

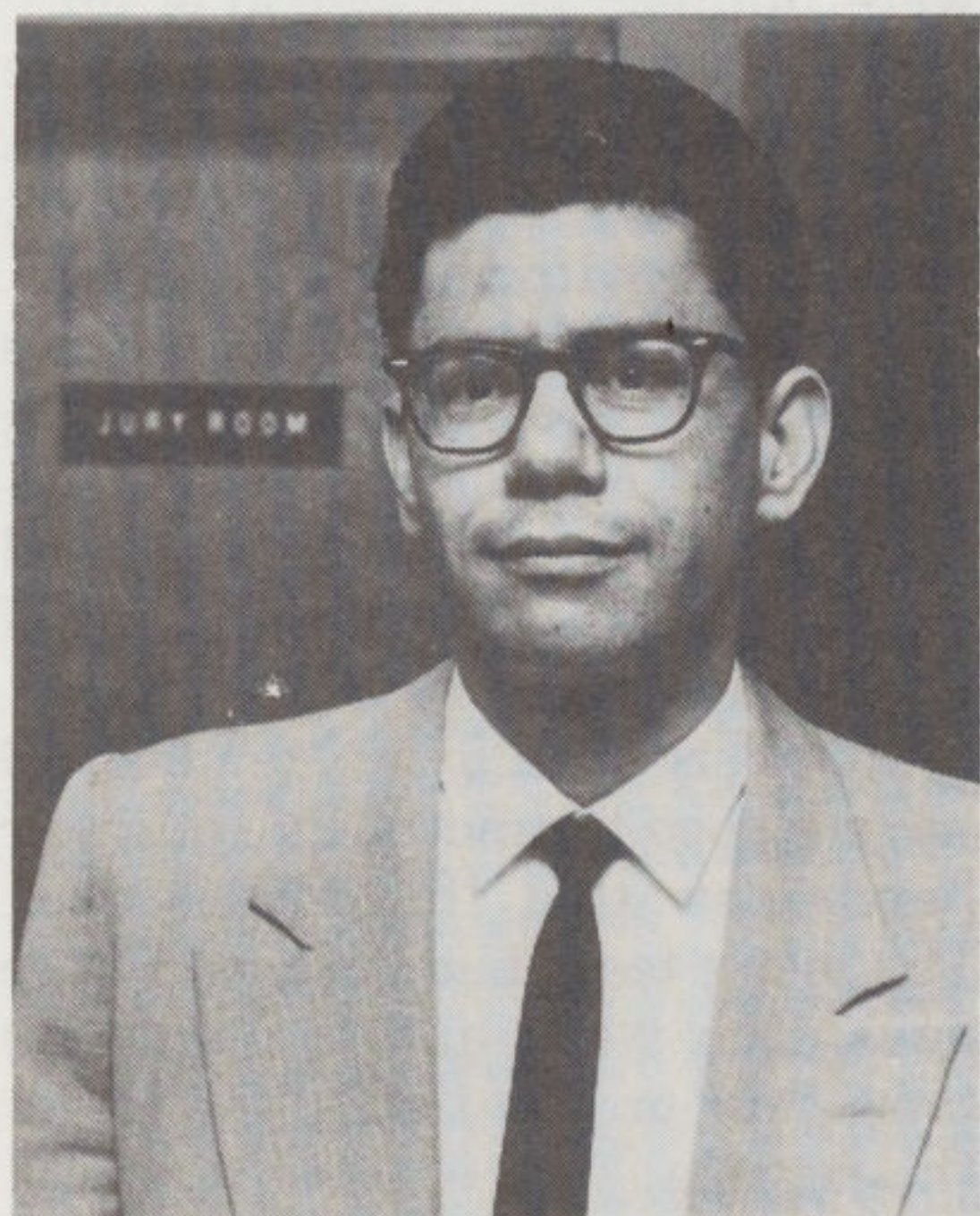
HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 75, NO. 6

OCTOBER 29, 1982

25 CENTS



The Arizona Republic

Ernesto Miranda

Miranda: To the High Court and Back

By John Morris

You have the right to remain silent. Anything you say, may be used against you in a court of law. You have the right to the presence of an attorney to assist you prior to questioning, and to be with you during questioning if you so desire. If you cannot afford an attorney, you have the right to have an attorney appointed for you. . . .

Most TV viewers could recite the words by heart. But the words that made Ernesto Miranda famous did not set him free. In the end, he served the same sentence he would have had Earl Warren never penned the language on which the now-famous warning was based. That is the great irony of the story of Miranda, a usually gentle and polite

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Rower, Runner Triumph

By Erich Merrill

Two HLS students triumphed in major races held last weekend. Dan Schlesinger, 1L, ran third in the New York Marathon, while Anne Warner, 3L, and seven other women were rowing their way to first place in the Head of the Charles.

Schlesinger came in third in a field of more than 14,000 in Sunday's race. Schlesinger's time in his third marathon was his fastest "by several minutes," he said.

Schlesinger was not sure what his time was when the RECORD talked with him Tuesday. As he finished the race, he was told he had run the course in 2:11:54. At the awards ceremony his time was

posted as 2:11:52 but, he said, a story in the *Crimson* gave his official time as 2:11:55.

In any case, Schlesinger surpassed his goal of beating his best time by more than one minute. On Sept. 12 in Eugene, Oregon, he ran a marathon in 2:13:59.

On Sunday, Schlesinger was "not optimistic" about meeting his goal. He said the course was not easy, and gusting wind made running more difficult. As he started the race, his legs felt like they had not completely recovered from the race in Eugene.

Schlesinger says he is looking forward to his next major race, the Boston Marathon. He will continue
(Continued on Page 16)

New Aid Policy Means Smaller Grants, More Loans

By Louis J. Hoffman

Student financial aid grants have been reduced this year not because of cuts in government programs, but because of a change in Law School policy. The Law School Financial Aid Committee decided last year to use more funds for loans and interest subsidies and less for grants. The committee changed the policy to conserve scarce financial aid funds because of threatened changes in the federal government's loan program. Both the committee and the faculty approved the plan last year without dissent.

Harvard went ahead with the

new plan even after Congress refused to change the government loan policy. "The Reagan administration's drifting meant that changes needed to be made to preserve our position, to be able to say that anyone can come to Harvard regardless of need," stated Prof. Vern Countryman, chairman of the financial aid committee.

Bud Gilbert, 3L, a member of the committee, confirmed that the changes were triggered by threatened federal cuts. "A lot of action was taken with the expectation of impending doom from Congressional action. We didn't discuss the possibility of cuts not going

(Continued on Page 14)

New Advocacy Fund Founded For Johnston

The Law School has recently established an endowed position for instructors in the Trial Advocacy Workshop, thus attaching a sense of permanence and prestige to the relatively new but rapidly expanding program of clinical instruction.

The Edward R. Johnston Fund for the Trial Advocacy Workshop has been established by the Chicago firm of Jenner & Block in memory of its founding partner, HLS Dean James Vorenberg has announced. Income from the fund will provide support for Edward R. Johnston Lecturers, distinguished teacher-practitioners who participate in the workshop which is offered in the fall and winter terms at the Law School.

Jenner & Block's total gift of \$100,000 will be paid over a series of several years. Peter L. Murray and Bancroft Littlefield are the Edward R. Johnston Lecturers for 1982-83.

Edward R. Johnston was a nationally known antitrust lawyer who practiced for 70 years and became known as the "dean of the antitrust bar." Throughout his career he was a trial lawyer, arguing cases in all parts of the United States and before the Supreme Court.

Johnston was born in Illinois and graduated from the University of Iowa. In 1907 he received his law degree from Harvard and immediately began his practice in Chicago. He died in 1979 at the age of 97.

