

HARVARD LAW RECORD

The Galaxy's Oldest Law School Newspaper

VOL. 76, NO. 7

APRIL 1, 1983

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Students respond to school's newly announced affirmative action policy.

Critics Give Affirmative Action Plan High Ratings

By Ernie Cicconi
and Adam Eisgrau

It appears that the voices of numerous Law School organizations have finally fallen on receptive ears. The list of next year's incoming 1Ls has been made public and, by all reports, the new crop should represent the most diverse class in HLS history. According to Dean of Admissions Molly Geraghty, this year's admissions decisions were made with the affirmative action proposals recently submitted to her office firmly in mind.

Dean James Vorenberg applauded the progress made by the Admissions Office, stating that the bold moves will attract a wide audience for HLS's efforts. "Good show," said the Dean, who was "very

pleased both with the achievements of many of the incoming students and the foresight exhibited in implementing the admissions policy." "No one will tune us out after this — you should see some of the characters we admitted for next year," Vorenberg added.

Attention!

Vorenberg explained that the new plan was the product of long hours of hard work. "Saturday morning often found Molly and me screening applicants," said the Dean. Geraghty feels sure that as a result of the Law School's widest ranging affirmative action move yet, the Class of 1986 will be, by far, "the most animated in the school's history."

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Reagan Announces New Aid Regs

At a press conference last week, President Ronald Reagan proposed a set of new financial aid regulations that may have a severe impact on financial aid recipients at Harvard Law School.

Director of Financial Aid Marion Ruiz termed the new regulations "a disaster" for HLS students. She estimated that well over three quarters of the students at the Law School now receiving financial aid would be ineligible under the new regulations.

At his press conference, Reagan defended the new regulations. "Because of the need we have to balance the budget, funds for student financial aid must be reduced. These new regulations are simply a fair method of allocating these scarce resources to the truly needy and deserving students out there."

The new regulations appear to be patterned after those proposed by the administration that tie financial aid to selective service registration. Those regulations would require potential aid recipients who are required by law to register to certify that they actually have registered. Failure to certify would result in a denial of financial aid.

The new regulations would add several requirements. Potential financial aid recipients would have to certify that:

(Continued on Page 14)

Sec Reg Exam Labeled Total Loss

By Cary N. Eisenberg

Responding to student complaints, Prof. Louis Loss agreed this week to alter the format of his Securities Regulation exam in future years. An ad hoc committee from this year's class had complained that the December test had given some students an unfair advantage and that some of the questions were silly and absurd.

"I welcomed the suggestions and I think next year's course will be

even better than in past years," Loss said.

Students had complained that a number of the 20 multiple-choice questions on this year's exam had appeared in previous years and that, consequently, students with copies of the exam answers Loss had issued in previous years were at an advantage.

"There is a simple solution to that," Loss replied. "I will simply give the same 20 questions each year but the answers will be dif-

ferent."

Loss also conceded that students' complaints about the two questions in Latin were justified. "I sort of forgot that you aren't schooled in the classical learning, so I've agreed to limit my linguistic forays to German in the future," he said.

Think That

Although he insisted that he would retain the multiple-choice format on future exams, Loss said he would consider including an essay question as well.

"For example," he said, "I might ask, 'On policy grounds, would it be better to repeal (a) the odd-numbered sections of the '33 Act, (b) the prime-numbered sections of the Trust Indenture Act or (c) all the subsections labeled '(a)(1)(B)(vii)' throughout the securities statutes?' — something like that. I had considered including an essay question this year — 'Explain the different type sizes in the manuscript' — or something like that," he added.

Acceding to student demands that the course be purged of terminal cuteness, Loss agreed never to mention Aunt Minnie or Uncle Gus again. "Gus bit the dust in one of this year's exam questions anyway, so it will be easy for me to get used

Army Drops Into Action, Invades HLS, COGLLI

By B. Cleaver

After months of planning, the United States Army invaded HLS last Saturday night. The "invasion" represented the first wave in the Pentagon's "Operation Red Bait," an all-out offensive to get the military back into the good graces of the Harvard community.

As Army Chief of Staff General Buck Turgidson said recently, "Apparently there's been some misunderstanding about things like draft registration and the recruitment of . . . eh . . . homo . . . eh . . . sexuals into the Armed Forces. We just think it's time to set the record straight. We worked hand in glove with those Harvard boys on getting the Vietnam war off the ground, and I'm sure we can get along again just fine."

If You

The first noticeable military overture was kicked off Saturday with a night jump into "Drop Zone Hark" (next to Harkness Commons) by the men of the 1st Battalion 502d Infantry of the 101st Airborne Division. The battalion is led by Lt. Col. William "Bad Czech" Brezinzski, the oft-decorated commander of the 500-man unit, who described the jump as "Damn fine, damn fine". He later

added, "I'm damn proud of all these boys — every one of 'em, even the three who missed the drop zone." The latter was an apparent allusion to three paratroopers who drifted off target, were sucked into a vacuum near Prof. Arthur Miller's office and slammed into the side of Langdell, dying on impact.

Asked about the second half of the unit's "mission," attending a COGLLI mixer to be held in the John Chipman Gray Room at Pound, Brezinzski, without removing the unlit, soggy cigar butt

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DEAN VORENBERG: This is the April Fool's issue of the RECORD. Ingredients: mirth, invective, altered photographic representations, pejoratives, quotes taken out of context, reconstructed conversation (liberal), paper and ink. A 16-page serving (one portion) of this humor-fortified issue of the RECORD contains the following percentages of the recommended daily allowances for the items listed:

Humor	60%	Factual reporting*
Satirical insight	70%	Contribution to rational dialogue about law school issues*
Unwarranted attacks on faculty members:		Legal scholarship*
Saturated	90%	
Unsaturated	70%	

* Contains less than 2% of the RDA for these items.

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$8.00 year mailed; \$10.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 25 cents at the Law School, 75 cents mailed. Second class postage paid at Boston, Mass.

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POSTMASTER: Send address changes to Harvard Law Record (ISSN 0017-8101), 23 Everett St., Cambridge, Mass. 02138-9984.

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Deep-Throat Profs Expose Selves

By Mark Poguewitz

At a packed press conference in the Law School Coop last Friday, "Profs." David Herwitz and Morton Horwitz stunned the Harvard Community by revealing that since joining the Law School faculty they have served as deep-cover investi-



Prof. David Herwitz

gative reporters for the HARVARD LAW RECORD. Using false names and academic credentials furnished by the RECORD, the two secured teaching jobs at the school and then went undercover, existing for years in what Herwitz called "a hellish netherworld of faculty meetings, classes, pocket parts and wimpy professors." "Yeah," added Horwitz. "What a long, strange trip it's been."

Our Facts

Clearly showing the strain of their ordeal, Herwitz and Horwitz spent over three hours answering probing questions from the Harvard Gazette, the Harvard Independent, the Harvard Crimson, the Harvard Salient, the Harvard Harvardian, the RECORD itself, and Coop employee Skip Davis ("Hey, can I get you guys something? A coupla Chunky's maybe? Is that it? Coop number?"). From their rambling answers the following incredible

tale emerged.

On an unusually dark summer night in 1960, Herwitz, then known as Bobby Hamilton, received a phone call from then-RECORD editor Robert Berry, '61. Berry explained that his paper wanted to learn what the HLS faculty was "really like" but was unable to get "any decent poop at all" because professors uttered only bland, evasive statements in interviews.

According to Herwitz, who was then working the night shift at a Brylcreem plant in Bowling Green, Ohio, Berry made him an extremely interesting offer. "He said he'd give me the, you know, credentials to get me on the HLS faculty," Herwitz recounted, his eyes drifting out of focus. "All I'd have to do was act like a professor and make reports to the RECORD, and I'd be set for life."

Are All Fiction

Young Bobby Hamilton told Berry to hold the line a minute. He reached for a beer ("It was probably a Stroh's, although — no, I think it might've been a Rolling Rock, maybe a Schlitz, something like that") and emptied it in one long, slow draught. Then he picked up the phone again and hiccupped. Then he spoke three words: "I'll do it."

His life would never be the same.

Hamilton arrived at Logan Airport only days before the 1960-61 school year was to begin. Five RECORD operatives hustled him over to the paper's spacious office where he underwent an intensive "personality makeover." The beard was shorn, the lurid tattoos lifted off. He was told to stop using Brylcreem.

"And not only that," Herwitz told the Coop throng. "They told me I'd have to teach really awful courses like Accounting, Advising the Modest Business, Helping the Impotent Business, stuff like that. So I had to spend two solid days boning up on FASB Opinion No. 689, reading old Vagts law review articles on corps like "First Query — Quorum?" — really horrible stuff like that. Lemme tell you it was no picnic. I

mean, how worked up can you get over an intangible asset?"

And yet the ruse worked to perfection. "Prof. Herwitz" became a regular guy on the faculty. He wrote books like other professors; he wore glasses like other professors; indeed, he seemed to *enjoy* being a professor. Even more remarkable, in 23 years Herwitz did not fail to send the RECORD a daily intelligence report. In fact it appears that after two weeks the paper became overwhelmed with the reports and began to simply store them. They now occupy 36 file cabinets at the paper.

