

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 72, NO. 4

© 1981 BY THE HARVARD LAW SCHOOL RECORD CORPORATION
MARCH 13, 1981

TWENTY-FIVE CENTS

Faculty to Study Harv. L. Rev. Plan

By Mary Tarduno

Dean Albert M. Sacks has appointed a faculty committee chaired by Prof. Detlev Vagts to study the issue of *Law Review* membership selection. Sacks hopes that the committee will finish its work in

time to report to the faculty in the spring before new *Law Review* members are selected under the *Review's* adopted plan. The Dean announced his decision to the faculty in a memo dated March 5, 1981 (see page 9).

The Dean's announcement was

the latest development in the *Law Review's* attempts to modify its selection process in response to affirmative action concerns. The process accepted by the *Review* two weeks ago calls for the selection of 16 members on the basis of grades, 16 on the basis of the writing competition and eight on the basis of submissions to an admissions committee. The committee would consider students' grades, writing competition scores and a personal statement. If minorities and women were not adequately represented in the students chosen through grades and the writing competition, the committee would consider race and sex in membership selection. The plan has attracted much attention from students, alumni and the national news media.

Need for Reporting

Sacks said that his primary reason for forming the committee was his sense that the issue needed to be reported to the faculty. He told Stuart Singer, outgoing *Review* president, that he would take some sort of action after the first vote on an affirmative action proposal. He held off taking action until the *Review* had a chance to reconsider its initial plan. Sacks said that the response from people who have been writing in on the plan "is very heavily negative."

The faculty technically has the authority to review the release of grade-related information to the *Law Review*. Sacks pointed out that this has a direct bearing on the
(Continued on Page 9)



Photo by John Morris

Jessup winners Lloyd Randolph, Jody Jakosa, Frederick Knowlton and Cole Brecheen. (John Loder is absent.)

HLS Jessup Team Takes Regional Prize

The Harvard team in the Jessup international law moot court competition recently won the regional competition at Pace University in White Plains, New York. The team members, Cole Brecheen, Jody Jakosa, Frederick Knowlton, Lloyd Randolph and alternate John Loder, all

1Ls, will go on to the national competition April 22-24 in Washington, D.C. Randolph was third-ranked among oralists, while the memorial (brief) filed by Randolph and Brecheen won second place.

(Continued on Page 16)

Students Mobilize on El Salvador

By Steve Friedland, Dan Herschman, and Mary Tarduno

Millions of aid dollars are being sent to this tiny country. U.S. military advisors are assisting the country's beleaguered junta government. Marxist rebels are fighting a bloody guerilla war. A scenario reminiscent of the early American involvement in Vietnam is unfolding in El Salvador. Once again, some HLS students are taking a stand.

"I'm very fed up with the U.S. government sending military aid to military regimes oppressing Third World people and engaging in mass murder," said Wanda Payne, 2L. Payne's feelings were provoked by a slide show about El Salvador which depicted some of the horrors occurring there. Nuns, pregnant mothers, children have met ugly, violent deaths. What Payne and approximately 80 other stunned observers saw in the slides presented by Sociedad Inter-Americana, a student organization, "just grossed me out . . . I was completely outraged." Anxious to do something, Payne called her friends and headed for her kitchen. The result was a bake sale on March 5 that raised \$188 for El Salvadorean peasants.

First Stance

Payne said a number of recent events moved her to act on El Salvador, noting the distressing Klitgaard report on Harvard students and the horrifying murders in Atlanta. She had never before made an affirmative stance on an issue in public. The legal system is one of the most powerful ways of facilitating change, Payne said, "yet we do nothing with our legal training. We get comfortable jobs," Payne noted, including herself, perhaps. "But what is it all worth if we don't do anything to improve life for others?"

Others at HLS have acted to demonstrate their opposition to American involvement and the Duarte regime in El Salvador. More

than 20 students have organized a Law School committee. They came together after the slide show and arranged to meet again after Wednesday's showing of the film "Revolution or Death," a documentary on the current situation. Already representing all three J.D. classes, as well as graduate and LL.M. students, they hoped to increase membership this week.

Jody Forchheimer, 3L, a committee member, took the lead in setting up an information table that has been in Harkness Commons during this past week. Martin Putnam, 3L, has been compiling information on the situation. The committee is also circulating for HLS signators a petition aimed at convincing the Congress to support Massachusetts's Representative Gerry E. Studds's House Bill

1509, which calls for the cut-off of U.S. aid to El Salvador.

SIA Neutral

SIA, a student organization with a diverse composition, voted on Tuesday to not take an official stand on the El Salvador issue. Its president, Julie Martinez, 2L, feels that "President Reagan should act with more caution and restraint. His sending military advisors to El Salvador will only exacerbate the present situation of the Salvadoran people."

Bob Macaulay, 1L, is an SIA member who thinks the U.S. should continue military financial aid and advice to the Duarte regime. "The U.S. should try to help develop a viable moderate government," he

(Continued on Page 14)



Photo by John Morris

Wanda Payne, 2L, sells baked goods to benefit Oxfam's relief efforts in El Salvador.

Budget Cuts Threaten Student Loans

By John Morris

A good proportion of the \$5.3 million in federally insured student loans made to HLS students may not be available in the future if the Reagan Administration's proposed budget cuts are passed by Congress. The Reagan plan calls for a reduction of more than \$1 billion in student loan programs in fiscal year 1982.

The reductions are to be achieved in two ways. First, the loans will be made contingent on a showing of need, as grants and scholarships are now. Under the current loan programs, the student is only required to sign a statement saying the loan is to meet his or her educational needs; beyond that no checks are made. The student can then borrow up to \$5000. The proposed regulations would require that the student subtract any grants or other support from his needs, with the loan making up the balance. Under the current Harvard formula, by contrast, the first \$5000 of need is made up of loans, except in extraordinary circumstances. Only after that are grants given.

The second change will see students paying interest on their loans for the period they are in school, although lending institutions may not require payment of interest until the end of each school year (possibly taken out of the following year's loan), or even after graduation. Even with deferred payments, however, the likely impact of this change is to enormously increase students' indebtedness. The University issued an analysis this week which shows that a student borrowing the maximum of \$2500 for each of four years of undergraduate schooling, and then \$5000

for three years of graduate school at 9% per year (the rate on loans after Jan. 1, 1981) would face \$10,000 of accrued interest on graduation.

Because universities now use the guaranteed loan money to finance students who do not meet the strict needs tests of independence, it is students who are classified as dependents who stand to lose under the new rules. Introducing the need test will mean that some students will become ineligible because of the imputed contribution of their parents. Under the standardized formulas, parents are deemed to have contributed to their children's education in proportion to the parents' income. Under the Reagan formula, dependent students (defined as having received more than \$750 from parents, having lived at home six weeks or being claimed as a dependent for income tax purposes in the preceding year) will have the imputed contribution subtracted from their needs whether their parents contributed or not.

Number Affected Unknown

The Law School's financial aid records are not computerized and so the School cannot say at this point exactly how many students with loans qualify as dependents and thus stand to lose their loans or have them reduced. The potential effects are tremendous, however. Nearly 1200 students have loans totalling more than \$5 million, dwarfing the \$1.5 million given in grants.

Part of the money for the grants comes from tuition, which is due to be raised considerably next year and tuition might be raised even more if there is a significant de-

crease in available loan money. The need for further alumni fund drives seems likely to increase, in any event.

HLS Director of Financial Aid Ms. Marion Ruiz, says the School has no definite plan yet for dealing with the problem since the new regulations are likely to be altered in Congress. Moreover, the stiff opposition expected makes it likely that no final bill will be passed until the summer. "It makes it very difficult for us because we can't make any promises," she says.

Dean of Students Mary Upton doesn't think the measures will force anyone out of law school. "Someone will loan money to law students," she says. Certainly the likelihood of large salaries upon graduation makes students in the professional schools better risks than undergraduates in the eyes of private lenders.

Even if the program is passed as proposed, it will not include as strict a need test as HLS uses for grant applications from its students. The School imputes a parental contribution even when the student is not classified as a dependent, while the new federal rules would suppose the contribution for dependents only. The Administration has, however, asked graduate financial aid offices to gather information on applicants' independence for two years (even though only one year is now required), and the dependence test has been extended to two years for one of the major undergraduate loan guarantee programs so there is speculation that the test may be extended to graduate student loans as well.

