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25 CENTS



Peter Lebold Cohen

Prof. Morton Horwitz talks to students about the study of law. See story p. 5.

Faculty Changes First Year

By Brad Hudson

Changes in the first-year curriculum were approved by the HLS faculty Wednesday, Nov. 17.

The changes, which were proposed by the Committee on Legal Education, will increase the time and credit allotted to Criminal Law, Torts and Property, give Criminal Law the same number of hours as Torts and Property, reduce the spring elective requirement from four to three credits, and increase the credits assigned to Federal Litigation from two to three.

The faculty rejected a part of the committee's proposal that would have restricted the spring electives to "perspective" courses.

Torts and Property are presently allocated 4 1/2 hours each, while

Criminal Law receives just 4. Profs. Susan Estrich and Philip Heymann advocated the increase in hours for Criminal Law, saying that they needed more time to prevent rushing through important material.

Criminal Law, Property and Torts were each allotted 240 minutes per week. Because a 1L "hour" lasts only 50 minutes, this allocation equals 4.8 hours per course, which the proposal defined as 5 hours. Altogether, the changes increase the unit load for first-year students by 1 1/2 hours in the fall and 1/2 hour in the spring.

Several professors expressed concern about overloading students in their first semester, but the faculty narrowly defeated a proposal by Profs. Lloyd Weinreb and David

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Students OK LSC Hiring Resolution

By Andrea Hartman

During the past week, HLS students voted on a referendum on whether to support affirmative action in faculty hiring. About half of the students voted on the referendum, which was approved by a vote of 662 to 180.

The affirmative action referendum was written and sponsored by the Law School Council. Maria Ontiveros, 2L, a member of the LSC, said of the referendum's genesis, "From the time we [LSC members] got back to school we realized that affirmative action was going to be on our agenda for the year because the boycott [of the winter term Race Discrimination class] had done such a good job of bringing light to the problem of affirmative action. We thought this was a good time to try to deal with the problem."

Brian Curran, 3L, president of the LSC, elaborated on the background of the referendum. Commented Curran, "For the past couple months, we [the LSC] have been talking about affirmative action generally. We hoped to play a mediator role between the Third World groups and the faculty."

Both Ontiveros and Curran also noted that the LSC's involvement in the affirmative action issue stemmed from a desire to give voice to student sentiment. Said Curran, "The main thing we want to ac-

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Married 2Ls Protest Aid Policies

By Louis J. Hoffman

The Law School Financial Aid Committee dealt with an unusual complaint last week. A recently married HLS couple appealed cuts in their financial aid on grounds of discrimination. The appeal by Kris Stred and Hugh Davis, both 2Ls, was denied by the committee, according to the chairman, Prof. Vern Countryman.

The couple, as a result of getting married on October 9, 1982, suffered cuts in their financial aid budget totalling \$2,800 for the remaining eight months of the school year, Stred said. She described the new need level as an "impossible budget." The appeal requested an exception for the case of two law students married to each other. Stred pointed out that the Financial Aid Guide states: "Harvard Law School has long been committed to a policy against discrimination based upon . . . marital . . . status. . . . Financial aid is therefore available to students without regard to [that factor]." Stred also noted that the action was taken without notice or a hearing; in particular, the couple was denied the opportunity to present their case orally to the committee.

Budget Discrepancies

The Davis-Stred case is a particularly striking example of the general difference in budgeted need between married and single students. Both Countryman and Marion Ruiz, director of financial aid, denied that the reduction was discriminatory. They pointed out that the committee allocated the same budget for the couple as all other married couples in which the law student's spouse is also a full-time student. The need budget for a single 2L is \$13,360, while a married 2L with a spouse who is a full-time student has a budget of \$11,795. Of the 567 students in the law school receiving financial aid, 508 are single.

The difference between the two budgets is \$1,565. Total expenses other than tuition and books

amount to \$5,925 for a single student. A married student with a student spouse is allocated \$4,360, or just less than three-quarters of the single student's expense budget. Savings are expected to result from economies of scale in the married student's lifestyle, especially in rent and food. For example, a married couple may require only a one-bedroom apartment, while a pair of roommates may need a two-bedroom suite.

The Financial Aid Office's survey of actual budgets as reported in "updates" shows that married couples do save quite a bit of the difference in rent and food. The median monthly rent expense is about \$398 for a married couple and \$242 for a single student. The median couple spends about \$212 monthly for food, only \$16 a month more than the median single student. During the school year, therefore, the median married student saves about \$800 on food and \$400 on rent. The remainder of the \$1565 difference is expected to be made up in savings on other items. But Stred notes, for example, that the couple's actual annual rent expense is only \$65 less than their combined expenses were a year ago, far short of the \$400 savings which the official budget assumes.

The budgets are formulated by examining Bureau of Labor Statistics budgets for "intermediate" lifestyle expenses for the Boston area. Then, the Financial Aid Committee compares the budget items with ac-

tual student budgets reported in the updates. The committee then adjusts the budget to ensure that a majority of students' actual expenses fall within these limits. The committee is currently in the process of reviewing need budgets for the next school year.

No Other Complaints

Mrs. Ruiz said that no other complaints had been registered from couples in the Davis' position in recent years. She felt that the budget was fair but did note that the budget for married students with children may not reflect actual expenses. Currently, a married couple's need budget is increased \$1540 for the first child and \$1700 for each additional child. Only 17 of the 567 financial aid recipients have children.

Both Countryman and Ruiz noted that the treatment of married students was inconsistent with the treatment of couples living together outside of wedlock. Such students receive aid based on the budget for single students. When asked, "What about students living together?" Countryman responded, "We're not going to police *that*." He recognized the discrepancy in treatment but had no answer. "If you come up with a good solution, let me know," he stated.

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1980 Also-Rans Come to Town

By Dave Horn

Both of the 1980 presidential campaign's major losing candidates visited Cambridge recently. Independent John Anderson brought his undeclared 1984 candidacy to the Kennedy School of Government on Wednesday, Nov. 9, and former President Jimmy Carter addressed a press conference at the Hyatt Regency on Monday, Nov. 15.

Anderson, speaking to a standing-room-only crowd of 600, attacked both the Democrats and the Republicans for their alleged failure to get the voters interested in voting. He was particularly critical of President Ronald Reagan for his poor economic policies and his proposal for a huge military build-up.

Anderson also suggested that if he runs for president again, it will probably be as a third-party candidate rather than as an independent. He suggested that candidates for Congress and other lesser offices who support him might run simultaneously on two tickets: Anderson's and their regular party's.

Responding to a questioner who was skeptical of a third party's chances of winning a presidential election, Anderson admitted such an event was much more likely to occur in the young questioner's lifetime than in his own. Anderson added that he has "never considered" joining either major party since he broke with the Republicans

and declared himself an independent in April 1980.

Jimmy Carter, meanwhile, blamed his 1980 defeat on a split in the Democratic party that he said was caused by Senator Edward Kennedy's challenging Carter for the nomination. Carter said that this rift continues to exist and added that former Vice President Walter Mondale is the candidate best suited to heal it.

Carter, who was in town primarily to promote his recently pub-

lished book, *Keeping Faith*, also spoke of his relationship with the late Soviet President Leonid Brezhnev. Carter related the story of Brezhnev touching him on the arm and saying, "God will never forgive us if we fail [to achieve peace]."

Repeating his oft-voiced opinion of Reagan's economic policies, Carter charged that "this so-called Reaganomics" is "fallacious." "There's no logic to it," he said.



Ames Final Set for Monday

By Sheryl Silver

The Supreme Court of the United States will move to the Ames Courtroom on Monday, November 22, when the case of *Peter Rogers and William French Smith v. James Mendez* is heard. The Final Round of the Ames Competition will culminate then in the oral argument which caps two months of intense preparation by the two teams of attorneys from the State of Ames.

The 3L "attorneys" will argue before three eminent judges. The Honorable Sandra Day O'Connor will preside. Joining her will be Judge John J. Gibbons of the United States Court of Appeals, Third Circuit, and Judge Ruth Bader Ginsburg of the United States Court of Appeals for the District of Columbia Circuit.