And You

"Today we can only dimly appreciate the immensity and import of 'the Herwitz material,'" said current RECORD editor Brad Hudson. "What little I've seen is stunning. That Griswold's classic note 427 was added after his ninth draft, that Freund enjoys golf — these are insights that will revolutionize current notions of the professorial mind."



Prof. Morton Horwitz

Following Herwitz's lengthy disclosure, the atmosphere in the Coop could only be called ripe. Yet there was more to hear. Prof. Morton Horwitz now stepped up to the microphones.

"I, too, have lived a double life," said Horwitz simply. The Gazette reporter gasped. "I, too, am a closet RECORD staffer." Two bodies hit the

(Continued on Page 16)

Take Me Out to the Ball Game

Last Sunday spring struck with a vengeance — buds on the trees and crocuses in full bloom. Yes sir, it was a buy-me-some-peanuts-and-cracker-jack kind of day.

It was on this horsehide-and-Red Man afternoon that a group of athletes and spectators gathered in the Cambridge Common. No, it wasn't the Red Sox and the White Sox. It wasn't the Dodgers and the Yankees. It was the mega-event, the one for all the money, marbles, and chalk. It was the first annual Harvard Law School faculty all-star softball game.

The game, between Erwin's Grizzlies and Sack's Fifth Avenue, promised to be a hard-fought battle. But the focus of the contest would be on the finest two hurlers ever seen in the ABA accredited league: Gerald Frug and Susan Estrich.

Frug, pitching for the Grizzlies, was rumored to have perfected the legendary double curve. Before the game, he discussed this renowned pitch. "There are, of course, two things to say about the double curve. The first thing is that the ball wants badly to break to the left. The other thing is that the ball wants badly to break to the right. My feeling is that it wants to do *both*. Git it?"

Don't Like

But Fifth Avenue pitcher Estrich, who had the best ERA on the faculty, dismissed the idea of a double curve. "What would it look like?" she asked. "How would you know?"

Many players on both teams agreed that the game would come down to a pitcher's duel. Faculty statistician Alvin Warren lamented the dearth of hitting talent on both teams. "We've been recruiting strong hitters for the faculty," he said, "but most of our best prospects keep removing themselves from the draft."

In light of the potentially awesome pitching of Estrich and Frug, strategy became all-important. Earlier in the week, the Grizzlies had become bitterly divided over the proper approach to the game.

First baseman Morton Horwitz recommended a thorough study of baseball theory, with emphasis on the game's history. But third baseman Gary Bellow argued that the team would benefit more by actually going out and practicing.

Charles Haar offered some criticisms about the Fifth Avenue's strategy. His advice had been to get the city of Boston to eminent domain the Red Sox and then sell the franchise to Sacks. "Wouldn't that have stopped those Grizzlies in their tracks?" he chuckled.

The pre-game ceremonies came off with only a few minor hitches. Duncan Kennedy raised a bit of controversy by insisting that he play left field for both teams. Alan Der-showitz held up the proceedings for a short time while he tramped around the infield muttering, "Where are the sewers? I can't play without sewers."

Our Grammar

And Roberto Unger interrupted the lofty strains of Robert Clark's rendition of the Star Spangled Banner by arriving with a large U-Haul trailer filled with thick manuscripts. "No, Roberto," shouted Dean James Vorenberg. "I said programs, not prolegomena!"

The game was delayed again while the teams tried to decide who should bat first. Grizzly shortstop Martha Minow suggested that they flip a coin. Fifth Avenue catcher Phillip Areeda suggested discussing whether to flip the coin before actually flipping it. Grizzly second

baseman David Shapiro then pointed out that they hadn't discussed how they were going to discuss the coin flip.

Fifth Avenue right fielder Charles Fried objected to the entire discussion, saying that he felt it inappropriate for the faculty to discuss how to dismiss the flipping of a coin at a full softball game of the faculty. But Grizzly center fielder Laurence Tribe asserted that "refusing to discuss the coin flipping procedure is actually a substantive decision not to flip the coin."

Or Diction

"I'm going to interpret Fried's comment as a motion to flip the coin," continued Tribe, "and I'll second that motion." The faculty then voted 24-22 to flip the coin.

"Play ball!" shouted umpire James Vorenberg. Having won the

(Continued on Page 13)

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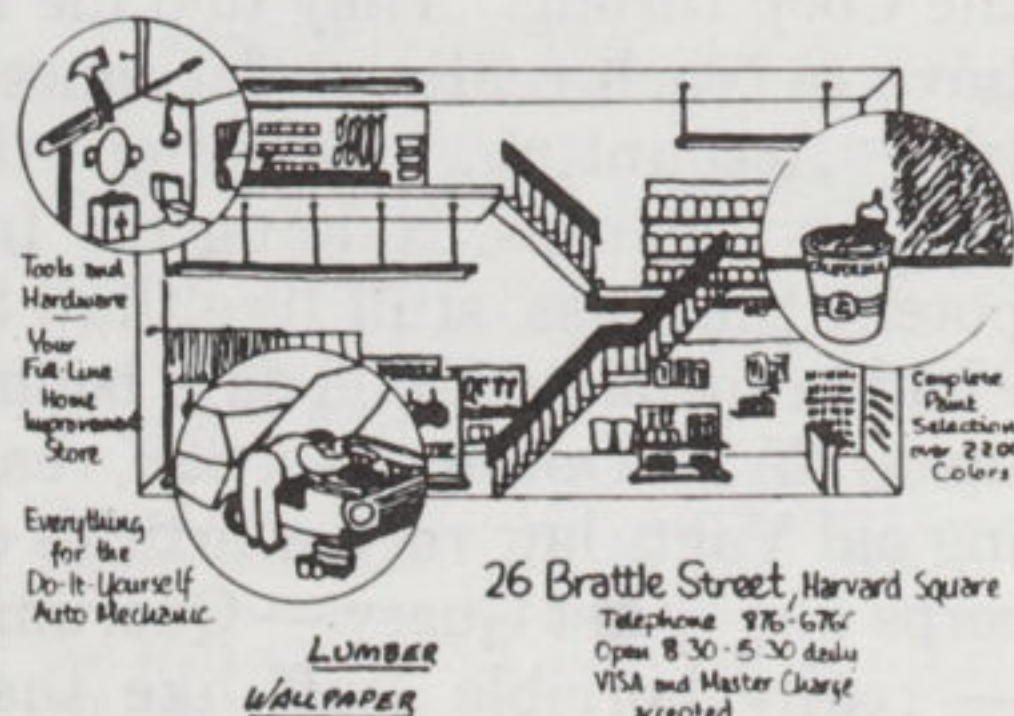
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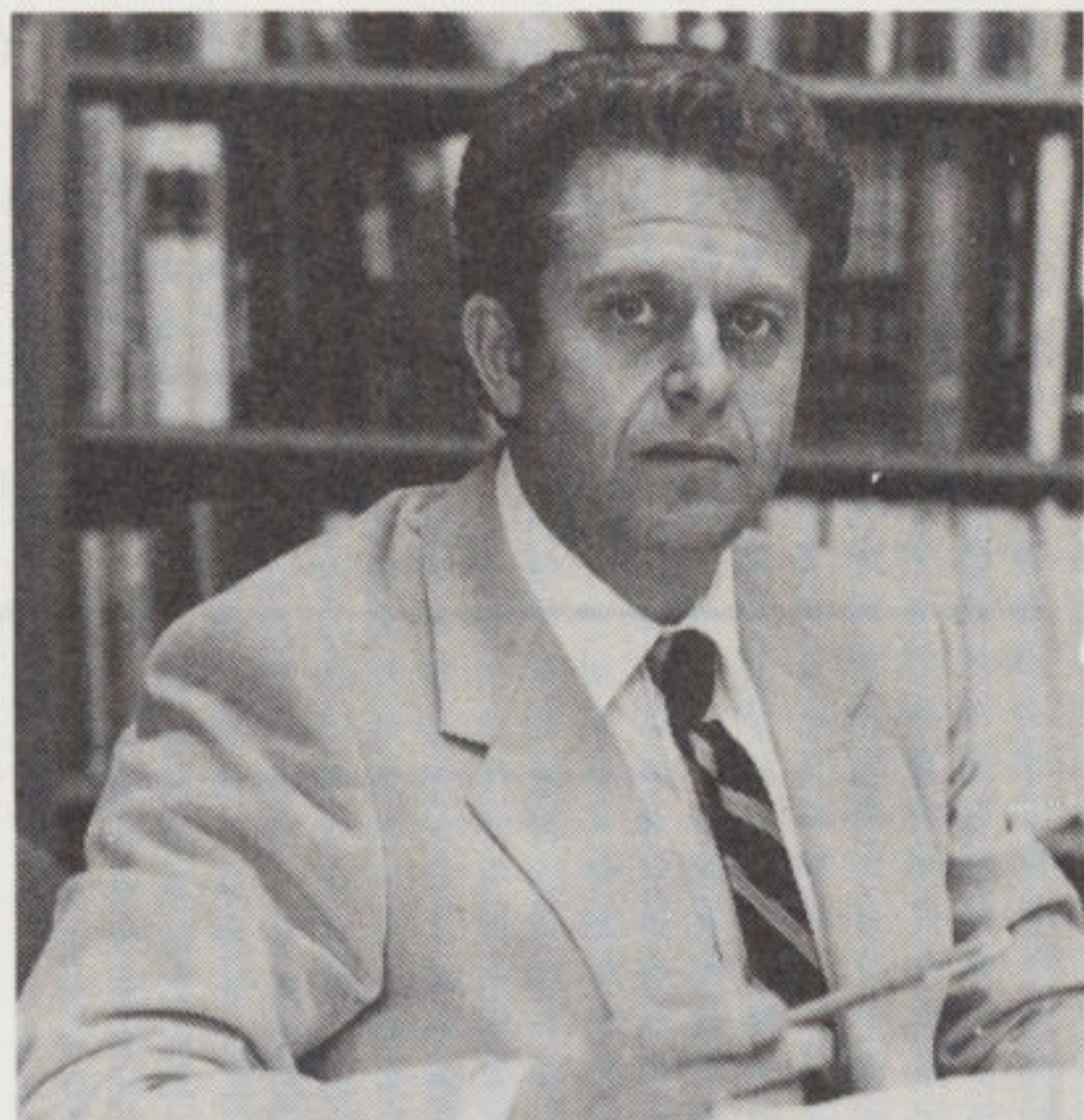