☛

Corrections

The preregistration deadline for the National Conference on Women and the Law mentioned in last week's RECORD should have been March 15.

In our Jan. 23, 1981 issue Joanne DiSalvo was incorrectly identified in the picture on p. 15 accompanying the article on admissions.

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 617-495-4418. Subscription price: \$7.00 year mailed; \$9.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 25 cents at the Law School, 50 cents mailed. Second class postage paid at Boston, Mass. Copyright 1981 by the Harvard Law School Record Corporation. The opinions expressed in the Harvard Law Record are those solely of the students comprising the Board of Directors of the Harvard Law School Record Corporation. POSTMASTER: Send address changes to Harvard Law Record (ISSN 0017-8101), 23 Everett St., Cambridge, Mass. 02138.

ALUMNI: Alumni who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138. Each alumnus receiving a Record subscription through the Harvard Law School Assn. should be on notice that \$4.20 of his H.L.S.A. annual dues are used to purchase the Record subscription he receives. Dues paid at any time during the H.L.S.A. fiscal year which began in April 1980 and ends in March 1981 will purchase a subscription which begins in September 1980 and expires in August 1981, and so on in following years.

Labor Lawyer Blasts Union Busters

By Erich Merrill

Union busters are using tactics of brainwashing and surveillance to de-unionize America, argued Jules Bernstein at the March 4 Harvard Labor Law Forum. Unions are using tactics of violence and coercion to de-humanize America, asserted a film shown immediately following his talk.

Bernstein, a labor lawyer from Washington, D.C., spoke to a crowd of 150 on the methods used by modern "union busters." "We are facing the potentiality of a de-unionized America," he claimed. "The union busters are footsoldiers in this business." Bernstein further asserted that management now uses sophisticated techniques such as psychological testing, disseminating anti-union propaganda, and keeping employees under surveillance to battle against unions.

Billion Dollar Business

In the last twenty years, the union busting business has shown explosive growth. "This is now a big, multi-million dollar business," said Bernstein. Most union busting programs are run by consulting firms, who are hired by management when a union tries to organize a particular company. These firms usually work with supervisors who are shown how to instill anti-union sentiment in the workers they supervise. Bernstein said that there are "lots and lots" of these firms.

The firms' methods, however, go beyond simple persuasion. Bernstein described several more sophisticated methods which have been growing in popularity among the firms in recent years. One such method is psychological screening of potential employees. Industrial psychologists work with the company to set up tests which will weed out those applicants who are likely to join a union. Applicants are subjected to everything from simple interview questions to polygraph and ink-blot tests.

For employees already on the

job, consulting firms offer a range of anti-union propaganda, which Bernstein sees as a real threat to employee privacy rights. "The law says employers have a right to communicate to employees on the job, but I'm not sure employees have an obligation to listen."

Computer Surveillance

Perhaps the most recent development in the union-busting business is extensive surveillance of employees. "The surveillance industry, the ability of an employer to know everything an employee does, is a major part of union busting," said Bernstein. He described in detail one system being sold in the trucking industry which uses computers to make a permanent record of "all employee actions." When an employee changes jobs, the company to which he applies has at its fingertips all information about the employee which indicates whether or not he is sympathetic to unions.

While Bernstein was unhappy with these practices, he was even less pleased with the government's record of prosecuting employers who break the law in their anti-union campaigns. Since 1959, employers have been required to report the amount of money they have spent each year on anti-union campaigns. "The purpose of these requirements is so that employees would know of the presence of union busting activities. You often don't know it's there," Bernstein explained. But employers prefer that workers not know such activity is going on. Few have complied with the disclosure requirements, since the NLRB has put a low priority on enforcing the statute.

"We are constantly faced with an unsympathetic audience, whether it is in the government, the press, the academy, or the courts." But Bernstein thinks the tide may be turning. Two weeks ago the Milwaukee regional director of the NLRB issued a complaint against a hospital, when the hospital hired a consulting firm which used un-

fair labor practices in an anti-union campaign. "This is a breakthrough," said Bernstein, adding that the complaint could inhibit some other union busting firms.

Opposing Viewpoints

Bernstein's lecture was followed by two films which depicted both pro- and anti-union propaganda. The films were both portrayed as documentaries of a strike which took place in Princeton, Indiana, in 1957. Both films were made in the early '60s and seen by the audience as transparent propaganda for the respective management-union positions. As a result, the audience thoroughly enjoyed them.

The first of these, "And Women Must Weep," tells the story of the strike as seen by a minister's wife who lived in Princeton. She emphasizes how peaceful and content the town had been before the union started causing trouble. The trouble begins when the leader of the union is fired for taking an unauthorized vacation from his job and calls a meeting of the officers of the union. Looking something like a drill sergeant with rabies, the union leader demands that the other officers vote for a strike. They do, though a few "just don't feel it's right." Tempers begin to flare when those against the strike go to the minister to ask him to arbitrate the dispute. His wife tells us, "Friend was angry at friend because of a few irresponsible union leaders."

Then the violence begins. Picketers overturn cars. The minister gets threatening phone calls. Union members slash tires. The union brings in "goons" from out of state to help cause trouble, and terrorize the town. Finally, shots are fired into the home of one of the men who wanted to return to work, and his baby girl is wounded in the head. Miraculously, in both the film and in reality, she survives.

The strikers finally realize that the leaders are not serving their interests, and the strike is settled. On the same day that the strike

(Continued on Page 15)

Coop Union Vote Set for March 26

By Carl Oppedahl and
Mary Tarduno

Harvard Coop employees will vote by secret ballot March 26 on whether to accept Local 1445 of the United Food and Commercial Workers' Union as their representative in collective bargaining with Coop management. The union seeks to represent employees at all six Coop stores, including the Law School Coop, as well as warehouse and office employees.

"There are 500 or so employees who may join the union," according to John Thinney, union organizer. "Money is a big issue, [as are] dignity and respect, and the lack of upward mobility."

James A. Argeros, General Manager of the Coop, has refused to comment publicly about the unionization drive. In a press release, Argeros stated that the no-statement policy was "out of respect for our employees and their right to privacy." Larry Golub, 1L and student Coop director representing the Law School, similarly refused to comment.

Leafletters Arrested

The union has filed an Unfair Labor Practice charge against the Coop and MIT because of an incident at the MIT Coop. On Feb. 20, six employees were arrested by MIT police for handing out union literature at the MIT Student Center, a building which houses the MIT Coop, according to Robert Byers of the MIT news office. MIT police brought the employees to the Cambridge police and filed complaints for "trespass with notice," Byers explained.

"MIT will seek to prosecute. At stake is our ability to regulate conduct on our property," Byers said. "It should be noted that a week prior to the arrest, Coop management asked MIT for permission to use other rooms in the MIT Student Center [for part of its management union-training] and MIT refused."

An MIT source told the RECORD

that an observer from the union was present during the arrests. The source postulated that the union might argue that since the Coop represents itself as being open to the public — with MIT's knowledge — the workers were within their rights in distributing union literature. According to Thinney, the workers were handbilling in an area where others hand out the *Real Paper*, advertising, and anti-war draft material.

While Argeros has held to his policy of "no public statements," Coop management has expressed its views in letters attached to em-

"management consultants": "They call in the managers and train them in anti-union techniques. . . . They'll say Jimmy Hoffa's buried in the new tunnel in Harvard Square."

How a vote in favor of the union would affect students is uncertain. Some believe that operation costs will rise with unionization, with a resulting drop in rebates.

A source at the Coop suggested that if the union drive fails, the failure would be due in part to the divergent interests of the student employees of the Coop, who want higher wages, and the more per-



Photo by John Morris

ployees' paychecks, Thinney said. A Feb. 20 letter commented on the MIT incident: "Presumably the union will attempt to gain support at the expense of these employees and blame the Coop for an incident over which we have no control." A Feb. 24 letter reminded Coop workers that "it is the Coop, not the union, that pays for wages and benefits."

Union-buster Hired?

According to Thinney, the last union organization effort of the Coop was in 1972 to 1973. At that time the management hired a union buster, Phyllis Astor, to fight the drive, he said. This year, Thinney pointed out, the Coop has hired a labor consultant ("someone named Tate").