The case involves a United States citizen convicted for possession of, and conspiracy to distribute, cocaine in the State of Rossland. Pursuant

to the terms of a prisoner transfer treaty with that country, the prisoner agreed to be transferred back to the United States to serve his sentence here. Under the statute, the prisoner is precluded from challenging his Rossland conviction in the United States, yet within several months of his arrival in the United States the respondent did just that. He now claims that his consent to the terms of the treaty was not voluntary but was induced by the horrible conditions of his confinement, among other things, and asks the Supreme Court to review his foreign conviction to ensure that minimal standards of fairness were met. Central to the decision of the case is the problem of whether future prisoner transfers under such treaties will be endangered. The case also involves other important issues, including respect for treaty obligations and the right of the U.S. to re-examine allegedly unfair foreign convictions.

Attorneys for the petitioners are Laura Besvinick, Frederic Haber, Frederick D. Nelson (oralist), Sharon Oxborough, Lloyd H. Randolph (oralist), and Michael N. Zachary. Attorneys for the respondents are Fairlie A. Dalton, Edward DeAngelo (oralist), Jim H. Goering (oralist), Jody Y. Jakosa, J. David Stahl, and Lawrence J. Studnicki III. A simultaneous video screening of the argument will be held in the Science Center lecture halls B and C.



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Prosecutors' Tactics Subject of Debate

By Charlie Mitchell

Prof. Alan Dershowitz and Associate Attorney General of the United States Rudolph Giuliani met in a spirited debate about the ethics of criminal prosecution November 9 before a large, primarily 1L audience in Ames Courtroom.

Dershowitz and Giuliani focused on the issues raised in the attempted bribery prosecution of Edmund Rosner, a New York attorney, in which Robert Leuci, the New York narcotics detective of "Prince of the City" fame, was a crucial witness. Dershowitz was Rosner's attorney for a series of appeals during the mid-1970s, while Giuliani, then an Assistant U.S. Attorney in the Southern District of New York, was instrumental in gaining Leuci's confessions to numerous crimes committed in the course of his work.

Compromised Standards

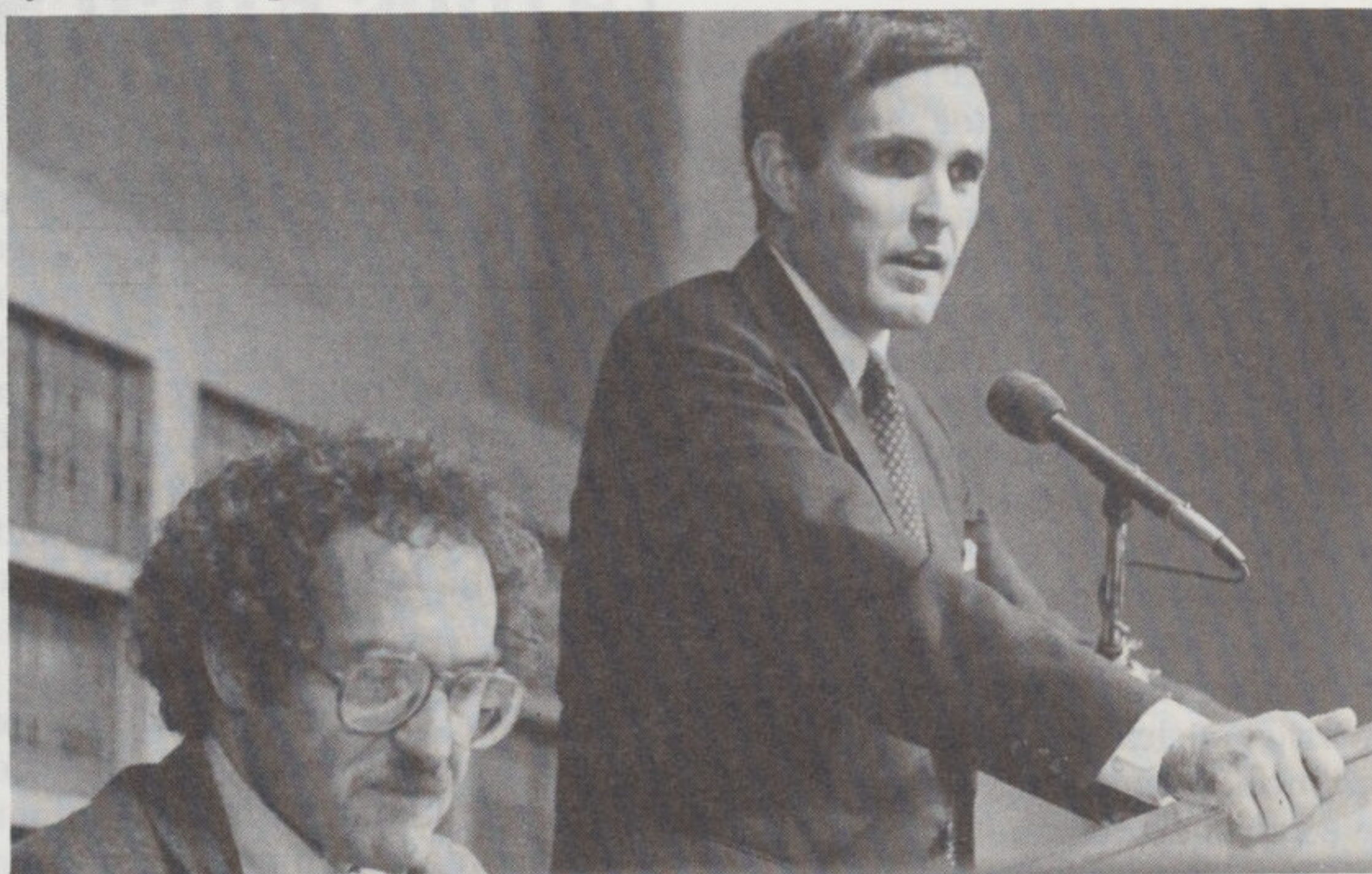
In his recent book, *The Best Defense*, Dershowitz explained his reasons for believing that the U.S. Attorney's office had compromised its usually exemplary ethical standards in prosecuting Rosner, and had instead adopted the philosophy that for certain especially despicable criminals, "it takes one to catch one." Giuliani opened the debate by responding to the relevant chapter of *The Best Defense*, which the 1Ls in attendance had been asked to read, maintaining that the case was not such a compromise.

Dershowitz's and Giuliani's contrary conclusions, Giuliani claimed, were based on disagreements about the inferences to be drawn from the prosecution's use of Leuci, who eventually proved to have committed

many more crimes than he admitted to under oath at Rosner's trial. Dershowitz maintained that the only inference possible from the record was that the prosecution not only knew that Leuci was guilty of more than he admitted to, but deliberately neglected to go deeper into an investigation of Leuci because of Leuci's importance as a witness against Rosner and others. Information which Giuliani claimed was not in the prosecutors' possession, Dershowitz maintained, was available, but the U.S. Attorney, by "not letting the left hand know

"knowingly or suspectingly," use perjured testimony to convict particularly hated criminals against whom their case is not strong. While, with hindsight, it is easy to say that prosecutors should have suspected that Leuci was more extensively involved in crime than he initially admitted, at the time he made his initial admission, Giuliani maintained, three crimes seemed a major confession. There was no obvious reason to dig deeper.

"You are not a lie detector, and I am not a lie detector," Giuliani asserted. Both he and Dershowitz,



Bob Peterson

Dershowitz ponders while Giuliani speaks.

what the right was doing," was able to act as if it did not know what Leuci had confessed to persons who were not directly involved in prosecuting Rosner.

Giuliani was particularly adamant in opposing Dershowitz's contention that the prosecutors deliberately did not delve deeply into Leuci's past before allowing him to testify, as well as Dershowitz's implication that prosecutors routinely,

he said, had put on witnesses who turned out to be lying. Dershowitz would not agree that attorneys are inherently unable to tell for certain whether all witnesses are truthful.