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Tribe Wins His Toughest Challenge

No doubt the nine members of the United States Supreme Court experienced a strange sense of déjà vu last week when HLS Prof. Laurence Tribe presented the oral argument for both the appellants and respondents in the same case.

The case, *Some Civil Libertarian Group v. Some Other Civil Libertarian Group*, was decided in favor of the appellants by a plurality of 2-1-1-1-1-1-1-1-1. In keeping with the spirit of the case, Justice William



Prof. Laurence Tribe, attorney for petitioner.

Rehnquist filed two dissenting opinions in which he attacked all of Tribe's arguments on both sides.

Don't Sit There

Tribe, apparently unruffled by the bizarre event, said that the appellants had first approached him

about the case last year. He agreed to take it on because "it contained fascinating issues about the hidden vestiges of substantive due process in the post-*Lochner* proceduralist era, their impact on the speech and debate, privileges and/or immunities, and Indian commerce clauses."

When respondents approached him six months later, not knowing that he had been retained by the opposing party, Tribe agreed to take on this case because "it contained fascinating issues about the continued relevance of the free-exercise clause, given the broad sweep of the free-speech clause in the specific context of executive privilege within a subject class."

And Moan

Because of the dissimilarity of the approaches presented by each side, Tribe somehow failed to realize that he had agreed to represent opposing parties in the same case. In fact, he did not realize his plight until the conclusion of his first argument.

"I knew I was arguing two cases that day," said Tribe. "But I didn't realize they were the same case until I sat down after making the first argument."

"What could I do? I just stood back up, approached the bench, and said, 'May it please the court, my name is still Larry Tribe . . .'"

Just Pick

Tribe said that the justices seemed to "take the whole thing pretty well . . . Most of them managed to keep a straight face. All except Thurgood [Marshall] . . . he's such a kidder. He'd wink at me every time I looked up at him."

Seeming none the worse for wear,



Prof. Laurence Tribe, attorney for respondent.

Tribe used his sense of humor to keep the incident in perspective. "At least I won," he chuckled.

Dersh: From Russia With Love

In response to the growing student demand for "practical" and "relevant" courses, HLS will offer a new course in the Fall of 1983 entitled "Comparative Problems in Immigration Law," which will be taught by Prof. Alan Dershowitz.

"We will be focusing on the immigration problems of people coming from a very wide range of geographic areas North, South, East and West," Dershowitz explained. When asked to be specific, Dershowitz elaborated, saying, "Well for example we consider cases of people as far north as Murmansk and Tambey, people from as far south as Odessa and Tashkent, and

others from as far east as Kharbarovsk and as far west as Minsk and Chernovsty."

When asked if the scope of the course is not in fact somewhat more limited than one might assume from the title, Dershowitz conceded that this was so but went on to say, "You know, one of the typical problems in HLS classes is that professors often try to cover too much ground in a single semester which has the effect of leaving students at sea by the end. Therefore I thought it would be profitable not to let things get out of hand in this course."

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Audiences are standing and cheering at Robert Clark's new production of *Corporations!* Not since *Lysistrata* has such a difficult and controversial subject been penetrated with such insight and wisdom, while being presented with verve and panache.

This musical adaptation of the old Detlev Vagts bedroom farce, *Limited Liability and the Freeze-out of Minority Shareholders*, transcends the original concept and brings new life to what had been, on the whole, a dull and stultifying script.

The opening number ("Ultra Vires") is a rousing chorus piece which sets the mood for the hijinks to follow. Exposition is handled clearly and masterfully without being too heavy-handed.

Up Your Phone

The play is populated by a number of delightful characters, ranging from the hapless minority shareholder, Hap (played deftly by Robert Clark) to the villain of the piece, the crafty, calculating insider, Dr. Philip B. Kraft, M.D. (deftly played by Robert Clark). Along for the ride are the sterling, goodhearted securities lawyer, Sterling, and his lovely fiancée Grace Securities (both played fairly deftly by Robert Clark); Sterling's parents, Ma and Pa Operation; two zany outside directors, Zaist and Olson (hilariously played with a modicum of deft by little Bobby Clark) and a glamorous corporate spy with the unlikely name of Alice Chalmers (played abysmally with absolutely no deft by Robert Clark).

What really makes the show, however, are the musical numbers. Early in the first act, Hap and Dr. Philip B. Kraft tap their way to dance immortality with "The Tipper and the Tippee," and Alice Chalmers delivers a sultry performance with "Diamond v. Oreamuno Is a Girl's Best Friend." After the raid, Hap delivers a tolerably mournful rendition of the dirge, "Sale of Substantially All Assets." The first act ends on this sad note, as the entire chorus (played with a complete lack of deftitude by Robert Clark) shuffles out singing "Dissolution and Liquidation."

The second act (a.k.a. the Williams Act) gets off to a resounding start with the chimney sweep, who first sings a pleasant little ditty called "Limitations on the Power of Controlling Shareholders to Effect Fundamental Changes in Corporate Structure," and proceeds to teach it to a pack of street urchins, who effortlessly pick up both the lyrics and the underlying intellectual concepts. Sterling and Hap overhear the urchins singing, and quickly run away, having discovered that they have made their entrance a scene too early.

And Cancel Your

Meanwhile, Grace learns of the de facto merger doctrine, whereupon she belts out the showstopper, "Piercing the Corporate Veil," in a style that would do justice to Ethel Merman (played with utter indeftosity by Robert Clark). Other memorable numbers include "Blue Sky," "Be My Proxy," and the charming "Comparative Advantages of Corporations and Limited Partnerships in Cases of Under-Capitalization."

Love conquers all, and the show ends with a high-energy piece called "Short Swing Profits," performed by the Andrews Sisters (Robert Clark, Robert Clark, and Robert Clark). The lyrics are frequently clever; however, some of the rhymes are a

Archibald Cox

trifle forced, such as "earned surplus" with "burned nerd bus." This is counterbalanced, however, by such deft wordplay as, "He dreamed all night of derivative suits/Brought by a pack of illiterate newts." A line such as this reflects Clark's adept use of bits of corroborative detail designed to lend artistic verisimilitude to an otherwise bald and unconvincing narrative.

All in all, *Corporations!* is an enchanting evening of theatre at its best. It'll run forever.

Archibald Cox, 1L \$4, hopes to become an accountant. \$

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Gorsuch to Direct HLS Placement

Harvard Law School Dean James Vorenberg announced today that Anne Gorsuch has been hired as the new director of the Law School's Placement Office.

Gorsuch plans to implement a new placement "superfund" designed to assist the efforts of public interest recruiters.

Gorsuch recently resigned as head of the Environmental Protection Agency. She was replaced at the EPA by her identical twin sister, Anne Burford.

"We wanted the transition to go so smoothly," explained Gorsuch, "that no one would even notice that I'd left." Apparently, the switch was so successful that Burford had to leave the EPA as well.

Gorsuch denied that she left the EPA because of the recent scandal surrounding the beleaguered agency. "Harvard just made me an offer I couldn't refuse," she said.

The new placement superfund will take the form of a tax placed on all private employers. The resulting superfund will be used to help finance public interest recruiting at the Law School.

Gorsuch said that she had not worked out all the details of the superfund implementation and administration, including the amount that private employers will be taxed. "I think the best thing will be for me to sit down with the private employers over dinner and work something out."

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Thompson: "Placate Those Twerps"

By I. M. Jobless

Outgoing Placement Director June Thompson has announced that, beginning in June, 1Ls will be subjected to a new placement policy. The 1L placement season will be moved back to the pre-L senior year in college. Immediately after college graduation, pre-Ls will interview with firms for the following summer.

