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TWENTY-FIVE CENTS

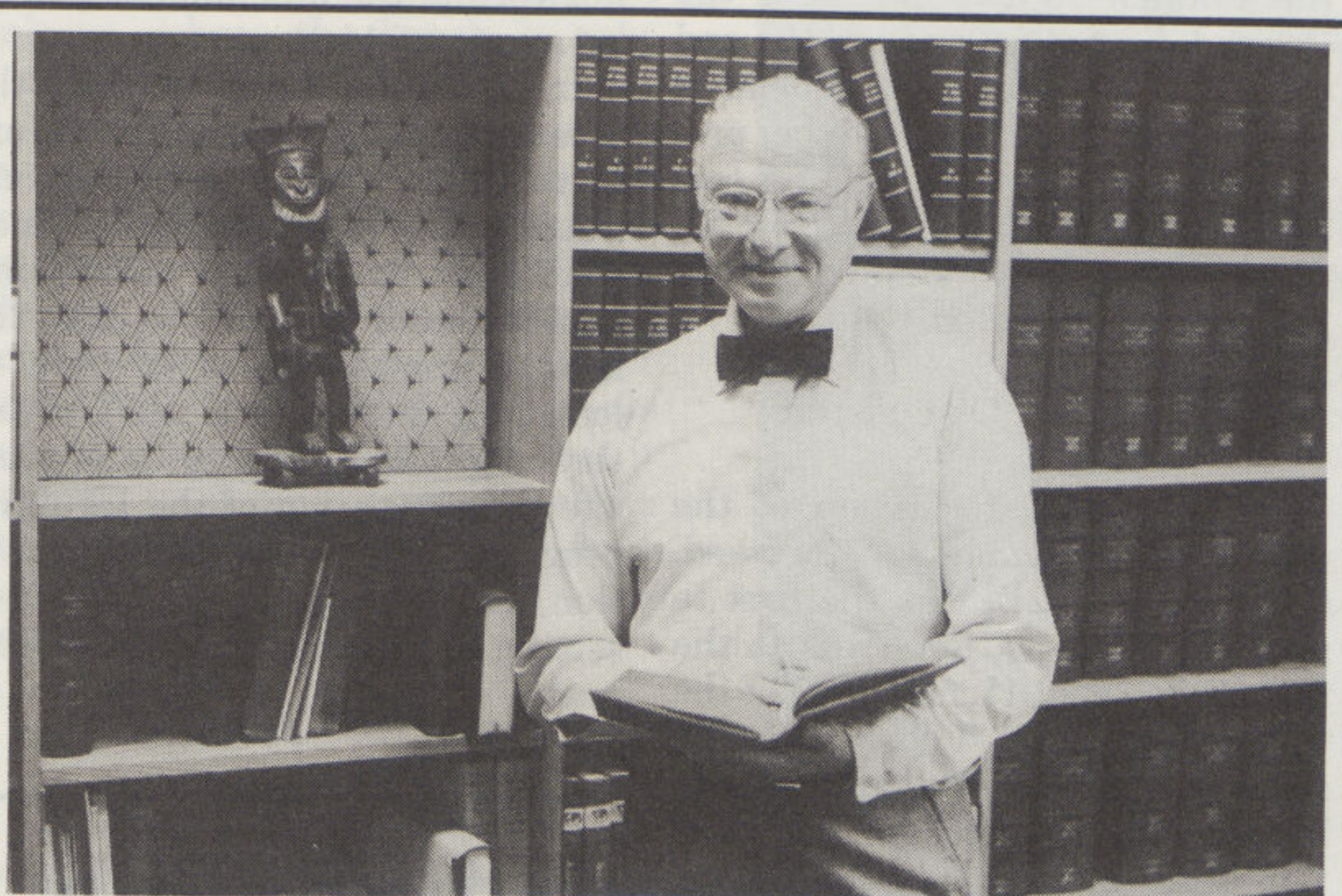


Photo by John Morris

Dean Albert Sacks in the office he will leave on June 31.

Ten Years With Dean Sacks

By Carl Oppedahl

HLS will not be the same next fall: as of June 30, Dean Albert Sacks will step down from the top post of the school, and James Vorenberg will take his place. Sacks has been an important part of HLS as Dean for 10 years, and as a professor for nine years before that.

"Being Dean is a very, very tough job," Assistant Dean Stephen Bernardi said, "but Sacks is enormously patient and deliberative, and this has had happy consequences for people who work with him and for the school as a whole." Bernard Wolfman, Fessenden Professor of Law, said,

"He is a caring person . . . a great person to work with and to learn from."

"Extraordinary" Judgment

Sacks was born Aug. 15, 1920 in New York, and received his B.B.A. degree in economics and education in 1940 from City College of New York. A brief stint in accounting was followed by service in the Army in World War II; he then entered HLS on the G.I. bill. He served as president of the *Harvard Law Review*, and received his LL.B. in 1948. He clerked for a year with Judge Augustus N. Hand and for another year with Justice Felix

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Prof. Haar Mediates In School Crisis

By John Morris

In Boston's latest financial and political crisis, the City's School Committee threatened to close schools a month early because it had run out of money. At the eye of the political storm was HLS Prof. Charles Haar, who was appointed Special Master by the Superior Court which heard the State's suit for an injunction to keep the schools open.

When Haar was named as a master on Apr. 10, no one knew exactly how bad the situation was. The School Committee had just increased its estimate of the amount needed to keep the schools open and the City Council was up in arms over what it saw as irresponsible spending on the Committee's part. Haar was called in to assess the situation.

Superior Court Judge Thomas Morse asked Haar to make an independent estimate of the money needed to keep the schools open and to explore various means of financing the expenditures. In Haar's words, he was called in "to bring some clarity and commonality to the dispute and to provide a firm factual basis for the judge's decision." Haar's expertise in municipal financing would also help to fashion a solution.

Because the City's and the School Committee's accounting was done
(Continued on Page 9)

LSC Passes Attendance Requirement

By Erich Merrill

In its final meeting of the year, the Law School Council voted on a proposed amendment to its constitution providing for automatic removal of members with poor attendance records. After extensive discussion, Council members voted to approve the amendment.

The amendment was the third attempt this spring to deal with the problem of low attendance at Council meetings. The first came several weeks ago, when the Council passed an attendance requirement for members. The Council did not have a quorum present when that requirement was passed.

In a meeting April 23, the Council approved a motion to dismiss three members who had been absent too often during the year, unless they showed up at the final meeting. All three were present at the final meeting.

Amendment Technically Wrong

Discussion of a possible amendment began when Bud Gilbert, 1L, said he realized that the motion passed in the April 23 meeting was "technically wrong," since the constitution provided for removal of members after they had been given a hearing. But Gilbert said he was "tired, disappointed, and almost outraged at the performance over the last school year by some of our current members. This Council, Harvard Law School's official student government, was rarely able to muster the votes needed to constitute a legitimate quorum. It's time this Council started to accomplish what it's called to do. I propose that we amend our constitution."

Gilbert then proposed an amendment which provided for automatic dismissal of members who consistently missed meetings. Members who missed three consecutive meetings, or five meetings any time during the year, would be placed on suspension. After being placed on suspension, a member would automatically be dismissed from the Council in two weeks if the Council did not vote before the end of that period to allow the member to remain. Notice would be provided to members after their second consecutive, or fourth total, absence that they were about to be placed on suspension.

Animated Discussion

An animated discussion of the proposed amendment followed. Corliss Stone, 2L, was the first to address the issue. Referring to the recently elected 1L members of the Council, she said, "I don't think we should vote on this amendment because there's a lack of information here. These people don't have the necessary information to act on a new amendment." She went on to say that she felt such an amendment would be "illegal" anyway.

Tim Casady, 1L, responded that he thought the new members did have enough information to vote on the proposal. "I sense the frustration of this Council at being stuck with dead weight."

Student Body Action?

Richard Silver, 1L, also felt that the amendment should not be voted on. He said the Council should present the amendment to the student body as a whole before taking action.

Council president Will Hunter, 1L, spoke strongly for the amendment. "I intend to bring this up at every meeting until we get it resolved. I think it's too important to leave until later. I don't want to try to conduct the business of this Council if we don't get the constitution changed."