"We are deeply grateful to Jenner & Block for its generous support," said Dean Vorenberg. "The Trial Advocacy Workshop is a program that has been received very enthusiastically by both students and teachers and it has added important strength to the curriculum. We are pleased and honored to have the distinguished name of Edward R. Johnston associated with it."

D.H.

HLS Teams Spend A Day on the Charles

By Erich Merrill

Twelve law students spent last Sunday rowing up the Charles River, but the trip was no leisurely Sunday afternoon outing. The twelve were the four men and eight women who made up the Law School's entries in the Head of the Charles.

Melanie Hirschhorn, 3L, reported that the women's eights team's time was 19:40. "That was one and one-half minutes faster than our best practice time," said Hirschhorn. "It was a very good race. We were happy with it."

The team placed 24th in a field of 28 boats. Hirschhorn thought some of her competitors could have entered the women's championship eights race, which is for more experienced teams. "The winning time in the women's eights this year was

better than the winning time for the championship eights last year," she said. "This was a very fast race."

The HLS men's lightweight fours, led by Chip Vetter, 3L, finished the race with a time of 18:43. They were number 18 in a field of 30.

"The important thing is that we had fun," said David Lakhdhir, 3L, who was one of the four. "We weren't dissatisfied with the results either. We came in two or three places ahead of where we did last year, and if our time had been a few seconds better, we would have placed ahead of the four boats in front of us."

Members of the two teams will have a good bit more time on their hands now that the race is over. The men's team had practiced three days each week and the women's team four or five times a week for the regatta.

Ferguson Hospitalized

Prof. C. Clyde Ferguson is listed in good condition at Mount Auburn Hospital in Cambridge after suffering chest pains last Sunday, Oct. 24.

Ferguson, 58, is expected to return to the classroom soon, possibly as early as next week. Meanwhile, his Civil Procedure course is being taught by Prof. Abram Chayes.

Chayes drove Ferguson to the hospital on Sunday from Gloucester, where the Law School faculty was holding a retreat.

D.H.

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Markey Seeks Support for Freeze

By Jim Chudy

Ordinary citizens must confront the lunacy of the nuclear arms race and face up to the "Iron Triangle" composed of the defense contractors, the Pentagon and the White House. "This is the only hope for mankind," said Rep. Edward J. Markey (D.-Mass.), one of the key sponsors of the Freeze Resolution in the House of Representatives, in a speech on Tuesday, Oct. 26, presented by the HLS Arms Reduction Action Committee (ARAC).

Markey traced the fall of the American public into complacency after the "Ban the Bomb" movement of the late '50s and early '60s. The negotiations in the 1960s lulled the public into believing that their government was working to end the arms race. "We learned how to stop worrying about the bomb," said Markey. Actually, he claimed, the U.S. and the U.S.S.R. were only conspiring on the size of the increases. The elite intellectual group concerned about these increases did not have grassroots support. The public, meanwhile, was turning to the problems of nuclear reactors.

Issue Reemerges

That all changed, said Markey, when President Reagan took office. The public had the "psychic bandage ripped off its mind" by Reagan's talk about winnable nuclear wars and nuclear "shots across the bow." Popular opinion has mounted against the administration and the arms race, and try as Reagan may to stop it, common people are increasingly skeptical about and critical of the government's positions. The focus of the new public dynamism is the Freeze Movement.

The Freeze Movement starts from the premise that the United States and the Soviet Union are now in rough nuclear parity and that we should maintain mutual assured destruction (MAD) at the present levels. Markey explained that the Soviet arsenal is concentrated on ICBMs, unlike the diversified

American nuclear arsenal. This fact leads some people to claim that there is a "window of vulnerability" which leaves the United States open to a possible first strike. Markey refuted that claim by attacking the assumptions upon which it is based. The risk was too great for the Soviets to attempt a first strike, especially because of the size and undetectability of the American submarine fleet. Furthermore, said Markey, evacuation of Soviet cities would put the United States on warning, and a surprise attack without Soviet civil defense preparations would leave them too vulnerable to retaliation.

Gamesmanship

Instead of accepting the "window of vulnerability" arguments or the "false assurances" from the government that the arms race was being controlled, the Freeze Movement recognizes that the only hope for safety lies in no more arms. Markey recognized that the Soviet Union is untrustworthy and answered critics of the Freeze Movement who claim a freeze is worthless because unverifiable. He claimed that nuclear politics is "gamesmanship based on fraud" and that the freeze would be much more verifiable than START or SALT. The production of one missile would violate the freeze and, Markey maintained, even if the United States did not catch the first violation, it has always detected Soviet weapons in their initial deployment stages.

Middle-Class Movement

The beauty of the Freeze Movement, said Markey, is that it is a solidly middle-class movement driven by people who are finally realizing that in order to save their own lives, they must speak out. The elite group who had proclaimed arms control their own domain were only "controlling" the massive buildup of arms. Defense contractors continue to use former generals to lobby their own pro-

teges in the Pentagon for new weapons systems, and old-line liberals who have supported arms control now paternalistically characterize the freeze as "simplistic" and "naive." "Now that the public has informed itself," said Markey, "the elite have not stepped back honestly to reevaluate their positions and see what can be done with this initiative."

Markey explained that the Freeze Movement is the first of three steps necessary to inform citizens of the nuclear peril and to combat it comprehensively. The second step is to

(Continued on Page 12)



Peter Lebold Cohen

Rep. Edward J. Markey (D-Mass.)

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HLS Expands Public Interest Placement

By Andrea Hartman

Although corporate law firms are presently the most visible employers on campus, the placement office has taken steps to assure that students can become familiar with public interest opportunities as well.

First, career counseling services have been expanded. Doug Phelps, '73, the administrator of public service placement and career development, who also serves as the executive director of the Massachusetts Public Interest Research Group, has been at HLS since 1976. Within the last few weeks, two new counselors, Tim Hallahan, '76, and David Rappaport have been added to Phelps's staff.

Hallahan, who works in the placement office one day a week, specializes in counseling students about law practice in California as well as private and criminal law practice. After graduating from HLS, he worked as a public defender in San Jose. Aside from his work at HLS, he presently has his own law practice in Cambridge.