According to Thompson, "This early placement season for 1Ls should placate the little twerps and make them stop whining about not being able to interview earlier than April 1 of the first year." When asked whether firms will be able to make informed and intelligent judgments on the pre-Ls they will see this June, Thompson responded bluntly. "The new system won't be any different from the old one of hiring 1Ls on the strength of their resumes and the fact that they're at Harvard," she said.

God Damned

Joe Egghead, 1L, received an offer this year on Sept. 4, the day of 1L registration. Egghead had a 3.9 G.P.A. at Princeton and an 800 LSAT score (both prominently displayed on his resume). He said the only reason he received an offer was that, "I sounded pretty nerdy, had a good resume and no personality." He added, "The fact that the firm which hired me is totally void of interesting people also helped." Egghead said he will be working for the firm of Huwes, Hubbub & Read in New York this summer.

Egghead is annoyed that the new 1L hiring format was not in effect last year when he was a senior geek at Princeton. "If I were allowed to interview in June, I would have had 50 offers by now and I wouldn't have to work at Huwes, Hubbub," he said.

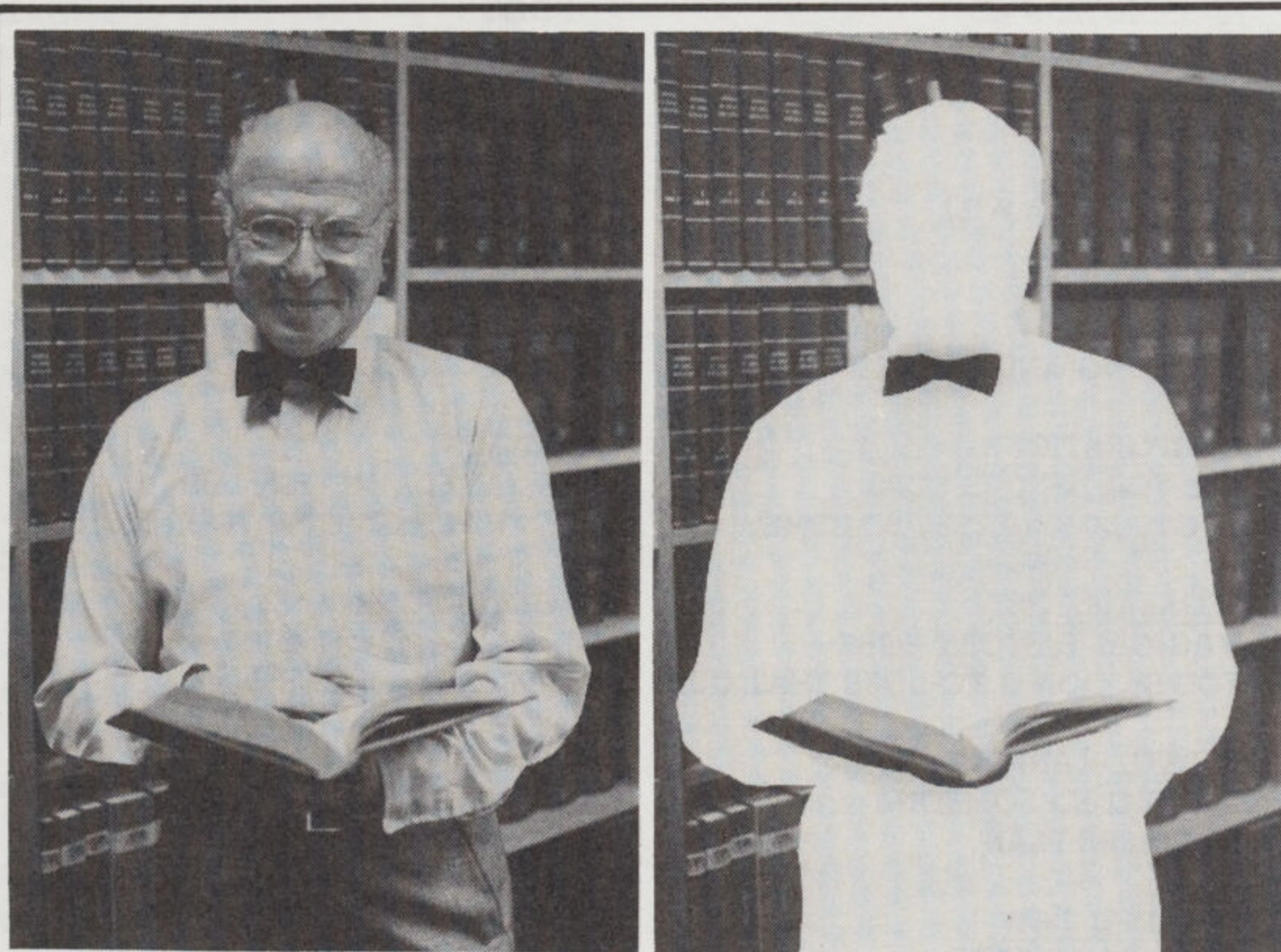
In response to this allegation, Thompson said, "Geeks like Egghead are not in the class of persons sought to be benefitted by the new format. By allowing pre-Ls to interview right after graduation, we seek to aid those inebrates who will

make fools of themselves in the interviews because of their post-graduation bacchanals. . . . We are helping these idiots by *not* allowing them to make favorable impressions in interviews because they were never fit to practice law in the first place."

Employer response to the new 1L plan has been mixed. However, the major complaint was the requirement that firms hold 1L offers open for two years. A hiring partner at a major firm in Wolf Point, Montana, stated, "We can't afford to hold

offers open that long because there's no guarantee that we'll be around that long; after all, there are only so many cattle in Wolf Point anyway."

Thompson, when informed of this complaint, declared, "Who the hell cares about small or medium-sized firms — or about Fox Point, Montana? All the important firms, like Huwes, Hubbub, know we mean business when we say two years; they're not stupid."



Dream Beam "A Scream," Says Unseen Dean

Former Dean Albert M. Sacks has been named Captain of Corporate Communications and Media Manipulation for Trek Drek, Inc. — new-comer to the Route 128 high-tech territory. "I've always done a decent Jim Kirk impression," beamed Sacks, "but this *really* gives me a sense of power."

Sacks was referring to the transporter perfected by Trek Drek which is slated for installation in the faculty library this summer. Prof. Hal "Scotty" Scott, the systems overseer and guardian, recently tested the Law School's unit on former Dean Sacks (see photos) at the manufac-

turer's Needham headquarters. "She works fine under ordinary conditions," said Scott, "the Dean's always askin' for more power though, and the crystals can't take it."

The transporter will be put to a number of uses around the school, according to Sacks. "It ought to be very helpful with mail delivery, as well as snow and garbage removal, the latter going to New Haven, Conn.," explained Sacks. "The unit's political uses are manifold, too," he added. "I think we just may have solved the Dean's high visibility problem."



BY OUT OF CONTROL

Kennedy Fried Siblings

By Topsy Odd

Profs. Duncan Kennedy and Charles Fried are identical twins, according to a joint announcement released Friday, April 1.

The startling news was discovered by accident by Mary "Mopsy" Strange Kennedy, Prof. Kennedy's wife. While researching communicative diseases at the Center for Disease Control in Atlanta for her "Getting Around" page in the Sunday Globe Magazine, she came across technicians marvelling at identical blood samples. She was shocked to discover the identity of the donors. "I was shocked," she said.

Fried, born in Prague, Czechoslovakia in 1935, explained the birth of his twin brother seven years later in Washington, D.C. as a result of "a series of unusual circumstances and historical anomalies which, as anyone well knows, were prevalent at that time."

Subscription

"I've felt for a while that Charles and I have got a lot in common," said Kennedy. "I thought maybe I'd met him somewhere before, maybe Andover. But it weirded the shit out of me to know that I've been sitting next to my BROTHER every other week in faculty meetings for all these years."

Dr. Edward Hopper, a Harvard psychologist, said that the discovery

had proved to be a bane for theories of hereditary intelligence. "This glaring counterexample to prevailing models of inheritance of intelligence will plague researchers for years to come."

Kennedy and Fried plan to vacation together in Idaho to rees-

tablish long lost bonds. In addition, they plan to co-author an article to be published in the *Pepperdine Law Review* entitled "Rationality, Values and Moral Absolutes: Gaps, Conflicts and Ambiguities in Plato's *Republic*."



Profs. Charles Fried and Duncan Kennedy

To Get to the Other Side

(Continued from Page 2)
to the idea of life without him," he said.

Although he was open to some suggestions, Loss would not hear complaints about others. In particular, he dismissed the ad hoc committee's criticisms of a fill-in-the-blank question with the options "(a) that, (b) which (c) that that."

"It was essential to include that question in order to see if people had done the reading," Loss mumbled. "If you didn't subliminally absorb the correct usage after 1,300 pages of manuscript corrections, you clearly hadn't paid enough attention to the materials."

He also refused to reconsider the grades of those students who gave the wrong answer to the question, "Why did the chicken cross the road?" on this year's exam. "To destroy the §3(a)(11) exemption," was the answer required for credit.

"I think that was perfectly fair," Loss said, defending the question. "Of course it called for a bit of extrapolation, but anyone with a passing knowledge of 1L Civ Pro humor could draw the analogy from the old diversity jurisdiction joke. It reminds me of the time at the S.E.C. . . ." he said before he was cut off.