With one abstention and the chair not voting, the amendment passed by a vote of 11 to one.

In other business during the meeting, Hunter asked for volunteers to work on several subcommittees he thought the Council should set up for next year. Committees were formed to study the faculty proposal for a job fair, to look into ways which the University might save energy, to encourage the expansion of the legal aid program, to re-write the constitution, and to study the feasibility of setting up a bar in Harkness Commons.



Correction

The names of the sculptor of the new bust of Roscoe Pound and the sculptor's son were switched in the caption to the photo on page 5 of last week's issue (May 1). The sculptor is Dr. Avard Fairbanks and his son, who is pictured, is Jonathan Fairbanks. ❧

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Renovations Slated for Ames Courtroom

By Sharon Oxborough

Over the summer, the Ames Courtroom will be transformed from its present ugly duckling status to an elegant classroom which can seat over 200 students and which can also effectively function as an appellate or trial courtroom. This will be done, according to Prof. Charles Nesson, by removing the alcove, where the bench is now, and the existing seats.

The alcove and the 512 seats were added in the 1950s, Nesson said. Until that time it had been a library room. Though in the 1950s it was able to accommodate the entire first year class, it no longer can. But, Nesson said, "the seats are so crammed into it now that it can be used only as an appellate courtroom and for lectures," characterizing it as "an extremely under-utilized room."

A Real Courtroom

After restoring its original Richardsonian dimensions and replacing the present chairs with gently sloping risers, the classroom will be able to seat 218 people, with the capability of adding temporary seating so that the total can reach 350. "This represents a compromise on seating," Nesson explained. "In return we get a working classroom the size we need most and an ideal place for Introduction To Advocacy." A possibility exists, Nesson said, that some non-jury Massachusetts civil sessions could be held there. HLS lecturer James Lynch, Chief Justice of the Massachusetts Superior Court, is on the Harvard committee in charge of the remodeling plans to ensure that the room could function as a real courtroom.

Faculty who have worked with trials provided the major impetus for the change, Nesson said. Pointing out that there is no adequate facility for such courses now, he added that it is "a resource that Harvard Law School ought to have."

Besides Nesson and Lynch, other members of the committee include

Andrew Kaufman, Russell Simpson, and Frederick Snyder. In making the plans, Nesson said, the committee tried to preserve the "maximum possible options for the rest of Austin." The remodeling, which will cost \$300,000, does not include audio-visual equipment, modifications of Austin's convoluted traffic-flow patterns on the second and third floors, or an elevator to allow Austin to conform to handicapped-access requirements. These changes, he said, could

come later.

While all of Austin Hall is registered as an historic building, the fireplace in the back of Ames Courtroom is registered independently. The remodeling will restore the fireplace as at least a "secondary focal point," Nesson said, since nothing will be in front of it. "If the design succeeds, and I hope it will," he said, "it will move the room back toward what Richardson had in mind and create an elegant and useful space." ❧



Photo by John Morris

Prof. Charles Nesson shows off the model of the proposed changes to the Ames Moot Courtroom which will feature seats on risers and movable courtroom furniture to facilitate teaching.

Faculty Discusses Michelman Proposals,

By John Morris

The faculty met on Wednesday afternoon to discuss the proposals of the Michelman Committee for the first time. No clear consensus developed, but a number of questions and criticisms were repeatedly raised. No vote is expected until at least next Wednesday.

The Committee's report, issued two weeks ago, (see *RECORD*, May 1, p. 1) recommends three changes in the 1L curriculum:

- Increased feedback in the form of exam exercises in the fall-term courses and short January exams in the full-year courses, both to be corrected by teaching assistants.

- Pass-fail grading for the fall-term courses and the proposed January exams in the full-year courses.

- Elimination of automatic forwarding of the top students' names to the *Law Review*, requiring students instead to request that their names be sent.

At the opening of the meeting, Michelman recommended that the faculty not consider the third proposal until next year because of the controversy over the *Law Review's* selection procedure. (See story, p. 5.) Although the Michelman proposal was conceived before and independently of the *Review's* policy, Michelman said that at this point, "it would be odd to have the faculty act to affect the *Review's* selection process." He went on to say, however, that "the Committee does not want the faculty to lose track of this proposal. . . . We don't wish to see this proposal perceived as a bargaining chip in the affirmative action plan."

Committee Divisions

Michelman also responded to faculty inquiries about the committee votes on the proposals. The committee voted 8-3 for pass-fail grading in the fall-term, but four of the eight proponents were the student members; the three dissenters were all faculty members. A proposal to

extend the pass-fail grading to the whole of first year was voted down 6-5, with one student member joining the opponents of the measure.

While the report says the Committee was unanimous in its approval of some form of increased feedback, it was clearly not so united on the specific means. Prof. Douglas Ginsburg, a Committee member, said he was concerned that the Committee had not looked into the possibility of experimenting with different means before implementing a large-scale program. Sudden large changes are costly for a large institution such as HLS, he said. He also said he thought "the report deals inadequately with the more likely underlying causes of discontent of first year students," particularly, the effect of being thrown into such a large, competitive group of people. Other causes could be the large class sizes, the use of the Socratic method, and the poor faculty-student ratio, he said.

The criticisms of the grading system put forward in the report move in the direction of an institutional acceptance that grades are unrepresentative, Ginsburg said. And as for lessening competitiveness, he said students will face this no matter what they do when they graduate. He said that the report says, in effect, "Let's not confront the unfortunate facts in February. Let's put it off until the summer when they [the students] aren't here."

Recurring Concerns

A number of faculty members expressed concern that teaching assistants could not adequately provide the feedback. Several said they had found that student advisers to 1L Ames teams too often gave poor advice, and that allowing senior students to comment on 1L work could mislead 1Ls.

Several professors cited their own experiences of offering to discuss

exams with students only to find few students showed up. They doubted the depth of student concern about the issue. Prof. Roger Fisher said, "The thing students want most to know is their comparative position," citing complaints from students when he commented on papers in ways that didn't convey how the students ranked.

Prof. Alan Dershowitz said he objected to making the first-term courses pass-fail because it would convey the message that Criminal Law and Torts were less important or less complex. It would give the message that "This is a corporate law school, not a people's law school," he said. Prof. Clyde Ferguson agreed with this, saying that as a member of the Admissions Committee he read the applications of many students who want to come to HLS to do good, but "They come here and do well without ever doing good." (Dershowitz would not object if all first-year courses were graded on a pass-fail basis, he said.)

Fried Disappointed

The harshest criticisms of the report came from Prof. Charles Fried who said the report was "a grave disappointment. . . . I think this report constitutes a failure . . . to do what the faculty had a right to expect it to do." He said its proposals were essentially the same as those proposed by the Cohen Committee 10 years ago. "There is not here a single new argument, not a single new proposal. . . . It is uncanny, eerie, intensely disappointing that the first proposal is a carbon copy of one that was suggested, discussed, and rejected by the faculty 10 years ago." "Grades tell a truth about a student's performance in the course," he went on to say, and they should be recorded on the student's record.

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But No Vote Taken Yet

(Continued from Previous Page)

Fried also criticized the report for not taking a broader look at legal education. Dean-designate Vorenberg and Michelman pointed out that this was only one of several reports of the Committee.

Short Meeting

After last week's faculty meeting concerning the *Law Review* which

ran for four and a half hours, Dean Sacks was eager to end this meeting by the usual 4:00 hour. Sacks closed the meeting with a request that the faculty discuss the plans among themselves before next week. He said he would be very disappointed if they didn't achieve some resolution by the end of the school year, even if that meant continuing the discussion past next week.



Review Postpones Plan

By Mary Tarduno

By a vote of 35 to 26, the *Harvard Law Review* adopted a resolution Wednesday delaying the implementation of the affirmative action plan which it adopted in February. The plan would have allowed an admissions committee to fill 8 spots on the *Review* next year after considering applicant's grades, writing competition scores, and other factors such as race or sex if the *Review* found that minorities and women were under-represented among students chosen for membership on the basis of grades or the writing competition alone.

In the resolution, the *Review* reaffirmed its commitment to designing a selection process that would correct the underrepresentation of minorities and women that has existed in the past. However, the resolution went on to say that in order to develop a plan that would achieve this goal more effectively, the *Review* would delay taking action for a year.