Thinney described his view of the work of "union-busters" or

manent employees, who may be interested in pension plans and other long-term benefits.



JAMES F. BRINE, INC.
29 BRATTLE ST.
HARVARD SQ. 876-4218

*SPORTS EQUIPMENT
AND APPAREL*

SPRING EQUIPMENT IS HERE

BASEBALL	TENNIS	SOCCER
GLOVES	RACKETS	SHOES
BATS	SNEAKERS	BALLS
SHOES	CLOTHING	UNIFORMS

ATHLETIC SHOES BY: ADIDAS, BROOKS,
ETONIC, SAUCONY, AND NIKE

"BETTER BUYS AT BRINE'S"

Crimson Delivers Times and Globe

By Carl Oppedahl

The Harvard Delivery News Service (HDNS), which delivered *The New York Times* and *The Boston Globe* to University dormitories until Jan. 23, has been liquidated by the University's Internal Audit Department. *The Harvard Crimson* took over delivery of the papers on March 4, after Harvard Student Agencies (HSA) declined to assume the deliveries.

Under the new arrangement, Eliot News Service, a private firm in Cambridge, takes orders for *Globe* delivery, while University News Service, located in Wellesley, takes orders for the *Times*. Those firms deliver the papers to the *Crimson*, which delivers them under contract to the dormitories.

HDNS, which is not connected with HSA, was started several years ago by Harvard College Dean of Students Archie Epps III. He gave HDNS sole rights to enter College buildings to deliver newspapers. Administrators of buildings of other schools at the University followed suit.

Worsened in Past 2 Years

Though the service was plagued with difficulties from the start, things worsened significantly during the last two years. (See RECORD, March 7, 1980, p. 8.) "Delivery last year was worse than the year before," said Barry Breen, 3L. In February of last year, Martin Olive, the undergraduate who then managed HDNS, resigned amid rumors of embezzlement. On Jan. 23, 1981 the *Crimson* reported that Olive had made restitution of \$5000.

Mary Upton, HLS dean of students, last summer considered allowing firms other than HDNS to deliver to Law School buildings. In an Aug. 12, 1980 memo to Resident Assistants, Upton reported that she had "been in touch with Archie Epps, dean of students at Harvard College, and he has been working closely with [HDNS] all summer. They are under new management and Dean Epps assures me that the

organization is much more responsible and much better organized. He has every reason to believe that the delivery service will be greatly improved next year [1980-81]." She decided "to give [HDNS] another chance."

The fall of 1980 came, and service worsened. "There were an unacceptably high number of times that there was no paper," said Breen. Locks were changed on the Grad Center dorms in January, and new keys were provided to HDNS. Shortly thereafter, the Internal Audit Department of the University announced that, due to continued financial difficulties, HDNS would disband, with final deliveries on Jan. 23. Students with prepaid spring subscriptions to the *Times* and *Globe* were asked to fill out refund forms.

Refund Checks

Judy Daly, an auditor in the Department, said that checks were all mailed "by March 3." The checks, signed by Epps, were drawn on an account of HDNS at Cambridge Savings Bank. The checks were written by hand, and at least one check was written incorrectly. Ken Hodder, 1L, received a check for exactly ten dollars less than the refund should have been. Subscribers were given the option, on the refund form, of a simple refund or a transfer of service to a new company if one assumed service. The form stated that "subscribers would be informed of all developments as they occur."

Dean Epps offered the delivery franchise to HSA, but on Feb. 19 HSA declined it. Epps then offered it to the *Crimson*, which had hastily set up its own delivery network when HDNS folded. They accepted on Feb. 24. Debbie Gallagher, *Crimson* circulation manager, said that the *Crimson* has received the keys that HDNS had used to enter the dorms. Regular delivery of the *Times* and *Globe* resumed on March 4.

Neither the *Times* nor the *Globe* handles campus subscription or-

ders directly. University News Service (UNS) buys the *Times* from News Distributors, Inc. of Wellesley, Mass., and pays the *Crimson* to deliver them to the dorms. Theo Tracy of UNS is optimistic that the *Crimson*, which is independent of the University, will deliver reliably. While the other schools it works with have school-affiliated delivery services, "Harvard has proven itself unable to run a student delivery agency," said Tracy. Eliot News Service, a private firm in Cambridge, buys papers directly from the *Globe* and pays the *Crimson* to deliver them.

Unresolved Problems

Though HDNS has been disbanded, there are still a few unresolved problems. For example, though the Internal Audit Department issued the spring refunds, it did not keep "subscribers . . . informed of all developments," nor did it transfer subscriptions over to the new agencies.

Subscribers were not informed directly of the newly-offered services, and while ads were placed in the *Crimson* stating that students would have to contact the agencies personally, many students who relied on the Department to transfer subscriptions heard about the changes only by word-of-mouth.

In an interview on this subject, Anthony Woodworth, director of internal auditing, said, "I would be thankful if I even got my check." He asserted that Harvard was bending over backwards to cover the obligations of HDNS, but that if Harvard had not stepped in, "the agency would have declared bankruptcy. You'd see an empty office with the phone ripped out, and not get a penny."

Murky Legal Status

The legal status of HDNS and its relationship with Harvard College are murky. The College provided office space and telephone service
(Continued on Page 15)

Ames Semifinals Set for Next Week

By Marisa Manley

Busing and bucks are the subjects of this year's Ames Semifinal Moot Court Competition. Four teams are involved. Two cases will be argued, one on Tuesday, March 17 and the other on Thursday, March 19, both at 8 p.m. in the Ames Courtroom in Austin Hall.

Preparation for this competition began last October when BSA members Janet Sanders, 2L, and Otho Kerr, 2L, began the search to find a case, a record writer, and judges. Prof. David Shapiro worked with Sanders and Kerr to find appropriate cases. "We look for issues that are topical," Sanders said, "hot either legally or politically, where there are splits in the circuits and no clear law." Shapiro was an enormous help, Sanders noted. "It's hard for second year students to know where the frontiers of the law are."

After finding suitable cases, the BSA selected a record writer — the person who drafts all the documents from complaint to deposition transcripts to lower court opinion. Thérèse de Saint-Phalle, an LL.M. candidate who wrote the record for last year's final round agreed to do both records for the semifinals. "She was a known quantity," Sanders said, "and very good." Before coming to Harvard as a graduate student, de Saint-Phalle practiced as a legal services attorney for several years and had extensive litigation experience. "But even in putting the records together," Sanders explained, "Shapiro was a big help."

Both of this year's cases are somewhat unusual, according to Sanders. Neither is based directly on a single, real-world case.

Constitutional Challenge

The case to be argued on Tuesday, March 17, *David Field, Attorney General of the U.S. v. Nat'l Assoc. for Racial Equality*, is based on an amendment to an annual appropriations bill that actually passed in Congress last year, but was then vetoed by President Carter. The Ames case involves a

constitutional challenge to a similar amendment banning the use of Justice Department funds in desegregation suits where busing is sought as a remedy. To last year's vetoed amendment the BSA added a clause depriving the federal courts of jurisdiction to hear desegregation suits. This amended amendment became the basis for the moot court case. Since there has never been any real litigation concerning the amendment de Saint-Phalle, the record writer, had to create the parties to the action and write a complaint and a district court opinion — all without the guidance of actual trial documents.

There are three big issues in this case, Sanders explained: "the perennial federal courts issue about the power of Congress to limit courts' jurisdiction to pass on constitutional claims, the substantive constitutionality of the amendment, and a question of standing."

The two teams of 2Ls arguing this case are the Lincoln's Inn Society, composed of John T. Atkins, Jonathan Chiel, John J. Falvey, Jr. and Suzanne M. Nora with Francis X. Dehn and Mark Levinstein as oralists. On the other side are The Independents, with Sarah M. Fox, Howell E. Jackson, Tammy Lothan and Hugh Winokur, with Andrew Loewi and Michael L. Poindexter as oralists. Judging this case will be Judge James K. Logan of the United States Court of Appeals, 10th Circuit, Judge Dolores Sloviter of the U.S. Court of Appeals, 3d Circuit and Judge Cruz Reynoso of the California Court of Appeals.