Sports Quiz

NOTE: As in the TV game show Jeopardy, this week's sports quiz provides you with the answers and asks you to supply the questions.

1. The Chicago Blitz
2. Grandma Moses-Malone
3. Steve Martin
4. Raking leaves, Xaviera Hollander and Brent Musburger
5. A Christmas tree and Billy Martin

(Questions on Page 12)

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Part I

Just how profitable is law?

Try this true or false mini quiz:

■ *Law firms make a large volume of dollars.*

That's true

■ *Law firms are therefore very profitable.*

That's false

- Sure, we took in a bundle in 1982. But to do it, we had to construct 431 mergers.
- Plus negotiate 531 bankruptcies.
- Plus draft 421 sale lease-backs.
- Sure, two hundred dollars per billable hour seems like a lot, but think of all our expenses.
- Like copying all those briefs.
- And Lexis ain't cheap.
- Think of those expensive client lunches.
- And malpractice insurance — Hoo boy!
- Those Harvard graduates want outrageous salaries.
- And by the way, the antiques in our office are the real McCoy.
- So, out of that two hundred dollars per billable hour, how much do you think we had left?
- C'mon, guess.
- Eighty dollars? Don't make us laugh.
- Fifty dollars? Still too high.
- The answer will surprise you.
- One dollar and twenty-six cents.
- That's right. Law firms don't even make minimum wage.

Next: Are law's rewards worth today's risks?

Cravath

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Fenno

Fenno began the tour for five prospective students outside the Admissions Office in Pound Hall. "The first thing you'll need to know as a Harvard Law student is where Mental Health Services is. It's right behind you. The Admissions Office lets you come here, and when you wish it hadn't, you go to Mental Health Services."

"Is it that bad?" one pre-L asked, as the group trooped out of Pound. "I mean, isn't there a movement in the faculty to humanize the classroom situation?"

"Some of the professors agitating for overhaul of American legal education would better serve it by not getting in front of a class."

There were only four prospective students in the group that climbed the steps to Langdell North. "Many of your professors next year won't deign even to tell you the page number of the case they're discussing," Fenno said as they peered through the window at a class in progress. "Don't bother fantasizing that they will teach you. The best you can hope for is that they won't bewilder you and snuff out your glimmer of understanding from hornbooks and outlines." A woman stepped down the stairs and away from the group.

"First the professors don't teach you," Fenno continued. "Then they test you on what they haven't taught. There should be a legal principle prohibiting it." A man with a beard and glasses put on his sweatshirt and slipped away.

"Do you think the number of female and minority professors will increase?" a woman asked.

"It depends on whether HLS continues viewing professorships as sinecures for legal luminaries who can't impart the vast wisdom they've amassed. If Harvard Law School decides that it's no longer fair to charge students tuition for the privilege of subsidizing legal scholars and decides instead that students deserve professors who can effectively and patiently teach the law, the pool of qualified candidates, including many who are neither white nor male, will expand immensely." The woman said good-bye.

Fenno stood outside on the stairs of Langdell North with the last person from the tour, a man wearing a moustache and a blank expression. "The tour's supposed to be longer," Fenno apologized.

"So how come you've stayed here all these years?" the man asked.

"I- I don't know."

"What am I supposed to do?"

"Don't come here."

"And you?"

"I'll always be here."

The man backed away down the stairs. Fenno stood there alone for a while, then walked back to Pound Hall. He was going to Mental Health Services for walk-in counseling.



STAFF MEMBERS

Letters to the Editor of the Record

Squash Them Principles

To the Editor:

The other night I played on a squash court. Before the game, I had developed some bad feelings, and eventually I reached the point where I wanted to win the game more than I wanted to study. I reached that point when I had carefully read all my cases for the next day, and so made a decision to stop studying for awhile.

Mike lives across the hall from me. Mike had agreed to teach me his squash style some time. Mike ends squash games by cracking his racket into his partner's stomach and laughing. I end games by shaking my partner's hand and thanking him for only beating me 15-2, and not any worse. Mike is big; I am small. Mike is bold; I am shy and meek. Mike is tough; I am shy and meek. Mike reads *Hustler*; I do too, sometimes. I asked him to play a game of squash with me.

But Mike refused. I punched him out.

I went over to the gym by myself. I went ahead without a partner because that is the way I have always played. I play even though no one shows up. Sometimes I feel guilty about getting to hit the ball twice as much as my fellow students who do play with partners.

I was not the only person playing alone that night. There were others there who couldn't find partners. And yet all of us were having fun playing with ourselves.

All too often we become disenchanted with HLS and assume that partners do not exist because they aren't assigned in class. But friends do exist here, and if we will only push aside the cynicism, the pettiness, the haughtiness, the hypocrisy, the snobbery, the insecurity, and the coldness that burns a little too warmly in all of us, we will find someone to play squash with.

The other night I played on a squash court. I read all my cases first.

Dan DeLyon, 3L

Yes, It Is Everything

To the Editor:

Dan DeLyon, a 3L whose letter appears just above this one, makes five valid points in his description of life at the law school being like a squash racket. But does his philosophy require a transformation of an elitist institution into the circularity of the paradox of transubstantiation? This is just the sort of clap-trap I've come to expect from the Law School over the years. It's outrageous, and I won't listen to much more of

it. The crucial question remains unanswered: who won?

Amanda B. Reckondwith, '39

You Lost, Too

To the Editor:

The other night I played a game of squash. There was no one else there. I was alone. There was only one person on the court. It was me.

The other night I played squash with myself. I believe that means that I won.

Dan DeLyon, 3L

Where to Go?

Dear Mr. Hudson:

Our representative was pleased to hold an unexpected audience with you last month. Inquiries to our firm from Harvard Law students are quite rare, and we are pleased to receive them. Your resume indicates a high level of achievement and an enviable state of grace, and we omnisciently predict great reward ahead if you follow your chosen path.

Unfortunately, after consultation with our founding partner, who often works in mysterious ways, our hiring committee has decided to defer the hiring of first-year students for at least a millennium or so, or until the Second Coming, whichever comes first. Our motives for this decision are complex and, as usual, not susceptible to reason.

We do suggest that you contact our sister firm, Lucifer, Beelzebub, Belial & Nixon, about the possibility of employment. People are always telling you where to go, and in your case we feel they are right. Lucifer, Beelzebub maintains offices in every important political and financial capital in the world, and is therefore able to conduct a practice that is substantially more influential than ours. Client contact is unmatched. We understand that their gates are always open to lawyers, and that in particular they prefer to take in Harvard graduates. Their salary and benefit levels are much higher than ours, and their retirement plan is in many respects parallel to the one we offer. Occasionally they lose a client to us, but this is a rare event which runs directly counter to the normal scheme of things (and is, in some jurisdictions, illegal).

Take our advice: Go to Hell. Best wishes in your endeavors.

Peter Fisherman
Jesus, Mary & Joseph
A Confessional Corporation

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PEOPLE OFFENDED BY THIS STAFF BOX: Fenno, Ruben
Perlmutter

Army Offensive: Target: HLS

(Continued from Page 2)

wedged into the side of his mouth, spit a brownish-green stream into his left palm which he struck smartly with his right fist, sending the viscous fluid in every direction, including all over the pink oxford button-down of this reporter. "We got our orders," he spat as he turned smartly and strode toward his troops.

Breaker

The dinner-dance itself, like the jump, was not without incident, but serious casualties *were* kept to a minimum. The evening was not all dancing and drinking however. Army and COGLLI recruiting tables were set up side-by-side and, by all counts, the sign-ups were fairly equal. "Hell, if you can't beat 'em, join 'em," one grizzled veteran barked.

The reaction of participants was somewhat mixed, but judging from

the informal "after-action report" of all concerned, this won't be the last incursion by the men in green on HLS territory.

Emile Boudreaux, a 23 year-old staff sergeant from Bunkie, La., who had never been farther north than Fort Bragg, just shook his head and said, "I'd heard ol' Harvard was like this here, you know? I mean — I'd

heard all about it. But I ain't never *seen* it." Removing his cap and scratching his head, Sgt. Boudreaux fell silent, and then, smiling, he said, "Them COGLLI's is *all* right!" Finally, as swiftly as they had come, the troops were loaded into deuce-and-a-halves and disappeared into the Cambridge night.



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Great Moments in the Law

"Pass"

— Felix Frankfurter in Prof. Beale's conflicts class, Feb. 14, 1905

"There it is!"

— Former Justice Potter Stewart

"There are five Hastings singles available."

— Rocco Forgione

"What I meant was accountants."

— William Shakespeare

"When you finish — de lights."

— Jay Handlin, 1L

Sports Questions

1. What malady have midwestern drinkers suffered from for decades?
2. What would Grandma Moses' name have been if she had married the star center of the Philadelphia 76ers?
3. What professional bowler has the same name as comedian Steve Martin?
4. Name a chore, a whore and a bore.
5. What gets the ax every year?