According to the resolution, said Mark Helm, president of the *Law Review*, a selection review committee of *Review* members appointed by him will study the current membership selection process. The committee will also consult with students, faculty, and alumni through next year and will attempt to design a new membership system. Among those whom the committee will consult are the members of a faculty committee, chaired by Prof. Vagts, which will also be studying the *Review's* admission system next year.

The *Review* vote followed last week's request by the faculty to the *Review* to reconsider implementation of the February selection scheme. The faculty also endorsed the idea of the *Review's* seeking to promote "heterogeneity" on the staff through its selection process. The *Review's* resolution, said Helm, says that the *Review* is encouraged by the faculty's position.



Demolition of the old Harvard Square T station continues. To the right in the lower portion of the picture can be seen the old bus tunnels which are being torn down to make way for the new Red Line tracks to Porter Square and Alewife. The bus tunnels are being rebuilt along with the new subway tunnel.

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Events Planned to Honor Sacks

An afternoon of activities is planned for today, Friday, May 8, in celebration of the 10 year tenure of Dean Albert Sacks. The program was organized by an *ad hoc* committee recruited last fall by then not-yet-Dean-designate James Vorenberg. "[Vorenberg] recognized that something would be done [for out-going Dean Sacks] and that it would be best if it were organized," explained Assistant Dean Stephen Bernardi. Bernardi was one of five faculty members recruited for the committee; the others were Profs. Lance Liebman, David Shapiro, Morton Horwitz, and Archibald Cox, with the last serving as committee chairman.

According to Bernardi, there was no central theme intended for the program, but rather it was "a matter of reflecting various themes in Mr. Sacks's life as an academic lawyer."

The program will begin at 1:30 p.m. in front of Langdell with speeches by Harvard University President Derek Bok, the Hon. Kingman Brewster, Jr., former President of Yale University and Ambassador to the Court of St. James, and the Hon. William T. Coleman, Jr., former Secretary of Transportation.

Following the speeches, from 3:00 p.m. to 4:30 p.m., will be panel discussions on a variety of topics. "The Equal Protection Clause as Affirmative Duty" will be addressed in Pound 101 by Prof. Frank Michelman, Louis Henkin of Columbia Law School, and Henry Paul Monaghan of University of Chicago Law School. In Pound 102, Prof. Gary Bellow of HLS/Legal Services Institute, Roger C. Cramton of Cornell Law School, Hans F. Loeser, of Foley, Hoag & Eliot, and Wesley S. Williams, Jr. of Covington & Burling will discuss "Human Values and the Practice of Law." The topic in Langdell North will be "The Law School: Critical Scholarship vs. Professional Education," with discussion by Profs. Elizabeth Bartholet and Robert Clark with John Douglas of Covington & Burling and David Riesman of Harvard University's Department of Sociology. ❧

HARVARD LAW RECORD

Sacks to Leave Deanship After 10 Years

(Continued from Page 1)

Frankfurter. After two years with Covington & Burling, he joined HLS as an assistant professor. Tenure was granted three years later, and he took the title of Dane Professor of Law in 1968.

Sacks's service in the administration of HLS had begun with committee work before he became associate dean in 1968. "When people had issues of judgment," Wolfman explained, "they went to him because his judgment was extraordinary." Sacks recalls an incident during the campus unrest of the late 1960s. It was "when the students at the college had occupied University Hall. . . . At the Law School, students had announced their intention to occupy Langdell Library. . . . Derek Bok [then Dean of the Law School] ordered up coffee and donuts that night, and urged interested professors to attend. I was one of those who stayed all night, talking and debating. . . . I enjoyed it a lot."

When Bok was chosen as University president in January of 1971, Sacks was made Acting Dean,

and the position became permanent six months later. Prof. Detlev Vagts recalls that when Sacks's appointment was announced in January, the *Harvard Crimson* added to the excitement by printing a picture of Paul Sacks, then curator of the Fogg art museum.

When Sacks assumed the Deanship, he named three major priorities — financing the increasing cost of legal education, recruiting minority group members, and maintaining a meaningful three-year program for the law degree. Progress has been made in all three areas during his 10 years as HLS Dean. The school has remained fiscally sound; current giving and endowment income continue to pay a substantial portion of the cost of an HLS education. Minority enrollment has increased somewhat during his years, Sacks recently told the Council of the Harvard Law School Association, while enrollment of women has greatly increased in that time. As to the quality of the three-year program, it has benefitted from the introduction and development of the clinical

program, which Assistant Dean Steve Bernardi calls "one of [Sacks's] great accomplishments." Sacks is pleased with the programs, which include the Legal Services Institute and the Introduction to Trial Advocacy program. "Students are motivated to work twice as hard, three times as hard as elsewhere," he has said. "That has got to be a major positive indication."

Sacks will step down as Dean this June after more than 29 years of service to the Law School. After a year's sabbatical at Berkeley, he will do something few HLS Deans have done — he will return to the faculty. "I've always enjoyed teaching . . . it's one of the great joys for me," Sacks explained. "[Roscoe] Pound came back" to the faculty after being Dean, he added, "but I do think the dominant tradition is that the Dean does not come back." He hopes that his choice will make it easier for future Deans to return to the faculty after their terms if they wish.

The transition to Vorenberg as Dean will be smooth, says Bernardi. Vorenberg has been an associate dean for many years, and "his involvement on committee work was helpful as well . . . He knows the job as well as one can know it without having been Dean."

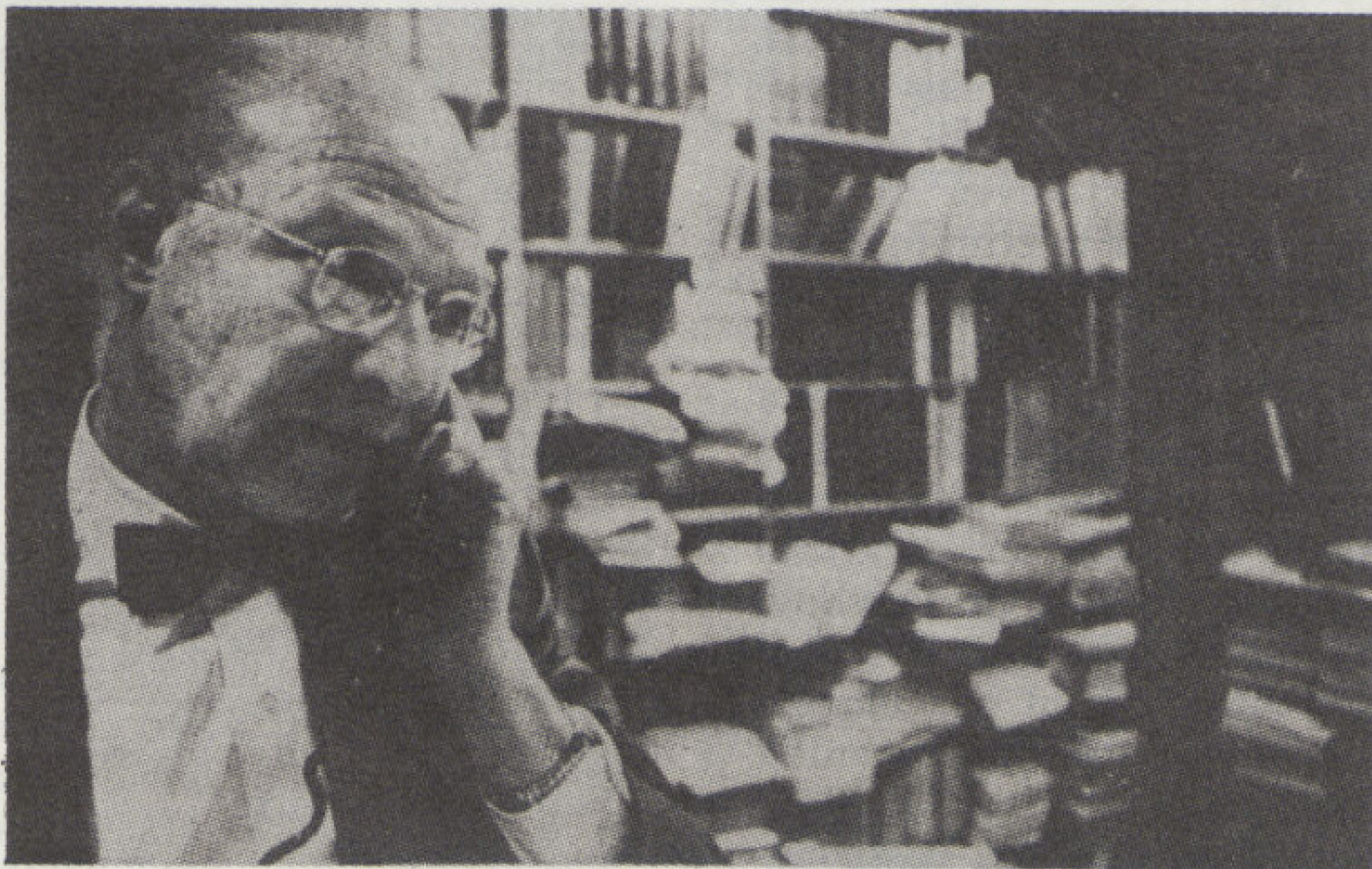
Elisabeth Wahlen, Assistant to the Dean, looked back on the years Sacks has been HLS Dean. "It's been a very busy 10 years — students have been more outspoken, and faculty much more outspoken." She described qualities of Sacks that she thought were important. "He has a great sense of humor, and is great to work for. His judgment is absolutely super." Among the staff of the Dean's office, it is a running joke that Sacks can solve any problem, no matter how difficult. "One of us will go in to him [with a matter], thinking that there's no way to handle it. The Dean will say 'What's the problem?' and it usually goes away. He has a real knack for getting . . . to the core of it."