Rich Discussion

Dershowitz's animated defense of the claims made in his book and Giuliani's forceful denial of any knowing or intentional wrongdoing by the office in which he personally "learned more about ethics" than in any other place he has worked, made for an extremely rich discussion. It was apparent that much of their disagreement was based on contrary perspectives on the aims of the justice system.

For Dershowitz, the most important thing is that the rights of citizens and the principles of justice

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Horwitz: A Critical Look at Studying Law

By Brad Hudson

"The great threat in being a law student is that you will lose your political and moral convictions."

Over 200 students filled Austin North on Wednesday, November 3 to hear HLS Prof. Morton Horwitz speak on "What's really going on in the law school classroom?" The talk and the discussion that followed were the first in a series of such events designed to introduce students to Critical Legal Studies.

In his talk, which was primarily directed toward first-year students, Horwitz told the audience what he would have liked to hear as a first-year student. Horwitz addressed his remarks to "those who share my political and moral convictions — that is, those who believe that this is an unjust society, that the legal profession basically serves unjust causes most of the time, and that the function of law school is to apologize for the illegitimacy of the legal profession as practiced in American society."

My goal, said Horwitz, is to convince you that "those of you who fear that living a life in the law is selling out your political and moral convictions are wrong."

Logical and Necessary

According to Horwitz, what is wrong with the law school classroom, particularly in the first year, is that it presents the current system and practice of law in the United States as being both logical and necessary. Legal thought serves to apologize for the existing system — to show that this is the way things have to be.

Specifically, law school separates law from politics and theory from practice. It separates law from politics by appealing to professionalism in students — the craft instinct. Horwitz identified this appeal with the treatment of "law as science." "The attempt to show that law is science is the attempt to show that law is not political . . . to show that there is a neutral body of craft, of technique, of ideas, which can be

radically different from political convictions."

Horwitz said that, as a first-year student, he wanted someone to tell him that "anyone who attempts to find a realm of neutral craft and law distinct from politics is lying to himself."

Regarding the second separation — that of theory from practice — Horwitz described its effect as enabling people to believe that legal education is "beautiful for its own sake." It presents law as "part of the most beautiful system of thought that really doesn't determine whether people get thrown out of apartments or people go to jail — that it's not part of a system, an organized system, of profound injustice."

Questioning Suits

Horwitz used the current interviewing season to illustrate what he thinks the impact of legal education is on law students. "It would be wonderful," he observed, "if, as each person put on his or her suit, there could be somebody who said: Why are you putting on your suit?"

Those currently interviewing for summer jobs, said Horwitz, "have already had that terrible experience of not being able to choose — of feeling that they must do what they must do in spite of themselves because of their mothers, or God, or the Market, or their sense of themselves requires that they do this."

The great paradox of Harvard, said Horwitz, is that while students here get lots of job offers, "there is a student body with the greatest sense of unfreedom I have ever known."

Horwitz believes that this sense of unfreedom is directly related to what goes on in legal education. The history of legal thought, he said, reveals "the very many ways in which legal ideas have been constructed to prevent one's having the experience of freedom . . . the freedom of choice."

Critical Legal Studies, explained Horwitz, seeks to strip the current system of its appearance of logic and necessity. It does so by treating

the system as "logically and historically contingent." It tries to "explain the way in which legal ideas are intricately organized to keep all of us from experiencing the fact that we are choosing to justify society."

Traditionally, said Horwitz, law school professors split into two camps: "the thinkers," who were all conservatives, and "those who hate thinking," who were all reformers or radicals. Thus, clinical legal education has historically been viewed as hostility to thought.

But within Critical Legal Studies, the conflict between theory and practice has been resolved, Horwitz claimed. One of the premises of Critical Legal Studies is that "through clinical education, people will come to experience the connection between theory and practice, and that they will, on the firing line, come to experience the injustice that the way in which we teach keeps us from communicating."

Law School Politics

Horwitz went on to describe the politics of the modern "middle-range, Langdellian" law school — "the politics of rendering students incompetent." The modern law school originally grew up to combat "law office training." If legal education comes to look too much like professional, technical training, it risks criticism from the university as not being scholarly enough to belong in a university. If it becomes too scholarly, it risks criticism from the bar that it is unnecessary for the practice of law.

This uneasy compromise, claimed Horwitz, prevents the law school from making students feel like competent practitioners. To do so would undermine the compromise that allows the law school to exist in its current "middle range" form. "The Langdellian law school has taken unbelievably talented, able, strong, accomplished people, and in three years time convinced the vast majority of them that they are incompetent."

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Earnest: Harvard's Latest Farce

— Charles Thensted

"The Importance of Being Earnest" is an inspired choice for the HLS Drama Society's second fall production.

Algernon Moncrieff, an amoral idler, and John Worthing, a love-struck twit, are active frauds and prevaricators. Lady Bracknell, aunt to Moncrieff and nemesis to Worthing, is an overbearing, opinionated hypocrite, motivated by venality and bile. Ostensibly prim Miss Prism hides a dark secret but little else from the corrupt Rev. Chasuble. Cecily Cardew and Gwendolyn Fairfax, feminine wisps with reptilian consciences, beguile, bemuse and ensnare the hapless Moncrieff and Worthing. And for good measure, there's Gribbsby, the procedurally correct and nominally duplicitous solicitor.

Amorality, lust, hypocrisy and greed — there could not be a better play for an audience of aspirants to the Bar. Oscar Wilde's quintessential farce fairly skewered Victoria's England, but we haven't come so far in time or space that it has lost any of its bite.

It can be a wonderful play to play as well as to watch. The characters are broadly drawn, the dialogue tightly crafted, clever, consistently funny. Every part has its moments,

so much so that productions of "Earnest" often are fraught with delight on both sides of the apron.

The cast here gives generally credible, sometimes hysterical, performances, only occasionally yielding to the temptation to cross the line between drawing-room



Sandy Yamate

A tender moment in Earnest

farce and garden-variety slapstick, a testament perhaps as much to the fearsome presence of director Temple Dickinson, 2L, as to their individual talent and restraint. To be sure, there's overacting in abundance — the play itself demands it

— but it usually works. An example in a relatively minor role is Tom Jackson, 2L, who as the butler Merriman often punctuates a scene by the traditional, but here quite funny, device of acting more up-percrust than the gentry he serves.

Cheerfully Wicked

Philip Kraft, 2L, is cheerfully wicked and mellifluously wellborn as Algernon. His scenes with Worthing sometimes lack spark, but his performance is consistent and effective, including the tricky transformation of Algernon from posturing fop to man in love.

