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TWENTY-FIVE CENTS

Teams Ready to Argue Case in Ames Final

By Laura Taylor

On Thursday, Nov. 20, the John Marshall Harlan and J. Minor Wisdom teams will square off for the final round of the Ames Moot Court competition. Arguing before a panel consisting of Supreme Court Justice Harry Andrew Blackmun, Second Circuit Judge Amalya Lyle Kearse, and First Circuit District Court Judge Robert E. Keeton, the teams will tackle *Imperial Products Co. v. Securities and Exchange Commission*. The primary issues in the case deal with the scope of the corporate attorney client privilege, the work product doctrine, and a Fifth Amendment question. The Harlan team are the respondents for this round, while the J. Minor Wisdom are the petitioners.

The two teams have been hard at work since the case record was issued on Oct. 3. Work on the final round has involved "a pretty substantial time commitment," said Joel Africk, 3L, one of the John Marshall Harlan team oralists.

"At the risk of offending some of my professors," added Patty Bowman, 3L, on the brief for the Harlan team, "all of the class work went by the boards."

As for the issues in the case, Bowman noted that, at first, the team felt that the case "was not as

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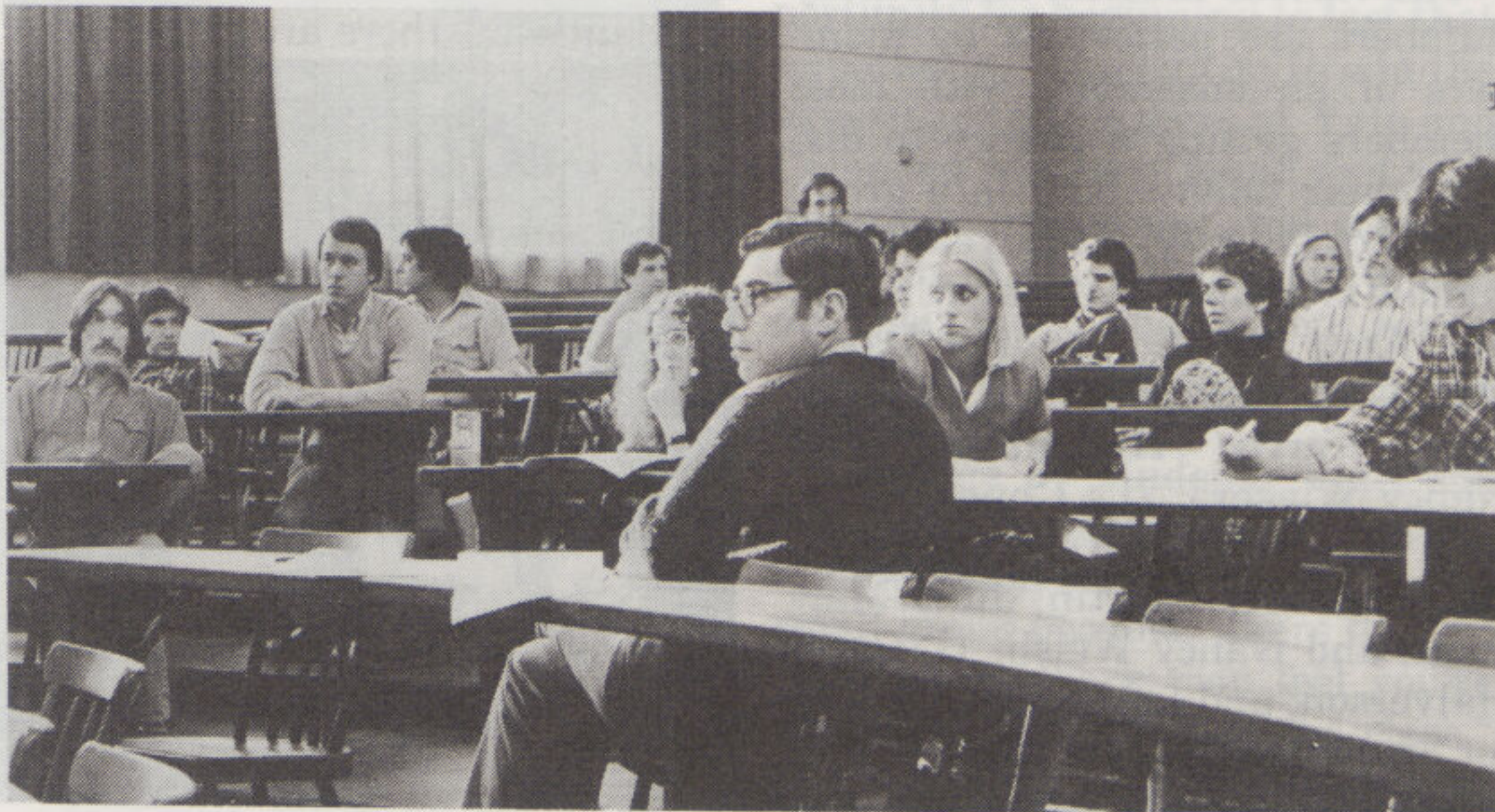


Photo by Rob Woolmington

Prof. Frank Michelman was among those present at last week's student-run meeting on pass-fail grading.

Pass-Fail Grading Debate Reopened by Big MAC

By Rob Woolmington

Should first year letter grades be eliminated at Harvard Law School? For at least a decade students have tended to answer "yes" to that question in surveys and petition drives while the faculty has responded "no." Last Friday one group of HLS students addressed the issue once more by presenting, at a community meeting attended by 60 people, a plan to overhaul the Law School grading system.

The proposal, as outlined in detail in an open letter published in the RECORD Nov. 7, would limit transcript notations for first year students to "pass" or "fail." Upper-class students could elect the same system at their option.

The plan is the latest permuta-

tion in a series of ideas for changing the grading system at HLS. The line extends back at least to 1969, when a student group released a report entitled "The Trouble with Grades," and a special student-faculty committee, also the first of several, convened to study the problem. The proposal presented last Friday was formulated by the Student Advisory Committee (known as The Big Mac) working with the Michelman Committee, which has been chartered to examine the structure of education at HLS.

Along with the text of its proposal, Big Mac distributed petitions which it soon will be circulating throughout the school. These petitions seek signatures in

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Prisms — A Shining Success

Gretchen Rule

Prisms: Under Color of Law is the latest offering from the HLS Drama Society. The show is a musical comedy revue with, as might be expected from the title, much of its material having color as a theme.

The various musical and comedy numbers are performed by members of an ensemble, with most members getting a chance to display their talents both in a group and individually. This year's ensemble is composed of Nancy Allen, 3Ls Andy Baxter, Andrea Davis, Dagmar Fleischmann, Kirk Hallam, Warren Hutchinson, and Nancy Wieggers; 2Ls Chuck Allen, Tom Briscoe, Otho Kerr, Curt Krechevsky, Greg Martin, Julie Martinez, and Nancy Welsh; 1L Carol Halverson; and Lesley College junior Suzanne Cloutier. Music is provided by 3Ls Terry Green and Jim Murray and 1Ls Jim Anaya and Paul Kiernan. Producer Tom Briscoe, Director Andrea Davis, Music Director Chuck Allen and Technical Director Carl Oppedahl, 3L, have been working with the ensemble and musicians about six weeks in preparation for the show.

After opening the color-oriented show with a number aptly entitled "Black and White", the act quickly progresses through "Optimistic Voices" to get the evening into full swing with "Kodachrome". Tom Hamerlinck then officially opens the show with assurances that we in the audience will not be compromised by vulgar displays of profanity, nudity, violence, or cheap shoddy tricks done only for laughs (with appropriate demonstrations of each, of course!).

The show goes on to groupings of songs by colors (yellow and red in the first half and blue and green after intermission) with intermittent comedy sketches and more of Hamerlinck's Steve Martin-type antics.