VOL. 53, NO. 1

SEPTEMBER 24, 1971

Albert M. Sacks Named New Dean



Dean Albert M. Sacks at home in his new office.

Charles Soberman

Of Politics, Courts and Schools

Boston faces severe financial difficulties in the years ahead due to an eroded tax base and the tax limitations imposed when the voters approved Proposition 2½ in November. The effects of Proposition 2½ have not yet been felt, but the gravity of Boston's problems has already been brought home this past month by the discovery that the Boston schools did not have enough money to operate through the end of the school year.

With no additional funding from the city available, the School Committee in April announced that it would have to close the City's schools after the spring vacation which ended Sunday, Apr. 26. But under Massachusetts law, local governments are required to keep schools open for 180 days of instruction each year. The State sued Boston, seeking an injunction to keep the schools open.

When the State moved for summary judgment, the City defended on the ground that it had not been shown that the money was available to pay for the remaining school term. In an effort to resolve this issue, Suffolk County Superior Court Judge Thomas Morse, Jr. appointed HLS Prof. Charles Haar as Special Master to look into the financial situation.

Basis for Solution

Haar's findings and proposals have served as the basis for a solution. Estimating that the schools will require an additional \$30 million to stay open through the end of the year, he recommended obtaining the funds in two ways. The first source is the State, which owes Boston \$9.35 million in school construction funds. Governor King signed the bill authorizing payment of these funds this week. A second potential source of money is special municipal bonds

which would cover Boston's liability for tax over-assessments. The Supreme Judicial Court has held these must be repaid by the City. (A second SJC decision last week increasing the amount of the city's liability further complicated the school case.) The bonds would free about \$18 million allocated for the over-assessments which could then be transferred to the school budget. Together with the \$9 million, this money would nearly pay for the rest of this year's schooling.

Political Struggle

Although the parties came close to agreeing with Haar's proposals, for several days it appeared that the plan might fall victim to a multi-sided political struggle that left Boston's vacationing school students unsure whether they would return to classes on the 27th. Haar found, however, that there were sufficient funds to open the schools for two more days. On the afternoon of Tuesday the 28th, after letting several deadlines pass without intervening, Judge Morse issued an order to the City to keep the schools open. A week later, on the 5th, the SJC upheld Morse's order.

An agreement on the financial solution has nearly been reached, but it has not been easy. Even as the State freed the \$9 million, Mayor White moved to use \$3 million of it to eliminate the layoffs of firemen and policemen necessitated by Proposition 2½. Those layoffs have led to citizen takeovers of local police stations and demonstrations which have blocked the main arteries into and out of the city. On Tuesday, after Morse said he would not restrict the use of the money, White announced the reopening of two police stations and one fire station, and the postponement of layoffs.

In addition to the pressures

from citizens and the public service workers, there were strong power rivalries between the different levels of government. The City Council was pressing for greater control over White's spending powers, and both White and the Council have sought restrictions on the School Committee's pursestrings. In his second report to the court, Haar cited these efforts to achieve permanent political changes as one of the chief obstacles to an agreement. That report summed up the situation in frank terms: "The fiscal crisis besetting the schools is being worsened by a crisis in public leadership, in which political infighting disregards the rescue required by the school children."

Courts in the Fray

The Massachusetts courts are not strangers to Boston politics. After four years of litigation and a number of violations of court orders, Superior Court Judge Paul Garrity put the Boston Housing Authority into receivership in 1979. The receiver was HLS graduate Lewis (Harry) Spence, '74.

The courts were also forced into less direct involvement in the MBTA's financial crisis. When the State and the Boston area communities could not agree on funding formulas that would allow the transit system to continue to operate, the T was threatened by shutdowns in both 1979 and 1980. The State took over the system in 1979, but the SJC later ruled that the State had no authority to do this. The 1980 crisis was resolved after a one-day shutdown, but the courts have had to hear the suits of T workers who claim they were improperly laid off as a result of cost-cutting efforts.

—J.M.



Haar Mediates in Boston School Crisis

(Continued from Page 1)

on different bases, Haar had to try to reconcile the books first. The school books also were not up to date. In several days, though, several figures were reconciled and numerous overencumbrances which served to inflate the projected school deficit had been eliminated.

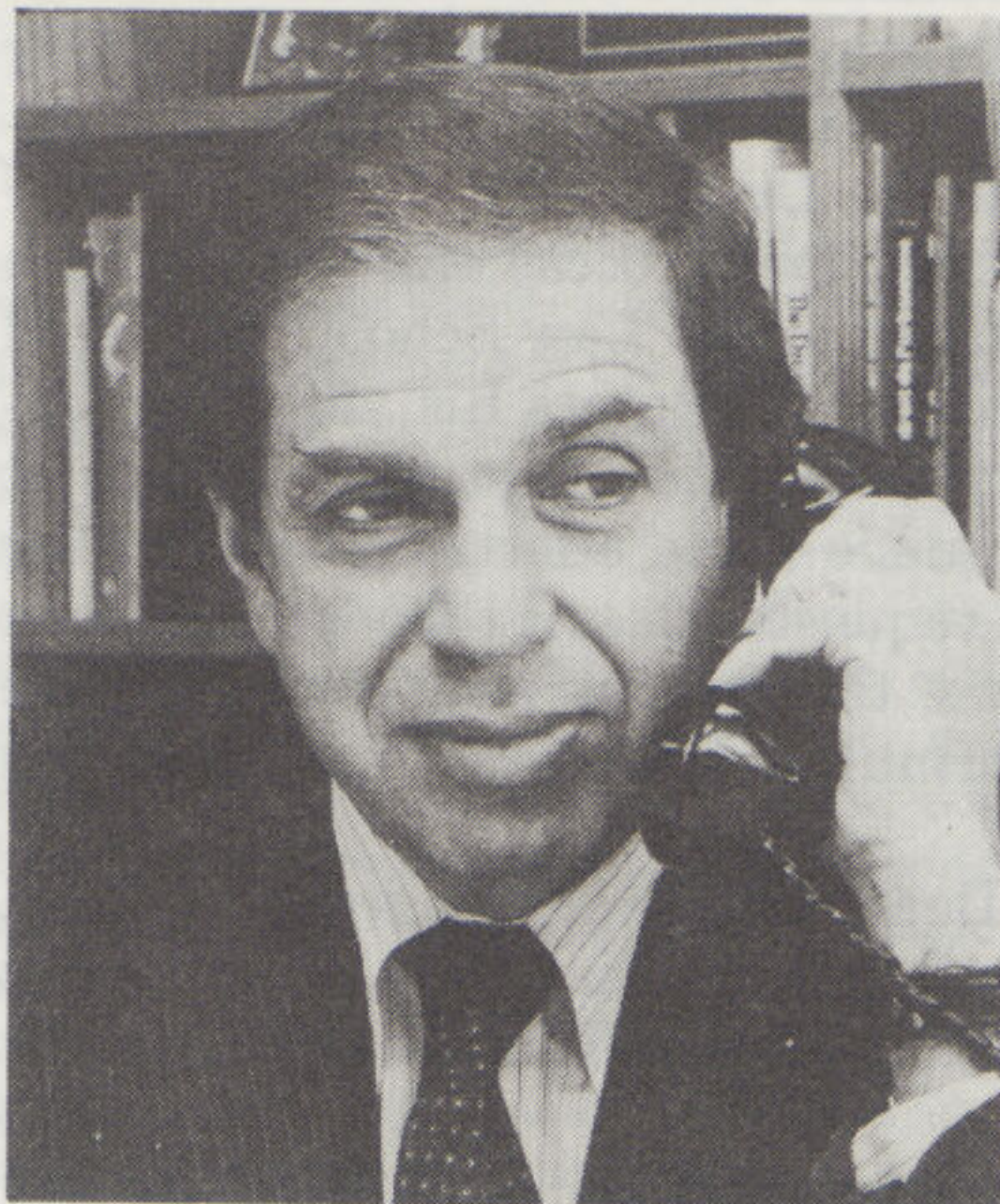
Haar reported back to the court five days later with an estimate of expenditures and recommendations that they be paid for from money the State owed the City and with a special municipal bond offering. (See accompanying story on p. 8.) The purpose of the first report, Haar said, was to emphasize that, "We're in a jam, but it's doable."