Truth in Lending

The case to be argued on March 19 concerns the Truth-in-Lending Act. Since this case was built as a amalgam of several cases instead of being based on one actual case, the record writer again had extra work to do — which included substantive research on issues not in the actual cases that the BSA and Shapiro wanted to include in the moot court case. The case, *Colum-*

bus Enterprises, Inc. v. Thomas Lee Buttram, et al., is a complicated class action involving petitions and cross petitions brought on behalf of individuals who made credit arrangements with the corporation. The plaintiffs claim a violation of the Truth-in-Lending Act; a major issue to be resolved is the scope of corporate liability. Procedural as well as substantive questions abound. The moot court semifinalists must brief questions of pendent jurisdiction; the form of the counterclaim, whether compulsory or permissive; corporate liability under the Truth-in-Lending Act; the measure of damages under the Act; and whether the court should lift the corporate veil.

Arguing this case will be the Sojourner Truth team with Louis Billionis, Nicolas Grabar, Leslie Ann Jones and Steven Levitas, with Deval Patrick and Laurence Shtasel as oralists. The Samuel Chase Club, sponsored by HGAP, with Michael R. Heyison, James B. Hicks, Mary P. Higgins and J. Andrew Langan with J. Philip Allen and John A. Cunningham as oralists will represent the other side. Judging *Columbus v. Buttram* will be Judge Cecil Poole of the U.S. Court of Appeals, 9th Circuit, Judge Thomas M. Reavly, U.S. Court of Appeals, 5th Circuit, and Judge John M. Ferren of the District of Columbia Court of Appeals.

Finding the cases which will be argued next week took several months, and overcoming several Shapiro vetoes, commented Sanders, all together "perhaps 120 hours worth of work." And still the work goes on, arranging video practice time for the contestants, sending judges information packets, making travel arrangements, getting the contestants into the library after hours, and finally, arranging a dinner for the judges, the semifinalists, friends and family.

Each team will get \$350 as prize money. De Saint-Phalle will net \$1000 for each record she wrote, and the BSA can look forward to beginning work on next year's Ames final round.

Lottery Kicks Off Housing Search

By Gretchen Rule

Isn't it nice that just when you think the semester is endless (i.e. about 5 weeks after it starts), there's always something to liven things up. In the fall, it's interviewing; in the spring, it's house-hunting.

Yes, it's that time of year when 1Ls' and 2Ls' thoughts turn lightly to where they'll be living in the fall. The season starts in February when the search for that perfect summer place in New York serves as a reminder of grander things to come, and gets into full swing with the annual dorm room lottery.

This year 194 returning men and 87 returning women turned in a card that placed their names in the lottery. Of these, 143 men were scheduled to pick from 124 rooms, and 64 women were scheduled to choose from 54 rooms. The extra people were scheduled, according to the posted notice, "in anticipation that some applicants may refuse rooms."

Simplified Procedure

The lottery is being handled this year by the Housing Office, which took over the function from Steve Young and Catherine Soares. According to Administrative Assistant Betty Stout, one of the Housing Office's primary goals was to clarify the lottery procedure. To this end, the officially promulgated procedure was condensed from its previous nine or so pages to the current two and a third pages. "We're trying to simplify it so that people don't get hung up on the wordiness," explained Stout. "We want people to know how the game is played."

The game is really quite straightforward, with preference given to those with obvious special needs (handicapped students and RA's), then to those who have served on the Dorm Council (although in the future only Dorm Council Executive Committee members will have this preference), and then to the rest of the masses depending on

their year at HLS and the number of years they have lived in the dorms already. Within each priority group the hopefuls are arranged randomly.

But what if you happen to be number 194 (or 87, as the case may be)? Or what if you're fed up with the dorms after two years of being woken by lawn mowers and snow plows at 7:30 a.m. on a Saturday morning? Alas, then you are forced to deal with off-campus housing.

Off-Campus Advantages

There are advantages to living off-campus. For example, it is rare that a landlord or super will be so zealously conscientious that the lawn (if there is one) will get mowed or the walk shoveled early on a weekend morning. There is the added attraction of taking a shower alone (or at least with a friend of your own choosing), and for those with some degree of competence the kitchen can be a blessed reprieve from Charlie's or (ugh!) the Hark. There is somewhat more effort involved in finding a suitable haven, however, than just filling out your name on a card and praying to the appropriate gods.

The first stop for most people who aren't lucky enough to have a 3L friend moving out of a choice apartment is the Harvard Housing Office on Holyoke Street. There you will find, if you can get past the front desk (Harvard ID, picture ID, and log-in required), listings for everything from rooms without kitchen privileges on a short-term basis to houses for sale. The list-

ings are divided into Cambridge apartments, outside Cambridge apartments, houses (rents, sales, short-term rents), Cambridge rooms, on- and off-campus sublets, and Harvard Medical Area listings. Also provided are information on real estate agents (with warnings about fees) and telephones for immediate contact with a promising prospect. The Office also keeps the waiting list for Harvard-owned housing (Peabody Terrace, 29 Garden Street, etc.), but the list is long and notification of apartment availability usually doesn't come until mid-summer (much too late for most plan-in-advance and keep-things-settled law students).

For the more adventurous, resort to the local newspaper listings can be an intriguing challenge. A recent issue of the *Cambridge Chronicle* had few listings, however, and most of the listings in it and the *Globe* were for immediate occupancy (also a problem with many of the Harvard Housing Office listings).

Best Bet

Probably the best bet for those seeking shelter for the fall is to wait for the flood of individual notices that should start appearing soon on bulletin boards throughout the Law School campus. Most leases run from September 1 to August 31, and many give the first option on the next year's lease to those who assume the lease for the summer. This can be done even if you took a job elsewhere, since it is rare that an apartment can't be filled for the three summer months. ☘

KOBY PHOTOGRAPHERS

8 Boylston Street
Harvard Square
547-7552

Portraits
and
Instant Passport
Photographs

Professional Dry Cleaning
and Shirt Laundry
at

Rite-Way
DRY CLEANERS, INC.

547-8008
4 Hudson St., Cambridge
(off 1672 Mass. Ave.)

Faculty to Study Harv. L. Rev. Plan

(Continued from Page 1)

mode of membership selection the *Review* has chosen; according to the plan, the eight members selected by the admissions committee must be in the upper half of their class. A faculty vote is required to approve of the release of this information.

Sacks stressed that the faculty has a more "informal" but equally

important role in the *Law Review* issue. "The faculty might in some case explain its view concerning a mode of selection of students or a participation practice of a student organization if the faculty felt that it had a bearing on education at the School. I think that's within the faculty's ken." If the faculty were to express such a view, Sacks explained, the student organization would have to consider that

opinion in deciding what action to take. "When students have expressed views, the faculty or administration has had to consider how to respond. That could work the other way." Sacks stressed, however, that he could not predict how the faculty would come out in its consideration of the *Law Review* matter.

Student Access Assumed

In his memo to the faculty, Sacks left the issue of student input to the committee unclear. He did comment to the *RECORD* on this issue, however: "By the nature of things the committee would be inviting students to express themselves. I assumed that there would be access" for both *Review* members and other students wishing to express views on the selection process, he explained. "A major role of the committee is to provide students an opportunity to express their views."



Casino Night Update

This year's Casino Night was about \$600 more successful than last year's, according to Bonny Garcia, 3L, Dorm Council member and one of the organizers of the event. Gross receipts totaled about \$3800, reported Garcia, with about \$1200 of the income attributable to gambling proceeds. Costs of the gambling equipment took about \$1000 of the receipts, and the remaining costs resulted in a net loss on the evening of \$50. Since the Dorm Council guaranteed a \$500 donation to Los Niños, the beneficiary of the gala, the Dorm Council lost a total of \$550. This was, however, much better than last year, asserted Garcia, when the total loss was more than \$1000.

Next year we should do even better," Garcia claimed. "We plan to drop the Grand Prize, which cost about \$900. Even so, it should still be a big event." ❦

March 5, 1981

Memorandum to the Faculty —

As you are aware, the Board of Editors of the *Law Review* has voted to adopt modifications in its mode of selecting new editors. Stated in summary fashion, the modified plan contemplates that up to eight editors may be selected by criteria that include, but are not limited by, grades or a writing competition. It is obvious that the Board of Editors is influenced primarily by considerations of affirmative action relating to race and sex. I attach to this memorandum a copy of the new plan adopted by the Board of Editors. (This should not be confused with a plan adopted two weeks earlier by the *Review* and then discarded in favor of the plan attached hereto.)