Admittedly, there are some rough

evening I attended, including Nancy Welsh singing "Mellow Yellow" (you really *believe* her), Tom Barron, 2L, and Greg Martin doing a law school adaptation of Abbott & Costello's "Who's on First?", the male chorus line high-stepping to "Back in the USSR", Suzanne Cloutier singing



Photo by Newton White

Some of the "Prisms" cast relaxed during rehearsals for the fall revue.

As if they weren't busy enough . . .

HLS Drama Society President Carl Oppedahl says that work is in progress on the Drama Society's spring show. Oppedahl indicated that script and music writing has already begun for the presentation, an original musical comedy, not a parody as were past shows. **G.R.**

spots, but they aren't so blatant or numerous that they detract from the obvious talent of this enthusiastic troupe. Some outstanding performances were rendered the

"The Rose", Nancy Allen singing "Am I Blue?", and Andy Baxter and Warren Hutchinson doing a what-you-really-wanted-to-say interview.

Extra attractions, if seeing your classmates strut their stuff isn't enough, include a new Mr. Bill film and a special guest appearance by . . . (name withheld by request). The film, while not as good as last year's effort, is still fairly funny (especially if you're in the midst of interviews), and anyone with any imagination at all should appreciate the guest performer.

The show has a good mix of upbeat and relaxed numbers, and the comedy sketches are well placed throughout. The Drama Society is to be commended for once again presenting a quality performance to brighten up these mid-semester blahs.

Prisms continues tonight and tomorrow with shows at 7:30 and 10:00 p.m. in the Ropes-Gray Room of Pound Hall. If it takes the free popcorn to get you there, so be it, but you should by all means go! 🍿

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Small Contracts Sections Win Accolades

By John Morris

"Almost anyone you speak to has nothing but good things to say about it," said Elaine Mandelbaum, 1L, of her Section III Contracts class. Her section is part of an experiment with smaller teaching groups. Instead of the usual class of 135, Section III's Contracts course is split into four groups of about 35 each for the fall term. Prof. Byse, Michelman, Andrews, and Von Mehren each teach one group, using the same text and assignment sheet so that they will have covered the same ground when the class reconvenes as a whole in January to be taught by Byse for the second term.

The experiment was proposed by the Michelman Committee and the



J.M.

Prof. William Andrews
Committee on Educational Planning and Development. In a memo to the rest of the faculty in Feb-

ruary, Andrews and Michelman outlined the purpose of the experiment: "There has been a widespread and persistent belief . . . that small group instruction in a regular 1L course might have substantial educational and other advantages that would ultimately justify the cost [of the additional faculty] required. The proposal . . . is simpl[y] to provide an opportunity for beginning to test that hypothesis." They go on to cite the experience of teachers at Yale and Columbia who have found that such programs help foster oral communication skills, help students test out their ideas, and make it easier for students' questions to be answered.

To judge by students' reactions here, the program is a success. Mandelbaum said she likes the small group because "there is more personal feedback; you feel you're an essential element of the class." She also said she is always prepared in the small class and is more attentive there. "It's more like a group enterprise."

Her classmate, Becky Anderson, had similar feelings. "There's a much greater compulsion to be prepared." And she felt the atmosphere is more personal: "It's nice once in a while to be called by your first name. [The professors] know who they're talking to — you're not just a face on the seating chart."

Prof. Michelman agrees that it is easier for students to communicate their problems and confusions. He said he feels less need to control the direction of the class and can "allow discussion to take

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OXFAM Fast Organized to Aid Somalian Relief Effort

By Mary Tarduno

HLS students will have a chance to join the fight against world hunger on Nov. 18, 19, and 20. The International Law Society is encouraging students to fast on Nov. 20 and to donate the money they would otherwise spend on food to relief efforts in Somalia, according to Ben Davis, 1L. The HLS drive is part of a nationwide program by OXFAM, a private relief agency, to raise \$750,000 in the next six months for emergency and long term development assistance for Somalia.

Students will be able to make their donations at tables in the Hark, in Austin, and in Pound between 11 a.m. and 2 p.m. on each day of the drive. In order to inform students about the situation in Somalia, about OXFAM efforts, and about the drive itself, students have been posting a "reporting series" on the blackboards of classrooms, said Lloyd Randolph, 1L and organizer, with Davis, of 1Ls participation in the OXFAM drive.

"We may collect a relatively small amount of money, and we don't

want to belittle that," said Randolph, "but what we're really about is bringing the problem of world hunger to people's attention . . . The problem is a continuing one, one we as members of the legal profession must be aware of, sensitive to, and attempt to overcome."

Astounding Statistics

Approximately half the people in the world do not have adequate diets, explained Randolph, while 450 million do not get enough calories to sustain normal human activities. "Those are statistics that

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Committee Proposes Research Semester

By Jack Lange

The Michelman Committee, in its first major proposal to the faculty, has recommended the establishment of a Research Program at HLS. In a 13 page report outlining the proposal, the Committee also urges the eventual creation of a Harvard Law School Research Institute.

The proposed Research Program would provide an opportunity for third year students to devote a full semester to a large scale group research project coordinated and supervised by a faculty member. The program, if approved by the faculty, would begin on an experimental basis in the fall of 1981. Three to five professors, each supervising a minimum of 15 and a maximum of 25 students, would take part.

A Semester of Research

Students participating in the program would receive 12 credits for their endeavors, their exclusive academic work for the semester. Professors likewise would be relieved of further teaching responsibilities while supervising a research project. Students would not receive traditional grades for their work since, according to the report, "Grading in that form might cast a pall on the program and is not necessary in view of the multi-faceted familiarity that faculty members will have with each student's work." Instead, grading would be on a "credit/no credit" basis, and each student would receive a written evaluation of his or her work.

The topics for the research projects would be determined largely by the faculty members who take the interest and initiative in organizing them. The faculty members would also have a great deal of flexibility in structuring the projects, subject to certain operating guidelines.

In the spring of 1982, a committee of non-participating faculty members and students would evaluate the program and make rec-

ommendations about whether it should be continued and, if so, with what changes. No later than the 1983-84 academic year, the Dean would appoint a committee to advise on whether and how to proceed with the idea of developing the Research Institute. This institute would involve faculty members and visiting scholars in a variety of research projects independent of the curriculum.

Work of "Lasting Value"

The Michelman Committee in its report contends that the Research Program would benefit students, faculty, and the public interest. It observes that students who do serious research work in connection with seminars, independent work, or third year papers and "become quite involved and enthusiastic, produce high quality papers, and learn much of lasting value in the process." It adds that "This seems to be especially true where (as at Yale) course requirements and the grading system are not such as to drive out the natural urge to do independent, in-depth, and even creative work."

According to the Committee, the program would promote educational and motivational goals by countering third year apathy and by providing a closer working relationship among students and faculty members. In this respect, the Research Program is related to other proposals which the Committee is presently considering, particularly one for the development of Major Sequential Programs. The Committee believes that "the planned creation of clearly and formally defined subgroups within the law school is an excellent way to tackle the many problems caused by its large size."

Producing a "Public Good"

The program and the proposed Research Institute would advance the public interest by producing a "public good": high quality analyses of legal and public policy is-

sues. The proposals are based on the premise that "Harvard Law School exists not just to serve the immediate needs of the employers of our graduates or to improve the lot in life of its faculty and students, but also to contribute to the growth of the general legal culture." Its contributions might include improved ways of understanding the law and legal institutions and suggestions for legal change. The Committee suggests that an academic legal institution should adopt such "broad social goals," and that "Harvard Law School is, among all law schools in the country and perhaps in the world, in the best position to adopt them."