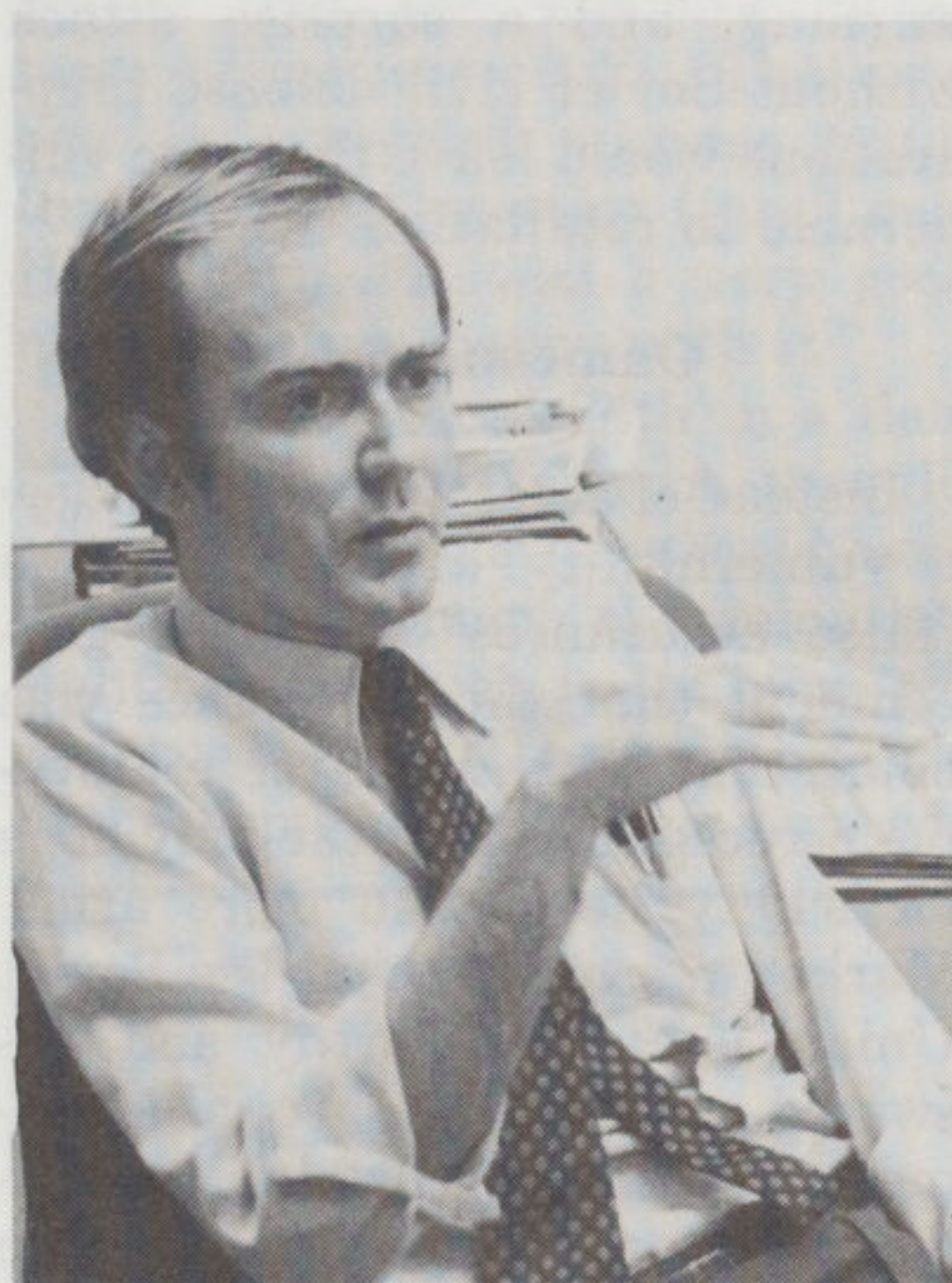
Said Hallahan of his counseling, "I just try to help people. Part of it is to assure them that there are jobs out there." Hallahan believes that 1Ls feel they "are under pressure to grab the first corporate job" that is offered. He tries to help them realize there are alternatives to the private sector.

When counseling 2Ls and 3Ls, Hallahan helps them order their career goals in order to decide what types of jobs to consider. Commented Hallahan, "There are a lot of opportunities. I hate to see people feel that their options are limited."

Rappaport, who also works in the placement office one day a week, specializes in counseling students about law practice in New York, as well as practice in government and small firms. Phelps, who himself does some student counseling regarding careers in public interest advocacy and citizen actions, noted that the Law School may hire more counselors, possibly including someone with a legal services back-

ground. The counseling services will be available until Thanksgiving, and may be extended if there is student demand.

In addition to expanding counseling services, a number of actions have been taken in the past few years to aid students entering the public interest field. Phelps said that it has become increasingly possible financially for a student to accept public interest work during the summer. Through both Student Funded Fellowships and in-



Mike Lyon

Doug Phelps

creased work-study funds, many students are able to receive income through HLS for summer public interest work.

HLS has also instituted a loan-forgiveness program for those who choose public interest careers. Explained Phelps, "Basically, if you go into low-paying public interest jobs, loans will be deferred and [depending upon your income] the school will pay up to 50% of the principal."

Phelps also noted that a new and little-known placement regulation went into effect this year to aid students seeking public interest work. An HLS student can now hold one job offer (obtained through the HLS placement process) open until April 15. This way, a student will not have to run the risk of turning down all offers from cor-

porate firms and then receiving none from public sector employers.

Another resource made available this year is a telephone line in the placement center. After writing to a public interest employer, a student can use the telephone to interview or to find out more about the job. The placement center requests that students using the line for the latter purpose fill out an informational form which should aid other students seeking knowledge about the employer.

The career resource center, located on the third floor of Pound, contains a number of informational notebooks to help students learn about public interest employers and the pro bono policies of corporate firms which recruit at HLS. Included among the resources is a listing of public interest law employers throughout the country. In addition, a public interest and government bulletin board is maintained on the third floor of Pound, where the latest employment opportunities are posted.

According to Phelps, the steps taken to aid students who are interested in public sector employment are necessary to counter-balance the placement office's facilitation of corporate law firms' needs. The placement process in general, Phelps said, represents a "value-neutral effort" on the part of HLS, since the placement facilities are available to all employers. The problem, he said, lies in the allocation of legal resources in the country. Large firms can afford to come to HLS to recruit, while small firms and public interest employers cannot. According to Phelps, the amount spent by corporate firms recruiting at HLS (including lost billing time) would be enough to fund a public interest job paying about \$15,000 a year for each HLS graduate for 1 year. Phelps said that the new public interest resources represent an effort on the part of HLS to neutralize the effect of market forces, and "to facilitate students so they can go into whatever area they choose."

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The Making of a Criminal Defense Lawyer

By Dick Sinapi

This is the first in a series of articles by Dick Sinapi, 3L, about his experience working for the Massachusetts Defenders Committee last summer.

This past summer, I had the good fortune to work for the Massachusetts Public Defenders, known officially as the Massachusetts Defenders Committee. The Defenders represent indigent clients in criminal cases by court appointment. In Massachusetts, as in most states, the public defenders office is essentially an agency of the state government. The Defenders, then, are not the same as court appointed lawyers, who are private practitioners typically paid by the state on a per case basis.

I accepted the position with the Mass. Defenders only after a legal services job fell through at the last minute. Although I had come to law school with the thought of becoming a criminal lawyer, a combination of "Hill Street Blues," my first year criminal law class, and some rather trying experiences while working for the Prison Legal Assistance Project — not to mention the big money being thrown around to my classmates by private firms — had pretty much deadened my desire to enter criminal law.

The Defenders' intensive two week course in Massachusetts criminal law and practice taught me two things. First, there is a heck of a lot more to criminal law than one is led to believe by the first year criminal law class. Second, I learned that the *art* of practicing criminal law is interesting and challenging and would take many years to master.

After completing the training course — including a mock trial — I was assigned my first cases and was on my own. Of course, I had all the supervision and advice I wanted, but the cases were *my* responsibility. Whether to go to trial or plea, how to present the defense, were ultimately to be decided by the client and myself. (Supreme Judicial Court Rule 3:03,

under which I was practicing, allows students who have completed their second year of law school and have taken a course in evidence to practice in the district courts under the "general" supervision of a member of the bar). To be sure, I had had some experience interviewing clients and witnesses, conducting direct and cross examinations, and presenting a defense thanks to my involvement in PLAP. But this was the real thing — an individual's freedom was at stake.

So there I was, thrown into the thick of things — to learn by doing, trying cases in the lower criminal courts in Boston. The Boston Municipal Court (BMC), first session, to be precise. The busiest criminal court in Boston with at least as interesting a group of employees and clientele as any other district court in a major metropolitan area.

Four Motivations

Four bench trials, one probable cause hearing, and numerous bail hearings and plea bargains later, there was no doubt in my mind that I wanted to work for a public defender's office when I graduated. Why the change? How could I defend criminals for a living? After considerable reflection I have managed to rationalize my motivations into four main reasons, which I can say, from talking with other criminal defense attorneys, are not atypical.

First, I always wanted to be a trial lawyer. Before I came to law school, I was under the misguided Perry Mason impression that conducting trials was *what* lawyers primarily *did*. I didn't even know who Cravath and their New York cohorts were. And no matter what you have been told by the big firms or have heard about legal services, if you want to try more than one case a year, you have to be in criminal law. Moreover, with so much more at stake in a criminal trial, the excitement and challenge of conducting a criminal trial — an experience one criminal lawyer described as exhilarating — is unmatched in civil litigation.