(Quiz on Page 9)

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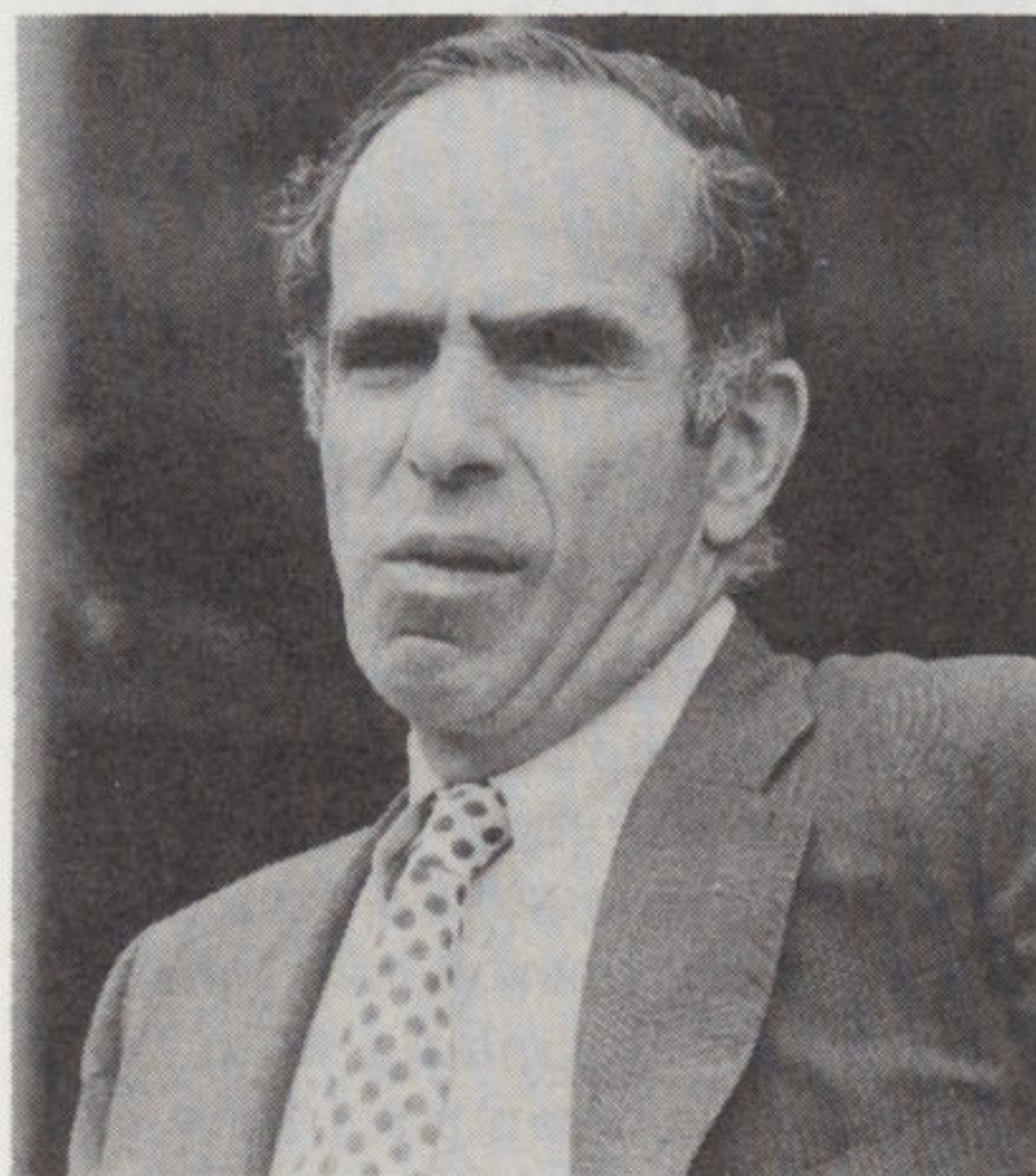
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Ump Stalls, Blows Calls, No Balls, Night Falls

(Continued from Page 4)

toss, the Grizzlies sent lead-off slugger Philip Heymann to the plate. Heymann had sparked some controversy the day before the game when he revealed that he supported new, tougher penalties for base stealing.

Estrich's first pitch, a flaming



Dean Vorenberg: Pitch hitch . . .

fastball, seemed to just catch the outside corner of the plate. The crowd grew silent in anticipation of Vorenberg's call.

Vorenberg appeared to think for a minute or two. Then he slowly stood up and announced, "I don't think this is the proper time or setting for me to actually render a decision on whether that pitch was a ball or a strike. Instead, I'm going to appoint a faculty committee to draw up a full report on the matter. Those of you who have opinions on the subject can approach me informally to talk it over. If there is enough interest, I'll set up a meeting to discuss it at a later date."

Hi, Mary!
(Betcha Thought
We'd Forget!)

1983-84 HLS Calendar

August	1	1L orientation
September	5	Classes begin
	6	2L orientation held for those who still don't know what's going on
	11	1Ls stop briefing cases
	13	1Ls form study groups
	15	Coop sells out of Gilbert's Contracts outline
	16	Prof. Ferguson stops using the Socratic method
	30	Placement materials distributed to 2Ls and 3Ls
October	3	1Ls begin not looking for summer jobs
	12	Spiderman's first attempt to scale Griswold in order to enter faculty library
	19	First Honolulu fly-out offered
	21	First Drama Society production with cutesy title and same old inside jokes
November	8	Tentative final working draft of committee report on faculty softball game
	9	Left field dissenting report issued
	16	Prof. Tribe misspeaks in class for the first time
	19-27	Thanksgiving week vacation
December	7	2L and 3L outline groups form
	13-24	2L and 3L exams
	26	Legal Copy finishes copying 2L and 3L outlines
January	7	HLS Health Services receives January Valium supply
	9	1L exams begin
	24	Prof. Rosenberg's Tort Liability Sweatshop ends
	25	HLS Health Services receives February Valium supply
	26	1L Ames season begins
February	7	Faculty committee on softball game reports back
	24	Second Drama Society production with cutesy title and same old inside jokes
March	1	2Ls begin looking for clerkships
	9	Last snowstorm of the winter
	13	Clerkship season officially begins
	22	First potholes of spring appear
	23	Last snowstorm of the year
	24	Deadline for Berkeley exchange program
	27	2L and 3L fall-term grades released
April	3	April 1 issue of the RECORD appears
	14	Third-year papers due
	15	Second pitch of faculty softball game
	21	Third-year papers really due
	26	Prof. Nesson's fall term grades released
	28	Final deadline for third-year papers
May	7	Absolute final deadline for third-year papers
	26	Profs. Fried and Kennedy leave for Idaho

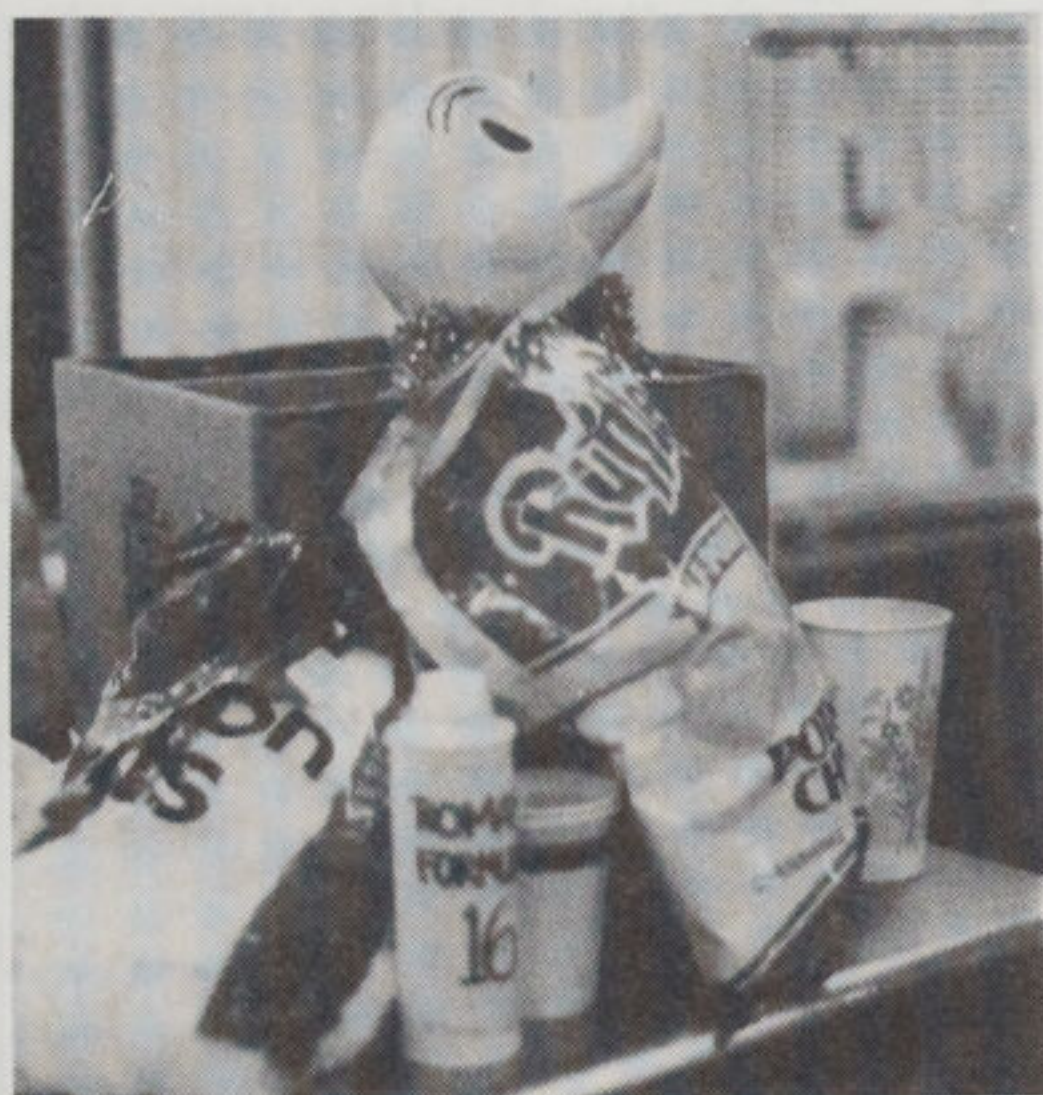
New Admissions Plan Called "Caricature"