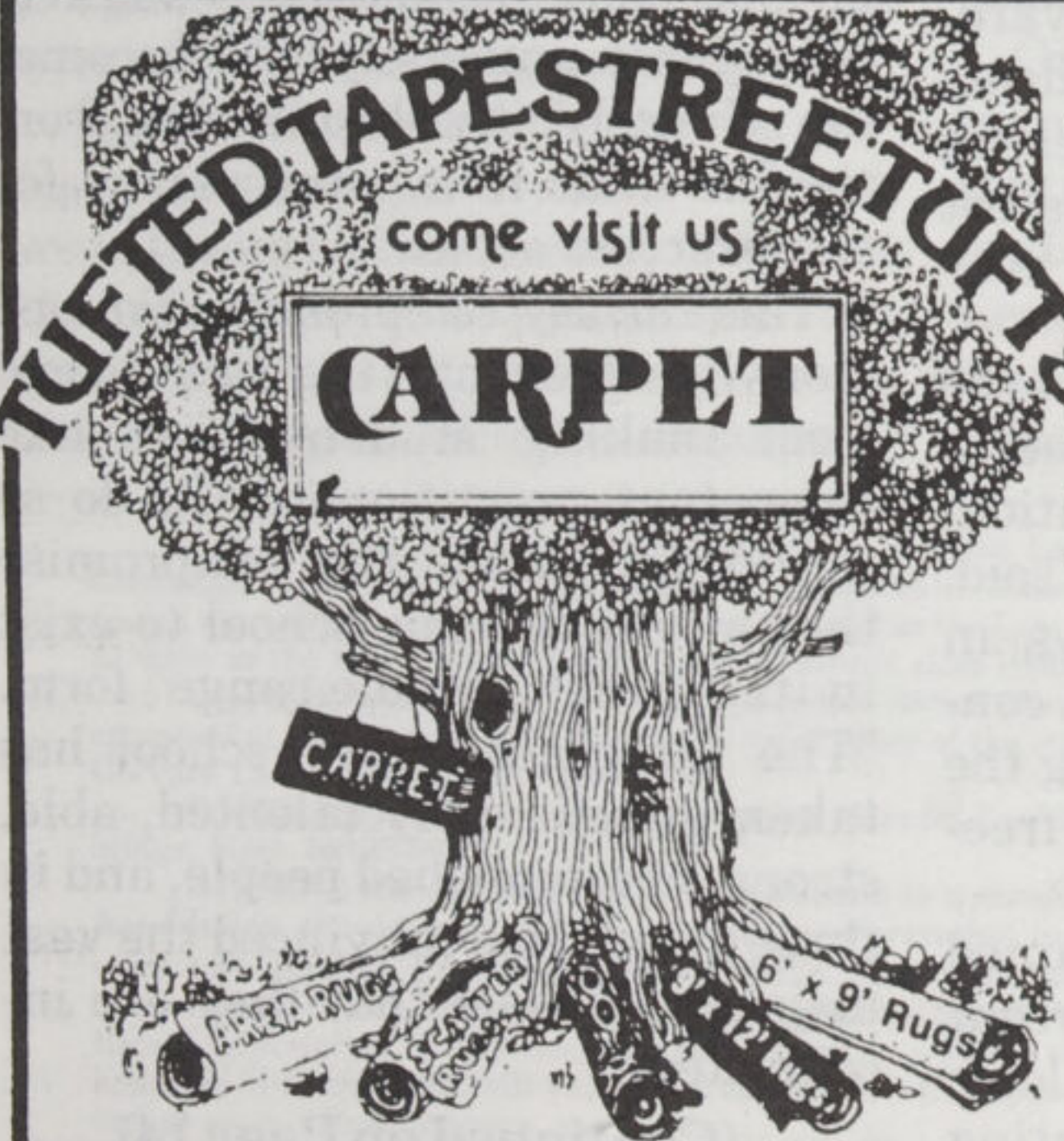
The object of Algernon's ardor is dewey Cecily Cardew, played with a neat combination of innocence and wile by Julia Smith. Her scene with apparent rival Gwendolyn gives both women a delicious opportunity to test the limits of sugar and spite. Andrea Stang, 1L, is a fetching Gwendolyn, particularly in her becoming Victorian costume, but I was less than convinced that she really found her "Earnest" (Ken Hodder, 3L, as Worthing) "irresistably fascinating" as she professed.

Hodder is a serviceable Worthing, but he's best as a foil for the imposing, bombastic Lady Bracknell. The two characters play off each other well and share the best scene in the show — Lady Bracknell's cataloguing of Worthing's qualifications as suitor to her daughter Gwendolyn. Jacques Semmelman, 3L, is a wonderful Bracknell, from her elaborately rolled "Rs" to her unflaggingly ascerbic observations on love, marriage, society and long engagements, which she does not favor: "They give people the opportunity of finding out each other's character before the marriage, which I think is never advisable."

Sight Gags

Semmelman's Lady Bracknell

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The Corporate Summer Revisited

Raun Rassmussen

The corporate summer that "wasn't as bad as I thought it would be," has turned into a scramble for more: a dressed-up, smoothed-out rationalization for an end to questions and a pursuit of security.

It's been said before and by now is boring. But the fact remains that all those people who didn't really enjoy their summer work are about to plunge into a lifetime of it. Yes, there are good, enjoyable, fascinating corporate positions. And yes, there are those of us who have always known corporate law is just what we want. But there are more of us who have never made that decision. More of us who are riding the tide. More of us who are willing to take what is offered passively. We, who are bright, creative, thoughtful and better off financially than most, are letting someone else decide for us where and how we will spend our most productive days.

Yes, Harvard law students want good jobs. We *should* want good jobs. But why are corporations and the Placement Office and Harvard Law School deciding for us what "good"

is? Why does the offer from the firm suddenly become the answer to our search? Some of us have known all along that corporate law was *not* for us. But *most* of the students here were less sure when they came; thought they'd try "public interest" maybe; had a vague uneasiness about the thought of doing corporate work. About swallowing the line. Afraid of the choking that might come later.

Most of us think that a "good" job is an interesting, exciting one that stimulates us to be creative and provides us the opportunity to do so. It is also true that if most of us were asked, we would choose to work on a civil rights, tenant-landlord, employment discrimination, or toxic waste suit, rather than the leveraged buy-out of some corporation, an executive's estate plan, or a commodities regulation suit. Most all of us would be more excited about the public interest issues described. We feel it in our bones.

But let's face it. Most of the "undecideds" end up in corporate practice. There are lots of reasons why:

"I need the money to pay off my loans." "I want to live in New York and it's the only way I can afford it." "There aren't any public interest jobs." "The supervision was really good." "I got to work on a pro bono case."

But the main reason that most of the not-so-sures end up in corporate law is that corporate law firms come to us. We get jobs, lots of money, tickets to the opera and baseball games, and free trips to San Francisco, all for showing up in a suit at the right time and acting charming and sincere. And the public interest jobs don't come to us — can't come to us. They don't fly us anywhere, and they don't pay as well.

So, the question must again be asked. Given all the reasons, why do bright, creative, caring people let others take their choice away? Do we stop being bright at law school and begin, stupidly, to allow convenience and corporations to decide for us what we want? Or, do we stop being creative, and stop believing that there are things to do with our lives that are vibrant and exciting and meaningful, and instead yield to the felt pressures of peers, family, lifestyle, the job race and financial need?

Or, finally, do we stop caring? Do we become cynical of public interest do-gooders and the measly salaries they earn, somehow falsely equating salary with influence and work quality? Are we inwardly skeptical of their attempts to change things, assuming if they only had power (i.e., Lexis, 100 attorneys, and friends in high places) they could *really* do something? Or are we still, tenuously, holding on to our concern for people — believing that we can do pro bono work, but honestly knowing that will be a small, small percentage of our work?

There are choices to be made and they are not easy. But why do we let others give us the only list to choose from?

Student's Locker Torched

A student who checked his locker on the way to class Tuesday morning found that articles he had taped to the locker on Monday had been reduced to ashes.

"The articles covered a variety of topics," said Benjamin Schatz, 1L, "but the most prominent were a few gay articles."

A friend told Schatz that he had seen the articles intact at midnight Monday night. "Someone went out of his way to do a very malicious act and stayed up late for the pleasure of doing it," Schatz said.

Schatz was concerned about students' reaction to the burning. When he told friends about the incident, "their reaction was, 'Certainly a law student didn't do it.' But this is not an isolated incident. I've had things

like this happen to me before, and if you look at some of the graffiti in the men's rooms, you'll see this is a big problem."

"I hope incidents like this will awaken people to anti-gay bigotry at HLS and get them to think through their attitudes toward gay and lesbian people."

Dean of Students Mary Upton said she was "obviously very distraught" about the burning. "The idea that someone in this law school should prevent another from exercising his first amendment rights is outrageous. We will bring down the full force of the Ad Board on anyone found responsible for this. We take this very seriously."

Frankfurter Centennial Celebrated

By Jack Robinson

Today HLS is sponsoring a "Centennial Celebration" to mark the anniversary of the birth of Felix Frankfurter, one of the great justices of the Supreme Court of the United States. The event will last most of the day, beginning at 1:30 in the Ames Courtroom with a convocation address by Dean Vorenberg and reflections on Frankfurter by Prof. Paul Freund. After the con-

vocation there will be two sets of three panel discussions, one set commencing at 2:30 and the other at 4:00, both in Pound Hall. Some of the panel topics are: "Supreme Court Law Clerks Then and Now," "Personal Reminiscences of Felix Frankfurter," "American Zionism in the 20th Century" and "Judicial Activism and Self Restraint Again." All of the panels are free of charge, and the public is cordially invited to attend — especially students.