In this emphasis on the public interest element of the proposal, the report bears the clear imprint of its principal author, Prof. Robert Clark. Last year Clark circulated a memorandum proposing that HLS adopt a formal policy statement to the effect that "a major purpose of the educational program of the School is to support and encourage educational activities that further the public interest, as conceived from time to time by its faculty and students." Although the proposal is, according to Clark, still "in process," he sees the Research Program as one way of putting that principle into practice.

Clark believes that students participating in the Research Program would occasionally come up with publishable work that would "advance the understanding and reform of the law." He also hopes that research on major policy questions would encourage students "to think in a more public-spirited way" and motivate more students to pursue careers in policy analysis.

Favorable Reaction

The faculty has discussed the proposal once and will take it up again at its next meeting, on Nov. 19. Clark noted that the reaction to the proposal from both students and faculty members has been gen-

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Students Use Joint Degrees to Fill Void

By Patricia J. Christ

It's not unusual for a law student to worry that some of his muscles are atrophying while he sits in the Langdell stacks. So, he jogs along the Charles River at sunset or she fits in a quick game of squash between classes.

Harry Flechtner, 3L, on the other hand, works on his English doctorate. "Graduate school uses all the mental muscles which law school ignores," he explained. "Law school aims at your personality. It teaches you the presentation and packaging of ideas, without attention to their content. Graduate school is pure intellect."

More HLS students than you might think are combining legal eagle-try with other Harvard degree program offerings. The Business School is ever popular; HLS also boasts crossovers to various doctoral programs, the Kennedy School of Government, and the Divinity School.

Utilitarians and Realists

Not all joint degree people, however, pursue these programs for intellectual reasons like those advanced by Flechtner. Take Dale Rosenthal, 2L, for example. She studies at the Business School because it will reap "good business connections for the future." Yet another realistic Business student, Nathaniel Foote, 2L, efficiently listed four pragmatic reasons for seeking an M.B.A.: long-term flexibility in career direction; well-rounded skills; employer attractiveness, and more initial career choices. Rich Harper, 3L, is working on his Masters in Public Policy because studying government bureaucracy will help him "know the enemy" once he begins his practice of law.

There are more urbane reasons for working in other fields. Mary Jane Haemig, 3L, will receive a Masters in Theological Studies as well as a J.D. this June. The HLS curriculum did not satisfy all of her

interests: "I had an interest in theology, but didn't want to pursue it professionally." Although she has always planned to practice law, Haemig noted that the theological studies have "aided in my personal growth, and will be reflected in my work."

How Do the Others Shape Up?

Perhaps the first thing a law student wants to know about the other programs is how the student bodies compare. The only generalization this reporter can make is that "nurd" is in the eye of the beholder. Nathaniel Foote believes law students are "frustrated liberal arts people," while Business school students are much more pragmatic and result-oriented. The business students, he asserted, have much better social skills.

Mattei and Dan Swanson, 1Ls, paint markedly different pictures of Harvard's doctoral program in economics. Although Swanson admits that "economists are generally nurds," he feels economics students are much more willing to help each other with their work.

Mattei, on the other hand, believes the small size of the program prevents anyone from becoming anonymous in the crowd. Everyone, he said, is instantaneously aware of what the others are doing, and the competition is unrelenting. Both Swanson and Mattei agree that law students are more socially oriented, however. The social skills an economist needs, Mattei explained, could be "learn[ed] in a closet." "Or in a shower," Swanson added with mirth.

Viewpoints on the Kennedy School program in Public Policy



1Ls Ivan Mattei and Dan Swanson

Photo by John Morris

Dale Rosenthal, on the other hand, finds the student bodies very similar, although M.B.A. students are politically and fiscally more conservative. With a cynical glint in her eye, she said, "Perhaps the biggest difference is that people at the Business School aspire to being well-off and admit it, whereas those at the Law School feel the same way but won't admit it for years."

Law students are not necessarily the most competitive, either. Ivan

are also strikingly different. Rich Harper and Rob Irving, 2L, find the student bodies similar, but for different reasons. According to Harper, the students are the same — "All a lot sharper than the professors over there." Irving feels the students at both schools share a dilemma of goals, namely, "an interest in a professional career and a desire to pursue the public interest." Kennedy students, he noted,

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Striking Back at the Empire

Fritz Byers

William Appleman Williams, *Empire As A Way of Life*. xiv + 226 pp. Oxford Press, \$14.95.

Another dismal presidential campaign has passed, and we are left once again without even a framework on which to base the kind of serious national re-evaluation that our sinking national fortunes demand. Given the corporate domination of all *real* politics in this country, it is perhaps the central function of the President to help all of us collectively envision a different way of life, to offer some path up out of our habits of poverty, waste, greed and oppression that we for too long have justified in the name of democracy. That justification is a fraud and always has been. Yet it is woven into the very strands of our national culture. We internalize it daily, so it is not surprising that when a presidential campaign rolls around, all of the rhetoric about America is enforced by the lies that lay at the heart of our national self-image as keeper and spreader of democracy.

The national mythology about our role in global politics infects more than our political dialogue. It works everywhere actively to constrain the limits of our imagination, so that, without knowing it, we are shackled by certain views of our past, and visions of where we are and where we might go in the future. The threads of this vision are woven into our history, our literature and our folklore. Taken together, these myriad components of culture create a climate of assumption and opinion, which is what William Appleman Williams means by "a way of life."

A Collective Rethinking

Williams's brilliant book-length essay "Empire as a Way of Life" is an attempt to start the long haul toward a collective rethinking of our most central premises about

ourselves and our role in the world. Despite the widely acknowledged need for such rethinking, the failure of our presidential candidates and most of our distinguished scholars to do so stands as a testimony to the enormity and difficulty of the task. That Williams has addressed the issue, then, renders his book a singular act of moral and cultural courage.

Williams argues that our nation is "born and bred of empire" and since its inception has been inextricably wedded to imperial attitudes about our role as an avatar of democratic possibility and the existence of other nations as playgrounds on which to play out our dramas of diplomacy and destruction. To support this argument, Williams marshals evidence that sweeps across two centuries of American history. Much of the evidence is difficult for us to see, as we look back on it from our privileged place achieved through a long history of imperial practice. That difficulty, Williams says, is itself part of the legacy of imperialism.

Toward a Non-Imperial Nation

Williams's book is a noble and serious work, and it stands as a small plea, against enormous contrary pressures, to look again at our assumptions, break out of the imperial idiom, and create a non-imperial nation.

Though history tends to accrete to itself a kind of geological inevitability, so that the products of time come to seem somehow fore-ordained (and within our progressive tradition, better than the lost chances), Williams book makes clear that the original charting of America on an imperial course was not necessary. There is no logical connection between democracy and expansion. Indeed, William argues, the greatest theorists of democracy counsel us that genuinely democratic governments can survive only in small states, dedicated to local

governance. Yet this connection was lost on American leaders from the beginning. Founding Fathers such as James Madison argued from the outset that the Constitution and the values that undergird it could only be defended against the polar threats of anarchy and tyranny by an active expansion of the "sphere of liberty."

Less imperialistic Fathers, like Jefferson, for all his profoundly democratic sensibilities, lacked the clarity to vision to stand early in our history for an anti-imperial foreign policy. We cannot know the quality of self-deception that informed these contradictions. And of course, hypocrisy was nothing new to our most fabled ancestors. But in one strong sense, their legacy as diplomats is clear. As Williams shows, our Founders launched America on a course of empire that has endured and has never been successfully challenged.