Second, the Mass. Defenders — like many public defender organizations — are widely regarded as the best criminal lawyers in the state. The Defenders are appointed to all the major felony cases except murder, in which case the defendant essentially has a choice of the most experienced private criminal lawyers in the state. This is not surprising since the Defenders do only criminal work. Even though I was just a student-attorney, I took a great deal of pride in being part of the team. Moreover, as one of the Defenders, you are never alone. There are always knowledgeable and capable people around to consult with, to assist you in court at trial, or even to take one of your cases on short notice if you

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Sports Quiz

Note: In light of the upcoming elections, this week's sports quiz asks you to name athletes who share last names with well known members of Congress.

1. One of the better-hitting catchers in baseball in 1982, this man helped the San Diego Padres finish at the .500 mark for only the second time in the 14-year history of the club. Name this player.
2. This veteran National League outfielder broke in with the Atlanta Braves in 1968. In 1981 he hit .320 as his team marched to a world championship. Name this player.

3. Going into the 1982 NFL season this player led all active quarterbacks in total passes completed and stood third on the all-time list. Name this Southern Illinois alumnus.
4. Despite driving in over 100 runs in both 1979 and 1980 with his first American League team, this outfielder was traded to the Chicago White Sox before the 1982 baseball season began. Name this player.
5. A utility infielder with the Reds, Astros, Pirates, and Red Sox, this former player was at second base for Cincinnati in the 1970 World Series. Name this athlete.

(Answers on Page 16)

Signs of the Season



Fall has arrived, and people of all sizes are donning their coats. At the child care center, little ones put theirs on before venturing out into the front yard. In nearby Holmes Hall, bigger ones wear a more formal version before venturing out into the world.



Great Moments in the Law

Send That Legislator Back to Legal Methods

Certain Mutual Companies Subject to Laws Relative to Mutual Fire Companies; Liability of Certain Policyholders to Assessment Regulated.

Mutual companies, other than life, formed to transact or transacting business under any one or more of clauses three, four, five, six, seven, eight, nine, ten, twelve and thirteen of section forty-seven, or under clause (a), (b), (d) or (e) of section fifty-four, and the officers, directors, agents and members of such companies shall, except as provided in clause (e) of said section fifty-four and in sections ninety A, ninety B, ninety-two, ninety-three, ninety-three A, ninety-three B, ninety-three C, ninety-three D, one hundred and ten and one hundred and thirteen B, be subject to all the provisions of this chapter relating to mutual fire companies and their officers, directors, agents and members, so far as applicable; provided, that, except to the extent set forth in section ninety-three F, the provisions of section eighty-five A shall not apply thereto.

— Mass. Gen. Laws, Ch.175, §90

Take Stock in Yourself

Any person who owns beneficially . . . more than 25 per centum of the voting securities of a company shall be presumed to control such company. Any person who does not so own more than 25 per centum of the voting securities of any company shall be presumed not to control such company. A natural person shall be presumed not to be a controlled person within the meaning of the title. . . .

— Investment Company Act,
§2(a)(9)

WEEZIE MAE!

Bonne chance et le chat
violet te donne tout son
amour.
Oodles, Tubs the Grunt.

A Modest (Registration) Proposal

—Douglas McCarty

As both an observer and a participant in this September's dramatic add-drop sweepstakes, I offer up this simple reform idea to those in the Registrar's Office who may be interested in less hassle and more fairness in the class assignment procedure.

The present system of numbered choices and random selection for over-subscribed classes, Registrar Sue Robinson tells us, or at least told me, is fair. That it is "fair" from a distant perspective is no doubt true, as the distribution of four bones among six hungry dogs by throwing them randomly into the air is also fair. It is not "unfair" that luck today may allow one dog to get two of the bones and trot away with them, while two dogs munch a single bone apiece, and three dogs have none. But this "fair" system has one overriding flaw from the point of view of the dogs, and that is that it is geared to creating luck, both good and bad, for the participants. All of us have heard or know of someone in the second year who "lucked into" all the desired courses, without a moment on a single waiting list. Yet, there are also those hungry dogs who got bumped from this and that, sometimes contingent bumps, so that on Sept. 10 she had a one-hour course in Accounting and nothing else firm. For those of us with the latter's "luck," it means that hideous netherworld of the wait list, of daily checking the devil's roll deep within the bowels of Griswold's Hades, of floating in and out of classes like a phantom, and of gazing at textbooks in the Coop in their plastic wrappers, wondering, "to buy or not to buy, that is the question." Worst of all, it also means not starting school until the third or fourth week. So, for all the interest that's out there, here is my simple yet fair (not "fair") proposal. And as they say in the advertising world, Sue Robinson, this one's for you.

Step 1. Give each second-year student 100 points and each third-year student 120 points for a selection year. Those returning from leaves of absences and third-year special students would be assigned the appropriate number of points for their standing at the Law School. J.D.-M.B.A. students would get 120 points for each of their third and fourth years.

Step 2. Step back and allow the market to operate by letting each student allocate her points among her choices for the year. If someone wanted Tribe, Clark and Nesson, and in that order, he could allocate 50-30-20, or 60-30-10, or whatever.

Step 3. Wait-list positions would be assigned first in the order of points "voted" for a particular course. Only after all of the point voters were listed would basic sign-ups be assigned, on a random basis.

Voting for Arias

Examples. 2L Esmerelda wants Clark, Tribe, Warren, Nesson and Areeda and in that order. She assigns them points of 22-21-20-19-18, and will most likely be bumped from all, but at least she exercised her own (bad) judgment, and will be somewhere on the waiting list.

2L Greta wants the same, decides that Clark's corporate arias are the most valuable, but is very lukewarm about the singing, if any, of Nesson or Areeda. She bids 50-30-12-4-4, and gets the first two, is wait-listed on the rest, number 20 on Warren, number 94 on Nesson and number 113 on Areeda.

2L Marlene is clever and votes 41-31-28, getting into the first 2 (odd numbers just above the 10's column are best, thanks to people like Esmerelda and Greta) and placing second on Warren's wait list. She realizes there is yet another year, and more points, for Nesson and Areeda.

3L (or J.D.-M.B.A.) Bobbi-Jo allocates 48-41-41 for the three

courses she missed last year, and gets all three, becomes a complete lawyer and eventually makes partner on Wall Street.

Rationale. This simple system allows the principles of market economics and individual choice to allocate a scarce commodity ("valuable" courses) among a set of consumers in a fair and yet completely non-random way. 3Ls and J.D.-M.B.A.s' superior claims are provided for. And, if a 2L really and desperately needs a course (Evidence for ITA, Tax as a prerequisite for Corp Tax, Corps as a prerequisite for Corp Finance), then she can bid 100 points and be assured of getting in, barring an avalanche of 3Ls or J.D.-M.B.A.s. And really, with crunchable numbers in front of one, no one will be able to bitch about the system and hassle the registrar. (Well, young man, you yourself voted these measly 15 points for Nesson, and, as you can see by this chart, it was simply not enough!)

(One would have to note that in order to be truly economic, these points should have another equivalent market, thus preserving the highest consumer surplus. If this were the case, we should probably allow students to allocate their points for priority in getting HLS tickets to Celtics' games, etc., if only to make sure that surplus points were not voted randomly, thus introducing randomness into a logical system.)

When I explained this system to Sue Robinson, she said, "We know all about all the systems and they're all the same. This one (the present random one) is fair, it's just that some people are luckier than others." Then, seeing that I wasn't satisfied, she gave me the great bureaucratic go-away-you-bother-me-kid shuffle-along of, "well, if you don't like it then write out your suggestion and submit it."

Here it is.