Prof. Abram Chayes, one of the coordinators of the event (and also Felix Frankfurter Professor of Law), stresses that the "celebration" is not an academic or scholarly conference but an opportunity for people to engage in "stimulating conversation" about Frankfurter's life and his role on the court and in the legal world. The goal of the event, says Chayes, is to "convey the effervescence of this legal legend who was a stimulating, engaging and diverse kind of a man."

Frankfurter completed his undergraduate work at the City College of New York, received his law degree from the Law School in 1906 and, exactly fifty years later, received his LL.D. here as well.

Batavia Wins Writing Prize

By Dave Horn

Drew Batavia, a former member of the class of '83 who is now a student of health services at Stanford, has been awarded second prize in the National Federation of Insurance Counsel's paper competition. Batavia's paper, completed last year at HLS under the supervision of Profs. Robert Clark and Clare Dalton, examined "antitrust aspects and implications of the health care and insurance industries," particularly with respect to "Blue Cross/Blue Shield payment policies." The paper will be published "shortly" in the federation's journal, Batavia said.

Batavia entered HLS in 1980 and spent two years in the J.D. program before transferring to Stanford this year. He is currently enrolled in a one-year Master's program in Health Services Research at the Stanford Medical School. In 1983-84, he will study a third year of law at Stanford Law School and will then receive his J.D. from Harvard in 1984.

Batavia hopes to enter the health care planning field as a private attorney, a private consultant, or a government official responsible for "macro-planning" in the health care field. "The options are great," said Batavia.

Asked to compare his experience at HLS with that at Stanford, Batavia said it was difficult to do that because he hasn't yet attended the

law school at Stanford. With that qualification, Batavia said that "the atmosphere at Stanford is far more relaxed."

"I've really enjoyed the opportunity to attend both schools," he said. "I miss Harvard — certain aspects of it, that is. The people were great there. I was very attracted to the people at the school."

Some Difficulties

"The institution itself really gave me some difficulties," Batavia explained. Although he said it was not the fault of the people at HLS, he believes that something about "the history of the school and of the relationship of faculty and students" has created a situation that is "not really conducive to an informational exchange." "A lot of potential is being wasted at Harvard as a result of that," said Batavia, adding that the problem "may be a function of the size of the school."

On the brighter side, Batavia emphasized that his paper advisors were "very supportive." And in conclusion he said: "It was a very valuable two years. I'll always look back on it fondly."

Batavia is originally from New York. He studied for one year at the University of California at Berkeley and earned his B.A. in economics and sociology at U.C. Riverside in 1980 before coming to HLS.

Important Personalities Abound

Frankfurter's former law clerks are not only numerous but very influential. Approximately 30 of his former clerks, including seven members of the HLS Faculty, will be on campus this Friday to take part in the planned activities. Among them will be Professor Chayes, Dean Vorenberg, the Deans of Yale and Columbia Law Schools, William T. Coleman, Elliot Richardson and Hugh Calkins. Also planning to attend are Congressman Barney Frank, Arthur Schlesinger, Dean Henry Rosovsky and Henry Friendly.

Professor Chayes suggests that students sample all of the panel discussions to get a general overview of the event. By "dropping in" on each of the discussions, students will contribute to the "fairlike" atmosphere which encourages substantial audience involvement in "conversations that Frankfurter would enjoy being a part of."

Sports Answers

1. Bobby Clarke
2. Willis Reed
3. John "Boog" Powell
4. Jeff Rutledge
5. Jimmy Black

American Lawyer's Brill Questions Big-Firm Practice

By Roland Monson

Steven Brill, editor and publisher of *The American Lawyer*, spoke to 35 or 40 students last Monday about the working world they would be facing after graduation. Though he professed to be self-conscious addressing students of the "second-best law school," Brill, a graduate of Yale Law School, seemed relaxed and informal.

His main point was that competition has hit big-firm law practice, which means heavy pressures on starting associates. Thirty years ago firms could give their associates years of training under partners; now new associates must be profitable for their firms within a year and are supervised by sixth-year associates whose paramount concern is making partner.

Just 20 years ago even large firms were small enough that incoming associates could think they were getting in on the ground floor, Brill continued. Now simple arithmetic shows that to be an illusion. Brill speculated that the institutional vitality of the big old firms might be hurt as more and more of the best law students are tempted to start their own firms.

Criticizes Survey Use

Brill criticized the uses to which students put the annual summer associate job survey, one of the best-known features of *The American Lawyer*. The concern of partners with the results of the survey is

somewhat justifiable because it reflects on the effectiveness of their summer program, but for students to consider such a survey a serious aid to deciding on a job is absurd.

As an example of the unrealistic input to the survey, Brill told of one student's reason for giving Skadden Arps a favorable rating summer before last. Bored with the Conoco takeover work he was doing and missing his girlfriend in D.C., the student called a partner to ask if he could go down to the D.C. office and work on a tax problem. His call was returned by Flom himself, who told the student to do just that. Brill wished he could see the first time the student — as a new associate — called up Flom with such a request.

Gonzales Appointed to Ad Board

Arturo Gonzalez, 1L, has been appointed to a three-year term on the Administrative Board. The appointment was made by the Law School Council.

The Ad Board's responsibilities include granting exemptions from Law School rules and procedures and taking disciplinary action against students who violate these rules.

"I'm really pleased that the council gave me the opportunity to do this," said Gonzalez. "I'm very pleased to represent my class on the Ad Board and I hope to do a good job."

☛

D.H.

HLS Amnesty International Focuses on Philippines

By Michael Medina

The Law School's chapter of Amnesty International is presently organizing a letter-writing and information campaign on human rights violations in the Philippines. The effort is part of a global campaign by Amnesty to draw attention to the situation in the Philippines.

Amnesty periodically conducts such "country campaigns", usually following a major study of the human rights situation in a particular country, according to Elliot Gordon, 3L, head of the HLS Amnesty group. A similar campaign is also being conducted this year concerning Uganda, Gordon said.

Amnesty International was founded in the early 60's to organize international opposition to human rights violations worldwide. The specific goals of Amnesty are to oppose executions and torture, to work for fair and prompt trials for all political prisoners, and to seek the release of all "prisoners of conscience." "Prisoners of conscience"

are individuals detained because of their beliefs, color, sex, ethnic origin, language, or religion, provided they have not advocated or used violence.

Campus Network

In the last five years Amnesty has organized a "campus network" of support groups nation-wide. HLS's Amnesty is part of this network according to Gordon. The Amnesty at HLS is affiliated with the International Law Society but is not itself an official campus organization.

The Amnesty campaign on the Philippines is a result of a study conducted by an Amnesty mission sent to the Philippines in November 1981. That mission was a follow-up to a similar mission sent in 1975 which found extensive human rights violations. Martial law was imposed on the Philippines by President Ferdinand Marcos from 1972 to 1981.

(Continued on Page 14)

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Of Flights and Friends

Two incidents caught our attention since our last issue went to press, and together they perhaps have a message to convey.

The first occurred in an airport in a far-away city when one of our number was taking a forbidden (but that's another editorial) pre-Christmas fly out. Passengers filed onto the plane that was about to take them wherever they were going. Once all were on board, the plane was pushed back from the ramp, and then, nothing. The plane was towed back to the ramp, and the passengers were told the right engine wouldn't start. Repairs would take about two hours, so everyone was free to leave the plane if they liked. Most did.

Once out of the plane, passengers gathered around windows to watch the engine's gull-wing covers being raised, to see the mechanic pull out pieces, and to talk to each other. The latter activity wouldn't merit special note but for the fact that no one had seen fit to acknowledge the presence of fellow travelers until the normal flight sequence was interrupted. As they had gotten on the plane, most had retreated into their seats and done what was expected: they had ignored everyone else on the plane.

The second incident was a report from Drew Batavia, who is now a student at Stanford after spending two years at HLS. In comparing HLS and Stanford, Batavia mentioned that he felt some part of the Harvard experience was "not really conducive to an informational exchange." Batavia thought that an awful lot of potential for students and faculty to learn from each other was overlooked, or maybe even stifled.