(Continued from Page 1)

Among others, the incoming class will include: Donald Duck, veteran Disney star; Magilla Gorilla, simian Saturday swinger of yesteryear; and Peter Parker, a.k.a. "Your Friendly Cantabrigian Spiderman".

Pluto Pleased, Mouse Roared

Reached for comment at his retreat near Orlando, Florida, Mr. Duck offered that unlike most pre-Ls he wasn't particularly concerned with the escalating expense of attending Harvard Law School. Said



Duck lucks in.

the matinee idol, "People have been feeding me bread for years, and I've

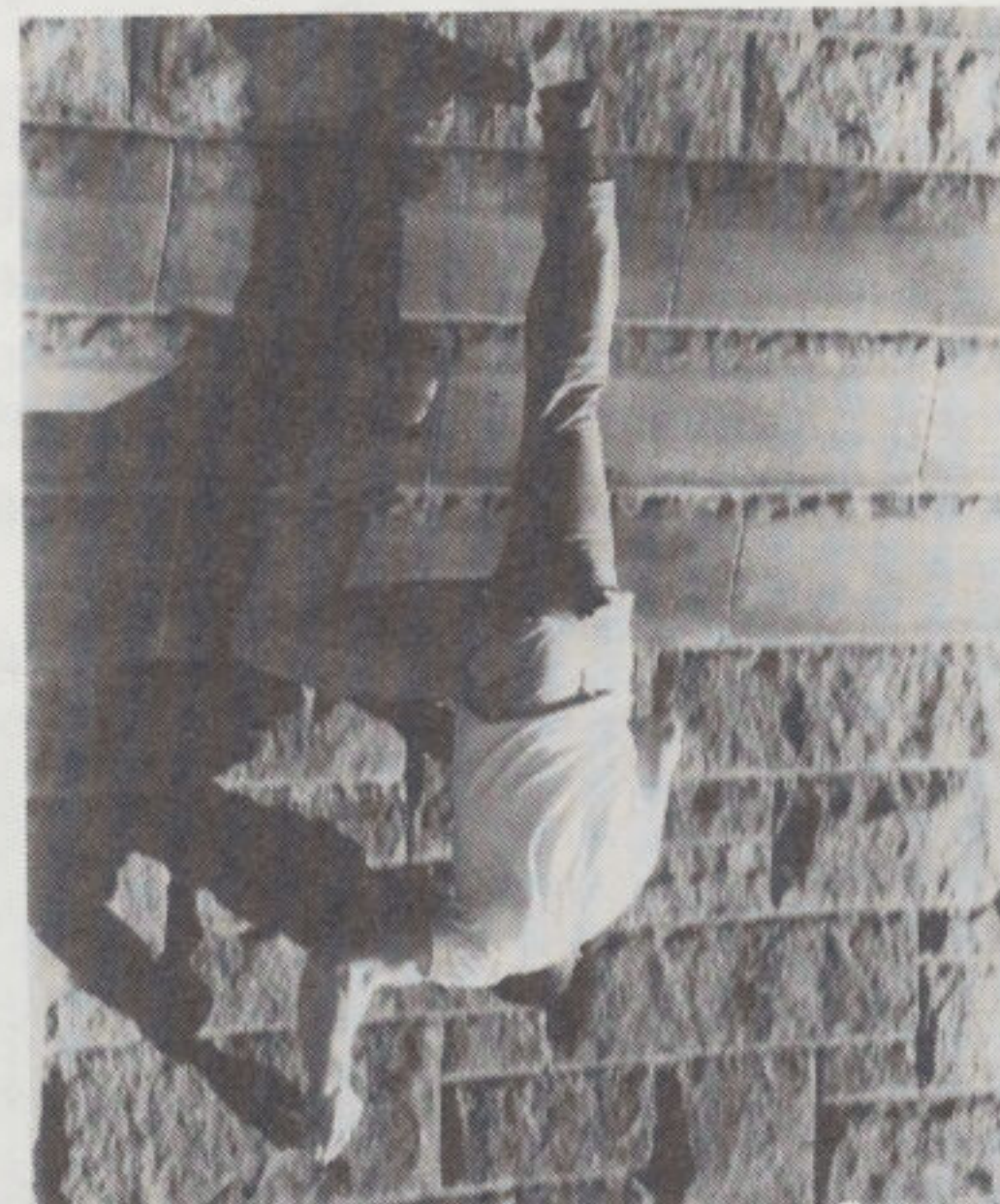
got lots of experience with bills." Wooed by a number of top law schools, Duck opted to nest at Harvard, he said, because of its "pwoximity to Walden Pond", and the "high pwobability of pwecipitation" in Cambridge. At the age of "about 50", "Quackers" (as he's known to his feathered friends) plans to limit his extracurricular commitments at HLS. However, he quipped, "I may try my wing at the Pound Society, and I'll certainly waddle Armadillo-ward."

Oh, Gee!

Magilla Gorilla, unlike Duck, has not seen action among the Saturday morning TV set in recent years. The ape made his escape from Hanna-Barbera (long regarded to be the J.P. Stevens of the cartoon industry) after syndicate negotiators refused to grant him a percentage of general revenues worth an estimated 7 million bananas. Capitalizing on his mass appeal, Gorrilla teamed up with childhood pal Peter "Biff" Potamus, HBS '79, for a series of transcontinental balloon flights jointly underwritten by Action for Children's Television and the National Geographic Society. "Peter

always did have a lot of hot air," yukked Magilla. "After him, I ought to feel right at home in the classroom."

"M.G." recently returned to the U.S. from a whirlwind international recruiting drive on behalf of former



Spidey scales heights of justice

employer, midget and raconteur Mr. Peebles. Asked to speculate on what he would most enjoy during his 1L year Magilla, ever the iconoclast, stunned this reporter with the revelation that he planned to wear brown to all on-campus interviews. Guffawed Gorilla, "Just wait until Cravath, Swine & Moore get a look at my monkey suit!"

No Relation to Richard

"Well, Aunt May always wanted me to be a lawyer and, besides, after Doctor Doom, Arthur Miller oughta be cake," explained pre-L Peter

No Sex, No Drugs???

What Else Is There?

(Continued from Page 1)

1) I do not inject, inhale, or insert any illegal substance into my body.

2) I am not currently cheating and have never cheated the government on my income tax.

3) I am not using birth control without telling my Mom and Dad.

Ruiz said that requirements one and two would take the highest toll among HLS students. But given the way most law students describe their social lives, she felt that requirement three would have very little impact.

Reagan defended the proposed regulations by pointing out statistics that appeared in the latest

edition of *Reader's Digest* that show that:

1) Marijuana smokers cause more air pollution than trees.

2) Non-payment of income tax by students is responsible for the entire 1982 budget deficit.

3) Successful birth control is the major threat to the continued survival of right-to-life organizations.

"It's just like raising your own children," said Reagan. "If they don't behave exactly the way you want them to, you have to take away their allowance until they shape up."

