutter, accompanied by Gardner Cox and Dean Albert Sacks, examines his portrait, which Cox painted.

Cutter as a law student — looked Posies When It's Shoesies That I on, Cutter burst into a chorus of Need." the old-time hit, "Don't Send Me

Richard Weisman

Students Rate 'Most Heinous' Firms

(Continued from Page 1)

in New York and San Francisco than did any other firm.

John McKenzie of B&M's San Francisco office, who is famed for giving HLS students on-campus interviews only (no rejection letters, no flybacks), even failed to answer a student who wrote to him asking whether a decision had been made.

When contacted by the RECORD, McKenzie stated that the news that HLS interviewees had never heard from his office "comes as a big surprise to me. I feel terrible if that's the case." He added that he knows that it's important to interviewees to hear from firms and that "it's important to us." San Francisco's B&M hired no one from HLS this year or last.

B&M's New York office apparently failed to notify at least two persons who flew down to visit them. They "never answered any of my calls," wrote one. "Boy, was I pissed!" said the other. B&M New York was also cited for failure to notify following on-campus interviews.

Rogers, Hoge & Hills was the second most complained about New York CCL, though their indiscretions were reserved for on-campus interviewees. Richards & O'Neil; Poletti, Freidin; and Finley, Kumble were the only other NYC firms cited for failing to notify interviewees following flydowns.

Other NYC firms allegedly in the CCL category included: McGarahan & Heard; Olwine, Connelly; Coudert Brothers; Golenbock & Barell; and Webster & Sheffield.

In Washington, D.C., two CCLs were mentioned as falling into the "we fly law students down just to provide our associates with company at lunch" category: Stroock & Stroock & Lavan and Sidley & Austin.

Nevertheless, Galland, Kharasch and Duncan, Allen & Mitchell tied for the District's atrocities championship. Also edged out were Fried, Frank; Dow, Lohnes & Albertson; Shea & Gardner; and Mudge, Rose.

San Francisco had the third greatest number of reported CCLs,

but had none of the "fly a student to lunch bunch." Morrison & Foerster; Heller, Ehrman; Lillick, McHose & Charles; McCutchen, Doyle; and Thelen, Marrin still have a lot to learn about venality if they intend to challenge Baker & McKenzie as the "Worst in the West."

In Chicago, Mayer, Brown & Platt and Pattishall, McAuliffe & Hofstetter were accused of honoring the attorney-interviewee privilege by failing to announce their rejection decisions.

Boston's beanpot award for giving interviewees gas was earned by Foley, Hoag & Eliot and Rackemann, Sawyer & Brewster.

Los Angeles proved a major disappointment as the friendly Californians there amassed just one lapse. But for Munger, Tolles & Rickershauser, L.A. would not have made the bad rap map. The South proved an even greater disappointment as only Atlanta's Hurt, Richardson was cited for saving postage.

Dave Quinto

HARVARD LAW RECORD

JFK Library: Six Months Later

Richard B. Bernstein and David N. Johnson

Arthur M. Schlesinger, Jr., noted in the first volume of his *The Age of Roosevelt* that "the reputation of a commanding figure is often lowest in the period ten to twenty years after his death. We are always in a zone of imperfect visibility so far as the history just over our shoulder is concerned." So it is with John and Robert Kennedy. Only now are they making the transition from being part of our political scene to being part of our history, and for some of us that transition will always be incomplete. Yet with this transition comes at least some sense of perspective, some ability to consider the Kennedys' achievements and faults in the light of history, and the John Fitzgerald Kennedy Library is spectacularly successful in reminding us of their achievements.

Opened six months ago, the Kennedy Library is located at the tip of Columbia Point, near the campus of the University of Massachusetts-Boston, overlooking Dorchester Bay. Designed by the noted architect I. M. Pei, the modernistic structure houses a working library and a museum, both of which are open to the public. The library contains every book published about John and Robert Kennedy, the papers of both men, and the papers of the Kennedy Administration. Open five days a week, it has been in full operation for three weeks.

Celluloid Heroes

The museum contains many exhibits dealing not only with the lives of John and Robert Kennedy, but also with the history of the Presidency and modern American politics. While the exhibits draw on family and official papers, campaign paraphernalia, and old newspapers and magazines, special emphasis is placed on audio-visual presentations; this is particularly