Mediator's Role

As the City, the School Committee and the Mayor progressed to the point of hammering out the details of the financial package, Haar's role evolved from one of a conventional fact-finding master into that of a mediator. "The mediation [role] grew out of the second task [proposing financial solutions]," he said.

Haar thinks the parties were happy to have him act as a mediator. "You can say things to a mediator; you can probe the other side's real interests. Everyone was striving to reach an accommodation, and any raft on these stormy seas is to be reached for."

At least at one point the School Committee was uncertain that an accommodation was being sought and it accused Haar of favoring the Mayor's position too much. In his second report to the court on the 22nd, Haar criticized Mayor White, the City Council and the School Committee for failing to agree on the terms. Each side had failed to reassure the others on some crucial point, the report said. Despite these disagreements, he has continued to communicate with everyone involved in the case. When Haar spoke with the RECORD in his office on Tuesday, the phone rang con-



Prof. Charles Haar J. M.

tinually with inquiries from various parties to the controversy.

Even if the city officials and the State can settle the details of the financial package, according to Haar, the long-term problems will remain for Boston: strengthening its tax base and improving administrative and budget controls. "The political system should . . . be aware of inevitable future crises

— budgetary and accounting problems," Haar said.

Though his role is likely to continue at least until the schools are assured of enough money to complete the year, Haar is eager to return to a more normal pace of life. "I want to get back to my regular routine," he said. "I've been averaging three or four hours a night in the last week. Not that I'm complaining — it's been an education. I've learned a lot about the relationship between the judiciary and the political system which I hope I can convey to my students."

So far Haar has not missed a class. He said he has been up at 6:30 in the morning to prepare for his 9:30 Property class because he has no other time. "The students have been very cooperative," though, he said, "They've really read their cases . . . and the discussion has flowed."

With a little luck and a little more mediating, Prof. Haar will soon get to catch up on some much-needed sleep.

Sat. Exams Possible in Fall

By Mark Pogue and
Carl Oppedahl

"There is the possibility that Law School exams will be given on [a] Saturday" next December, according to Susie Castillo-Robson, HLS Registrar. The preliminary registration bulletin for 1981-82 shows a testing date of Dec. 19, a Saturday, which has provoked a complaint from the Harvard Jewish Law Students Association (see letter to the editor, p. 11).

Many states have bar admission requirements specifying the number of hours classes must meet, and Castillo-Robson explained that because Labor Day occurs unusually late in the Fall of 1981, the semester will be "crowding the exam period." This poses problems for the schedule, she said, making it necessary to schedule the 2L and 3L exam period from Dec. 17 to 22. The dates and times of particular exams will not be determined until

August, she explained, and will depend in part on the number of professors requesting Registrar-administered exams, which varies from year to year. She added that in drawing up the schedule, religious observance days will be taken into account, and that in any event students are always free to seek special arrangements for taking examinations.

When the shift to exams before the December holidays was considered in 1973, Dean Sacks had said, "the benefit of it in terms of giving people a genuine vacation and a break between semesters is very clear." (RECORD, Mar. 23, 1973, p. 1.) The main problem in effecting that schedule change, he had explained, was coordinating the Law School and college schedules. The two did not need to coincide, he said, but they couldn't be "too far out of phase" without creating problems for those wishing to cross-register.

A Word on the Dean

Dean Sacks recently said that the RECORD and the Dean are inevitably in conflict. We agree — but that doesn't mean we can't take this opportunity to say something nice about the Dean.

During the past year, the RECORD had many occasions to talk with Dean Sacks on many issues of importance to the Law School. We found that he was usually accessible and willing to express his views on controversial topics. In our reporting on the activities of student groups at HLS, we have found that Sacks has made some effort to listen to the views of students and to act on their requests. Because Sacks has been accessible and had expressed his views, the RECORD and students have been able to disagree with him and formulate their input into decisions so that it would be meaningful.

While we might prefer to have a Dean who always agrees with us, we at least appreciate a Dean who will express his views. Dean Sacks has done this; we hope that Dean-designate James Vorenberg will follow his example.

Learning from the Crisis

The Boston school crisis should show critics of the courts who complain that judges are far too eager to take essentially political powers into their own hands that the courts' increasing role in politics is not always opposed by politicians. On the contrary: All sides in this case were glad to have the problem placed squarely in poor Judge Morse's lap. The state sued the City in the first place, and the School Committee welcomed the intervention and the chance to demonstrate that its bankruptcy was not feigned. And when the solution was close at hand, Mayor Kevin White, caught between his promises to firemen and policemen and his promises to the School Committee and City Council, was only too eager to run for cover, claiming that Judge Morse would not let him spend the money as he pleased. Morse would not step in though, and White was forced to take the heat for his own shady politicking.

Judge Morse has shown admirable restraint in dealing with politicians all too willing to abdicate their responsibilities. Sooner or later, though, Boston's so-called leaders must face up to the hard decisions that must be made in order to deal with the City's grave financial situation. In the end, the courts will not be able to save politicians from decision-making.

HARVARD LAW RECORD

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Fenno

Fenno drained his third Narragansett and signalled the barkeep for another. His eyes wandered listlessly from his empty glass to his own sorry image in the dusty mirror. First week of May, and Fenno still hadn't gotten a New York apartment for the summer.

Fenno had decided on the Big Apple when he'd heard about the outrageous salaries paid to summer clerks in Manhattan. Of course, he'd never go near one of those places himself. But with 10 soft-hearted friends pulling down \$800 per week, he could mooch more than enough cash to maintain a lavish style of New York life.

But Fenno was shattered by the search for living space. His needs, he felt, were modest: a spacious one-bedroom, furnished in a restrained modern style, not too west, not too up, and definitely not in Brooklyn. He'd put a sign up in the Hark.

One call was particularly memorable: "Is this the Fenno who wants an apartment in The City?"

"None other," he'd replied, immediately suspicious of anyone who called New York "The City." A Gothamite provincial — and probably a Yankees fan.

"Fenno, I've got a great sublet for the summer — a little off the beaten track . . . Lower East Side . . . Avenue Z and East Zero Street. It's a nice building, though. Good strong fire escapes."

At that point, Fenno had grown desperate. "Okay, how much?"

"Three hundred bucks. That's per month."

Fenno had paused. For a one-bedroom apartment in Manhattan, the rent was good. What the hell, he'd thought, get it over with. "That's a pretty good buy — I might want to take it."

"Sure, Fenno, the rent's great. The other three guys you'll be living with will pay that, too, and everyone's very happy."

From there it had gone from bad to worse. He'd even considered group living, buying a copy of the *Village Voice* and scanning the ads in the nation's weirdest tabloid.