The Civil War

Williams's interpretation of the Civil War as an exercise in empire is not new. He has advanced it previously in his book *The Contours of American History*. Yet his presentation of that thesis in his new essay is strikingly clear and has about it the timbre of urgency. At the core of the thesis is a controversial portrait of Lincoln as a Faustian dealer in our national fortunes. Parts of this portrait are misguided; for instance, Williams's cursory treatment of Lincoln's well-known repudiation of the Mexican War, which was one of the most shameful imperialistic ventures in our nation's history, and in a bizarre way, a haunting foreshadowing of our excursions into Korea and Vietnam. Yet other portions of Williams's treatment of Lincoln are stunningly insightful:

"The significance of Lincoln's appeal to Western farmers to fight on for imperial objectives upsets historians of every polit-

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Big MAC Group Analyzes Pass-Fail

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support of pass/fail and ask students to choose the system they prefer.

"Arbitrary" Grading System

Many of the arguments made against grades last Friday were also marshalled in 1969. Big Mac member Ellen S. Friedenberg, 3L, repeatedly stressed that the system was "arbitrary" because there are no "clearly articulated standards," and professors grade on different curves. She questioned whether a three-hour examination could fairly review the quality of a year's work. Friedenberg also cited the widespread belief that handwriting and other subjective factors influence grades, and suggested that the time pressure on the faculty was hardly conducive to equitable grading. But she concluded that the grading system was conducive to one thing: an overly competitive atmosphere in the first year class.

In arguing against the current grading system, committee members were not urging that students receive less evaluation from the faculty. Rather they asked that students receive "more feedback" on their mastery of the course material. The binary system of pass/fail, under their proposal, would apply only to official transcript notations.

Nancy E. Wieggers, 3L, distinguished between "categorical" and "discursive" feedback. The current grading system provides the former: students learn from their grades roughly how they compared to their peers in ability to take an examination. Discursive feedback, such as written faculty comments or practice midterms, would, she said, be much more useful to students in evaluating their own performances.

Soliciting Ideas

The Student Advisory Committee did not make a formal proposal for a school-wide system of discursive feedback; rather, the Big Mac

raised some ideas and solicited more from the community. In so doing the committee emphasized that it recognized the constraints on faculty time. A student in the audience suggested that the biggest obstacle to discursive feedback was the size of the classes. The proposal to change the grading system, the committee then noted, was being advanced in the context of the Michelman Committee's broader inquiry into the educational structure.

If many of the arguments advanced last Friday were familiar in 1969, the Student Advisory Committee, in posing them once again, had on its side the weight of 11 years of student dissatisfaction. A chronology of the petition drives, committee recommendations, faculty votes, and tentative innovations of those years was distributed last week to the HLS community. The chronology started in 1968 when a student-faculty group met to consider changes in the grading system, and continued to 1978, when a proposal for a mandatory pass/fail scheme was presented for vote at a faculty meeting. The vote never came; instead the Michelman committee was formed. During the decade separating those events there was continual debate about the grading system, and, for four years, first year students were offered the option of pass/fail.

Jeremy R. Paul, 3L, said the Big Mac proposed optional pass/fail because, "frankly, we're worried that we will lose student support if we have mandatory pass/fail for three years. People feel they need grades for employment." Paul also acknowledged at the meeting last Friday that many upper class students might not elect the pass/fail option because they feared employers would then compare them unfavorably with classmates who chose to be graded.

Another question posed by students who apparently favored the pass/fail system was whether, if that scheme were mandatory, employers' hiring would become more ar-

bitrary. Nancy Wieggers responded that such a situation would not be far removed from the current one in which the bulk of students have a B/B+ average. Employers, in distinguishing them, already let their eyes roam broadly over the resume, or decide according to arbitrary criteria.

Paul suggested that students who elected pass/fail could present prospective employers with writing samples or other concrete evidence of their ability, as many do at present. He also suggested that there were more than enough challenging jobs open to Harvard graduates in any case.

The latter argument recurred throughout the meeting. One student in the audience suggested that the grading system should not be discounted merely because it fostered competition. Competition, his argument went, was the essence of a lawyer's practice, and one's instincts for it might be sharpened at HLS. Friedenberg responded that HLS students had proved their ability to compete by winning admission, and that "everyone here is going to get a good job. Why continue the competition?"

The decision whether to continue the competition rests with the faculty. It was suggested at the community meeting that the faculty has a strong interest in the grading system because it is the very system which rewarded them. That assertion, unlike earlier ones, produced no argument.

There is no set timetable for consideration of the Big Mac proposal either by the Michelman committee or by the faculty. To some extent the timing depends on the shaping of the final proposal, which in turn depends on the nature of community response. Prof. Frank Michelman, who attended the meeting last Friday, said that his committee would give the final proposal "purposeful consideration" and hoped to do so "sometime this winter." The Student Advisory Committee will be meeting on the matter periodically, and invites interested students to participate. ❧

Veritable Electronic Cornucopia Awaits

By Thomas Isenberg

Law students play many, many games, be it interviewing, jockeying for "brownie points" with professors, impressing one's classmates, or doing "legal analysis," the biggest "game" of all. Increasingly, the games that Harvard Law students play are taking on an electronic tinge and making noises such as "BEEP," "BUZZ," "BING," and "BOING," not quite the typical "noises" made by lawyers. These new games are the electronic video machines, located in the game room in the Harkness Commons and in a few Cambridge arcades near the Law School.

Video games provide a sort of ultimate escape for students, the quickest and easiest one that can be had in between Con. Law and Ad. Law. They can take you into outer space in your own joy stick-controlled spaceship and allow you to do battle with the enemy or to fend off devastating asteroids with laser rays.

Microseconds From Death

Space Invaders, perhaps the most popular machine in the game room and perhaps in the nation, pits the contestant against a phalanx of alien men — with arms and legs — who descend upon his home bases, all the while firing bombs at his laser gun. It's a little difficult to visualize on paper, but when one is in front of the machine, little is left to the imagination: the battle rages vividly, with life and death only microseconds apart.

The game room, run by the Dorm



Photo by John Morris

Tom Pogue, 2L, and unidentified man try their skills at "Space Invaders" and "Asteroids."

Council, contains 10 machines. Three are electronic video games, while six are more conventional pinball machines. Even the pinball machines are electronically controlled and computer programmed to some degree, and while they are not as futuristic as the videos, they are as surreal. "Firepower," for example, produces a symphony of synthetic sounds and whirring starship engines. It even speaks to the player, saying things like "Firepower" (what else?) and "Blast-off."

For those who can't take the pressure of the video and pinball games, the game room has one old-fashioned baseball game in which a real silver musket ball pops out of the mound and challenges the player to hit it to the field with a big bat at home. In addition, the game room houses two pool tables, two ping pong tables, and a bumper pool table. The ping pong is free, but the pool costs \$1.20 per hour for two players.

Roughly 100 students pass through the game room each day, estimates Peter Hosinski, 3L, manager of the game room and the thriftshop. The games, at a quarter a throw, gross about \$500-\$600 per week, with half of that gross going directly to the company that

rents the machines. But a profit remains even after the Council pays wages to game room attendants.

Outlet For Pressure

Hosinski thinks that the game room is so popular because it provides a great release from the pressures of law school. Students can go in and for a quarter be transported to another world, spending time in the company of aliens from outer space. The machines also allow students to really let go of their inhibitions and let their competitive spirit fly. Each of the games is intricately scored; the scoring systems on the video games approaching the complexity of Accounting problems, if not the confusion of Taxation cases. One machine, "Asteroids," keeps track of the top ten scores of the day with the initials of those who earned them. Many students, Hosinski believes, simply use the game room as a pleasant stop-over on their way home from classes, or after dinner (the time directly after the Hark's dinner hour is perhaps the busiest), or between classes.