This matter should be considered by the Faculty, and if at all possible, it should be considered this spring before the new selection process goes into effect during the summer or fall. As a technical matter, there is at least one aspect of the *Law Review* proposal that requires faculty action, namely that all of the eight editors have grades in the upper half of the class. But even if the *Review's* position were that it was acting independently of the Law School Administration, the significance of the relations between the *Review* and the School and between *Law Review* students and all students would lead me to have this matter reported to the Faculty in any case.

In order to assure that faculty consideration of this matter is as informed and focused as may be, I am appointing a committee of faculty members to learn whatever additional facts there may be, to explore the issues involved, and then to report to the Faculty with whatever recommendations it may have for faculty discussion or action. I do not now propose that any students be included on this committee, since the very nature of the task will involve a very heavy student input; moreover, I am much less than clear on how to structure student membership equitably.

The committee may find that consideration of this matter can not be intelligently carried out without attention given to some larger issues — for example, proposals that the Law School should not furnish any grades to the *Law Review* as a basis for selection of its members. I propose that the committee go into these larger questions to the extent necessary to perform its major task judiciously, but that it give high priority to the goal of reporting to the Faculty early enough this spring to permit faculty consideration before the end of classes.

The members of the Special Committee on *Law Review* Selection are as follows: William D. Andrews, C. Clyde Ferguson, Lance Liebman, and Detlev F. Vagts, Chairman.

Albert M. Sacks
Dean

Stop Abuse Reasonably

The proposed changes in the federally guaranteed student loan programs set out by President Reagan will have an effect on a large number of law students (see story p. 3). Some of the changes are more equitable than others.

The reintroduction of a needs test into the program is not objectionable by itself, so long as the specific formulae for calculating need are not too harsh. It is well known now that the program has been abused, and it has become routine for students with savings or other assets great enough to pay for their education to nonetheless sign the simple form required to get their \$5000 loan. They are then free to make money from the loan by investing in high-interest funds or they can spend it without paying any interest until six months after graduation. There is no reason this sort of abuse must be subsidized by the government, particularly when the people with the savvy to use the program in this way are for the most part from upper-middle-class backgrounds.

If the needs test is made too stringent — if the required period of independence is made too long, for instance — or if the parents' income is taken into account regardless of how long the student has been independent, then a return to the needs test would be unfair. But if the needs are calculated on a reasonable living expense budget, the test can weed out the unnecessary loans. Of course any kind of needs test sets up an environment where there is no incentive to save before entering school, but the only alternative is to give everyone a loan and to allow the current abuses to continue.

The proposal to charge interest on the loans while the student is still in school is a different matter, and this clearly makes the burden of paying for an education truly onerous for a great number of students. As our story notes, for a student borrowing for four years of college and three years of law school, the accrued interest alone would amount to \$10,000. And this is without regard to the need of the student. With a reasonable needs test, the money loaned would go only to those who really use the money for their education and there is no need to burden them with the interest after their showing of need.

The most worrisome consequence of requiring the interest payments is that it will force students considering relatively low-paying public service and government jobs to look to the large, corporate firms simply in order to pay off their debt. These people must make enough sacrifices now, and there is no need for them to be further discouraged from taking such jobs. ❧

HARVARD LAW RECORD

EDITOR Mary Tarduno
 MANAGING EDITORS John Morris, Gretchen Rule
 BUSINESS MANAGER Eileen Brownell
 EDITOR EMERITUS Dan Hershman
 CONSULTING EDITORS Bennett Murphy, Laura A. Taylor
 BOOK REVIEW EDITOR Fritz Byers
 SENIOR EDITORS Steve Friedland, Jack Lange
 ASSOCIATE EDITORS: Tom Heywood, Ben Littauer, Erich Merrill, Carl Oppedahl, Rob Woolmington
 EDITORIAL STAFF: Alison Arnold, Joe Danowsky, Will Hunter, Benne Hutson, Thomas Isenberg, Marisa Manley, Wanda Payne, Mark Pogue, Gabe Varges
 PHOTOGRAPHY STAFF: Ben Littauer, Erich Merrill, John Morris, Wanda Payne, Monica Rodriguez, Newton B. White, Rob Woolmington
 BUSINESS STAFF: Monica Rodriguez

Fenno

"France?! No. That's mine! You already took Poland and South America." Fenno was rudely awakened as he took his daily afternoon nap in the Langdell stacks.

"Poland is nothing but a pain in the neck," a voice replied. "I need some nukes. You've got Japan."

Fenno decided to track down these all-too-worldly voices. He walked down two flights of stairs (cursing all the while, incidentally, the fact that the elevator stopped only on the first and fourth levels); the voices grew louder as he made his way down a dark, dusty corridor.

A thin shaft of light shone under a closed office door. Opening it without knocking in the style he had picked up from T.V. detective show reruns, Fenno found himself staring into the faces of four rather annoyed-looking young men who were seated around a table bearing a map of the world.

"Hey you guys," Fenno covered nonchalantly, "I heard your voices and thought you might have been locked in here or something . . . Well, I thought you might be playing 'Diplomacy.' I saw it in a store once, and thought I might join in."

"This is *not* a game of 'Diplomacy,' said one of Fenno's hosts testily.

Suddenly, it all became clear to Fenno. He had heard rumors about a secret coalition of top-notch J.D. and M.B.A. students, but until now had simply scoffed at the reports. This was a meeting of the Future Dictators of the World Club! Fenno drew in a breath in amazement.

"We're all due to graduate this June," explained one of the "FiDWiCs," as they styled themselves, "and we have to make a final decision on our spheres of influence. President Reagan is the best thing that ever could have happened to us. He'll fit right into our plans. Bill here will control the Communist bloc. He will 'threaten' each of our areas in turn, thus assuring us all of American military and economic aid for at least the next four years. And Haig is the icing on the cake." The speaker sat back with a satisfied smile.

Fenno was aghast. "What — I mean — I thought we were all supposed to be dedicated to the triumphant self-determination of free capitalistic peoples, not to mention economic cooperation within reasonable bounds."

"We who?" he was questioned snidely. "Are you forgetting? We've been trained at Harvard. *You* obviously haven't been doing your homework."

Fenno shook his head. Then he penciled his name in over the Middle East. "You never know when some oil might come in handy."



Letters to the Editor of the RECORD

Yet More on Review

[The following letter was sent to the Harvard Law Review with a copy forwarded to the RECORD by the author.]

Gentlemen:

One thing a Harvard law student should learn, if nothing else, is to be wary of trendy ideas. If a law student is not able to see the implications and limitations and to foresee possible problems of a novel proposal, he has been wasting his and the school's time. With regard to "affirmative action" the current editors of the *Harvard Law Review* have flunked this test.

Until now there has been no way to become a member of the *Harvard Law Review* except through academic achievement. In my day (class of 1949) if a student had an A average, he was eligible; if he had a lower average, he was not. Now, I understand it is the top five students in each section who are eligible. (This may be a tougher or an easier standard, but it still seeks to select the best and the brightest.) While some students can become editors through the writing competition, presumably they are also selected strictly on performance.

Now you propose to institute a new criterion. Members of minority groups and women will be able to become editors of the *Harvard Law Review* without being the top students in their class.

What I am concerned about, first of all, is a breach of the principle that all Harvard Law School students are matriculated equal. Nothing should count at Harvard Law School except ability and diligence — not wealth, not family, not connections, not race, sex or popularity — only one's own merit. Under your original plan, five students who otherwise qualify for the *Review* will be deprived of the opportunity which they have earned in favor of five who cannot qualify individually but only as members of a favored class.

Second, the very establishment of such favored classes implies that blacks, Hispanics and women are inherently inferior and cannot qualify for the *Review* except if standards are lowered for them. Such an invidious assumption may have been unintended, but it is a necessary implication of applying easier criteria for these students.

Third, women and minority students who do qualify for the *Review* without reference to "affirmative action" will not receive full credit for their achievement. Who will know whether they made *Law Review* on their own or because of their minority status or sex? The world, being the way it is, will assume the worst.