But Fenno didn't fit in. Under "Roomates Wanted" the restrictions were severe: "Wanted: Friendly bisexual Libran stockbroker, trained in T'ai Chi, shoe size 10½D." Or: "Wanted: Aggressive nonsmoker into Bartok, leather, no pinball, small feet."

Even out-of-Manhattan housing had been grim. There was the "spacious loft, 15 mins. from midtown." It had looked good at \$450 until Fenno found out it was the top floor of the Vince Lombardi Service Area on the New Jersey Turnpike.

Fenno drained a fourth Narragansett and prepared for another summer in Boston. No balmy nights in the Village. No Sundays in Central Park. On the other hand, no foot fetishists. And he would always have the Red Sox . . .

"Bartender," Fenno moaned, "another Narragansett, please, with a shot of Seagram's Seven on the side." ☞

HARVARD LAW RECORD

Names Only

To the Editor:

I would like to clarify one fact about the current method of *Law Review* selection that was inaccurately reported in the RECORD of May 1, 1981. It is not true that under "present policy, the registrar forwards the grades of the top 20 1Ls to the *Review* at the end of the year." Only the names of those students are forwarded. This is an important fact, for one objection to the Michelman committee proposal is that it would require the *Review* to thumb through the actual transcripts of all students who wished to be considered for membership. Under present policy, students who do not qualify for the magazine by grades need not reveal any information to the *Review*, and those students who do qualify are not required to reveal any information about the actual grades they received. Such a policy seems far less intrusive than the one the Michelman Committee has proposed. This fact should also minimize fears, expressed by one member of the Law School Council in an article in the RECORD of the same date, that present policy violates the Buckley amendment. Only the barest information is furnished to the *Review*, and every student has the opportunity to request that even this information be withheld — a request that few students apparently ever care to make.

Mark B. Helm, 2L
President, Harvard Law Review

Saturday Exams?

Ed. note — A copy of the following letter was received from the Harvard Jewish Law Students Association for publication in the RECORD.

Dear Dean Sacks:

The tentative academic calendar for the Fall 1981 term at the Law School will include a Saturday testing date on December 19, 1981. We are distressed to learn of this development and write to protest and express our concern over this decision.

We acknowledge that the Law School in the past held exams on Saturday and made provisions for Sabbath observers (and will make similar provisions this coming term). Nevertheless, we find the reinstitution of Saturday exams bodes ominously for sensitivity to Jewish concerns. This scheduling establishes the dangerous precedent that classes or future academic programs will be held on Saturday. This decision was made despite discussions with you, Deans Vorenberg, Bernardi, and Upton, and Registrar Castillo-Robson expressing our concern and suggesting possible scheduling alternatives.

We urge the administration to reconsider its decision.

Jeffrey Kantowitz, 2L, President
Harvard Jewish Law Students Assoc.

More on Abortion

To the Editor:

I find it refreshing that Harvard students are finally being openly advised of the opportunity for a refund of the portion of the student health fee that supports abortions. During my student years (1973-1976), I found it amazing that had I become pregnant, the health service fee for a single student would have covered the monetary cost of destroying a being with a separate genetic identity from mine, but would not have covered the monetary cost of allowing that being to be born. What was even more amazing to me was that after I married a classmate, our two health service fees together would still not have provided obstetrical benefits — that coverage could only be purchased by cancelling my independent student coverage and listing me as a dependent on my husband's family coverage at a considerably higher cost. Thus, Harvard's implementation of the so-called pro-choice position was discriminatorily anti-choice — pregnant women students who chose abortion were automatically given financial support but I would have been financially supported in a choice to bear a child only after my marriage and only then after paying several hundred dollars more for obstetrical coverage. One can make all the actuarial arguments one wants on the relative costs and frequency of childbirth and abortion in the general population, but I would wager that in the relevant population of female Harvard students, the actual cost to the Health Service of providing obstetrical benefits with regular student coverage would have been considerably lower than its historical cost of providing benefits for abortion.

I hope that in the years since my graduation, the Health Service's policy on obstetrical benefits for women holding the regular student policy has changed to follow the example of private insurers who now allow a single woman to purchase such coverage in a group plan for a nominal additional monthly fee. One thing that your article clearly indicates has not changed at Harvard is the felt need among students to disassociate themselves from Catholicism in order to gain intellectual credibility. There was a pervasive feeling when I was in law school that the only good Catholic — or to be more precise, the only fashionable Catholic — was an ex-Catholic. But then, Harvard Law School is hardly the only bastion of American anti-Catholicism.

I quite agree with your editorial statement that anonymous views on controversial matters are less influential than attributed views. The problem with the abortion debate in this nation is that many of those seeking national publicity on both sides of the issue hysterically regard abortion as an issue involving the interaction

of religious principles with law instead of realizing that it is a quintessentially secular political issue weighing the civil rights of the competing interest groups of unwilling mothers and unborn children. Those of us who regard abortion on demand as morally repugnant in a just and secular society must stand up and be heard publicly, even as those who regarded the bombing of innocent civilians in Cambodia as morally repugnant had to take to the streets and the microphones. Being on a NARAL enemies list will never be as fashionable as being on Nixon's, but being slandered as an opponent of the precious First Amendment Establishment Clause is just one of the indignities we may have to face in our attempt to build a society with appreciation for the value of all human life — whether unborn or born, American or foreign, powerful or powerless, convenient or inconvenient.

Sara A. Bowen, '76
Milwaukee, WI

Class of '71

To the Editor:

The exchange of poignant letters between Robyn Cooper Greene and Donald W. Mitchell of the Class of 1971 has piqued my curiosity as to why the Class of 1971 deserves to be singled out by a faculty member as "miserable."

Probably most of us were miserable most of the time at the Law School, but I have always considered that to be part of the School's charm.

I am rather offended, however, by this faculty member for this instance and by other faculty members (if indeed it be different ones) who feel a need to denigrate Harvard (e.g., Dershowitz calling Harvard's admission's policy racist). Academics would do well to review the career of Austin Scott rather than try to be trendy and topical. (*Law Review* please note also.)

Please refresh our recollection as to the Class of 1971.

Richard S. Fischer, '63
Rochester, NY

Ed. note — Our research shows that the Class of '71 was extremely active both politically and in seeking change at the Law School. During the class's three-year tenure at HLS, students pressed for pass-fail grading, held Derek Bok "hostage" in Langdell all night to talk over problems at the Law School, participated in a "University strike," and called for the cancellation of finals during the American invasion of Cambodia.

According to one former student, the Class of '71 was the most active group in non-school activities that the Law School had ever seen. The three years that the class members were at HLS were the three most disruptive years that the Law School has ever had, said the graduate, and many tend to think those were three bad years.

Perspectives on American History

Richard B. Bernstein

Samuel Eliot Morison, Henry Steele Commager, and William E. Leuchtenberg, *The Growth of the American Republic. Seventh (Fiftieth Anniversary) Edition. Two volumes, illustrated with photographs and maps: Volume I, xxiv + 923 pp.; Volume II, xxii + 923 pp. Oxford University Press, \$16.95 per volume.*

In 1930, two young historians published the first edition of a new college history text, *The Growth of the American Republic*. Fifty years and six editions later, this now-classic work is not only the best college textbook on American history but the best and most authoritative single general history of the United States available.

The authors of *The Growth of the American Republic* are a trio of distinguished American historians. The late Samuel Eliot Morison shared with Henry Steele Commager a belief in vigorous and eloquent writing, keen analysis, and honest and forthright expression which shine forth on every page of this work. In 1969, William E. Leuchtenberg, one of Commager's former graduate students and a Bancroft Prize-winning historian in his own right, joined Morison and Commager for the sixth edition.

The aims of the work have not changed in half a century: "We write for young men and women of all ages, for whom economy in truth-telling is neither necessary nor appropriate. We believe that history embraces the whole of a people's activity: economic and social, literary and spiritual, as well as political and military. We have endeavored therefore to give such stress to these different aspects that our story will be that of a growing and changing civilization in an expanding United States of America."

The book's lucid and powerful text is usefully supplemented by a generous assortment of maps and illustrations, as well as a fine bib-

liography of primary sources and other historical works. The surviving authors have dedicated this edition to the memory of Admiral Morison, who was perhaps the last representative of the great narrative tradition in American historical writing.