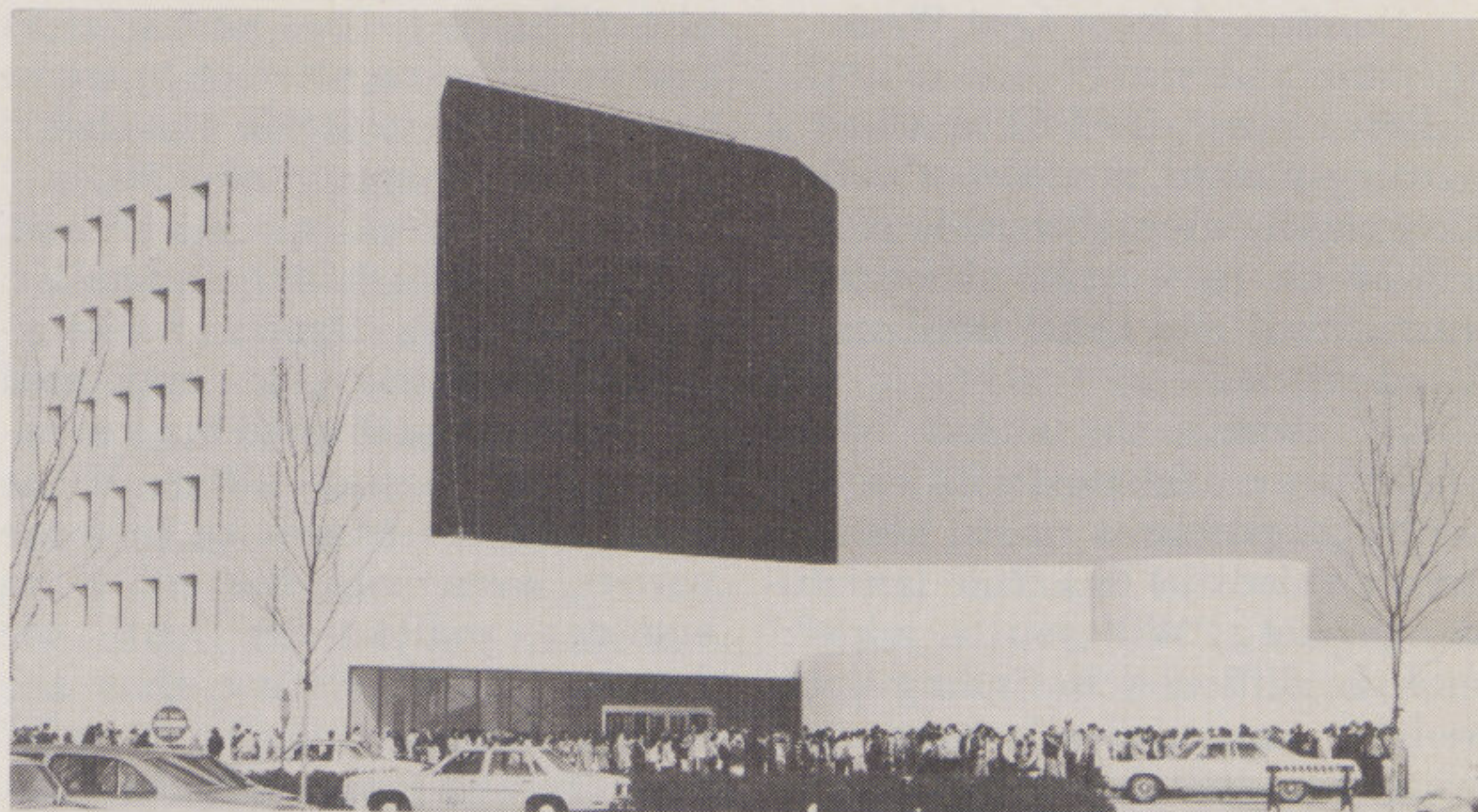


Photo by David N. Johnson

Crowds awaited entry to the Kennedy Library on Nov. 23, 1979, 16 years and a day after President Kennedy's death.

appropriate because the Kennedy Administration was the first in American history to be so extensively recorded on film and videotape.

Highlights of the museum are a 30-minute film biography of John Kennedy and a shorter film dealing with Robert Kennedy's career after his brother's death, as well as brief montages of the 1960 campaign and the Kennedy Administration's involvement in civil rights, the space program, and the Cuban crises. Of particular interest are an anthology of excerpts from President Kennedy's press conferences, demonstrating his mastery and enjoyment of the medium (Kennedy was the first president to hold live televised press conferences), and a presentation of a typical day in the life of the President.

A staple of Presidential libraries is the desk the President used during his term in office, and the Kennedy Library is no exception; what is particularly poignant about Kennedy's desk is that it is preserved exactly as he left it when he left Washington for Dallas on Nov. 21, 1963. The desk is at the center of the exhibit area, set off by wall-sized photographic murals depict-

ing various scenes of his Presidency.

In terms of design and presentation, the Kennedy Library is a notable success; in addition, it may have a greater significance. Whether purposely or not, Presidential libraries tend to cast the best possible light on the achievements of the men they commemorate. The nature of the Kennedy Presidency goes beyond its particular accomplishments; it is significant because it put forth a coherent vision of the Presidency as an institution in American government and American life. This vision is of the Presidency as a place of moral leadership where national policies are formulated and goals are set, where the President defines the national agenda and uses the powers at his command to act on it.

This conception of the Presidency was, for a time, a casualty of the Vietnam War and the Watergate crisis; its excesses led its critics to dub it "the imperial Presidency" during the Nixon era. After Nixon's resignation, the country experimented with a restricted Presidency, and Jimmy Carter substituted faith in "the goodness of the American people" for the creative

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The History of Fenno: The Later Years

—Dave Quinto

Continued from Last Week

For Fenno, 1963-64 marked a turning-inward, a time of reflection on the eternal verities of law school life. He worried about those who mixed and those who coagulated at mixers, the "Gym Rat Gang" which demanded better Hemenway athletic facilities, the contracts problems raised after he sent a valentine to a Yale law student asking "Will you be mine?," and the difficulty in finding lightweight, impressive-looking, sea water-resistant law books to take along on spring break. One nice day he noted that there are no benches to sit on while enjoying the sun.

Fenno did poorly on Prof. Merlyn's exam that year, an exam that featured a Harkness biscuit with a sabre stuck in it. No one could pull the sword from the scone. But he must have done well on the accounting exam despite not being able to use his electric pencil (the pencil being found analogous to a typewriter) thanks to his family's experience in *Primrose v. Fenno*.²³

Accused of disregarding the instructions of the plaintiffs as to the methods and times of sales of wool to the plaintiffs' great loss, and of wrongfully withholding a large amount of the proceeds of sales of consignments belonging to the

plaintiffs, the parties went to court four times in an attempt to frame the issues and to decide who should pay the court-appointed auditor.²⁴

Relying on *Railway Co. v. Nixon*, 1 H.L. Cas. 110 (1847), and on Mr. Justice Story's *Equity Jurisprudence*, the district court appointed the auditor and divided his cost between the parties, although the court had "no assurance that the parties, even with the aid of an auditor, would sift out the details. . . ." ²⁵ Noting that the parties had derived "no benefit" from the auditor's work, the First Circuit affirmed, stating that where the "contending parties come with a case involving items and issues so complex that a jury cannot comprehend and carry them, the misfortune is that of [both] parties."²⁶

Alma Mater Mystery

In October, 1963 Fenno "admitted" having attended Amherst and lowering his stature by coming to HLS. Caroline Simon Laden, '65, an intimate associate of Fenno's for two years, speculates that Fenno may have been spoofing a particularly obnoxious Amherst grad in one of their courses.²⁷ Alternatively, Fenno may have been trying to pass himself off as Richard Francis Fenno, Jr., a noted political scien-

tist and Amherst grad.²⁸ Other schools have since tried to claim him.²⁹

The mystery concerning Fenno's alma mater deepened when Rejections Dean Molly Geraghty revealed that "his transcript arrived from the Perth Amboy Chicken Plucking Academy³⁰ where he majored in short order cookery. His cross-registration at Princeton's Centre (sic) for Advanced Studies gave his application a certain cachet, but his LSAT of 324.86548214³¹ posed predictive problems."

Laden recalls that in the early mid-60s, Fenno was "kind of a verbal edition of Al Capp's Shmoo" whose aim was "to bring a bit of wit, good natured fun and warmth into the cold and serious world of HLS."

War Reporter

Fenno also displayed a more serious side, avoiding the draft in November, 1964, seeking peace for Christmas, and suggesting that the USIA prepare "Yankee Come Home" signs to ease the balance of payments problem.

Returning to HLS in fall, 1965 following his triumphant tour of Indonesia where the crowds lined the streets shouting "Fenno si, Mao no" (sic) and "Let's Go Mets" (rec-

(Continued on Next Page)

23. 113 F. 375 (D. Mass. 1902), *aff'd* 119 F.R. 801 (1st Cir. 1903).

24. 113 F. 375 (D. Mass. 1902); 116 F.R. 49 (D. Mass. 1902); 119 F.R. 801 (1st Cir. 1903); 125 F. 635 (D. Mass. 1903). *But read* Fenno v. The Mary E. Cuff, 84 F.R. 719 (E.D.N.Y. 1897) (the only time a Fenno has been fully successful in federal court, here recovering damages for the sinking of a sloop yacht during a storm in Port Jefferson Bay).

25. 116 F.R. at 50.

26. 119 F.R. at 803.

27. Signed admission, February 5, 1980.

28. The argument for (that is to say, against) Amherst is strengthened by

Fenno's avowed interest in the Dewey Decimal System (Malcolm Dewey having graduated from Amherst), and by Fenno's later close relationship with "Bunky," a former second-string All Little Three (Amherst, Wesleyan, Williams) linebacker.