Fourth, if quotas are ever justified, they certainly are not with respect to women and members of minorities who have gained admission to Harvard Law School. These

[are not members] of our society who must be removed from a ghetto environment so they may realize their potential. They have already gained entrance to the ranks of the elite. Like all Harvard law students, they have been given an opportunity denied to 99% of those who wish to become lawyers.

Your revised proposal, which would permit a committee to consider race or sex in selecting editors, has all the faults of your original plan and the additional disadvantage of introducing a subjective element into the selection process.

The present second and third year students who are editors of the *Harvard Law Review* should not lightly abandon the tradition of selection solely by merit which has served the *Review* and the school itself so well.

Leon C. Baker, '49
New York, New York

To the Editor:

As a steadfast contributor to the alumni fund, I have been entitled to receive the RECORD ever since week one of its publication. I almost always peruse it, and I do more than that when an issue contains something of special interest. The article concerning the *Law Review* and "minority group members" is certainly in that category.

I am a "minority" lawyer so far as the many thousands of HLS alumni are concerned. The vast majority are in firms, large or small, practicing corporate, administrative, constitutional law, etc. I am a sole practitioner, with a family-type practice in Washington, D.C. and Virginia. The population of Washington being what it is, I have a large (and may I say satisfied) negro clientele.

Please note that I say "negro," not "black." I am in good company; for example, Pauli Murray and many other nationally known negroes "stubbornly cling to the term 'negro' as a dignified identification" (*Wash. Post*, p. A19, 2-26-81). The vogue of using the term "black" developed in the decades of the knee-jerk liberals, and they criticize me for saying "negro." I give them this answer.

Among my negro clients, less than half are black in color. Many are light-skinned. Every now and then I am startled when a client, so light complexioned that I assume he is white, tells me that he is negro. (For convenience I say "he" rather than "he" or "she".)

I am not a constitutional lawyer (quite an admission for an alumnus of the Law School). I have not been involved in litigation concerning "minority preferences." I have wondered why some sharp lawyer has not challenged a statute whereby "blacks" get a preference, on the ground that it is so vague and meaningless as to be unenforceable. Who determines that a man is black and therefore entitled to a

preference? To me the answer is that one who seeks a preference as a black, qualifies because he says he is black. I have yet to come across an instance, in reported cases, or in the millions of words written and spoken on the subject, where proof of "blackness" was required.

Need I say how strongly I support Kathy Smalley, RECORD 2-13-81, p. 16—the *Review* should stand for merit. Incidentally, the ecstatic supporters of the plan for change are guilty of a glaring omission. They failed to reserve a super-slot for a black woman student!

I shall close with this scenario: A white, and a light-skinned negro, are roommates. The white routinely gets "A's" and finds time to help his friend, who gets B's. The negro gets preference, makes *Review*, and the white does not.

A student has a burning desire to be elected to the *Review*, but his grades are not high enough. He happens to have a swarthy complexion, and he demands membership. Who will challenge his statement that he is "minority"?

I shall, *deo volente*, attend my 50th reunion in May. May I be assured a safe conduct, without apprehension of a hostile reception by a committee of activists?

Hyman J. Cohen, '31
Washington, D.C.

To the Editor:

Enclosed is a copy of the letter I have just sent to the editors of the *Law Review*. If you are interested in it, you are authorized to print it in the RECORD as a letter to the Editor or whatever.

Dear Editors of the Harvard Law Review:

I was a member of the class of '54, the second class to admit women to HLS. I was the first woman to get an A-average in the first year, no big deal but a tiny milestone at the time, and missed the *Review* by a whisker. After two years I left to marry a widower with three children, quickly had three more, and never got back to the profession.

That's my background in the law and does not perhaps provide enough standing to support the outrage I feel at your recent decisions permitting special admission to the *Law Review* for women and black students who would not by present criteria make it.

I'm sure you're getting a hailstorm of criticism, and every bit of it is deserved. I'm sure I cannot add to the arguments against your action—you must have heard them all, including the *New York Times* editorial of March 3 which seems to be irrefutable.

I can only add my own personal sense of insult as a woman at your condescension. Women are different from men, notwith-

(Continued on Next Page)

Letters to the Editor of the RECORD

(Continued from Previous Page)

standing what is claimed to the contrary, and one way this shows is that some of the brightest choose to diversify their lives more than men do, even in Law School. Vive la différence. The penalties of meddling with it are far greater than the rewards, for the *Law Review*, for men, for women, and for excellence.

As to applying special standards to black students, that too is a condescension which can only prolong their self-distrust and impede their steady struggle to pull even.

A mark of greatness is when you've made a boner, admit it and correct it. May the *Harvard Law Review* do just that.

Jonisa E. Spencer

Member, Harvard Board of Overseers

Creative Placement

To the Editor:

With the elimination of federally funded legal services now feared, the Placement Office must devise new strategies for assisting those students who desire public interest jobs. The general path to be taken is clear. Only the defense budget is slated for increase. Therefore, only the Pentagon is likely to have extra funds for legal services and public interest law. Harvard must exploit its Pentagon contacts in order to secure defense dollars for legal services.

An independent legal service within the military seems unlikely. Instead, defense dollars must be tapped through clever grantsmanship. Harvard connections should certainly help. The Placement Office must aid students in packaging their grant proposals.

Much legal services work might be done under the rubric of "infrastructure development." From a certain perspective, our whole country is infrastructure for the Armed Services. Harvard Law School faculty might discuss any experiences they may have had in winning grants to student infrastructure development in Utah and Nevada for the MX missile. Parallel grants might be secured for legal services (infrastructural support) in the neighborhood of any defense establishment — or, broadly conceived and packaged, in any neighborhood at all.

What objections might there be to this plan? Some might fear to spend on legal services money that is needed for our national defense. Fortunately, the Pentagon wastes "several billion dollars a year," according to Elmer Staats, outgoing chief of the General Accounting Office. We can take money from "fraud, waste and mismanagement" in the defense budget, not from the "truly needy" weapons programs. Accepting Pentagon dollars might seem distasteful to some; but, let us remember, these funds really belong to the people.

Mark Cohen, 2L

Morris Cohen

To the Editor:

The front page article in the January 23 edition of the *Harvard Law Record* reports that Morris Cohen, HLS Librarian and Professor of Law, and Robert Berring, Deputy Librarian, have resigned and that Professor Lance Liebman is chairing a search committee for replacements. Lance's picture is featured on the front page and a double-sized photograph of Berring appears on an inside page where the story continues. Prof. Cohen is not pictured.

One wonders at your priorities. Morris Cohen is surely the premier law librarian in the United States and his pioneering efforts have elevated the status of law librarianship in this country. When Prof. Cohen came to Harvard Law School a prominent article appeared in the *New York Times* extolling his virtues. On his departure from the law school, the *Harvard Law Record* should do no less.

Burton Caine, Professor of Law
Temple Law School
Philadelphia, PA

SPORTS QUIZ

NOTE: This week's Sports Quiz deals with athletes whose last names are the same as well known animals, whether they walk, crawl or swim.

1. This man, one of the smaller players in the National Football League, spends most of his playing time running back kicks for the Houston Oilers. Who is this man whose last name is the same as an infamous insect?
2. An All-Pro defensive back several times, this member of the New England Patriots is known for his hard-hitting style and out-spoken nature. Who is this man whose last name is the same as an elusive wild animal?
3. This man was a steady performer for the Pittsburgh Pirates throughout the 1960s. Who is this pitcher with a name which is the same as a large antlered resident of the northern woods?
4. One of the greatest running backs in the history of the NFL, this man starred with the Los Angeles Rams during the late '60s and early '70s. Who is that athlete with a name the same as a famous fish?
5. Having been preceded by his father who was a pitcher for the Detroit Tigers, this newcomer came to prominence last year as a good young pitcher for the Chicago White Sox. With a last name that's "fishy" in nature, can you name this player?

(Answers on Page 16)

Hurley, 2L, To All Souls

By Tom Heywood

Susan L. Hurley, 2L, has been awarded a Thesis Prize Fellowship from All Souls College of Oxford University, Oxford, England. She is the first woman ever to receive the prestigious fellowship. At the end of this year Hurley will spend five years at Oxford University through the fellowship pursuing a number of research projects in philosophy.