Well, now for the perhaps too obvious drawing together of the two incidents. A great many students come to Harvard in their first year, find a circle of friends, and then establish a comfortable routine. They — or rather we — go to class, maybe stay to eat lunch, sometimes drop by the library, and then head home. Harvard, like the standard airplane trip, seems to condone a somewhat impersonal, sterile routine which keeps us from having to reach out to our classmates and professors.

Like the folks on the plane, we often need to be jarred from our daily routines before we acknowledge our fellow travelers. Students and faculty here have a tremendous store of knowledge, feelings and experience which could be shared to the benefit of all. Perhaps we should disrupt our own routines, on occasion take a look at the forces driving our lives, and get to know something about each other in the process.



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Fenno

Fenno hadn't polished his shoes — it's hard to polish Keds — but was otherwise fully dressed for his interview. He even wore a vest, despite his moral objections to three-piece suits. The vest was necessary to hide the shirt wrinkles resulting from his overriding antipathy to ironing and even hanging shirts.

His club tie had little monograms reading, "HL\$," and the button on his lapel proclaimed, "The second thing we do, let's kill all the law professors."

Fenno found the interviewer sprawled on the hotel bar. "There was a mix-up with the interview room," the interviewer said, slurring his words. "So I've been down here since 1:00. What time is it now anyway?"

"5:30," Fenno said.

"Time for cocktails. Can I buy you a little something to drink?" he asked, and waved limply to the bartender.

Fenno ordered a beer and hoped all the questions would be as easy.

"How 'bout a looky-see at your resume," the interviewer said, and struggled to focus his eyes. "Well, well. A publication credit. *Civil Procedure for Neurotics: Compulsive Counterclaims, and Depositions Upon Oral Fixation*, 34 Journal of Law and Psychology 115. Very impressive indeed — but let's talk about your grades."

"All evaluations of my performance are classified," Fenno said.

"What?"

"Can you keep a secret?" Fenno asked, lowering his voice.

"You betcha."

"Fine. You're hired."

"Wait a minute," the interviewer said. "What's the secret?"

"I'm not really a law student. That's only my cover. I work for the most clandestine and elite espionage and special operations network ever assembled by the Free World. I'm recruiting operatives. We're making you an offer."

The interviewer's eyes grew wide. "You mean I don't have to be a lawyer anymore? That calls for a drink! I hate being a lawyer," he said between gulps of his Manhattan. "I always wanted to be a spy!"

"Not so fast," Fenno said. "There are a few details to be worked out. Our cover will require us to work at your firm at least for the summer. I will need my own office, secretary, WATS line and expense account, as well as discretion to set my hours and a weekly stipend of \$1350 cash. And of course, I will be your superior."

The interviewer kept nodding.

"In that case, welcome aboard," Fenno said, standing up and shaking hands. "I'll be in touch."

Fenno left the bar and unbuttoned his vest as he went. He could barely wait to get home and throw his dress shirt on the floor, where it would remain until the next interview season.



Letters to the Editor of the Record

A Note from A Friend

To the Editor:

This letter is written by an old aficionado of the RECORD. I was present at the creation, and I am probably one of the few who has read virtually every issue of the RECORD over the past 36 years.

With this background, I am moved to write you about your issue of October 22. I think it is perhaps the best issue of the RECORD in my recollection. It is full of news on matters of great interest to the Law School community. It is well written, and the writing is informative, straightforward, and not tendentious. The pictures are excellent. All in all, it is a fine issue, and I want to send my appreciation and hearty congratulations to you and your associates who are responsible for it.

With continuing best wishes,

[Former Dean] Erwin N. Griswold, '28
Washington, D.C.

RECORD Reproached

To the Editor:

Please remove my name from the list of alumni subscribers. For some years now I have been hurt and disturbed by the increasing incidence of anti-semitism at the Law School and by the official hospitality

and courtesy of the Law School's Administration to organizations sponsoring anti-semites.

Your editorial "Understanding Anger" lifts that hurt to a level of resentment and disgust. I have been watching and hearing the phenomenon of "Jews bring it on themselves" as a response to anti-semitism most of my life, since my childhood in Vienna in the 1930's. The swastikas that I saw painted on walls were a signal of intention to annihilate. I don't believe that much has changed, including the initial small number of swastika-painters and the vast numbers of citizens interpreting the swastikas as a sign to Jews to shape up.

In any event, I can spare myself having to read any more of your paper or give further thought to the Law School.

Raoul Gersten '57
Ridgewood, New Jersey

Upon re-reading our editorial, we discovered an unfortunate and potentially misleading ambiguity. To clarify: We emphatically condemn all forms of anti-semitism — such hatred has no justification. We regret the ambiguity. — Ed.

Money Talks

To the Editor:

I enjoyed the description of the Catholic University paycheck-withholding rule in the Oct. 22, 1982 issue of the RECORD. I was associate dean at Catholic University Law School from 1975-78 and can confirm that the rule exists.

Dean Noone's memory, however, does not go back far enough. On two separate occasions, Spring 1977 and Fall 1976, I was late with my own grades in the course in commercial transactions and, as a result, had to withhold my own paycheck. To avoid even

the appearance of impropriety, I gave over my check to the custody of our office manager who retained it until our registrar certified that my grades had been turned in.

Lately, with a new mortgage and some other financial obligations to take care of, my grades have been far more timely.

Prof. William F. Fox Jr., LL.M. '74
Columbus School of Law
Catholic University of America
Washington, D.C.

Why Not?

To the Editor:

I understand that, in some New York City "powerhouse firms" at least, many recent HLS grads bill more time in a week than I do in some months. For what?

I also understand that few, if any, graduating students offer themselves to such firms for merely, say, \$30,000 a year on condition that they retain dominion over their evenings and weekends. Why not?

Malcolm Bell, '58
Norwalk, Conn.

Gratitude

To the Editor:

Amid the nauseous onslaught of corporate overtures, there has finally emerged a ray of light. Thanks are due Raun Rasmussen and friends for compiling a list of public-interest employers. Those of us who do not care to be worshippers at the altar of corporate mammon are grateful.

Matthew Kramer, 2L

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Sports Quiz

Note: Today's sports quiz asks you to identify athletes who share last names with past and present Justices of the Supreme Court.

1. Considered one of the toughest players in the NHL, this center helped lead the Philadelphia Flyers to two consecutive Stanley Cup championships in the mid-1970's. Name this player.
2. An alumnus of Grambling, this former center helped his team win NBA championships in 1970 and 1973 and is currently the head basketball coach at Creighton. Name this former NBA star.
3. This big first baseman played on a team

that made three consecutive World Series appearances in the years 1969 through 1971. Name this former slugger.

4. A star at Alabama, this quarterback spent several seasons with the Los Angeles Rams before being traded to the New York Giants prior to the 1982 NFL season. Name this player.
5. This guard was instrumental in North Carolina's quest for the 1982 NCAA basketball championship and was the third round draft choice of the New Jersey Nets in 1982. Name this former college star.

(Answers on Page 8)

Vote Supports Affirmative Action Resolution

(Continued from Page 1)

comply through the referendum is to give a majority of students the chance to take a position and get involved in a way that could support an increase in minority and women on the faculty. The main thing that made us move in the direction [of a referendum] was the feeling that most people hadn't had a chance to take a position yet."

The referendum states: "Be it therefore resolved: That the students of Harvard Law School urge the faculty to adopt the following resolution:

"Resolved: That the faculty is committed to the goal of increasing the number of women and minorities on the law school faculty; that traditional methods of, and criteria for, recruitment, hiring and advancement have failed to achieve this goal; and that the faculty instruct the Appointments Committee to direct its recruitment efforts toward a broader pool of potential candidates, recognizing that the goal of increased representation of women and minorities should be a primary consideration in all future appointments and tenure decisions."

Ontiveros explained that the LSC tried to word the resolution in a way that would receive broad support. Said Ontiveros, "This resolution is drafted so that anyone who supports affirmative action can support it, regardless of how they feel about the boycott or about any other actions that people have taken."