29. Yale, especially, seeks credit for Fenno as it does for everything else. True, Fenno did not pin an "I am Fenno" button to his "dress" in May, 1965. Most likely this was a symbolic act reflecting Fenno's sympathy toward the women's liberation movement. Furthermore, the assertion by Henry R. Lord, Esq., of Baltimore, Maryland that he married

Fenno has never been confirmed. See 61 HARV. L. REC. no. 7 (1975). Yale will have to content itself with its one Fenno, Glee Club director Fenno Heath.

30. Confidential memo to Dean Sacks, October, 1979. This may, however, reflect Geraghty's understandable, but little understood, view of Perth Amboy rather than Fenno's (lack of) preparation. As might be expected, Geraghty rejected all applicants to HLS from Perth Amboy this year.

31. Coincidentally, this is also the estimated percent of tuition hike for the 1981-82 academic year.

Fenno's Years of Glory

(Continued from Previous Page)

ognizing the Mets as one of baseball's "new emerging forces"), Fenno found the RECORD being guided by crusading reporter Paul Branzburg, '66.³² However, unable to get Sen. Kennedy to appoint him to a federal judgeship, Fenno was soon drafted.

As a war correspondent, Fenno anchored coverage for all three networks, showing villages burning in slow motion to provide wholesome TV entertainment and traveling to the enemy countries of North Vietnam, China, and France, where he interviewed DeGaulle concerning his force de frappe and his foreign policy of "L'Europe des Patisseries." Fenno was back in the swamps in March, 1967 as "Griswold's Raiders" were drafted en masse after suing LBJ for libel and as tax codes were dropped "for the Cong to decode."³³

John Spitzer, '68, who knew Fenno well, reports that class attendance and preparation were not a problem for Fenno then because "many professors were nearsighted." In fact, students frequently "left class early to get a squash court." When not overseas, Fenno tried to serve as a counterweight to the "impersonality" of HLS and the "competitive drive" of its students, Spitzer added.³⁴

Foreign Origin?

The origin of "Fenno" was a cause of speculation in 1966. Fenno himself suggested that it might have come "from the Italian 'Feinno'" (sic) or the French "Fenneau" (sic). An anglicized version of the French "fenouillette," a type

of "spirituous liquor" made from fennel, seems more in character, but this explanation must also be rejected.³⁵ Geraghty stated that then-Admissions Dean Louis Toepfer had trouble reading Fenno's signature, at first mistaking it for "Fenouil" or "Fennel"³⁶ and later believing that it might be a derivation of the Italian "fenoccio."³⁷

Fenno published his guide to taking law school exams in December, 1967. It included such helpful tips as: buy at least one book for each course (it is psychologically reassuring and the chapter headings are important); do not borrow notes because they are likely to be as boring as the classes missed; dismiss the major issues as "obvious;" and, as a matter of tone, emphasize what "close questions" are involved. Later he suggested that students fall behind early in order to have more time to catch up.

Much about Fenno remains unknown. Geraghty is prevented from saying more by the Buckley Amendment; the RECORD chooses not to say more in order not to embarrass its shy, good natured friend. But when next you wish to escape from seriousness of purpose, why not take a stroll down Fenno Street? Forty feet wide, it stretches 238 feet from Garden St. to Sherman St. and another 363 feet to Esten St. Formerly named "Kildare St.," the first section of Fenno St. was accepted as a public way in 1891; the latter in 1905. Lucy H. Fenno (d. 1893) named it in honor of her husband John William Fenno (d. 1879);³⁸ today it reminds us of their great-grandson, the best Fenno of all. ❧

Infringement Prompts Suit By Law Student

(Continued from Page 3)

Quinto said. "Their maximum offer was a milkshake," allegedly proposed on Nov. 4 when Quinto and Beckwith met in Cambridge. The next day, according to Quinto's complaint, filed *pro se*, Beckwith told him *Legal Times* decided not to offer him any compensation "because any payment might be construed as an admission of wrongdoing, because [Quinto's] article was worth very little having been previously published in a school newspaper, and because [he] was trying to use his 'superior knowledge of the copyright law to blackmail the *Legal Times*.'" Quinto alleges that Beckwith stated *Legal Times* "had previously copied without permission other copyrighted works without having been sued," suggesting Beckwith considered copying to be industry practice. Quinto is suing for \$10,000 "plus such additional damages as the court may find the plaintiff is entitled to under 17 U.S.C. Sec. 504 (c) (2)."

Quinto criticized *Legal Times*'s position: "By asserting the right to republish what it wants without permission, and by refusing to pay free lance fees for republished works, *Legal Times* is in effect asserting that everything written falls into the public domain upon being published for the first time." Quinto said, "Beckwith said in so many words they were worried about the collateral estoppel effect settlement would have on other possible infringement actions against them."

Beckwith, contacted in his Washington office last week, refused to comment on the record. "Anything other than pending litigation I can talk about," he said.



Join the RECORD

32. As the losing party in *Branzburg v. Hayes*, 408 U.S. 665 (1972), he is now an anathema at the RECORD.

33. Fenno apparently contracted jungle fatigue calculating the number of angels that can dance on the head of a pin and distinguishing fairies from angels in *Gabriel v. Amalgamated Pins and Needles*, 44 HARV. L. REC. no. 4 (1967).

34. Wiretap, February, 1980.

35. Fenno, being likeable, could not possibly be French.

36. Geraghty stated that for this reason, Fenno was put into the special "herbs and spices" category for admission.

37. As "fenoccio" means "Phoenician," it has been suggested that Fenno is an Arizonan. However, Phoenix not having an Italian community, this suggestion must be rejected too.

38. The author would like to thank the Cambridge Engineer's Office, the Cambridge Historical Society, and the Cambridge Public Library for their assistance in researching this paragraph.

Welcome to New York, John Harvard. Have You Considered Joining The Harvard Club Of New York City?



On Friday, April 25, members of the Admissions and Membership Committees of The Harvard Club of New York City will be in Cambridge at the McCulloch Hall lounge at the Business School and at the Hasty Pudding Club at 12 Holyoke Street between 11:00 A.M. and 5:30 P.M. to make it easy and convenient for Faculty, University Officers and graduates to become a member of the Club.

Candidates for membership will be proposed, seconded and interviewed in one step. Requirements for supporting letters, etc., are waived for this event. Information about the Club will be available and Committee Members will try to answer any questions you may have concerning membership.

The Harvard Club of New York City can be a most comfortable and convenient amenity that will make New York more enjoyable. It offers a central location in the Grand Central area, with spacious dining rooms, bedrooms, bar, lounge, library and extensive sports facilities.

Brochures describing the Club in detail are available at the A.H.A. office in Wadsworth House, at the desk in the Faculty Club and in the Business School Faculty Club.

If you cannot be in Cambridge on this date but are interested in Club membership, please call or write Ms. Thelma Leventhal, Secretary to the Admissions Committee, Harvard Club of New York City, 27 West 44th Street, New York, NY 10036 (212 840-6600) and request information for the regular membership procedure, rates and brochures.