The Ironic Tale of Ernesto Miranda:

(Continued from Page 1)

chronic offender whose constitutional rights were the subject of appeals spanning a decade.

By 1962, the 22-year-old Miranda had compiled an impressive criminal record. At 15, he had been arrested for attempted rape. Four years later, he was convicted of transporting a stolen vehicle across state lines. He was dishonorably discharged by the Army following two courts-martial, one for being A.W.O.L. and one for being a peeping Tom.

Sexual Preoccupation

Miranda's own lawyers were later to characterize him as having "a considerable sexual preoccupation," as evidenced by his response to psychological tests administered to him in 1963. He interpreted "a rolling stone gathers no moss" to mean "if you don't have sex with a woman, she can't get pregnant." He took, "people in glass houses shouldn't throw stones" to mean, "a person with one woman shouldn't go to another woman."

In 1963, he was convicted of two sexually motivated crimes that were to set off the long chain of legal events that put his name in every criminal law casebook.

The first crime took place on Nov. 27, 1962. A teller was trying to start her car one night after working late at the First National Bank of Phoenix when Miranda opened her car door, put his hand over her mouth and told her not to scream if she did not want to get hurt. He drove the car several blocks and then parked in an alley and pulled a long-bladed knife on her.

The teller fought with him and told him to take the car or her money but to leave her alone. "[She] and [Miranda] talked for about 20 minutes and discussed a variety of topics, including his religion. Finally, [Miranda] said, 'Well, I will just take your money.' The victim gave him \$8.00 and some change and [Miranda] left saying, 'I hope this never happens to you again.'" She reported the attack, but the police had no immediate suspects.

Four and a half months later, on March 3, 1963, Miranda attacked a second woman, an 18-year-old who worked in a theater in Phoenix. She was walking home from the bus late one night when Miranda spotted her. He pulled out of the parking lot, nearly hitting her with his car, and then parked across the street. He hurried back across the street to her, grabbed her, and forced her into the car.

There he tied her up and put a "sharp thing" to her neck. He drove about 20 minutes out into the desert with the victim in the back seat crying the whole time. Once out of town, he parked and attempted to rape her. Afterwards he asked for directions so he could take her back close to where he had picked her up.

The victim reported the attack but the police had no leads until a week later when the victim and her brother-in-law spotted a car that resembled her attacker's. The brother-in-law noted the license number. He misread one digit, so it took police several days to match the possible licenses with the description of the car. But eventually they were able to trace the car to Miranda. They found the car outside Miranda's home on the morning of March 13, 1963. A peek in the back window confirmed the victim's detailed description of the interior.

Miranda Questioned

When the police knocked on the door, Twila Hoffman, Miranda's common law wife, answered, as Miranda was sleeping. He had returned earlier from his graveyard shift at a produce warehouse, had taken their daughter, Cleopatra, to school and had then gone to bed. When he came to the door, the police asked if he would come down to the station to answer a few questions. They told him they preferred not to discuss the matter in front of his family.

What followed was, as they say, history.

At the police station, Miranda was questioned for about half an hour. He was then placed in a lineup. The victim of the March 3 attack thought Miranda might have been her attacker. She was not sure, though, and asked to hear his voice.

Miranda was taken back into an interrogation room where he was told that the victim had identified him. He confessed, telling a story

(Continued on Next Page)

I, Ernest A. Miranda, do hereby swear that I make this statement voluntarily and of my own free will, with no threats, coercion, or promises of immunity, and with full knowledge of my legal rights, understanding any statement I make may be used against me.

I, Ernest A. Miranda, am 23 years of age and have completed the 8th grade in school.

Seen a girl walking up street stopped a little ahead of her got out of car walked towards her grabbed her by the arm and asked to get in the car. Got in car without force tied hands & ankles. Drove away for a few miles. Stopped asked to take clothes off. Did not, asked me to take her back home. I started to take clothes off her without any force, and with cooperation. Asked her to lay down and she did. Could not get penis into vagina got about 1/2 (half) inch in. Told her to get clothes back on. Drove her home. I couldn't say I was sorry for what I had done. But asked her to say a prayer for me.

I have read and understand the foregoing statement and hereby swear to its truthfulness.

/s/ Ernest A. Miranda

WITNESS: /s/ Carroll Cooley
/s/ Wilfred M. Young,
#182"

The Landmark Case Revisited

(Continued from Previous Page) that closely paralleled the victim's. The victim was brought in and Miranda conceded that she was the girl he had attacked and she positively identified him.

Police officers Carroll Cooley and Wilfred Young drew up a written confession, which they had Miranda sign (see box). That same afternoon, he was placed in a second line-up where he was identified by the teller. That identification led to a second confession.

The two crimes were prosecuted separately. His court-appointed lawyer, Alvin Moore, was 73 and had "for all intents and purposes left the practice of criminal law some 16 years before." Moore unsuccessfully attempted to convince Miranda to plead guilty, but finally Miranda entered a plea of not guilty by reason of insanity. The court psychiatrist classified his behavior as "a schizophrenic reaction, chronic, undifferentiated type" and said he had no control over his impulses. The doctor found no signs of psychosis, however, and concluded that Miranda was sane and could stand trial.

Because the teller identified him on the basis of their lengthy discussion in her car, Miranda's confession in that case was not essential to the prosecution and Moore raised no objection to its use at trial.

Two Convictions

The confession to the March 3 rape was much more crucial, however, because at trial the victim was not certain if there had been penetration. The stilted and formal language attesting to penetration that was contained in the confession Miranda signed was, as his lawyers later argued, hardly the language of someone with an eighth-grade education. Without the confession, there might have been reasonable doubt about whether a rape had been committed.

Miranda was convicted on both sets of charges: robbery and kidnapping and then rape and kid-

napping. Of the rape victim, Moore said later, "She . . . was a beautiful girl and she was the kind of girl a man would want his son to marry. . . . And he wasn't a bad-looking Mexican. But she was white and we had a Mormon judge. It was one of those things you don't get away with in Arizona." Miranda was given a 20- to 30-year sentence in the rape case on top of the 20 to

tance in appealing the case, but Corcoran himself could not argue it because he had served in the District Attorney's office in Maricopa County, where Miranda was prosecuted, in 1963. Moore said he was "physically unable" to handle the appeal, but he welcomed the ACLU's interest. Corcoran initially approached Rex E. Lee, now U.S. Solicitor General, but Lee could

"When Miranda walked out of Interrogation Room 2 on March 13, 1963, his life for all practical purposes was over. Whatever happened later was inevitable; the die had been cast in that room at that time. There was no duress, no brutality. Yet when Miranda finished his conversation with Officers Cooley and Young, only the ceremonies of the law remained; in any realistic sense, his case was done."

— Brief for Petitioner,

Miranda v. Arizona, 384 U.S. 436 (1966)

25 years to which he had been sentenced in the other case.

Moore appealed both of Miranda's cases to the Arizona Supreme Court on a number of grounds, but the court refused to accept any of the arguments. It found that the signed confession was made voluntarily and knowingly, and it refused to find in the U.S. Supreme Court's decisions a right to be informed of one's right to counsel.

In jail, Miranda was preparing an appeal to the U.S. Supreme Court himself when his case came to the attention of Robert J. Corcoran, who was then counsel to the Arizona Civil Liberties Union. Corcoran thought the Arizona Supreme Court's decision in Miranda's cases was "the perfect case to be reviewed" by the federal court. The state court, Corcoran wrote Moore, was "limiting *Escobedo* to its facts and will only apply it when Danny Escobedo comes to Arizona and kills his brother-in-law." In Escobedo's case, the Supreme Court had held in 1964 that "when the process shifts from investigatory to accusatory . . . the accused must be permitted to consult with his lawyer."