In addition to its approval by the general HLS student body, the resolution received the support of several student groups. Included among these are the Asian Law Students' Association, the Black Law Students' Association, the Committee on Gay and Lesbian Legal Issues, La Alianza, and the Women's Law Association. Said Curran, "We [the LSC] are impressed with the substantial number and mixture of student groups that have endorsed it."

According to Curran, the LSC plans to forward a copy of the resolution, along with the results of

the student vote, to Dean Vorenberg. The LSC has not yet made arrangements for a presentation of the resolution to the faculty.

Michael Michaelson, 2L, vice-president of the LSC, hopes the impact of the resolution will be to present a clear statement regarding student opinion. Said Michaelson, "I think it's terribly important that the faculty, press and public understand the extent to which stu-

dents at the Law School are supportive of the ideal of affirmative action in faculty hiring, as in student admissions and every other aspect of the school."

Added Curran, "We're hoping that a little urging can get things off dead center. It's a shame that at a school where we're supposedly learning to solve problems we can't do something about this problem."

☛

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Faculty Revises First Year Curriculum

(Continued from Page 1)

Shapiro to simply increase Criminal Law to 4 1/2 hours.

The reduction in credits required for spring electives and the increase in credits for Federal Litigation partially offset the increased load in the fall semester. These changes also eliminate the need to patch together two-unit electives for students to take along with Federal Litigation.

The most controversial proposal would have restricted the spring elective offerings to "perspective" courses. These courses would deal with theories about law or legal practice and would consider more than one substantive area of the law. Federal Litigation was included as a perspective course, and Morality and Law, Jurisprudence, Economic Perspectives on Law, Psychiatry and Law, and Legal History were named as possible perspective courses. Corporations, Tax and Administrative Law would no longer have been offered as 1L electives.

By a vote of 25 to 18, the faculty rejected the committee's majority proposal and instead adopted Prof. William Andrews' and Lance Liebman's alternative proposal: encourage the development of three-hour theory electives, but continue

to allow three- and four-hour doctrinal courses to be offered.

Prof. Lewis Sargentich described two basic goals of the majority proposal making the first year more coherent by giving students a perspective on their required courses and making the first year more of a distinctive experience. He stressed that the theory requirement would be "an institutional statement that it's important to study theories about the law." He also pointed out that the proposal would give more structure to the curriculum and increase the availability of theory courses at the Law School.

Prof. Hal Scott also spoke for the majority's recommendation. He observed that there is not enough time to adequately present theory in the current first-year courses. He also felt that students would benefit from learning to use theory, to criticize theory, and to see the limits of theory. This understanding would lay a foundation for and enrich the courses taken in the second and third years.

Prof. Frank Michelman said that, while he wanted to see theoretical learning in the first year, he feared that the majority proposal would

encourage faculty and students to "think of theory as something that goes on in its own course." He recommended developing a curriculum that would not differentiate between theory and doctrine.

Michelman's concerns were echoed by Prof. Morton Horwitz, who attributed the failure of similar attempts in the past to their basis on a false premise of presenting two curricula: a "core" curriculum and a "peripheral" curriculum. He attacked the proposal as continuing this distinction by presenting students with five "hard" doctrinal courses and one "soft" theoretical course in the first year. He feared that the distinction would lead students to develop a contempt for theory.

Prof. Robert Clark saw the issue in a different light. He described the proposal as a "struggle over scarce resources" — impressionable minds of first-year students. He saw the move as an attempt to force the traditional second-year courses now offered as 1L electives out of the first year. "It's an exclusionary, monopolistic, cartel-like theory," Clark said.

The Committee on Legal Education is chaired by Andrews, and also includes Assistant Dean Stephen Bernardi, Dean of Students Mary Upton, Profs. Martha Minow, Todd Rakoff, Liebman, Sargentich and Scott, and students Angela Carmella, 3L, and Helen Irvin, 2L.

The faculty also voted to reaffirm the traditional HLS view that first-year students should not take classes with second- and third-year students (with special exceptions for infrequently offered electives).

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Story Ideas?

Many of the stories in the RECORD spring from ideas suggested by readers. If you think of an event or subject which should be covered, give us a call at 495-4418 or leave a note in Dave Horn's 3L mailbox.

Dershowitz, Giuliani Debate Ethics

(Continued from Page 4)

are upheld most scrupulously by judges and prosecutors. However evil Rosner, an attorney frequently suspected of suborning perjured testimony to save his clients, may have been, the ultimate "villains" were judges who refused to reverse his conviction even after proof that Leuci lied about his past was submitted to them. When judges twist the record and arguments to reach a result desired because of their belief in the defendant's fundamental criminality, "the higher they are, the more villainous they are."

Giuliani, on the other hand, emphasized that the villainy of the defendant himself should not be overlooked in a case such as Rosner's. The purpose of making certain that the guilty are punished while rights are protected, he maintained, would be better served by directly prosecuting those officers and officials accused of misconduct, rather than turning the unquestionably guilty convicts free. Dershowitz accused

him of favoring the abolition of the exclusionary rule, and added that Giuliani's proposal would never work when the administration is predisposed to pardon official wrongdoers, as Reagan did with several FBI agents.

Giuliani also stressed that mis-

conduct allegations must always be evaluated where they arise: in the context of particular cases. If Dershowitz's claims about the Rosner case were true, he emphasized, they would not support the conclusion that there is "systematic corruption."

Amnesty Targets Philippines

(Continued from Page 9)

The 1981 mission found that, while the number of people believed to be detained for political reasons fell from about 6000 in 1975 to fewer than 1000, more people apparently were becoming victims of brutality. The concerns voiced by Amnesty in their report were:

— persistent reports of extralegal practices by government agents, including torture; the "disappearance" and extrajudicial execution of real or perceived opponents of the government; and the absence or inadequacy of investigation when

complaints about such activities are made

— arbitrary arrest and detention, including usually short term detention of individuals for non-violent exercise of their rights, and the use of torture in such situations

— the detention of political prisoners without trial within a reasonable time, or trial according to procedures in violation of recognized norms

— the extensive imposition and execution of the death penalty.

Worsening Situation

Gordon noted that the Philippine government is especially sensitive to American public opinion because of its close ties to the United States. He said that there has been an apparent worsening of the human rights situation in the Philippines since the coming of the Reagan administration with its reduced emphasis on human rights.

There are a number of ways that students can specifically put their legal skills to work for Amnesty too, Gordon stressed. He gave as examples, legal research into the enforcement of the Exports Administration Act, which curtails the exportation of instruments of torture and surveillance, and the presentation of an amicus brief on human rights in the United States in the Bob Jones University case before the Supreme Court (as Amnesty recently did).

HLS's Amnesty group invites people to join in their activities, said Gordon. Interested individuals should contact him through his 3L mailbox or the International Law Society.

Critical Legal Studies

(Continued from Page 5)

The combined effect of presenting the existing system as logical and necessary, together with the politics of rendering students incompetent, prepares students to march into their next step — "the top five percent . . . of an extremely stratified and hierarchical profession."

"The message that is communicated to you," said Horwitz, "is what an incredible privilege it is for you

to work in corporate America . . . and to perpetuate the existing distribution of wealth and power."

Not Talking

Horwitz said that when he was a first-year student, he thought he was crazy. He thought: "They are not talking about the world. They are not talking about what matters. They are not talking about the injustice that I feel out there."

But the message he got back was: "What are you talking about? What injustice? There's no problem out there. Just do your work and everything will be fine."

"Well I want to say to you that doing your work will not make everything fine. You've got to choose — that's all there is to it . . . You've got some explaining to do. If you use the law in a parasitic way, you're a parasite. I hope you choose well."

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Sentencing: The Luck of the Draw

By Dick Sinapi

This is the third of four articles about Dick Sinapi's experience this summer working for the Massachusetts Public Defenders. Last week's article discussed ways in which the criminal justice system is unfair and often random in its effects on individuals.