I have a confession to make: for as long as I can remember, I have admired the authors of this great work. In college, I was fortunate enough to have been one of Professor Commager's students and, for two years, one of his research assistants. Even allowing for my inevitable bias, I can recommend this latest edition of *The Growth of the American Republic* enthusiastically. Its long and honorable history is recommendation enough without mine, though. The publication of this golden-anniversary edition, which illuminates everything from the coming of the Norsemen to the Spirit of Camp David, is cause for celebration.

* * * * *

Edmund S. Morgan, *The Genius of George Washington*. 94 pp., W.W. Norton & Co., \$12.95.

Every now and then a book comes along which convinces me, at least momentarily, that there should be a truth-in-packaging law for books. This experience is especially unsettling when all the ingredients for an interesting and useful book are present: a fascinating subject, an accomplished author from whom we have come to expect distinguished works, and a reputable publisher not known for conning the reading public. Unfortunately, *The Genius of George Washington* is such a book.

The book itself is tiny — 94 pages, small enough to fit into a coat pocket. Inside, the reader discovers that only 23 of these pages are by Morgan. Originally delivered in 1977 as the third George Rogers Clark Lecture, the essay, entitled "A Sense of Power," is a

gracefully written sketch of Washington's understanding of politics and power and his contribution to creating the American republic, replete with illustrations. The essay is not — nor does it claim to be — an original or startling interpretation of Washington's career and influence.

The remaining three-fourths of the book is taken up by "Some Washington Letters," a selection of excerpts from Washington's correspondence intended to show "the growth of his understanding of power, both military and political." Drawn from John C. Fitzpatrick's standard edition of Washington's papers, these selections are preceded by brief headnotes written by Morgan.

"A Sense of Power" and "Some Washington Letters" do not fit together. Is the essay an introduction to the correspondence? Is the correspondence an appendix to the essay? Is *The Genius of George Washington* a half-hearted attempt at a one-volume Washington anthology, or is it just a grossly padded book? And if it is the latter, why was it published in the first place?

The book's dust jacket does not mention that the book is actually by Washington and introduced by Morgan. The inside flap does hint at the truth, as does the table of contents, but in most bookstores this little book is wrapped securely in plastic that you may open only after you buy the book. If you want to skip this volume but still want to read "A Sense of Power," a slightly shorter and much cheaper version of the essay, without the footnotes and a few transitional paragraphs, was published in the February 21, 1981 issue of *The New Republic* (pp. 25-31). As for *The Genius of George Washington*, all who had any role in producing this ludicrously padded and overpriced book should be ashamed of themselves. ❧

1L All Washed Up Before Exams

Erich Merrill

I was studying. It was 7:30 last Sunday morning, and I was studying Gilbert's to try to figure out what was going on in Advanced Torts. True, I was in a car topped by three kayaks and headed for the West River in Vermont, but I was studying.

This had all started on Saturday, when I answered my phone.

"Hello, Erich?"

"Yeah?"

"This is Ken Slight; I'm a friend of Billy Spitzer. He said to call you and see if you wanted to go kayaking tomorrow."

Thoughts of spending a spring day on challenging whitewater raced through my head. Thoughts of the pre-exam panic which had set in the day before, when I realized the first exam was less than two weeks away, quickly followed.

"Ken, could I call you back later? I'm in the middle of a divorce settlement for negotiation class, and we may not finish it today. If we don't, I won't be able to go."

Settled "Divorce"

The fictional couple for whom we were negotiating were successfully divorced by 9:00 that night. I had to face the Great Moral Dilemma. I called Billy.

"Hello, Billy? This is Erich."

"Oh, hey. Did Ken talk to you?"

"Yeah, but look, I can't go. I've really got to start studying for exams. I figured that if I didn't start studying this weekend, I'd have a very good chance of flunking out of law school. But what river are you going to?"

"Well, we were going to go paddle the West, if we could get you to go. But if we don't have a third person along to back us up if we lose it, we'll probably go do the Miller's."

"Oh."

"We've got the car loaded so we can leave at 7:00 in the morning. We loaded a boat on for you in case

you decided to go."

"No, there's just no way I can justify going."

"Oh."

"But since you twisted my arm, I'll go."

In Negotiation, Fisher told us that parties often don't reach agreements because they see two goals as mutually exclusive, when they could perceive their aims as compatible. Believing that my study of law should not go for naught, I applied the principle, and perceived studying and an all-day kayaking trip as compatible.

Covered Bridges

So we had left at seven, and by 7:30 I really was looking at Gilbert's. We passed two covered bridges on the way to the river, and I interrupted Gilbert to watch them pass by, since they were the first two covered bridges I'd ever seen. I thought these were the only two times that torts didn't have my full attention, but when the three hour trip to the West was almost over, I had only covered misrepresentation and part of defamation.

The two-and-a-half-mile section of the West which we were going to paddle runs through an undisturbed, isolated mountain gorge in Southern Vermont. Instead of the houses or factories which line many New England streams, walls of swirled rock and mountain sides of trees tower over the West. A narrow dirt road winding along the river from Jamaica State Park provides the only access to the put-in, which is just below a massive gravel flood control dam. Twice a year, a torrent of water explodes out of the bottom of this dam.

As we entered Jamaica State Park, doubts about the propriety of choosing to go kayaking just before exams plagued me. When we got out of the car, those thoughts vanished. This was one of only two weekends in the year when the West could be kayaked, and it

looked like a park official had contacted the weather service to highlight the event. The day was sunny, with an uninterrupted expanse of blue overhead. The 70-degree air temperature was a perfect complement to the 40-degree temperature of the clear, racing water.

People were everywhere. No one seemed to feel the river was overcrowded, perhaps because the weather and water had inspired a child-like exhilaration in everyone. The Park Service was well prepared for the throng of boaters which the dam release attracted. For 50¢, you could load your boat on their truck, and they would shuttle it over the rough road to the top. For another 50¢, they would take you to the top.

Canoes and Toy Cars

Since none of us had ever seen the West before, we decided to walk upstream along the river after shuttling our boats to the put-in point. We saw kayaks, canoes, decked canoes, inflatable kayaks, and even one boat which looked like a toy car, shooting through the rapids.

We also saw the river for the first time during that walk. The churning waves, sudden drops, and house-sized boulders in the middle of the current gave us all pause to think about whether we should really be running this river. When you're in a kayak and you get flipped over, you don't just fall out of the boat. The deck holds you in, and to get the boat righted, and your head above the surface again, you use the paddle to roll the boat. Without a good roll, it's not wise to run a river which looks like it will turn you over every few feet. The West looked like such a river, and we were wondering about our rolls. But by the time we reached the put-in, we had talked ourselves into trying it.

(Continued on Page 16)

Gates of Heaven: Torn Sympathies

John E. Morris

Out of the words of Californian pet cemetery owners and animal lovers, director Errol Morris has crafted a mosaic of American culture on film.

I was nearly reduced to tears from laughter the first time I saw Morris's *Gates of Heaven* (not to be confused with the recent Hollywood fiasco, *Heaven's Gate*), but the film, which is at first blush a documentary about pet cemeteries, is not out for a fast laugh. Morris has chosen his characters and allowed them to speak their minds so that, in an uncanny way, they personify different strands of American culture. While each character is set alone on film, by juxtaposing them, the larger portrait is created.

The "plot" is really only a pretext for listening to these people talk, and so one isn't quite sure sometimes whether anything has happened, but that is no fault.

The film opens with Floyd McClure speaking about his boyhood in North Dakota where he was upset by the sight of animals killed on the road and by the prospect of their bodies being hauled off to the glue factory. He set out to bury them properly. Years later,

in middle age, he and some partners established a full-fledged pet cemetery by the side of a freeway interchange in Los Altos, a community just south of San Francisco.

McClure is the small-timer of the movie, and there is a real poignancy about him. He is attached to animals, and the cemetery is a way of memorializing the affection he and other pet owners feel. "God put these little creatures here for just one purpose — to love and be loved," he says with sincerity that could not be doubted. (His partners' motives are somewhat less clear.)

The small-timer gets the short end of the stick, though, for McClure and his partners find that they do not have a lease on their plot and they must move 450 buried animals. (Cut to a pan shot of backhoes at work.)