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of Justice" By Armchair Program Watchers

Parker. Spiderman was ecstatic upon learning of his admission to the Law School and the opportunity to fulfill a lifelong dream. Said the webbed wonder, "I never could fig-



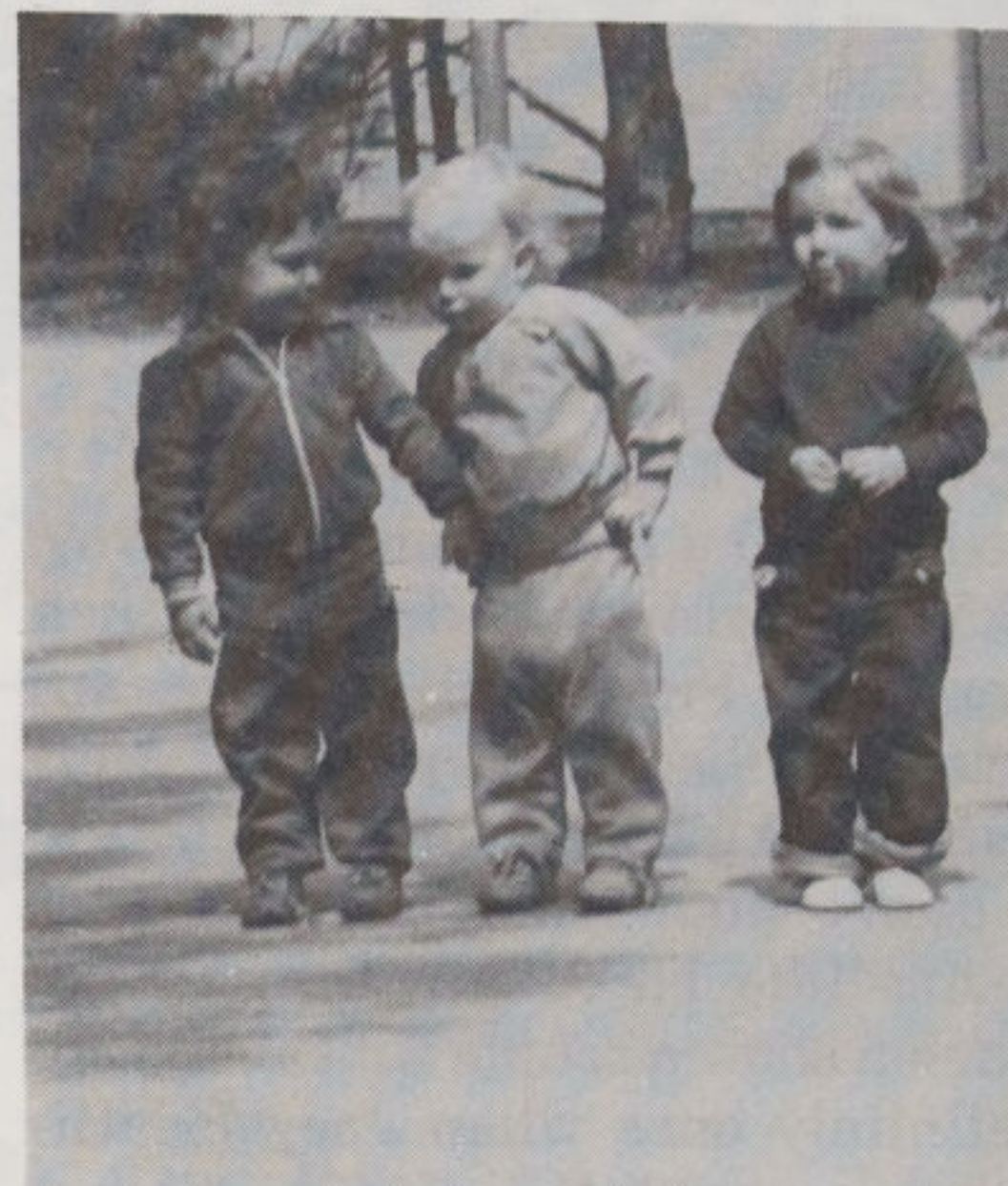
Gorilla: Ape over HLS.

ure out how the RECORD got some of those crazy photos and I've been losin' sleep. Now I can swing over to the staff meetings and find out. Besides, if the law really is a 'seamless web', I'm gonna have a blast."

Dean Geraghty was also excited at the prospect of the wall-crawler's matriculation. "It's no secret that we've been aggressively collecting applicants with arachnid blood," she said. Parker, however, played down the differences between himself and his less sticky-fingered classmates. Cracked "Spidey", "I heard that all 1Ls climbed walls at Harvard."

Short-sighted Policy

Though unconfirmed by Dean Molly's office, the RECORD has learned that the Law School's Affirmative Animated Action Committee may have succeeded this year beyond its wildest dreams. No fewer than five of Snow White's (and Pres. Bok's) beloved seven dwarves will call Cambridge home for the next three years. The coup, no small feat, will bring Grumpy, Sneezy, Happy, Doc and Sleepy to campus this September. Doc is reported to be enthusiastic about joining the small, but visible, group of JD/MDs already at Harvard. Sleepy will be granted 2L status upon entrance in



Happy Happy, Hopeful Bashful and Frumpy Grumpy (left to right): star admittees.

recognition of earlier advanced work in somnambulance. Of all the dwarves, only Dopey was definitely not admitted to the Law School in a surprising break with established practice. Bashful could not be reached for comment.

Corrections (Are We Embarrassed!)

In our story about the faculty discussion of clinical education that appeared on March 4, 1983, we quoted Prof. Charles Donahue as voting against the committee's proposal because "We're being asked to buy a pig in a poke." What Donahue actually said was, "We're being asked to sign a blank check."

In our Dec. 13, 1982 issue, we reported that the Lech Walesa Ames team won the annual moot court contest. We were, in fact, confused. The Lu Hsui-lien team actually took the prize, but our reporter wasn't sure she could spell the team's name.

In our corrections box that appeared in the April 1, 1983 edition of the RECORD, we quoted Prof. Charles Donahue as saying, "We're

being asked to sign a blank check." What Donahue actually said was, "We're being asked to let the camel stick his nose into the tent."

A story on p. 1 of the Sept. 24 issue reported that one Adebayo Olusegun Ogunlesi had accepted an offer from the Law School to teach here. In fact, the offeree's name was John Smith, but he wanted to test our reporter's spelling ability.

Just a few lines ago, we reported that Prof. Charles Donahue said, "We're being asked to let the camel stick his nose into the tent." Well, what he actually said was, "As goes El Salvador, so goes Honduras."

One of our dedicated readers, Mark McPherson, 1L, called to our attention the fact that we incorrectly pronounced the word "sub-

sequent" as "subsequent" in last week's issue. The correct pronunciation of the word "subsequent" is in fact "subsequence", which rhymes with the word "precedent." Just nitpicking, that's all.

What? You've got to be kidding. If you say so. Uh, folks, we seem to have misquoted Prof. Charles Donahue again. We said that he said that, "As goes El Salvador, so goes Honduras." The correct quote is: "Mares eat oats and does eat oats and little lambs eat ivy." Boy do we regret the error.

In our April Fool's issue for 1983, we neglected to make a single Mary Upton joke. We regret the omission.

Profs Emerge From Under Covers

(Continued from Page 3)

floor. "And I, too, have a story to tell. Wanna hear it?"

Choosing his words carelessly, Horwitz recounted that, on an unusually dark summer night in 1971, he received a phone call at his Troy, N.Y. apartment. Horwitz, then known as Pierre LeBoubriere, answered to discover it was Prof. Herwitz calling from Harvard. "While I didn't know him personally, it seems like I'd caught him on the Carson show a coupla times — yeah, definitely once when Joey Heatherton was on," Horwitz recalled.

According to Horwitz, Herwitz wanted Horwitz to replace Herwitz as the RECORD's faculty ear. "He

said it was getting time to pass the secret decoder ring on to somebody else," said Horwitz, tears welling in his eyes. "Basically he wanted me to be his protégé. Can you believe that? Herwitz asking me, Horwitz, to help him, Herwitz? What a guy!!" (At this point the proceedings recessed to allow both Her- and Horwitz to dry their eyes.)

Horwitz, it seems, had never even heard the word "negligence" before coming to Harvard to "teach." ("I thought it was some sort of perfume a woman wore with her nightgown on, or something," he admitted.) Yet, after two marathon one-hour cram sessions with RECORD staffers, "Prof. Horwitz" took the reins of a large Torts section and, according

to his own statements, handled it magnificently. "But I'm also greatly indebted to The Master," said Horwitz, meaning Herwitz. "He showed me how to teach and how to spy as well."

So it seems. Horwitz, like Herwitz, began to file intelligence summaries with the RECORD. Sometimes the information was potentially explosive ("Countryman may teach Commercial Transactions next year"), at other points, it must be admitted, there was less to report ("Watch for a beef stroganoff special in the Hark next week. \$1.79, maybe \$1.89, tops"). "And yet always," commented editor Hudson, "what Mort Horwitz told us was useful. Indeed I will say," said Hudson, looking down at a small card in his hand, "that today we can only dimly appreciate the immensity and import of 'the Herwitz material.' I mean, 'the Horwitz material.'"

Following the Horwitz revelations, many reporters could be seen slumped in disbelief against the walls of the Coop, some of them gasping for air. Yet still the drama was not played out. Dean James Vorenberg himself now emerged from behind a magazine rack and, after purchasing several he'd been examining, strode to the microphones.

"Let me say that I'm as surprised as anyone by what we've heard today," said the Dean. "Mort Herwitz and Herb Morwitz are two of the best professors around and, frankly, I'm saddened that Hort and Merv felt the need to do this. I intend to set up a com — no, no, I'm inclined to judge these two right here. Now, maybe if they'd been working for the *Times* I'd feel differently. But Howard and Maury were trying to help the RECORD. Their cause was just." The Dean paused dramatically.

"Harry and Marty," said the Dean, "Harvard Law wants you in its classrooms."

Herwitz and Horwitz shook hands.

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