The game room is not the only place law students have been seen
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Portraits
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Users of Harkness Commons Game Room

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indulging their video fever. The arcades of 1001 Plays, down Mass. Ave. next to The Orson Welles Theater; Fun and Games, across from Porter Square; and the machines at the Ground Round and Elsie's, are the other haunts of the video and pinball lovers. Of course these other locations offer an astounding variety of machines. 1001 Plays, for example, has at least 35 machines, compared to the game room's 10. However, these other

places also have much larger crowds; the electronic games craze is by no means limited to law students.

Judging by the widespread popularity of these games today — no suburban shopping mall worth its ten-thousand parking spaces is without a fully outfitted arcade — perhaps law students are no different from anyone else in being wildly competitive and needing a release from everyday existence. Either that, or the electronic games

are perfectly suited to the law student's Spartan characteristics and needs. To find out for yourself what it's all about, and perhaps answer the implicit sociological questions, go down to the Harkness game room and try your hand on one of the electronic distractions. They're a whole lot more fun than pocket pool, and that's a fact.



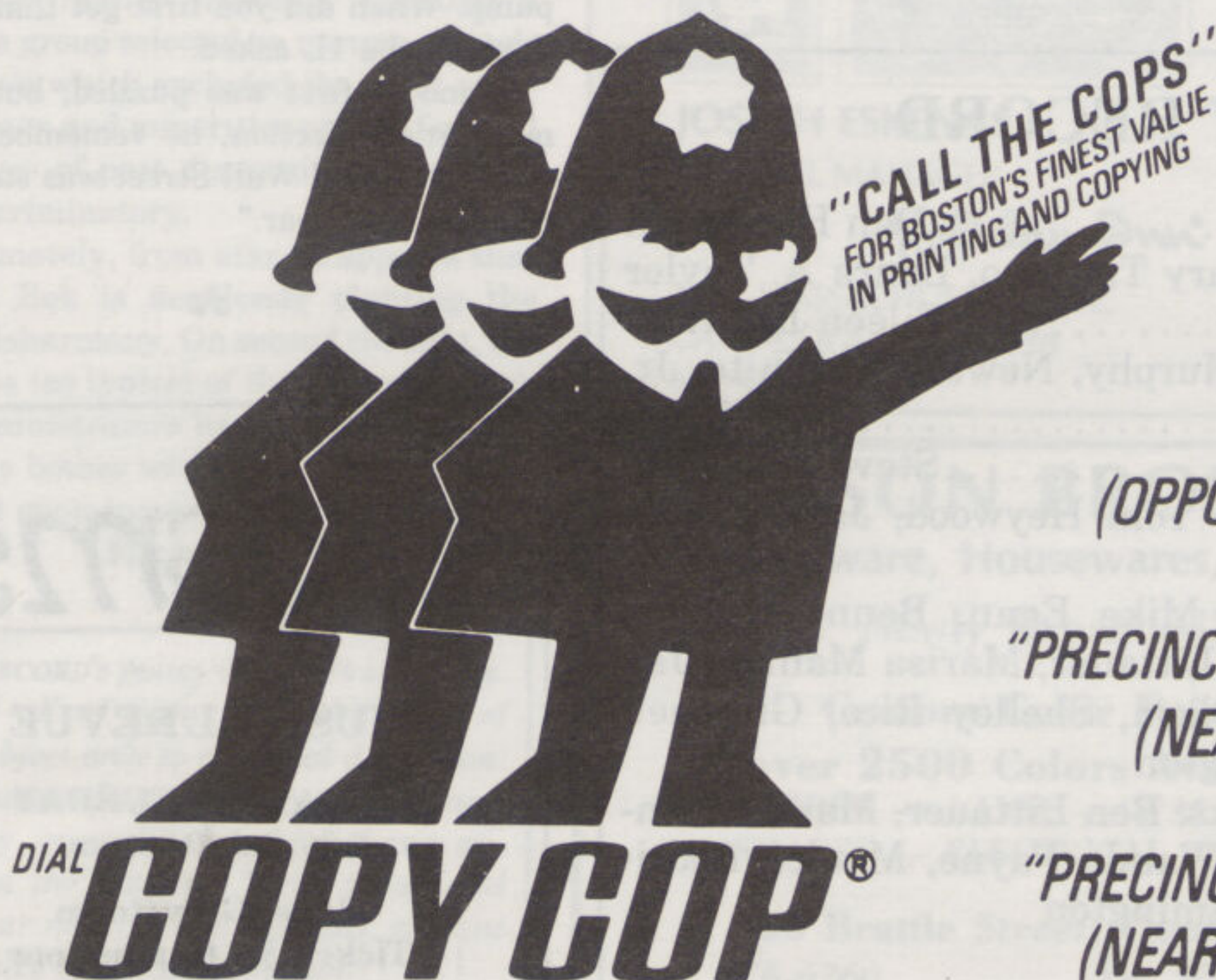
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Will Pass-Fail Make the Grade?

The Student Advisory Committee to the Michelman Committee, known by its gustatory *nom de guerre*, "Big Mac," has proposed a three-tiered pass-fail grading plan for HLS. The Committee's suggestion addresses a perennial issue at the Law School. The idea has been bandied about by students — and avoided by the faculty — for as long as anyone can remember.

We think Big Mac's proposal is timely, and heartily endorse its effort to stimulate debate on HLS's grading policy. If pass-fail grading in the first year is to work at all, it must be mandatory; otherwise, those who opt for pass-fail grading will be put at a disadvantage. We hope that the Michelman Committee will incorporate Big Mac's pass-fail proposals into its final set of recommendations. Student views on this and other aspects of grading must be given ample weight in the Committee's deliberations.

For some time Big Mac and the RECORD, among others, have tried to generate student interest in the ongoing work of the Michelman group. The pass-fail proposal stands a very good chance of encouraging discourse among the student body on grading and other Law School policies under the Committee's scrutiny, including the curriculum and the faculty appointment process. We hope that Big Mac's proposal will motivate a broad base of students to join a comprehensive debate.

Simply Saving a Life

OXFAM and the Law School's International Law Society are sponsoring a fast next Thursday, with the intent of aiding the hungry refugees of Somalia. The RECORD heartily endorses this endeavor and urges everyone to donate his or her food money allocated for that day to OXFAM, even if one chooses not to fast. It's a simple effort that can go a long way.

There are lots of things busy people at the Law School can do and have done to aid their fellow human beings. Every year, for example, the Red Cross holds a blood drive at Harvard. By giving an hour and a pint of blood, one can give someone else a shot at surviving.

Fasting, giving blood, donating money are little things. They require an insignificant amount of time and energy. But they might mean something important to somebody else: they could save a life. And there's nothing more important than that.

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Fenno

"Want to play tennis?" Fenno asked a 1L on a glorious fall Friday.

"Sorry, Fenno, but exams are coming up," he said.

"So is my lunch," Fenno muttered in disgust.

"Fenno, didn't I see you in the library the other day?" the 1L went on.

Fenno was embarrassed. "Er, ah, oh, yeah — I was there . . . I was looking for a squash partner," Fenno bantered.

"Oh come on, Fenno," the 1L fired back.

Fenno realized this child would not take his upperclass jive. So what if he had actually gone to the library to study? Fenno was still proud because he ended up not studying at all. "I fell asleep on Maggie's shoulder," he thought to himself. But Fenno's playboy reputation was tarnished. For even Fenno, the cool, cocky, clever, perennial HLS student, had been caught at the book- ing game, that exercise in pedagogy in which the mind absorbs what the seat en- dures.

"You know, studying can be enjoyable," Fenno said, thinking his best defense against this wise 1L was a good offense.

"You're absolutely right, Fenno, I love it," said the 1L. "You read dozens of seemingly identical cases, only to realize that each is distinguishable from the rest."

"After a while, your mind is a precisely tuned instrument," Fenno excitedly said.

"Like Baumanbasch's fiddle, right?" asked the 1L, an obvious Charlie Fried groupie.