DATE: Friday, April 25, 1980

PLACES: McCulloch Hall Lounge
Business School
and Hasty Pudding Club
12 Holyoke Steet

TIME: 11:00 A.M. to 5:30 P.M. (No appointment necessary)

Harvard Club of New York City

27 West 44th Street, New York, New York 10036 (212) 840-6600

JFK Library: Six Months Later



Photo by David N. Johnson

Photomural at the Kennedy Library.

Cox's Watergate Talk: SRO

By Chris Savage

Prof. Archibald Cox, who gained national prominence during the Watergate scandal as Special Prosecutor, reflected on his experiences on April 17 before an enthusiastic crowd in Langdell Library's Root Room. After introductory remarks on the effects of Watergate on American law, Cox fielded questions from the audience.

Cox feels Watergate demonstrated that everyone is subject to the rule of law. This was most clearly shown by the court battle over the infamous tapes. The eventual decision to surrender them showed that even President Nixon was under the law. When asked during the question period whether Nixon was really *that* bad a President, Cox replied, after a moment's hesitation, "Yes."

Cox believes that Watergate proved that "the system" works smoothly. He also feels that the campaign financing law was passed as a result of Watergate.

Reflecting on his being "sacked" as Special Prosecutor, Cox said that the *esprit de corps* of the office was so strong that many of his staff were going to leave with him. Cox

urged them not to go, since that would only help Nixon. As to the firing itself, Cox said that, though then-Attorney General Elliot Richardson kept him informed about what was going on, "it took a Yale Professor (Robert Bork) to do it."

The friendliness of the standing-room-only audience was impressive. Commenting on the intimate atmosphere, Will Phillips, 1L, said that "it's great to have an opportunity to talk to someone like Cox. At college it would have been an audience of 5000." One student, summing up the entire evening, said, "Six years later, and the mystique is still there."



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(Continued from Page 5)

use of the powers of the Presidency.

With the passage of time, and particularly our uncertain responses to domestic problems and foreign crises, we sense a longing for the days when active and vigorous Presidential leadership was not only common practice but was intellectually respectable.

Most visitors to the Library come away impressed, some visibly moved, as we were. It was not the quasi-religious awe and reverence that swept the nation after their deaths, however. It was a more reflective and contemplative feeling, a sense of appreciation of John Kennedy's vision of the Presidency, of the beginning the Kennedy Administration made in promoting civil rights, in combatting poverty and illiteracy and mental retardation, in seeking nuclear disarmament. As Robert Kennedy said of Martin Luther King, Jr., so it can be said of the Kennedys: that they sought to tame the savageness of man, and to make gentle the life of the world. Or, as E. B. White wrote on Nov. 30, 1963, in the aftermath of the death of President Kennedy:

"It can be said of him, as of few men in a like position, that he did not fear the weather, and did not trim his sails, but instead challenged the wind itself, to improve its direction and cause it to blow more softly and more kindly over the world and its people."



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Missed Appointments

Whether it wishes to avoid a repetition of the furor over the Younger affair, where a visiting professor was not given early consideration despite significant student endorsement of his teaching ability, or whether chary of embarrassing the ineffectual visiting professors common here recently, the Appointments Committee no longer appears to consider visitors during their year here.

One example is Stephen Goldberg, who teaches Labor Law. We understand that at no time during the year did any member of the Appointments Committee visit his classes. He doesn't know whether he is being considered for tenure; he won't know whether he will even be invited back again until he has returned to Chicago. Should he be invited back, it wouldn't be until 1981-82. Goldberg seems popular with his students and is reputed to be a superior teacher. Why shouldn't he be considered now?

What about other appointments? Who is being considered and who is not? When will our visitors be considered? Is the Committee giving students a chance to let their opinions be heard?

We're not asking *today* for a seat on the Committee. We're asking to be heard. And we're asking to be asked.

Russell Punishes the Capital

Mark Russell, clearly the foremost intentionally humorous person in Washington, gave us a good bit more than an evening of free entertainment at his K-School appearance earlier this week. His gnawing political satire amounted to a much-needed seminar on cynicism, highly worthwhile for any DC-bound HLSer who might otherwise succumb to the capital disease that inflates the victim's sense of self-importance.

It's hard to disagree with Russell's observation that attorneys "get underfoot" in Washington. But we had never before considered the loss of "all those poor little animals" who perish to keep the capital supplied with attaché cases. Few in that self-absorbed city would see the headline: "Supreme Court Considers Homosexuality" and think: "All nine?" And who else, we ask, remembers the Nixon resignation as "the day I had to start writing my own material."

We resist the urge to recommend Mark Russell for a Kennedy School chair. Rather, we recommend that DC summer clerks hop the L4 bus from K Street to Connecticut and Calvert one humid evening and catch this man's pernicious performance at the Shoreham Hotel. Less acclimated colleagues might start asking you about the funny smile that spreads across your face whenever you pick up the *Washington Post*.

HARVARD LAW RECORD

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Fenno

Fenno had stopped taking notes in Space Law weeks ago, but the class continued to affect him. Was this interstellar acrophobia? He thought he heard the professor begin an explanation of "asteroid assumpsit" when Fenno's orbit began to decay. Who would move to change galactic venue? Fenno thought he was falling. . . .

In his daydream, Fenno had just entered Hell. It looked like Langdell, but a balding gentleman with a neatly-trimmed goatee assured him: "This is Hell."

"You have a weakness for loud ties," Fenno said.

"I can't help it. I'm the Devil."

"I meant to ask you. Why me?"

The Devil opened a 14-inch file. "It's all right here. *Hell v. Fenno*. Your Guardian Counsel tried, and you almost reached the lowest court. But he forgot to file the exceptions on time."

"But I only gave her one little drink," Fenno protested. "She consented!"

"There was evidence on both sides. Come along. There's work to be done."

The Devil brought Fenno to a mammoth room where young associates with budding horns and understated ties were scurrying to and fro between tall stacks of discovered material. The Devil chained Fenno to a desk as a partner pitchforked documents in his direction until he couldn't see the telephone.

"You're on the Heaven-Hell equity case," the Devil told Fenno.

"Is it near trial?" Fenno groaned.

The Devil shook his head. "It's been in discovery for five thousand years. For a while we thought we had it locked up, Fenno, before this Trinity crew intervened. Multiple parties, joinder contested, back to square one. Fortunately, at the firm, we've exceeded our wildest recruiting hopes."

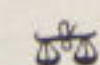
"I see," said Fenno, wondering what had happened to the air conditioning.

"But enough. I've got to run, Fenno. Lunch with our biggest client. . . ."

Biggest client, Fenno thought, "Who is it? And what's for lunch?"

Dimly, Fenno became aware that the professor had stopped talking. "Mr. Fenno," he announced, "I asked you about *Maiden v. Tracy*. Would you like me to repeat the question?"

"I'm sorry," said Fenno, thinking about his next paid vacation in Purgatory. "I'm simply not prepared."