The Glue Factory

None of these developments occurs exactly in sequence. We are shifted back and forth from McClure and cohorts to the manager of a "rendering plant" — the modern euphemism for a glue factory.

He sits in his office with nondescript buildings out the window behind him. Trucks come and go. His sunglasses and a *Wall Street Journal* sit on the desk in front of him. To him this is all a business. His biggest complaint was when a local show elephant died and the owners let it be known that the animal was being rendered at this plant. The phone wouldn't stop ringing, he says, rolling his eyes and giggling.

The manager embodies the rationalism of late 20th Century American life perfectly, in contrast to the sentimentality of McClure. The renderer is a very likeable character with whom it is not hard to identify. He even appreciates the morbidly humorous aspects of his position. But the process is entirely impersonal from his perspective, while McClure is filled with compassion, albeit naive.

There are other diversions along the way. (In a sense the entire movie is a series of diversions, presented as if they had simply caught Morris's eye while he was trying to tell a story.) The pet owners are perhaps the funniest; the woman coaxing her Chihuahua to speak to her has to be seen to be believed. We also find ourselves listening to Florence Rasmussen, an old woman who lives across the street from the Los Altos site, going on about dead animals and her unfaithful son. No script could be written to compare with her extemporaneous ramblings.

Next Cultural Stage

There is no narration in the film and the characters are often allowed to speak at great length. The new home of the 450 animals provides the setting for the most devastating and revealing monologues of the movie. It represents not only the next step in the progression of

(Continued on Next Page)



Florence Rasmussen, one of the highlights of Errol Morris's *Gates of Heaven*.

MOVIE REVIEW

(Continued from Previous Page)

the movie's story, but also the next cultural stage after the small-time entrepreneurialism of the McClure crowd.

The Bubbling Well Pet Memorial Park in the Napa Valley (apparently now famous for more than wine) is run by Cal Halberts, a stern peddler of piety whose insincerity shines through in even his most solemnly delivered clichés. He just can't mask his commercial intentions.

The Halberts family members are seen one by one. The elder son, Phil, has returned from selling insurance in Utah to help manage the family business and he recites from the mandatory vocabulary of self-actualization, explaining the great challenges of his new work, and how he has learned to overcome great obstacles. "There's an element of fear," he intones. It turns out he is describing having to master the on and off ramps of the freeways on his route: he drives the cemetery's refrigerator truck, picking up corpses from veterinarians.

Phil has had to learn the ropes of the business from his younger brother, Dan. Dan is introspective, and his musings about leaving a girlfriend behind at Chico State help paint the picture of his loneliness. To entertain himself, he plays deafening electric guitar licks from the side of the Napa hills. The family is never seen together.

Relentlessly Static

The photography is relentlessly static — the speakers are framed firmly, as if in a fixated gaze. In each frame, the surrounding objects establish the speaker's world: the wealthy woman sits next to her imitation Louis XIV end table, the poster-sized portrait of her late poodle behind her; McClure's bronzed baby shoes are set on the ledge behind him.

Morris's judgment in the editing is perfect. Though the characters often speak at great length, the movie never drags. More impor-

tantly, while his vignettes convey his own skepticism, Morris resists passing final judgment on his characters, leaving them intact as whole personalities for *us* to judge, or merely appreciate. He is not afraid to leave matters unreconciled, sympathies torn.

Werner Herzog, the German director, dared Morris to make this movie. When it was finally shown for the first time a year ago, Herzog was there. He said then that he thought Jimmy Carter should dispense with his State of the Union message that year and show *Gates*

of Heaven instead. Of course the movie is too complex and too candid for that. But for one who is not constrained by decorum to view everything through the most banal of our national myths, *Gates of Heaven* is a marvelously complex reminder of the disharmonies which make up American culture.

Gates of Heaven has left the Nickelodean where it was playing. I recommend readers keep an eye out for it in other cities this summer.



Watch for the Next RECORD in September

New RECORD Leadership

When the RECORD returns next fall, it will be in the very able hands of two 2Ls-to-be. John Morris, of Vancouver, Canada, will take over as Editor, and Erich Merrill, of Memphis, Tennessee, will assume the duties of Managing Editor for volume 73 of America's oldest law school newspaper.

Morris succeeds Mary Tarduno, 2L, who for two years has been about as dedicated as one could possibly be to any extracurricular activity. (The new leadership is counting on her continued loyalty as News Editor.) Merrill succeeds Morris and Gretchen Rule, 2L, whose clear mind has kept the rest of the staff from going off the deep end on more than one occasion. In-

dispensable Eileen Brownell, 2L, is staying on as Business Manager.

The RECORD says goodbye in this issue to several 3Ls who have made significant contributions: Fritz Byers, Steve Friedland, Jack Lange, and Carl Oppedahl. Oppedahl proved the maxim "it's never too late" by becoming one of the RECORD's best and most active reporters and editors during his last semester at HLS.

To prove that some kids eventually grow up, Dan Hershman, 3L, former Editor and all-around wise guy, is graduating and moving to Miami to represent — who else? — newspapers.

— D.H.



SPORTS QUIZ

NOTE: This week's Sports Quiz deals with athletes whose last names are the same as some country of the world.

1. An offensive lineman for the Los Angeles Rams, this man has been chosen as an All-Pro for a number of seasons. Who is this player?
2. A former member of the Washington Redskins, this man was part of George Allen's plan to rehabilitate veterans who had been abandoned by other teams. Who is this defensive back who is a symbol of success for Allen's efforts?
3. Formerly a member of the Chicago Bulls, this man was known for his rebounding rather than his shooting. Who is this former power forward?
4. A bruising fullback, this man has had to toil in a back-up position for the last few years on the Denver Broncos due to an over-supply of more talented runners. Who is this athlete?
5. A member of the Dallas Cowboys throughout their years of success during the 1970s, this man anchored the defense from his line-backing position. Who is this player?

(Answers on Page 16)

1L All Washed Up Before Exams

(Continued from Page 13)

The trip began with apprehension on all our parts. Each of us would paddle into a calm spot and study for a long time what little we could see of what lay downstream, before committing to a rapid. Then one of us would venture into the current, run the rapid, and find another calm spot below to wait for the other two to follow.

We continued at this cautious pace until, in one particularly turbulent rapid, Billy flipped. Ken and I saw the kayak go bellyup, and froze. A paddle blade broke the surface. It swept out in an arc, then disappeared. We waited. Suddenly, Billy popped up, his boat back upright. We cheered as he finished the rapid, water dripping from his helmet and chin.

Billy's roll gave all three of us our whitewater confidence again; from that point on, we danced over waves, charged through rapids, and soaked up as much sunshine as we

could on the calmer stretches.

About halfway down the river, we got out of our boats to scout the Dumplings, the biggest rapid on the run. While we were planning our routes through the maze of boulders and frothing currents, a kayaker ran through. He did fine until halfway down the rapid, when a wave grabbed his boat and tossed him over. He almost rolled, but didn't quite make it. In a moment, he had struggled out of his boat under water, and bobbed to the surface. Bystanders prepared for just such a contingency flung ropes to him, and pulled him out of the current as his boat washed through the rest of the rapid.

As we went back to our boats to run the Dumplings, our excitement, tinged with apprehension, was at a peak. We started downstream. I purposely hit the top wave of the rapid sideways, paddled down a fast chute, and spun into an eddy. Billy also hit the

wave sideways, then shot down the center of the rapid. Ken drove straight through the top wave, down toward a just-submerged rock with a large pillow of water on it, away from the rock just in time, and on downstream. We had all made it.

Dry Clothes

A few hours later, as the sun dropped behind the surrounding mountains, we reached the end of the run, and, feeling the day had passed all too quickly, got out. We loaded the boats on the car, changed into dry clothes, and kept agreeing that this had been the best possible day for kayaking.

Soon, with tires humming on the pavement and the radio trying to sort out the static from the song, the car was heading back to Boston. I remembered that there was still a lot about defamation I didn't know. I looked at Gilbert's again in the little light that was left.

I was in a state somewhere between sleep and consciousness, in which thoughts about defamation kept facing into the comments someone was making about why the Nitty Gritty Dirt Band was now just the Dirt Band. There was no more static on the radio. We were almost back. ☘

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