Sentencing in the Boston Municipal Court is not subject to the unbridled discretion of the judge in fact, even if it is in theory. The prosecutor, police, and sometimes the victim all have substantial influence over what sentence the judge will impose, especially on a guilty plea.

Although our criminal justice system utilizes the most enlightened procedures to protect the rights of a defendant and to guarantee him or her a fair trial, it relies on an archaic and ineffective means of deterring, reforming, and punishing offenders — incarceration. The causes of crime — ignorance, deprivation, oppression, abuse of drugs and alcohol, and insufficient inculcation of social values stemming from a poor family life and poor education — have not changed. Neither has the fact that incarceration does not prevent criminal behavior.

And everybody knows it, from the judges down to the criminals. Likewise, all the participants in the system know that jail time for an offender, particularly a young offender or one suffering from a mental problem or drug dependency, is counterproductive in the long run. In the short run, incarceration protects society by preventing the offender from committing another offense, at least for the duration of his imprisonment. In the long run, however, incarceration produces a more hardened and street-wise offender, while failing to get at the underlying causes of the criminal conduct.

Yet lawyers and judges know that letting the offender off with probation or a suspended sentence is likely to mean that the offender will be back in court soon on another

offense. Intermediate penalties which combine out- or in-patient medical treatment and psychiatric and vocational counseling are seldom used due to the dearth of quality programs and the ineffectiveness of over-burdened probation departments.

That is why it is not unusual in the BMC to find repeat offenders who receive probation on top of probation and suspended sentence on top of suspended sentence. It is not because the judge or prosecutor is "soft" on criminals; it is because they know that the only other sanction available — imprisonment — is a last resort inappropriate except for repeat-repeat offenders and a narrow class of violent offenders. When imprisonment is imposed, it is done with a grave realization that the system has failed, because although imprisonment may punish offenders, it is unlikely to deter or reform any. The offender's return through the "revolving door" has only been postponed for a time.

If what I am saying is true, why has the system not changed?

The main reason is that despite the fluctuating hue and cry over the "rising crime rate", to the average person, reform of the criminal justice system is not a high priority. Reforms aimed at the causes of crime, such as construction of modern community prisons and expansion of probation and rehabilitation programs, are rejected. But answers like more police, fortress prisons, and stiffer, mandatory penalties (including capital punishment) are simple solutions to complex problems which always seem to have popular appeal — and so are mouthed by opportunistic political candidates.

A second reason, and one closer to home, is the fact that those individuals most aware of the problems and most capable of having an impact — judges, prosecutors, and defense attorneys — are so caught up in their well-defined roles and corresponding duties that they lose sight of the broader purpose of the system in which they are participating. They suffer from a

professional "tunnel vision" in which the purpose of the system in which one practices becomes subordinated to the processes and institutions which were originally designed to effect that purpose. Institutions and procedures become self-perpetuating and self-serving.

Indeed, the BMC is a perfect example of a self-perpetuating institution — with a regular cast of judges, attorneys, court officers, clerks, police, and even defendants — which has taken on a primary purpose divorced from dispensing "justice" ("rough" or otherwise) and imposing sanctions which effectively deter, reform and punish offenders. The system's new purpose is to "move" cases with a minimum of friction and provide for the livelihood of a lot of people at the taxpayers' expense. The gross disparity in outcomes in the BMC is strong evidence that the system has lost its true purpose — or, at any rate, its ability to achieve that purpose. The system is clearly in need of some reform.

The final question is: whose responsibility is it?

Is it the duty of attorneys in the system merely to perform the functions designated by their roles as judges, prosecutors, or defense attorneys, or does their duty go farther and require them to criticize the serious flaws in the system and work for positive changes? If those most aware of the problems do not work for reform, who will? To be sure, it is extremely difficult to speak out in opposition to popular reforms and to criticize the failings of the system of which one is a part. The paradigm of an individual caught up in an institutional structure which has gone awry is not restricted to the practice of criminal law or law in general, but is applicable to nearly every area of joint human endeavor. A great leader, John F. Kennedy, referred to this problem when he wrote these words:

"A man does what he must — in spite of personal consequences, in spite of obstacles, dangers, and pressures — and that is the basis of all human morality." ❧

Intramural Football Crowns Champions

By Mark Graham

Soldiers Field Park was the setting on Sunday, November 7, for the championships of the four HLS intramural football leagues.

The finals in A League, considered the most competitive of the intramural leagues, featured a rematch between the Black Plague and the Armadillos — the two teams whose rough game earlier in the season had prompted school and intramural officials to threaten suspension of A League play. To keep the championship game under control, Law School Intramural Athletic Director Pat Fischer, 3L, assigned four referees to the game.

The Armadillos opened the scoring when David Dougherty, 1L, hit Steven Routh, 3L, with a long touchdown pass. On the Armadillos's next possession, the Black Plague defense picked off a pass and returned it for a touchdown to tie the score at 6-6. Then, late in the first half, Bruce Brooks, 3L, caught a sideline pass near midfield, quickly turned upfield and ran for a touchdown. The extra point was missed and the Black Plague led 12-6. Late in the half, the referees handed out several personal foul penalties for illegal contact. The half ended with the Black Plague leading 12-6.

The second half of the game turned into a defensive struggle as neither offense was able to mount much of an attack. The Armadillos did move deep into the Black Plague's territory late in the game, but an interception by the Plague's

Dwight Bolden, 2L, iced the game for the Plague. Final score: Black Plague 12, Armadillos 6.

The B League final pitted a team with the unlikely name of "Team For The B League" against the Deely Bobbers. Though the Deely Bobbers had won the two regular season meetings between the two teams, the Team For The B League won the championship by a score of 25-6.

For the victors, quarterback Jim Cusick, 3L, tossed touchdown passes to 3Ls Peter Simshauser, Michael O'Donnell, and David Moser. The lone score for the Deely Bobbers came on a long touchdown pass from Raoul Garcia-Cantero III, 1L, to Larry Schwartz, 3L. The victory for the Team For The B League marked the third consecutive season that this group of players has won a league championship.

The Co-Ed championship game was perhaps the most hotly contested of the day. The game saw both teams, the Clash and the Bureau Bombers, execute long scoring drives.

Late in the second half, Craig Bloomgarden, 3L, and Jared Snyder, 2L, hooked up on a forty yard touchdown pass to give the Bureau Bombers a 20-13 lead.

The Clash stormed right back when, with time running out, quarterback David Nied, 2L, ran for a touchdown. The extra point tied the score at 20 as time ran out. Rather than play sudden death overtime, the two teams agreed to let the tie stand and to become Co-

Ed League's co-champions.

The Razzle-Dazzle league championship game featured the unorthodox and wide-open play for which that league is famous. When the smoke cleared, the Insanity Defense were champions.

Fischer told the RECORD that he was, for the most part, very pleased with the way the games were played. As for the A League, Fischer was disappointed at the level of rough play and he stated his belief that the immediate pass rush, a feature which is unique to A League, was largely responsible for the high incidence of illegal contact. The immediate rush, said Fischer, will not exist next season. ☛

DRAMA — *Earnest: Inspired Choice*

(Continued from Page 6)

was so finely crafted, in fact, that I was surprised to see him slipping into sight gags and double takes in the third act which, if calculated and not just dress rehearsal silliness, I think is a mistake. It's Lady Bracknell's haughtiness and stolid classism that makes her portrayal so hysterical, not any pretensions to Jerry Lewis in drag.

To my mind, only one of the love affairs in this production is very interesting (discounting Lady Bracknell's love of position) — that between Miss Prism and the Rev. Chasuble. Miss Prism is excellently portrayed by Hollis Wright, 2L, with such barely controlled lust for 1L Bruce Ellerin's luridly lascivious Reverend that I wondered what they might be up to when not on stage, in plain view.

This production of "The Importance of Being Earnest" is cleanly staged and, allowing for a few missteps, should bear up well under the close scrutiny afforded by its Ames Courtroom venue. Wilde's masterful comedy-farce is in itself, of course, wickedly funny. As presented by the Drama Society, it makes for enjoyable theater.

Saturday and Sunday at 8:00 P.M.
\$3.00 admission. ☛

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