The ACLU offered Moore assis-

not take the case, and so Corcoran contacted the Phoenix firm of Lewis, Roca, Scoville, Beauchamp & Linton, now Lewis & Roca, which agreed to take the case. The firm regularly handled referral cases from the ACLU on a pro bono basis.

Corcoran, who now sits on the Arizona Court of Appeals, was delighted to enlist the aid of one of the firm's top young lawyers, John J. Flynn. "Flynn was probably the best criminal lawyer Arizona has ever seen," Corcoran says now of Flynn, who died two years ago.

After Corcoran had contacted him about the case, Moore wrote Miranda to encourage him to accept Corcoran and Flynn's offer. "[Flynn] is the most dedicated criminal lawyer I know, and you are lucky to obtain his excellent service," Moore told his client.

The firm was enthusiastic about the case, too. John P. Frank, who worked on the Supreme Court briefs with Flynn says, "We saw a chance to go for broke on the *Escobedo* lead."

This is the first part of a two-part story.



A Note on Sincerity

Hypocrisy is the homage that vice pays to virtue.

— *La Rochefoucauld*

We met two friends recently who were discussing a social encounter they had had with a member of the faculty that day. Their conversation had been filled with nervous pleasantries, they said — how pleasant this was, how nice that was. While they appreciated the effort to make contact with students, our friends had found themselves unavoidably self-conscious; they felt they had behaved unnaturally. In retrospect, they kidded about their adeptness at making polite conversation.

Such feelings are not uncommon when one deals with others who occupy positions above one's own in a hierarchy and where social contacts are almost always formal. But the self-consciousness and the sense that one was acting unnaturally or dishonestly is a natural outgrowth of a number of aspects of the Law School experience. With the pressures brought on by the greatest invitation to dishonesty of all, the interviewing process, it is worth a moment to reflect upon the erosion of sincerity.

Some hypocrisy is the price we pay for civilization: civility must prevail over true feelings at least some of the time or social life would be unliveable. It is probably a good thing that interviewers facing 20 neatly suited prospects each day conceal some of their feelings. Students, who as often as not are skeptical about the value of jobs they seek, must shade their interests and beliefs if they hope to win a job offer.

All that is to be expected to some extent. But the habit and the attitude should not come to dominate the entire interviewing process, or the larger arena of relationships. Our friends' conversation seemed to us to show the signs of a more widespread infection of our conceptions of life and friendships, a kind of creeping cynicism about one's relations to others.

At this time of year it is good to remember that, even if some hypocrisies are necessary, the recognition of hypocrisy presupposes the existence of an opposing concept. By making ourselves recognize our own hypocrisies, be they small or great, we pay homage to the virtue of sincerity.



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Fenno

Fenno was only mildly surprised at his revelation. After all his years as an HLS student, he had finally discerned the Reality of Harvard Law School. The Reality? Psycho-manipulation.

"It's not even a fair match," Fenno protested as he sat down in the Dean's office. "You masters of psychological warfare are engaging in chemical warfare as well."

The Dean tsk'd, and shook his head. "My dear Mr. Fenno. How *can* you make such a wild accusation?"

"You get us racing on free coffee in the morning and then soothe us so often with free beer at night. You take us up and bring us back down. You control our moods and alter our biorhythms pharmaceutically."

"Ah, Mr. Fenno, since when do you object to free beer? And I've seen you partaking of the Law School's complimentary coffee — often, I'm sure, to overcome the effects of too much free beer on the previous evening."

"But doesn't it get expensive — pumping us up on all that caffeine and alcohol at no charge?"

"Mr. Fenno, you haven't paid tuition for the last three semesters. It ill behooves you to comment on the Law School budget. You lack, shall we say, standing — or was that concept covered in a class you were too hung over to attend? And, need I point out, caffeine and alcohol hardly constitute pharmaceuticals."

"You put Lexedrine aerosol in the ventilation of 1L classrooms to create hysteria," Fenno blurted out. "Admit it."

The Dean tapped his hands together at the fingertips. "The classical manifestations of your paranoia are most intriguing. I'm sure Mental Health Services would agree. Shall we take a stroll there?"

"That's another thing," Fenno shouted. "They do diode implants there, don't they? On a walk-in basis, right?"

The Dean gave a nervous little chuckle. "Ordinarily when students spew such charmingly misguided notions, I forgive them for studying too hard. In your case, there is obviously some other reason. Really, Mr. Fenno, you must learn to relax."

The Dean pushed a button on his desk. His secretary appeared with a tea tray. "Tea?" the Dean asked, pouring.

Fenno reached for a steaming cup, but the Dean stopped him. "Yours is the other cup," he said.

Fenno sipped his tea, and immediately felt better. "Thank you for clearing this all up," Fenno said. "I really *must* learn to relax."

Fenno left the office, much relieved. He went to a water fountain and took a mouthful of water. Some lingering doubt that he couldn't quite identify made him think twice about swallowing. He spit the water out and continued on his way.

Letters to the Editor of the Record

Poor Leadership

To the Editor:

Dreadful. That was my reaction to the performance of Julius Chambers and Jack Greenberg at the Law School-sponsored forum on Tuesday, Oct. 19, 1982. If I had any doubt that the prime issue in this dispute was not race but rather the quality of leadership in the civil rights movement, it was dispelled that evening. The responses of the two men to the serious questions posed were generally evasive, condescending and outdated. Their attitudes were characterized by arrogance and paternalism to the nth degree. Apparently, they have done so much for us minorities that it is incomprehensible for us to be critical of their outlooks and tactics.

It appears that Julius Chambers and Jack Greenberg have a pressing problem. Dean Vorenberg has also often expressed concern in this area: There are too few minorities involved in civil rights law practice. These gentlemen believe that they have the prescription for this malady — their three-week course in race discrimination. Hence, they are going to teach their course whether minority students like it or not, whether we minorities register for it or not.

If this rationalization sounds familiar, it is even more familiar to the millions of people who have had to put up for years with this hypocritical, self-serving attitude of phony White and Black liberals who have hijacked the civil rights struggle. These brilliant, often well-meaning intellectual types have turned the legitimate struggles of masses of ordinary people into an esoteric enterprise. They may fool themselves that they are serving the people but I dare any of them to enter the ghettos of Miami, New York, or Detroit and explain to the people how their work has bettered conditions of life for people of color. For, in the same way that Chambers and Greenberg cannot hear what we at the Law School are telling them, so they cannot hear the voices of the people

in their broken-down homes and unemployment lines.

A 40-percent unemployment rate among Black youths, increased activity by the Klan in every major city in America, and the rise of New Right morality are the direct results of the civil rights movement being divorced from its natural constituency and controlled by a group of so-called leaders who have more to gain from the status quo than from structural changes in the system.

I frankly found it distressing that these gentlemen, in light of their pronouncements on other similar circumstances, could only be so meek and mild in their criticism of the Law School. I am not convinced that they knew so little about the actual situation here at Harvard that they could do no better than their vague pronouncements that evening concerning the need for more minority professors at Harvard. One has to wonder what their longstanding relationship with Dean Vorenberg has to do with their attitudes. Has the civil rights movement become an "old boy" network? Is there a conspiracy of silence because Harvard is concerned?

The minority students here are not fooled at all. They may not always get up the courage to say how they truly feel about these hoity-toity, "our Savior" type civil rights merchants, but they know well enough now to stay away from them.

After the performance of Messrs. Chambers and Greenberg on Tuesday, I hope that the Third World Coalition and the Affirmative Action Coalition realize that the issue is more than getting a minority to teach a course on race discrimination. Harvard can always find one who will not make waves. It is time we go beyond this rather narrow, albeit quite valid, demand, and seize the more fundamental issue of poor quality leadership in the Civil Rights Movement. We have the right to question the actions of those who profess to lead the movement without an over-concern for either their sensibilities or their past accomplishments. It is only by doing so that we can keep the Civil Rights Movement faithful to its original ideals.