A native of California, Hurley received her bachelor's degree in philosophy from Princeton in 1976. After completing her first year of law school at Harvard in 1976-77, she commenced three years of graduate work in philosophy at Oxford University as the St. Catherine's College Graduate Scholar. She obtained her B. Phil. in two years and worked on her D. Phil. thesis during her final year at Oxford.

Two years ago the statutes of All Souls College were amended to permit women to compete for research fellowships. Hurley applied by submitting a draft of her D. Phil. thesis, about Wittgenstein and practical reason, and by taking written and oral examinations; she will join three other Prize Fellows selected earlier this year on the basis of examinations alone. During the term of her fellowship, Hurley plans to complete her thesis and to carry out research in certain areas of overlap between philosophy and law.



"Specific Performance" for Free

By Ben Littauer

Dean Griswold once said: "There is no Glee Club at the Harvard Law School." This may be true, but five 2Ls are nonetheless finding an outlet for their musical talents. "Specific Performance," a free concert featuring Barbara Allen, Jeanette Anderson, Bob Kyle, Sylvia Park, and Janet Sanders will be given on Monday, March 16 at 8 p.m. in North House's Holmes Living Room, at the Radcliffe Quad. The program will be a mixture of mostly classical vocal and instrumental pieces.

Anderson, who was a member of the Furman University marching and concert bands, noted that the concert is partly the result of a desire to have a reason to practice her flute playing regularly: "The easiest way to keep on a schedule is to go ahead and set a date for a concert, then tell enough friends so that it becomes too difficult for you to back out."

Barbara Allen, mezzo soprano, has sung *lieder* (art songs) and choral music for pleasure since high school and was a member of the 1972 Wolf Trap Opera Company. She toured Europe and Mexico as a soloist with the Princeton University Chamber Chorus, and sang with the Paul Hill chorale in Washington, D.C.

Bob Kyle terms himself "an Irish tenor who somehow ended up with a lyric Italian voice." He was in Cayuga's Waiters and was president of the Glee Club at Cornell University. He has also sung in Beethoven's Ninth Symphony at Carnegie Hall under Michael Tilson Thomas.

Sylvia Park studied piano with the late Alexander Liberman of Berkeley and is currently the student of Christopher O'Riley of Boston. She has given many solo and chamber performances on the West Coast, particularly in the Bay Area.

Janet Sanders has studied piano since the age of eight; "lessons, recitals, the whole bit," she commented. By the time she turned eighteen, piano had become more or less a hobby, but her spare time disappeared after coming to the Law School and she didn't play for a year and a half. "I didn't know how much I missed it until I loosened up on a Chopin waltz. I still have bad memories of those childhood recitals, however, so I look forward to March 16 with some trepidation."

Anderson and Park will open the concert with the Bach Sonata No. 3 in A Major for flute and piano. Allen, accompanied by Park, will continue with two Robert Schumann *lieder*, "Marien-würmchen"

and "Widmung," and two traditional songs, "Barbary Ellen" and "Searching for Lambs." Next on the program is Kyle, accompanied by Sanders. Kyle will sing three arias: "Una Furtiva L' agrima" from Donizetti's *L'Elisir d'amore*, "M'appari" from Flotow's *Martha*, and "Spirito Gentil" from Donizetti's *La Favorita*. Anderson and Park will conclude the program with the first two movements from Claude Bolling's *Suite for Flute and Jazz Piano*, with Martin Davidson, a North House sophomore, assisting on bass.

Kyle, commenting upon his choice of material, said "I know that these are all opera arias. When people hear "opera" they either think "boring" or they think of a fat guy wearing a Viking helmet and carrying a long spear. Actually, I agree, but some of the pieces are the most expressive ever written." He plans to explain the meaning of the arias at the concert in the hope of overcoming the "language barrier."

Anderson says that there is a possibility of more "Specific Performances," and encourages other law students with "hidden talents" to come forth and join in.



Next
RECORD
April 1



B.L.

Jeanette Anderson and Sylvia Park rehearse for the upcoming "Specific Performance".

Cartoonists

Do your talents run to cartooning? If so, the RECORD could use you. We are looking for cartoonists who would like to contribute on either a regular or an intermittent basis.

If you're interested, drop by 23 Everett St. for one of our production meetings, the Tuesday preceding each issue, or leave a note in our mailbox there.

COOP NOMINATIONS

In accordance with Article VI, Section 1, of the Bylaws of the Harvard Cooperative Society, as amended, the Stockholders of the Society have nominated the following individuals for election as Student Directors of the Society at the next Annual Meeting of the Stockholders in September, 1981.

IMPORTANT — Members seeking nomination as student directors by petition should obtain petition forms and a detailed statement of the requirements governing petitions from the cashier in any Coop store.

STUDENT DIRECTORS

Radcliffe College

Laura J. Zuckerman Class of '82

Harvard College

*Florian W. J. Himm Class of '82

Thomas Kang Class of '84

Victor K. Kiam III Class of '82

Harvard Graduate Schools

*Thomas E. Berdick Class of '83, Medicine

*Lawrence E. Golub Class of '84, Business and Law

William F. Harrison Class of '82, Business

Massachusetts Institute of Technology Undergraduates

*Charles R. Markham Class of '82

Rhonda E. Peck Class of '82

Massachusetts Institute of Technology Graduate Students

Jeff Kurn Class of '82, Management

*Paul A. Lagace Class of '82, Aeronautics & Astronautics

*Currently members of the Board

PROCEDURE FOR MAKING ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORS

Pursuant to Article VI, Section 2, of the Society's Bylaws, as amended, additional nominations for student directors may be made by petition signed by at least one hundred (100) student members and filed with the Clerk (by leaving the petition at the General Manager's office in the Harvard Square Store) not later than 5 p.m., March 20, 1981. A signature will be invalid unless the student designates his or her membership number and school, and he or she is currently enrolled as a degree candidate in that school.

IF A STUDENT MEMBER SIGNS MORE THAN ONE PETITION, HIS OR HER SIGNATURE ON EACH PETITION WILL BE DISREGARDED.

the
Coop

Students Mobilize

(Continued from Page 2)

said. Peace is required before necessary reforms can take place, but social injustice, Macaulay feels, is more likely to be remedied by a democratic government, not a Marxist government as supported by the rebels. "Letting the people decide" by withdrawing support is a naive notion, Macaulay feels, since guns, not reason, are more likely to determine the outcome. "I think people are being a little simple minded," he said. Still, Macaulay doesn't think American G.I.s should be involved. "Vietnam has told us to stay within our own sphere of influence."

Dan Goodwin, 3L, is "very upset with our government's role in El Salvador, and I think people should make their views known to Reagan and Congress." Goodwin sees identical parallels to Vietnam: "advisers first, then arms; we are committing ourselves to a weak and rightwing government."

Real Victims

Julie Martinez feels that "with all the talk about another Vietnam, Americans should not lose sight of the real victims: the Salvadorean people."

A candlelight march and vigil was to have been held last night. Tonight, a teach-in involving representatives from the El Salvador Human Rights Commission, the U.S. State Department, and the Frente Democratico Revolucionario will take place at Paine Hall at 7:30. A New England Regional Rally with the theme "No Intervention in El Salvador" is set for Boston on March 21, and Massachusetts Legislative Hearings are set for March 30. ☸

PRISON LAW CONFERENCE

At Northeastern Law School
March 21, 1981 9 A.M.

For further information, contact:
Joan Millon at PLAP

108 Austin

495-3127

Labor Lawyer Blasts Union Busters

(Continued from Page 4)

ends, Indiana passes a right to work law. The minister's wife concludes that "a good union doesn't have to force people to join it."

Following "And Women Must Weep" was the pro-union version of the same events. "Anatomy of a Lie" pointed out the inaccuracies of the first film, and presented its own view of the strike. A sincere narrator tells us that the first film is inaccurate because "the parts

are played by actors. I doubt whether any one of them has ever been to Princeton." In contrast, "Anatomy of a Lie" contains some interviews with inhabitants of Princeton.