"And by turning the world on the head of a pin, you learn to love the law," Fenno solemnly noted.

"You know, Fenno, it's amazing how it happens, how one develops a need to be im- mersed in the law, how the law permeates one's blood, how the adrenalin begins to pump. When did you first get that feeling, Fenno?" the 1L asked.

Fenno at first was puzzled, but after a moment's reflection, he remembered. "As soon as I heard Wall Street was starting at \$42,500 next year."



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Letters to the Editor of the RECORD

Prof. Baxter

To the Editor:

With many others, I was deeply grieved to read of the untimely death of Judge Richard R. Baxter. I had the special privilege of his supervision of some of my research activities as well as courses under his direction. His devotion to the law was matched only by his willingness to help students in every way possible. He was a most important part of my Law School life, and a significant part of my entire life experience. His life, his work, and his example will never be forgotten by those of us who were touched by them over the years.

Neil D. Thompson, '63
New York, NY

Arrogance of Power

To the Editor:

It is indeed disheartening to realize how little the empowered care about those affected directly by their decisions. Another instance of arrogant use of power occurs at Harvard in 1980 as President Bok insensitively excludes law students from any active role in the process of selecting a new Dean. As a recent graduate, I want to extend my congratulations to the students who have decided not to stand for this baby treatment any longer and who care enough about the Law School to want their say in its future direction. President Bok should be gratified that students want to participate in the selection process and, with those who do, should be happy to chart an appropriate role.

Moreover, in light of the Law School's past hiring practices, Cheryl Hoffman might be stronger in her criticism. Limiting a search to a group selected on narrow grounds by a process which excluded the great number of women and minorities carries forward the vestiges of past discrimination and is, itself, discriminatory.

Unfortunately, from afar, it appears that President Bok is needlessly planting the seeds of disharmony. On second thought, his response is too typical of the attitude which many administrators have about their subjects: "why bother with them; they are here today and gone tomorrow."

Michael H. Sussman, '78
Washington, DC

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.

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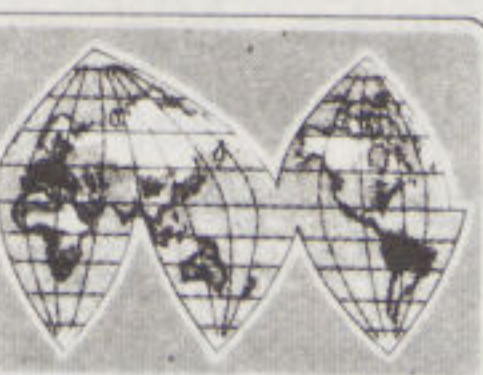
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Striking Back at the Empire

(Continued from Page 6)

ical persuasion. Radicals resist the notion that ordinary folk support imperialism. Conservatives cannot easily come to terms with the reality that empire is related to liberty as they define it. And liberals long to resolve the dilemma by defining empire as global freedom and welfare. This last apologia offered for our history of empire is, of course, the one that has won the day in orthodox historiography.

Our entire history can be retold, if liberal premises are accepted, as a struggle to make the world safe for democracy. Lincoln was one of the most forceful exponents of this vision of America, and the value of Williams's portrait of him is that it makes clear the connection between the nature of our hagiography of folk-heroes, of whom Lincoln is perhaps our least-tarnished star, our liberal historiographical mythology, and the current domination of foreign policy dialogue by shop-worn platitudes about the extension of liberty.

America as Policeman

Central to those platitudes is a metaphor that Williams dissects with great precision: the United States as the policeman of the free world. The core meaning of this metaphor has always been clear to the victims of our police-state hegemony, however palatable we try to make it with images of benevolence and progress: America is in the streets, with clubs and guns, keeping the peace as defined by America's community standard. The metaphor is precise, and reveals rather more about our psychology of empire than we might wish.

Since Nixon was elected in 1968, peaceful means of domestic social control such as the granting of minimal entitlements have increasingly been supplanted by more brutish tactics, such as the policing of black ghettos with armed white police, authorized tacitly to main-

tain law and order, defined in liberal white suburban terms, by any means necessary. Apart from all the direct coercive nature of this control, and its consequent loss of liberty and life, it also represents a kind of cultural imperialism that reflects in domestic terms the gross insensitivity to other cultures that is both the cause and effect of two hundred years of imperialistic foreign policy. As Williams says, "I suggest that the greatest price [for empire as a way of life] was paid in the coin of our sensitivity about what we were doing and how that was understood by other peoples."

Foreign Policy

Williams's powerful interpretations of American foreign policy leads him up against some painful and difficult questions about our national history. By 1930, with America's empire in tact, and our presence in global politics unequivocally established, the nation had developed a psychopathology about order and insurgency anywhere in the world.

Williams says this deepseated fear of disorder is the inevitable concomitant of a truly global empire. Yet it has enormous costs. The major cost is that any time a domestic political system is undergoing change, the United States suffers the shockwaves of threat to its own interests. Thus Williams demonstrates our diplomacy is beholden to the status quo in a profound way, and the public debate about foreign policy becomes focused on preservation of order.

However much the semanticists of our foreign policy have attempted to redefine democracy in terms of order, the equation has never rung true in a nation that purports to honor the grand tradition of dissent that is inseparable from any sincere commitment to democratic self-determination. And of course, the insoluble contradiction between democracy and em-

pire has, throughout history, raised its head to belie the defenses we proffer for our imperial interventions in foreign affairs.

Williams repudiates this entire world view and its deeply conservative implications. This attitude leads him to a painful passage on our "intervention" in World War II. After analyzing the unsettling nature of the Great Depression and its effect on our vision of world order, Williams notes that as of 1937, 10 to 12 million persons were still unemployed, and in that year we slid into the most devastating depression of our history. It is these domestic pressures, and their inherent threat of insurgency, Williams says, that led us to war against Nazi Germany.

"But not a war to defend a functioning equitable society — not even a new vision of such a society. And so into the dissembling and the lying; and into the stretching of the letter as well as the spirit of the Constitution — and the related weakening of the principles and practices of representative government. I say those things with great anguish because I thought then and I think now that we should have stood with England against Hitler. . . . What nags my soul is not that I was shot at and hit but that my leaders lied to me and never faced the real issue inherent in the imperial way of life."

Rather than this honest confrontation with our legacy, Williams says, we crabwalked into two wars, first World War II and then Korea, aimed not at democratic goals but rather at the preservation of imperial order at the last possible cost. This is painful history to read, and it does violence to many of our central self-conceptions, especially our role in fighting fascism. But Williams's arguments in support of this analysis are closely reasoned and quite powerful, and they

(Continued on Next Page)

A Rethinking of American Philosophy

(Continued from Previous Page) come at a time when fascism may again be spreading its demon seed. They deserve our attention.

Williams's archaeology leads to the creation of some strange heroes and some strange villains for those weaned on orthodox liberal theologies about progress and Camelot. It is easy to forget that Eisenhower was the first publicly to decry "the military-industrial complex" and its stranglehold on Post World War II America. That Eisenhower lacked the qualities of imagination and leadership necessary to re-tool America's self image in the wake of our strange triumph in the Second World War does nothing to change the fact that of all our presidents this century he was the most sensitive to the vast distortions of political and social reality wrought by the national attachment to empire.

In contrast, John Kennedy is, for Williams, the cleverest imperial leader of his generation. Though it is hard to displace Henry Kissinger from that particular throne, the evidence that Kennedy was, of all our presidents, the most wedded to the White Man's Burden of extending the sphere of democracy is powerful. His macho bluster about nuclear armaments may safely be said to have precipitated his amateurish showdown with Khrushchev over Cuba; and his deployment of 20,000 American troops to intervene in a revolutionary civil war in Vietnam is one of our country's pre-eminent acts of self-destruction in the name of democracy.