Letters to the Editor of the RECORD

Flawed Film

To the Editor:

Having just seen "Kramer vs. Kramer", this super-annuated title lawyer, remembering his trials in his early days of general practice, ventures additional comment, having been restrained by his wife from rising in the audience to object.

Correct: there was no testimony by a psychiatrist, and if I saw and heard aright, the report of the wife's psychiatrist was admitted over the feeble objection that it was "irrelevant" instead of excluded for lack of authentication or availability of the psychiatrist for cross-examination. The husband's lawyer should have recalled Margaret and elicited the favorable testimony she tried to volunteer. And, the husband could have been encouraged, on re-direct, to urge for custody purposes the choice that made him miss a deadline at the office because the boy had a fever.

\$15,000 may be the going rate nowadays, but Ted's lawyer didn't earn it.

Henry W. Keyes, '30
Boston, Massachusetts

Dean's News

To the Editor:

Dean Sacks has been anything but clear about his motivation for starting his new publication *In Brief*, but it clearly represents a threat both to the RECORD and to the preservation of an independent student editorial and reportorial voice at HLS.

Perhaps Dean Sacks intends no malice toward the RECORD, even though he threatened just two years ago to try to make the RECORD financially insolvent by causing the Alumni Association to stop purchasing 95 percent of each production run and even though he kept the RECORD in the dark about *In Brief*'s creation and even though he tells us that we *ought* not worry rather than that we *need* not worry.

However, Dean Sacks is going to distribute *In Brief* AT NO CHARGE to all students and to some alumni (How many? Why?). Dean Sacks has also committed the finances and expertise of the Law School to his new publication. The editor is a full-time Law School employee, the student affairs editors are chosen by Dean Sacks and paid by Dean Sacks, and the weekly administration mouthpiece, the *HLS Adviser*, is being used to solicit stories for *In Brief*.

Dean Sacks has presented a variety of rationales for creating *In Brief*. Originally it was to serve as a second administration mouthpiece whose need was allegedly demonstrated by Rex Van Middlesworth's request that the Law School compile the summer student directory and by my request that Hemenway be made to serve athletic purposes beyond squash.

Later the purpose of *In Brief* was related to giving recognition to significant administration, faculty, and student achievements, the implication being that those achievements would otherwise go unrecognized. *In Brief*, then, would "assist in developing a stronger community sense within the Law School," and this would provide the rationale for its free distribution, at least on campus.

Two assumptions seem to underlie this position. First, Dean Sacks's argument assumes that the RECORD has not been covering the achievements that he desires to see publicized, and second, that subsidizing *In Brief* in order to distribute it gratis would more effectively develop a stronger community sense than would subsidizing the RECORD for the same purpose.

Dean Sacks's first assumption has already been neatly undercut. The *Adviser* solicited information about HLS students competing in the Boston marathon for *In Brief*'s first student achievement story. The RECORD has covered this in the past (see, e.g., RECORD, April 20, 1979: HLS participation in the marathon was the lead story) and had already assigned one of its best writers to the story this year.

To my knowledge, Dean Sacks has never addressed the second assumption. In any event, subsidizing the RECORD to support free on-campus circulation would in no way endanger the RECORD's independence because its staff is a voluntary association which accepts all comers rather than a selected group and because alumni support is adequate to keep it solvent.

Even if *In Brief* does not represent a deliberate attempt to undermine the RECORD, in practice it very well might. Not only is it competing head-to-head with the RECORD in its subject areas, it is competing head-to-head on specific stories.

Fair competition in the reporting of news is healthy, but *In Brief* is hardly a fair competitor. With paid staffers, full-time Law School publications personnel as editors, and predatory pricing it might cut into the RECORD's on-campus circulation. More importantly, it might tempt the Alumni Association to distribute *In Brief* to its members in place of the RECORD. Dean Sacks's current characterization of *In Brief* as a "newsletter" of half the RECORD's length to be published monthly is not responsive to these concerns because its size, frequency of publication, and characterization can easily be changed.

Both students and alumni deserve a full explanation from Dean Sacks as to what purpose *In Brief* is intended to serve, what it will report on, why it is being distributed free to alumni, what it costs the Law School to publish, and why the RECORD should not be distributed without charge on-campus.

We also deserve a commitment from Dean

Sacks that *In Brief* will not be allowed to undermine the RECORD. The death of the RECORD would also be the death of the least inhibited student voice at HLS.

David Quinto, 2L

Editor's note: David Quinto is a senior editor of the RECORD.

Where's the Faculty?

To the Editor:

A few weeks ago, Linda Beyer sent each student a note quoting a faculty member to the effect that students looked interesting on their applications, but appeared dull once at HLS. The comment might easily be turned around: Faculty members have such interesting backgrounds and careers, but students only see the (often dull) classroom lecturer.

The problem is that the faculty and the student body have virtually no contact outside of the classroom and occasional research assistant arrangements. While students — certainly I have done little to actively seek out faculty contact — must share the blame for this, the major shortfalling has been on the part of the administration and the faculty itself. A school with this faculty-student ratio by its nature discourages interaction, but the administration does nothing to ameliorate the situation. And faculty members, though many are remarkably receptive to students who seek them out, rarely seek students out or even take advantage of opportunities that are open to them, but not thrust upon them.

Most disturbing are the indications that the problem has gotten radically worse in recent years. The 1966 Lincoln's Inn Christmas Dinner poster, which depicts both sensitivity to students' plight and closer contact with the faculty as idle dreams, is signed by almost two dozen faculty attendees. This year, not a single Law School professor attended. The *Law Review* — perceived by some as the faculty's "pets" — attracted only five teachers, two of them trustees and one the toastmaster, to its banquet this year. And there is no reason to believe that the faculty interacts voluntarily with students more in academic than in social or quasi-social ways. Faculty input to student work on the *Review* is quite minimal, and only eight professors were willing to grade this year's writing competition. Yet as far as I know, the *Review* has more academic contact with the faculty than almost anyone else.

I do not have a simple solution to this problem. A change in faculty and administration attitudes seems to be needed. Perhaps students too need to change, but I wish we were at least given some guidance as to what we do now to alienate the faculty that we didn't do a decade or so ago. The bottom line is that Linda Beyer was right. It's a shame.

Roy Englert, 2L

Young Leaving Students' Dean Job

(Continued from Page 1)

position] is now somewhat clearer; we should be not only continuing the work Young is doing but making it possible for expansion of that effort," Sacks said. "I think Young has developed and initiated a number of plans and ideas for activities and facilities. He has shown us there is a potential [in the position] we ought to pursue."

"Upton's responsibility will be to pick up all of Steve Young's responsibilities with respect to student organizations and student affairs as well as to broaden them," Sacks said. "I envision she will in fact be the individual in the administration who will have primary responsibility for many matters and concerns that students care about, and she will deal with students about them," he added.