Ibrahim Gassama, 2L

Starting Up

To the Editor:

Perhaps the following anecdote qualifies as a "Great Moment" in the law.

During the winter of 1930, Prof. Joe Warren took sick and was unable to continue teaching Property 3, Future Interests. Jim Landis telephoned his classmate, Bart Leach, and asked him to take over the course. Leach responded by saying he was happy practicing law and anyway he had not taken

the course while in school.

Landis: I am not asking you, I am telling you. You can borrow my notebook.

Overcome by the strength of these arguments, Leach joined the faculty.

During the semester he stated a proposition of law. As we left the classroom Gene Eisenmann said to me "Leach is wrong". We, joined by several classmates, discussed the subject. All agreed with Gene's conclusion. When the class met the next day, Gene informed Leach of our conclusions and the reasons for it.

A moment of silence followed. Then —

Leach: How long have you been thinking about this?

Eisenmann: Since the end of class yesterday.

Leach: You fellows know I am teaching this course for the first time. It's all right to save those stickers for Beale or Williston, but for me — tell me, don't ask me.

Morton Pepper, '30
New York, N.Y.

A Sporting Try

To the Editor:

The Sports Quiz in your Sept. 24 issue inaccurately quoted the immortal Casey Stengel. The quotation should have read:

"Most people my age are dead at the present time."

Who does your cite checking? Fenno?

Seth A. Davis, '75
New York, N.Y.

Our sports editor has checked his source material and has found support for both versions of the quotation — Ed.

Letters Policy

The RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects which have been covered in the RECORD.

Letters should be typed and must be received by 5:00 P.M. on the Tuesday before the issue. We prefer letters of no more than 700 words. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD.

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"BETTER BUYS AT BRINE'S"

Markey Speaks

(Continued from Page 2)

negotiate for a multilateral freeze, and the third is to prevent proliferation to those countries now without nuclear capability. "Without a sincere effort to deal with vertical proliferation, we lack credibility to discuss horizontal proliferation with developing nations." Markey said that proliferation was potentially more explosive than superpower confrontation and that the developing nations must be shown that respect in the family of nations is not dependent on nuclear capability.

A Mandate to Freeze

Markey predicted that the freeze referenda in most states will pass and that the new Congress will have a mandate to force the administration into freeze negotiations. Markey stressed that the public must be informed and must exert political pressure, making it politically impossible for the president to refuse to begin freeze negotiations. "The referenda will be a watershed," said Markey. He stressed that informed people must educate citizens on a grass roots level to pierce the veil of nuclear mythology.

ARAC representative Malcolm Russell, 3L, announced that the organization would be collecting topics for third year papers concerning arms control, sponsoring a speaker series, and assisting the Lawyers Alliance for Nuclear Arms Control with possible litigation against the government for non-compliance with environmental protection regulations with regard to the MX dense-pack plan.

We should commit ourselves to negotiations with the Soviet Union before new weapons systems and new control systems make a freeze impossible and make arms negotiations moot. "Let it go down in history that the Soviets refused to go to the table," said Markey. "This is our last best hope for humanity. If it doesn't work, Katie bar the door and hold your breath."



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The Making of a Criminal Defense Lawyer

(Continued from Page 5)

are overworked or unavailable. It is reassuring to be able to walk down the hall before a trial and consult with the head of the Appeals Division — an authority on Massachusetts criminal law — on a point of law.

Keeping Justice Honest

Third, even though the vast majority of criminal defendants are guilty, they must be given a competent attorney and an opportunity to present an adequate defense if our system of criminal justice is to be kept honest. But even more important is the question of the degree of culpability, with a corresponding continuum of possible dispositions between imprisonment and freedom. To the extent a defense attorney can compile and present evidence showing lack of willful or malicious culpability, lack of danger to the public or other mitigating circumstances, and/or factors which indicate a likelihood that he/she will not commit another offense, he may contribute to bringing about a "just" result in the form of a dismissal or acquittal, pre-trial probation, reduced charges, probation with special conditions, or a lenient sentence.

Finally, there is the sense of duty one feels to come to the aid of a criminal defendant caught up in a confusing, unknown, and sometimes frightening system. True, the average client may be a streetwise prior offender, but once charged with a criminal offense, without a competent advocate, the defendant is at the mercy of a powerful and often arbitrary system. In the long hours I spent investigating, researching, and preparing cases for trial, it was a refreshing feeling — one I felt also while working for PLAP — not to be driven by a desire to get a good grade, a recommendation, or a future job offer, but motivated solely by a desire to give my client a "fair shake."

Indeed, a fair shake is more than what most of your clients have been given in the past. The claim that criminal defendants are as much victims of society as they are its offenders is more true than false. The vast majority of criminals are not "bad" people. The typical criminal defendant is a young, male minority from a poor, one-parent family who grew up in a crummy neighborhood and went to crummy schools — and often is suffering from mental problems and/or a drug dependency. If you don't believe me, spend a morning in the BMC first session and find out for yourself.

Judicial Construction

True, most of these people may not be somebody you would want as a next-door neighbor, but what they obviously need is help, not to be sentenced to a "correctional institution" to be temporarily babysat so that society can feel it is being protected from the hordes. Moreover, the vast majority of defendants passing through the BMC are charged with non-serious, frequently inchoate crimes, such as "attempt" or the ever-popular "possession of a burglarious implement with intent to commit a crime" — which has been judicially construed to make possession of virtually anything a crime if you hap-

pen to be in the wrong place at the wrong time, particularly if you are black or hispanic. And if you are young and come from Roxbury or another low-rent area of the city, you had better stay there, particularly after sundown. If you are found in another part of the city after dark you can bet on being stopped and maybe even arrested. Once the police know your name (because an arrest even without a conviction stays on your record) the fun really starts. Not that most of the stops and even many of the arrests and convictions are unjustified; the point is that time and time again this chain-reaction of events plays itself out, finally resulting in incarceration and a tragic waste of life.

Given the above considerations and a penal system unworthy of the name "correctional" — where people are "punished" and "criminals" are made and hardened — I have no reservations in doing everything legally possible to keep even a guilty client out of jail. And the possibility that I may have such a reservation with a particular client some day — an unlikely event I think — does not trouble me. I just would not take the case. I would rest secure in the knowledge that there are plenty of other lawyers who would.



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Policy Change Means Less Grant Money

(Continued from Page 1)

through." Gilbert said he didn't expect the policy to be reversed. "We did discuss the philosophy behind the changes, and this was part of our justification."

Under the new procedure, the first \$5,750 of need is covered by loans. Additional financial need is provided half as grants and half as loans. The cut-off point, set at \$2,300 last year, was raised to \$6,750 and then reduced to \$5,750 late in the summer when it became apparent that more funds were available.

To partially compensate for the increased loan burden, the Law School has doubled its Low Income Protection Program budget from \$50,000 to \$100,000. This money is used to subsidize loan payments for those students who, for whatever reason, do not get highly remunerative jobs after graduation. The theory is that most students get well-paying jobs, sufficient to enable them to afford the burden of the extra loans.

Cuts Rejected

The recent adjustments came after Congress rejected proposals to cut funds from the graduate student loan program, according to Russell Simpson, assistant dean for finance and general administration. The congressional action was important because the first \$8000 of student loan funds is provided by government programs — \$5000 from the Federally Insured Student Loan (FISL) program and \$3000 from the Auxiliary Loans to Assist Students (ALAS) program. FISL loans carry low interest and favorable terms — 7 or 9% a year with no in-school interest — while ALAS loans do not — 12% a year (after November 1) with interest due while the student is in school.

The Reagan administration's proposal would have eliminated FISLs but increased the limit on the ALAS loans to a \$5000 maximum, Dean Simpson said. Since the Law School currently pays any in-school interest for the needy stu-

dent, the Reagan plan would have strained the school's budget.