Finally, Kissinger. Cowboy Henry has had twelve years to work his magic on our national tale, and those years have come at a time when America is seriously in danger of collapsing as an imperial force in the affairs of the planet. Yet Kissinger has not allowed this slippage to affect his historical mission which he has pursued with great flair. In tandem with Nixon, and then with Gerry Ford (and perhaps with Reagan) Kissinger has presided over, and in fact authored, some of our nation's most extraor-

dinary acts of empire. Williams's summoning of these acts is a sort of threnody for all of our sad imperial legacy:

"The fog of trepidation and dread continued to influence the conduct of foreign affairs by President Richard M. Nixon and Secretary of State Kissinger. Their bone marrow anxiety provides the key to resolving the apparent paradox in a diplomacy that sought to stabilize relations with the Russians while simultaneously recognizing the Communist Government of Chile, falsifying official records to hide an illegal and devastating expansion of the Vietnamese war into

Cambodia, launching an effort to subvert an *elected* socialist government in Chile and supporting a dictatorship in Iran that was instrumental in raising oil prices."

Williams has done some crucial spade work in the process of freeing ourselves from a crabbed and dying self-image. It is difficult to lever one's self above the morass of one's own culture, even in creating an autonomous personal vision. To do so in a work of history is a democratic act of the first rank. It is a feat that deserves our praise and our thanks, and finally, our loyalty to its spirit of imagination.



Ames Competitors Prepare Next Thursday's Argument

(Continued from Page 1)

'sexy' as the case we had last spring [in the semifinal round]." The case became more interesting, however, after the work was begun and more of the complexities of the case became apparent.

Both Africk and Tim Mathews, 3L, the Harlan team's other oralist, have had previous debate experience, Africk in high school and Mathews in high school and college. The two first met, according to Africk, at a high school summer debate workshop at Northwestern University in Illinois. Mark Friedlander, 3L, another member of the team, was also a high school debate opponent of Africk's.

Bowman and Africk agree that the Ames experience has been a good one. "I don't think that anyone on the team has regretted the commitment that they made to it," said Africk. One of the benefits of upper round Ames, he continued, has been the "chance to work closely with other people and get to know other people better than you could in class."

Rounding out the Harlan team are Mitchell and Berg, and Edward Himmelfarb, both 3Ls, on the brief.

Eric Havian, oralist for the J.

Minor Wisdom team, said that the team has found the case "less difficult" than their semifinal round case was. The three major issues in the case, he continued, were "spelled out in the record. It was sort of like an issue spotter exam where they gave you all the issues."

The team chose its name, according to Havian, because it wanted to inject some humor into the competition. "We wanted to choose Minor Wisdom," he said. That name having been vetoed by Dean Sacks, "we had to choose something respectable. Other than the fact that we like his name, there was nothing special about that judge."

The other members of the Wisdom team are 3Ls Kathleen Sullivan, oralist, and Steven Branson, Daniel Goodwin, and Robert Morse, on the brief.

The argument will begin at 8:00 p.m. in the Ames Courtroom in Austin Hall on Thursday, Nov. 20. For those who are unable to find seats in the courtroom, or who prefer a less formal atmosphere, the argument will be shown live, over closed-circuit television monitors, in the Science Center. ❧

Students Use Joint Degrees to Fill Void

(Continued from Page 5)

"can't fit their aspirations into a typical law career," while law students "don't want to be simply advocates for the clients of their firm."

Ben Murphy, 2L, also feels that student bodies are very similar as far as interests and backgrounds are concerned. The difference, he believes, is that "law students feel cut down to size sooner." At the Kennedy school, some feel the date of their acceptance was the turning point in American political history. "But Law School doesn't allow that," Murphy said. "For one thing, it's too big."

What Do They Think of Us?

It's not too surprising that other schools have a stereotyped idea of Harvard Law School students. Harry Flechtner wants to rebut the image that English graduate students have of HLS, that the students are all "fascist nurds." While there *are* more at the law school, he noted, the stereotype as a whole

is false.

Mary Jane Haemig admits that Divinity School students think law students are "hard-driving and hard-working," but they miss some of the law students' "fun-loving aspects."

As far as a comparison of the programs and professors, the comments were generally positive. Teaching styles, the joint program students say, vary according to the school and its purpose. According to Harry Flechtner, HLS professors are some of the best he's encountered in his life. They are congenial and "pure teachers." In Harvard's English doctoral program, by contrast, the emphasis is on scholarship and not on the effective communication of ideas before a group.

Dale Rosenthal agreed that HLS professors are knowledgeable and talented teachers. The emphasis at the Business School, on the other hand, is on experience, and classes are "taught by the students."

One student commented that law professors are more dedicated. One of his professors at another school set a strict page limit on Master's theses. "He was afraid people would use long words which he couldn't understand," said the student.

Law professors didn't receive uniform praise, however. Although they may interact more with the students, one person remarked cynically, the appearances are "self-serving — the professors have a captive audience." But, he added, these arrogant social performances are "educational; it's a role we'll have to assume after graduation."

Are there any other reasons for pursuing a joint degree, besides career opportunities, personal interest, or cocktail party conversation material? Ben Murphy looked around slyly and remarked with a smirk, "I must admit, the idea of having more letters after my last name than in it is kinda good."



SPORTS QUIZ

NOTE: This week's Sports Quiz deals with famous athletes who practice or practiced their trades as left-handers.

QUESTIONS

1. This man, nicknamed "The Machine" has won more Professional Bowlers Association tournaments over the past decade than any other bowler. Who is this famous southpaw?
2. A native of New Zealand has the most victories among left-handers on the Professional Golfers Association tour. Who is this lefty?
3. Perhaps the greatest left-handed tennis player of all time, this man is one of only two men ever to win the Grand Slam of tennis. Can you name this Australian left-hander?
4. As the first great left-handed quarterback in the National Football League, this man led both the San Francisco 49ers and the Dallas Cowboys, the latter during the initial years of the franchise. Who is this famous left-handed athlete?
5. A native of Brockton, Massachusetts and currently WBA middleweight champion of the world, this man is said to possess one of the hardest left-hand punches in the history of boxing. Who is this dynamite lefty?

(Answers on Page 16)

Michelman Group Proposes Legal Research Semester

(Continued from Page 4)

erally favorable, although some questions and criticisms have been raised. The most serious question concerns whether faculty members can come up with projects that will keep 15 or 20 students profitably busy for a full semester and will provide an adequate educational substitute for traditional course work.

Clark contended that, with a little creativity, such projects can be devised. He observed that students would develop valuable practical skills through researching, writing, and discussing their work with fellow participants. They would also acquire a great deal of legal knowledge; "it would just be put together in a different way." To illustrate the type of project he envisions, Clark is working up a prototype, which he hopes to supervise next year, devoted to formulating a national health insurance plan.

Clark emphasized, however, that

the program would be quite flexible. It might allow faculty members to initiate less ambitious projects, involving fewer students or less than a full semester's work.

A less fundamental but potentially divisive issue arises from the provision in the Committee's report that faculty members would not be permitted to select students to participate in programs under their supervision on the basis of grades. Some faculty members apparently feel that this prohibition is irrational and propose to drop it from the plan. Clark noted that "the students on our Committee wouldn't like that too much." The student members of the Michelman Committee and the Michelman Committee Student Advisory Committee are currently campaigning for reform of the grading system.

Copies of the Michelman Committee's report are available at the Langdell reception desk.



OXFAM Fast Organized to Aid Somalia

(Continued from Page 3)

just astound the imagination," he remarked.

According to United Nations figures, more than 20 million African people are threatened by famine this year. The situation is especially serious in the Horn of Africa, a region including the countries of Somalia, Ethiopia, Kenya, Uganda, and the Southern Sudan. Conflict, instability, and the worst drought in the region in 15 years have driven hundreds of thousands of people from their homes into refugee camps.