The film points out that most of the members of the union, including the president, are women. Without denying that the violence depicted in "And Women Must Weep" took place, the narrator notes that the anti-union film inaccurately portrayed almost all the

union members as men.

The narrator asks a resident, "Did the union bring in goons from outside?" The woman looks surprised, then exclaims, "No!"

To dispel any worries about the religious beliefs of union members, worries which might have been raised by the minister's wife in "And Women Must Weep," our narrator speaks with another minister. The minister says, "We have a number of union people in our church, and they're very fine, Christian people."

Toward the end of the film, viewers are sincerely told that "those who discourage unions do it from selfish reasons, or sometimes from ignorance. It is indisputable that a free labor movement is a prerequisite to any great society."

The two films and Bernstein's lecture made it clear to some that the only thing indisputable is that when unions and management attempt to influence workers, someone will find something to dispute.



**Since the world
isn't in black &
white your copies
shouldn't be either.**

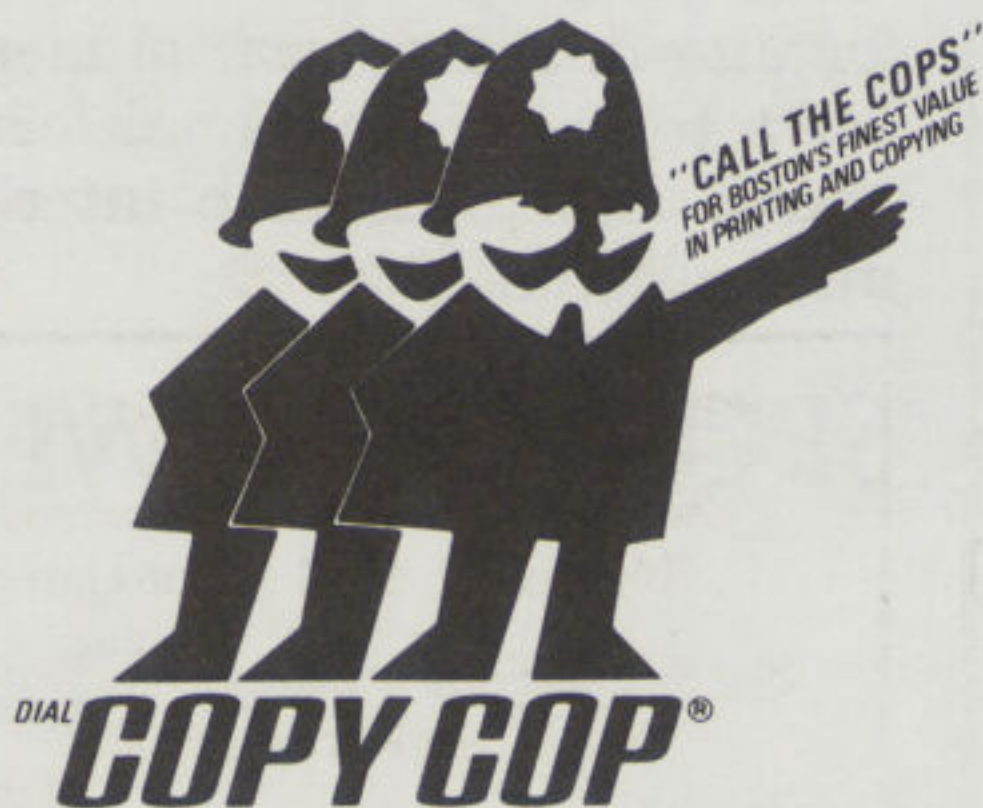
At Copy Cop, we see the world the way you do. In beautiful living color.

So if you've got a color original you want copied, we can do it in minutes.

We can also turn 35mm slides into vibrant 8" X 10" enlargements while you wait. Not to mention color copies of diagrams and graphs for reports, illustrations, and cartoons. Plus a whole lot more.

And if you can't get to us, we'll get to you with an entire patrol of trucks that will pickup and deliver your job. We're even open nights and Saturdays.

So if your copies are robbed of excitement, call the Cops. We'll be on the scene with some arresting colors, in no time.



Headquarters:
815 Boylston St. (opposite the Pru)
267-9267

Precinct 2:
13 Congress St. (near State)
367-2738

Precinct 3:
85 Franklin St. (near Filene's)
451-0233

Crimson Delivers Globe and Times

(Continued from Page 6)

to HDNS, and Epps's office took complaints and messages on its behalf. In a Jan. 23 article, the *Crimson* reported that Epps used \$2000 in College discretionary funds to aid the organization. Epps himself signed checks for HDNS. Woodworth asserted that John Fox, dean of the College and Epps's superior "is ultimately responsible for the Harvard Delivery News Service."

Another unresolved issue is HDNS's obligations due to undelivered papers in the fall. Daly refused comment, while Woodworth said that inquiries on the subject should be directed to Dean Fox's office. John Hall, assistant to Epps, said that Woodworth's office was handling them. Hall later said, "It seems to have been an area of confusion. They thought we were handling it; we thought they were handling it." Dean Fox's secretary said, "We'll get back to you."

HLS Team To Go to Jessup Nationals

(Continued from Page 1)

The problem argued involved an offshore boundary dispute over oil rights between two hypothetical African nations, Brecheen said. According to Randolph, most of the team's time was spent "trying to cook up customary law" to apply to the situation. The students have been working on this problem since October; the case was the same one they argued in the Harvard Jessup competition and also will be the focus of the national competition.

Many of the judges at the regional competition were drawn from the United Nations Law of the Sea Conference, Brecheen said. Both Brecheen and Randolph felt that the judges did a good job. "I was surprised at the quality of the judging," Randolph said. He explained that the "toughest" round he had yet in the Jessup program was the first round of the regional competition. "I didn't expect that at all

because at Harvard I had Louie Sohn as a judge."

An incident over jewelry spiced up the competition momentarily for some of the Harvard team members. Jakosa and Knowlton in one round faced accusations of violation of a strict rule forbidding any indication of school affiliation. A member of an opposing team suspected, incorrectly, that a ring worn by Knowlton was a Harvard class ring, Brecheen said. Closer inspection revealed that the ring bore a family crest.

Judges expressed surprise to Randolph that the Harvard team members were all 1Ls. While some of the other teams may have had one or two 1L members, Randolph said, he was almost certain that Harvard was the only school represented entirely by 1Ls.

Randolph felt that he and his teammates were at a disadvantage in the competition because they

were only 1Ls. "We were certainly at a disadvantage because we just don't know any general international law," he explained. Such knowledge, often possessed by 2L and 3L members of other teams who have had an opportunity to study international law, is particularly helpful when judges ask general questions, Randolph continued. "I expected that we would get killed in the regionals. Every year [Harvard teams] face people with more exposure to international law," he commented. "We were able to pull it off."

Currently the Harvard Jessup program is being reviewed with an eye to possible improvements. According to Cathy Mannick, 2L and a Jessup organizer, a similar review process last year resulted in additional training for this year's advisers and in lectures on oral advocacy for Jessup participants.

This year there has been some discussion on moving the Harvard Jessup program to the spring, stated Randolph, who serves as an International Law Society Board member. Such a move would mean that a Harvard team could not participate in the regional competition, he said.

"I think it's important for the image of the school that Harvard present a team in the regionals and that the team be as good and as well supported by the school as possible," Randolph said. "It would be tragic if Harvard should say 'we're not interested in the reputation of the school enough to allow first year students to participate,'" he added. Randolph also cited the importance of the Harvard Jessup program in fostering interest in international law at Harvard. He called the program the "best forum" for allowing first year students to learn to do international legal research and to develop interest in international law. ❧

The Harvard Law School Drama Society presents

CONTEMPT OF COURTSHIP

— The 21st Annual Law School Show —

Thurs. Mar. 5—Sun. Mar. 8

Thurs. Mar. 12—Sat. Mar. 14

8 PM

Reserved tickets on sale at the Hark (11:30—1:30) or at the
Langdell Receptionist.

Call 495-4933 for more information.

SECOND CLASS
PAID AT BOSTON, MA

RETURN ADDRESS:

HARVARD LAW RECORD
(ISSN 0017-8101)

HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138

SPORTS ANSWERS

1. Carl Roaches
2. Tim Fox
3. Bob Moose
4. Dick Bass
5. Steve Trout