Prof. Countryman was optimistic that the school would have been able to meet all needs even if Congress had passed the proposed changes. "University lending or a tax-free bond program which was passed by the Massachusetts legislature may have replaced the money lost from tightening Federal loan standards," he said.

As the projected budget circulated by Dean Vorenberg in March, 1982 demonstrated (RECORD, March 19, 1982, p. 1), the Law School has three main sources of income: (1) current gifts, (2) endowment income, and (3) tuition. The school disburses grant funds only from income and gifts specifically designated for financial aid use. Additional grants are funded with tuition money.

Over the past several years, the burden on unrestricted funds from grants has increased, according to Dean Simpson. The dean said that, since the financial aid program is not designed to redistribute income between law students, the committee felt that unrestricted funds, over three-quarters of which comes from tuition, should not be used for grants. Hence, in the current budget, grant money is limited to funds from endowment and gifts restricted for that purpose.

Not everyone agrees with Simp-

son's analysis. One student now receiving financial aid claimed that the school's policy change amounted to a "subsidy for the wealthy" rather than a policy of non-redistribution. The student pointed out that Harvard's tuition is set at substantially less than cost as well as less than tuition at comparable schools. "If Harvard wanted to design a policy that would discourage minority and less-advantaged students from attending Harvard, they could hardly do better than the current plan," the student commented.

Another student evaluated the effect of the changes in this way: "They [the committee members] feel that they prefer to meet a higher proportion of an acknowledged quantity of need out of the future earnings of students rather than out of the current earnings of students and their parents. They also wish to continue to pursue an admission policy of meeting all needs, at least all needs as they define it."

Aid Budget is Smaller

As a result of these changes in the system, the financial aid budget is smaller than it was last year. The Law School reduced the budget from \$1.776 million to about \$1.550 million, Simpson said. Grants to J.D. candidates will total about

(Continued on Page 15)



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Placement: Encouraging Public Interest Jobs

(Continued from Page 4)

Several of the new public interest career resources, including the phone line and the additional counseling services, were suggested by an HLS Guild proposal last spring. Guild members also were instrumental in effecting the changes. In addition, the Guild has produced a pamphlet to help students, entitled *Public Interest Jobs: What They Are, Why You Want Them, and How to Look for Them*.

According to Charlotte Watkins, 2L, a member of the Guild Placement Committee, the administration has been fairly receptive to requests for more public interest career resources. Said Watkins, "I think that the administration recognizes that there is interest [in public interest jobs]." However, she added, "I think that the administration is hesitant to commit more resources until they see evidence that there is enough interest to justify it. The Guild's belief is that we won't know how much interest there really is until students perceive the public sector and public interest as practical options, which won't happen until the job search is made easier and the nature of the jobs is made clearer." She feels that the career advisors in particular can make a difference.

Watkins urges students to consider public interest law as a career option. She commented, "Money is a major factor in students' decision making. People are always asking, 'How can I afford to take a modest public interest salary when I have substantial debts to pay off?' The better question might be 'After investing in three years of law school, how can I afford to foreclose so many opportunities and risk spending the rest of my career in a practice I don't really like?'"

Coming Events

Upcoming events regarding public interest jobs include a workshop on public interest placement to be held Wednesday, November 10, at 3:00 P.M. in Pound 335, led by Phelps, and a student-run meeting

to discuss Student Funded Fellowships and work-study on Monday, November 15 at 1:30 P.M., also in Pound 335. The placement center requests that students interested in talking to the public interest

career counselors make appointments with Harvey Gwinn in Pound 314. Gwinn, a member of Phelps's staff, is also available to help students locate useful public interest resources in the career center. ❧

Tight Money to Inflate Future Student Debt

(Continued from Page 14)

\$900,000 this year, down from last year's \$1.4 million. A new fund of \$100,000 will pay interest subsidies, and the Low Income Protection Fund will use an additional \$50,000. According to Marion Ruiz, director of financial aid, while the budget has decreased, the level of need, adjusted for inflation, has remained the same. The definition of "need" has not changed.

The Big Squeeze

Funds are tighter this year than in the past because of several continuing problems. Expenses have been rising at a rate slightly greater than the rate of inflation, and income has not kept pace, Dean Simpson noted. The Law School has increased faculty salaries at a rate higher than that of inflation to make up for past years when percentage increases were less than the inflation rate. Further, the school has expanded its services by instituting new services and expanding the size of the full- and part-time faculty.

On the other hand, Dean Simpson said that the percentage of costs covered by endowment income has fallen substantially. In 1973, nearly 25 percent of core expenses was paid for from the endowment. By 1981, that percentage fell to a bit less than 19 percent. The Law School's endowment is managed by the Harvard University Corporation, an investment corporation owned by Harvard.

Next year's situation will be the same, Simpson felt. "It is unlikely

that Congress will take anything away. But they won't increase aid either. And no increase is, in effect, a decrease because of inflation."

Harvard is currently seeking new sources of aid or revenue. The goal for Annual Giving is \$4 million, with \$1.4 million of this amount targeted for "flexible loan assistance." Flexible assistance funds can be used to create loans in any way, such as by acting as collateral or interest subsidies, not only as direct loan assistance.

One possibility the administration is exploring is pre-paid tuition. Dean Simpson said that the student of the future may have the choice of electing to pay all three years of tuition before he or she enters the school. This would effectively guarantee the tuition charge. The school would save the effort of collecting tuition each year and would have the use of the funds for the three years. Certain investments, such as capital changes to save energy, have the potential to make the funds pay off at a rate greater than tuition increases. ❧

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(Continued from Page 1)

his routine of running 10 miles in the morning, and another 10 in the afternoon. Schlesinger said he devotes between two and one-half to three and one-half hours to training each day.

Schlesinger graduated from Yale in Japanese Studies in 1977 and spent the next three years at Oxford on a Marshall Scholarship. He was on the track and cross country teams at both Yale and Oxford. After getting his degree at Oxford, he spent the two years before coming to law school working for a law firm in Seoul, Korea.

While Schlesinger was running the marathon in New York, Anne Warner found herself a champion closer to home. Warner was the number two member of the eight

woman crew team that won the women's championship eights in the Head of the Charles regatta on Sunday.

Warner said she and her teammates were members of the 1980 Rowing Club, a group of women who were to be on the 1980 Olympic rowing team. When the United States boycotted the 1980 Summer Olympics, the women on the rowing team formed the club so that they could row together in other regattas.

Warner explained that only established clubs are allowed to enter teams in races. Though the 1980 Rowing Club's members are scattered across the country, their membership in the club allows them to form teams whenever a group of them is able to attend a race

together. "It's possible for us to put together a team at the last minute," said Warner.

The team was formed only hours before the race. Holly Hatten, a rowing coach at Boston University, called up members of the club to see if a team could be put together for the Head of the Charles. "I got a call two or three hours before the race," said Warner.

Pace Picks Up

Warner described the team's performance as "mechanical" for the first part of the three-mile race. "We had never rowed as a boat before, but by the last mile, our actions were becoming intuitive. We really started to move." They won the race with a time of 16:16.

Coincidentally, Schlesinger and Warner graduated from Yale in the same year, and "were the two athletes at the school," according to Warner. Warner saw Schlesinger's accomplishment as more significant than her own. "Dan really, really accomplished something this weekend. He's really going somewhere."

She said she hoped Harvard students would do what they could to encourage Schlesinger to continue his racing career. "He shouldn't have to run into the conflict between being an attorney and being an athlete. It makes a real difference when people let you know they care about what you're doing. Harvard can have a very alienating social atmosphere, in which it's infrequent that people other than those in your original O [Orientation] group give enough of a damn to come up to you and say, 'I support you.' Dan will need that support."

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