Initial OXFAM efforts have been focused on Somalia, the eastern most country in the Horn of Africa, where the largest number of refugees in the world exists. Thirty-two refugee camps have been set up in the country, but there is little water, no sanitation facilities, no firewood, and no shelter.

OXFAM's relief activities in Somalia have been hampered by the Iran-Iraq war, a conflict causing problems even in the most prosperous countries of the world. Because of that conflict, deliveries of fuel to Somalia have been blocked. OXFAM has appealed to U.S. Secretary of State Edmund Muskie to assist the Somalia government in obtaining fuel for the refugee relief effort.

OXFAM efforts in Somalia to date include the organization of a medical program for 68,000 refugees, a supplementary feeding program for 1100 children, and a vaccination program for tuberculosis, malaria, and measles. While the immediate emphasis is on food, water, and emergency medical aid, OXFAM is also planning projects that include revival of pasture land, reforestation, and agricultural education.

Working With People

OXFAM's approach to problems, explained Davis, is to see what is needed by the people of the country and to then help the people become self-reliant. In doing this, he said, OXFAM workers get involved with

the people themselves, in their smallest organizational units.

"Helping people to help themselves is what I think is positive — avoiding dependency and helping people take control of their lives," Davis said. In addition, OXFAM does not have any religious or political affiliation, so no international relations issues are implicated by its activities, he noted.

Those wishing to hear first-hand about the Somali situation and OXFAM efforts will be able to do so on November 18 at 8:00 at the Kennedy School of Government Forum. Ahmed Farah, East African Field Director for OXFAM; C. Payne Lucas, Director of Africare,

another relief agency; and Abdi Artan Adan, First Secretary of the Somali Mission to the U.N., will discuss the "Refugee Crisis in Somalia." In addition, students wishing to help in the HLS drive by manning tables or by putting up posters can contact either Davis or Randolph.

Randolph hopes that the HLS participation in OXFAM's fundraising program will do more than raise money. "I'm hoping this will help people think about [the problem of world hunger] not only now, before Thanksgiving 1980, but for the rest of their lives."



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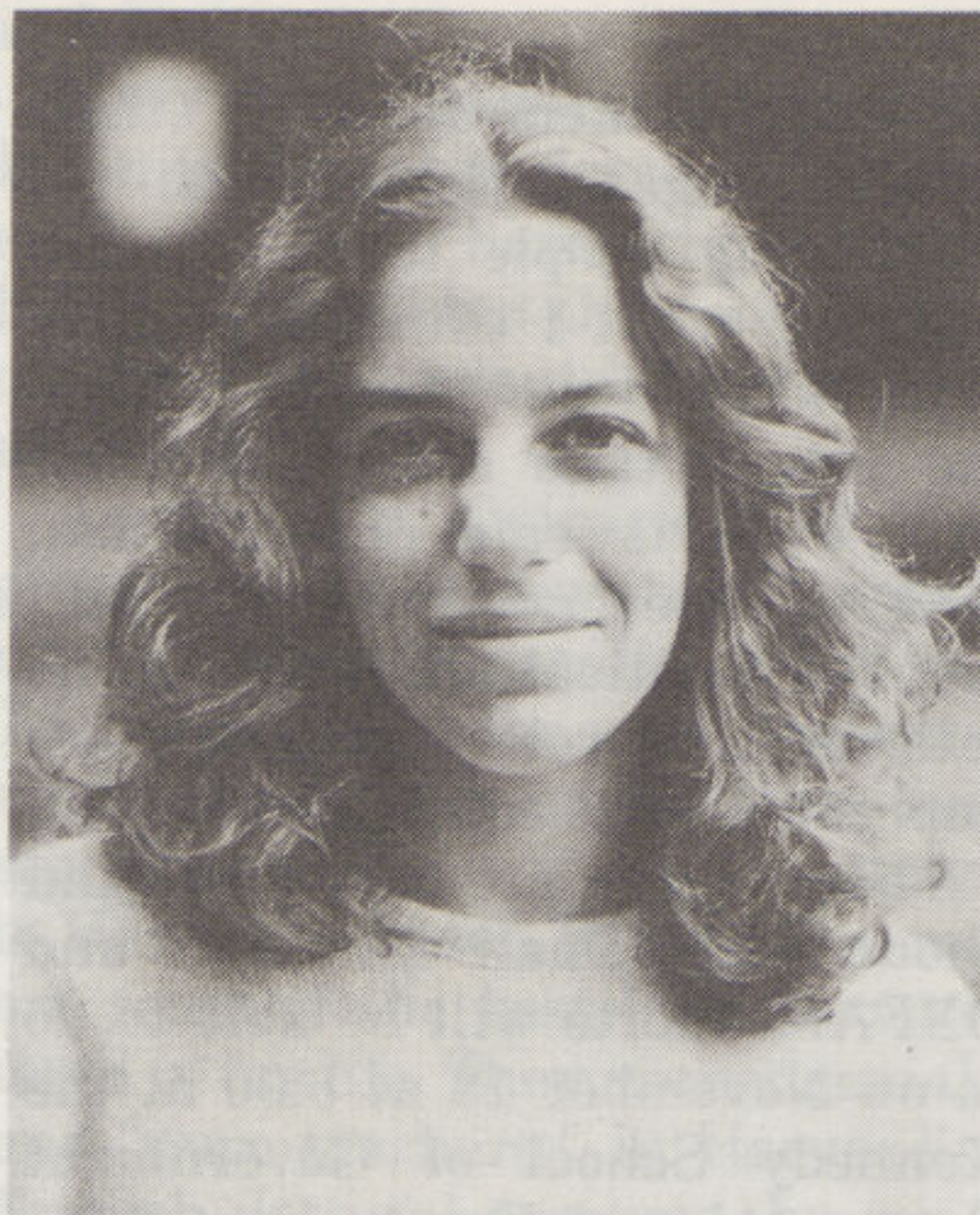
(Continued from Page 3)

shape in response to what students are concerned enough to discuss." It also allows him to give some written assignments which he can comment on.

Michelman said he prepares for the class as he would for any other, and he isn't aware of any fundamental difference in his style of teaching with the smaller class. "One doesn't yell as loud," he noted.

Michelman is reluctant to assess things so early on, but at the end of the term he will seek the observations of students. The evaluation will necessarily be somewhat "impressionistic", he said; he doesn't expect to measure the success by performance on the contracts exam.

Prof. Andrews expects that the program will have to be tested for at least another year before any real conclusions can be drawn. He has never taught Contracts before, or any first year, first term course, and finds it difficult to evaluate the



J.M.

Elaine Mandelbaum, 1L, Section III

small sections without any such direct basis of comparison, but he is enjoying it. "I'm having a lot of fun with first year students in a class where there's a chance to begin to see their progress, and I am pushed into thinking about the law

from their standpoint," he said.

Andrews pointed out one problem which could face teachers in the future — the assignment sheet. Although the faculty members this year agreed on an outline based on those used by Byse in the past, Andrews imagines that it might not always be so easy for four teachers to settle on the same cases, topics, and the order in which they would be taught.

The chief obstacles to expansion of the program are money and faculty resources. As the memo Andrews and Michelman wrote points out, the extension of the program to all four first year sections would require "the equivalent of three or four teachers' time," although a reduction of some of the 1L spring electives could help compensate for this. With monetary costs this significant, a large burden is placed on the program to show that the rather intangible benefits it is expected to provide are nonetheless real and worthwhile.

No one has yet suggested that all first year courses be taught in smaller groups, as they are at Yale and some other schools. But, as Mandelbaum said, "I wouldn't want all my classes to be small. Big classes are fun. It's more of a show."

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