As did Young, Upton will have considerable contact with the resident assistants and with organizations such as the Dorm Council. Sacks said Upton will work with the RA's in their counselling functions and general relations to students and will participate in policy decisions involving dormitory life. However, Upton will not be involved as was Young in the details of the dormitory operation. Instead, said Sacks, Elizabeth Stout will take on administration of the dorm office and will be responsible for day to day running of the dorms as well as for the business aspects of the operation. Stout is administrative assistant for general administration.

The ways in which Upton will develop her new position can not really be defined or predicted as of now, according to Sacks. However, he did note that Upton as registrar has been involved with affairs re-



HLR

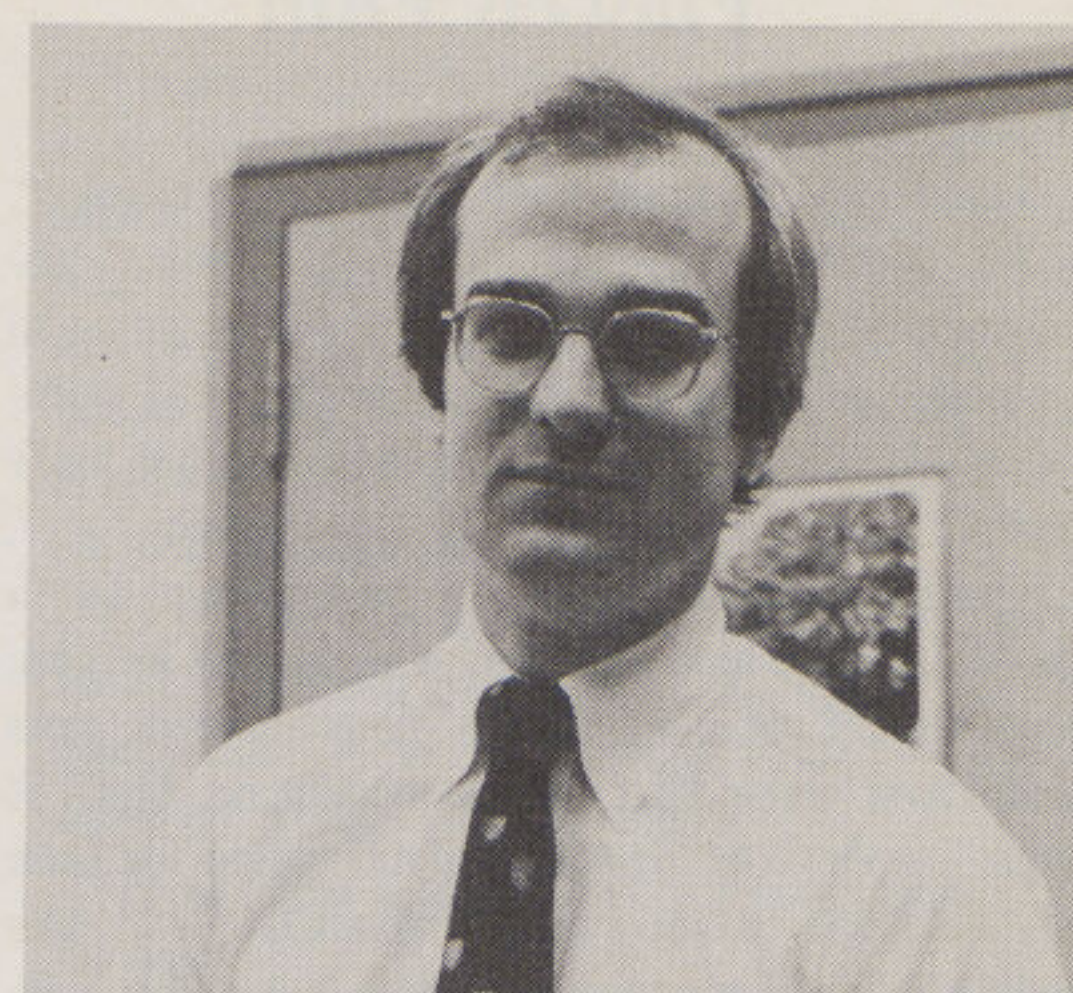
Mary Upton

lating to student activities. One example is her involvement in the orientation program, a function Sacks said she would carry with her to the new post.

Whereas Young has had no contact with student journals or clinical organizations, Sacks left open the possibility of Upton's involvement in these areas. He explained that he "would like Upton to be aware of them and to play some role," but he added that the nature of any role would depend on whether some other administrator is "rightly exercising control" over a certain activity.

Replacing Upton as registrar will be Susanna Castillo-Robson, now associate registrar, with Annie Bombard stepping up from assistant to the registrar to associate registrar. According to Dean Sacks, however, Upton will continue to have oversight responsibility for the registrar operation, with an interest in planning and policy.

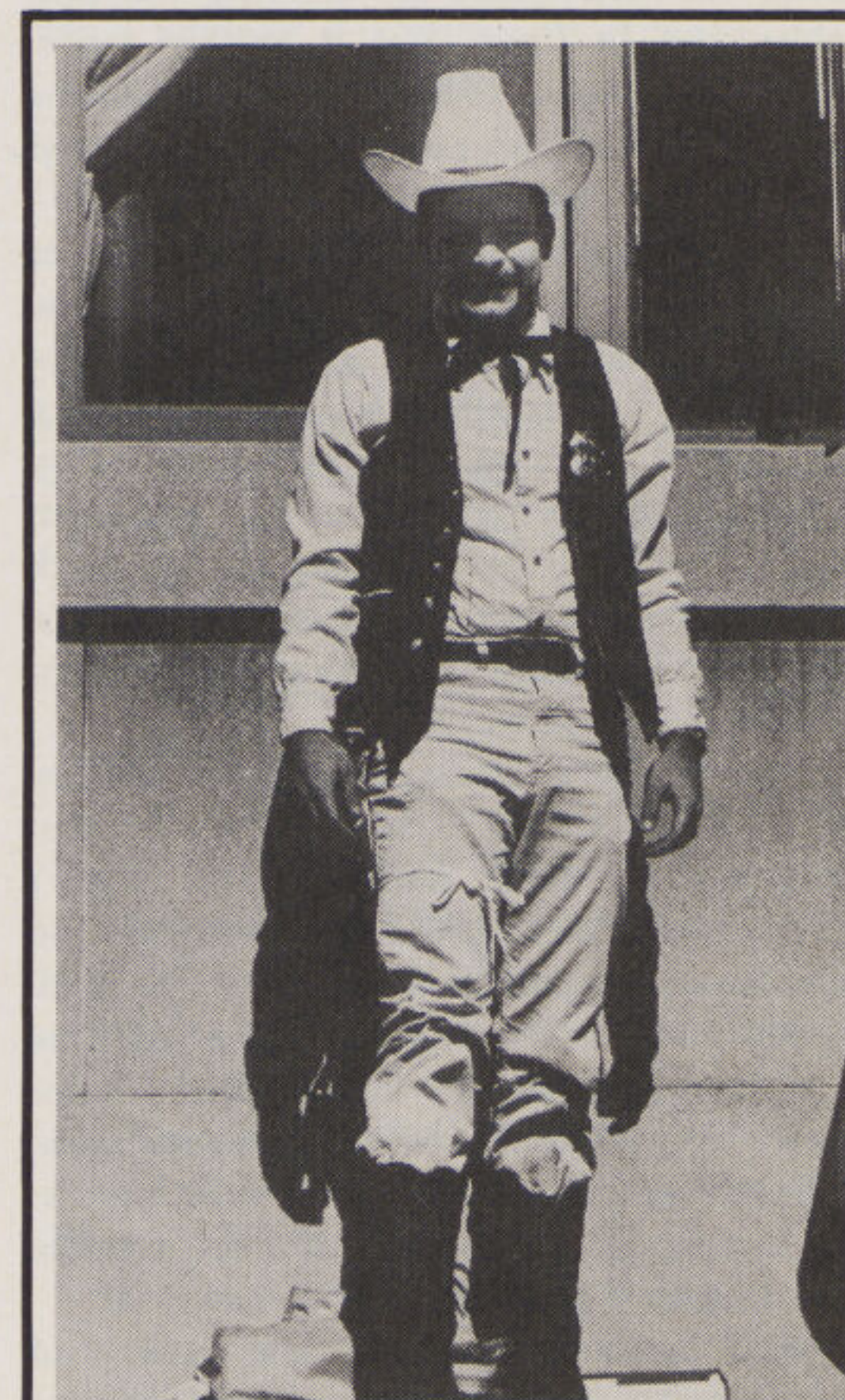
The administrative changes will



M.M.

Stephen Young

not go into effect formally until July 1, said Sacks. However, the period of transition and familiarization has already begun. The administrators are beginning to perform some roles in their new jobs, especially where tasks done this spring will have an effect in the fall, explained Sacks. For example, Upton was involved in the RA selection process.



D.N.J.

"Wild" Bill Chriss, 3L, poses in the costume he has worn all week while campaigning for Class Marshal. "Draw, partner!"

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Atiyah's History of Contracts Triumphs

Mike Taggart

P. S. Atiyah, *The Rise and Fall of Freedom of Contract*, Clarendon Press of Oxford University Press 1979, 779 pp., \$49.50.

The title of this book suggests a comparison with Prof. Gilmore's famous lectures on *The Death of Contract*, but only the subject-matter is similar. If, as suggested recently, Gilmore's book is a "plum," a mere appetizer for more substantial fare, then Prof. Atiyah's new book is certainly a main course, even though of English cuisine.

Atiyah, a professor of English Law at Oxford, undertakes the formidable task of examining the relationship between doctrinal change in contract law, focusing on the freedom of contract doctrine, and changes in English society throughout the period 1770 to 1970. As the table of contents indicates, less than half the book concerns the law of contract per se; the remainder traces the socio-economic conditions and the intellectual background to the doctrinal change. The history of the freedom of contract doctrine is traced exhaustively, especially the period from 1770 to 1870, and so much is covered that it is impossible to give an outline here.

As good a guide as any to the breadth of inquiry is gathered from the following sample of section headings: individualism, political economy, Bentham, utilitarianism, the rise of formalism and decline of equity, the rise of the corporate state, the new economics, inequality, redistribution and the slide to collectivism. This interdisciplinary approach, so common in America, is a welcome departure from the traditionally "blinkered" vision of modern English legal historians. It cannot be said of Atiyah that his legal history is history with the sociology, politics and economics left out.

Within this broad historical

theme Atiyah offers a new theory of contract liability based on the ideas of recompense for benefits received and the protection of reasonable reliance. The idea that benefit-based and reliance-based liabilities deserve more protection than the mere expectation of future profit is not new and dates back at least to the seminal Fuller and Perdue article on the "Reliance Interest in Contract Damages" (whose influence Atiyah acknowledges from the outset).

Atiyah, however, sees the protection of these reliance and restitutionary interests in the eighteenth century contract law which was characterized by the executed or part-executed contract. The rise of freedom of contract doctrine and what Atiyah calls the classical model of contract, which emphasized the consensual nature of contract formation, installed the executory contract (and the protection of bare expectations) as the paradigm of English contract law and so it remains today long after the philosophic and economic ideas that spawned it have disappeared. In this century Atiyah documents a resurgence of benefit-based and reliance-based liabilities and concludes that the time is ripe for a new theoretical structure of contract law and a realignment of the law of obligations generally. This particular thesis is presented in a more summary form by Atiyah in a recent article entitled "Contracts, Promises and the Law of Obligations" 94 L.Q.R. 193 (1978).

This analysis, which at times dominates the historical treatment of the freedom of contract doctrine, raises many interesting questions. For example, it seemingly finds no place for a distinct law of restitution in the American style (none exists in English law), for such a development "fails to recognize the very substantial and close relationship between contractual and

restitutionary liabilities." Similarly, Prof. Atiyah is no respecter of the division between contract and tort. The decline of the notion that a contract is the product of the wills of the contracting parties has revealed that the law of contract is just as much imposed by law as the law of tort and so one of the supposed distinctions between contract and tort is illusory.

There is space here only for a couple of comments particularly for the American reader. Prof. Atiyah has drawn liberally on American sources and those familiar with Prof. Horwitz's treatment of contract in *The Formation of American Law 1780-1860* will see several parallels. However, Atiyah manages to avoid or anticipate most of the criticisms of Horwitz's thesis made recently by another English legal historian, Prof. A. W. B. Simpson (see 46 U. Chi. L. Rev. 533 (1979)). Atiyah often brings a fresh perspective to many of the old "leading" English contract cases that are still found in some American contract casebooks. The American law student can benefit from reading these cases in their historical context rather than juxtaposed with more recent American authorities which inevitably leave the English cases looking more absurd than they actually were at the time of decision. Unfortunately there is no case index.

The book is well written and can be highly recommended to anyone with a modicum of interest in contract law, legal history, English social and intellectual history, law and economics and even legal philosophy. A second volume is promised, devoted to the contemporary English scene, and on the strength of this effort it can be awaited with anticipation.

Mike Taggart is an LL.M. student from New Zealand. Next year he will join the faculty of law at the University of Western Ontario. ☞



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Location a Key Factor for Job-Hunters

(Continued from Page 1)

to rank the five factors most important to each of their law firm job choices.

A firm's geographic location is clearly the most important factor to job-hunters — figuring in the top five factors in 93 percent of the 129 job decisions studied. In 65 percent of the job decisions, geographic location was the primary factor.

The biggest surprise was the extent to which perquisites figured into job decisions. Despite the fact that many firms offer summer clerks lavish "perks" (RECORD, Sept. 21, 1979), they figured in just one person's job choice, and as the fourth most important factor at that. No attempt was made to determine whether perks motivate summer clerks to accept permanent job offers with a firm. A summer of not working long hours was, however, important to eight percent of the respondents (one person did want to work long hours). Some, perhaps, wished to have free time to become acquainted with previously unfamiliar cities; others, no doubt, sought leisure.

For 73 percent of the respondents, a firm's reputation was very important. In fact, for more than half of this group, it was one of the two most important factors. Just 53 percent of the sample considered the nature of a firm's practice important and, surprisingly, a mere 46 percent considered the quality of the firm's work among the five most important factors influencing job choices. Most of these respondents rated quality and nature of work as third through fifth most important.

For 38 percent, it was important to find a firm with a diverse practice; just six percent sought a specialized practice. However, students did not seem to care much about what they would do, either as clerks or as associates. The opportunity to "rotate" among departments during the summer was important to ten percent, and a mere eight percent cared whether the attorneys were generalists or specialists (generalists were pre-

ferred by a four-to-one margin).

Nobody listed being treated like an associate as important and being given the same work as associates mattered to just four percent. Having the opportunity to watch depositions, oral arguments, arbitrations, etc. was important to only six percent of the respondents.

Even though a third of the questionnaires inadvertently omitted the friendliness of a firm and whether it elevated Jews, minorities, and women to partnerships as criteria, 28 percent of the total sample indicated that friendliness figured in their job decisions; eight percent were influenced by who made partner.

Salary was important to 26 percent of the respondents, with the plurality ranking it fifth. Several students explained on their questionnaires that paying back academic loans motivated them to seek high salaries. The seemingly low response to salary might be partially explained by the fact that most firms in most markets offer very similar salaries.

The size of the firm was important to 45 percent of the respondents. Small-size mattered to 13 percent and large-size mattered to 13 percent. Medium-size was the happy compromise chosen by 19 percent. Interestingly, small-size especially, and medium-size to some extent, rated higher on the scale of people's criteria than did large-size.

The only other criteria drawing

more than a three percent response were the firm's willingness to allow clerks to split (eight percent), the "ambiance" of the firm (written-in by five percent), the "liberality" of the firm (written-in by four percent), and the fact that the respondent received no other job offer (five percent). Several persons in the last category explained that they stopped looking for jobs as soon as they landed one they liked; several got their jobs during the summer and did not enter into the fall job-hunt extravaganza.

As a job-decision criterion, "other" drew a variety of responses, including "expects people to do *pro bono* work" (three persons), "allows clerks to split with branch offices" (two persons), "is liberal" (four persons), "friends' recommendations" (two persons), "does not overhire associates" (one person), "is democratic" (one person), "is environmentally sound" (one person), and "is doing a lot to help Atlanta" (one person).

SPORTS QUIZ

NOTE: This week's Sports Quiz deals with athletes whose first names are merely initials or are better known as such.

1. This Houston Astros pitcher shares the same initials as those of the despicable character portrayed by Larry Hagman on the television series *Dallas*. Who is this pitcher?
2. A nephew of the famed golfer nicknamed "Slammin' Sammy," this pro golfer has long been a tour success and is well known for wearing large Bahamian hats while playing. Who is this person?
3. This University of Nebraska running back contends that the best description of his personality is found directly in his name. Who is this collegiate star?
4. This man, whose first name is only a couple of letters, has been a starting defensive back for both the New York Jets and the Baltimore Colts. Who is this gridiron personality?
5. A tough left-winger for both the Minnesota North Stars and the New York Islanders, this man is best known for being involved in a fight in the first Canada-U.S.S.R. series in 1972 which turned the tide for the Canadian squad. Who is this athlete?

(Answers on Page 16)

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Howard and Sheldon Visit the Tropics

(Continued from Page 2)

from lugging around a 40-pound pack with nothing to eat all day. The two travellers decided to go to Tulane's version of the Hark, where Sheldon splurged for a couple of beers and a Birthday Donut with candles. Just as they were opening the peanut butter for dinner, a cold, one-third eaten cheese pizza appeared on a nearby table. It was manna from heaven. In a matter of seconds they finished the best meal they had eaten since Kentucky.

After dinner they headed to Tulane Law School's BSA office and asked if there was anyone there who happened to have a spare floor for a couple of visiting Eastern scholars. Fortunately, a second year student affiliated with some organization like the SBR took pity on them. He took them home, fed them Fritos and moonshine, and took them out on the town for a hard night of exploring the French Quarter. Howard ended up getting pretty sick, but that's a birthday tradition for him.

After a good night's rest and a visit to a Tulane community property class (where Sheldon and Howard got the professor's signature on a postcard to Dean Sacks to verify that they'd attended class . . . "for two or three minutes"), the boys headed to Cancun, Mexico, arriving there late at night.

Sleeping on Beach

Fortunately the beaches in Cancun were public, so Sheldon and Howard found a spot near some locals and rolled out their bags. Fear of getting their throats slit kept them from sleeping real soundly,

and they were awakened early by an orange sun rising over the crystal blue Caribbean. They went into town to the open market, bought a papaya and a melon, and returned to the beach to breakfast in the surf, washing the fruit with sea water.

After a day of sun bathing, snorkeling and body surfing, the boys found themselves sunburned, tired, hungry, filthy and homeless, longing for the cozy comfort of Langdell North Middle. Unable to find a public bath, they waded out in the surf at twilight to shave and bathe, the pathetic pair again being punished for skipping another day's classes and still not having opened their *Gilbert's*.

But alas, just as they were regaining their sensibilities and considering an early return to Cambridge, a Mexican named Manuel who had attended a Jesuit college in Alabama took pity on them and offered them a hot shower in his beach condo. He was like a Guardian Angel, offering them food, drink, a tour of the Cancun night-spots and a warm bed for the night. The boys had been attending Harvard too long; they were sure that anyone who was this eager to help must have some devious hidden motive. But they were too tired to say no.

Refreshed and Invigorated

Sheldon and Howard were still alive when they awoke the next morning, refreshed and invigorated. They took the ferry to an island off the coast, where they spent the next few days snorkeling and partying with some women

from India they'd met. It was now spring break week, and the boys were free of their guilt for skipping classes.

But the avenging spirits of HLS still haunted them. Howard stepped on a sea urchin and limped around for a few days. Sheldon was chased by a large moray eel that bore a vague resemblance to Clark Byse zeroing in on a 1L.

Although the boys had an open invitation to stay with Manuel, their paranoia of people who are friendly for no apparent reason prevailed. They decided to sleep out. On the beach behind Manuel's condo, the refugees from HLS found a thatched-roof lookout tower (like the ones in Gilligan's Island) just big enough for two sleeping bags. It looked safe and private, but at about 3:30 A.M. Sheldon was awakened by someone shaking his foot. It was three angry Mexicans (the hotel manager and his two bouncers) who demanded a fast explanation.

Mustering all the Spanish at his command, Sheldon explained with all the assertiveness of an SBR Ames team oralist. "Somos amigos de Manuel en el condo. He say is okay." That seemed good enough, so the boys went back to sleep until aroused by the sunrise. They caught the overcrowded bus to the Merida Airport and spent six hours next to an old tobacco-chewing Mexican who used the back of the seat in front of him as a spittoon.

Sheldon and Howard got a good meal on the flight to Miami, although the stewardess refused to give them seconds, and spent the evening in Miami mooching off some Harvard 2L women who took pity on them. But they were too foolish to see that life away from the law was taking its toll on them.

To Be Continued

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